CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-NINTH CONGRESS, FIRST SESSION,

ALSO

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CONGRESSIONAL RECORD,

FIFTY-NINTH CONGRESS, FIRST SESSION.

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by the gentleman from Kansas. It is to strike out section 4. Now, what is the language of section 4? I ask you to observe it. It is:

SEC. 4. That the Bureau of Immigration and Naturalization is authorized from time to time to make or cause to be made by an agent or agents of such Bureau examinations of the methods employed in naturalization proceedings by any court or courts.

"Examination of the methods * * * in courts!" Now, if there ever was a line written in a statute book absolutely subversive of the idea of keeping up a distinction between the judicial and executive power under the Government it is that. Here is an underling from an executive bureau, or the chief of it if you please, armed by statute with the power representing the executive to examine into the methods of the judicial power in attending to its duty.

Think of that just a moment before we go any further! He can go into a Federal court as well as a State court, and he must do it "within business hours," for that amendment has been accepted; he can march in there while the court is in session and proceed to examine and find out whether, in the view of the executive department, the judicial department has performed its duty, whether "its methods employed" meet with his approval, and then report for the august approval of the executive Department of Commerce and Labor.

I don't know exactly what is to happen if it doesn't, nor how it is to be made to happen.

"To ascertain the method of procedure and report." Now, for what purpose? In order that the bureau chief may criticise the judiciary department of this Government for its laxity, perhaps, in attending to its duty, or deal out its praises to those judges who please it. It is as much to be presumed, Mr. Chairman, that the judiciary department of the Government is going to do its duty as it is that the executive department of the Government is going to do its duty, and hitherto we have never permitted the courts to crawl around and make examinations of the methods pursued in executive departments, except when somebody connected with the executive department was accused of a crime, when the examining was done in the court room; nor have we permitted the executive department to make themselves the supervisors, inspectors, and judges of the methods of procedure of the judiciary department.

Mr. Chairman, I think there ought to be a bill amending the present naturalization laws. The law itself ought to be amended, but if you can not amend a naturalization law effectively and properly without breaking down the judicial branch of the Government by the intrusion under the forms of law of the executive to examine and supervise them, examine their methods, and report upon them, then I would rather have no naturalization law at all.

Mr. NORRIS. Mr. Chairman, it seems to me that since this paragraph has been amended by taking out what to me seems to be the only objectionable part, the arguments of the gentleman from Mississippi, as well as the argument of the gentleman from Kansas [Mr. CAMPBELL], is left without any foundation. The gentlemen assume, in the first place, that when they undertake, as the bill provides here in section 4, "examinations of the methods employed," that that examination is made for the purpose of finding fault with what the court has done.

Mr. WILLIAMS. The gentleman misunderstood me, if he understood me to say that.

Mr. NORRIS. His argument seemed to me to be based entirely on that hypothesis.

Mr. WILLIAMS. Oh, I beg the gentleman's pardon. The examination is made for the purpose of reporting, is it not?

Mr. NORRIS. I presume it is.

Mr. WILLIAMS. Then, in his report he must either criticise or praise.

Mr. NORRIS. Not necessarily; but what if he does criticise or praise? It may be that he will do either. We ought not assume to begin with that it is made for the purpose of finding fault or praising anybody. It may be the examination is made for the purpose of more light by the bureau for the purpose of diffusing information, and perhaps for the purpose of getting information in such a way that there may be a similarity of proceeding in this regard all over the country—tabulate it, or something of that kind.

Mr. MANN. Would not this statement "examination of methods employed" require a department clerk to pass upon a judicial proceeding?

Mr. NORRIS. I think not.

Mr. MANN. The "method employed" of naturalization is intended to be a judicial proceeding, so that the examination of the method would be an examination of a judicial proceeding.

Mr. NORRIS. That might be.

Mr. MANN. Would not the whole purpose be reached if you were to strike out "methods employed," so as to make this read "examinations of naturalization proceedings?"

Mr. NORRIS. Well, that might be less harmful, but it would mean the same thing.

Mr. MANN. Whether it means the same thing or not does not make so much difference as whether you use language which in itself implies that the legislative body confers upon the executive body authority to examine into judicial proceedings.

Mr. NORRIS. It might be better language—I think it would perhaps be just as good—to a sensitive judge or a sensitive man who is afraid that the court might be criticised.

Mr. CAMPBELL of Kansas. Does not my friend, who, I believe, has been on the bench, believe that the authorization that is given to a bureau clerk here to criticise the act of the courts of his State, my State, and of the several States of the Union is going far beyond wise legislation?

Mr. NORRIS. I think the gentleman assumes something that the language is not intended to and does not convey.

Mr. CAMPBELL of Kansas. It is to make examination into the methods of procedure——

Mr. NORRIS. But the gentleman assumes that the examiner is going to criticise. It may be that he will praise. There is another reason why this language is not objectionable. What court is going to object to have somebody investigate his methods? Is there any honest judge who cares how many clerks look over his records or how many fellows investigate his methods?

The CHAIRMAN. The time of the gentleman has expired, and the time for debate on the amendment has expired.

Mr. BONYNGE. Mr. Chairman, I move to strike out the last word. I think gentlemen confound the judicial proceedings with naturalization proceedings. The fact is that the United States and Canada, so far as I know, are the only countries in the world that use the courts at all for the naturalization of aliens. It is really an executive and not a judicial proceeding In all other countries it is done through the department of state, and probably would have been in this country had it not been for the fact that our Department of State has no machinery scattered all over the country, and for the lack of machinery the original statute in regard to naturalization conferred this power upon the courts. It partakes somewhat of a judicial proceeding it is true, and the courts have held that a decree admitting an alien to naturalization has the force and effect of a judgment. But in its essence the proceeding is really not judicial; it is executive. With the words of this section stricken out that have been stricken out by the amendment, I think it would be a very sensitive court that could find any objection to the provisions of the section.

The gentleman has said that such a proceeding was never heard of. Why, I have called attention, Mr. Chairman, to the fact that in 1903, only three years ago, the Attorney-General through an assistant did examine the proceedings and the methods employed in the naturalization proceedings in the various courts throughout the United States, not only the Federal courts, but the State courts, with the result that some six hundred or a thousand, I have forgotten the exact number, of criminal proceedings were brought and the attention of the country was called to the fact that our naturalization laws did need revision.

Mr. WILLIAMS. That was the Attorney-General performing his duty——

Mr. BONYNGE. And the attention of the country was so far called to this fact that the President of the United States appointed a commission to revise the naturalization laws, and this bill is the result very largely of the work of that Commission. It has not been alone a Republican President who has recommended national supervision of naturalization. President Cleveland, in one of his messages to Congress, strongly urged upon Congress the necessity and the wisdom of providing for national supervision of naturalization, and we can not do that without this section, and I trust the amendment will be voted down.

The CHAIRMAN. The question is upon the motion of the gentleman from Kansas to strike out the section.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BONYNGE. Division!

The committee divided; and there were—ayes 56, noes 59.

Mr. WILLIAMS. Mr. Chairman, I make the point of order that there is no quorum.

The CHAIRMAN. The count shows there is a quorum.

Mr. CAMPBELL of Kansas. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. CAMPBELL of Kansas and Mr. BONYNGE) reported that there were—ayes 59, noes 59.

The CHAIRMAN. Upon this proposition the Chair will vote "aye;" and the ayes are 60 and the noes are 59. [Applause.]

So the amendment was agreed to.

Mr. WILLIAMS. Mr. Chairman, I suggest to the gentleman from Colorado that the committee had better rise.

Mr. BONYNGE. I was about to make the motion, without the suggestion of the gentleman, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15442—the naturalization bill—and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 395. An act concerning foreign-built dredges.

PERSONAL REQUESTS.

The Clerk read as follows:

Mr. RIVES requests leave of absence for two weeks on account of important business.

Mr. BURKE of Pennsylvania requests leave to withdraw from the files of the House, without leaving copies, the papers in the case of Elizabeth E. Schultz, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the requests be granted.

The motion was agreed to.

Mr. BONYNGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned to meet to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *John*, James Scott, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Madison*, Samuel Hancock, master—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of War, recommending legislation for the relief of Capt. Frank D. Ely on account of certain checks lost in transit—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of War, submitting a request for a credit in settlement of accounts of Capt. George H. Cameron, United States Army, to reimburse him for payment made on a mistaken construction of the law—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Polly*, Joseph Clements, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House H. R. 63 and sundry other bills, reported in lieu thereof a bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, reported the same, accompanied by a report (No. 4251); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 281) to authorize and direct the Secretary of War to purchase certain lands on the battlefield of Gettysburg and making an appropriation therefor, reported the same with amendment, accompanied by a report (No. 4252); which said bill and report were referred to the Committe of the Whole House on the state of the Union.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14806) to amend the Code of Law for the District of Columbia, relating to interest and usury, reported the same with amendment, accompanied by a report (No. 4256); which said bill and report were referred to the House Calendar.
the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18529) to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas, reported the same without amendment, accompanied by a report (No. 4257); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULDEN, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6129) to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers, reported the same without amendment, accompanied by a report (No. 4261); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 98) authorizing the Secretary of War to furnish brass cannon to General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J., reported the same with amendment, accompanied by a report (No. 4263); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16399) granting an increase of pension to James H. Warford, reported the same with amendment, accompanied by a report (No. 4223); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17102) granting a pension to Katherine Studdert, reported the same with amendment, accompanied by a report (No. 4224); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17271) granting an increase of pension to James D. Taylor, reported the same with amendment, accompanied by a report (No. 4225); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17603) granting an increase of pension to George E. Yager, reported the same with amendment, accompanied by a report (No. 4226); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17652) granting an increase of pension to Joseph Lawrence, reported the same with amendment, accompanied by a report (No. 4227); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17780) granting a pension to Caroline E. Perry, reported the same with amendment, accompanied by a report (No. 4228); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18324) granting a pension to Charles H. Lunger, reported the same with amendment, accompanied by a report (No. 4229); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18398) granting an increase of pension to Susan R. Freeman, reported the same with amendment, accompanied by a report (No. 4230); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18409) granting an increase of pension to Joel Gay, reported the same with amendment, accompanied by a report (No. 4231); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18523) granting an increase of pension to Hugh Reid, reported the same with amendment, accompanied by a report (No. 4232); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18694) granting an increase of pension to Eliza Rebecca Sims, reported the same with amendment, accompanied by a report (No. 4233); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18720) granting an increase of pension to Ella Donnald, reported the same with amendment, accompanied by a report (No. 4234); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18901) granting an increase of pension to John E. English, reported the same with amendment, accompanied by a report (No. 4235); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18903) granting an increase of pension to Julia A. Abney, reported the same with amendment, accompanied by a report (No. 4236); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18904) granting an increase of pension to Henrietta G. Carter, reported the same with amendment, accompanied by a report (No. 4237); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18907) granting an increase of pension to Josephine Hardester, reported the same with amendment, accompanied by a report (No. 4238); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19010) granting an increase of pension to Charles Edwards, reported the same with amendment, accompanied by a report (No. 4239); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19014) granting an increase of pension to Elizabeth A. Waller, reported the same with amendment, accompanied by a report (No. 4240); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19026) granting an increase of pension to Mary Navy, reported the same with amendment, accompanied by a report (No. 4241); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19043) granting an increase of pension to Sarah V. Malone, reported the same with amendment, accompanied by a report (No. 4242); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19047) granting an increase of pension to Susan C. Smith, reported the same with amendment, accompanied by a report (No. 4243); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19061) granting an increase of pension to Mary E. Mundy, reported the same with amendment, accompanied by a report (No. 4244); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19099) granting an increase of pension to Columbus Cox, reported the same with amendment, accompanied by a report (No. 4245); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19128) granting a pension to Alexander McAllister, reported the same with amendment, accompanied by a report (No. 4246); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19130) granting an increase of pension to Larsey Bolt, reported the same without amendment, accompanied by a report (No. 4247); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19177) granting an increase of pension to Jane Elizabeth Kerr, reported the same with amendment, accompanied by a report (No. 4248); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19222) granting an increase of pension to Catherine Warnock, reported the same with amendment, accompanied by a report (No. 4249); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19276) granting an increase of pension to Ann Wylie Whitaker, reported the same with amendment, accompanied by a report (No. 4250); which said bill and report were referred to the Private Calendar.

Mr. RIVES, from the Committee on Claims, to which was referred the bill of the House (H. R. 639) for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fread Gehring, T. H. Ross, and L. C. Partee, reported the same without amendment, accompanied by a report (No. 4253); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5509) for the relief of Russell Savage, reported the same without amendment, accompanied by a report (No. 4254); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was refered the bill of the Senate (S. 1344) for the relief of John M. Burks, reported the same without amendment, accompanied by a report (No. 4259); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 1933) for the relief of George T. Pettengill, lieutenant, United States Navy, reported the same without amendment, accompanied by a report (No. 4260); which said bill and report were referred to the Private Calendar.

Mr. GARRETT, from the Committee on Claims, to which was referred the House resolution (H. Res. 427) for the relief of F. S. Bowker, reported the same with amendment, accompanied by a report (No. 4262); which said House resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5659) for the relief of Van Goolsberry, reported the same adversely, accompanied by a report (No. 4255); which said bill and report were ordered laid on the table.

Mr. CLARK of Florida, from the Committee on Claims, to which was referred the bill of the Senate (S. 290) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," reported the same adversely, accompanied by a report (No. 4258); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAYES: A bill (H. R. 19430) making an appropriation to continue the construction of the immigrant station at Angel Island, in the harbor of San Francisco, Cal.—to the Committee on Appropriations.

By Mr. BUCKMAN: A bill (H. R. 19431) permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment—to the Union Calendar.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 19433) to regulate the appointment of receivers by the courts—to the Committee on the Judiciary.

By Mr. GREENE: A bill (H. R. 19434) authorizing Government assistance in the development and encouragement of ramie fiber silk and flax preparation and manufacture, and their production and profitable home market in the United States, under the supervision of the Secretary of Commerce and Labor—to the Committee on Manufactures.

By Mr. GILLETT of Massachusetts: A bill (H. R. 19435) providing for the retirement of employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. DE ARMOND: A bill (H. R. 19436) to provide for determining certain claims against the United States by reference to Government records, rolls, and files, and for other purposes—to the Committee on War Claims.

By Mr. SOUTHWICK: A resolution (H. Res. 524) requesting certain information from the President of the United States relating to the investigation of the operations of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 19437) granting an increase of pension to Mary McNally—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 19438) granting an increase of pension to William A. Wilson—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 19439) granting an honorable discharge to George O. Penfield—to the Committee on Naval Affairs.

Also, a bill (H. R. 19440) granting an honorable discharge to William H. H. Thompson—to the Committee on Naval Affairs.

By Mr. BENNETT of Kentucky: A bill (H. R. 19441) for the relief of Elizabeth Stamper—to the Committee on War Claims.

Also, a bill (H. R. 19442) granting an increase of pension to J. M. Cartee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19443) granting an increase of pension to Jesse Blair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19444) granting an increase of pension to James M. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19445) granting an increase of pension to Andrew R. Falls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19446) granting an increase of pension to James H. Davis—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 19447) granting an increase of pension to Noah Hoyt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19448) granting an increase of pension to Abiram P. McConnell—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 19449) granting an increase of pension to W. W. Flagg—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 19450) granting an increase of pension to Henry C. Eastep—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 19451) granting an increase of pension to Levi Slagle—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 19452) for the relief of Abraham Smith—to the Committee on Military Affairs.

By Mr. FASSETT: A bill (H. R. 19453) granting an increase of pension to Georgiana B. Kellogg—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 19454) to correct the military record of Tandy F. Cheatham—to the Committee on Military Affairs.

Also, a bill (H. R. 19455) to correct the military record of William Pearson—to the Committee on Military Affairs.

Also, a bill (H. R. 19456) granting an increase of pension to Samuel H. Britts—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 19457) granting an increase of pension to Charles Prince—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 19458) to give pensionable status to Benjamin C. Welch—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 19459) for the relief of Ann S. Elliott—to the Committee on War Claims.

Also, a bill (H. R. 19460) for the relief of Ainsley H. Monteith, jr., administrator of the estate of William R. Herron, deceased—to the Committee on Claims.

By Mr. McKINNEY: A bill (H. R. 19461) granting a pension to Joshua F. Powers—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 19462) granting an increases of pension to Emily Fox—to the Committee on Pensions.

Also, a bill (H. R. 19463) granting an increase of pension to Emma L. Patterson—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 19464) granting a pension to Patrick E. McCormick—to the Committee on Pensions.

Also, a bill (H. R. 19465) granting an increase of pension to John G. MacNamara—to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 19466) granting an increase of pension to Samuel M. Hamilton—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 19467) for the relief of the estate of Thomas J. Gibson, deceased—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 4292) granting a pension to George W. Kelly; and the same was referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BABCOCK: Paper to accompany bill for relief of William A. Wilson—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of George O. Penfield—to the Committee on Naval Affairs.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Elizabeth Stamper—to the Committee on War Claims.

By Mr. BRANTLEY: Paper to accompany bill for relief of W. W. Flagg—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Sallie E. Barnes—to the Committee on War Claims.

Also, paper to accompany bill for relief of Joseph B. Tucker—to the Committee on War Claims.

By Mr. BURNETT: Paper to accompany bill for relief of F. M. Bruce—to the Committee on Military Affairs.

By Mr. DALE: Petition of D. D. Franklin, of Dalton, Pa., favoring removal of tax on denaturized alcohol—to the Committee on Ways and Means.

Also, resolution of the Trades League of Philadelphia, against the passage of the Little and Gilbert bills, providing for the virtual granting of certain degrees of immunity to members of labor organizations in case of disputes, etc.—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of Claus Groth Gilde, of Davenport, Iowa, for bill H. R. 18024, for preservation of Niagara Falls (the Burton bill)—to the Committee on Rivers and Harbors.

By Mr. DRAPER: Petition of the city council of the city of Chicago, for sole regulation by the Federal Government of drainage of water through the canal of that city—to the Committee on Rivers and Harbors.

By Mr. FLOYD: Paper to accompany bill for relief of Samuel J. Murphey—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the city council of the city of Chicago, for sole regulation by the Federal Government of drainage of water through the canal of that city—to the Committee on Rivers and Harbors.

By Mr. KAHN: Petition of S. L. Foster, of San Francisco, for the metric system (the Littauer bill)—to the Committee on Coinage, Weights, and Measures.

Also, petition of Rev. Cecil Marrack, for relief of the landless Indians of northern California—to the Committee on Indian Affairs.

Also, petition of 48 citizens of San Francisco, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of California Council, No. 1, Daughters of Liberty, of San Francisco, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of the Women's Home Missionary Society and citizens of East Tawas, Mich., against the Senate bill of April 5, 1906, relative to the education and care of the Indians and Eskimos of Alaska—to the Committee on the Territories.

By Mr. McKINLEY of Illinois: Petition of citizens of Strasburg, Shelby County, Ill., for the so-called "Mann bill" (H. R. 8102)—to the Committee on Patents.

By Mr. PADGETT: Paper to accompany bill for relief of R. H. Peyton—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: Petition of Patriotic Order Sons of America, of Odenton, Md., favoring bill H. R. 18673, relative to restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Lumbermen's Club of Memphis, for bill H. R. 11936, relative to classification of domestic mail matter

and fixing rates thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Emma L. Patterson—to the Committee on Pensions.

By Mr. SMITH of Pennsylvania: Petition of Grange No. 1259, of Jefferson County, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of J. L. Kinnan, master of Grange No. 573, and James Hetrick, master of Grange No. 1259, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of the Historical Society, for the restoration of the frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. TAYLOR of Ohio: Petition of ex-soldiers of the Union Army and the ladies' auxiliary organizations of all kinds, appreciative of the efforts of Hon. E. L. TAYLOR in behalf of ex-soldiers and their widows, and favoring an amendment to act of June 27, 1890, increasing pensions from $8 per month to $12 per month, and asking that bills H. R. 14610 and 14419 be passed—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Francis M. Buck, Thomas Simmons, and J. H. Baldreff, favoring the Dalzell bill (H. R. 9) relative to pensions for ex-Union prisoners of war at $2 per day for time of imprisonment—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *May 18, 1906.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

FREIGHT ON BULLION AND COIN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint, recommending that the appropriation for freight on bullion and coin between mints and assay offices contained in the legislative, etc., appropriation bill for the fiscal year ending June 30, 1907, now pending, be increased from $40,000 to $65,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 17576) providing for the entry of agricultural lands in forest reserves, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. SMITH of California, and Mr. BURNETT, managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 6128) to authorize the construction of a bridge across the Pend d'Oreille River, in Stevens County, Wash., by the Pend d'Oreille Development Company, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.; and

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 395) concerning foreign-built dredges; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CLARK of Montana presented a petition of Local Union No. 1023, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Helena, Mont., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a memorial of the State board of health of Montana, remonstrating against the adoption of an amendment to the so-called "pure-food bill" permitting preparations containing sufficient alcohol to act as a solvent for ingredients to be sold without the percentage of alcohol present being made public; which was ordered to lie on the table.

Mr. KNOX presented the memorial of Messrs. Neff, Riley & Hicks, of Altoona, Pa., remonstrating against the passage of the amendment to the railroad rate bill prohibiting the issuing of passes to attorneys regularly, but not exclusively, employed by railroad companies; which was ordered to lie on the table.

He also presented petitions of National Nitro-Culture Company, of West Chester; Grange No. 704, Patrons of Husbandry, of Greensburg; Grange No. 1157, Patrons of Husbandry, of Fairdale; Grange No. 758, Patrons of Husbandry, of McCartney; sundry professors of the University of Pennsylvania, of Philadelphia; Flinchbaugh Manufacturing Company, of York; Federal Electric Company, of Girard; Star Enameling and Stamping Company, of Pittsburg; Rudolph Hardware Company, of Pittsburg; sundry citizens of Philadelphia; O. A. Grable, of Export; Grange No. 981, Patrons of Husbandry, of Wellsboro; Grange No. 1188, Patrons of Husbandry, of Skinners Eddy; Grange No. 1141, Patrons of Husbandry, of Chester, all in the State of Pennsylvania, praying for the passage of the bill to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

Mr. BURKETT presented a petition of Group No. 4, Nebraska Bankers' Association, of Hastings, Nebr., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PLATT presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of legislation to remove duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. KEAN presented a memorial of sundry citizens of the State of New Jersey, remonstrating against the enactment of legislation providing for the transfer of the education and care of the Indians and Eskimos of Alaska from the United States Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of Red Bank and Bernardsville, and of Marlton Grange, No. 45, Patrons of Husbandry, of Marlton, all in the State of New Jersey, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. BULKELEY presented a memorial of Local Division No. 262, Amalgamated Association of Street and Electric Railway Employees of America, of Norwich, Conn., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented the petitions of Henry Roberts, governor, and sundry other citizens of the State of Connecticut, and a petition of 24 citizens of Hartford, Conn., praying for the enactment of legislation placing the naval militia of the various States on the same basis, as far as possible, as the land militia; which were referred to the Committee on Naval Affairs.

He also presented the petition of Karmi Kimberly and 7 other citizens of Torrington, Conn., and a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

THE CHINESE BOYCOTT.

Mr. HALE. I send to the desk an article on the Chinese boycott, by Dr. Chauncey R. Burr, of Portland, Me. It is so full of good suggestions that I move it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 5774) for the relief of the Snare and Triest Company, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4468) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2136) for the extension of Seventeenth street NW. from Florida avenue to Columbia road;

A bill (S. 1845) to authorize the paving of Twenty-third street NW. between S and U streets;

A bill (S. 4031) to amend and reenact an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878, and for other purposes;

A bill (S. 1245) to amend sections 2, 10, and 12 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895; and

A bill (S. 2477) for the opening of a street in Mount Pleasant, District of Columbia.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6025) for the relief of the Holly Manufacturing Company, of Buffalo, N. Y., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. NELSON on the 2d instant, relative to the appointment of six justices of the peace in the District of Columbia, at $3,000 each, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. RAYNER (for Mr. GORMAN) on the 24th ultimo, proposing to appropriate $5,000 for continuing the grading of Pennsylvania avenue east from Branch avenue to the District line, etc., intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 27th ultimo, proposing to appropriate $9,500 for grading Albemarle street east of Connecticut avenue, intended to be proposed to the District of Columbia appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (H. R. 10233) for the relief of John S. Logan, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 25th ultimo, proposing to appropriate $120 additional yearly compensation to the person acting as superintendent of the House of Detention in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5842) to correct the military record of Charles F. Deisch, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 13917) to remove the charge of desertion from the military record of Robert W. Liggett, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. DANIEL (by request) introduced a bill (S. 6202) providing for the sale of Craney Island, in the harbor of Norfolk, and for other purposes; which was read twice by its title.

Mr. DANIEL. I ask leave to state that I introduce the bill by request, preferring not to commit myself to an opinion upon the subject until a reference to the Secretary of the Navy has obtained his views. I move that the bill be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. FRYE introduced a bill (S. 6203) granting an increase of pension to Francis W. Crommett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 6204) granting an increase of pension to William E. Calvert; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 6205) granting a pension to Hansford G. Gilkeson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 6206) granting an increase of pension to Robert Hatfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 6207) for the relief of the estate of John Billups, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6208) to regulate the appointment of receivers by the courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MARTIN introduced a bill (S. 6209) authorizing certain changes in the premanent system of highways in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 6210) granting a pension to Lettie A. Dunn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY (by request) introduced a bill (S. 6211) for the relief of James J. Albert and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 6212) for the relief of the trustees of the Methodist Episcopal Church South, of Brighton, S. C.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PILES submitted an amendment proposing to appropriate $120,000 for telephone system, central power plant, officers' quarters, and other improvements at the navy-yard, Puget Sound, Wash., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for grading and improving Fifteenth street from Florida avenue to Euclid (Erie) street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $4,000 for improving Chesapeake street from Brookville road to Grant road, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to appropriate $1,200 for a bookkeeper and $1,000 for a receiving and shipping clerk in the office of the general storekeeper, navy-yard, Pensacola, Fla., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment relative to the pay and allowances of civil engineers and assistant civil engineers of the Navy, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM CARTWRIGHT.

On motion of Mr. McCUMBER, it was

Ordered, That the bill H. R. 14728, Calendar No. 3081, granting an increase of pension to William Cartwright, be indefinitely postponed, the beneficiary having died.

ANDREW REEDER.

On motion of Mr. McCUMBER, it was

Ordered, That the bill S. 4852, Calendar No. 3368, granting an increase of pension to Andrew Reeder, be indefinitely postponed, the beneficiary having died.

ALLEN F. ROSE.

On motion of Mr. ALGER, it was

Ordered, That the papers in connection with bill (S. 4923) to pension Allen F. Rose be withdrawn from the files of the Senate, no adverse report having been made on the measure.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On May 17:

S. 5537. An act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska; and

S. 2292. An act for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant.

REGULATION OF RAILROAD RATES.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The PRESIDENT pro tempore. The pending amendment is one offered by the Senator from Colorado [Mr. TELLER], on page 19, lines 19 and 20, to strike out the words "in its judgment."

Mr. HALE. I think, Mr. President, that both the Senate and the country are very greatly wearied with this bill, and I must ask the President to-day to enforce the rule which has been, I am free to confess, pretty much of a failure.

Mr. TILLMAN. I can not hear what the Senator is saying.

Mr. HALE. I have said that the fifteen-minute rule that we adopted and under which we are proceeding has proved to be pretty much of a failure. Instead of its giving Senators interested in amendments who do not commonly occupy much of the time of the Senate a chance to make their fifteen-minute speeches, the time has been taken up almost entirely by half a dozen Senators, as the time for the long debate was taken up. I must ask to-day that the Chair enforce the rule with reference to yielding and dividing time.

What I hope, Mr. President, is that we may at an early hour to-day (and in this I think I express the feeling of Senators generally) reach the stage where amendments are not further in order; that is, where the bill will take its engrossment or third reading; and after that the bill undoubtedly, under the terms of the rule, will be open to general debate. I do not think it was considered when the rule was passed that such would be one of the results, but it is so framed that the fifteen-minute provision applies only to amendments. I do not see how the Chair could rule otherwise than that then general debate is in order.

Mr. CULLOM. Does the Senator anticipate a long debate?

Mr. HALE. I have no right to give any admonition to other Senators, but I should hope when that stage is reached, which, as I have said, I trust will be at an early hour to-day, Senators taking part in the general debate will bear in mind that we have spent weary weeks on the bill, that many Senators have refrained from taking up time with the hope that we will have a speedy passage of the bill, and that we will be able with the rule enforced, even with the launching into general debate, after amendments are completed, to close this business up at an early hour to-day, and give us an opportunity for some rest over Saturday and Sunday. The bill has been most engrossing, and by reason of the early hours not only has it prevented all business at the Departments, but it has largely prevented the meeting of committees. We need the two days, Saturday for some other kind of business, and Sunday for some form of rest.

I have nothing further to say, only to appeal to the Chair to enforce the rule; and I hope Senators will bear in mind that we are getting very weary of this business.

Mr. DANIEL. Mr. President, the question now before the Senate is, Shall the three words "in its judgment" be stricken from the bill? Those words apply to the Interstate Commerce Commission, and to the power given to it "to determine and prescribe" what, "in its judgment," will be "just and reasonable rate or rates, charge or charges, etc." In my opinion it makes not the slightest difference whether these words "in its judgment" are in the bill or out. If they are in the bill, they express what the Commission must necessarily do. If they are out of the bill, the Commission will go on and do it under the command of the bill to determine and to prescribe reasonable and just rates. It is immaterial whether the power be expressed or implied.

The Senator from Pennsylvania [Mr. KNOX] yesterday said that this is a close question. Eighty years ago it might have been so considered. Originally and abstractly it may be regarded as a close question. It can not be regarded as a close question under the jurisprudence of the United States of eighty years' duration. Since the decision made by Chief Justice Marshall, uttering the opinion of the Supreme Court, in 1825, in the case of Wayman *v.* Southard (10 Wheaton, p. 42), eighty years ago, the principle which underlies the insertion of those words in this bill has been almost an axiomatic doctrine of American law. In that case he considered whether or not Congress could delegate its powers to the Supreme Court of the United States to make rules for inferior courts. It was no part of judicial power. There was no authority given to the Supreme Court in the Constitution to do any such thing. Their sole power to do it was the delegation of the powers of Congress to it to exercise the faculty of judgment and reason and constructive genius and devise rules to be applicable to inferior tribunals. The Supreme Court in that case took a distinction which, for the most part, has been overlooked in this debate. The court said:

> Congress may certainly delegate to others powers which the Legislature may rightly exercise itself.

I will not repeat further from the decision. It makes a distinction between those things which are strictly legislative and those which are in their nature administrative. Those that are strictly legislative and which the Legislature alone can attend to are the possession of the Legislature, or Congress, alone; but the administrative things that Congress can do it can delegate to others to do for it. While we have been discussing this measure we have passed a bill which recognizes the principle by authorizing the Secretary of the Navy to make rules for the government of Norfolk Harbor—a code of laws, or by-laws, if you please to call them. He must exercise judgment in fulfilling that authority.

It has been said time and again by the court in a multitude of cases, so numerous that it would cumber the RECORD to cite them, that Congress has the power to delegate all administrative duties to executive officers from the Secretary of State to bureau officers or commissions. Our Government is to-day run by and could not be either wisely, conveniently, or properly conducted without the constant recognition and exercise of these powers. They are necessary to good government.

If the Interstate Commerce Commission is not to be appointed to exercise its judgment, what are we creating it for? We are not creating a mere mechanical agency. Administration duties are not confined to mathematical or mechanical things. If the Senator from Maine and the Senator from Massachusetts were anxious to support the proposition of my colleague [Mr. MARTIN] to build up the Interstate Commerce Commission with men of great intellect, large experience, and large numbers, what are they doing it for? That they might not exercise their judgment? And if they are not to exercise their judgment, what are they to exercise? Are they to be mere lay figures? Far from it.

Mr. President, in the reciprocity feature of the tariff act drawn by so skillful a lawyer as the Senator from Wisconsin [Mr. SPOONER], the power to deem, to be satisfied with, to consider, to determine, to exercise large judgment and discretion in determining the nature of an act was reposed in the President of the United States, to act as such as the agent of Congress; and the court, which it is intimated here will set aside our power to give to the Interstate Commerce Commission authority to exercise its judgment, decreed that law constitutional and passed again for the dozenth time upon this well-known and universally recognized principle.

The Senator from Pennsylvania, like all able and experienced lawyers, always takes counsel from caution. I shall not advise his party not to heed his counsel. It is six one way and it is half a dozen the other, and they may take six or half a dozen, just as they please. It leaves the statute in full force and vigor either way you go.

An apprehension has been expressed here because Judge Harlan in one opinion did not pass upon a case that was not before him. Some men delight to catch at a straw. They are generally drowning men; and the Senator from Ohio [Mr. FORAKER], who caught at that straw, repeats every time this question comes up that Congress does not possess power to fix rates or to authorize anybody else to fix rates, and argues that there is no governmental power to fix rates, being a complete nullifier of all Congressional power as to that item, although similar powers being possessed by every government of the world, similar powers being exercised by all the States in this country, and similar powers having been recognized and repeated by the Supreme Court, as I am confident, by every judge who is now upon the Supreme bench. It was never questioned by any of their antecessors.

Intimation was given yesterday that Judge Brewer had given a hint in the recent case of Michigan Central Railroad Company *v.* Powers, auditor of Michigan, decided April 2, 1906, from which we should take warning. That was a case of which I have made a full statement, and I had rather insert the statement than occupy the attention of the Senate to hear it read in full.

The statement referred to is as follows:

> In this case the railroad company filed a bill in the circuit court of the United States for the western district of Michigan to restrain the respondent, the auditor-general of the State, from enforcing against the appellant the provisions of act No. 173 of the Michigan laws of 1901, an act to provide for the assessment of the property of railroad and certain other companies, for the levying of taxes thereon by a State board of assessors, and for the collection of such taxes. The taxes involved in the suit are those for 1902, resulting from the first assessment under the statute.
>
> The new and peculiar feature of the statute lies in the application to corporate property of a special tax, known as the "average rate," which is derived by the following process: The total ad valorem taxes for all purposes, State, county, city, township, village, and school district, paid by property in Michigan which is taxed otherwise than under act 173, are divided by the total assessments of such property, whether made by one or another assessor, and the quotient resulting from this process of division is the rate of tax applied to corporate property under act 173.
>
> By section 16 the taxes collected from corporations under this act are to "be applied in paying the interest upon the primary school, university, and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt other than the amounts due to educational funds, when such taxes shall be added to and constitute a part of the primary school interest fund."
>
> After a full hearing upon pleadings and proofs the circuit court entered a decree dismissing the bill (138 Fed. Rep., 223), whereupon the plaintiff appealed directly to the Supreme Court, under section 5 of the circuit court of appeals act.

The Supreme Court of the United States affirmed the decision dismissing the bill.

It will be seen from that decision that the case was one of mathematical computation, and that in that case Judge Brewer used words which his own sense of prudence or propriety afterwards led him to withdraw.

In the New York Independent of April 12, 1906, there is a note about this withdrawn observation of Judge Brewer. The Independent says:

> At the beginning of the week a decision of the Supreme Court, relating to the Michigan railroad taxes, was regarded as indicating, possibly, the court's attitude toward the question of the unconstitutionality of the pending bill, because of the following passage in the opinion, which was written by Justice Brewer.
>
> * * * * * * *
>
> Hearing that this was interpreted as a warning or a hint, Justice Brewer, on the 4th, removed from the decision the entire passage.

So a passage which one judge of the Supreme Court would not permit to remain in his opinion is the sole juridical ground upon which the contention against these words is made. Now, what was the passage?

> In the nation no one of the three great departments can assume or be given the functions of another, for the Constitution distinctly grants to the President, Congress, and the judiciary separately the executive, legislative, and judicial powers of the nation. It may therefore be conceded—

Said the judge—

> that an attempted delegation by Congress to the President or any ministerial officer or board of power to fix a rate of taxation—

Of taxation—

> *or to exercise other legislative functions would be judged unconstitutional.*

The judge evidently felt that without explanation those words ought not to remain a part of his opinion, and he eliminated them. If the mind that is fond of catching at small tokens like that will look at Judge Brewer's opinion in the Maximum Rate case (167 U. S.) it will be found that this action of Congress is being proceeded with exactly in accordance with a deliberate and clear-cut opinion which that distinguished jurist has himself expressed. It was done in defining what are the powers of Congress and in considering whether Congress had exercised them in the original interstate-commerce act. It has been referred to time and again, but I am unwilling in the closing hours of this debate to have our action obscured and doubts and difficulties suggested where there is no occasion therefor. The result of that would only be the obscuration of the public mind and the production of entangling and refined distinctions which do not exist and are not recognized in law.

In the Maximum Rate case (167 United States) Judge Brewer, this jurist whose withdrawn expression is made the basis of a great constitutional argument, said what I shall read. He was showing that Congress had not yet given power to the Interstate Commerce Commission to fix or to enforce reasonable rates, and he said as to this body:

> There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might submit to some subordinate tribunal this duty, or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable.

Note that, first, "Congress might itself prescribe the rates," and that, second, "Congress might submit to some subordinate tribunal this duty"—that is, "to prescribe the rates." This second power of Congress is exactly what it does in this bill—that is, submits to the subordinate tribunal, the Interstate Commerce Commission, "to determine and prescribe the rates which will be just and reasonable."

This is exactly in line with the decision of the Supreme Court that was given by Chief Justice Marshall in 1825, and which I have already cited.

Then he added these broad general historic expressions, which are fundamental to the enlightened and civilized law of the universe, to wit:

> Administrative control over railroads through boards or commissions was no new thing. It had been resorted to in England and in many of the States of the Union.

Referring us to these models and declaring that Congress has power to submit to some subordinate tribunal this duty to prescribe rates, that judge gives cold comfort to the suggestions which have been made in these closing hours upon this floor.

The Senator from Texas [Mr. BAILEY] yesterday intimated, he also taking counsel from caution, that it might be better to strike out the words. So it would be if this were an original question, and I was glad to see that the Senator from Texas was allowing his fine instinct as a lawyer to lead him to such cautious observation; and I beg leave to say to him that it was that very instinct which led me, in a question much disputed by learned and experienced lawyers, to advise that this body should not make the abrupt issue of its right to do away with an interlocutory injunction as to one class of cases, because I thought I clearly saw then, and I now perceive and almost know that I then saw, a method by which we could prevent delay and procure speedily a full trial. That method I described in the speech I made on May 1 and 2, and I will not repeat its provisions.

Quite a number of the provisions which I recommended have been embodied in the Allison amendment; and but for untoward events which have transpired my belief is that a more satisfactory solution of the controverted question would have been reached than now appears to be possible. That amendment of the Senator from Iowa [Mr. ALLISON] is far from what I would like to see it, and I apprehend the difficulty that might have been avoided remains. It was within our power to have gone around interlocutory injunction, after the fashion of a general who assaults in flank rather than by frontal attack, and the friends of the Allison amendment hope that this has been accomplished. While I greatly doubt that this is so, I shall vote for the bill as the best that this body could produce under the circumstances which environ it.

I regret also that the broad review by the courts, instead of the constitutional review only, has been adopted; but as I have given my reasons for this conclusion in full, I will not repeat them. I would never have assented to any ultimatum by any who were disposed to vote in favor of a strong and efficient rate bill which required their contention to abolish the interlocutory injunction; and any of the Democratic party who are of a different opinion spoke for themselves, and not for any known opinion of the party as here represented—certainly not for me.

The PRESIDENT pro tempore. The Senator's time has expired. The question is on agreeing to the amendment of the Senator from Colorado.

Mr. LONG. Mr. President, I wish to take a few minutes of the time of the Senate to state my position on this question.

The words "in its judgment" were in the bill as it came from the House, and I am in favor of their retention. As the senior Senator from Iowa [Mr. ALLISON] stated yesterday, they constitute one of the judicial-review amendments which he presented to the Senate. His amendments included six distinct propositions, five of them affirmative, one negative; that is, five of them contemplated additions or changes to the bill. The first was that the words "fairly remunerative" should be stricken from the bill.

Second, that the jurisdiction of the United States circuit courts to hear and determine the suits, the venue of which is defined in the House bill, should be made clear and definite.

Third, that at least five days' notice should be given of the hearing for a temporary injunction.

Fourth, that the expediting act should be made to apply to the hearing for a temporary injunction, thus requiring that the application for a temporary injunction should be heard by three circuit judges in circuits where there are three or more such judges, and in circuits where there are not three circuit judges, then by two circuit judges and a district judge, which they select.

Fifth, that an appeal should only lie from the order granting or continuing a temporary injunction direct to the Supreme Court of the United States.

The sixth was that these words "in its judgment," found in section 4 of the bill, should be retained.

I for one would not have consented to support what are known as the "Allison amendments" unless all of them were agreed to. It was my understanding that all these amendments should be incorporated in the bill; that the five affirmative propositions making changes in the bill, and the sixth, which contemplated no change, should be adopted.

I will not this morning discuss this question in detail, but having discussed it with members of the Interstate Commerce Commission, I desire to send to the Secretary's desk and have read a letter written to me, at my request, by Hon. C. A. Prouty, a member of that Commission, in which he states the views of the Commission on this important question.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary proceeded to read the letter.

Mr. TELLER. Mr. President, I desire to know what the paper is that is being read?

The PRESIDENT pro tempore. It is a letter from the Interstate Commerce Commission.

Mr. TELLER. I wish, then, that the Secretary would begin to read it over again, so that the Senate may know what it is, for I do not believe half the Senate know what it is.

The PRESIDENT pro tempore. The Secretary will begin the reading of the letter again.

Mr. LONG. I will state to the Senator from Colorado that it is being read as a part of my remarks. It was written to me at my request by Commissioner Prouty, of the Interstate Commerce Commission.

Mr. TELLER. Has the Senator finished his remarks?

Mr. LONG. I shall be through when the reading of the letter is completed.

Mr. TELLER. Then it will not interfere with the Senator if the letter is read from the beginning, so that we may all get an idea what it is.

Mr. LONG. Certainly not.

The PRESIDENT pro tempore. The Secretary will begin the reading of the letter again.

The Secretary read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, May 17, 1906.

Hon. CHESTER I. LONG,
United States Senator, Washington, D. C.

DEAR SENATOR: You ask me over the 'phone what, in the opinion of the Commission, would be the effect of striking out the words "in its judgment," as they now occur in the fifteenth section. My associates are all absent in Philadelphia, but we have often discussed this matter, have very recently discussed it, and I am certain that we are entirely agreed in our opinion.

The vital thing is to confer upon the Commission the rate-making power with respect to the particular rate complained of and dealt with. If it clearly appears that the Commission has this power with respect to the rate upon which it passes, I have no apprehension whatever as to the amendment which has been adopted by the Senate for court review.

At the present time the Commission does not exercise this power, but simply determines as a question of fact whether the rate is unreasonable. In so doing, it discharges the functions of a court and jury, and its determination can be reviewed in the same way by the courts. If the present bill only confers this authority, even though the remedy to be applied is changed, the courts can still review the findings of the Commission, and would probably do so under the provision which the Senate has adopted.

For this reason it seems to me extremely important that there should be some language in the bill which clearly shows that the Commission in making the new rate is exercising its administrative judgment, and not merely deciding the question of fact as a judge or a jury. If the court-review amendment proposed by you had been adopted, all this would have been immaterial, for that of itself would have defined the jurisdiction of the courts; but in view of the amendment which has been adopted this becomes, to my mind, of paramount consequence. I do not mean, of course, that these particular words should be retained, but that some language should be used which clearly confers upon the Commission the power to make the rate.

We have often considered whether the use of these words could render the bill unconstitutional as a delegation of legislative authority, and are clearly of the opinion that this could not be so. They add nothing to the authority which every State commission which makes the rate in fact exercises, but they may be necessary to distinguish the thing which the Interstate Commerce Commission is to do in the future from the thing which it has done in the past.

Very truly, yours,

C. A. PROUTY, *Commissioner.*

Mr. SPOONER. Mr. President, if the Senator from Kansas [Mr. LONG] is correct in his assumption that any Senator here is fettered by some "understanding" in casting a free vote in accordance with his judgment upon this subject, I have not so understood it; but that suggestion of itself requires me to express my opinion on this amendment.

I have been as sincere a friend of this bill as any member of this body from the beginning. As to some questions affecting, in my opinion, its validity, I have followed my own judgment and have not been willing to be "herded" or led blindly by anyone. I act here under my oath, as every other Senator does under his. I discharge my duty under that oath as I understand, after as careful and laborious study as I can give to questions involved, that duty to be. I have thought, and have so stated in the Senate, that there are grave constitutional questions involved in this measure which can not be eliminated from it. It is idle for the Senator from Virginia [Mr. DANIEL] or anyone else to insist that it is not an open question whether Congress possesses under the Constitution power to fix rates, although the Senator from Virginia quoted language from an opinion which clearly implies that that power exists. The Supreme Court in the Northern Securities case (193 U. S., 343) took occasion, however, expressly to say: "If Congress has the power to fix such rates—*and upon that question we express no opinion*—it does not choose to exercise its power in that way, or to that extent."

Mr. DANIEL. Mr. President——

Mr. SPOONER. If the Senator will pardon me, we do not differ about that.

Mr. DANIEL. One judge used that language expressly and another one expressly——

Mr. SPOONER. Mr. President, I have said that I think the power will be sustained, and it is time the question is decided by the Supreme Court, and I shall vote for this bill, albeit having doubt about that question, because it never can be decided until a law is presented to the court which involves it. There are many lawyers here who doubt the constitutionality of the proposed delegation of power to the Commission. It is open to challenge and serious doubt, in my opinion; but, Mr. President, I shall vote for it, properly expressed, for the court of last resort should pass upon it as soon as possible, for the scope of Congressional power over this subject should be determined definitely. I should never wish Congress, if it possesses the power, to exercise it in fixing rates for 80,000,000 people, and I believe if it is done at all it must be done through the delegation of power to an administrative board.

I have not thought the bill, as it came to us from the House, constitutional, because of its failure to provide affirmatively for a judicial review of the order of the Commission fixing rates. I have so stated in debate hitherto. That objection has been eliminated, and the bill to-day is without danger of overthrow in the courts upon that ground.

I share the opinion expressed by the Senator from Pennsylvania [Mr. KNOX], the Senator from Texas [Mr. BAILEY], and many other lawyers on both sides of the Chamber, that if these words "in their judgment," which it is moved to strike out, mean anything they are dangerous words in the bill. The court, if it were necessary to save the constitutionality of the law, might possibly be able to give to these words a construction that would consist with the constitutionality of the act, for the courts resolve all doubts in favor of the constitutionality of an act of Congress when it can reasonably be done.

But, Mr. President, here we run against the well-settled principle of statutory construction, that it is presumed that every word and clause in a statute are intended by the legislative body to be given effect. The Supreme Court said, in Market Company *v.* Hoffman (101 U. S., 112–119):

We are not at liberty to construe any statute so as to deny effect to any part of its language. It is a cardinal rule of statutory construction that significance and effect shall, if possible, be accorded to every word. As early as Bacon's Abridgement, section 2, it was said that "a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant." This rule has been repeated innumerable times. Another rule equally recognized is that every part of a statute must be construed in connection with the whole, so as to make all the parts harmonious, if possible, and give meaning to each.

These words "in its judgment" are susceptible of but one construction. If they mean what the Senator from Iowa [Mr. DOLLIVER] stated yesterday he understands them to mean, I have no doubt whatever of their destructive effect. If they do not mean what he contends, they mean nothing. In either event they should go out.

Mr. President, this Commission, if these words were not in the bill, would be obliged to exercise their judgment. The words are not required to that end, for the Commission are given the power, and not only given the power, but the duty is imposed upon them, having condemned a rate fixed by a railway company, to substitute for it a just and reasonable rate. Of course, they must exercise the faculty of judgment upon the evidence before them in determining the justice and reasonableness of the rate which they substitute. This power inheres in the performance of the duty enjoined upon them. It is implied of necessity; but in the last analysis the question whether that rate is a just and reasonable rate or not is to be tested by the *fact* of justness and reasonableness, and not by the question whether or not the Commission exercised their judgment in fixing it. The exercise of judgment being implied necessarily without the words, to add them declares a purpose to confer a power *in excess of that implied*, and herein lies the danger of the words. They seem to delegate a discretion which belongs to Congress and which it can not delegate. Congress has declared the standard that all rates shall be "just and reasonable." It is the duty and within the power of this administrative board to *administer* this standard and keep, through the machinery provided, the carriers up to that standard.

The Supreme Court, in the Michigan Tax case (No. 397, October term, 1905), recently decided, uses, in its opinion, language very much accentuated by what was afterwards very properly under the circumstances eliminated from it, which abundantly shows the danger of leaving these words in this bill. The court concedes what was suggested by the Senator from Pennsylvania [Mr. KNOX], in his speech on this bill some time since, that when the question of the delegation of legislative power arises under the constitution and legislation of a State it is a very different question from that arising under the Constitution of the United States. I will take but a moment with it. The court say:

There might be a question whether, even if there were a clear delegation of legislative functions to other departments of the State government, it would be void under the Federal Constitution. Whatever, in view of the distinct grant in the Federal Constitution to the President, Congress, and the Judiciary of, separately, the executive, legislative, and

judicial powers of the nation, may be the power of Congress in the delegation of legislative functions, a very different question is presented when the restrictions of the Federal Constitution are invoked to restrain like action in a State. Crimes against the nation must be prosecuted by indictment, yet a State may proceed by information. Suppose a State by its constitution grants legislative functions to the executive or to the judiciary, what provision of the Federal Constitution will nullify the action? Will the grant work an abandonment of a republican form of government or be a denial of due process or equal protection?

But it is unnecessary to enter into a discussion of this question, for in the case at bar there is no abandonment by the legislature of its functions in respect to taxation.

The statute prescribes as the rate of taxation upon railroad property the average rate of taxation on all other property subject to ad valorem taxes. It provides the most direct way for ascertaining such average rate, deducing it from a consideration of all the other rates. No authority—

Here they draw the line even under State legislation and State constitutions—

No authority is given to the local assessors to APPLY THEIR JUDGMENT *to the question of the railroad rate.* Their authority in respect to the matter of taxation is precisely the same as it was before and independently of this statute. Their duty is to act according to *their judgments* in respect to *local taxes* committed to their charge. When they have finished their action, taken, as it must be assumed to have been, in conscientious discharge of the duties assigned, from it by a *simple mathematical calculation the average* rate of taxation is determined.

And they go on to sustain that act, because what is left to the commission to do under the Michigan law is to work out a result by "a simple mathematical calculation."

If it were for me alone to say whether these words should remain in the bill or should go out of it, I would not dare, as a lawyer, to take the responsibility of leaving them in.

Mr. President, I will not take more time. I am anxious that the bill shall speedily pass. I am, as I have been from the beginning, more anxious that when it goes from our hands it shall go with efficient and well-drawn provisions and as free as possible from constitutional dangers. This has seemed to me to be the best and most loyal support which can be given to a measure.

Mr. FULTON. Mr. President, it does not seem to me that the present is the time to enter into a discussion as to whether Congress has the power to fix railroad rates. We have passed beyond that question and very distinctly have expressed an intention to commit to the Commission, in some form or other, the rate-making power. I shall not attempt to enter upon any discussion of the cases which, in my opinion, sustain the power of Congress to enact this character of legislation further than to say that I discover nothing in the expressions to which reference has been made to lead me to the belief that the Supreme Court of the United States has ever been disposed to question the power of Congress in that respect. The decision to which reference is frequently made, containing the expression of Mr. Justice Harlan in the Northern Securities case, does not legitimately or logically cast any shadow of doubt upon the power of Congress to regulate rates.

In the first place, it should be taken into consideration that Mr. Justice Harlan, who delivered the opinion of the majority in that case, had before expressed himself in a most emphatic manner in favor of the existence of this power in the case of Interstate Commerce Commission *v.* Railway Company (167 U. S. Rep.). In the latter case the sole question was whether or not Congress had given to the Commission power to prescribe a particular rate. The opinion of the court was announced by Mr. Justice Brewer, who said in the course of his discussion that Congress had three obvious courses before it, either one of which it might have adopted. One of those was to fix the rate itself; another was to vest the power in a Commission or other subordinate body. Nor do I believe that that expression was entirely obiter dictum. I believe that question was properly before the court, because the issue was as to whether or not the power to prescribe rates had been given to the Commission, and if Congress had no authority to grant that power, manifestly it could not be vested in a commission; and had the court doubted the power of Congress to grant such authority it was a proper case in which to express that view. The only question in that case was whether or not Congress had committed such power to the Commission, and Mr. Justice Harlan, who announced the opinion in the Northern Securities case, dissented from the majority opinion, holding that no such power had been granted. The only ground upon which he could have dissented was that the power had been committed to the Commission by the law as it now stands, which would clearly indicate the authority of Congress so to do. Therefore I give no weight to the "intimation," so called, found in the Northern Securities decision, where Justice Harlan simply states that the court expresses no opinion touching the power of Congress to prescribe rates.

Mr. President, I do not pretend to say that I know the Supreme Court will sustain this character of legislation, but I unhesitatingly say that I have an abiding and perfect confidence that it will be sustained. I think every expression that may properly be considered an expression of the court throughout the whole judicial history of this subject indicates that such is the conviction of the court.

I will now briefly refer to those words which it is proposed to strike from this bill. I am frank to say, Mr. President, that before the amendments which have been already adopted had been agreed to there was a time when I doubted in my own mind the wisdom of retaining the words "in its judgment." It was because of the question as to whether or not, under the bill, there was jurisdiction in the court to inquire whether a constitutional right had been invaded or whether the authority of the Commission had been exceeded. That contention was made, and it was further contended that the bill as it stood would make the orders of the Commission absolutely conclusive and unreviewable for any purpose. We all conceded that if that was true the law would not stand the test of the Constitution, because Congress can not commit to a commission the power to make its findings conclusive. It can not deny to the courts the power or jurisdiction to inquire whether the constitutional rights of a party affected by an order of the Commission have been invaded.

But, Mr. President, the bill has been amended so that now there is no question but that the courts may exercise such jurisdiction. Jurisdiction is conferred on the courts to entertain suits, to hear and determine questions presented touching the validity of the orders of the Commission. That being so, how can it be argued or contended that these words "in its judgment" would preclude the court from inquiring into the constitutionality of the orders of the Commission? When the act itself says in plain, unequivocal terms that the court has jurisdiction to inquire into, to investigate, to hear and determine questions of that character, simply because the Commission is authorized to fix such rates as "in its judgment" are reasonable, can it be contended that such words preclude the court from inquiring into the validity, under the Constitution, of the rates fixed?

I do not believe that the retention of these words is of vital importance to this bill, but I believe that under the amendment that has been made, vesting jurisdiction in the courts, they are of importance, and they ought not to be stricken out, because I think they serve this purpose: They clearly manifest the intention of Congress to vest in the Commission the power and the discretion to fix and establish rates, subject to one thing only, and that is the power of the court to protect the rights of the parties under the Constitution and to restrain the acts of the Commission in violation of its authority.

These words serve to restrict the judicial inquiry to that single section, and if you strike them out, it is a serious question if you do not open up every order that is made by the Commission to a judicial review, not only on the ground of constitutionality or excess of authority, but upon the ground as to whether an order is reasonable in the judgment of the court as against the judgment of the Commission. Such, I believe, is not the purpose or the intent of the framers of this bill. Nor do I believe striking out these words will have that effect, but I would much prefer their retention.

Mr. President, no law was ever held unconstitutional because of one or two words. The question is ever, taking the law as a whole, as an entirety, What was the purpose and object of Congress in enacting it? It matters not that Congress has used the word "judgment" instead of "opinion," for example. It might just as well have been provided "if in its opinion it is a just and reasonable rate." The word "judgment" is used instead of "opinion," but that makes no difference. Do we not know that if we shall strike out those words, nevertheless the Commission is bound to and will use its judgment? We are committing these questions to its judgment. How will the Commission reach a conclusion that a given rate is reasonable or unreasonable except by the exercise of its judgment? If they are not to use judgment, why do you want men of great intellect, as some Senators have told us they want? Why do we want strong, powerful men if they are not to use their judgment? Why not appoint or employ so many automatons? Why not set up a nickle in the slot machine and drop your nickle in and get your result. No; we want able men on the Commission, because the abler the man the better his judgment and the more likely is he to reach a righteous and just conclusion. We know that they must exercise judgment. Strike out these words and they will exercise judgment just the same. Is not such a contention, Mr. President, a mere sticking in the bark instead of going to the heart of the proposition?

Then it is not that they must not use their judgment, but it is simply a question whether we will strike out these words and cast some doubt upon how far the court may go in a judicial

investigation or whether we will leave these words in, thereby clearly showing it to be the intention of Congress that the discretion of the Commission is not to be reviewed beyond what may be necessary to determine the constitutionality of its orders or whether or not it has exceeded its authority.

I think it is quite important, Mr. President, that these words be retained in view of the amendment which has been adopted.

Mr. BACON. I have been of the opinion, Mr. President, from the beginning that these words "in its judgment" were improperly inserted in this bill, and that they would endanger the constitutionality of the bill, if it should be enacted into law with these words remaining. What has been so well said on this subject by learned Senators in the debate both on yesterday and to-day has confirmed me in this opinion.

If the Interstate Commerce Commission, or the member of it who wrote the letter which has been read to-day at the instance of the Senator from Kansas [Mr. LONG] were to be charged with the decision of this question, of course the very emphatic opinion expressed would remove all apprehension from our minds in this regard; but, unfortunately, this opinion in no manner relieves the doubt, because the Interstate Commerce Commission is not the body which will be called upon to decide whether or not these words render this bill unconstitutional. I am very frank to say, sir, that from the time I heard in the beginning of this debate the very able argument delivered by the senior Senator from Ohio [Mr. FORAKER], I have been impressed with the necessity of the greatest caution on our part in so framing this bill as to avoid constitutional objections.

I presume there will be no question in anyone's mind that there might be an attempted delegation of power by Congress to the Commission which would be unconstitutional. If we were to pass a bill in which we were to say in words that "all the legislative power of Congress in the fixing of railroad rates is hereby delegated to a commission," it would clearly be unconstitutional. There can be no doubt about that. On the other hand, if we were to pass a bill in which we should specifically fix rates in so many dollars and cents, and simply delegate to a commission the administration and enforcement of the law thus enacted, nobody would deny its constitutionality. That is equally free from doubt. These are the extremes. Between these two extremes lies the debatable ground. As we approach the one extreme the danger of unconstitutionality is greater, and as we approach the other extreme it is less. It is for us to endeavor to get upon the safe side, between these two extremes, and wherever there is a proposition involving doubt in this regard, unless it will emasculate the bill or seriously enfeeble it to reject it, we ought to have regard to that question of doubt and avoid the proposition and eliminate it from the bill if possible.

To my mind there is a very simple proposition which controls my conclusion in this matter. I may not be able to convey it to others with the clearness with which it presents itself to me. This bill proceeds on the theory, practically, that Congress is itself, by the proposed law, regulating the rates of the railroads. If the bill should be passed with only the words "just and reasonable" left in it, it would be the same as if Congress were to pass a law providing that the railroads should charge rates which were "just and reasonable," and should then delegate to the Commission the sole office of determining when they were "just and reasonable," and if not, then to itself determine and prescribe those "just and reasonable." This would be an administrative act on the part of the Commission, Congress having itself performed the legislative function of enacting that the rates shall be "just and reasonable." Congress in the performance of the legislative function will have determined and enacted the standard of regulation, and to the Commission will be delegated the power, in the administration of the law, to ascertain and declare what is a compliance with the standard thus fixed by Congress.

It is upon that basis that those of us who have confidence in the constitutionality of this proposed law rest our confidence; that is, that there is not in such a law with such provisions, both legislative and administrative, such a delegation of legislative power to the Commission as infringes upon the constitutional requirement that the departments shall be kept separate and that each department shall exercise its own powers.

But, Mr. President, suppose the present language in the bill remains, and instead of saying simply "just and reasonable rates" we use the words "in its judgment, be the just and reasonable rate or rates." Let us examine these words. If we paraphrase this paragraph, as I endeavored to paraphrase it with the other words, how will it read? It will read in this way: That Congress enacts that the railroads shall charge just and reasonable rates and then delegates to a commission, not the office of determining that which Congress says it shall be—to wit, "just and reasonable rates"—but the office of determining and prescribing what are, "in its judgment, just and reasonable rates." The two things, to my mind, are very distinct. In the one case there is a standard set by Congress. It enacts that there shall be just and reasonable rates, and sets "just and reasonable" as the standard to be complied with and to be ascertained by the Commission. With the words "in its judgment" remaining in, the standard is a different standard. It is a standard of what are, "in the judgment of the Commission," just and reasonable rates. It seems to me there can be—I will not say no doubt, because the fact that learned Senators and lawyers think otherwise would prevent me saying that—but, to my mind, while it may be a nice distinction, it is a very clear distinction. While we may have the power—and I think we do have the power—to delegate to a commission the office of ascertaining when the standard of "just and reasonable" which we require in this bill has been complied with, when that has been obtained I do not think we have the right to delegate to the Commission the right simply to say that, "in its judgment," it is so and so. It is a very different thing for a court to say, on the one hand, that the Commission has or has not exercised good judgment in determining whether a given rate is "just and reasonable" from, on the other hand, passing on the question whether the Commission has fixed a rate which, "in its judgment, is a just and reasonable rate."

Of course they must exercise their judgment. They must exercise their judgment to ascertain whether or not the rate is reasonable and just. They may be in error in the exercise of that judgment; and if so, it is for the courts to say. But it is not permissible that the court should be limited to saying whether the Commission had fixed a rate which "in its judgment was just and reasonable."

It might be held, if we leave the words as they are, that the delegation which we make to the Commission is not to use its judgment simply in the ascertainment of when just and reasonable rates have been determined and prescribed, but that we have gone farther and broadened the expression so that it is not simply what is "just and reasonable," but what "in its opinion may be just and reasonable." In other words, as suggested to me by the Senator from Louisiana [Mr. FOSTER], the effect of it is to substitute its judgment in the place of the judgment and will of Congress, and, as suggested in the same breath by the Senator from Connecticut [Mr. BRANDEGEE], it really gives the right to the Commissioners to make a standard to be erected by themselves instead of being rigidly bound by the standard which Congress itself erects.

Mr. President, it seems to me with these words in, when it comes before the court, there must be one of two rulings by the court. Either the court would hold that the words were surplusage and pay no attention to them, or if they held that they were words not surplus in character and words inserted for a distinct purpose and intended to have a specific meaning, the court would undoubtedly then hold the provision to be unconstitutional; and this provision is so vital to the whole bill that if the provision should be held to be unconstitutional the whole act would fall with it. If the words are surplus, we should take them out. But if they are not surplus and are intended to have controlling effect and meaning, and if any such interpretation would endanger the bill, then we should take them out. For these reasons, in addition to others which have been forcibly presented by other Senators, which I will not repeat, I shall vote to strike out the words, and I deem it highly important that it should be done.

Mr. MORGAN. Mr. President, very great men—philosophers, lawyers, judges, and divines—when they get into controversies about occult truth, seem addicted to overlooking very plain facts and familiar propositions that are called "common sense." They are mere commonplace, and therefore are not worthy of consideration in their judgment. This bill provides two things in the first section. One is that any rate that shall be prescribed upon transportation by the Commission shall be just and reasonable. The next is, taking the converse of the proposition, that no unjust or unreasonable rate shall be levied and such rates are unlawful, putting the proposition in both views. Therefore the whole emphasis of the bill in regard to rates rests upon the question of the reasonableness of the rates, for if they are unreasonable they are unlawful. I do not suppose this bill intends to confer upon the Commission the right to levy an unlawful rate, denounced in the bill as being unlawful because it is unreasonable.

But here are found words respecting the powers of the Commission that include the word "judgment," and that is seized upon as giving to the Commission the right to pronounce a final decree, a final judgment, a judgment that is in dignity, if not in all respects, the same as a final judgment of the Su-

preme Court of the United States; that is to say, when the Commission pass upon the rates which in their judgment are reasonable, that that shall be the end of the matter. There will be no further review by any court or any tribunal at all. A man or a corporation injured by it who says that the rate levied by the Commission is grossly unreasonable and unjust has his mouth shut. He has no right to get it in court and make any statement against it. It is a final and conclusive order by the Commission of the fact that the rate is reasonable and is not, therefore, appealable or reversible. Nothing can be said against it.

If the gentlemen who are friendly to this bill undertake to crowd it upon the country in that form, so as to cut off all complaints against unreasonable and unjust rates, they will do one of two things. They will either be considered by the court as having stultified themselves by having put in the declaration that the rate which is unreasonable is unlawful, or else as intending to carry their purpose in spite of all opposition of reason and sense and justice and propriety, to fix rates that are absolute and unquestionable.

Now, having declared in the first section of this bill that no unreasonable and unjust rate is lawful—that it is unlawful—and if the Commission following up the judgment of the distinguished Commissioner whose letter was read to-day conclude that they have a power to fix a rate that nobody can question, in a court or anywhere else, as to its reasonableness, and if we follow their lead or dictation, we will, after a while, get ourselves into a more than unpleasant predicament. We will have to take back some of our language in this bill, or say we did not mean anything at all when we said that the rate should be unlawful if it was unreasonble or unjust.

There is where we stand. If we give some attention to the real meaning of the bill, there is no difficulty in striking out of the bill anything that controverts this meaning. Therefore it ought to be stricken out, whether the controversy over the word "judgment" is or is not correct, in order to relieve the bill of such a question as that, a question that reaches down to the very jurisdiction of the courts and the constitutionality of the bill. That is all I want to say about it. I am trying to find some way in which I can justify myself in supporting this legislation, but with this, amongst the balance of the queer things that are in it and others the Senate has rejected, I despair of being able to cast a vote in favor of it.

Mr. LODGE. Mr. President, I do not desire to detain with any attempted constitutional argument the Senate, which is thoroughly wearied of all these questions. But the amendment proposed by the Senator from Colorado [Mr. TELLER] is so important that I desire, and I think it only justice to myself, to explain in two or three minutes the reason for the vote which I shall give.

While I was out of the Senate for a moment I believe something was said about an understanding. I am not aware of any understanding that binds me to vote to keep these words in the bill. In the original draft of the amendment which we have adopted there was nothing said, as I understood, about striking out the words "fairly remunerative," and I was not aware of anything relating to "in its judgment." But, Mr. President, nobody can bind me to give a vote which I believe would endanger this bill. These words lie at the very bottom of the whole structure of this bill. If the act of the Commission in fixing a maximum rate is held to be unconstitutional on account of the words "in its judgment," the whole fabric of the legislation falls. They are essential and vital words, if they have any meaning at all, and I have yet to hear from anybody any explanation or argument which shows that these words have, if retained, any beneficial effect. The utmost that I have heard in their behalf is that they will prove harmless. Many great lawyers consider that they endanger the legislation. If at the best they are harmless and at the worst they will cause the destruction of the bill, I certainly can not take the responsibility of voting for them.

I want this legislation to succeed. I want it to stand upon the statute books. If it goes to the courts and the courts hold that those words are unconstitutional, as they well may, and the whole legislation falls, the people of the country will believe that this law has been a fraud from the beginning to the end, and that all of us alike who have to put it through with these words in it—House and Senate—never meant it to succeed. If other Senators are ready to take such a responsibility for the sake of keeping in the bill words admittedly unimportant, I am not. I want an opportunity to relieve myself by my vote from the responsibility for those words. If Congress keeps them in and the legislation falls, I do not want to be held responsible. I have been utterly unable to find any reason for keeping them there.

I do not regard the opinion of the Interstate Commerce Commission as important. They desire power. They would like to take the powers of the legislature and of the courts alike. They would like to take all the power that is possible. I do not blame them for it. But those who must pass upon this question are not the Interstate Commerce Commission. They are the judges of the Supreme Court of the United States. In my humble opinion, these words endanger this entire bill, and I am not ready, for the sake of keeping in language which at best is worthless, to retain words which threaten to bring the entire fabric of this long-labored legislation into ruin the moment it goes before a court of the United States.

Mr. FORAKER. Will the Senator allow me, before he takes his seat, for I can not speak except in his time, to make a remark? The Senator has referred to a statement made a moment ago about an agreement with respect to what should be incorporated in this bill. I understood the Senator to say he had not been informed of any such agreement. I want to know if the Senator can tell us who is a party to any such agreement?

Mr. LODGE. I know nothing about it.

Mr. FORAKER. I want to say the same thing.

Mr. LODGE. I was shown an amendment in various forms, which has been known as the "Allison amendment." I cordially said that I approved of it. At that time there was no proposition to strike out the words "fairly remunerative;" and what I was shown had nothing to do with striking out "fairly remunerative." I gave no approbation to keeping in one set of words and striking out the other.

Mr. FORAKER. We have all agreed to the Allison amendment—all of us who voted for it. I agree to that.

Mr. LODGE. Certainly.

Mr. FORAKER. Whether anybody agreed to anything remaining in this bill or going out of this bill on account of that, I did not. I never heard such a suggestion.

Mr. LONG. Will the Senator from Massachusetts pardon me for a question?

Mr. LODGE. Certainly.

Mr. LONG. I referred to the statement of the senior Senator from Iowa [Mr. ALLISON] yesterday, in which he said that the retention of the words "in its judgment" was a part of his series of amendments for judicial review.

Mr. LODGE. It may have been. It was not on anything that was shown to me.

Mr. CARTER. Mr. President, if it is hoped that we are about to take what will be the final vote on the amendment of the Senator from Colorado [Mr. TELLER], I should feel very sorely perplexed as to the proper course to pursue. In the parliamentary situation existing, however, the course of duty seems quite plain to me. I would prefer the retention of the words proposed to be stricken out. I would not have them retained if, as suggested, they would prove fatal to the bill on which we have labored so long and so earnestly. It must be admitted that we are now dealing with an amendment which touches close to the very vitals of this proposed act. That a mistake in the retention of these words will render the bill of questionable constitutionality is the opinion seriously and deliberately expressed by lawyers of great ability and just renown in this Chamber. Others of equal ability and high reputation in the Senate and throughout the country unequivocably announce the opinion that the retention of these words will prove fatal to the bill itself. Others, desirous of retaining the words, say they can not agree with the opinions thus expressed. They do not indulge doubts. Believing that the retention of the words will prove beneficial and not destructive, they would have the motion voted down.

Mr. President, the mere existence of the question, supported on respective sides by gentlemen of such eminent and unquestionable sincerity and ability, indicates that we should exhaust the parliamentary privileges at our disposal in endeavoring to be right before we finally act. This bill will pass into conference. While I shall vote for the amendment of the Senator from Colorado, I shall do so through an abundance of caution, reserving unto myself, as every Senator without reservation will have, the right to recede from the Senate amendment providing the conclusion is ultimately reached, after the most painstaking and careful investigation, that the Senate may thus recede without injuring the measure itself. I believe that prudence and a fair regard for the legislation with which we are dealing require that this course be pursued, and I shall vote accordingly.

Mr. SIMMONS. Mr. President, I recognize the anxiety of the Senate to come to a vote upon this amendment, but I regard

it as the most important upon which the Senate up to this time has been called to vote, and I believe that the vote which we will cast upon it will be the most important vote which has been taken up to this time in connection with this measure.

I can not believe that these three words are necessary to this legislation. I am utterly unable to see wherein they add to the powers of the Commission or in any way enlarge those powers. From the very first time that I read this bill I have regarded—and I have never changed my opinion in that respect—these words as dangerous to the constitutionality of the bill. If they add anything at all to the powers of the Commission, they add powers or functions which we have not, I fear, the power to confer upon them.

Mr. President, I am going to detain the Senate only a few moments. It is well understood in connection with this legislation—it has been repeated here many times during the course of this debate—that the Constitution devolves the whole judicial power upon the courts, either those created by the Constitution or those created by Congress in pursuance of the Constitution. Congress can not confer judicial powers upon an administrative body, and nobody has contended that the Commission is anything but an administrative body. This language, in my judgment, if it does not invest the Commission with judicial powers comes dangerously nigh doing it, and if it does, of course everybody admits that it would destroy the constitutionality of the act.

On the other hand, the whole legislative power of the Government rests in Congress. Congress has no power to delegate that power either to the Commission or to any other tribunal whatever. I do not say that by the use of these words Congress will delegate its legislative power over this subject to the Commission, but I do say that I fear that these words will give the Commission in the matter of the rate-making standard such a discretion as will make that standard a flexible standard, an adjustable standard, and if it shall be made flexible and adjustable, by virtue of these words, then it will not be the application of an absolute standard such as we have a right to prescribe and call upon the Commission to enforce, but it will be the application of a standard adjusted to the will and the judgment and the discretion of the Commission and it might invest the Commission with a degree of legislative power with which we have not the right to invest them.

I have not been disturbed by the suggestion that the standard which we have adopted is already a rule of the common law. The standard we have prescribed is indeed a time-honored rule of the common law, and that fact does not at all militate against it as a proper standard, but merely shows the fact that the standard which we have adopted is a just and wise standard and one which has stood the test of the ages. Congress has the right to repeal every rule of the common law, and when we do not repeal it, but prescribe it as a rule of action in fixing rates of transportation, we merely affirm it as a just and reasonable standard and rule. The trouble, in my judgment, is, if these words remain in the bill, Congress may give the Commission a discretion with reference to the standard such as the courts may hold will destroy the standard as an absolute standard, a fixed rule, and that we may inject an element of judgment and discretion on the part of the Commission to an extent that will cause the courts to hold it to be a delegation of legislative power.

Mr. President, these are not the only words used in the bill in this connection that, in my judgment, as a matter of wise precaution, ought to be stricken out. We ought so to frame this provision in the bill—and it is a vital provision—that there can be no sort of question, when the matter comes before the court for final adjudication, that the Congress intended and did, as a matter of fact, only lay down an absolute standard, and required the Commission to apply that standard to the facts in the particular case before it for decision. The words I refer to are those immediately before the language we are now discussing. They are the words "to determine and prescribe."

These words are nearly as objectionable and dangerous to the constitutionality of this measure, to my mind, as the words "in its judgment."

"Prescribe" is a legislative term. It refers to a rule of action, and every law is a rule of action. "Determine" is a judicial term. It refers to the investigation by a court and its declaration of a judgment upon the facts and law. Putting those two words together, we have words which prescribe or which are pertinent in connection with prescribing both legislative and judicial functions, and we are treading upon dangerous ground when we use words that are descriptive of powers which we have not the power to give to the Commission.

Mr. President, I am advised that the Senator from Florida [Mr. MALLORY] will introduce an amendment eliminating these two words and substituting for them the words "to ascertain and declare." "Ascertain" is an administrative term. "Declare" is an administrative term. In my judgment, if we shall strike out these two words, in addition to the three words which are now under consideration, and insert the words which I understand will be proposed in an amendment to be presented by the Senator from Florida, "ascertain and declare," the act will be reasonably safe from constitutional objection. I do not mean to say by any means that if all of these words shall remain in the bill it will not be constitutional, but I merely suggest fears that we may endanger its constitutionality by the use of words not at all necessary to confer on the Commission all the powers we can give it over this subject. Are the opinions of the greatest constitutional lawyers in this body, to the effect that this language jeopardizes the constitutionality of the measure, to weigh for nothing? Are we willing to ignore them and include words that no one on either side of the Chamber has been able to show in any way add to the powers of the Commission or increase the effectiveness of this legislation and which Senators not friendly to the legislation wish retained?

The Senator from Ohio [Mr. FORAKER] yesterday said, if these words were kept in the bill, the bill would be clearly unconstitutional. He said it would be equal to writing on the face of the bill "this bill is unconstitutional." He said that without this language this bill would, in his opinion, still be unconstitutional, because, as I understood the Senator, he claimed that Congress, in prescribing a rate, is confined to a rate which is reasonable and just, and that this measure invested the Commission with the power to fix a reasonable and just rate. Therefore that Senator concluded that Congress had delegated to the Commission its legislative powers over this subject in all their completeness. His argument was, in short, that Congress had conferred on the Commission its full power over transportation rates, and that that was necessarily a delegation of legislative power which it had no constitutional right to do.

The conclusion of the Senator from Ohio would probably be sound if his premises were sound, but to my mind his premise is not only unsound, but that unsoundness can be easily demonstrated.

Mr. President, I deny that Congress is confined in fixing a rate to fixing a rate that is just and reasonable. Congress may fix a rate based upon any policy which it may in its judgment adopt, whether it be wise or unwise. Congress may fix a rate that is not reasonable and is not just, if it shall be so minded. The only limitation upon the power of Congress in this regard is that it shall not fix a rate which will deprive the carrier of his property without just compensation.

Mr. FORAKER. Will the Senator allow me?

Mr. SIMMONS. I shall barely have time to finish, and the Senator will have time after I get through.

Mr. FORAKER. Very well.

Mr. SIMMONS. Congress is limited in its power over rates only by the fifth amendment to the Constitution. This is not true with respect to the Commission acting as the agent of Congress in this matter. The Commission is limited by that provision and by the additional requirement that it shall not fix a rate which is not just and reasonable, a limitation upon its powers prescribed in the interstate-commerce act and this bill, which is the law of its existence. That is the difference in the powers of the Congress and the Commission over this subject. Congress can prescribe a mileage rate and require every common carrier engaged in interstate commerce in the United States to conform itself in fixing its rates and its charges to this mileage basis. Such rate basis might work no harm to many carriers; to others it might be a very unjust and a very unreasonable basis of rate; while to others a level rate on this basis might work confiscation. With reference to that part of these carriers to whom such a thing would work no hardship and injustice the rate would be a constitutional and lawful rate; likewise to those whom it merely worked an injustice by reducing their profits to a low level; but with reference to that number of these carriers who by reason of the smallness of the volume of traffic and travel over their lines could not realize a return which would afford just compensation within the constitutional meaning of these words, it would be an unconstitutional and unlawful rate. The rule thus established by Congress might, it will be seen, in some cases be unreasonable and unjust, yet not unconstitutional or illegal, and that it would be unconstitutional only in the cases where it would work practical confiscation of the carrier's property. That the rate prescribed by Congress shall not be confiscatory in its effect is the only limitation of the power of Congress over rates, and it would be the only one on the Com-

mission in fixing the rule, had not Congress decreed otherwise in prescribing a just and reasonable rate as the rule.

The PRESIDENT pro tempore. The time of the Senator from North Carolina has expired. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. TELLER] on page 19, lines 19 and 20, to strike out the words "in its judgment."

Mr. HALE. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary called the roll.

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN] and to state that he is paired with the Senator from Mississippi [Mr. MONEY].

Mr. NELSON. On behalf of the Senator from South Dakota [Mr. KITTREDGE], I wish to state that he has a general pair with the Senator from Colorado [Mr. PATTERSON], and he desired to have me state that he would vote on these questions as I vote.

Mr. DILLINGHAM. I desire to announce the necessary absence of my colleague [Mr. PROCTOR], but he informed me before leaving that he would vote in favor of this amendment if present.

Mr. McLAURIN. I desire to announce the pair of my colleague [Mr. MONEY] with the Senator from Wyoming [Mr. WARREN]. I make the announcement for the day.

The result was announced—yeas 50, nays 24, as follows:

YEAS—50.

Alger	Clark, Wyo.	Kean	Pettus
Allee	Clay	Knox	Platt
Ankeny	Culberson	Lodge	Rayner
Bacon	Dick	McCreary	Scott
Bailey	Dillingham	McCumber	Simmons
Berry	Dryden	McEnery	Spooner
Blackburn	Flint	Mallory	Stone
Brandegee	Foraker	Martin	Taliaferro
Bulkeley	Foster	Millard	Teller
Burnham	Frazier	Morgan	Tillman
Carmack	Gallinger	Nixon	Wetmore
Carter	Hale	Overman	
Clark, Mont.	Hansbrough	Penrose	

NAYS—24.

Allison	Cullom	Gearin	McLaurin
Beveridge	Daniel	Hemenway	Nelson
Burkett	Dolliver	Hopkins	Newlands
Clapp	Elkins	La Follette	Perkins
Clarke, Ark.	Frye	Latimer	Piles
Crane	Fulton	Long	Warner

NOT VOTING—15.

Aldrich	Dubois	Kittredge	Smoot
Burrows	Gamble	Money	Sutherland
Burton	Gorman	Patterson	Warren
Depew	Heyburn	Proctor	

So Mr. TELLER's amendment was agreed to.

Mr. MALLORY. I send to the desk an amendment, and I ask to have it read.

The PRESIDENT pro tempore. The Senator from Florida offers an amendment, which will be read.

The SECRETARY. In line 12, on page 20 of the last print of the bill, strike out the words "determine and prescribe" an insert in lieu thereof "ascertain and declare."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. MALLORY]. [Putting the question.] The noes have it.

Mr. MALLORY. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The amendment is rejected.

Mr. BAILEY. I ask for a division on the demand for the yeas and nays.

The PRESIDENT pro tempore. The Chair will again put the question if the Senator desires.

The yeas and nays were ordered.

Mr. LA FOLLETTE. I ask that the amendment be read again.

The PRESIDENT pro tempore. It will be again read.

The SECRETARY. In line 12, page 20, of the last print strike out the words "determine and prescribe" and insert in lieu thereof the words "ascertain and declare."

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from Florida.

The question having been taken by yeas and nays, the result was announced—yeas 21, nays 47, as follows:

YEAS—21.

Bacon	Clay	McLaurin	Taliaferro
Bailey	Foster	Mallory	Teller
Blackburn	Frazier	Martin	Tillman
Brandegee	Hansbrough	Morgan	
Carmack	McCreary	Rayner	
Clark, Mont.	McCumber	Simmons	

NAYS—47.

Allee	Cullom	Gearin	Newlands
Allison	Daniel	Hale	Nixon
Ankeny	Dick	Hemenway	Penrose
Berry	Dillingham	Hopkins	Perkins
Beveridge	Dolliver	Kean	Pettus
Bulkeley	Dryden	Knox	Piles
Burkett	Elkins	La Follette	Platt
Burnham	Flint	Lodge	Scott
Carter	Foraker	Long	Spooner
Clapp	Frye	McEnery	Warner
Clark, Wyo.	Fulton	Millard	Wetmore
Crane	Gallinger	Nelson	

NOT VOTING—21.

Aldrich	Depew	Latimer	Stone
Alger	Dubois	Money	Sutherland
Burrows	Gamble	Overman	Warren
Burton	Gorman,	Patterson	
Clarke, Ark.	Heyburn	Proctor	
Culberson	Kittredge	Smoot	

So Mr. MALLORY's amendment was rejected.

The PRESIDENT pro tempore. The next amendment made as in Committee of the Whole will be stated.

The next amendment made as in Committee of the Whole was, on page 20, line 23, after the word "prescribed," to strike out "such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier" and insert:

All orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 21, line 9, after the word "otherwise," to strike out "shall publish and file" and insert "in respect to."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 21, line 10, before the word "fail," to strike out "and" and insert "shall."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 21, line 12, after the word "the," to strike out "portion" and insert "just and reasonable proportion."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 21, line 24, after the word "exists," to insert "and this provision shall apply when one of the connecting carriers is a water line."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 5, on page 23, line 22, after the word "after," to insert:

Provided, That accrued claims may be presented within one year.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 24, line 21, after the word "proper," to strike out—

And the orders of the Commission shall take effect at the end of thirty days after notice thereof to the carriers directed to obey the same, unless such orders shall have been suspended or modified by the Commission or suspended or set aside by the order or decree of a court of competent jurisdiction: *Provided, however*, That the Commission, for good cause shown, may extend the time in which such order shall take effect.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 26, line 21, after the word "was," to strike out "regularly" and insert "lawfully."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 27, line 13, after the words "United States," to insert "against the Commission."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 27, line 17, after the word "office," to insert the following:

And may be brought at any time after such order is promulgated. And if the order or requirement has been made against two or more carriers then in the district where any one of said carriers has its principal operating office; and if the carrier has its principal operating office in the District of Columbia, then the venue shall be in the district where said carrier has its principal office, and jurisdiction to hear and determine such suits is hereby vested in such courts.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 28, line 4, after the word "suits," to insert "including the hearing on an application for a preliminary injunction."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 28, line 17, after the word "causes," to insert:

Provided, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall

be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such order or decree and it shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in section 6, page 30, line 19, after the word "order," to strike out the following:

Whenever an order of the Commission made in pursuance of section 15 as amended, other than an order for the payment of money, shall have been complied with for the period of three years, such order shall not thereafter be in force as against the carrier so complying therewith.

The amendment was concurred in.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the junior Senator from Wisconsin will be read.

The SECRETARY. On page 30, after line 23, insert:

SEC. 16b. Nothing in this act shall prevent any common carrier subject to its provisions from giving free transportation or reduced rates to the officers of the organizations of such employees for the purpose of transacting the business of such organizations with such railroads: *Provided*, That such reduced rates or free transportation are not issued with the view of discriminating in favor of or against any particular class of employees.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the junior Senator from Wisconsin.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

Mr. PETTUS. This amendment proposes to change what has been adopted in the Senate, and I wish to suggest to the Chair whether the amendment is in order.

The PRESIDENT pro tempore. The Chair is not of the opinion that an amendment exactly like the one now offered has been adopted by the Senate. There is a general provision, but it does not include, the Chair thinks, the matter proposed to be inserted by the Senator from Wisconsin.

Mr. LA FOLLETTE. As there seems——

Mr. ALLISON. I ask that the amendment may be again read.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment, as follows:

On page 30, after line 23, insert:

SEC. 16b. Nothing in this act shall prevent any common carrier subject to its provisions from giving free transportation or reduced rates to the officers of the organizations of such employees for the purpose of transacting the business of such organizations with such railroads: *Provided*, That such reduced rates or free transportation are not issued with the view of discriminating in favor of or against any particular class of employees.

Mr. CARTER. Mr. President, before the vote is taken I should like to say a word with reference to this proposed amendment.

It is well known that the locomotive engineers, railway conductors, firemen, brakeman, and other operatives have regularly constituted organizations. Those organizations very largely deal with the railroad management concerning the relations of the management to the employees. They are represented by officers who are frequently not employees of the railway being dealt with. It does seem, inasmuch as the business of the organization relates to the business of the employees and the railway management, it is but just and proper that these officers, properly qualified and commissioned to act, should be permitted to pass over the railroads under such conditions as the management might think proper to impose without any restraint as to transportation.

Mr. SPOONER. Mr. President, just a word. I am entirely in favor of the proposition. I should like to ask my colleague what he intends to reach by the proviso?

Mr. LA FOLLETTE. Let the Secretary read it again.

The Secretary read as follows:

Provided, That such reduced rates or free transportation are not issued with the view of discriminating in favor of or against any particular class of employees.

Mr. LA FOLLETTE. That was added simply to cover any possible discrimination, so that the representatives of all organizations should be treated alike with respect to free transportation issued by the railroad company.

Mr. SPOONER. Representatives of all the railway organizations?

Mr. LA FOLLETTE. The representatives of the different organizations, that there should be no discrimination between them.

Mr. SPOONER. I did not know but it might be construed by some railway companies as limiting the context. Of course it would be given to all officers of the railway organizations, as I think it ought, but I do not quite see what office the proviso will perform except as a restriction. It might be construed, if the railway company saw fit to do it, into a prohibition.

Mr. LA FOLLETTE. It occurs to me, since the provision is only permissive and can only be permissive, that the railway companies might favor some officers of certain organizations. The proviso simply makes it impossible that any such discrimination shall be shown and that all officers of the different railway organizations shall be treated alike; that if free transportation shall be furnished to the officers of any one organization, like favors shall be shown to officers of other organizations. That is the only purpose of the proviso.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the junior Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. CARTER. I offer an amendment to appear on page 34.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out from and including the word "shall," in line 19, page 34, to and including the word "Commission," in line 21, same page, and in lieu thereof insert:

Or refuse to submit such records and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners such carrier.

Mr. CARTER. Mr. President, one word in reference to this proposed amendment. It will be observed, by reference to the text of the bill, that there is an absolute prohibition upon the keeping of any record by a company or any of its employees, save and except such record as shall be prescribed or approved by the Commission. In so far as that relates to the books of account to be uniform throughout the country, it seems reasonable and just; but I desire to suggest an illustration of the hardship which would result if this absolute prohibition should exist with reference to memoranda made under the varying conditions of railway management. For instance, a small road to which I referred the other day, extending from the mines at Butte to the mines at Anaconda, will be engaged in interstate commerce, because merchandise shipped in from the East to the merchants along the road and the copper products of the smelter are shipped to the Atlantic seacoast. Therefore this small road will necessarily be engaged in interstate commerce. At the same time the ore trains loaded at different points constitute the chief traffic of the railroad. In some instances cars are loaded at mines under lease, in other instances at mines owned by the individuals working them, but not belonging to the road or the smelting company; in other instances the ore belonging to the company which is the chief owner of the road fills the cars in the train. All the varying conditions constantly changing render it quite impossible that books could long in advance be prescribed in the nature of memoranda—books which could meet these various conditions.

My amendment proposes to affix a penalty, not in the way of an absolute prohibition upon the making of memoranda at all not prescribed by the Commission or approved by the Commission, but making the penalty attach to the carrier refusing to exhibit to the Interstate Commerce Commission, or any of its agents or examiners, whatsoever memorandum is kept.

Mr. HOPKINS. I suggest to the Senator from Montana that I think there will be no difficulty under the provision of the bill as it now stands, if I may call his attention to it——

Mr. CARTER. But this difficulty would arise: The company, its agents, and trainmen would be imperiled, in so far as the penalty would be concerned, if they used any kind of a memorandum prior to approval. A company doing business 3,000 miles from the Commission would be in a hopeless and helpless condition if its officers and agents could not, without danger of fine or penalty, make memorandum to meet the approval of the Commission.

Mr. HOPKINS. I wish to say to the Senator from Montana——

The PRESIDENT pro tempore. It is impossible to hear the Senator from Illinois.

Mr. HOPKINS. If it fails to prescribe the books——

Mr. BLACKBURN. Mr. President, the colloquy going on between the Senator from Montana [Mr. CARTER] and the Senator from Illinois [Mr. HOPKINS] is not heard by anybody on this side of the aisle.

The PRESIDENT pro tempore. The Chair has just so stated.

Mr. HOPKINS. If we could have a little better order in the Senate, Mr. President, it would be quite as agreeable to the Senators who are attempting to understand each other upon this proposition as it would be to Senators on the other side.

The suggestion I was making to the Senator from Montana was that the language now in the bill is of such a character that, until the Interstate Commerce Commission approves of the set of books which is prepared by the company, no prosecution or penalty would be inflicted.

Mr. CARTER. For instance, a book is used prior to its approval by the Interstate Commerce Commission. It will be readily conceded that the person using such book is made subject to the penalty prescribed in the statute if the book is not subsequently approved. This does not relate to the regular books of account, but to memorandum kept by people who are engaged in the constantly varying relations of traffic and trade, and I think such books are properly made subject to the inspection of the Commission or any of its examiners for a very good purpose.

Mr. TILLMAN. Will the Senator from Montana allow the amendment which he proposes to be again read? There was so much confusion in the Chamber we did not hear it when first read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 34, line 19, after the word "business," it is proposed to strike out "or shall keep any other accounts, records, or memoranda than those prescribed or approved by the Commission," and to insert "or refuse to submit such records and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such carrier."

Mr. CARTER. In my opinion the amendment I have proposed relieves the companies, their agents, and employees from the prosecution and the penalties provided by the bill for the mere act of keeping desultory memoranda, which have nothing directly to do with the accounts kept on the regular books of the company.

Mr. TILLMAN. Mr. President, I think it would be a fatal mistake to take the words proposed by the Senator from Montana [Mr. CARTER] out of the bill, if it is the purpose of the Senate to try to stop rebates. I call attention to something in the Philadelphia Inquirer of to-day, of an occurrence yesterday, showing that before the Interstate Commerce Commission at Philadelphia some very interesting facts were brought out, and I ask the Secretary to read what I send to the desk.

The PRESIDING OFFICER (Mr. KEAN in the chair). In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Philadelphia Inquirer of Friday, May 18, 1906.]

GRAFTING, INCIDENT OF PENNSY'S BUSINESS, COMMISSION HEARS—REFUTING THAYER, OPERATOR TELLS OF REBATES IN 1903—EVIDENCE SHOWS THAT SCRAMBLE ON PART OF HIGH OFFICIALS SEEMS TO HAVE BEEN ENCOURAGED—CARS IN RETURN FOR FUEL COAL.

Grafting of a kind which, had it existed elsewhere, would have caused constant upheavals and scandals flourished for years in the Pennsylvania Railroad, according to evidence adduced before the Interstate Commerce Commission yesterday.

Instead of having been frowned upon, the scramble for graft on the part of high officials seems to have been encouraged and accepted by the management of the road as one of the incidents of the railroad business.

Every time Lawyer Glasgow, who is conducting the case for the Government, stuck the probe into the affairs of the railroad yesterday he brought forth more details concerning the gift of valuable dividend-paying mining stocks to Pennsylvania Railroad officials and he remarked it was more than a coincidence that these gifts went to men placed in a position to be of direct value to mine owners desiring an unfair advantage over their neighbors.

Equally startling was the statement made under oath by Frank H. Wigton, of this city, manager of the Morrisdale Coal Company and a large operator in the bituminous fields, that as late as 1902 or 1903 he had received thousands of dollars in rebates from the Pennsylvania Railroad. He named W. H. Joyce, former superintendent of transportation of the Pennsylvania Railroad, as the man who had handed him over the check for these sums.

REFUTES THAYER'S STATEMENT.

Inasmuch as Fourth Vice-President Thayer made the statement during the present investigation that the Pennsylvania Railroad had not given any rebates since 1899, this charge by Mr. Wigton is most significant.

From this same witness was also brought out the fact that at the present time the Pennsylvania Railroad, by its manner of distributing orders and cars for fuel coal, directly discriminates against certain mines. By giving fuel coal to the railroad at a low price certain mines secure in many cases ten times the number of cars they would be entitled to upon any equitable distribution. In other words, they pay the railroads in order to secure a sufficient quantity of cars.

That the Morrisdale Coal Company was forced to lose more than $40,000 because of the refusal of the Pennsylvania Railroad to supply them with cars, even as many as ten or twenty a day, at the same time the Berwind White Company, one of the pets of the Pennsy, was getting a special order of 500 cars a day, was another point made by Mr. Wigton.

In fact, by a clear, logical, and apparently irrefutable series of statements, this witness showed that not only was the car distribution system prevailing in the four years prior to January 1 of this year a most unsatisfactory one, and one that tended to give favored companies a monopoly of the coal business, but that the present much-vaunted system in practice is nearly as bad.

LEARNED MUCH FROM PUGH.

Charles E. Pugh, second vice-president of the Pennsylvania Railroad, was a witness from whom much was learned concerning the manner in which the management of the road crushed the little fellows, while mining companies in which railroad men were interested were allowed to extend their field of operations.

Superintendent of Transportation Michael Trump, of the Pennsylvania Railroad, was less fortunate, and admitted having stock in coal companies which had either been given to him or which he bought at a figure very low, considering the large dividends the stock is now paying.

R. L. O'Donnell, general superintendent of the Buffalo and Allegheny Valley Division of the Pennsylvania Railroad, was the man whose popularity with mine owners seemed to have been productive of constant gifts of valuable stocks, however. Hundreds of shares were given to Mr. O'Donnell while he was located at Pittsburg and in a position to give necessary cars to operators. These stocks in most instances cost him nothing, and in one case his block of holdings in a mine now brings him an income of $1,200 a year. As in the case of other officials, these stocks were given to him for no particular reason.

Mr. O'Donnell did furnish one clew in that they had been given to him because he had been in the Pittsburg district for some time, and mine owners wanted to see him get along.

Accustomed as they were to hearing of no cost being attached to this stock, the Commission really sympathized with this witness when he testified that he had been compelled to pay $20 a share for stock whose par was $50. They felt relieved, however, when further questioning brought out the fact that this money had come back in dividends.

Besides some thousand or more shares of stock acquired from philanthropic mine owners, Mr. O'Donnell possesses some other stocks which he paid full value for. These, it appeared, were purchased since his removal from the Pittsburg division.

So great an evil has the private car become in the coal fields, as a means of creating the same kind of monopoly that private cars have built up for the beef trust and various western fruit companies, that Commissioner Cockrell, the ex-Senator from Missouri, was yesterday moved to make some comments that tend to prophesy that one of the outcomes of the present investigation will be the abolishing of private cars. He also mentioned that more publicity should be thrown upon the railroad business.

"Railroads," said this Commissioner, "are public-service roads, and the public have a right to know what they are doing and whether all patrons are being treated alike. Just as long as the curtain of secrecy is kept down, so long will the public—and rightly, too—suspect that all is not what it should be in the management of the railroads.

"Then, again, the railroads should stick to their business as carriers. The railroad should take coal or any other commodity at the point of production and be the sole one to care for it until it is delivered at its destination. It should provide the cars, motive power, icing, or anything else, and make proper and reasonable charges for this service.

"It should not, however, permit certain companies, who, by reason of their wealth, can afford to buy private cars, to do so and thus engage in the railroad business to the detriment of less fortunate and smaller competitors. Full publicity should be given to all the sheets showing the car distribution of the railroads.

"The private car seems to be the main evil in the way of the fair treatment of all patrons of the road."

RUMOR OF CASSATT'S RESIGNATION.

The laying bare of their system of corruption, the showing up of the many forms of discrimination, and how Pennsylvania Railroad officials, by practices bordering on, if not overstepping, the limits of legality, fostered among mining companies in which they owned stock acquired by gift or purchase, has created consternation at Broad Street Station. Denials are getting fainter and fainter, as it is seen that Lawyer Glasgow and his assistant know the facts.

A rumor that President Cassatt believes it is time to resign, in order to escape being put on the gridiron, was persistent on the street yesterday, and after each denial broke out afresh.

R. L. O'Donnell, whose air of prosperity when he reached the witness stand was fully backed up when he told of his many holdings in coal mines, proved a very interesting witness. First he was questioned as to where he is located at present, and said that his headquarters are now in Buffalo, but that he formerly was at Pittsburg.

Here are some of his holdings: Three hundred shares of Keystone Coal and Coke Company, 400 shares of Latrobe and Connellsville Coal Company, 120 shares of Lusisco Company, 200 shares of Jamison Coal Company, 25 shares of Preston Coal Company, 12 shares of Johnstown Coal Company, 100 shares of Salisbury Coal Company, 40 shares of Bowman Coal Company, 30 shares of Bagdad Coal Company, 20 shares of Gilpin Company, 30 shares of Avonah Company, and 100 shares of Central Coal and Coke Company, the latter being a stock which he bought at above par.

EXPLAINED OWNING STOCK.

Some of his explanations concerning the possession of this stock follow:

"How many shares of Keystone Coal and Coke Company do you own?" "Three hundred."

"Where did you get it?" "Through having held stock of the Madison Coal Company, which it absorbed."

"Where did you get the Madison stock?" "I participated in its organization."

"Did you pay for it?" "No."

"How many shares of Madison had you?" "One hundred."

"Who issued it?" "Col. George F. Huff, Mr. Gross, and probably Lloyd Huff."

"Who gave the stock to you?" "Mr. Gross, I think."

"How was that?" "They were forming the company and gave me the stock."

"What position did you hold then?" "I was assistant superintendent of the Pittsburg division."

"And you got 300 Keystone for your 100 Madison?" "Yes."

"Does it pay dividends?" "The Keystone does; the Madison did not."

"How much does the Keystone pay?" "Eight per cent."

"That gives you $1,200 a year?" "Yes."

"How much stock of the Latrobe and Connellsville Coal Company do you own?" "Four hundred shares."

"Where did you get it?" "That was formed from the Saxton and Superior companies. I got the stock in the same way. I had 100 Saxton and 100 Superior."

"Who gave you that?" "Mr. Saxton, I think."
"Has the Latrobe paid any dividends?" "Yes."
"How much?" "I think 6 per cent."
"Who gave the Nucisco stock to you?" "J. Howard Patton."
"Does that pay a dividend?" "No."
"How about the Jamison Company?" asked Mr. Glasgow. "I have 200 shares, par value $50."
"How did you get that?" "It was given to me shortly after the company was running."
"Who gave it to you?" "Edward Pitcairn, freight trainmaster of the Pittsburg division."
"Did it pay dividends; and if so, how much?" "It did. Four per cent."
"What was your position then?" "Assistant superintendent of the Pittsburg division."
"That company had a standing order for 26 cars daily for fuel coal, didn't it?" "I could not say."
"Who gave you the Preston stock?" "Joseph Aiken."
"Who is he?" "Chief clerk of the Monongahela division."
"How did he happen to do that?" "He just formed that company."
"How did other people come to give you the stock you tell of?" "I had been on that division since 1894 and they know me pretty well."

Mr. TILLMAN. I ask that the remainder of the article be printed in the RECORD without reading, as very few Senators are paying any attention to it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

The remainder of the article is as follows:

STILL MORE SHARES.

"How many shares of the Johnstown Coal Company's stock have you?" "Twelve."
"Where did you get it?" "I bought it for $240, $20 a share, when the company was formed."
"Whom did you buy it from?" "I paid a part of the money required to start the company."
"Is that all you ever paid on it?" "Yes."
"Has it paid dividends?" "Yes."
"Have the dividends paid back what you gave for the stock?" "Yes."
"Now, as to the Pittsburg company; whom did you buy them from?" "From Captain Hicks."
"Does the stock pay dividends?" "Yes."
"When did you buy it?" "In 1905."
"How much has it paid back?" "I don't know."
"How do you get the dividends?" "By check from Captain Hicks."
"Is that a dividend on the stock or just a bonus?" "It is a dividend."
"Is the stock full paid?" "No; I am still paying on it."
"How many shares have you in the Bowman company?" "Forty."
"How did you get that and when?" "I paid Captain Hicks $800 for it in 1897 or 1898. The par was $50."
"Did you get dividends?" "Yes."
"Often enough to pay back what you gave for it?" "Yes."
"How often?" "Once a month."
"What per cent did it pay annually?" "I don't know."

PUGH ON THE STAND.

Charles E. Pugh, second vice-president of the Pennsylvania Railroad, named a number of stocks he owned, but showed that he had paid good hard cash for them. An instance of this examination follows:

"Mr. Pugh, have you any interest in any coal property?" was asked. "Yes; I am a stockholder in the Blue Creek Coal Company."
"Where is that?" "In Cameron County on the Clearfield division. It is not an operating company and never has been. I have had the stock since 1903."
"You lease the land to an operating company?" "Yes."
"What company is that?"

Mr. Pugh did not reply to this, but instead went on with an explanation.

"The company has never paid any dividend. I got the stock in rather an unusual way. I paid $68 a share for seventy-four shares, and I would be glad to sell it now for $50 a share."
"Do you own stock in any other coal companies?" "I have nine bonds of $45 each in the Aroma Gas and Coal Company."
"How did you get that?" "I don't know. I didn't look them up. I remember that they expire next year, though."
"Who did you get them from?" "I don't know that, either; very likely from Colonel Huff."
"Did you pay for them?" "Yes."
"How much?" "I paid par for them. They are pretty good bonds, yielding 6 per cent interest."

SIDINGS WERE REFUSED.

In explaining the policy of refusing sidings to small and independent companies, Mr. Pugh said:

"Our policy may be subject to a little just criticism. We have refrained as far as possible from putting in some sidings, largely on the ground of excessive development in some regions, with the result that the production is largely in excess of the demand. This means the expense of collecting, and interferes with our operations.
"It did not seem to us that public requirements made them necesary, and we have not been very liberal about it."
"Your policy," said Mr. Glasgow, "is, then, that if a man wants a siding to develop his property, you tell him that you think there is enough coal in the market, and refuse him."
"Then if a man owned a tract of coal land along your lines and wanted to develop it, you told him that all the coal the market would take was being produced?" "Not exactly. We require a man to make representations as to what he could do in the way of finding a market. A siding is an expensive thing, you know."
"But the owner pays for the siding, doesn't he?" "Yes."
"Then your policy, briefly stated, has been to discourage sidings?" "Yes; generally so."
"Did you put in any sidings for the Keystone Company?" "Yes."
"Did you pay for them?" "On our right of way, yes; but not over their land."
"Did you put in any for the Cochran Company?" "I can't recall."
"Will you look that up and let us know later?" "I will."

TRIED TO DO FAIR THING.

Commissioner Clements then asked Mr. Pugh what he knew about car discrimination. He replied that as far as he knew the Pennsylvania Railroad Company had always tried to do the fair thing.
"We try to accommodate everybody, sir. I do not know of any applications to-day that are not being attended to."
Mr. Glasgow then produced several telegrams calling for special allotments of cars. They had Mr. Pugh's name attached.
One read:

December 20, 1902.

Commencing on Monday, give Latrobe Coal Company ten cars a day in preference to all others and in preference to company fuel.

PUGH.

Another:

December 9, 1902.

Give Ocean Coal Company ten cars in preference to other orders.

PUGH.

Yet another:

December 20, 1902.

Give Henrietta Coal Company five cars a day in preference to all others and company coal orders.

PUGH.

These messages were sent to R. L. O'Donnel by Mr. Pugh during the anthracite coal strike.
Mr. Pugh thus explained to the Commission: "There was some specially good reason for sending those messages—to relieve a gas house, an almshouse, or something like that."
"But how could other officials keep distribution of cars straight if you muddled things up in that manner?" asked Commissioner Clements.
"I don't know, but certain uncontrollable pressure at the time forced me to do it."
"I sent the messages," continued Mr. Pugh, "on the spur of the moment, I suppose. The pressure and urgency at the time was extreme, because of the anthracite strike, and we were annoyed a great deal by the shippers."
Commissioner Clements interjected: "Oh, yes, Mr. Pugh, we all know, as a matter of history, that it was during very strenuous times."
Mr. Pugh was then excused, and Alfred Huff, formerly interested in the Keystone Coal and Coke Company, was called. Mr. Glasgow asked the witness:
"Do you know of any payments made Pitcairn on account of the Keystone Coal and Coke Company?" "No; I don't know. I have not been connected with that company for thirteen years, as I told you yesterday."
"But haven't you heard that he got a stipulated percentage per ton of all coal hauled?" "I heard only that he was friendly to the Keystone's interests."
"You never heard of Pitcairn paying the coal company anything, did you?"
"No, sir."
"But you have heard of the coal company's paying Pitcairn, have you not?"
"Well; yes, sir."

CONTRADICTED EVIDENCE.

Mr. Wigton, although the last, was in many ways the most interesting witness of the day, and in many statements flatly contradicted evidence which has been given by railroad men.
He testified that during 1902 and 1903 when other companies were reaping enormous profits through the high prices for soft coal his mines were so starved that they could not even get cars to fulfill old obligations, and as a result actually lost $40,000 in importing coal from England to meet their contracts.
"What mines do you have in the Clearfield district?" "The Morrisdale, Madeira, and Maple."
"What have been the conditions with regard to Pennsylvania Railroad car service for five years past?" "Very unsatisfactory. They estimated our collieries at 8 per cent of the Clearfield output. That means 1,600 tons a day. The average daily supply of cars to us in the past four years has been 3½ cars. About 250 cars a day are shipped from the region. In 1902 prices began going up. At the same time the supply of cars to ourselves came very, very limited. It decreased to 2½ cars a day, when our capacity is 60 cars a day. We complained continually without effect, even to Vice-Presidents Pugh and Prevost. Finally we asked permission to buy private cars. They demurred at first, but finally consented to an order for 150 cars from the Allison works in this city. But these were never delivered until the spring of 1903. Meantime all through that winter our car supply averaged only 3 cars a day. It even prevented us from filling our contracts entered into at low prices the previous spring. Coal sold at $6 and $7 a ton, but we could sell none. It cost us $40,000 to import English coal to meet our obligations."
"Who is favored in your region?" "The Berwind-White Company is fully supplied with private cars."
"How did your production in 1903 and 1904 compare with Berwind-White?" "Ours was almost nothing. Theirs was normal."

AS TO THE REBATES.

As to rebates, the witness told of visiting former Superintendent Joyce's office in the Federal Broad street station and having handed over to him a check covering rebates for certain shipments. Lawyer Gowen, of the Pennsylvania Railroad, said that he felt sure that Mr. Wigton had made a mistake in the date of the transaction. In answer to many questions Mr. Wigton gave it as his opinion that private cars should be abolished and that all cars should be apportioned among the various mines according to their full working capacity.
He somewhat startled Railroad Counsel Gowen when he stated emphatically that railroads should not be allowed to use their power to force mine companies to sell them coal at reduced prices. He said railroads should be compelled to go in the market and buy coal like anyone else. He then showed how the railroads were able to discriminate against certain mine owners in the distribution of cars by the placing of the so-called "fuel cars" for company orders.
Although his company owns 150 private cars, he declared they were an evil and that the Morrisdale Coal Company were forced to buy them or go to the wall. The little fellow who could not buy them, he said, did go to the wall. He gave several instances of this and also men-

tioned the case of the Saltsburg mine, which, in the possession of certain railroad interests, is now a paying property, but which a number of years ago, when he had an interest in it, was not paying because he could not get cars from the railroad.

He also said that the Pennsylvania Railroad was ruining the Clearfield district by charging a rate on tidewater coal that prohibited any competition with the coal shipped from southern points over the Norfolk and Western and Chesapeake and Ohio roads. He also contrasted the Pennsylvania Railroad's policy with the method pursued by the New York Central Railroad to the disadvantage of the Pennsylvania company.

SUPERINTENDENT TRUMP ON STAND.

General Superintendent of Transportation Trump was called to the stand, and in part his examination was as follows:

"You were stationed at Altoona during 1904?" "Yes, sir."

"I understand that the number of cars available each day is announced by you to Mr. Creighton. You instruct him as to the number of cars that are to go out to the several divisions. Now, tell us your method of distribution, beginning with 1903."

Mr. Trump then made an explanation which showed that the distribution was at the early period largely arbitrary.

Coming down to a later period, Mr. Trump said that Mr. Creighton had had charge of the distribution of cars from the latter part of 1903 to the present time.

"Are you not mistaken as to that? Between the time that Mr. Patterson took charge and he handed it over to Mr. Creighton, did the allotment system run any old way?" queried Mr. Glasgow. Witness replied:

"You do not understand." He added that owing to the large ownership of private cars the distribution of cars worked automatically. He said that no elaborate allotment system was thought necessary.

"Why, then, did you adopt and put into force a system of distribution on January 1, 1906?"

Mr. Trump's initial explanation of the system now in effect was, broadly, that it was a very elaborate system.

SYSTEM IS SUGGESTED.

"Why don't you, Mr. Trump, prepare a system that will show, for example, that John Smith or John Jones got so many cars and were entitled to so many? Would it not help publicity and stop a lot of dissatisfaction among operators, especially among small concerns? Can't you do it?" "No, sir."

"Why? Then what's the use of sheets?" "The sheets were posted up at the suggestion of the Pennsylvania Coal and Coke Company. Cars can not be distributed the same daily because of the fluctuating demand."

"Do you allow a man to keep cars for an indefinite period?" asked Commissioner Cockrell. "Yes, sir; at the coal mines we do."

"Well, then, he can make a dining room or a kitchen out of your cars, can he not?" "Yes, sir; if he so desires. The cars must go to the mines asking for them."

Mr. Glasgow: "Are individual cars charged against the percentages of distribution to the Jamison Coal Company, the Keystone Coal and Coke Company, and the Berwind-White Company?" "Yes, sir."

"Why?" "Because we decided to do it."

"Yes, Mr. Trump; but why, why?" "Because, sir, we were attacked by the Pennsylvania Coal and Coke Company in our position as distributing agents."

SYSTEM WAS ATTACKED.

"Why did you charge operators against percentages after January, 1906?" asked Commissioner Cockrell. "No special reason, sir."

"Was it not because of criticism of your former methods, sir?" "Yes; I suppose it was."

"Then the dissatisfaction because of discrimination led up to it, eh?" "Yes, sir; I think so."

Witness's attention was called to the fact that the Pennsylvania Railroad had adopted an "arbitrary" rule that it would not handle private cars unless 500 or over were used.

"That was a rule adopted to discourage the use of private cars," answered witness.

"But it only discouraged the smaller companies and shippers from owning and using private cars?" "Our thought was that it would eliminate the private car."

"Why, don't you know, my dear man, that in the most strenuous period of the Pennsylvania Railroad's coal traffic, when coal was bringing the highest prices in the history of the trade, that the Berwind-White Company bought 1,000 cars from the railroad and the Keystone Coal Company 500?"

The witness volunteered no knowledge or information regarding the alleged sales.

"Why don't you people put yourselves beyond criticism, do business in the open light," said Commissioner Cockrell, "so that there will be no trouble of this sort? If there are any suspicions that you are doing anything wrong, why don't you furnish statements to shippers that will show them just what's what? Be honest with everybody alike."

Mr. Trump replied that his company is trying to do "the fair thing by all," but that "it is very difficult to please everybody."

Mr. Gowen then asked Mr. Trump to explain his interest in the Keystone Coal and Coke Company. Witness replied that the 400 shares he owned reverted to him when the Carrier company and the Madison company, in which he had been interested, were taken over by the Keystone people.

Mr. TILLMAN. Mr. President, I want to call attention to the fact that unless this provision stays in the bill and the Interstate Commerce Commission can prescribe the books to be used and allow no others to be kept, we can never stop such stealing and such rascality as that laid bare in the article just read. Here the whole Pennsylvania Railroad system is shown to be permeated with rottenness, from Cassatt down, rebates being given, bribes being taken, and every other kind of rascality——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LODGE. On page 33 of the bill it is provided that—

It shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the Commission.

That provision, I understand, the Senator from Montana proposes to leave untouched.

Mr. CARTER. Untouched.

Mr. LODGE. But he proposes by his amendment on page 34 to relieve from any penalty the carriers that violate that prohibition. It seems to me, Mr. President, as I said the other day, when we had this amendment under consideration as in Committee of the Whole, that these clauses in this section are really the most important in the bill, because it is under these clauses regulating the accounting that we must look to get the evidence to sustain any prosecution. If these clauses are modified, if the penalty is removed from prohibitions actually left in the bill, they will become, to my mind, singularly inefficacious.

I do not desire to delay this debate, but I think it will be most unfortunate to meddle with the House provisions in regard to accounting. I think they are valuable provisions. I think it is no hardship to keep honest accounts on a uniform plan; and the way the law is to be enforced is through the provisions of this section. I trust it may be left unamended, as it came from the House.

Mr. ELKINS. Mr. President, a few days ago I offered an amendment when the bill was being considered as in Committee of the Whole, providing for an increase of the salary of the secretary of the Commission, Mr. Edward A. Moseley. A motion was made to lay the amendment on the table, and I had no opportunity then of making any remarks in support of it.

Mr. LODGE. We have not reached that section yet.

Mr. ELKINS. I am speaking now to the amendment now under consideration.

Mr. LODGE. If the Senator from West Virginia will allow me, we ought to reach that section in a moment. That whole amendment will be open. It has not been reached in the Senate.

Mr. ELKINS. I want to make this statement in anticipation of an amendment I will make later on to increase Mr. Moseley's salary.

Mr. President, I have known Mr. Moseley ever since the organization of the Commission. He has been its secretary and an efficient, able, and faithful one. In addition to the duties of that office he has helped in organizing the Commission under the new law of 1887 and under the subsequent acts and rendered faithful service. In addition to this, Mr. President, he has had the confidence of the executive departments of the Government and the President.

For seventeen years he was the disbursing officer of the Commission, and although the duties of that office were no part of his duties as secretary, he never accepted the compensation of $500 per year for this service voted to him by the Commission.

Mr. Moseley was appointed assistant recorder of the Anthracite Coal Strike Commission by President Roosevelt and, at the request of the Commission, became its disbursing officer. All the money expended by the Commission until Congress made provision, which it was doubtful they would do, was provided by Mr. Moseley on his personal security alone, he thereby assuming the great risk of Congress not making any appropriation for the expenditures of the Commission.

During the American occupation of Cuba, at the request of the governor-general of that island, Mr. Moseley was sent by the United States Government to assist in drawing a railroad law, to fix a classification of articles of freight, formulate rules of practice, and to fix railroad rates. This work was so satisfactorily performed that the military governor, General Wood, in his report, said:

Mr. Moseley kindly consented to come to Cuba, at my request, and spent much time in the careful consideration of the proposed law. Mr. Moseley made a second visit in order to take part with the railway commission in the preparation of the railway tariffs as set forth in Order No. 117 and the rules of procedure before the commission as set forth in Order No. 61.

* * * * * * *

Mr. Moseley's work was extremely valuable and of great assistance. His vast experience as secretary of the Interstate Commerce Commission and his clear judgment in all matters involved was of immense assistance in rounding out the law, and he virtually directed the regulations embodied in Order No. 117 (relating to railroad tariffs). He also largely influenced the provisions of Order No. 61 (official classification of articles of freight, rules of practice before the railroad commission in cases and proceedings under the railroad law).

For his valuable work in connection with drafting the railroad law of Cuba Mr. Moseley was informed by those in authority that they would be pleased to pay him some $5,000 out of the revenues of the Cuban treasury, and it was urged upon him that he could properly accept it. Mr. Moseley, however, refused, stating that all his services—time and energy—belonged to the United States Government wherever employed, and that, being assigned to work in Cuba, all he was entitled to was his actual living and traveling expenses.

Mr. Moseley has received the thanks of the Commonwealth of Massachusetts "for disinterested services in the cause of humanity."

Under this bill which we are about to pass, unanimously I hope, there will be new duties laid upon the Commission. The initiative of organizing, prescribing forms and methods of procedure, etc., will largely fall upon the secretary, and it seems to me that, owing to these enlarged duties and his past record for fidelity and efficiency, we should increase his salary.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Montana [Mr. CARTER].

The amendment was rejected.

Mr. DANIEL. Mr. President, I desire to ask unanimous consent of the Senate in order to express more fully, by adding a few sentences to the remarks I was proceeding to make when I was cut off very properly by the Chair, my fifteen minutes having expired when I was in the midst of a thought. Of course I took my seat recognizing the propriety of the interruption, but it left me in the air. I could take another occasion to complete the train of thought I was pursuing and to add the citations, but, if there is no objection, I should like to have permission to make such an addition to my remarks.

Mr. LODGE. What is the request?

The PRESIDENT pro tempore. The request is that the Senator may be permitted to add a few words to the speech which he was not able to conclude by reason of the Chair calling time on him.

Mr. DANIEL. A few sentences, I would say, Mr. President, and proper citations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none.

The next amendment made as in Committee of the Whole will be stated.

The SECRETARY. After line 24, on page 35, the Senate, as in Committee of the Whole, adopted the following amendment:

That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or bill of lading therefor and shall be liable to the holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability herein imposed: *Provided*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company through whose negligence the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, on page 36, after line 19, to strike out down to and including line 19, on page 37, being section 8.

The amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. RAYNER obtained the floor.

EMPLOYERS' LIABILITY BILL.

Mr. McLAURIN. Mr. President, one day this week when an amendment was offered to the railroad rate bill embodying the principle of House bill 239, then before the Interstate Commerce Committee, the question was asked whether that bill would be reported this week. I ask unanimous consent to report, out of order, from the Committee on Interstate Commerce, with amendments, the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees, and to submit a report thereon.

The PRESIDENT pro tempore. The Chair hears no objection, and the bill will go to the Calendar.

HOUSE BILLS REFERRED.

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y., was read twice by its title, and referred to the Committee on Commerce.

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

PORT OF OSWEGO, N. Y.

The PRESIDENT pro tempore (Mr. FRYE). I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 13938) to extend the privileges of the seventh section of the act approve June 10, 1880, to the port of Oswego, N. Y., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS PEND D'OREILLE RIVER, WASHINGTON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6128) to authorize the construction of a bridge across the Pend d'Oreille River, in Stevens County, Wash., by the Pend d'Oreille Development Company, which was, in line 6, after the word "wagon," to insert "railroad and foot."

Mr. PILES. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HENRY SISTRUNK.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1739) granting a pension to Henry Sistrunk; which was, in line 8, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ISAAC L. DUGGAR.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5670) granting an increase of pension to Isaac L. Duggar; which was, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LANDS IN MENA, ARK.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 5913) to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas. I make the request because I will not be in my seat next Monday.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to sell to the city of Mena, Ark., for the sum of $2.50 per acre the fractional northwest quarter of the northwest quarter of section 6, township No. 2 south, range 30 west, of the fifth principal meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TILLMAN. Mr. President, I note the absence of a quorum, and as we are approaching the final stage of this long siege we have had trying to get the bill through, I should like to have a better attendance.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allee	Clarke, Ark.	Gearin	Nixon
Allison	Clay	Hale	Overman
Ankeny	Crane	Hansbrough	Penrose
Bacon	Cullom	Hemenway	Perkins
Bailey	Daniel	Knox	Pettus
Berry	Dick	La Follette	Piles
Beveridge	Dillingham	Latimer	Rayner
Blackburn	Dolliver	Lodge	Scott
Brandegee	Dryden	Long	Simmons
Bulkeley	Elkins	McCreary	Smoot
Burkett	Flint	McCumber	Spooner
Burnham	Foraker	McLaurin	Stone
Carmack	Foster	Mallory	Taliaferro
Carter	Frazier	Martin	Teller
Clapp	Frye	Millard	Tillman
Clark, Mont.	Fulton	Morgan	Warner
Clark, Wyo.	Gallinger	Nelson	

The PRESIDING OFFICER (Mr. SCOTT in the chair). Sixty-seven Senators have answered to their names. A quorum is present.

Mr. DANIEL. Mr. President, I desire unanimous consent to offer an amendment, simply to correct the RECORD. In reading over the RECORD I observe that on day before yesterday, when I sent up an amendment to the desk several words which could not be well read were left out. As the amendment appears in the RECORD it is not intelligible. I therefore offer it as it was written simply that it may appear correct in the RECORD.

Mr. HALE. The Senator does not need to go back upon the vote of the Senate. All he need ask is that the amendment be corrected in the RECORD.

Mr. DANIEL. That is all sufficient. Is that consent given?

The PRESIDING OFFICER. It is.

The amendment as corrected is as follows:

SEC. —. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however,* That upon application to the Commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act: *Provided also,* That no discrimination shall be made by allowance of a lesser charge for a longer than a shorter haul in favor of any points or localities against other points or localities where natural conditions and advantages are substantially similar.

Mr. RAYNER. Mr. President, I have arisen at this stage of the proceedings for the simple purpose of saying that I shall vote for this measure with hesitation and with a great degree of reluctance. I feel this way because I think, with great deference to the Senators who think otherwise, that the clause in this bill which gives jurisdiction to the Federal courts to try these cases is absolutely fatal to the bill. This clause impairs its efficiency and destroys its usefulness. And I want to say right here, so that it can be indelibly imprinted in the RECORD, that I enter my solemn and earnest protest against the insertion of that provision.

Now, that is the first reason why I have arisen. The second one is quite different. I believe that the President of the United States before this proceeding is over will change his mind again about what is known as the Allison amendment. There was a rumor current in Washington last night, and it was verified to some extent this morning, although I do not convey it to the Senate as authentic—do not know whether it is true or not—that the President had been in consultation with lawyers who are not concerned in this controversy upon one side or the other, and that they have given him an impartial opinion that the amendment known as the Allison amendment is the broadest sort of review that it is possible to confer upon the Federal courts, and that the President is deliberating over it.

I think it was Addison who some time ago said "the woman that deliberates is lost." I do not think there is any possibility of losing the President, but who knows that within the next few days some Chandler, at this moment "to fortune and to fame unknown," may not get possession of the President and tide him over the breakwater of this amendment back again to the landing of the Long amendment, whence he started? I am not here, and I want it distinctly understood, for the purpose of abusing the President of the United States, or for the purpose of saying one word that is either distasteful or improper. I think I know the limitations in a matter of this sort, and I propose to observe them and to confine myself within them. But I can not for a moment understand the course that the President has taken upon this subject. His mind appears to be like an unadjusted kaleidoscope. You have to shake it up frequently before its reflecting surfaces exhibit its beautiful colors and its symmetrical forms, and then, when you have it all adjusted and focused, it sometimes flies off into its original fragments and resolves itself into its component parts. He appears to me to be on this proposition like a cometic body that is tearing its way through the solar system without orbit and without circuit, illuminating the horizon in its march of fire, but absolutely oblivious where it came from and absolutely indifferent as to where it is going.

Of course, Mr President, we are living in an age of natural disturbances, and the President may be somewhat jealous of these volcanic eruptions and earthquakes and does not desire them to have everything to themselves. He wants to get in the game a little himself; and I think it would have been better if my friend the Senator from South Carolina [Mr. TILLMAN], when he opened, indirectly, negotiations with the President upon this subject, would have had in his room of "the Five Tribes of Civilized Indians" the instrument known as the seismograph, to record the vibrations and undulations at the White House, so that he could have posted himself properly about these aberrations as they successively took place. He does not realize that the President believes in the maxim that "a man is a fool who does not change his mind every twenty-four hours." I believe—and I say it in no sense of humor, but with an absolute spirit of sincerity—that if the Speaker of the House of Representatives will nominate a strong man on the conference committee, a man who has the courage of his convictions and is willing to go down rather than surrender them, and who will stand by the original constitutional amendment submitted on the President's behalf by the Senator from Kansas, the President will change his mind and say that all his support of the Allison amendment and all this telephonic communication between himself and the Senator from Massachusetts [Mr LODGE] were all a fable and a myth, and that the newspapers which reported them were all guilty of a deliberate and unqualified falsehood.

I am not going into his motives. I am willing to attribute his actions to the very best motives. I am absolutely unwilling to attribute them to a dishonest motive. I am absolutely unwilling to attribute them to any selfish motive for the purpose of personal gain. But from what I know and what I would be at liberty to speak of, if I so desired, I believe that the President's principal motive was to unite his party on the floor of the Senate. Well, he may have united his party on this floor, but, Mr. President, he has unhappily divided the people.

Now, I want to say one word before passing to this amendment. I wish to say to the senior Senator from Iowa [Mr. ALLISON], whom we all admire and respect, that I think he believes that this amendment is a proper amendment and that it does not carry anything with it except the constitutional review as expressed by the junior Senator from Iowa [Mr. DOLLIVER] yesterday. I want to say to the Senator from Wisconsin [Mr. SPOONER] and the Senator from Pennsylvania [Mr. KNOX] that I think all of these charges which have been insinuated—I am not now speaking of any charges from the President, but from anywhere—against these Senators are unjust, because in my judgment both of them have contributed as much to the elucidation of this question as any other Senators upon the Republican side of the Chamber.

Before going any further I wish to say to the Senator from Texas [Mr. BAILEY], whom I have loyally and consistently followed in the progress of this controversy, that from its inception to its completion he has been actuated by the highest motives and has followed this legislation with a most steadfast and unwavering purpose. Let me say one word about this without disclosing anything anybody has said to me on the subject. It needs not my corroboration to sustain the character of the Senator from Texas upon this floor. The Senator from Texas offered two amendments—first, in reference to the issuance of a prohibitive injunction, denying the courts the right to issue any suspending order until the case was tried. The next amendment was an amendment framing for the courts a constitutional review. There has never been a moment of time when the Senator from Texas has been willing to compromise upon a line or a letter of either of those amendments or willing to surrender any of the principles that they embody.

Now, what have we? I want the attention of the lawyers of the Senate, because when the Supreme Court tries this case I want you all to recollect this. I may be mistaken about it, but I want you all to recall the fact, when the Supreme Court takes up this case—and it will take it up very quickly after this bill is passed, because the railroads will immediately get up a case, and they will go into court, and they will employ the best counsel they can, and they will raise the question, first in the inferior courts and then in the Supreme Court, that under this amendment the court must review the entire question in all its details—I want you to recollect that, standing here in my capacity, I say that that provision is worse than the provision which you have in the present law; that this law, with this provision in it, makes this law more inefficient than the present law, and that whenever a case goes into the courts the courts will not limit themselves to the question whether or not the property of the carrier has been taken without just compensation, but they will try the whole question from the beginning to the completion, as if no such body as the Interstate Commerce Commission ever existed.

I do not believe that any tyro who has ever read his profession would not agree with me in the statement I have made, if he gives the slightest impartial study to the question.

Now, just one word. I am anxious about this legislation——

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. RAYNER. Certainly.

Mr. HOPKINS. If it is the deliberate judgment of the Senator from Maryland that the bill, as it has been perfected by these amendments, is less efficient than the present law, I ask him whether he will vote for or against the passage of the bill?

Mr. RAYNER. That is the old question put to me here on

this floor—whether I am going to vote for the bill. I am going to vote for the bill. Yes; I am going to vote for it. What else can I do?

Mr. HOPKINS. When you believe——

Mr. RAYNER. I am speaking of this provision. This bill has a number of amendments in it, if the Senator from Illinois will allow me to say so, that are very beneficial. You take the amendment of the Senator from West Virginia [Mr. ELKINS]. That is a good amendment, although made by a Senator who has been charged with being a railroad Senator. We have had help from Senators who have been charged with being railroad Senators in clearing up the mysteries of this legislation.

So, in answer to the Senator from Illinois, I will say that some of the best legislation has been put on the bill by the Senator from West Virginia, and notably by the Senator from North Dakota [Mr. MCCUMBER]. The amendment of the Senator from North Dakota supplementing this bill is an excellent provision. I am talking now of this clause. I say that this particular provision makes the bill in this regard worse than the similar provision of the law as it now exists, and I want to see whether I can not demonstrate that proposition, if the Senator from Illinois will give me his attention. I may be wrong; it is only an opinion; but why should I give an opinion here unless I believe in it? I believe in this legislation, and I want to say right here, if you will permit me, that I think that the question of a broad review or a narrow review is a question that is open to controversy—whether we ought to give the courts the constitutional review or the broad review. There is a good deal to be said upon both sides of that question.

I have always been for the constitutional review. I can understand why the Senators from New England have not been particularly favorable to this legislation. If I was in their situation I might occupy the same ground. The New England railroads are the best administered railroads of the country, and it does not require a railroad rate bill to enable them honestly and efficiently to conduct the affairs of their corporation. The most intelligent witness on the stand before the Interstate Commerce Committee—I do not know whether I recollect his name, but I think his name was Mr. Tuttle, of the Boston and Maine Railroad——

Mr. FRYE. The Senator is correct.

Mr. RAYNER. I want to say this because I want to be fair about this matter, and I do not want to state anything that is not fair to everybody. If I recollect aright, Mr. Tuttle said his road never had a case before the Interstate Commerce Commission. In other words, no one had ever made a complaint against the railroad, either on the ground of unjust or unreasonable rates or upon the ground of undue discrimination. I have further learned, since I have been on this floor, that there has not been a legitimate case for injuries brought against that road. The road does not go into court at all, but settles such cases upon a fair and equitable basis.

I can understand why the Senators from New England have not been enthusiastic in support of a measure that they do not need, perhaps, in their section of the country, and why they want the courts, in case the Commission should give an unjust decision against the railroads, to review the whole case.

I can understand why the Senator from Pennsylvania [Mr. KNOX] believes that the courts ought to have a full review. If I understand the Senator from Pennsylvania—and I have been enlightened by him during the whole discussion, because I sit in close contact with him—the Senator from Pennsylvania believes that, under the Constitution, it is necessary to give them a broad review. The Senator from Pennsylvania takes the ground that, under the second section of Article III of the Constitution—a section that has hardly been discussed in the Senate—the courts of the United States not only have the right to try the constitutionality of the matter, but they have the right to enter into the question whether it violates the laws of the United States, and that the question whether or not the Commission has the right to fix the rate in accordance with our reasonable standard is a question that necessarily goes to the courts under Article III, section 2, of the Constitution. I do not agree with this view, however. I will ask the Senator from Pennsylvania whether I have not accurately described his views upon that subject?

Mr. KNOX. Mr. President, I beg pardon of the Senator. Did he put a question to me?

Mr. RAYNER. I do not want to annoy you at all, but I merely meant to ask you whether that is not your view, as it is the view a great many lawyers entertain besides yourself—lawyers not of greater eminence, but of equal eminence, with the Senator from Pennsylvania.

Mr. KNOX. It is impossible for the Senator from Maryland to annoy me; but, unfortunately, the Senator from Mississippi [Mr. MCLAURIN] had diverted my mind for an instant while he was putting the question, so that I did not catch it.

Mr. RAYNER. I will put the question. I did not know whether the Senator heard that part of it, but I said I have been very much edified by sitting close to him during the whole discussion, and I hope we will not get over on the other side in a hurry. I said that you are of the opinion, as I understood you, that it is necessary, under the second section of Article III of the Constitution, to vest in the inferior courts the right to try the question whether or not there has been a violation of any law of the United States by the Interstate Commerce Commission.

Mr. KNOX. That is not exactly the position that I stated. My position at all times has been this, and I endeavored to make it perfectly clear in the fifth section of the bill I proposed and in the remarks I made subsequent to the Senate upon the general subject: I contended that the parties had the right, or should have the right, to go into court to maintain an action against the Commission where they thought the action of the Commission violated their rights. I never used the term "broad review" or "narrow review" in all my life. I think there has been a great deal of intelligent expression on this subject. My motion was that this law could not and ought not either to expand or to restrict the rights of parties, but that whatever those rights were they should be submitted to the court, and if they were merely constitutional the court would apply the test of the Constitution, and if they were statutory the court would apply the test of the statute.

Mr. RAYNER. That is precisely what I meant to say in a little different language, that the courts would try the statutory question when the Commission had fixed a rate, whether that rate had been made in accordance with the reasonable standard legislated for by Congress.

Mr. KNOX. I simply contended for that which is now in the bill, namely, that the court should have the jurisdiction to try the right of parties when they brought a suit.

Mr. RAYNER. Mr. President, I have never believed in this kind of jurisdiction, although, as I have said, I am perfectly willing to give credit to every Senator upon this floor, and before I forget it, to the senior Senator from Ohio, because if there is a man who has stood up here honestly for his convictions from the beginning of this struggle it has been the senior Senator from Ohio. While it is said that "all the world loves a lover," I say that all the world loves a man who loves his convictions, even if he is wrong, and the Senator will come out of this struggle perhaps with greater credit than some of the people who have been deriding him. This is an open question. Every man upon this floor has tried to do his duty as he best perceives it. Some of us think differently from others. I stood out for the suspension against injunction as set forth in the amendment of the Senator from Texas [Mr. BAILEY] because I believed in it. Other Senators upon this floor voted against it because they believed it violated the provisions of the Constitution of the United States. But it is particularly with this clause that I am now concerned that I shall now quote:

> And jurisdiction to hear and determine such suits is hereby vested in such courts.

> Look, in this place, ran Cassius' dagger through;
> See what a rent the envious Casca made.

Do you tell me that you can give the courts an unlimited venue over every suit that could be brought and then give them unlimited jurisdiction of equal degree and latitude with a venue, and that you can then circumscribe the courts and the jurisdiction that they are to assume? In all the arguments that I have heard on this floor, and I do not mean to underrate them, I have heard none except from the Senator from Oregon [Mr. FULTON] and the Senator from Montana [Mr. CARTER] and the Senator from Kansas [Mr. LONG]—all men of great ability. I have not heard a word, however, from the Senator from Wisconsin [Mr. SPOONER], nor a word from the Senator from Pennsylvania [Mr. KNOX], two gentlemen of such eminent standing in their profession that their construction upon statutes or upon the Constitution would be recognized certainly by the American bar in vindication or defense of that provision as embodying a constitutional review.

The Senator from Iowa [Mr. DOLLIVER], who has followed this cause with unbending integrity of purpose, whose power we all admit, and whose unflinching honesty we all admire, said no longer than yesterday that under this provision the courts would have the right to examine all the evidence that was thrown into them, but when it came to administer relief they would have only the right to administer constitutional relief. I should like to ask the junior Senator from Iowa from what principle of law he derives such a construction and interpretation as that?

Mr. DOLLIVER. I derive it——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. RAYNER. Certainly, I yield.

Mr. DOLLIVER. I derive that construction from the decision of the Supreme Court in the case of the Milwaukee Railroad, recorded in volume 176 of the United States Reports, where no questions were raised in the circuit court except constitutional questions, and where the circuit court undertook to investigate all the facts, and the Supreme Court sent the whole matter back to have the entire question entered into by a master in chancery, notwithstanding the fact that there was no issue pending except the constitutionality of the act of the legislature of South Dakota.

Mr. RAYNER. But I say to the Senator from Iowa this does not affect the question at all. I respectfully submit this to him. I am quite sure the Senator is sincere, and I am doing it for the purpose, perhaps in a vain hope that some man may yet arise who will bring the President back to where he started from, and that when this conference is held some one man on the other side of the Chamber or in the House of Representatives will admonish the President that there is yet time to repent, and that we can get back to the only provision that will give life and vitality to this measure.

You place in the courts the right to try every case without limitation, to annul, suspend, enjoin, set aside the order of the Commission; and then when you give your jurisdiction you say not one word about what jurisdiction the court shall take. Having the right to give it either the constitutional jurisdiction or the statutory jurisdiction, you leave it absolutely unlimited; and when the cases go to the courts the court will hold, and I will stake my professional reputation upon it, that the case is inquirable into in the same manner as if it had never been brought before the Interstate Commerce Commission. And I want to see whether I can not demonstrate this to the Senator from Iowa before I have completed this argument.

Mr. NELSON. Mr. President, will the Senator from Maryland yield for a question?

Mr. RAYNER. I will yield.

Mr. NELSON. After we have in the United States circuit court jurisdiction of the case have we the power to prescribe to that court how it shall decide the case or what relief we shall give?

Mr. RAYNER. I do not want to make a rash proposition to the Senator from Minnesota, but I will stop practicing my profession if they have not the right to do it, and I will leave it to any impartial lawyer in the land and give you the right to select him. Why not? From the case in 8 Howard up to the present moment there is an unbroken line of Federal authorities that we can divide the jurisdiction in the inferior courts. That is the point that I am discussing. That is the point that the Senator from Iowa has not discussed, not because the Senator from Iowa is not able to discuss it, because he is fully able to discuss it, but he seems to think that he ought not to branch out here as a great constitutional lawyer; and I think he knows just as much of constitutional law as any of us, and perhaps a little more than some of us.

Let me have the Constitution just a minute, because this is a very interesting proposition. I have some hopes of the Senator from Iowa yet, if he is put upon that conference committee. I know his position. Perhaps I would do the same thing. I do not know how I would be placed if I was situated as he was, between my convictions and my allegiance to my party. I think I would let my allegiance to my party go. I have let it go many a time when it conflicted with my convictions.

Let me show the Senator from Minnesota what I mean. Unless I have forgotten the rudimentary principles of my profession—I have heard so much bad law from some quarters since I have been in the Senate that I am commencing to forget everything I knew about it.

SECTION II.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority—to all cases affecting ambassadors, etc.

We have a perfect right to say to the inferior courts what part of this jurisdiction we will vest in them. That is not a question of judicial power, that was so well discussed by the Senator from Texas [Mr. BAILEY] and the Senator from Wisconsin [Mr. SPOONER]. This has nothing to do with judicial power. This is a distribution of jurisdiction. I want now some Senator upon this floor who is versed and experienced in his profession to rise and say that we have not the right to invest in the inferior courts any part of this jurisdiction—if we want to clothe them with it—the constitutional or the statutory jurisdiction, either jurisdiction or both. No one will say it, because, as I have said, the Supreme Court authorities are uniform upon the proposition. Now, what do you do?

The senior Senator from Georgia [Mr. BACON] explained this matter with such artistic skill and cut so deep with the surgeon's knife into this provision, that I can not add anything to what he said upon the subject, and I do not intend to detract anything from what he said. He explained that there was a difference between territorial jurisdiction and legal jurisdiction; that the right to name a place where a suit is to be tried is one thing, but to vest that court with the right to try cases is another thing.

I have taken no umbrage at anything that the Senator from Iowa has said about constitutional lawyers. No one can take any umbrage at anything the Senator from Iowa says. He says the most cruel things in the most pleasant and attractive manner. He cuts deep with his Damascus blade, and then he pours over it such an assuaging balm that you really feel as if you were in a perfect paradise of pleasure while you writhe under the agonies that his wounds produce. [Laughter in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries will please maintain order.

Mr. RAYNER. The Senator from Iowa reproaches a constitutional lawyer. I want to say one thing about the constitutional lawyer, and only a few words, too. When I speak of the constitutional lawyer I mean the man who has read that instrument, who understands its history and its traditions, and who has familiarized himself with the judicial decisions that sometimes darken and sometimes illumine its provisions. I say that those men will be the men of the future who will steer this Republic on to the accomplishment of its immortal destiny, and the men who believe that this Government exists without restraint or limitation either for the general welfare of its own people or for the purpose of promoting the unlimited happiness of the human race are the men who, if you put them as pilots on the ship of state, will sink her on the rocks and reefs.

Now, Mr. President, to get back just for a moment to this provision. The Senator from Oregon [Mr. FULTON], who is not in his seat, claims to be the author of this provision. If I were in his place and if I had been the author of it I would not have said anything about it. I would have kept the secret to myself. I hope the Senator from Oregon may stay here just as long as his State is a Republican State, but when in the place he has honored the courts are deciding that these cases are being taken away from the Commission and put into the hands of the court it may not add any additional luster upon his renown.

The Senator says that he conceived the idea. I do not know whether it was an original thought or whether it was a revealed communication, and if it was an original thought I do not know whether it came to him by inspiration or whether it was the result of mature reflection.

The Senator from Montana [Mr. CARTER] is looking over in my direction. I do not know whether the Senator from Montana wants to interrupt me, but in the course of his remarks the other day he said that he had looked over my Congressional record some fifteen years ago and had found that I had not offered any railroad legislation. I have looked over the Senator's record in Congress, and I find that he never offered anything of any sort at all. [Laughter.] I suppose it is a great deal better that he has not done it, because there are men who offer the least and speak the least who do the most. I do not now refer to the eighty-seven speeches that the Senator from Ohio [Mr. FORAKER] has made on this subject. I think there were eighty-seven I counted in the RECORD, all of them as bright and attractive as they possibly could be. But sometimes men who speak the least are the men who really do the most. It would have been just as appropriate for me to have offered railroad legislation in the Congress I was in as it would have been at that time to have offered a bill for the annexation of the Philippine Islands or to declare war against Spain or any other subject the Senator could think of.

I never could understand why the Senator from Montana would not let the Senator from Oregon take all these honors to himself about this broad review, why he wanted to participate in the glory of the day.

The Senator from Oregon says that the constitutional review would have crippled it. How would it have crippled it? I ask some Senator upon this floor how it would have crippled it? Of course I am not asking the Senator from Ohio [Mr. FORAKER]. I know he thinks it would have crippled it, because he wants the court to try the whole measure. The Senator from Oregon says that to strike out the words "in its judgment" cripples it. Mr. President, I took no part in the debate this morning, because it is a difficult thing to debate a proposition of law in fifteen minutes. But I say this, that you have done the best work you have done in this whole session in adopting the amendment of

the Senator from Colorado striking out the words "in its judgment."

The senior Senator from Iowa [Mr. ALLISON] had the courtesy to ask me before the Senate met this morning what I thought about those words. I said to him, "Strike them out, because they are either surplusage or they are dangerous. If they are surplusage we do not need them, and if they are dangerous we could not afford to have them." But the Senator from Oregon is mistaken when he says that I crippled the bill by my vote to strike out three words, absolutely fatal to this bill, because they vested in this Commission a legislative discretion, covered by the opinion in the case of Field *v.* Clark.

I tell you what I believe, Mr. President. I have never seen a day in all the history of Federal jurisprudence, from the earliest to the latest moment, from the hour that Marshall first laid his hands upon the Constitution and back to Ellsworth and to Rutledge and to Jay, when the Supreme Court of the United States, whatever other errors it may have committed and whatever other questionable and unsatisfactory decisions it may have rendered, ever deprived a citizen of this land of his life or his liberty or his property without due process of law or ever sanctioned the taking of private property for public use without just compensation.

> Touch not Saguntum.
> On that rock we stand.
> When that rock disintegrates, we perish.

Whatever other changes may have been wrung upon us, that clause of the Constitution has always remained inviolate and intact, and I do not believe the day will ever come when any sacrilegious hand will blast or hew it down.

Mr. President, one word more. You have gone beyond the provision of the Constitution, and you have made a provision which keeps these cases pendulating and vibrating between the Commission and the courts. The Commission decides; the court reverses. It can not even make a legal suggestion as to the course the Commission ought to pursue. And the Commission decides again, and the court reverses again, and thus the cases vibrate between the Commission and the courts until when the moment arrives for the shipper to obtain practical relief conditions have changed and limitations run.

Will you permit me now, because it will take but a minute, to give you an illustration of this broad difference? Let me take a line of cases with which the Senator from Ohio [Mr. FORAKER] is perfectly familiar—the water-competition cases. The Commission decided the question of competition between railroads and water carriers. This case went to the courts, and what do the courts do? Did they decide whether or not the railroad has been deprived of just compensation? They decided the whole case of competition. They went into every little detail, consuming hundreds of pages of testimony.

I say, Mr. President, we have been here for months toiling and struggling to enlarge the powers of the Interstate Commerce Commission, and now, by one fell swoop, you practically divest it of its rate-making power. You do not even give it the authority of a grand jury or of a committing magistrate; you simply convert it into an advisory body, and then you do not permit it to communicate the facts upon which its advice was given to the courts that are officially to review them. It would not express it to say that the President has debilitated this Commission; he has mutilated it; he has dismantled it; he has turned its proceedings into a parody and a burlesque.

Let me say to the honest friends of railroad legislation, in conclusion—and I say it, I hope, with becoming modesty and a proper degree of reservation—that while in one paragraph you have animated and inspired the Commission with life in this review, accepted by the President, in the next paragraph you have strangled it and sentenced it to die. You have in one section conferred upon it the rate-making power, and in the very next section you have devitalized it and winged the shaft that quivered in its heart.

Mr. DOLLIVER. Mr. President, I have regard enough for the weariness of the Senate to occupy only a minute or two in the closing hour of this discussion. I expect to vote for this bill because I believe in it and regard it as an efficient step in the direction of national control of interstate commerce. I confess that if I felt about it as my honorable friend from Maryland [Mr. RAYNER] says he feels; if I regarded it as unconstitutional and worthless and a parody upon legislation, I would not be able to assume the enthusiasm which carries him in the direction of an affirmative vote in favor of the bill.

We have now been engaged for nearly three months in its discussion, and I confess very cheerfully that I am glad that we see the end of it. It is not revolutionary or dangerous legislation calculated to destroy or even to disturb the business welfare of the American people. It will have their approval, because it takes a long delayed step toward that control of the instrumentalities of commerce without which the market place can be trampled under the feet of the corporate organizations, which ought to be its faithful and obedient servants.

The debate in this Chamber has been only a counterpart of the larger discussion which has gone on throughout the country, in city and village and township alike. I have felt the same satisfaction which has been expressed by others in the character of the discussion which has been conducted here. And in the greater forum, in the broader arena in which public opinion has found expression, the question has been taken up with an intelligence and an earnestness of purpose thoroughly characteristic of a community educated for generations in the art of self-government. The original friends of this measure, those who assumed the responsibility for its preparation, and who through long days and nights devoted their strength to the labor of framing it and presenting it to both houses of Congress are ready to take the judgment of the Senate upon it and the judgment of the American people.

This bill will be judged by the standard of what it undertakes to do. We do not set up the claim that its provisions are the end of all wisdom in dealing with the railway problem. We are content if in practical operation the law is found to secure an effective regulation of the rate-making power. The bill does not pretend to offer a solution to all the questions which a half century of national indifference and neglect have raised. If it is a reproach to the framers of this measure that they have recognized the importance of so framing it as to secure the support of the committees of Congress and, incidentally, of a majority of the Members of the two Houses, they will have to bear the criticism with resignation and patience. Our Government is a government of the people, through their representatives; and while I would not contend that our business here is to throw away our own judgment or cast aside the convictions of our own consciences in a blind shifting of legislative responsibilities upon the public at large; still, on the whole, it can not disparage the tradition of either House of Congress if the mature judgment of the American people is given that authority in our deliberations which is the very essence of our political institutions.

I do not propose in these closing hours of the debate to enter into a defense either of the Senate or of the President of the United States. These matters are now of record. But I will say to my honorable friend from Maryland that there are millions of good people in the United States who will not think less of the President because, without sacrificing any of his personal convictions, he has been able to bring the great political party of which he is the leader to the support of the essential principles for which he stands.

My friend from Maryland leaves the impression that the President has exhibited instability of character and qualities of leadership at once variable and eccentric, and, with a good humor which no one here feels disposed to resent, has sought to bring into ridicule one who occupies the highest civic eminence of the Republic. The only answer that I feel inclined to make to that now is, that, whatever may be said for or against the President, whatever may be the misunderstandings and the petty controversies and differences that have arisen, there are some things about this situation which will have a place in the record of our times, after all these noises have passed into oblivion. The President is not an agitator. He is a conservative thinker on the largest questions which concern modern society, and, even more important, he is a master of the art of achievement.

I say here that the President of the United States comes out of this fight with every substantive proposition connected with this matter, which he recommended in his messages to Congress, written in plain terms, if this bill becomes a law, in the statute book of the United States. What did the President desire us to do? In his message to Congress, delivered last December, he said:

> In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

As if to anticipate the numerous amendments which, from one quarter and another, have sought admission into this measure, the President added these words of caution:

> I call your attention to the fact that my proposal is not to give the Commission power to initiate or originate rates generally, but to regulate a rate already fixed or originated by the roads, upon complaint

and after investigation. A heavy penalty should be exacted from any corporation which fails to respect an order of the Commission. I regard this power to establish a maximum rate as being essential to any scheme of real reform in the matter of railway regulation. The first necessity is to secure it; and unless it is granted to the Commission there is little use in touching the subject at all.

Will any man rise in this Chamber and say that this bill is not a full response to that recommendation of the President? What else did the President ask Congress to do? In the same message he said:

All private car lines, industrial roads, refrigerator charges, and the like should be expressly put under the supervision of the Interstate Commerce Commission or some similar body so far as rates, and agreements practically affecting rates, are concerned. The private car owners and the owners of industrial railroads are entitled to a fair and reasonable compensation on their investment, but neither private cars nor industrial railroads nor spur tracks should be utilized as devices for securing preferential rates.

It is agreed on all hands that a provision effective in character to correct these abuses finds its place in the first section of the bill which we are now about to enact.

What else did the President ask Congress to do? He said:

There should be publicity of the accounts of common carriers; no common carrier engaged in interstate business should keep any books or memoranda other than those reported pursuant to law or regulation, and these books or memoranda should be open to the inspection of the Government.

Will any man deny that the bill which we are about to pass responds in a practical way to that recommendation? So, Mr. President, I say that the far-reaching reforms which have been suggested to Congress in the messages of the President have found their way into this bill and will soon find their way into the statute book of the United States. I rejoice they will go into the law by the substantially unanimous vote of both sides of his Chamber, for while the Republican side has, by the exigency of circumstances which it can do no good to discuss, been brought together in a real unity of purpose, we have not found it necessary to despise the counsel of the other side of this Chamber. The wise suggestion made by the honorable Senator from North Carolina [Mr. OVERMAN] is preserved in this proposed statute. The amendment suggested by the senior Senator from Georgia [Mr. BACON] is a valuable part of this bill, and the very useful proposal of the senior Senator from Texas [Mr. CULBERSON] has added additional value to this legislation.

This bill is the product of the thought and of the earnest consideration of many minds without regard to those differences of party politics that ought not to intrude into it. It has in it, and in the amendments which have been added to it, that serviceable wisdom which comes from a multitude of counselors.

I think we ought to honor the President of the United States. For years the petitions asking for this legislation have been pending here; and the people owe it to him that they took life and vigor from his unreserved indorsement. He has been our leader through all the difficult and complex disputes which have arisen out of the problems with which we have been dealing. Whatever may be said of him here or elsewhere, one thing is absolutely certain, that long after the bitterness and acrimony of these closing days of the debate are forgotten, Theodore Roosevelt will be remembered with grateful hearts by the American people, because in the midst of the cares of his great office, with no thought of his own comfort or convenience, unmoved by the persuasion of friends or the malice of enemies, he took up in behalf of his countrymen what seemed to be a hopeless fight and carried it to a victory without precedent in our entire legislative history.

Mr. TELLER. Mr. President, I know the Senate is impatient to get to a vote, but there are a few words I desire to say in regard to this bill and my connection with it, and I mean to say them now. I have not occupied much of the time of the Senate in this debate, and I have not offered many amendments. Of the two or three hundred amendments that have been offered here, I have offered but one, which was successful to-day in being adopted. What I now propose to say is not for the benefit of the Senate, but I desire to say a few things for the benefit of the outside world, for the benefit of the American people.

Almost twenty years ago, under the leadership of the senior Senator from Illinois [Mr. CULLOM], I assisted in a modest way in securing the passage of the law now on the statute book.

Mr. SPOONER. There are only eleven Senators left who assisted in securing the passage of that act.

Mr. TELLER. The Senator from Wisconsin says there are only eleven of us left now present who assisted in that enterprise. The Senator from Illinois did me the honor, before he offered that bill, to consult me about it. I gave him the best advice I could and also gave him my loyal support from the time he offered the bill. It became a law; and, considering that it was the first law of the kind, I think it was a remarkable exhibition of good common sense, although it did not accomplish all that we had hoped it would. For the last fifteen years, perhaps, there has been more or less of a demand for additional legislation on this subject to cure some of the evils that are found in the existing law. That demand met with a general response from the political party with which I am affiliated, for in at least two national conventions they declared in favor of it.

Mr. TILLMAN. In three.

Mr. TELLER. The Senator from South Carolina says in three national conventions.

Mr. President, I gave my support to that principle. The political party now in power declared for it in some State conventions, but never in a national convention. I am not saying this because I want to give a partisan color to the matter. I deprecate that. I am saying it in defense of the charges that have been made outside, and somewhat insinuated even in this debate, that on this side we were not loyal to the demands that we had made in our own platform.

When the Supreme Court of the United States declared officially that the Interstate Commerce Commission had not the power to make a rate, there was a general demand that that power should be given to them. That was several years ago. Nothing was done in the way of legislation toward that end until the President of the United States, a year ago last December, in his message, called the attention of the Congress to the necessity of giving the Commission power to fix rates. At that session of Congress a bill came here, but it came near the closing hours of a session which was about expiring by constitutional limitation.

The Committee on Interstate Commerce took up that question and, by its chairman, declared on the floor of the Senate that there was not time to properly consider the bill before them, and therefore the bill went over. I will venture to say that if that bill was before the Senate to-day, it could not get one vote of the Senate in its support.

The Committee on Interstate Commerce spent several weeks in taking the testimony of a great many carriers, taking the testimony of shippers, taking the testimony of lawyers, and taking the testimony of men who had built and operated railroads in this country. I received at my home the printed report of the proceedings of that committee every day, and every word of it I read from the beginning to the close. In reading it I discovered what I had always believed, that this is a question requiring the most careful deliberation of Congress. How it should be accomplished was a question upon which the friends of the measure might properly disagree. I think I derived more information and saw better into this case and the difficulties of it by reading the testimony of the president of one of the great northwestern railroads than from any other source.

Last December, in his message, the President again gave us his advice on this subject, as he properly might. The House of Representatives sent us a bill; but they will hardly recognize it, Mr. President, when it gets back. I do not believe, outside of a few Senators, that there was any sentiment in the Senate for the passage of that bill without amendment.

While I think now the bill is not such a bill as we ought to pass, not such a bill as the people demand, and one not dealing with all the evils of transportation, yet, in my judgment, it is an infinitely better bill than it was when it came from the House. No sooner had the bill reached this body than there came a clamor for haste. It was asked: "Why not take it up and pass it?" We were told in the public press that undoubtedly the Senate would mutilate the bill, and almost daily criticisms on us were heard in the other House.

Mr. President, there has not been before the Congress in the last fifty years a question of more importance to the American people than the question which we are now about to act upon. Involving, as it does, a transportation and a commerce that no other country in the world can compare with, touching interests involving many billion dollars, and touching the interests of every shipper and every producer, we were justified in sitting down here and considering this bill as the Senate ought to consider every bill of importance and as the fathers of the Constitution intended that the Senate should do. It is to be passed by the Senate on the judgment of this body and not on the judgment of the other House or on the judgment of the Executive. The legislative branch of the Government, Mr. President, is responsible for the acts of Congress. It is true the President may sign the bill or he may refuse to do so; but, after all, it is Congress that the people hold responsible either for a failure to pass laws or the mistakes made in the character of the laws that are passed.

Much has been said about the constitutional lawyers here, as if this were not the place of all others where there should be

constitutional lawyers, as if it were a blight upon the character of a member of this body that he should assume to stand for the Constitution of the United States. Effective legislation on this subject must be brought within the Constitution of the United States. We have heard from more than one lawyer here—and every man here must admit it—that it is not yet a settled question what our power may be. We know that we can not ourselves sit down and fix railroad rates. We may have the power, but we have not the ability to make rates and apply them to all the railroads of the country. The question whether we can leave the determination of that matter to a commission is yet open. I do not intend to debate it. I only mean to say, Mr. President, that I intend to vote for this bill. I intended to vote for it from the hour that it came into the Senate. I believe I can say with truth that a great majority in this body from the day the bill reached here determined to support it, at least when it was put in proper form.

I am not saying what the Supreme Court of the United States will do with this bill when it is enacted; and no man, no matter what his legal training may be, dare say what that court will do, for it would be a mere guess. As the Senator from Texas said yesterday, we thought at one time that the question involved was practically settled, but we know now that at least the court has declared that they have not settled that proposition.

I am not satisfied with this bill. I believe some amendments should have been made to it which have not been made; but it is the best probably that we could do here. When we shall pass it and the President shall sign it, as he doubtless will, it will go into operation.

Mr. President, I am sorry that within the last few days there has been an attempt to give this question a partisan bias and direction. When this bill passed the House of Representatives it passed by almost a unanimous vote. Every Democrat in the House who voted, voted for it, and only seven Members out of the membership of that body voted against it. Every one of them was a Republican. Every one of them was a man of character and influence and position in the House of Representatives. This indicates that some men in the House doubted whether the House bill would stand the test of the courts. I do not believe that anywhere there is any considerable feeling against trying to regulate the rates on railroads in this country.

Mr. President, the Senator from Iowa tells us that the President is entitled to receive credit for this bill; that he has been a leader of the friends of the bill. I believe it to be the duty of the President of the United States to recommend to Congress such legislation as he thinks the country needs. That right is given him by the Constitution. I am one of those who believe that when he does that he ought to quit. If he thinks later that there is something that he has omitted or some new question arises, he has a right, and it is his duty probably, to submit the question again here. I for one deny the right of the President of the United States to dictate to me what I shall do, and I deny his right to call me to his office and instruct me or even request me to do this or that. If he wishes to communicate with me, he should communicate with every other Senator. He has no right to communicate to a few. He should give us all the benefit of his judgment.

If there are some things which have happened within a few days that may not be pleasant to everybody and which we must all more or less regret, they have happened because the President of the United States has interfered with that which does not belong to his office. I am going to give him the credit of controlling his political party for this bill. I am going to say that I do not believe a bill of this character would have passed the Senate, strongly Republican as it is, and with the support of the Democrats here, which would have been given it almost unanimously, if the President had not given life to this enterprise. I do not wish to detract one iota from the credit to which he is entitled for doing his constitutional duty when he sent his message to Congress concerning this bill. I do believe, however, that when the President of the United States has done that he should cease until he sees the occasion for sending another message; and I believe that if he had pursued that course the "unpleasant situation," as the senior Senator from Iowa called it the other day, would not have occurred.

Mr. President, this bill is defective in many particulars. We shall come back here at the next session of Congress and probably try to do those things we have omitted to do. I hope so. I hope this measure will pass the criticism of the Supreme Court.

I want to say one word about review. I think in the present condition the court has as absolute control of every question that could arise as it is possible to give it. With that I am finding no fault, for while I agree with the Senator from Maryland [Mr. RAYNER] and other Senators who have spoken on this subject, it is doubtless in our power to restrict the jurisdiction of the court in these cases. Yet I myself do not feel, with these great interests at stake, with the beginning of a system heretofore unknown in this country, that it was wise for us to attempt to restrict the court in its consideration of the case when the carrier or the shipper should carry it there for final determination. I have an abiding faith in the courts. I do not mean by that that they are infallible. I do not mean that I have not criticised them or that I shall not criticise them in the future. I do not mean that they do not render opinions which lawyers all over the country challenge. Judges are only men. But after all the court is the last resort. It is the place where every man goes who claims that he has been wronged. It is the place that must always be kept open for those who think injustice has been done to them either by the Government or by their fellow-men. Hence I was willing to leave the court to pass upon and to hear every complaint that the carrier could make and to determine whether we had been within the law, whether we had done justice or not, so that we might be in condition hereafter to rectify and right any mistakes that we may have made.

Therefore I voted for the Allison amendment. I voted for it with some pleasure, because it contained, in addition to the provision which gave to the carrier his full opportunity, another provision for which I had contended, and that was that the finding of the Commission should be final and complete and should remain in force until such time as the court determined the right and justness of the whole case. In other words, I was in favor of it because it recognized the principle of the Bailey amendment, which provided that there should be no interlocutory injunction issued. I was glad to vote for it because it established our right here, so far as precedent goes, to say what should be the jurisdiction of the court and when the court should interfere to set aside the findings of the Commission. No lawyer can vote for the Allison amendment and then deny the right of Congress to say to the court, "You shall not issue interlocutory injunctions for the next thirty days." If you can say five days, you can say thirty days; and if you can say thirty days, you can say ninety days. That provides that there shall be a hearing; that evidence shall be produced.

If you can say that the interlocutory injunction shall not issue until there has been some hearing, you can say that it shall not issue until there has been a final hearing. By a vote almost unanimous we declared that the power to control the injunction existed in Congress. We may find it necessary later, that to enforce the proposition laid down in the amendment offered by the Senator from Texas, and at least those of us who voted for the Allison amendment, will be in morals if not in law estopped from saying that that power does not exist.

Mr. President, I congratulate the Senate that we have practically got through with this bill. I congratulate the country that we have taken hold of this great question, and while I admit the bill is not perfect, I do not believe that the people of the United States expect of us a perfect law in the first effort. It is but little better than the law we passed here nearly twenty years ago under the direction of the senior Senator from Illinois [Mr. CULLOM]. It has omitted, I want to say again, many things that ought to have been in it, unless it be the policy of the act to confine the whole thing to the rate-making power; and we have shown by the amendments we have made that that was not the policy upon which we proceeded in the consideration and treatment of this bill. Having attempted more than that, we ought to have accomplished more. But I congratulate the country that we have made a step in this direction, and if the court shall hold, as I hope it may—I repeat I am not overconfident—that we have not violated any of the constitutional provisions, it will be a great step toward controlling and regulating, without injury, in my judgment, to the great transportation interests that ought to be our care just as much as that of the interests of the shippers, the question of interstate commerce in this country.

Mr. FORAKER. Mr. President, I wish to detain the Senate for only a very few sentences. I do not propose to go into any discussion of the merits of this measure. I want only to say about it that if I could vote upon it section by section I would be relieved from a great deal of embarrassment that I now experience, for there are in this bill, put there by the Senate amendment, a number of provisions that I desire most heartily to support and against which I do not like to vote.

I remain of the opinion I entertained with respect to this legislation from the very beginning of this controversy. My objection is to the Government going into the rate-making business at all, and particularly in the manner in which it is provided it shall go into it in this measure. I believe this bill in

that particular to be unconstitutional, and I believe that the measure if upheld in the courts will in that respect prove a disappointment to the people who have asked this kind of legislation at the hands of Congress. I am not able to get the consent of my mind to vote for a measure that involves such consequences.

I take some comfort in the fact that while I may be alone in my vote, I am not alone in the opinions that are entertained by Senators on this point. Nearly every Senator who has spoken here to-day has expressed himself as disappointed to a greater or less degree in this legislation. The Senator from Colorado [Mr. TELLER] who has just taken his seat, one of the soundest in judgment, one of the most conservative legislators I have known in this association, has told us that the bill lacks in many respects what he thinks it should contain, and that he has, with respect to its fate in the court, the gravest doubt and apprehension. And in that form from one after another who has spoken, we have heard practically the same statement.

Mr. President, I may be wrong about it all; I, perhaps, have been; it seems to me I get on the wrong side of everything here of late; but there is one thing about it; I have been in keeping and in accord with my own judgment and convictions all the while. Mr. President, I have not opposed this measure because I did not believe there ought to be legislation. I think every Senator in this body knows that every time I have spoken I have insisted that there were practices and abuses and wrongs that ought to be legislated against. But I have been unable to agree that this is either a constitutional way or that it is the best and most efficient way to accomplish that end. I labored to formulate a plan, and I labored hard to induce others to see and understand my proposition as I saw and understood it. In that I have failed.

I might now waive my own preference about it, I suppose, and say that out of deference to the judgment of my colleagues I will sacrifice my own convictions and vote with them. If I could see that there was any necessity for that I would, perhaps, be willing to do it. But as it has been said here, this measure will pass; it will pass by a unanimous vote, I suppose, except one; there will be one vote against it. I do not see how it would do any good to anybody, unless it would be to myself, to vote contrary to my own convictions as to what this legislation shall be. Inasmuch as it can not do any good to the country, and can not do any good to my party, or the interests that are to be legislated about, I prefer to carry away with me out of this controversy and contest the knowledge and the belief and the satisfaction that come to me from having the knowledge and the belief that I have acted as I have spoken and voted as I have spoken, in accordance with my own judgment and my own convictions.

Mr. McLAURIN. Mr. President, I will not occupy the floor more than a minute or two, and I do not rise to detain this bill.

While I am on the floor I will say one or two words in reference to what was said by the Senator from Iowa. The Senator claims the credit of this measure for the President of the United States and the Republican party. That was done either by the surrender of the President to the opponents of railroad rate regulation or the surrender of the opponents of rate regulation to the President. The President himself says that in the beginning he was opposed to a broad court review; that he was in favor of a limited court review. There has been adopted, and, if the Senator from Iowa correctly represents the situation, through the leadership of the President, a bill that has the broadest possible court review.

Time and again the senior Senator from Georgia [Mr. BACON] put the question to the Republican Senators to know if there was any word in the English language that would broaden or widen the scope of the review committed to the courts by the amendment offered by the senior Senator from Iowa [Mr. ALLISON] and adopted by the Senate. Not a Senator could be found on the Republican side who could suggest one word or any number of words that would broaden the review given by that amendment. So while the President has united his party in the Senate, I doubt if he has united his party in the country. He has united his party in the Senate by surrendering rights and demands of the shippers of the country, and when I say of the shippers, I mean all those rights and demands which are incidental to the rights and demands of the shippers of the country, because, as I said a day or two ago, every individual or nearly every individual in the country is affected by the shipper's bill.

Mr. President, as I stated, I did not rise to discuss this measure, but I could not resist the temptation to say this much. Several days ago I introduced this amendment:

That no free interstate pass shall be issued by any interstate common carrier of passengers to any officer of the United States, including executive, legislative, and judicial officers.

That proposed amendment was challenged by the Senator from Wyoming [Mr. CLARK] and the Senator from Georgia [Mr. BACON] as not taking within its scope United States Senators and Representatives. I had never thought that there was any question about their being United States officers. If the term "legislative officers of the United States" did not include Representatives and Senators, I was at a loss to understand what it would mean. I would refer to the trial of the impeachment case of Blount in 1799. My attention has been called by the Senator from Georgia to this part of the plea of Senator Blount:

That proceedings by impeachment are provided and permitted by the Constitution of the United States only on charges of treason, bribery, or other high crimes and misdemeanors alleged to have been committed by the President, Vice-President, or any civil officer of the United States in the execution of their offices held under the United States, as appears by the fourth section of the second article and the seventh clause of the third section of the first article and other articles and clauses contained in the Constitution of the United States. That although true it is that he, the said William Blount, was a Senator of the United States from the State of Tennessee at the several periods in the said articles of impeachment referred to, yet that he, the said William Blount, is not now a Senator, and is not, nor was at the several periods so as aforesaid referred to, a civil officer of the United States, nor is he, the said William Blount, in and by the said articles charged with having committed any crime or misdemeanor in the execution of any civil office held under the United States, nor with any malconduct in a civil office or abuse of any public trust in the execution thereof.

To that there was practically a demurrer by the Representatives prosecuting the articles of impeachment in which the impeached joined issue, and on that this motion was offered by the prosecution:

That William Blount was a civil officer of the United States, within the meaning of the Constitution of the United States, and therefore liable to be impeached by the House of Representatives.

That as the articles of impeachment charge him with high crimes and misdemeanors, supposed to have been committed while he was a Senator of the United States, his plea ought to be overruled.

That was defeated by a vote of 11 to 14. Then this motion was made:

The court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment, and that the said impeachment be dismissed.

That motion was sustained by a vote of 14 to 11.

I will pass that by, simply saying there is nothing in this to show whether the Senators refused to convict because they held that the impeached was not a civil officer of the United States, or whether it was held that he was not impeachable because he was not at the time of the impeachment an officer of the United States.

Mr. CLARK of Wyoming. Mr. President, will the Senator from Mississippi allow me?

Mr. McLAURIN. Certainly.

Mr. CLARK of Wyoming. If the Senator will read the Annals of the Fifth Congress of the United States, the session of Congress at which the impeachment took place, he will there find the full statement and the full proceedings. The Senator will find that the vote was taken directly, and the arguments of the counsel were directed directly to the proposition as to whether a Senator is a civil officer of the United States or an officer of the State.

Mr. McLAURIN. Now, that is the motion that I have read. The motion I have read shows the question that was presented to the Senate, and different Senators might have had a different view of it.

In the case Ex parte Siebold, in 100 United States Reports, at page 393, this language is used:

In what we have said it must be remembered that we are dealing only with the subject of elections of Representatives to Congress. If, for its own convenience, a State sees fit to elect State and county officers at the same time and in conjunction with the election of Representatives, Congress will not be thereby deprived of the right to make regulations in reference to the latter.

Distinguishing as clearly as language can make it between State officers and Representatives and Senators of the United States.

In Ex parte Clarke there was delivered a dissenting opinion to the majority opinion of the court. Both the Siebold case and Ex parte Clarke are in the same volume of the report (100 Reports), and the other that I read is on page 393. In that dissenting opinion, delivered by Judge Field, on page 412, he said:

The same thing is true in all cases where the agency of State officers is used; and this doctrine applies with special force to judges of elections at which numerous State officers are chosen at the same time with Representatives to Congress. So far as the election of State officers and the registration of voters for their election are concerned, the Federal Government has confessedly no authority to interfere.

In that case, on page 419, in the same dissenting opinion, Judge Field said:

The views expressed derive further support from the fact that the constitutional provision applies equally to the election of Senators,

except as to the place of choosing them, as it does to the election of Representatives.

Recognizing, therefore, both in the dissenting opinion and in the opinion in chief, that State officers are distinguished from United States Senators and Representatives in Congress.

In the case of Ex parte Yarbrough, in the one hundred and tenth volume, at page 162, Judge Miller used this language, speaking for a unanimous court:

If this be so, and it is not doubted, are such powers annulled because an election for State officers is held at the same time and place? Is it any less important that the election of Members of Congress should be the free choice of all the electors because State officers are to be elected at the same time?

Then he refers to Ex parte Siebold for authority.

I wanted to put this in the RECORD, Mr. President. I had never heard the points questioned. I asked at the time for a reference to authorities holding that Senators and Representatives in Congress are not legislative officers of the United States, because that is the language of the amendment. No authority has been furnished. I have had in the busy hours of the closing days of the consideration of this long and tedious and tumultuous rate bill but little time to look into this matter, but stepping into the Library one day I found these two opinions, which clearly distinguish State officers from Senators and Representatives in the Congress of the United States. So I think it is perfectly clear that Representatives and Senators are legislative officers of the United States, as held by the Supreme Court of the United States, they not being State officers.

Mr. LA FOLLETTE. Mr. President, before I record my vote on this bill I desire to enter both a denial and a protest.

I deny that this bill complies with the recommendations of the President. I protest against every attempt to make it a partisan measure.

The President, in his message in 1901, urged upon Congress the amendment of the interstate-commerce act, declaring in that message that the people of this country were entitled to "just rates." In 1904 he recommended such legislation as would insure "reasonable rates." In 1905 he recommended such legislation as would insure "maximum reasonable rates."

This bill does not comply with any of the recommendations of the President. It will not enable the public to obtain the "just rates" recommended in 1901 or the reasonable rates recommended in 1904. It does not contain provisions that will enable the Commission even to ascertain the "reasonable maximum rates" recommended in 1905.

I desire, sir, to protest against making this a political or partisan question. This has been attempted since this measure has been under consideration. The Senate may give it that appearance, but it can not be made a partisan issue before the country. This Senate, under the lead of certain Republican Senators, may seek to draw party lines, but they will fail when they carry the question back to the people in the States. You can not divide the people of this country on political lines upon a question as to whether the public-service corporations of the country shall serve the people of the country fairly, equitably, reasonably, justly.

I offered several amendments to this bill. I offered no amendment upon which any political question ought to have been raised or any party vote cast. Every amendment which I offered would have strengthened its provisions and made it more just to the shippers, the consumers, and yet not one of those amendments was unfair to the carriers of this country.

I proposed the following amendments to this bill:

1. To restore the penalty of imprisonment for violations of the interstate-commerce law.

This amendment was defeated by a vote of 49 noes to 27 ayes. Forty-seven of the negative votes being those of Republican and two of Democratic Senators; of the votes for the amendment, twenty-six of the Senators voting were Democrats.

2. To strike out the two-year limitation, by the terms of which orders of the Commission expire two years from the time when such orders go into effect.

This amendment was rejected without a roll call, the votes in opposition thereto coming from Republican Senators.

3. To provide that when testimony is offered upon trial different from the testimony upon which the order of the Commission is based, testimony shall be taken by the trial court, the action suspended for fifteen days, the evidence certified back to the Commission, and the Commission given an opportunity to modify or revoke its former order.

This amendment was defeated—ayes 26, noes 49. Twenty-five Democratic Senators voted for the amendment; forty-eight Republican Senators voted against the amendment.

4. Substitute to section 15 providing for—

(*a*) Authority for the Commission to issue orders upon its own motion.

(*b*) To fix a maximum rate.

(*c*) To fix a differential, and to prescribe both a maximum and a minimum rate.

(*d*) To change the classification of any article.

(*e*) To determine what regulation or practice in respect to transportation is just and reasonable.

All Republican Senators who voted, excepting myself, voting against the amendment.

5. To forbid every Federal judge who owns shares of stock or bonds of a common carrier subject to the provisions of this act, or who uses a free pass or procures for the use of others free passes over such railroads, from hearing or deciding any proceeding or presiding at any trial under the provisions of this act.

Laid upon the table by a vote of 40 to 27—forty Republican Senators voting in the affirmative, twenty-five Democratic Senators voting in the negative.

6. That upon the trial of any action brought to set aside or modify any order made by the Commission a copy of the evidence introduced by the plaintiff shall, upon motion made on behalf of the Commission, be transmitted to the Commission, and the court shall stay further proceedings in such action for fifteen days from the date of such transmission that the Commission upon receipt of such evidence may alter, modify, or amend the same. The amended order shall take the place of the original order, as though made by the Commission in the first instance.

The amendment was laid upon the table without debate—ayes 41, noes 30. Forty Republican Senators voted to lay the motion on the table. All Senators voting in the negative were Democrats excepting four.

7. That the Commission shall estimate and ascertain the fair value of the property of every railroad engaged in interstate commerce, as defined in this act, and used by it for the convenience of the public.

Motion to lay on the table rejected by a viva voce vote. Motion later renewed, and amendment laid on the table—ayes 40, noes 27. Thirty-nine Republican Senators voted to lay the amendment on the table. All votes against laying the amendment on the table were recorded by Democratic Senators excepting six.

8. To adopt the block system, insuring greater safety to the traveling public. Amendment rejected without roll call. All votes against the amendment coming from the Republican side of the Chamber.

9. For the railway employers' liability amendment for the relief of railway employees.

Defeated—ayes 28, noes 45. Those who voted in the affirmative were all Democrats excepting four. Of those voting against the amendment all were Republicans excepting three.

There can not be offered here or before the country any satisfactory argument or reason against the amendments which I proposed. No arguments have been made or reasons offered against their adoption. My Republican colleagues, under the leadership of a few New England Senators, lined up to vote down those amendments in nearly every instance without explanation or justification.

This bill, when it becomes a law, will not put this question at rest. It can not. When Congress merely clothes the Commission with power to ascertain whether rates are relatively equal and withholds from it all authority and all means of determining whether those rates are just and reasonable, it can not be expected that such inadequate legislation will solve this great problem and satisfy the public demand for not only equal but also just and reasonable rates.

The question which this bill should settle, but does not settle, will be a live issue in the next campaign for the election of men to both branches of Congress who will stand for a full measure of relief from oppressive transportation abuses.

So long as the legislation relative to the common carriers of this country permits these corporations to increase their capital stock without limit, increase it without adding anything of value to their properties, and increase it solely with the purpose of fixing rates upon that inflated capitalization, in order to pay profits and dividends to those holding the stocks and bonds, in which they have no real investment, just so long this question will be a vital issue before the American people.

There is to-day in the stock and bond valuation of the railroads of this country upward of seven billions of water. If the American people are expected to continue to pay transportation charges that will make a return upon that valuation, the temper of the people of this country is not understood here. Until there is invested in this Commission or some other authoritative body the power to determine the real, true valuation of the railroads of this country and the authority to fix rates

so that they shall bear only a fair return upon that fair value, Senators may as well understand now that you will have this question constantly before you. It will not be possible to suppress it or keep it within the closed doors of committees for nine years to come. At every session, until an adequate measure is adopted, while I remain a member of this body the demand will be made here for legislation that will insure to the people of every State fair treatment at the hands of the common carriers of the country.

Mr. MORGAN. Mr. President, I will be one of a few Senators on this floor, I think, who will cast his vote against this bill. If I had no other reason for casting it, perhaps I might find a sufficient justification in the criticisms that have been pronounced upon it by those gentlemen who say they intend to vote for it. On a great question of this kind, involving the interests of every person in the United States, a bill can hardly approve itself to the public judgment whose friends, when they announce their support of it, denounce it as being the worst bill they ever had to deal with.

I am not concerned about the public sentiment of the people of the United States on this bill as some of the gentlemen are who have recently addressed the Senate upon that subject. The people of my State are not concerned in that. All they want under the Constitution and laws of the United States are the rights which are guaranteed to them plainly and firmly in that organic law. They claim nothing else. While I am a member of this body they will not fail to get their constitutional rights through my delinquence or through my fear of political consequences.

The people of Alabama on a very recent occasion have adopted a constitution which the Senator from Pennsylvania [Mr. KNOX] referred to in the early part of the session, and he had a document printed here in which the constitution and the statutes of Alabama were embraced. The Senator from Pennsylvania was evidently very much impressed with the soundness of the doctrines and of the propriety of the provisions of law that are ordained in the constitution of Alabama and have been enacted by its legislature; otherwise he would not have introduced those papers to the Senate of the United States with his approval.

They provide a system, Mr. President, that is perfectly just and right and in accord with the experience of the American people since the first railroad was ever chartered in the United States, an experience under which we have lived and under which we have prospered, perhaps I might properly say, as no nation on the earth has prospered in any other time or under any other circumstances. The railroad system chartered by the States, sustained by the States by grant of land and money, and sustained by the generations that have passed away now, by subscriptions of stock that have been paid into their treasuries—railroads thus chartered and thus supported by the States and the people of the States have been the prime factors in this wonderful progress in our prosperity.

During that period of time some of the roads have been combined together in such a way by the covetousness of great capitalists as that their operations have been a serious injustice to the people of the United States at large. But notwithstanding that infirmity, which is easy enough to correct if we chose to correct it, they have been not only the principal factors in our rapid and great progress, but they are to-day the most influential of any other class of men in the United States.

These railroad corporations have drawn into their service more talent than the American Government has been able to draw to its service in the same length of time in the Congress of the United States—more skill, more ability, and as much of the elements of honorable success. So in launching a measure against the railroads of this country we ought to be considerate of their rights as well as of the rights of the people. Some recent events have so impressed me with their value in benefaction and in kindness and in charity to our people that I do not feel quite justified in rising on the floor of the Senate and opposing them indiscriminately. I can not get my conscience down to that point of such rebellion against the truth.

The State of Alabama, Mr. President, has instructed me in her constitution as to the principles upon which I shall deal with railroad corporations, and in opposing this bill I follow that constitution and I follow the legislation of my State as nearly as practicable. I do not feel at liberty to contradict all of the principles of that constitution and of that legislation and to throw my individual opinion, under any pressure whatever, whether it is Presidential or whether it is political, in the scale against the rights, interests, and the solemn annunciation of our people in convention assembled.

I therefore follow their lead. I tried to reenact the principles upon which they have predicated all their dealings with railroads, believing them to be perfectly just, and believing also that they will lead to the very best of conclusions.

Our people in the South have received very great advantage from these railroads, but we are more independent of them than any other people in the United States in moving our great crops in the South, our cotton and pine timber, our coal, iron, and cement, for we have navigable streams that lead from the pine forests and the cotton fields and the coal and iron mines and the cement beds out into the southern Atlantic and into the Gulf of Mexico, that very readily supply us with all the transportation that is needed for the purpose of getting our crops and productions to market. We are not in a hurry to realize upon our crops, because we can cash our crops wherever presented on the face of the earth. If you get a little village or a farm 50 miles away from the railroad you can sell cotton at the full market price right at the door without reference to transportation. So through the beneficence of Providence in giving us these monopolistic advantages, and also in the transportation of our products to market, we are placed in a condition where we are not necessarily dependent upon the forbearance or the good treatment of the railroad companies. They come to us eagerly seeking our patronage.

I do not urge that as a plea for any vote that I give here, because I would fly to the rescue of any community in the United States, no matter where it may be, that is really oppressed through the agency of the combinations who control very long and very large and very wealthy lines of railroad.

Following that principle, Mr. President, I have sought to make only two amendments of any importance to this bill. They both relate to the constitutional rights of the people, not of Alabama alone, but of the entire Union. I had the mortification to see that the committee of the House and the House in its vote on the Hepburn bill had torn out of the existing law those sections which quoted the Constitution of the United States in respect of trial by jury—kicked them out of doors—and the Senate has refused to pay respect to them. One section related to the right of trial by jury on questions that arise in controversies like those that will arise under this act. They also related to the restriction by constitutional ordination of a power that has grown to be a very dangerous power in England particularly. That was the power of the chancellors to take the jurisdiction of subjects of this kind into their own keeping and to prevent jury trials.

Our fathers saw that it was necessary to put the seventh amendment in the Constitution in order to preserve these rights, the right of trial by jury in cases at common law where the sum involved was $20 or more and where the right of action was plain, adequate, and complete at law. In doing that they put in a constitutional provision, as they hoped, as an everlasting barrier against the aggressions of the chancellors, that had resulted in depriving the people of the right of trial by jury, especially in cases involving claims for damages, and in actions against public servants, such as innkeepers and common carriers, who charge rates that are unreasonable and unjust.

Our people settled it in their Constitution that those rights should never be invaded or neglected in the United States.

But these rights that are still in the existing law are swept away bodily by this bill with contemptuous insolence.

I offered an amendment to this bill to restore that section of the law as it stands to-day, in order that the people might have the protection of that constitutional guaranty which was explicitly put into what is called the "Cullom Act." I could never understand why it was necessary or thought to be proper in any sense at all to strike that provision of the Constitution out of the existing law of the United States and throw it aside. So I essayed the vain attempt of trying to reinstate it. I was voted down. I will insert, without reading now, Mr. President, the amendment to which my remarks relate in reference to the trial by jury and in reference to the power of chancellors. I have not the strength nor do I wish to detain the Senate by reading anything unless I am compelled to do so. I therefore ask leave to insert that amendment in my remarks.

The PRESIDENT pro tempore. Leave will be granted in the absence of objection.

The amendment referred to is as follows:

SEC. —. That if the matters involved in any order or requirement of said Commission are founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, and any such common carrier shall violate or refuse or neglect to obey or perform the same, after notice given by said Commission as provided in the fifteenth section of the act to regulate commerce, approved February 4, 1887, as the same is amended by, act of Congress approved March 2, 1889, it shall be lawful for any company or person interested in such order or requirement to apply in a summary way by petition to the circuit court of the United States sitting as a court of law in the judicial district in which the carrier complained of has its principal office, or in which the violation or disobe-

dience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and said court shall by its order fix a time and place for the trial of said cause, which shall not be less than twenty nor more than forty days from the time said order is made; and it shall be the duty of the marshal of the district in which said proceeding is pending to forthwith serve a copy of said petition and of said order upon each of the defendants, and it shall be the duty of the defendants to file their answers to said petition within ten days after the service of the same as aforesaid. At the trial the findings of fact of said Commission, as set forth in its report, shall be prima facie evidence of the matters therein stated, and if either party shall demand a jury or shall omit to waive a jury the court shall, by its order, direct the marshal forthwith to summon a jury to try the cause; but if all the parties shall waive a jury in writing then the court shall try the issues in said cause and render its judgment thereon. Either party may appeal to the Supreme Court of the United States under the same regulations now provided by law in respect to security for such appeal and without regard to the value of the subject in dispute; but such appeal must be taken within twenty days from the day of the rendition of the judgment of said circuit court. If the judgment of the circuit court shall be in favor of the party complaining, he or they shall be entitled to recover a reasonable counsel or attorney's fee, to be fixed by the court, which shall be collected as part of the costs in the case. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

Mr. MORGAN. Mr. President, when that amendment was voted down I saw at once that it was the purpose of the Senate to exclude jury trials in all cases arising under this act, and that the people whom this bill professes to try to assist were to be shut out with contemptuous disdain from any participation whatever in the trial of any issue that will arise or can arise under this bill. No jury is to be summoned upon it. In order that I might get the matter into a perfectly clear shape, I offered another amendment, a very brief one, which I will read. At the end of section 7, I proposed to insert the following:

That nothing in this act contained shall be construed as depriving any person who sues in his own right and name from instituting any suit under its provisions, or any other suit, at law or in equity, in any State court, or in any court of the United States, against any common carrier.

That was voted down upon a call of the yeas and nays. I am very gratified indeed to find that all my Democratic friends who were in the Chamber voted for that amendment, and I am dismayed and disconcerted and disappointed to find that every Republican who voted on that amendment voted against it. What is meant by it? It is meant that the people, for whose benefit this bill is ostensibly being passed through the Senate to-day, are absolutely shut out not only from having jury trials, as I have demonstrated in my reference to the other amendment, but that they are shut out from the right of action in any court of a State or of the United States in respect of any matter which arises under this bill. Why do you want to exclude the people, that you pretend to be attempting to benefit, from the right to bring suits in their own right and in their own name against railroad corporations for the redress of their grievances and for the redress of their wrongs? I am glad that no Democrat voted against that amendment.

I thought, Mr. President, when I had presented these two amendments and they had been voted down that I had done my whole duty to my own people and to the people of the country who, in part, of course, I am here to represent. And I saw that they had gone down with me in the avalanche of absolutism, in which overzealous Democrats are assisting to launch upon the country. Having performed that duty, I shall never have a more serious or more pleasing duty devolved upon me than to vote against the pending bill.

I have another hope about it. The governor of Alabama is one of the forty-five governors in the United States who have the right of access to the Supreme Court of the United States in the exercise of its original jurisdiction. No American who is not a governor of a State has the right of access to that court to call upon it to exercise its untrammeled and unlimited jurisdiction in the trial of all causes whatsoever that may wrongfully affect him or his people. He can even go into that court, as did the governor of Virginia, and file a suit against citizens of his own State who are transgressing the law to the injury of other citizens. I think as many as seven or eight times that great court, in the hearing of causes instituted in the names of the governors and on behalf of the States or the people they represented, have summoned juries into this Capitol to try these causes. They do not disdain jury trial. Although the Senate of the United States kicks it out of doors, the Supreme Court does not disdain it.

The governor of Alabama, Mr. President, if he finds that any part of this measure which you are about to enact is injurious to the people of my State, can go into the Supreme Court and file his petition, his application, his bill in equity, his suit at law, setting forth his ground of complaint; and then it is with that court to determine whether it will entertain jurisdiction. They surely will do it if this law or the law of any other State operates to the injury of the people of Alabama in respect of their common general public business or their individual rights.

The governor of Alabama can go into the Supreme Court of the United States as a suitor. When he gets there he presents his case, his remonstrance, his complaint. The court will ask him: "Why do you present it in this form? Why do you present it in the form of an action at law?" "Well, because I want a trial by jury." "But we do not think a trial by jury probably is necessary in a case of this kind; we will not dismiss your proceeding, but will order you to file a bill on the equity side of this court, and make an equity cause of it for the convenience of witnesses, and in order to enable the court to determine certain matters of intricacy, certain matters which would belong, if they were in a suit in an inferior court, properly to the equity docket there. File your bill in equity here. Who are you going to make defendants?" "Why, a corporation in New York acting under the laws of New York, or acting under an act of Congress"—this act, if you please—"who are inflicting upon a corporation in my State or upon some citizens in my State or upon some community in my State injury and injustice which I present here in my statement of facts, which I certify to this court that I am able to prove." "You want process against a corporation in New York?" "Yes." "Well, but that is a corporation which professes to be acting under the laws of the State of New York." "Yes." "Then you want to make the State of New York a party?" "Certainly, along with the corporation. There are four or five great capitalists in the United States who are at the bottom of this transaction who have concocted and brought into operation this scheme which is injurious to the people of Alabama." "Do you want any measures taken against them?" "I do. I want to resort to this peculiar and apparently entirely novel doctrine of injunction"—which has been known at least a thousand years before it has been discussed so laboriously in the Senate here.

"I should like to have the benefit of an injunction or a writ of prohibition or a writ of mandamus against all or any of these parties against whom this court may proceed." "Take your summons and bring those people in here. Counsel for the defendants come up to the court and plead that Congress has made no provision for this proceeding; that Congress has not authorized the court to bring a State or a corporation or an individual from different parts of the United States as parties defendant in this proceeding." "Ah, but you forget Congress has no jurisdiction over this court to ordain or enact any form of proceeding whatsoever. Your motion is overruled. The court will proceed with the trial of this cause. Put in your answer, take the testimony, and the court will make any proper decision in regard to it in its legal aspect or in its equitable aspect respecting an individual or a community or a State or a corporation."

There is the tribunal, Mr. President, which is still open to us, thank God, of which the Senate of the United States and the Republican party can not close the door—it is still open to us. We will be in that tribunal, we will be there making a demand upon that court for a rectification of the wrongs, the injustices, and the evils of this bill. We know where to appeal; we know that the State of Alabama, represented by her governor, can go into that court of original jurisdiction and make a demand for a right that you can not resist.

How is that court going to enforce its decrees? you ask. The Virginia court asked that question on the first case that ever came before the court exercising its original jurisdiction. That was a case of the judgment of an inferior court, and the Supreme Court said, "We will send down our judgment and require them to enter it of record and execute it." The Virginia court said they would not do it; the Supreme Court said, "Well, we will take the judge or the governor or whoever it may be in Virginia who undertakes to withstand the decree of this court and we will order him up here for contempt of court." "How long are you going to punish him?" "Just as long as we think justice demands." "But the act of Congress puts a limitation upon the power of courts to punish for contempt." "Not upon this court; Congress can put no limitation upon the power of punishment or the power to execute the judgments of this court."

I do not care to follow the illustration any further than I have already done, because every lawyer here will understand it who has ever thought about the original jurisdiction of the Supreme Court of the United States.

What I wish to do, Mr. President, is to express again my profound gratitude to the great and wise men of the United States who established that great tribunal, accessible to a State through its governor, who can demand of it redress for any grievance by a State or by a court of a State or by a corporation, or by anybody else—any grievance that has been

inflicted upon the people of his State. I say I must again, as an American citizen, express my profound gratitude to the framers of the Constitution, who ordained this fourth department of the Government of the United States. We are in the habit of saying that this is a government of three departments, but there are four. There is one that, at the suit of a governor of a State, stands above them all, and can command the President of the United States to execute its process, and compel him to do it. He has got no power to resist it, although he is President.

That great department is still in possession of its plenary jurisdiction and powers, all derived from the Constitution, and when it comes to pass upon the constitutionality of what we are doing here to-day it will have no difficulty at all in solving that question according to its own honest convictions. When they come to enforce their orders they will have no difficulty, though they might be opposed by the President and the Army and the Navy of the United States. Why? Because every State in this Union will stand by that court and come to its support. It is the high court of state, discretion, and judgment. No man, no officer, no person in the United States dares to resist its decrees or orders, because it will draw to its support in the last resort the power of every State in the American Union.

Sir, I am not disconcerted about what is being done here to the injury and damage of the people of my State; and much is done in this bill from which the State of Alabama will suffer. You have given a power of differentiation between States and their seaports to this Commission. They can send the commerce of the United States from the great centers out through any seaport they see proper to do by discrimination under the permission of this law. You have given them the right to do it, and you can not take it back. The State of Alabama conceives that she is not to be wronged by that invidious power. She can go into the Supreme Court in its original jurisdiction and demand that the orders by which these differentials are made in favor of certain States and to the prejudice of others shall be annulled; and there can not be a doubt in the mind of any lawyer who has ever thought of the subject that they will be annulled.

So I am relying upon a power higher than the Congress of the United States or the President of the United States for the protection of the interests of the people of Alabama as they are declared in the Constitution, to which I have just referred, and to which my highest allegiance is due.

That is all, Mr. President, that I desire to say on this occasion.

Mr. BAILEY. Mr. President, while this bill is not as good as it could have been made and is not as good as it ought to have been made, yet it is a distinct and great improvement over the existing law, and I shall very cheerfully cast my vote in favor of its passage.

As it came from the House of Representatives it was better than the existing law, and it will be still better as it passes the Senate. Indeed, sir, it may be sufficient to bring the common carriers of this country to render service to the public in a just and proper manner. If it shall fail, it is as certain that it will be amended as that it amends the law first passed some twenty years ago. If the carriers will hear me, I tell them now that if they do not respect and obey this milder statute, some Congress which comes after us will pass a law with teeth in it, and those teeth will be made of metal that will both endure and hurt.

One mistake we have made is that we did not incorporate in this bill a valuation provision. Mr. President, it is an absurdity to require the Commission to determine and prescribe a just and reasonable rate without providing that Commission with the means of first ascertaining the value of the property with which the service is performed. A valuation provision is an elementary; it is a primary; it is a fundamental step in the process of making rates, and the Senate committed a grave mistake when it voted that amendment down.

I think we also made a great mistake when we refused to adopt the amendment which would have kept the rate established by the Commission in force until the final determination of it by a court.

The third and last mistake which I think we have made is that we did not so narrow the jurisdiction of the court that when it finally came to decide the case it should have only the power to protect the constitutional property rights of the carrier.

But still, and with these deficiencies, this bill deserves to receive the vote of Congress, and then if it shall be fairly administered by those charged with the duty of administering it it will win a fair degree of approval among the people. If it is not fairly administered, or if the carriers whose greed it is intended to restrain begin to rack their brains to find new ways to evade it or defeat it, upon them must fall the consequences.

In conclusion, I desire to say that if this law proves insufficient—mark you, I do not say ineffective, because it is certain to produce some good effect—but if it proves insufficient, our successors who will assemble here twenty years after us, as we have assembled twenty years after those who enacted the first statute on this subject, will remedy the mistakes which we have made. They will write a valuation provision in this law, and if the courts have abused their power to restrain by preliminary injunction they will also write a prohibition against that in it. And if the courts, usurping the province of the Commission, shall go beyond, or shall go too far beyond, the protection of constitutional property rights, our successors will narrow this court review. Even then they will not have done their perfect work. They can only complete this law by writing out the maximum and writing in the absolute rate, and with that they will couple the power of the Commission to initiate a rate as well as to establish one upon complaint.

Mr. President, it is for the carriers to determine whether there shall be a new and a more drastic law. If they obey this one, they will be permitted to go without additional restraint; but if they defy and violate this law, they will be put under the subjection of another which will make their violation and defiance of it impossible.

Mr. NEWLANDS. Mr. President, I regard this bill as an improvement upon existing legislation, but, as I expressed myself when the bill was reported from the Interstate Commerce Committee, I also regard it as incomplete and fragmentary in character. I agree with the Senators from Wisconsin and Texas that this bill should have provided for a valuation of the railroads, and I also think that we should have prescribed the return which common carriers should receive upon such valuation. If we had done that we would have fixed the standard which would have guided the Interstate Commerce Commission in the determination of rates and done away with the objection urged against this bill that it delegates legislative power and discretion to an administrative tribunal.

THE NATIONAL GOVERNMENT ONLY IS CAPABLE OF PROPERLY CONTROLLING THE GREAT RAILROADS.

I think also that it would have been wise to provide in this act for the incorporation under national law of railroads engaged in interstate commerce. The great railroad systems of the country, though organized under State laws, are really national in character. The National Government is now controlling these great systems operating under State charters, which they have outgrown, and the nation alone is capable of dealing with them and controlling them in a comprehensive way.

We have prevented these State corporations engaged in interstate commerce from issuing free passes. We have legislated regarding the bookkeeping of these corporations, and have prescribed the manner in which they shall keep their books. We have provided for safety appliances for these State corporations, and we are about to fix the liability of these State corporations as employers. All these things and many others we have done in the line of regulation and control of State corporations, and yet we have hesitated to create the artificial beings that are to engage in interstate commerce.

NATIONAL INCORPORATION IS SURE TO COME.

Mr. President, I am confident that such legislation will some time come, and I believe it will come speedily. The Committee on Interstate Commerce has already authorized me to report to the Senate a bill providing for a commission to inquire into this matter, and I trust that it will pass both Houses and that we will have a commission which will frame and submit to Congress a national incorporation act for railroads.

TAXATION, VALUATION, AND RETURN SHOULD BE MATHEMATICALLY ADJUSTED.

I hope to see the time, Mr. President, when the transportation of the country will be unified and simplified under national law, when we shall have a rational rule providing for the taxing of all these corporations, one which will leave nothing to the judgment or discretion of the taxing officials. I trust we shall have a national incorporation act which will provide for the valuation of these roads and for a fair return upon that valuation. I hope that the time will come when taxation, valuation, and return will be so mathematically adjusted under fair rules prescribed by Congress that corporations will not be compelled to stay in politics in order to save their property from what they regard as the crushing power of taxation and regulation,

the upper and the nether millstones between which they fear that railroad property may be ground to destruction.

THE NATIONALIZATION OF THE GREAT RAILWAY SYSTEMS.

I hope to see seven or eight great railway systems in this country nationalized, just as our banks have been nationalized. I hope to see a corporation that will embrace the New York Central system, the Great Northern Railway, and the Northern Pacific, stretching from ocean to ocean. I hope to see the Pennsylvania Railroad united with the Union Pacific and the Central Pacific and stretching from ocean to ocean. I hope to see the Baltimore and Ohio Railroad united with the Atchison, Topeka and Santa Fe Railroad, stretching from ocean to ocean. I hope to see the great Southern Railroad united with the Southern Pacific system at New Orleans and stretching from ocean to ocean. I hope to see three or more great systems stretching from the Great Lakes to the Gulf. I hope to see each one of those systems not only engaged in interstate commerce, but also in foreign commerce by means of the great steamships which each of them will own.

A CONSOLIDATION OF THE RAILROADS AND THE STEAMSHIP LINES.

The ship-subsidy bill, which recently passed the Senate and is now pending in the House, provides, I believe, for twelve steamship lines, intended to open up new fields to our commerce, involving an expenditure of thirty or forty million dollars for steamships. It would be an easy matter for a corporation organized under a national law for the purpose of engaging in interstate and foreign commerce not only to own and operate a great transcontinental line stretching from ocean to ocean, or a great line stretching from the Lakes to the Gulf, but to own such steamships, and thus open these new fields to our commerce. It will be an easy matter for such great lines to own steamships that will communicate with Europe, Africa, and Asia, and it will be an easy thing for these great transportation systems to support such lines without the aid of subsidy from the Government, for they can so adjust their entire rates as to make such lines possible and profitable.

NATIONALIZATION OF INTERNAL WATER TRANSPORTATION.

I hope also to see the transportation systems of this country simplified by a proper utilization of the great rivers and lakes. We have now the Mississippi River and the Missouri River and the Ohio River and their tributaries opening up the entire interior of the country to the Gulf. It is now proposed to connect the Great Lakes with the Ohio by a canal only 100 miles long, and thus we will have one continuous system of water transportation from the Great Lakes through the canal down the Ohio and Mississippi rivers to the Gulf. A bill incorporating a national company for this purpose, with a capitalization of $35,000,000, has passed the House and is now pending in the Senate. It should be amended by providing for national ownership and construction of this canal. So vast a system of water transportation, embracing thousands and tens of thousands of miles and embracing all the great interior lakes and rivers, should not even for the space of 100 miles be under private ownership or control. Such a system of water transportation supplementing railroad transportation will do away with the present economic waste.

THE NEEDS OF OUR COMMERCE REQUIRE A SIMPLIFICATION OF OUR RAILWAY SYSTEMS.

Interstate and foreign commerce, scientifically conducted, require the unification and the simplification of our railroad systems under national laws and the highest development of the waterways under national control. Germany has thus made transportation a science and an aid to her production and external commerce. Her railroad transportation, her river and canal transportation, and her steamship transportation all dovetail into each other as parts of a great machine intended for the promotion of her commerce. Our development has been accidental rather than scientific. A marvelous development has been accomplished, notwithstanding inadequate legislation. With comprehensive legislation we can bind together the transportation of the Lakes, the canals, the rivers, the sea, and the railroads in such a way as to constitute a perfect machinery in aid of production and commerce.

NATIONAL INCORPORATION THE SOLUTION.

This can be accomplished only by the National Government, under its powers relating to interstate and foreign commerce. Under a national incorporation act, providing for the construction of new lines and the consolidation of existing lines, as well as for the ownership of steamship lines, prescribing a just rule for taxation of railroad property by the States, as in the case of our national banks, guarding against overcapitalization by requiring the approval of the Interstate Commerce Commission of all bond and stock issues, fixing a fair return upon capital, preventing rebates and discrimination, and providing an insurance and a pension fund for employees, and for conciliation of disputes between the corporations and their employees, we will gradually work out a scientific system of transportation which will bring not only the highest development of our commerce, but industrial peace.

Mr. TILLMAN. Mr. President, I shall not trespass upon the Senate to make a speech, because I, with other Senators, have spoken enough, and the Senate is tired of talk. Neither will I go into any analysis of this bill, because Senators understand it as well as I do. I will vote for it because it is the best I can get, and Senators will all, I presume, with two or three exceptions, do the same thing, some of them from one point of view and some from another.

I do not want to lay down the responsibility which has been imposed upon me when this bill was thrust into my hands without saying—because I believe it to be due him—that but for the work of Theodore Roosevelt, in bringing this matter to the attention of the country and proclaiming in and out of season his desire and purpose or hope to get effective rate legislation, we would not have any bill at all. It is true that the idea was not his; that it was announced in three successive Democratic platforms. Nevertheless he seized upon it, and whatever success may come from it will be due largely to him.

That we could have got a better bill I have no doubt, and therefore I can not congratulate him on his victory. That he has surrendered I will not now assert, though everything points in that direction. I can not congratulate the Republican party for this legislation, because it will pass with practical unanimity; and while the G. O. P. is now lined up, with possibly one exception, all to vote for this measure, there are wounds to heal and some scars will remain, and there are some bitter memories associated with this session of Congress in connection with this legislation.

We could have had a far better bill if the President's first contention had been put in it—that is, the narrowest possible court review; the strongest possible restraint of the power of injunction. But we have got a bill, and if it shall fail, as the Senator from Texas says, to give the relief the people had a right to demand, it will be because the people themselves will go to sleep. The railroads may be depended upon to resume as soon as they dare their purpose, long exploited and carried out, of charging all the traffic will bear. They may for a time feel that it is wiser not to appeal to the courts too soon or to endeavor to annul or to set aside the acts of the Commission. But with those things I have nothing now to do. The fight will be continued, I am very certain.

I want to say one thing more. I am very glad that my responsibility, small as it has been, merely in charge of a bill without a committee behind me, here ends, and while I can not congratulate the Senate upon anything much in connection with the bill, I do congratulate it that we are in sight of a vote.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. HALE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. Mr. President, before the roll call begins I desire to present to the Senate a statement sent me by the senior Senator from Idaho [Mr. DUBOIS]. The Senator is confined to his room in this city by illness, and will not be able to be present to-day to vote on the passage of the bill.

The PRESIDENT pro tem. The Secretary will read the statement.

The Secretary read as follows:

STATEMENT OF MR. DUBOIS.

"I very much preferred to vote for the so-called 'Long amendment.' I am opposed to the so-called 'Allison amendment' which, in my judgment, confers upon the courts the power to fix the rates. I wanted Congress to delegate to the Interstate Commerce Commission the authority to fix rates and confine authority of the courts to the determination as to whether Congress had exceeded its consititutional power as to whether the rate fixed by the Commission was confiscatory. There are so many wise provisions in the bill in the interest of the shipper and the public that I desire to vote for it and authorize you, as my pair, to vote for the bill as presented to the Senate."

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. TELLER (when Mr. ALDRICH'S name was called). I was requested by the senior Senator from Rhode Island [Mr.

ALDRICH] to say that if he were present, he would vote for the bill.

Mr. WETMORE. I was about to make the same statement.

Mr. ALGER (when the name of Mr. BURROWS was called). My colleague [Mr. BURROWS] is unavoidably absent. If he were present, he would vote "yea."

Mr. LONG (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS], but according to his statement he would vote for the bill if present, and therefore I will vote. I vote "yea."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, he would vote "yea." I vote "yea."

Mr. TELLER (when Mr. PATTERSON'S name was called). My colleague [Mr. PATTERSON] is absent from the city, and is paired with the Senator from South Dakota [Mr. KITTREDGE]. If my colleague were present, he would vote "yea."

Mr. KEAN (when Mr. PLATT'S name was called). The senior Senator from New York [Mr. PLATT] is unavoidably absent. I am authorized to say that if he were present, he would vote "yea."

While I am on my feet I will state that the junior Senator from Idaho [Mr. HEYBURN] is detained from the Senate by illness. If he were present, he would vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND'S name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate to-day. If he were present, he would vote "yea."

Mr. TELLER (when his name was called). On all political questions I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. He authorized me to vote on amendments as I saw fit and to vote on the question of the passage of the bill. I vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN'S name was called). My colleague [Mr. WARREN] is unavoidably detained from the city. If he were present, he would vote "yea."

The roll call was concluded.

Mr. NELSON. The Senator from South Dakota [Mr. KITTREDGE] is unavoidably absent. If he were present, he would vote for the bill.

Mr. McLAURIN. If my colleague [Mr. MONEY] were present, and not paired, he would vote "yea." He is paired with the Senator from Wyoming [Mr. WARREN].

Mr. NEWLANDS (when his name was called). I am paired with the Senator from South Dakota [Mr. GAMBLE], but the understanding was that we were at liberty to vote upon this bill. I vote "yea." I wish also to announce that the Senator from South Dakota, if he were here, would also vote "yea." He is unavoidably absent.

The result was announced—yeas 71, nays 3, as follows:

YEAS—71.

Alger	Clarke, Ark.	Hale	Newlands
Allee	Clay	Hansbrough	Nixon
Allison	Crane	Hemenway	Overman
Ankeny	Culberson	Hopkins	Penrose
Bacon	Cullom	Kean	Perkins
Bailey	Daniel	Knox	Piles
Berry	Dick	La Follette	Rayner
Beveridge	Dillingham	Latimer	Scott
Blackburn	Dolliver	Lodge	Simmons
Brandegee	Dryden	Long	Smoot
Bulkeley	Elkins	McCreary	Spooner
Burkett	Flint	McCumber	Stone
Burnham	Foster	McEnery	Taliaferro
Carmack	Frazier	McLaurin	Teller
Carter	Frye	Mallory	Tillman
Clapp	Fulton	Martin	Warner
Clark, Mont.	Gallinger	Millard	Wetmore
Clark, Wyo.	Gearin	Nelson	

NAYS—3.

Foraker	Morgan	Pettus

NOT VOTING—15.

Aldrich	Dubois	Kittredge	Proctor
Burrows	Gamble	Money	Sutherland
Burton	Gorman	Patterson	Warren
Depew	Heyburn	Platt	

So the bill was passed.

Mr. HALE. I ask that the bill be printed with the amendments numbered as is done in the case of appropriation bills. It adds very much to the convenience of conferees in handling it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is made.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I report back from the Committee on Appropriations the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with amendments, and I submit a report thereon. I give notice that I shall call up the bill on Monday morning.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

AGRICULTURAL LANDS IN FOREST RESERVES.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. CARTER. I move that the Senate insist on its amendments, agree to the conference requested by the House of Representatives, and that the Chair appoint the conferees.

The motion was agreed to; and the President pro tempore appointed Mr. CARTER, Mr. FLINT, and Mr. DUBOIS as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 9297) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired; in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, May 21, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1906.

DISTRICT ATTORNEY.

Charles C. Houpt, of Minnesota, to be United States attorney for the district of Minnesota. A reappointment, his term expiring June 2, 1906.

MARSHAL.

Frank S. Elgin, of Tennessee, to be United States marshal for the western district of Tennessee. A reappointment, his term expiring June 27, 1906.

PROMOTIONS IN THE NAVY.

Capt. Charles S. Sperry to be a rear-admiral in the Navy from the 26th day of May, 1906, vice Rear-Admiral Thomas Perry, to be retired.

Commander Nathan Sargent to be a captain in the Navy from the 13th day of May, 1906, vice Capt. Morris R. S. Mackenzie, promoted.

Pay Inspector Leeds C. Kerr to be pay director in the Navy from the 11th day of May, 1906, vice Pay Director Stephen Rand, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1906.

CONSUL-GENERAL.

Horace Lee Washington, of the District of Columbia, now consul-general at Cape Town, to be consul-general at large of the United States, to take effect July 1, 1906.

COLLECTOR OF CUSTOMS.

William Mahone, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia.

REGISTERS OF LAND OFFICES.

Joseph H. Battenfield, of Arkansas, to be register of the land office at Dardanelle, Ark.

John I. Worthington, of Arkansas, to be register of the land office at Harrison, Ark.

Harry G. Friedheim, of Camden, Ark., to be register of the land office at Camden, Ark.

RECEIVER OF PUBLIC MONEYS.

John E. Bush, of Arkansas, to be receiver of public moneys at Little Rock, Ark.

William F. Reeves, of Marshall, Ark., to be receiver of public moneys at Harrison, Ark.

John G. Chitwood, of Arkansas, to be receiver of public moneys at Dardanelle, Ark.

POSTMASTERS.

ARKANSAS.

Charles R. French to be postmaster at Harrisburg, in the county of Poinsett and State of Arkansas.

Nannie S. White to be postmaster at Ashdown, in the county of Little River and State of Arkansas.

ARIZONA.

Eva M. Marshall to be postmaster at Flagstaff, in the county of Coconino and Territory of Arizona.

CALIFORNIA.

Thomas T. Dargie to be postmaster at Oakland, in the county of Alameda and State of California.

COLORADO.

Robert T. Bunney to be postmaster at Golden, in the county of Jefferson and State of Colorado.

ILLINOIS.

Charles F. Best to be postmaster at Nokomis, in the county of Montgomery and State of Illinois.

John A. Childs to be postmaster at Evanston, in the county of Cook and State of Illinois.

M. J. J. Stowe to be postmaster at Girard, in the county of Macoupin and State of Illinois.

Roger Walwark to be postmaster at Ava, in the county of Jackson and State of Illinois.

INDIANA.

Marion F. Evans to be postmaster at Marion, in the county of Grant and State of Indiana.

Tristram C. Palmer to be postmaster at Montpelier, in the county of Blackford and State of Indiana.

INDIAN TERRITORY.

Richard H. Jenness to be postmaster at Okmulgee, in district 9, Indian Territory.

MISSISSIPPI.

John P. Bennett to be postmaster at Yazoo City, in the county of Yazoo and State of Mississippi.

Drewy W. Rhyne to be postmaster at Lexington, in the county of Holmes and State of Mississippi.

Eugene E. Robertson to be postmaster at Collins, in the county of Covington and State of Mississippi.

Neal M. Woods to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi.

NEW HAMPSHIRE.

John B. Cooper to be postmaster at Newport, in the county of Sullivan and State of New Hampshire.

OHIO.

Atwell E. Ferguson to be postmaster at Gibsonburg, in the county of Sandusky and State of Ohio.

OKLAHOMA.

Jasper N. Perkins to be postmaster at Temple, in the county of Comanche and Territory of Oklahoma.

F. Everett Purcell to be postmaster at Enid, in the county of Garfield and Territory of Oklahoma.

PENNSYLVANIA.

Elmer E. Fleming to be postmaster at Haverford, in the county of Montgomery and State of Pennsylvania.

Elmer E. McCracken to be postmaster at North Wales, in the county of Montgomery and State of Pennsylvania.

William McElhaney to be postmaster at Pencoyd, in the county of Montgomery and State of Pennsylvania.

TEXAS.

Gomer S. Williams to be postmaster at Cisco, in the county of Eastland and State of Texas.

Henry Zweifel to be postmaster at Granbury, in the county of Hood and State of Texas.

WASHINGTON.

Lewis E. Hardy to be postmaster at Kent, in the county of King and State of Washington.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 18, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The question was taken; and the Journal was approved.

REPRINT OF BILLS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the reprint of Senate bill 4805 and Senate bill 4806.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the reprint of the two Senate bills indicated. Is there objection? [After a pause.] The Chair hears none.

PRINTING OF CERTAIN DATA.

Mr. CHANEY. Mr. Speaker, I would like to have printed as a document, for the use of the House in connection with the consideration of House bill 8989, the data which have been collected in respect to it.

The SPEAKER. The gentleman from Indiana asks unanimous consent to have printed as a document certain memoranda which have been collected.

Mr. WILLIAMS. Objection is made, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi objects.

CLAIMS ON PRIVATE CALENDAR.

Mr. MILLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole for the consideration of bills on the Private Calendar, with Mr. OLMSTED in the chair.

HENRY E. RHOADES.

The first bill on the Private Calendar was the bill (H. R. 9297) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to transfer Asst. Engineer Henry E. Rhoades, upon the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States, to take effect from the date of his retirement.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

SAMUEL LEE, DECEASED.

The next business on the Private Calendar was the bill (H. R. 850) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of election of said Lee to the Forty-seventh Congress and his services therein.

The bill was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, to the legal representative of the estate of Samuel Lee, deceased, the sum of $10,482.80, the same being in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein.

Also the following committee amendment:

Strike out in line 4, after word "legal," all of said line, and in line 5 all of line up to word "the." Insert in lieu thereof the words "representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law."

Mr. GOLDFOGLE. Mr. Chairman, the Lee bill just read by the Clerk was quite fully discussed when we were in the Committee of the Whole House for the consideration of bills upon the Private Calendar the last time. I now ask unanimous consent of this committee that the bill which bears the Calendar No. 2494, for the relief of the Postal Telegraph Company, may be now taken up, and the consideration of the Lee claim laid aside until the Postal Telegraph-Cable Company's bill is disposed of. The reason I make that request is that the claim of the Postal Telegraph-Cable Company is conceded by the Government to be a just one, and the money is due that company for services actually rendered to the Government.

Mr. MILLER. Mr. Chairman, I think I shall object to the request now and save any further discussion.

Mr. GOLDFOGLE. I will change the form of my request. I now ask unanimous consent that the consideration of the Lee case be postponed until the hour of 3 o'clock. I make that motion for the benefit of every Member of this House interested in any claim bill upon the Calendar, both on the Republican and Democratic side. It is unfair to Members having claims upon the Calendar awaiting their disposition to be compelled to have those claims laid aside and not considered; for if the Lee claim is to be taken up ahead of the other claims on this day's Calendar I fear too much time will be consumed to reach claims the consideration of which ought not to be delayed.

The CHAIRMAN. The gentleman from New York [Mr. GOLDFOGLE] asks unanimous consent that the bill which has just been read be laid aside until 3 o'clock. Is there objection?

Mr. MILLER. I object, Mr. Chairman.

Mr. GOLDFOGLE. I move that the consideration of the Lee claim be postponed until the hour of 3 o'clock.

The CHAIRMAN. That motion is not in order. The Chair understands that the debate is closed.

Mr. BARTLETT. Mr. Chairman, I move that the bill be reported to the House with the recommendation that it lie on the table.

The CHAIRMAN. The Chair is informed that when this bill was previously under consideration in the committee that motion was made and voted down by the committee. It is therefore not in order at this time.

Mr. GOLDFOGLE. Is not a motion to lay a bill on the table at the present time in order? We have read the bill, and are considering it. Is it not in order for a Member of this House to move that it do now lie upon the table?

The CHAIRMAN. There is nothing in order now except the vote upon this bill (H. R. 850), on the question of laying it aside.

Mr. MILLER. Mr. Chairman, this is a bill for the relief of the heirs of Samuel Lee——

The CHAIRMAN. The Chair will state to the gentleman from Kansas [Mr. MILLER] that the Chair is informed that when this bill was heretofore under consideration in the Committee of the Whole House general debate was closed, and is, therefore, not now in order.

Mr. NEEDHAM. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Kansas [Mr. MILLER] moves that the bill be laid aside with a favorable recommendation.

Mr. BARTLETT. Mr. Chairman, I move as a substitute that the bill be reported to the House with a recommendation that it be indefinitely postponed.

The CHAIRMAN. The gentleman from Georgia moves, as a substitute for the motion of the gentleman from Kansas, or rather as a preferential motion, that the bill be reported to the House with the recommendation that it be indefinitely postponed. The question is, first, on the motion of the gentleman from Georgia.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SULZER. Division!

The committee divided; and there were—ayes 56, noes 97.

Mr. GOLDFOGLE. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] and the gentleman from Kansas [Mr. MILLER] will take their places as tellers.

The committee again divided; and tellers reported—ayes 66, noes 86.

So the motion was rejected.

Mr. GARRETT. Mr. Chairman——

The CHAIRMAN. The question recurs on the motion of the gentleman from Kansas, to lay the bill aside with a favorable recommendation.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent for two minutes to make a statement in connection with the bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to be heard for two minutes, to make a statement with reference to the bill. Is there objection? [Cries of "Regular order!"] The regular order is demanded, which is equivalent to an objection.

Mr. MILLER. Mr. Chairman, I hope there will be no objection. The gentleman from Tennessee made the report, as he says, under a misapprehension, I understand; and I think he ought to have an opportunity to make a statement to the committee.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following title:

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue; and

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1739. An act granting a pension to Henry Sistrunk;

S. 5670. An act granting an increase of pension to Isaac L. Duggar; and

S. 6128. An act to authorize the construction of a bridge across the Pend d'Oreille River in Stevens County, Wash., by the Pend d'Oreille Development Company.

SAMUEL LEE, DECEASED.

The committee resumed its session.

The CHAIRMAN. The committee will be in order. The committee will suspend business until all gentlemen are seated. The gentleman from Tennessee asks unanimous consent to be heard for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Chairman, I have made this request, deeming it to be fair to myself, and, what is of greater importance, fair to the House, in view of the fact that this report is made in my name. This bill was reported from the Committee on Claims in the very early days of the work of that committee, before the subcommittees had been thoroughly organized and at work; and this bill was not considered by a subcommittee, but was called up in the Committee of the Whole, in my time, by the chairman, Mr. MILLER, of Kansas, as an accommodation to the gentleman from Tennessee, who introduced the bill. The report is simply a reprint of favorable reports in past Congresses. It had had five favorable reports from prior Congresses, with no minority report; and, relying upon those favorable reports, it was assumed that it was following the precedents of the House. But I have since learned, from a thorough investigation, that it will itself set a precedent in the payment to a Member of a salary when that Member was never sworn in in the House. Feeling, therefore, that it would be setting a dangerous precedent to allow this as a salary, I shall vote against the motion to report the bill to the House with a favorable recommendation and against the bill in the House. I do not purpose going into the merits of the election contest, but simply make this statement to the end that I may register my opposition to setting this dangerous precedent.

Mr. MILLER. Mr. Chairman, I desire now to ask unanimous consent to withdraw the motion I have just made. My attention has just been called to the fact that we made some amendments to this bill, and I want the amendments acted upon before the motion to report the bill favorably is passed.

Mr. WILLIAMS. What was your motion?

Mr. MILLER. To lay the bill aside with a favorable recommendation.

Mr. WILLIAMS. Well, Mr. Chairman, without putting the gentleman to the necessity of wasting his time, I shall object.

Mr. MILLER. To what?

Mr. WILLIAMS. To your request.

The CHAIRMAN. The Chair will ask gentlemen to suspend until the Chair ascertains what was done when this bill was last before the committee.

Mr. MILLER. It is possible that those amendments were agreed to, but I do not know.

The CHAIRMAN. The Chair is informed that the amendments were agreed to. Before the Chair entertains the motion he wishes to be first advised as to a certain point in the former proceedings on this bill. [After a pause.] The Chair desires to make a statement. A few moments ago the gentleman from Georgia made a motion that this bill be reported with a recommendation that it lie on the table. The Chair, without being fully advised as to former proceedings, ruled that the motion was out of order, and has taken time to ascertain exactly what was done on the former occasion. The fact appears to be that the last thing which was done in Committee of the Whole, when the bill was before the committee on the former occasion, was to vote down a motion that it be reported to the House with the recommendation that it do lie on the table It seems, therefore, to the Chair that there having been, so far as this bill is concerned, no business intervening, the similar motion made by the gentleman from Georgia was correctly ruled not in order. The question is on laying the bill aside with a favorable recommendation.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of making an inquiry of the gentleman as to the facts.

The CHAIRMAN. That can be done by unanimous consent.

Mr. SULZER. I ask unanimous consent that my colleague have time to make his inquiry.

Mr. GOLDFOGLE. As a matter of fairness——

Mr. MILLER. I object.

Mr. GOLDFOGLE. I want to know whether it is a fact——
Mr. GROSVENOR. Regular order!
The CHAIRMAN. Objection is made.
Mr. GOLDFOGLE. Is there any objection to bringing out the true facts about this claim?
The CHAIRMAN. Objection is made.
Mr. WILLIAMS. A parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. WILLIAMS. Will it not now be in order to move to recommit the bill to the Committee on Claims?
The CHAIRMAN. The Chair thinks it will be in order to move that it be reported to the House with the recommendation that it be so recommitted.
Mr. WILLIAMS. That is what I mean. I then move that the bill be reported to the House with the recommendation that it be recommitted to the Committee on Claims.
The CHAIRMAN. The Chair is of the opinion that that motion has preference over the motion of the gentleman from Kansas [Mr. MILLER]. The gentleman from Kansas moved that the bill be reported to the House with a favorable recommendation. The gentleman from Mississippi moves that it be reported with the recommendation that it be recommitted to the Committee on Claims. The Chair is of the opinion that the motion of the gentleman from Mississippi is the preferential motion, and that the question now is upon the motion of the gentleman from Mississippi, that the bill be reported to the House with the recommendation that it be recommitted to the Committee on Claims.
Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. WILLIAMS. Would it be in order now for me to state my reasons for making that motion?
The CHAIRMAN. The motion is not debatable. The question is on the motion of the gentleman from Mississippi, that the bill be reported to the House with the recommendation that it be recommitted to the Committee on Claims.
The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 66, noes 86.
Mr. WILLIAMS, Mr. KLINE, and Mr. ELLERBE demanded tellers.
Tellers were ordered; and the Chairman appointed Mr. MILLER and Mr. WILLIAMS.
The committee again divided; and the tellers reported—ayes 78, noes 98.
Accordingly the motion was rejected.
The CHAIRMAN. The question is on the motion of the gentleman from Kansas [Mr. MILLER], that the bill be laid aside to be reported to the House with a favorable recommendation.
Mr. WILLIAMS. Mr. Chairman——
The CHAIRMAN. For what purpose does the gentleman rise?
Mr. WILLIAMS. I was trying my best to get the attention of the Chair while the Chair was in transitu. I wish to move to strike out the enacting clause.
Mr. MILLER. Regular order!
The CHAIRMAN. The Chair is of the opinion that the stage of amendment has passed, and that the motion of the gentleman is not in order. The Chair thinks nothing is in order except the motion of the gentleman from Kansas to lay the bill aside to be reported to the House with a favorable recommendation.
The question being taken on the motion of Mr. MILLER, on a division (demanded by Mr. WILLIAMS) there were—ayes 103, noes 84.
Mr. WILLIAMS. Let us have tellers, Mr. Chairman.
Tellers were ordered; and the Chairman appointed Mr. MILLER and Mr. WILLIAMS.
The committee again divided; and the tellers reported—ayes 96, noes 74.
Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.
Mr. MILLER. I move that the committee do now rise and report the bills to the House.
Mr. GOLDFOGLE. Mr. Chairman——
The CHAIRMAN. For what purpose does the gentleman rise?
Mr. GOLDFOGLE. For the purpose of asking the gentleman from Kansas whether it would not be fair to the Members, both on his side and on mine, to permit this committee to continue the consideration of these claims that are fair and just.
Mr. MILLER. Regular order!
The CHAIRMAN. The motion is not debatable. The question is on the motion of the gentleman from Kansas that the committee do now rise.
The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 94, noes 76.
Mr. WILLIAMS. Tellers, Mr. Chairman.
Tellers were ordered; and the Chairman appointed Mr. MILLER and Mr. WILLIAMS.
The committee again divided; and the tellers reported—ayes 92, noes 75.
So the motion was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 9297) for the relief of Henry E. Rhodes, assistant engineer, United States Navy, retired, and had instructed him to report the same to the House without amendment, and with the recommendation that the bill do pass; also that the committee had had under consideration the bill (H. R. 850) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, and had instructed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.
Mr. MILLER. Mr. Speaker, I move the previous question on these two bills and amendments to the final passage.
Mr. WILLIAMS. Before that is done we should like to have the title of the first bill reported to the House.
The SPEAKER. The Clerk will report the title of the first bill.
The Clerk read as follows:

A bill (H. R. 9297) for the relief of Henry E. Rhodes, assistant engineer, United States Navy, retired.

The SPEAKER. The gentleman from Kansas moves the previous question to the final passage of the bill.
The question being taken, on a division (demanded by Mr. MILLER) there were—ayes 118, noes 81.
Mr. WILLIAMS. The yeas and nays, Mr. Speaker.
The yeas and nays were ordered.
The question was taken; and there were—yeas 143, nays 69, answered "present" 17, not voting 152, as follows:

YEAS—143.

Alexander	Davis, Minn.	Kahn	Perkins
Allen, Me.	Dawson	Keifer	Pollard
Bannon	Denby	Kennedy, Nebr.	Prince
Barchfeld	Dixon, Mont.	Kennedy, Ohio	Rhodes
Bates	Draper	Kinkaid	Roberts
Bennet, N. Y.	Dunwell	Knowland	Rodenberg
Bennett, Ky.	Dwight	Lacey	Samuel
Birdsall	Edwards	Landis, Frederick	Slemp
Bishop	Esch	Lawrence	Smith, Cal.
Bonynge	Fletcher	Le Fevre	Smith, Iowa
Boutell	Foster, Ind.	Lilley, Pa.	Smith, Pa.
Bradley	French	Longworth	Smyser
Brick	Gaines, W. Va.	Loud	Snapp
Brooks, Colo.	Gardner, Mass.	McCall	Southard
Brownlow	Gardner, Mich.	McCarthy	Southwick
Buckman	Gardner, N. J.	McCleary, Minn.	Sperry
Burke, Pa.	Gilbert, Ind.	McCreary, Pa.	Steenerson
Butler, Pa.	Goldfogle	McGavin	Stevens, Minn.
Calderhead	Goulden	McKinlay, Cal.	Sullivan, Mass.
Campbell, Ohio	Graff	McKinney	Sulloway
Capron	Graham	McLachlan	Sulzer
Chaney	Greene	McNary	Tawney
Chapman	Grosvenor	Madden	Taylor, Ohio
Cockran	Hale	Mann	Thomas, Ohio
Cocks	Hamilton	Marshall	Tirrell
Cole	Haugen	Miller	Townsend
Conner	Hayes	Mondell	Volstead
Cooper, Pa.	Hedge	Mouser	Wachter
Cooper, Wis.	Hepburn	Mudd	Waldo
Cousins	Hill, Conn.	Murdock	Wanger
Cromer	Hinshaw	Murphy	Weeks
Crumpacker	Hoar	Needham	Wharton
Currier	Howell, N. J.	Nevin	Williams
Curtis	Howell, Utah	Olcott	Wilson
Cushman	Hubbard	Olmsted	Young
Dale	Jones, Wash.	Payne	

NAYS—69.

Adamson	Fitzgerald	Kelliher	Russell
Aiken	Floyd	Kitchin, Wm. W.	Ryan
Bartlett	Garner	Lee	Shackleford
Beall, Tex.	Garrett	Lester	Sherley
Bell, Ga.	Gill	Lewis	Sims
Bowers	Gillespie	Livingston	Smith, Md.
Brantley	Glass	Lloyd	Smith, Tex.
Broocks, Tex.	Granger	Macon	Spight
Brundidge	Griggs	Page	Talbott
Burgess	Hardwick	Patterson, N. C.	Thomas, N. C.
Burleson	Hay	Patterson, S. C.	Underwood
Candler	Heflin	Pujo	Wallace
Clark, Fla.	Henry, Tex.	Randell, Tex.	Webb
Clayton	Hopkins	Richardson, Ala.	Wiley, Ala.
De Armond	Humphreys, Miss.	Rixey	Zenor
Dixon, Ind.	Hunt	Robertson, La.	
Ellerbe	Johnson	Robinson, Ark.	
Finley	Jones, Va.	Rucker	

ANSWERED "PRESENT"—17.

Clark, Mo.	Howard	Loudenslager	Sherman
Davey, La.	Jenkins	Maynard	Smith, Ill.
Foster, Vt.	Kline	Moon, Tenn.	
Fulkerson	Lamb	Otjen	
Fuller	Lever	Sheppard	

NOT VOTING—152.

Acheson	Fassett	Landis, Chas. B.	Richardson, Ky.
Adams, Pa.	Field	Law	Rives
Adams, Wis.	Flack	Legare	Ruppert
Allen, N. J.	Flood	Lilley, Conn.	Schneebeli
Ames	Fordney	Lindsay	Scott
Andrus	Foss	Littauer	Scroggy
Babcock	Fowler	Little	Shartel
Bankhead	Gaines, Tenn.	Littlefield	Sibley
Bartholdt	Garber	Lorimer	Slayden
Bede	Gilbert, Ky.	Lovering	Small
Beidler	Gillett, Cal.	McDermott	Smith, Ky.
Bingham	Gillett, Mass.	McKinley, Ill.	Smith, Samuel W.
Blackburn	Goebel	McLain	Smith, Wm. Alden
Bowersock	Gregg	McMorran	Southall
Bowie	Gronna	Mahon	Sparkman
Broussard	Gudger	Martin	Stafford
Brown	Haskins	Meyer	Stanley
Burke, S. Dak.	Hearst	Michalek	Stephens, Tex.
Burleigh	Henry, Conn.	Minor	Sterling
Burnett	Hermann	Moon, Pa.	Sullivan, N. Y.
Burton, Del.	Higgins	Moore	Taylor, Ala.
Burton, Ohio	Hill, Miss.	Morrell	Towne
Butler, Tenn.	Hitt	Norris	Trimble
Byrd	Hogg	Overstreet	Tyndall
Calder	Holliday	Padgett	Van Duzer
Campbell, Kans.	Houston	Palmer	Van Winkle
Cassel	Huff	Parker	Vreeland
Dalzell	Hughes	Parsons	Wadsworth
Darragh	Hull	Patterson, Tenn.	Watkins
Davidson	Humphrey, Wash.	Pearre	Watson
Davis, W. Va.	James	Pou	Webber
Dawes	Ketcham	Powers	Weems
Deemer	Kitchin, Claude	Rainey	Weisse
Dickson, Ill.	Klepper	Ransdell, La.	Welborn
Dovener	Knapp	Reeder	Wiley, N. J.
Dresser	Knopf	Reid	Wood, Mo.
Driscoll	Lafean	Reynolds	Wood, N. J.
Ellis	Lamar	Rhinock	Woodyard

So the previous question was ordered.

The following pairs were announced:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Until May 24:

Mr. FULLER with Mr. RICHARDSON of New York.

Until May 21:

Mr. DALZELL with Mr. CLARK of Missouri.

Until May 20:

Mr. SCOTT with Mr. HOWARD.

Until further notice:

Mr. DEEMER with Mr. KLINE.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. DOVENER with Mr. SPARKMAN.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. FOSTER of Vermont with Mr. POU.

Mr. HITT with Mr. LEGARE.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. KNOPF with Mr. WEISSE.

Mr. LILLEY of Connecticut with Mr. REID.

Mr. OTJEN with Mr. PADGETT.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. REYNOLDS with Mr. MCDERMOTT.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. WATSON with Mr. LITTLE.

Mr. WELBORN with Mr. GUDGER.

Mr. WOODYARD with Mr. MAYNARD.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. FULKERSON with Mr. CLAUDE KITCHIN.

Mr. FOSS with Mr. MEYER.

Mr. HASKINS with Mr. LEVER.

For this day:

Mr. KETCHAM with Mr. RAINEY.

Mr. KNAPP with Mr. LAMAR.

Mr. ANDRUS with Mr. BOWIE.

Mr. SIBLEY with Mr. WATKINS.

Mr. BINGHAM with Mr. HEARST.

Mr. WADSWORTH with Mr. VAN DUZER.

Mr. BABCOCK with Mr. BROUSSARD.

Mr. GRONNA with Mr. JAMES.

Mr. PEARRE with Mr. TAYLOR of Alabama.

Mr. PARSONS with Mr. TRIMBLE.

Mr. MAHON with Mr. STANLEY.

Mr. MCKINLEY of Illinois with Mr. SOUTHALL.

Mr. LITTAUER with Mr. SLAYDEN.

Mr. LAFEAN with Mr. MOON of Tennessee.

Mr. HULL with Mr. MCLAIN.

Mr. GILLETT of Massachusetts with Mr. LINDSAY.

Mr. DICKSON of Illinois with Mr. HOUSTON.

Mr. DAWES with Mr. HILL of Mississippi.

Mr. DAVIDSON with Mr. GILBERT of Kentucky.

Mr. CASSEL with Mr. GARBER.

Mr. BROWN with Mr. FLOOD.

Mr. BOWERSOCK with Mr. FIELD.

Mr. BEIDLER with Mr. DAVIS of West Virginia.

Mr. BARTHOLDT with Mr. BYRD.

Mr. ADAMS of Wisconsin with Mr. BUTLER of Tennessee.

Mr. ADAMS of Pennsylvania with Mr. BANKHEAD.

Mr. ACHESON with Mr. BURNETT.

Mr. BLACKBURN with Mr. SMALL.

Mr. RIVES with Mr. MOORE.

On this vote:

Mr. LOUDENSLAGER with Mr. RHINOCK.

Mr. OVERSTREET with Mr. STEPHENS of Texas.

Mr. SAMUEL W. SMITH with Mr. TOWNE.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I am informed that the previous question which has just been voted upon was on two separate bills; I would like to ask if that is true?

The SPEAKER. The Chair understands that it was on House bill 9207.

Mr. WILLIAMS. Then it was only on one bill?

Mr. CURTIS. Mr. Speaker, I would like to have my name called, I did not hear it.

The SPEAKER. Was the gentleman present and in his seat and giving attention when his name should have been called?

Mr. CURTIS. I was.

The SPEAKER. And the gentleman did not hear it?

Mr. CURTIS. I did not.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. CURTIS, and he answered aye, as above recorded.

Mr. WILLIAMS. Mr. Speaker, I want to ask how I am recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. WILLIAMS. I desire to change my vote to the affirmative.

The Clerk called the name of Mr. WILLIAMS, and he voted aye, as above recorded.

The result of the vote was then announced as above recorded.

Mr. WILLIAMS. Mr. Speaker, I desire to move to reconsider the vote by which the previous question was ordered.

The SPEAKER. The gentleman from Mississippi enters a motion to reconsider.

Mr. MILLER. Mr. Speaker, I raise the point of order on that motion that the motion is dilatory.

Mr. WILLIAM W. KITCHIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I ask unanimous consent that the motion to reconsider be withdrawn and that the gentleman from Pennsylvania who reported this bill have ten minutes in favor of it and that gentlemen on this side have ten minutes discussion against it.

Mr. KEIFER. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is demanded, which is equivalent to an objection. The gentleman from Kansas makes the point that the motion to reconsider is dilatory. The yeas upon this vote are 143, the nays are 69, present 17. There can be no doubt but that the vote is substantially correct. The Chair will cause to be read section 10 of Rule XVI.

Mr. WILLIAMS. Mr. Speaker, I desire to be heard on that point of order.

The SPEAKER. One moment. The Chair is prepared to rule. The Clerk will read the rule.

Mr. WILLIAMS. But, Mr. Speaker, I think that when a point of order is made that a motion is dilatory——

The SPEAKER. One moment. The gentleman will suspend, and the Clerk will read the rule.

The Clerk read as follows:

No dilatory motion shall be entertained by the Speaker.

Mr. WILLIAMS. Now, Mr. Speaker, the gentleman makes the point of order that this motion is dilatory.

The SPEAKER. Yes.

Mr. WILLIAMS. That is a point of order which above all things is open to discussion by the man who makes the motion.

The SPEAKER. Not at all, the Chair will say to the gentleman from Mississippi, because if it were open for discussion and open for appeal, the gentleman can see at once that would heap one dilatory motion, if this be dilatory, upon another, and the rule itself would be nullified. Now, the Chair having had clause 10 of Rule XVI read, and the vote being as the Chair

stated, 143 yeas and 69 nays, it is perfectly patent to the Chair and, in the opinion of the Chair, to every Member of this House, including the gentleman from Mississippi, that this is a dilatory motion.

Mr. WILLIAMS. Mr. Speaker, in order to emphasize the difference of opinion existing between the Chair and the gentleman from Mississippi, I respectfully appeal from the decision of the Chair.

The SPEAKER. The Chair has just stated that the very object of the rule would be defeated if a motion to appeal were entertained, and it is so patent that it is dilatory that the Chair would be willing to put the question to the gentleman from Mississippi [Mr. WILLIAMS] himself on his word. [Laughter and applause.]

Mr. WILLIAMS. Mr. Speaker, the gentleman from Mississippi is of the opinion——

Mr. KEIFER. Mr. Speaker, I call for the regular order.

Mr. WILLIAMS. That if the Chair would give the gentleman five minutes he could possibly convince this House that this bill ought not to pass.

Mr. MILLER. I call for the regular order.

Mr. WILLIAMS. Such is the confidence of the gentleman from Mississippi in the open-mindedness of the House.

The SPEAKER. The regular order is demanded. The question is on the engrossment and third reading of the bill.

Mr. WILLIAMS. Mr. Speaker, before that motion is put to the House, I desire to move to recommit the bill to the Committee on Naval Affairs, with instructions to strike out the provisions for back pay.

Mr. MILLER. Mr. Speaker, I raise the point of order on that motion that it is dilatory.

The SPEAKER. The Chair will state that the motion is not now in order.

Mr. WILLIAMS. Then I shall make that motion at the proper time. I know that is not dilatory.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 143, noes 61.

Mr. WILLIAMS. I call for tellers.

Mr. BUTLER of Pennsylvania. Call for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays.

Mr. WILLIAMS. One moment, Mr. Speaker. Who has called for the yeas and nays?

The SPEAKER. The gentleman from Pennsylvania.

Mr. WILLIAMS. Oh, I heard the gentleman from Pennsylvania suggest to somebody else to call for the yeas and nays.

Mr. BUTLER of Pennsylvania. Then, Mr. Speaker, I now call for the yeas and nays.

Mr. WILLIAMS. Now the yeas and nays are called for.

The SPEAKER. The gentleman demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 62, answered "present" 17, not voting 167, as follows:

YEAS—135.

Alexander	Davis, Minn.	Howell, Utah	Olmsted
Allen, Me.	Dawson	Hubbard	Overstreet
Ames	Denby	Humphrey, Wash.	Payne
Bannon	Dickson, Ill.	Hunt	Perkins
Barchfeld	Draper	Jones, Wash.	Pollard
Bede	Dunwell	Kahn	Prince
Bennet, N. Y.	Dwight	Keifer	Reeder
Bennett, Ky.	Edwards	Kennedy, Nebr.	Rhodes
Birdsall	Esch	Knowland	Rodenberg
Bonynge	Fassett	Lacey	Samuel
Boutell	Fletcher	Landis, Frederick	Slemp
Bradley	Foster, Ind.	Lawrence	Smith, Cal.
Brick	Foster, Vt.	Le Fevre	Smith, Ill.
Brooks, Colo.	French	Lilley, Pa.	Smith, Iowa
Brownlow	Gaines, W. Va.	Longworth	Smith, Samuel W.
Burke, Pa.	Gardner, Mass.	McCall	Smith, Pa.
Butler, Pa.	Garner	McCleary, Minn.	Snapp
Campbell, Ohio	Goldfogle	McCreary, Pa.	Southard
Capron	Goulden	McGavin	Southwick
Chaney	Graff	McKinney	Sperry
Chapman	Graham	McLachlan	Steenerson
Cocks	Greene	McNary	Sterling
Cole	Grosvenor	Madden	Stevens, Minn.
Conner	Hale	Mann	Sulloway
Cooper, Pa.	Hamilton	Marshall	Thomas, Ohio
Cooper, Wis.	Haugen	Miller	Volstead
Cousins	Hayes	Mondell	Wachter
Cromer	Hedge	Mouser	Waldo
Crumpacker	Henry, Conn.	Mudd	Wanger
Currier	Hepburn	Murdock	Weeks
Curtis	Hill, Conn.	Murphy	Wharton
Cushman	Hinshaw	Needham	Wood, N. J.
Dale	Hoar	Nevin	Zenor
Darragh	Howell, N. J.	Olcott	

NAYS—62.

Adamson	Brantley	Clark, Fla.	Ellerbe
Bankhead	Broocks, Tex.	Clayton	Finley
Beall, Tex.	Brundidge	De Armond	Fitzgerald
Bowers	Candler	Dixon, Ind.	Floyd
Gill	Kellher	Randell, Tex.	Smith, Tex.
Gillespie	Kitchin, Wm. W.	Richardson, Ala.	Spight
Glass	Lee	Rixey	Sullivan, Mass.
Griggs	Lester	Robertson, La.	Sulzer
Hardwick	Lewis	Robinson, Ark.	Thomas, N. C.
Hay	Livingston	Rucker	Underwood
Heflin	Lloyd	Russell	Wallace
Henry, Tex.	Macon	Ryan	Webb
Hopkins	Page	Shackleford	Wiley, Ala.
Humphreys, Miss.	Patterson, N. C.	Sherley	Williams
Johnson	Patterson, S. C.	Sims	
Jones, Va.	Pou	Smith, Md.	

ANSWERED "PRESENT"—17.

Bell, Ga.	Garrett	Lamb	Sherman
Burton, Ohio	Gillett, Mass.	Lever	Wood, Mo.
Clark, Mo.	Gregg	Moon, Tenn.	
Davey, La.	Jenkins	Otjen	
Fulkerson	Kline	Sheppard	

NOT VOTING—167.

Acheson	Field	Law	Roberts
Adams, Pa.	Flack	Legare	Ruppert
Adams, Wis.	Flood	Lilley, Conn.	Schneebell
Aiken	Fordney	Lindsay	Scott
Allen, N. J.	Foss	Littauer	Scroggy
Andrus	Fowler	Little	Shartel
Babcock	Fuller	Littlefield	Sibley
Bartholdt	Gaines, Tenn.	Lorimer	Slayden
Bartlett	Garber	Loud	Small
Bates	Gardner, Mich.	Loudenslager	Smith, Ky.
Beidler	Gardner, N. J.	Lovering	Smith, Wm. Alden
Bingham	Gilbert, Ind.	McCarthy	Smyser
Bishop	Gilbert, Ky.	McDermott	Southall
Blackburn	Gillett, Cal.	McKinlay, Cal.	Sparkman
Bowersock	Goebel	McKinley, Ill.	Stafford
Bowie	Granger	McLain	Stanley
Broussard	Gronna	McMorran	Stephens, Tex.
Brown	Gudger	Mahon	Sullivan, N. Y.
Buckman	Haskins	Martin	Talbott
Burgess	Hearst	Maynard	Tawney
Burke, S. Dak.	Hermann	Meyer	Taylor, Ala.
Burleigh	Higgins	Michalek	Taylor, Ohio
Burleson	Hill, Miss.	Minor	Tirrell
Barnett	Hitt	Moon, Pa.	Towne
Burton, Del.	Hogg	Moore	Townsend
Butler, Tenn.	Holliday	Morrell	Trimble
Byrd	Houston	Norris	Tyndall
Calder	Howard	Padgett	Van Duzer
Calderhead	Huff	Palmer	Van Winkle
Campbell, Kans.	Hughes	Parker	Vreeland
Cassel	Hull	Parsons	Wadsworth
Cockran	James	Patterson, Tenn.	Watkins
Dalzell	Kennedy, Ohio	Pearre	Watson
Davidson	Ketcham	Powers	Webber
Davis, W. Va.	Kinkaid	Pujo	Weems
Dawes	Kitchin, Claude	Rainey	Weisse
Deemer	Klepper	Ransdell, La.	Welborn
Dixon, Mont.	Knapp	Reid	Wiley, N. J.
Dovener	Knopf	Reynolds	Wilson
Dresser	Lafean	Rhinock	Woodyard
Driscoll	Lamar	Richardson, Ky.	Young
Ellis	Landis, Chas. B.	Rives	

So the bill was ordered to be engrossed and read a third time.

The Clerk announced the following additional pairs:

For the vote:

Mr. DIXON of Montana with Mr. HOUSTON.

Mr. GARDNER of Michigan with Mr. BURLESON.

Mr. GILBERT of Indiana with Mr. GARRETT.

Mr. LOVERING with Mr. GREGG.

Mr. ROBERTS with Mr. PUJO.

Mr. TAWNEY with Mr. BARTLETT.

Mr. TAYLOR of Ohio with Mr. TALBOTT.

Mr. DRESSER with Mr. STEPHENS of Texas.

For the day:

Mr. BURLEIGH with Mr. AIKEN.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. CAMPBELL of Kansas with Mr. COCKRAN.

Mr. HOGG with Mr. TOWNE.

Mr. LORIMER with Mr. GRANGER.

The result of the vote was announced as above recorded.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. One moment; as soon as the bill is read.

The bill was read the third time.

Mr. WILLIAMS. Mr. Speaker, I now move to recommit the bill to the Committee on Naval Affairs with instructions to strike out the following language: "from the date of his retirement," and to insert in its stead the language "from the date of the passage of this bill."

The SPEAKER. The question is on the motion of the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. Under the orders previously adopted, I understand that there can be no debate.

The SPEAKER. That is correct.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 60, noes 110.

Mr. WILLIAMS. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Doorkeeper will close the doors, and the yeas and nays are ordered under the rule. As many as are in favor of the motion of the gentleman from Mississippi will, as their names are called, answer "aye;" as many as are opposed will answer "no;" those not voting will answer "present;" and the Sergeant-at-Arms is instructed to bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 63, nays 145, answered "present" 21, not voting 152, as follows:

YEAS—63.

Adamson	Fitzgerald	Livingston	Ryan
Aiken	Floyd	Lloyd	Shackleford
Bankhead	Garner	McNary	Sherley
Bartlett	Gillespie	Macon	Sims
Beall, Tex.	Griggs	Meyer	Smith, Tex.
Bowers	Hardwick	Page	Spight
Brantley	Hay	Patterson, N. C.	Sulzer
Broocks, Tex.	Heflin	Patterson, S. C.	Talbott
Brundidge	Hopkins	Pou	Thomas, N. C.
Candler	Humphreys, Miss.	Randell, Tex.	Underwood
Clark, Fla.	Johnson	Richardson, Ala.	Wallace
Clayton	Jones, Va.	Rixey	Webb
De Armond	Kitchin, Wm. W.	Robertson, La.	Wiley, Ala.
Dixon, Ind.	Lee	Robinson, Ark.	Williams
Ellerbe	Lester	Rucker	Zenor
Finley	Lewis	Russell	

NAYS—145.

Alexander	Dickson, Ill.	Kennedy, Nebr.	Reeder
Allen, Me.	Draper	Kennedy, Ohio	Rhodes
Ames	Dunwell	Kinkaid	Rodenberg
Bannon	Dwight	Knowland	Samuel
Barchfeld	Edwards	Lacey	Slemp
Bates	Esch	Landis, Frederick	Smith, Cal.
Bede	Fassett	Lawrence	Smith, Iowa
Bennet, N. Y.	Fletcher	Le Fevre	Smith, Samuel W.
Bennett, Ky.	Foster, Ind.	Lilley, Pa.	Smith, Pa.
Bonynge	Foster, Vt.	Littlefield	Smyser
Boutell	French	Longworth	Snapp
Bradley	Gaines, W. Va.	Loud	Southard
Brick	Gardner, Mass.	McCall	Southwick
Brownlow	Goldfogle	McCleary, Minn.	Sperry
Buckman	Goulden	McCreary, Pa.	Steenerson
Burke, Pa.	Graff	McGavin	Sterling
Burton, Ohio	Graham	McKinlay, Cal.	Stevens, Minn.
Butler, Pa.	Greene	McKinley, Ill.	Sulloway
Campbell, Ohio	Grosvenor	McLachlan	Tawney
Capron	Hale	Madden	Taylor, Ohio
Chaney	Hamilton	Mann	Thomas, Ohio
Chapman	Haugen	Marshall	Tirrell
Cocks	Hayes	Miller	Townsend
Cole	Hedge	Mondell	Trimble
Cooper, Pa.	Henry, Conn.	Mouser	Tyndall
Cooper, Wis.	Hepburn	Mudd	Volstead
Cousins	Hill, Conn.	Murdock	Wachter
Cromer	Hinshaw	Murphy	Waldo
Crumpacker	Hoar	Needham	Wanger
Currier	Holliday	Nevin	Weeks
Curtis	Howell, Utah	Norris	Wharton
Cushman	Hubbard	Olcott	Wilson
Dale	Humphrey, Wash.	Olmsted	Wood, N. J.
Darragh	Hunt	Overstreet	Young
Davis, Minn.	Jones, Wash.	Payne	
Dawson	Kahn	Pollard	
Denby	Keifer	Prince	

ANSWERED "PRESENT"—21.

Clark, Mo.	Garrett	Lamb	Sheppard
Davey, La.	Glass	Lever	Sherman
Dixon, Mont.	Gregg	McCarthy	Wood, Mo.
Foss	Howard	Moon, Tenn.	
Fulkerson	Jenkins	Otjen	
Fuller	Kline	Powers	

NOT VOTING—152.

Acheson	Davis, W. Va.	Howell, N. J.	Morrell
Adams, Pa.	Dawes	Huff	Padgett
Adams, Wis.	Deemer	Hughes	Palmer
Allen, N. J.	Dovener	Hull	Parker
Andrus	Dresser	James	Parsons
Babcock	Driscoll	Kelliher	Patterson, Tenn.
Bartholdt	Ellis	Ketcham	Pearre
Beidler	Field	Kitchin, Claude	Perkins
Bell, Ga.	Flack	Klepper	Pujo
Bingham	Flood	Knapp	Rainey
Birdsall	Fordney	Knopf	Ransdell, La.
Bishop	Fowler	Lafean	Reid
Blackburn	Gaines, Tenn.	Lamar	Reynolds
Bowersock	Garber	Landis, Chas. B.	Rhinock
Bowie	Gardner, Mich.	Law	Richardson, Ky.
Brooks, Colo.	Gardner, N. J.	Legare	Rives
Broussard	Gilbert, Ind.	Lilley, Conn.	Roberts
Brown	Gilbert, Ky.	Lindsay	Ruppert
Burgess	Gill	Littauer	Schneebeli
Burke, S. Dak.	Gillett, Cal.	Little	Scott
Burleigh	Gillett, Mass.	Lorimer	Scroggy
Burleson	Goebel	Loudenslager	Shartel
Burnett	Granger	Lovering	Sibley
Burton, Del.	Gronna	McDermott	Slayden
Butler, Tenn.	Gudger	McKinney	Small
Byrd	Haskins	McLain	Smith, Ill.
Calder	Hearst	McMorran	Smith, Ky.
Calderhead	Henry, Tex.	Mahon	Smith, Md.
Campbell, Kans.	Hermann	Martin	Smith, Wm. Alden
Cassell	Higgins	Maynard	Southall
Cockran	Hill, Miss.	Michalek	Sparkman
Conner	Hitt	Minor	Stafford
Dalzell	Hogg	Moon, Pa.	Stanley
Davidson	Houston	Moore	Stephens, Tex.
Sullivan, Mass.	Van Duzer	Watkins	Weisse
Sullivan, N. Y.	Van Winkle	Watson	Welborn
Taylor, Ala.	Vreeland	Webber	Wiley, N. J.
Towne	Wadsworth	Weems	Woodyard

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

For the vote:

Mr. BIRDSALL with Mr. KELIHER.

Mr. BISHOP with Mr. SMITH of Maryland.

Mr. BROOKS of Colorado with Mr. GREGG.

Mr. CONNER with Mr. GILL.

Mr. GARDNER of Michigan with Mr. BURLESON.

Mr. GILBERT of Indiana with Mr. GARRETT.

Mr. HOWELL of New Jersey with Mr. SULLIVAN of Massachusetts.

Mr. ROBERTS with Mr. PUJO.

For the day:

Mr. FORDNEY with Mr. HOUSTON.

Mr. MCKINNEY with Mr. HENRY of Texas.

Mr. GARRETT. Mr. Speaker, on the last vote I was paired with the gentleman from Indiana [Mr. GILBERT], with the agreement that if he had not returned by the time this vote was taken it should go over and apply to this vote. I wish to inquire whether the gentleman from Indiana [Mr. GILBERT] has voted?

The SPEAKER. He did not vote. Call the gentleman's name.

Mr. GARRETT's name was called, and he answered "Present."

Mr. WILLIAMS. Mr. Speaker, I wish to call the attention of the Speaker to this fact in connection with the call of the roll as a matter of privilege of the House: The Clerk called the name of Mr. SPARKMAN of Florida, and answered aye for him. Mr. SPARKMAN is neither in the Hall nor in the city, and I think it would be well for the Speaker to admonish the gentlemen at the desk to be more careful.

The SPEAKER. The Chair will state to the gentleman from Mississippi that the officials of the House at the Clerk's desk were immediately in front of the Speaker not only during this Congress, but last Congress, and the Chair very cheerfully bears testimony to their efficiency and integrity. [Applause.] The Chair will call the attention of the gentleman from Mississippi to the fact that with this great Hall and the great membership and the galleries it would be strange indeed if now and then a mistake was not made.

Mr. WILLIAMS. Mr. Speaker, I am aware of the facts which the Speaker has mentioned. I am aware of the fact that my own hearing is not good, and yet notwithstanding that fact it was perfectly plain to me that Mr. SPARKMAN did not answer and the Clerk proceeded to answer for him.

The SPEAKER. I have no doubt that is correct. The Clerk in calling the roll, where he hears a response——

Mr. WILLIAMS. There was no response.

The SPEAKER (continuing). Where he hears no reponse, and in the confusion believe he hears a response, in good faith repeats the name afterwards.

Mr. WILLIAMS. I am not, Mr. Speaker, attacking the good faith of anybody. I am entirely suggesting. I brought this matter up for the purpose of obtaining a more careful calling of the roll, especially when the question of the determination of whether a quorum is present or not is involved.

The SPEAKER. The gentleman from Mississippi states that the gentleman from Florida [Mr. SPARKMAN] is not here and was not present when his name was called.

Mr. WILLIAMS. And his colleague from Florida [Mr. CLARK] informs me he is not in the city.

The SPEAKER. The statement of the gentleman from Mississippi [Mr. WILLIAMS], of course, will be taken, and the name of Mr. SPARKMAN expunged from the roll.

Mr. WILLIAMS. Now, Mr. Speaker, my reason for bringing it to the attention of this House was this: Several times I have thought, but have never been certain, and may in every case have been mistaken, that similar occurrences have happened. In this case I was certain and I subsequestly determined the fact. [Cries of "Regular order!"]

The result of the vote was announced as above recorded.

The SPEAKER. The question in on the passage of the bill. The doors will be opened.

Mr. SULZER. A point of order, Mr. Speaker.

The SPEAKER. What is the point?

Mr. SULZER. I want to know if the bill has been engrossed?

Mr. WILLIAMS. Has the Speaker announced the bill?

The SPEAKER. This vote is on the passage of the bill.

Mr. SULZER. The bill can not be passed unless engrossed.

The SPEAKER. It can not.

Mr. SULZER. I make the point of order that the bill has not been engrossed.

The SPEAKER. The point of order is overruled. The statement is not true. The bill has been engrossed, and the question is on the passage of the bill.

Mr. SULZER. Mr. Speaker, I inquired in a parliamentary way if the bill had been engrossed and was informed it could not have been in the time which has elapsed.

The question was taken; and the Speaker announced the ayes seemed to have it.

Mr. WILLIAMS. Division!

Mr. MILLER. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 68, answered "present" 16, not voting 169, as follows:

YEAS—128.

Allen, Me.	Darragh	Holliday	Norris
Ames	Davis, Minn.	Howell, N. J.	Olcott
Bannon	Dawson	Howell, Utah	Olmsted
Barchfeld	Denby	Hubbard	Overstreet
Bates	Dickson, Ill.	Humphrey, Wash.	Prince
Bede	Dixon, Mont.	Hunt	Reeder
Bennet, N. Y.	Draper	Jones, Wash.	Rhodes
Birdsall	Dunwell	Kahn	Roberts
Bonynge	Dwight	Keifer	Rodenberg
Boutell	Esch	Kennedy, Ohio	Samuel
Bradley	Fassett	Knowland	Slemp
Brick	Fletcher	Lacey	Smith, Cal.
Brownlow	Foster, Ind.	Landis, Frederick	Smith, Ill.
Buckman	Foster, Vt.	Le Fevre	Smith, Iowa
Burke, Pa.	French	Lilley, Pa.	Smith, Pa.
Burton, Ohio	Gaines, W. Va.	Longworth	Smyser
Butler, Pa.	Gardner, Mass.	Loud	Southwick
Campbell, Ohio	Goldfogle	Loudenslager	Sperry
Capron	Goulden	McCleary, Minn.	Steenerson
Chaney	Graff	McCreary, Pa.	Stevens, Minn.
Chapman	Graham	McKinlay, Cal.	Sulloway
Cocks	Greene	McKinley, Ill.	Taylor, Ohio
Cole	Grosvenor	McLachlan	Tirrell
Cooper, Pa.	Hale	Madden	Townsend
Cooper, Wis.	Hamilton	Marshall	Tyndall
Cousins	Haugen	Miller	Volstead
Cromer	Hayes	Mondell	Wachter
Crumpacker	Hedge	Mouser	Waldo
Currier	Henry, Conn.	Murdock	Wanger
Curtis	Hepburn	Murphy	Weeks
Cushman	Hinshaw	Needham	Wharton
Dale	Hoar	Nevin	Wood, N. J.

NAYS—68.

Adamson	Finley	Kitchin, Wm. W.	Rucker
Aiken	Fitzgerald	Lee	Russell
Bankhead	Floyd	Lester	Ryan
Bartlett	Garner	Lewis	Shackleford
Beall, Tex.	Gill	Livingston	Sherley
Bowers	Gillespie	Lloyd	Sims
Brantley	Glass	Macon	Smith, Md.
Broocks, Tex.	Griggs	Meyer	Smith, Tex.
Brundidge	Hardwick	Page	Spight
Burgess	Hay	Patterson, N. C.	Sulzer
Burnett	Heflin	Patterson, S. C.	Talbott
Candler	Henry, Tex.	Pou	Thomas, N. C.
Clark, Fla.	Hopkins	Randell, Tex.	Underwood
Clayton	Humphreys, Miss.	Richardson, Ala.	Wallace
De Armond	Johnson	Rixey	Wiley, Ala.
Dixon, Ind.	Jones, Va.	Robertson, La.	Williams
Ellerbe	Kelliher	Robinson, Ark.	Zenor

PRESENT—16.

Clark, Mo.	Gregg	Lamb	Otjen
Fulkerson	Howard	Lever	Powers
Fuller	Jenkins	McKinney	Sheppard
Garrett	Kline	Moon, Tenn.	Sherman

NOT VOTING—169.

Acheson	Deemer	James	Morrell
Adams, Pa.	Dovener	Kennedy, Nebr.	Mudd
Adams, Wis.	Dresser	Ketcham	Padgett
Alexander	Driscoll	Kinkaid	Palmer
Allen, N. J.	Edwards	Kitchin, Claude	Parker
Andrus	Ellis	Klepper	Parsons
Babcock	Field	Knapp	Patterson, Tenn.
Bartholdt	Flack	Knopf	Payne
Beidler	Flood	Lafean	Pearre
Bell, Ga.	Fordney	Lamar	Perkins
Bennett, Ky.	Foss	Landis, Chas. B.	Pollard
Bingham	Fowler	Law	Pujo
Bishop	Gaines, Tenn.	Lawrence	Rainey
Blackburn	Garber	Legare	Ransdell, La.
Bowersock	Gardner, Mich.	Lilley, Conn.	Reid
Bowie	Gardner, N. J.	Lindsay	Reynolds
Brooks, Colo.	Gilbert, Ind.	Littauer	Rhinock
Broussard	Gilbert, Ky.	Little	Richardson, Ky.
Brown	Gillett, Cal.	Littlefield	Rives
Burke, S. Dak.	Gillett, Mass.	Lorimer	Ruppert
Burleigh	Goebel	Lovering	Schneebeli
Burleson	Granger	McCall	Scott
Burton, Del.	Gronna	McCarthy	Scroggy
Butler, Tenn.	Gudger	McDermott	Shartel
Byrd	Haskins	McGavin	Sibley
Calder	Hearst	McLain	Slayden
Calderhead	Hermann	McMorran	Small
Campbell, Kans.	Higgins	McNary	Smith, Ky.
Cassel	Hill, Conn.	Mahon	Smith, Samuel W.
Cockran	Hill, Miss.	Mann	Smith, Wm. Alden
Conner	Hitt	Martin	Snapp
Dalzell	Hogg	Maynard	Southall
Davey, La.	Houston	Michalek	Southard
Davidson	Huff	Minor	Sparkman
Davis, W. Va.	Hughes	Moon, Pa.	
Dawes	Hull	Moore	
Stafford	Taylor, Ala.	Wadsworth	Welborn
Stanley	Thomas, Ohio	Watkins	Wiley, N. J.
Stephens, Tex.	Towne	Watson	Wilson
Sterling	Trimble	Webb	Wood, Mo.
Sullivan, Mass.	Van Duzer	Webber	Woodyard
Sullivan, N. Y.	Van Winkle	Weems	Young
Tawney	Vreeland	Weisse	

So the bill was passed.

Mr. GILBERT of Indiana. Mr. Speaker, I want to vote aye.

The SPEAKER. Was the gentleman in the Hall of the House when his name was called and did not hear it?

Mr. GILBERT of Indiana. I was just coming in when my name was called. I heard my name.

The SPEAKER. The gentleman is not entitled to vote under the rule.

Mr. GILBERT of Indiana. I was just entering when my name was called.

The SPEAKER. Did the gentleman hear his name?

Mr. GILBERT of Indiana. I heard my name as I entered the door, but I did not know what our vote was.

The SPEAKER. The gentleman heard his name called and did not vote.

Mr. GILBERT of Indiana. That is right.

The SPEAKER. Under the rule the gentleman is not entitled to vote.

Mr. GARRETT. Mr. Speaker, I should like to say that the gentleman from Indiana [Mr. GILBERT] and myself were paired. I answered "present." The gentleman from Indiana entered the door just about as his name was called on the second roll call. He perhaps did not hear it, because he had just entered the Chamber. I am not interested in it myself.

The SPEAKER. Well, the question of pairs is for gentlemen to arrange among themselves.

Mr. GARRETT. It is arranged, and the record is correct. I merely make that statement in justice to the gentleman.

The following additional pairs were announced:

On this vote:

Mr. ALEXANDER with Mr. WEBB.

Mr. CONNER with Mr. SIMS.

Mr. MUDD with Mr. MCNARY.

Mr. FOSS with Mr. PUJO.

The vote was then announced as above recorded.

ESTATE OF SAMUEL LEE, DECEASED.

The SPEAKER. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 850)——

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Did I understand the gentleman to move to reconsider?

Mr. MILLER. I did not.

Mr. WILLIAMS. I move to reconsider the vote whereby the bill was passed.

Mr. MILLER. May I inquire of the gentleman from Mississippi if he voted in the affirmative on the last bill?

Mr. WILLIAMS. The "gentleman from Mississippi" did not.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 850)——

Mr. MCNARY. I renew the motion.

Mr. WILLIAMS. Mr. Speaker, the question was asked by the gentleman from Kansas, whether "the gentleman from Mississippi" had voted in the affirmative. Immediately upon that the gentleman from Massachusetts made the motion which the gentleman from Mississippi previously had made.

The SPEAKER. But the vote had been announced prior to that time.

Mr. WILLIAMS. But no motion to reconsider had been made when the announcement was made.

The SPEAKER. Why, the gentleman from Massachusetts did not vote, as it seems from the record.

Mr. MCNARY. I was paired in the affirmative. [Cries of "Ah!"]

Mr. PAYNE. Then, of course, he had no right to move to reconsider.

Mr. MCNARY. You mean because I was paired I could not vote.

Mr. PAYNE. Not at all.

Mr. MCNARY. What rule is there if a man is present that he can not vote?

Mr. PAYNE. Pairs do not count.

The SPEAKER. The gentleman's name is not recorded in the affirmative; and as the Chair understands, it is the RECORD and not the Journal that takes notice of the pairs.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman arise?

Mr. WILLIAMS. I move that the House do now adjourn.

The SPEAKER. The gentleman from Mississippi moves that the House do now adjourn.

The question was taken; and the Speaker announced that the "noes" appeared to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

Mr. MILLER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 51, nays 150, answered "present" 16, not voting 164.

YEAS—51.

Aiken	Garner	Lewis	Sims
Bankhead	Garrett	Lloyd	Smith, Tex.
Bartlett	Gill	McNary	Spight
Broocks, Tex.	Glass	Page	Stephens, Tex.
Brundidge	Goldfogle	Patterson, S. C.	Sulzer
Burgess	Goulden	Pou	Talbott
Burnett	Griggs	Richardson, Ala.	Taylor, Ala.
Clark, Fla.	Hay	Rixey	Thomas, N. C.
Clayton	Henry, Tex.	Robertson, La.	Underwood
De Armond	Hopkins	Robinson, Ark.	Wachter
Finley	Hunt	Rucker	Webb
Fitzgerald	Johnson	Russell	Zenor
Floyd	Jones, Va.	Sherley	

NAYS—150.

Adamson	Draper	Kelliher	Pollard
Alexander	Dunwell	Kennedy, Nebr.	Prince
Allen, Me.	Dwight	Kennedy, Ohio	Reeder
Ames	Edwards	Kinkaid	Rhodes
Bannon	Esch	Knowland	Roberts
Bates	Fassett	Lacey	Rodenberg
Beall, Tex.	Fletcher	Lamb	Ryan
Bennet, N. Y.	Foster, Ind.	Landis, Frederick	Samuel
Birdsall	Foster, Vt.	Lawrence	Shackleford
Bonynge	French	Lee	Slemp
Bontell	Gaines, W. Va.	Le Fevre	Smith, Cal.
Bowers	Gardner, Mass.	Lester	Smith, Ill.
Bradley	Gardner, Mich.	Lilley, Pa.	Smith, Iowa
Brick	Gardner, N. J.	Littlefield	Smith, Samuel W.
Brownlow	Gilbert, Ind.	Longworth	Smith, Pa.
Buckman	Gillespie	Loudenslager	Smyser
Burke, Pa.	Graff	McCleary, Minn.	Southard
Butler, Pa.	Graham	McCreary, Pa.	Southwick
Calderhead	Grosvenor	McKinlay, Cal.	Sperry
Campbell, Ohio	Hale	McKinley, Ill.	Stanley
Candler	Hamilton	McKinney	Stevens, Minn.
Capron	Hardwick	McLachlan	Sulloway
Chaney	Haugen	Macon	Taylor, Ohio
Chapman	Hayes	Madden	Thomas, Ohio
Cocks	Hedge	Mann	Tirrell
Cole	Heflin	Marshall	Townsend
Cooper, Pa.	Hepburn	Miller	Tyndall
Cooper, Wis.	Hill, Conn.	Mouser	Volstead
Cousins	Hinshaw	Mudd	Waldo
Cromer	Hoar	Murdoc	Wallace
Currier	Holliday	Murphy	Wanger
Curtis	Howell, N. J.	Needham	Weeks
Dale	Howell, Utah	Nevin	Wharton
Davis, Minn.	Hubbard	Norris	Williams
Dawson	Humphreys, Miss.	Olcott	Wilson
Denby	Jones, Wash.	Olmsted	Young
Dixon, Ind.	Kahn	Payne	
Dixon, Mont.	Keifer	Perkins	

ANSWERED "PRESENT"—16.

Clark, Mo.	Howard	Lever	Patterson, N. C.
Fulkerson	Jenkins	McCarthy	Powers
Fuller	Kitchin, Wm. W.	Moon, Tenn.	Sheppard
Gregg	Kline	Otjen	Sherman

NOT VOTING—164.

Acheson	Cushman	Higgins	Martin
Adams, Pa.	Dalzell	Hill, Miss.	Maynard
Adams, Wis.	Darragh	Hitt	Meyer
Allen, N. J.	Davey, La.	Hogg	Michalek
Andrus	Davidson	Houston	Minor
Babcock	Davis, W. Va.	Huff	Mondell
Barchfeld	Dawes	Hughes	Moon, Pa.
Bartholdt	Deemer	Hull	Moore
Bede	Dickson, Ill.	Humphrey, Wash.	Morrell
Beidler	Dovener	James	Overstreet
Bell, Ga.	Dresser	Ketcham	Padgett
Bennett, Ky.	Driscoll	Kitchin, Claude	Palmer
Bingham	Ellerbe	Klepper	Parker
Bishop	Ellis	Knapp	Parsons
Blackburn	Field	Knopf	Patterson, Tenn.
Bowersock	Flack	Lafean	Pearre
Bowie	Flood	Lamar	Pujo
Brantley	Fordney	Landis, Chas. B.	Ralney
Brooks, Colo.	Foss	Law	Randell, Tex.
Broussard	Fowler	Legare	Ransdell, La.
Brown	Gaines, Tenn.	Lilley, Conn.	Reid
Burke, S. Dak.	Garber	Lindsay	Reynolds
Burleigh	Gilbert, Ky.	Littauer	Rhinock
Burleson	Gillett, Cal.	Little	Richardson, Ky.
Burton, Del.	Gillett, Mass.	Livingston	Rives
Burton, Ohio	Goebel	Lorimer	Ruppert
Butler, Tenn.	Granger	Loud	Schneebeli
Byrd	Greene	Lovering	Scott
Calder	Gronna	McCall	Scroggy
Campbell, Kans.	Gudger	McDermott	Shartel
Cassel	Haskins	McGavin	Sibley
Cockran	Hearst	McLain	Slayden
Conner	Henry, Conn.	McMorran	Small
Crumpacker	Hermann	Mahon	Smith, Ky.
Smith, Md.	Sterling	Van Winkle	Weisse
Smith, Wm. Alden	Sullivan, Mass.	Vreeland	Welborn
Snapp	Sullivan, N. Y.	Wadsworth	Wiley, Ala.
Southall	Tawney	Watkins	Wiley, N. J.
Sparkman	Towne	Watson	Wood, Mo.
Stafford	Trimble	Webber	Wood, N. J.
Steenerson	Van Duzer	Weems	Woodyard

So the motion to adjourn was rejected.

Mr. POLLARD. Mr. Speaker, I wish to change my vote from "aye" to "no."

The Clerk called the name of Mr. POLLARD, and he answered in the negative.

Mr. LEWIS. Mr. Speaker, I desire to change my vote from "no" to "aye."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LEWIS, and he voted in the affirmative.

Mr. WILLIAMS. Mr. Speaker, I should like to ask how I am recorded.

The SPEAKER. In the affirmative.

Mr. WILLIAMS. I should like to change my vote from "aye" to "no."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WILLIAMS, and he answered in the negative.

Mr. SHACKLEFORD. How am I recorded, Mr. Speaker?

The SPEAKER. One at a time, and we will all change. [Laughter.]

Mr. SHACKLEFORD. How am I recorded?

The SPEAKER. The Clerk in the meantime will announce the additional pairs.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FOSS with Mr. MEYER.

Mr. GREENE with Mr. PATTERSON of North Carolina.

For the balance of this day:

Mr. BISHOP with Mr. SMITH of Maryland.

Mr. CONNER with Mr. ELLERBE.

Mr. DRESSER with Mr. PUJO.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

On this vote:

Mr. TAWNEY with Mr. BURLESON.

Mr. BROOKS of Colorado with Mr. GREGG.

Mr. MCMORRAN with Mr. SULLIVAN of Massachusetts.

Mr. HAY. Mr. Speaker——

The SPEAKER. One moment, until we get through with the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. How am I recorded, Mr. Speaker?

The SPEAKER. In the affirmative.

Mr. SHACKLEFORD. I desire to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SHACKLEFORD, and he voted in the negative.

Mr. GRAHAM. Mr. Speaker, I desire to change my vote from "no" to "aye."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. GRAHAM, and he voted in the affirmative.

Mr. BEDE. Mr. Speaker, I should like to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. BEDE. I was listening——

The SPEAKER. The gentleman can not vote, under the rule.

Mr. OLMSTED. I desire to change my vote from "aye" to "no."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. OLMSTED, and he voted in the negative.

Mr. DIXON of Indiana. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. DIXON of Indiana. I should like to vote in the negative.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DIXON of Indiana, and he voted in the negative.

Mr. WALLACE. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. WALLACE. I wish to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WALLACE, and he voted in the negative.

Mr. BEALL of Texas. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. BEALL of Texas. I desire to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BEALL of Texas, and he voted in the negative.

Mr. RYAN. Mr. Speaker, how am I recorded?
The SPEAKER. In the affirmative.
Mr. RYAN. I desire to change my vote.
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. RYAN, and he voted in the negative.
Mr. BOWERS. Mr. Speaker, how am I recorded?
The SPEAKER. In the affirmative.
Mr. BOWERS. I desire to change my vote from "aye" to "no."
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. BOWERS, and he answered in the negative.
Mr. HEFLIN. Mr. Speaker, I should like to know how I am recorded?
The SPEAKER. In the affirmative.
Mr. HEFLIN. I wish to change my vote from "aye" to "no."
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. HEFLIN, and he answered in the negative.
Mr. CANDLER. Mr. Speaker, I should like to know how I am recorded?
The SPEAKER. In the affirmative.
Mr. CANDLER. I wish to change my vote from "aye" to "no."
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. CANDLER, and he voted in the negative.
Mr. MACON. I should like to know how I am recorded?
The SPEAKER. In the affirmative.
Mr. MACON. I desire to change my vote.
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. MACON, and he voted in the negative.
Mr. STANLEY. I should like to ask how I am recorded?
The SPEAKER. In the affirmative.
Mr. STANLEY. I should like to change my vote from "aye" to "no."
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. STANLEY, and he voted in the negative.
Mr. GILLESPIE. Mr. Speaker, I should like to inquire how I am recorded.
The SPEAKER. In the affirmative.
Mr. GILLESPIE. I should like to change my vote from "aye" to "no."
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. GILLESPIE, and he voted in the negative.
Mr. SHEPPARD. Mr. Speaker, I should like to inquire if the gentleman from Michigan [Mr. WM. ALDEN SMITH] voted?
The SPEAKER. He did not.
Mr. SHEPPARD. How am I recorded?
The SPEAKER. The gentleman is recorded as "present."
Mr. SHEPPARD. That is all right.
Mr. ADAMSON. Mr. Speaker, how am I recorded?
The SPEAKER. In the affirmative.
Mr. ADAMSON. I do not feel at all satisfied, and wish to change that vote.
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. ADAMSON, and he voted in the negative.
Mr. HAY. Mr. Speaker, I desire to change my vote.
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. HAY, and he voted in the negative.
Mr. KELIHER. Mr. Speaker, how am I recorded?
The SPEAKER. In the affirmative.
Mr. KELIHER. I desire to change my vote to "no."
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. KELIHER, and he voted in the negative.
Mr. KLINE. I am paired with the gentleman from Pennsylvania [Mr. DEEMER]. I desire to know how I am recorded.
The SPEAKER. Did the gentleman vote?
Mr. KLINE. I did; I voted "present."
The SPEAKER. The gentleman is recorded "present."
Mr. HUMPHREYS of Mississippi. I should like to ask how I am recorded.
The SPEAKER. In the affirmative.
Mr. HUMPHREYS of Mississippi. I desire to change my vote.
The SPEAKER. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. HUMPHREYS of Mississippi, and he voted in the negative.

Mr. BURLESON. I should like to know if I am recorded as voting?
The SPEAKER. The gentleman is not recorded.
Mr. BURLESON. In order to be sure that there is a quorum present——
The SPEAKER. On this question, the ayes are 51, the noes are 150. The noes have it, and the House refuses to adjourn.

ESTATE OF SAMUEL LEE, DECEASED.

Mr. MILLER. Mr. Speaker, I move the previous question on the bill H. R. 850 and the amendments to its final passage.
The SPEAKER. The gentleman from Kansas moves the previous question on the bill and amendments to its final passage.
Mr. WILLIAMS. Mr. Speaker, on that bill I desire to raise the question of consideration.
Mr. GROSVENOR. To that I make a point of order.
The SPEAKER. The Chair sustains the point of order.
Mr. WILLIAMS. Upon what ground does the Chair sustain the point of order?
The SPEAKER. On the ground that it is evidently dilatory.
Mr. KAHN. Mr. Speaker, I demand the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 135, nays 62, answered "present" 19, not voting 165, as follows:

YEAS—135.

Adams, Wis.	Dale	Hubbard	Perkins
Alexander	Darragh	Jones, Wash.	Pollard
Allen, Me.	Davis, Minn.	Kahn	Prince
Ames	Dawson	Keifer	Reeder
Bannon	Denby	Kennedy, Nebr.	Rhodes
Barchfeld	Dixon, Mont.	Kennedy, Ohio	Rodenberg
Bates	Draper	Knowland	Samuel
Bede	Dunwell	Lacey	Siemp
Bennet, N. Y.	Dwight	Landis, Frederick	Smith, Cal.
Bennett, Ky.	Edwards	Lawrence	Smith, Ill.
Birdsall	Esch	Le Fevre	Smith, Iowa
Bonynge	Fassett	Lilley, Pa.	Smith, Samuel W.
Boutell	Fletcher	Longworth	Smith, Pa.
Bradley	Foster, Ind.	Loudenslager	Smyser
Brick	French	McCarthy	Southard
Brownlow	Gaines, W. Va.	McCreary, Pa.	Southwick
Buckman	Gardner, Mass.	McGavin	Sperry
Burke, Pa.	Gardner, Mich.	McKinlay, Cal.	Steenerson
Burton, Ohio	Gardner, N. J.	McKinney	Sterling
Campbell, Ohio	Gilbert, Ind.	McLachlan	Stevens, Minn.
Capron	Graham	Madden	Sulloway
Cassel	Grosvenor	Marshall	Taylor, Ohio
Chaney	Hale	Miller	Thomas, Ohio
Chapman	Hamilton	Mouser	Tirrell
Cocks	Haugen	Mudd	Townsend
Cole	Hayes	Murdock	Tyndall
Cooper, Pa.	Hedge	Murphy	Volstead
Cooper, Wis.	Hepburn	Needham	Waldo
Cousins	Higgins	Nevin	Wanger
Cromer	Hill, Conn.	Norris	Weeks
Crumpacker	Hinshaw	Olcott	Wharton
Currier	Hoar	Olmsted	Wilson
Curtis	Holliday	Overstreet	Young
Cushman	Howell, N. J.	Payne	

NAYS—62.

Adamson	Finley	Humphreys, Miss.	Robinson, Ark.
Aiken	Fitzgerald	Johnson	Rucker
Bankhead	Floyd	Jones, Va.	Russell
Beall, Tex.	Garner	Keliher	Sherley
Bowers	Garrett	Lee	Sims
Brantley	Gill	Lester	Smith, Tex.
Broocks, Tex.	Gillespie	Lewis	Spight
Brundidge	Goldfogle	Livingston	Stephens, Tex.
Burgess	Goulden	Lloyd	Thomas, N. C.
Burnett	Granger	McNary	Underwood
Candler	Griggs	Macon	Wallace
Clark, Fla.	Hardwick	Page	Webb
Clayton	Hay	Patterson, S. C.	Wiley, Ala.
De Armond	Heflin	Pou	Zenor
Dixon, Ind.	Henry, Tex.	Richardson, Ala.	
Ellerbe	Hopkins	Robertson, La.	

ANSWERED "PRESENT"—19.

Bartlett	Henry, Conn.	Lamb	Patterson, N. C.
Burleson	Howard	Lever	Powers
Fulkerson	Jenkins	Meyer	Sheppard
Fuller	Kitchin, Wm. W.	Moon, Tenn.	Sherman
Gregg	Kline	Otjen	

NOT VOTING—165.

Acheson	Butler, Tenn.	Flack	Hill, Miss.
Adams, Pa.	Byrd	Flood	Hitt
Allen, N. J.	Calder	Fordney	Hogg
Andrus	Calderhead	Foss	Houston
Babcock	Campbell, Kans.	Foster, Vt.	Howell, Utah
Bartholdt	Clark, Mo.	Fowler	Huff
Beidler	Cockran	Gaines, Tenn.	Hughes
Bell, Ga.	Conner	Garber	Hull
Bingham	Dalzell	Gilbert, Ky.	Humphrey, Wash.
Bishop	Davey, La.	Gillett, Cal.	Hunt
Blackburn	Davidson	Gillett, Mass.	James
Bowersock	Davis, W. Va.	Glass	Ketcham
Bowie	Dawes	Goebel	Kinkaid
Brooks, Colo.	Deemer	Graff	Kitchin, Claude
Broussard	Dickson, Ill.	Greene	Klepper
Brown	Dovener	Gronna	Knapp
Burke, S. Dak.	Dresser	Gudger	Knopf
Burleigh	Driscoll	Haskins	Lafean
Burton, Del.	Ellis	Hearst	Lamar
Butler, Pa.	Field	Hermann	Landis, Chas. B.

Law	Mondell	Ryan	Taylor, Ala.
Legare	Moon, Pa.	Schneebeli	Towne
Lilley, Conn.	Moore	Scott	Trimble
Lindsay	Morrell	Scroggy	Van Duzer
Littauer	Padgett	Shackleford	Van Winkle
Little	Palmer	Shartel	Vreeland
Littlefield	Parker	Sibley	Wachter
Lorimer	Parsons	Slayden	Wadsworth
Loud	Patterson, Tenn.	Small	Watkins
Lovering	Pearre	Smith, Ky.	Watson
McCall	Pujo	Smith, Md.	Webber
McCleary, Minn.	Rainey	Smith, Wm. Alden	Weems
McDermott	Randell, Tex.	Snapp	Weisse
McKinley, Ill.	Ransdell, La.	Southall	Welborn
McLain	Reid	Sparkman	Wiley, N. J.
McMorran	Reynolds	Stafford	Williams
Mahon	Rhinock	Stanley	Wood, Mo.
Mann	Richardson, Ky.	Sullivan, Mass.	Wood, N. J.
Martin	Rives	Sullivan, N. Y.	Woodyard
Maynard	Rixey	Sulzer	
Michalek	Roberts	Talbott	
Minor	Ruppert	Tawney	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. BUTLER of Pennsylvania with Mr. BARTLETT.

Mr. ALEXANDER with Mr. CLAYTON.

For the balance of the day:

Mr. WILEY of New Jersey with Mr. BUTLER of Tennessee.

Mr. GILLETT of California with Mr. SULZER.

Mr. WACHTER with Mr. TALBOTT.

Mr. VAN WINKLE with Mr. RYAN.

Mr. GOEBEL with Mr. GLASS.

Mr. COUSINS with Mr. RIXEY.

On this vote:

Mr. MONDELL with Mr. RANDELL of Texas.

Mr. GRAFF with Mr. WILLIAMS.

Mr. BROOKS of Colorado with Mr. GREGG.

Mr. TAWNEY with Mr. MANN.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the amendment.

Mr. WILLIAMS. One moment, Mr. Speaker; is the Chair about to put the amendments in gross? I want a separate vote on each amendment.

The SPEAKER. The amendment to the title will come after the passage of the bill. There is an amendment to strike out and insert, and under the rule that is not divisible, so that there is really only one amendment to the bill.

Mr. GOLDFOGLE. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. Without objection, the Clerk will again report the amendment.

There being no objection, the Clerk read the amendment.

Mr. GOLDFOGLE. Mr. Speaker, I want to ask the chairman of the committee whether the present names in the amendment——

The SPEAKER. The gentleman from New York is not in order; the previous question has been ordered.

Mr. GOLDFOGLE. I ask unanimous consent that I be permitted to ask the chairman of the committee——

Mr. PAYNE. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from New York calls for the regular order, which is, in effect, an objection. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I demand a division.

Mr. MILLER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 40, answered "present" 21, not voting 202, as follows:

YEAS—119.

Adams, Wis.	Cooper, Wis.	Gardner, N. J.	Loudenslager
Alexander	Cromer	Graff	McGavin
Allen, Me.	Crumpacker	Graham	McKinlay, Cal.
Bannon	Currier	Grosvenor	McKinley, Ill.
Beall, Tex.	Curtis	Hale	McKinney
Bede	Cushman	Hayes	McLachlan
Bennet, N. Y.	Darragh	Hepburn	Marshall
Birdsall	Davis, Minn.	Higgins	Miller
Bonynge	Dawson	Hoar	Mondell
Boutell	Denby	Holliday	Mouser
Bradley	Dixon, Mont.	Howell, N. J.	Mudd
Brick	Draper	Hubbard	Murdock
Brownlow	Dunwell	Jones, Wash.	Murphy
Buckman	Dwight	Kahn	Needham
Burton, Ohio	Edwards	Keifer	Nevin
Campbell, Ohio	Esch	Kennedy, Nebr.	Norris
Capron	Fassett	Kennedy, Ohio	Olcott
Cassel	Fletcher	Knowland	Olmsted
Chaney	Foster, Ind.	Lacey	Overstreet
Chapman	Foster, Vt.	Landis, Frederick	Payne
Cocks	French	Lawrence	Perkins
Cole	Gardner, Mass.	Lilley, Pa.	Prince
Cooper, Pa.	Gardner, Mich.	Longworth	Reeder
Rhodes	Smith, Pa.	Stevens, Minn.	Volstead
Samuel	Smyser	Sulloway	Waldo
Slemp	Snapp	Taylor, Ohio	Wanger
Smith, Cal.	Southard	Thomas, Ohio	Weeks
Smith, Ill.	Southwick	Tirrell	Wharton
Smith, Iowa	Sperry	Townsend	Wilson
Smith, Samuel W.	Sterling	Tyndall	

NAYS—40.

Adamson	Finley	Hunt	Richardson, Ala.
Aiken	Floyd	Johnson	Robinson, Ark.
Brantley	Goldfogle	Keliher	Rucker
Broocks, Tex.	Goulden	Lee	Sherley
Burleson	Granger	Lester	Smith, Tex.
Burnett	Griggs	Lewis	Stanley
Candler	Hardwick	Lloyd	Thomas, N. C.
Clayton	Heflin	Macon	Wiley, Ala.
De Armond	Henry, Tex.	Patterson, S. C.	Williams
Dixon, Ind.	Hopkins	Pou	Zenor

ANSWERED "PRESENT"—21.

Foss	Henry, Conn.	Lever	Sheppard
Fulkerson	Howard	Livingston	Sherman
Fuller	Jenkins	McCarthy	The Speaker
Garrett	Kitchin, Wm. W.	Mann	
Gregg	Kline	Moon, Tenn.	
Hedge	Lamb	Otjen	

NOT VOTING—202.

Acheson	Ellerbe	Landis, Chas. B.	Rodenberg
Adams, Pa.	Ellis	Law	Ruppert
Allen, N. J.	Field	Le Fevre	Russell
Ames	Fitzgerald	Legare	Ryan
Andrus	Flack	Lilley, Conn.	Schneebeli
Babcock	Flood	Lindsay	Scott
Bankhead	Fordney	Littauer	Scroggy
Barchfeld	Fowler	Little	Shackleford
Bartholdt	Gaines, Tenn.	Littlefield	Shartel
Bartlett	Gaines, W. Va.	Lorimer	Sibley
Bates	Garber	Loud	Sims
Beidler	Garner	Lovering	Slayden
Bell, Ga.	Gilbert, Ind.	McCall	Small
Bennett, Ky.	Gilbert, Ky.	McCleary, Minn.	Smith, Ky.
Bingham	Gill	McCreary, Pa.	Smith, Md.
Bishop	Gillespie	McDermott	Smith, Wm. Alden
Blackburn	Gillett, Cal.	McLain	Southall
Bowers	Gillett, Mass.	McMorran	Sparkman
Bowersock	Glass	McNary	Spight
Bowie	Goebel	Madden	Stafford
Brooks, Colo.	Greene	Mahon	Steenerson
Broussard	Gronna	Martin	Stephens, Tex.
Brown	Gudger	Maynard	Sullivan, Mass.
Brundidge	Hamilton	Meyer	Sullivan, N. Y.
Burgess	Haskins	Michalek	Sulzer
Burke, Pa.	Haugen	Minor	Talbott
Burke, S. Dak.	Hay	Moon, Pa.	Tawney
Burleigh	Hearst	Moore	Taylor, Ala.
Burton, Del.	Hermann	Morrell	Towne
Butler, Pa.	Hill, Conn.	Padgett	Trimble
Butler, Tenn.	Hill, Miss.	Page	Underwood
Byrd	Hinshaw	Palmer	Van Duzer
Calder	Hitt	Parker	Van Winkle
Calderhead	Hogg	Parsons	Vreeland
Campbell, Kans.	Houston	Patterson, N. C.	Wachter
Clark, Fla.	Howell, Utah	Patterson, Tenn.	Wadsworth
Clark, Mo.	Huff	Pearre	Wallace
Cockran	Hughes	Pollard	Watkins
Conner	Hull	Powers	Watson
Cousins	Humphrey, Wash.	Pujo	Webb
Dale	Humphreys, Miss.	Rainey	Webber
Dalzell	James	Randell, Tex.	Weems
Davey, La.	Jones, Va.	Ransdell, La.	Weisse
Davidson	Ketcham	Reid	Welborn
Davis, W. Va.	Kinkaid	Reynolds	Wiley, N. J.
Dawes	Kitchin, Claude	Rhinock	Wood, Mo.
Deemer	Klepper	Richardson, Ky.	Wood, N. J.
Dickson, Ill.	Knapp	Rives	Woodyard
Dovener	Knopf	Rixey	Young
Dresser	Lafean	Roberts	
Driscoll	Lamar	Robertson, La.	

The Clerk announced the following additional pairs:

For the vote:

Mr. BARCHFELD with Mr. UNDERWOOD.

Mr. BROOKS of Colorado with Mr. GREGG.

Mr. GILBERT of Indiana with Mr. FITZGERALD.

For the balance of the day:

Mr. BENNETT of Kentucky with Mr. WALLACE.

Mr. MCCALL with Mr. SPIGHT.

Mr. AMES with Mr. CLARK of Florida.

Mr. BATES with Mr. BURGESS.

Mr. CALDER with Mr. GILLESPIE.

Mr. CALDERHEAD wtih Mr. HAY.

Mr. DALE with Mr. HEFLIN.

Mr. HAMILTON with Mr. HUMPHREYS of Mississippi.

Mr. HAUGEN with Mr. MCNARY.

Mr. HILL of Connecticut with Mr. RANDELL of Texas.

Mr. HINSHAW with Mr. RUSSELL.

Mr. KINKAID with Mr. SHACKLEFORD.

Mr. HEDGE with Mr. BRUNDIDGE.

Mr. RODENBERG with Mr. ROBERTSON of Louisiana.

Mr. MCCREARY of Pennsylvania with Mr. SIMS.

The SPEAKER. The Chair notes the presence of the gentleman from Minnesota, Mr. STEENERSON. The Clerk will call his name.

The Clerk called the name of Mr. STEENERSON, and he answered "present."

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CANNON, and he answered "present."

Mr. MADDEN. Mr. Speaker, I desire to be recorded as present.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MADDEN, and he answered "present."

Mr. WILLIAMS. Mr. Speaker, under what rule of the House is this proceeding? The roll has been called; the roll has been terminated. What right has any Member of the House to come up afterwards and be recorded?

The SPEAKER. The Clerk will read section 2 of Rule XV.

The Clerk read as follows:

In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

Mr. WILLIAMS. Mr. Speaker, that rule is familiar, but it is absolutely inapplicable now. There has been no point of no quorum thus far raised. There has been no order to close the doors and to call for a quorum, and that rule is applicable only to that stage of the House's proceedings, and not to the present stage.

The SPEAKER. The Clerk will also read clause 3 of Rule XV.

The Clerk read as follows:

On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote, shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting and be counted and announced in determining the presence of a quorum to do business.

The SPEAKER. The Clerk will also read section 1.

The Clerk read as follows:

Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

Mr. WILLIAMS. Now, Mr. Speaker——

The SPEAKER. One moment.

Mr. WILLIAMS. That limits the situation to the case where the Member's name has been noted under clause 3, but it does not apply to this situation at all.

The SPEAKER. So far the Chair has noted the gentleman from Minnesota——

Mr. WILLIAMS. No suggestion of the absence of a quorum has been made to the House by the Chair or anyone——

The SPEAKER. The Chair knows from the record.

Mr. PAYNE. The Speaker can make that suggestion. It is not kind of the gentleman from Mississippi at all——

Mr. WILLIAMS. But the Speaker has not made it. Mr. Speaker, the rules contemplate not a private order by the Speaker to the clerks of this House, but a suggestion to the House. [Applause on the Democratic side.] And the Speaker has never made any such suggestion. Certainly the rule which says "upon the suggestion" of any Member or the Speaker meant a suggestion to the House, not to the clerical officials of the House.

The SPEAKER. It is an immaterial contention. The Clerk will erase the names of Mr. STEENERSON and Mr. MADDEN from the roll and note them as being present, and give the Chair——

Mr. WILLIAMS. Now, Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Well, the Chair must have a minute to ascertain the status of the vote.

Mr. WILLIAMS. Ah, but the Chair is not ruling; the Chair is acting.

The SPEAKER. Precisely; and the Chair in his action will submit it to the House a little later on.

Mr. WILLIAMS. But, if the Speaker please, when the rules provide that certain things shall be done upon the suggestion of a lack of a quorum, then it is upon that contingency, and upon that alone, that the things can be done, and the Speaker has not yet even suggested the lack of a quorum to the House.

The SPEAKER. The Chair will announce the vote. On this vote the ayes are 118, and the noes are 40, answering present 22, and the Chair, under clause 3 of Rule XV, announces the presence of the following gentlemen whom the Clerk will report.

The Clerk read as follows:

Messrs. BOWERS, CLARK of Missouri, ELLERBE, GARNER, GILL, GILLESPIE, MCNARY, RANDELL of Texas, RUSSELL, SHACKLEFORD, SULLIVAN of Massachusetts, SIMS, WALLACE, HAMILTON, STEENERSON, MADDEN, and BARCHFELD.

Mr. WILLIAMS. Now, Mr. Speaker——

The SPEAKER. Also note the presence of Mr. MCCLEARY of Minnesota, Mr. TAWNEY, and Mr. HOWELL of Utah, in addition to those already read, and then the Chair will make a revised announcement.

Mr. WILLIAMS. Mr. Speaker, I want to be heard on what the Chair has done.

The SPEAKER. One moment.

Mr. WILLIAMS. Now, I submit——

Mr. KEIFER. Regular order!

The SPEAKER. The gentleman is not losing any right as a Representative. Upon this vote the yeas are 118, the nays are 40, answering present 22, and noted as present by the Speaker, under Rule XV, 20 gentlemen whose names have been announced; in all, 200, a quorum, and the yeas have it.

Mr. WILLIAMS. Now, Mr. Speaker, I make the point of order because I want a ruling upon it, and I do not think the Chair will differ with me about the facts. I make the point of order that in the absence——

Mr. GROSVENOR. The gentleman can not make the point of order——

Mr. WILLIAMS. I am making a point or order, and the gentleman can not tell whether it is a good point of order until he hears it.

The SPEAKER. The gentleman arises, as he states, to a point of order, and the Chair——

Mr. WILLIAMS. Affecting the result of the vote.

The SPEAKER (continuing). Will through courtesy listen to the gentleman.

Mr. WILLIAMS. Yes; and I hope not only through courtesy, but through a desire to do right, and I know that. Now, Mr. Speaker, the point of order is this, that without any suggestion to the House having been made at all of the absence of a quorum and at a state of the roll call when it was impossible for the Speaker or anybody else to know whether there was going to be disclosed the fact of a quorum or of no quorum, the Speaker in several of these cases noted gentlemen as being present in the Hall at the beginning of the roll call, when there was not only no suggestion of the absence of a quorum, but when the Speaker himself neither knew nor could have known that there would be the absence of a quorum. I recall notably the name of the gentleman from Mississippi [Mr. BOWERS] and the gentleman from Missouri [Mr. CLARK].

The SPEAKER. The Chair is prepared to rule. Clause 3 of Rule XV the Chair will read, instead of having it read as formerly. It states:

On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote, shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting and be counted and announced in determining the presence of a quorum to do business.

[Applause on the Republican side.]

The Chair has faithfully followed the rule, and again announces, as he announced before——

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair again announces the result of the vote and the presence of the gentlemen whose names have been noted heretofore and are to go upon the Journal; and those voting "aye" and those voting "no," those answering "present" and those noted literally under clause 3 of Rule XV, number 200—a quorum. The ayes have it, and the question is upon the engrossment and third reading of the bill. [Applause on the Republican side.]

Mr. WILLIAMS. This is not the first time in the history of the world that men have applauded when——

Mr. PAYNE. Mr. Speaker, I demand the reguiar order. [Cries of "Regular order!"]

Mr. WILLIAMS. Mr. Speaker, I want now to propound a parliamentary inquiry. I rise to the question of privilege of the House. [Cries of "Regular order!"]

Mr. WILLIAMS. I am "in the regular order." Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will suspend. All gentlemen will be seated. The vote has been announced, a quorum is present, and the next step under the operation of the previous question is, Shall the bill be engrossed and read a third time?

Mr. WILLIAMS. Mr. Speaker, a question of privilege.

Mr. KEIFER. Regular order!

Mr. WILLIAMS. And of the highest privilege at that.

The SPEAKER. The gentleman will state his question of privilege.

Mr. WILLIAMS. I will state it. As I am informed by him, the gentleman from Texas [Mr. SHEPPARD], as an instance of the effect of this ruling, is recorded twice—once as answering "present" and once as being noted "present." I mention this as a commentary upon the manner in which it is done.

The SPEAKER. The gentleman from Texas [Mr. SHEPPARD] is not upon the list which the Chair announced.

Mr. SHEPPARD. The Chair read my name on the list. [Cries of "Oh, no!"]

Mr. SHEPPARD. He did.

The SPEAKER. As a question of fact the name of the gentleman is not upon the list, and, if it had been, there is still a quorum—199.

Mr. WILLIAMS. A parliamentary inquiry now, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I understand the Speaker to have ruled that the Chair need not make the suggestion of the absence of a quorum to the House, but that he can make it to the Clerk. Now, then, this is my inquiry—whether the rule requires that the Speaker or one of his clerks shall count a quorum.

Mr. KEIFER. That rule has been read two or three times.

Mr. PAYNE. Mr. Speaker, I suggest that a copy of the rules be furnished the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Now, then, I leave the matter of fact to the Speaker as to whether it was the Speaker or his parliamentary clerk who noted the presence of Members supposed to be present by that report. I know that the counting is a duty devolving on the Speaker personally.

The SPEAKER. The Chair in this matter of an ascertainment of a quorum is exercising his best vigilance and discretion, and all things that have happened in the ascertainment of a quorum the Chair is responsible for. [Applause on the Republican side.]

Mr. WILLIAMS. Oh, of course. [Cries of "Regular order!"]

Now, the Speaker having overruled the point of order which I made, I now respectfully appeal from the decision of the Chair; and that is not dilatory.

Mr. PAYNE. I make the point that it is dilatory—plainly.

Mr. WILLIAMS. It is not dilatory.

The SPEAKER. There is nothing to appeal from; and if there was something at this stage to appeal from, the Chair, under another rule of the House, would sustain the point of order that the appeal is dilatory.

Mr. WILLIAMS. Well, then the Chair would sustain a thing based on no fact——

Mr. PAYNE (and others). Regular order!

Mr. WILLIAMS (continuing). Founded upon no fact; and the Chair ought to know it——

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. WILLIAMS (continuing). Because I do not believe the Chair has ruled correctly, and until the House has denounced it, I respectfully appeal from the decision of the Chair. [Cries of "Regular order!"]

The SPEAKER. The question—with all due courtesy and respect to the gentleman, the question is upon the engrossment and third reading of the bill. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, the regular order is upon the appeal from the decision of the Chair——

Mr. OLMSTED. A parliamentary inquiry is never subject to appeal.

Mr. WILLIAMS (continuing). That the Chair can make the suggestion of the absence of a quorum to the clerks instead of to the House.

The SPEAKER. On the contrary, there can be no appeal from a fact ascertained under the rules or on a parliamentary inquiry.

Mr. WILLIAMS. There can not be that. [Cries of "Regular order!"] But there can be an appeal from the manner of ascertaining the fact, and there can be an appeal from an exercise of authority in a contingency where no authority is vested in the Speaker.

The SPEAKER. The Chair again suggests that he is responsible for the action that has been had under the roll call, under the rules, with the presence of 200 Members.

Mr. WILLIAMS. The Speaker then declines to permit the House to pass upon his ruling?

Mr. KEIFER. He has no power if he wanted to.

The SPEAKER. The Chair does decline, simply because it is a question of fact to be shown by the Journal; and there can be no appeal touching such a question.

Mr. WILLIAMS. But does not the Speaker see that there is a difference of opinion as to his right to count under these circumstances?

Mr. PAYNE. Well, I demand the regular order.

The SPEAKER. One moment.

Mr. WILLIAMS. The Chair has enough authority to protect himself without the aid of the gentleman.

Mr. PAYNE. I do not know. The gentleman from Mississippi seems to think he has it all.

Mr. WILLIAMS. The gentleman from Mississippi does not seem to think anything of the kind. He is not of the sort who "seem to think." He thinks. The gentleman from New York seems to think.

The SPEAKER. The Chair has already ruled in the premises and declines to entertain the appeal for the reasons specified. [Cries of "Regular order!"] The question is on the engrossment and third reading of the bill. As many as are in favor——

Mr. BEALL of Texas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BEALL of Texas. For the purpose of moving to reconsider the vote by which the amendment was agreed to.

Mr. MILLER. I make the point of order that that is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. Now, Mr. Speaker—— [Cries of "Vote!"]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS and Mr. BEALL of Texas. Division!

Mr. MILLER. I call for the yeas and nays.

The SPEAKER. On this question the ayes are 130, the noes 40; not a quorum. The doors will be closed. The yeas and nays will be called. Those in favor of the engrossment and third reading of the bill, as their names are called, will answer "yea;" those opposed will answer "nay;" those not voting will answer "present;" and the Sergeant-at-Arms will bring in the absentees. The Clerk will call the roll. [Applause on the Republican side.]

The question was taken; and there were—yeas 125, nays 44, answered "present" 28, not voting 185, as follows:

YEAS—125.

Adams, Wis.	Darragh	Keifer	Prince
Alexander	Davis, Minn.	Kennedy, Nebr.	Reeder
Allen, Me.	Dawson	Kennedy, Ohio	Rhodes
Ames	Denby	Knowland	Samuel
Bannon	Dixon, Mont.	Lacey	Smith, Cal.
Barchfeld	Draper	Landis, Frederick	Smith, Ill.
Bede	Dunwell	Lawrence	Smith, Iowa
Bennet, N. Y.	Dwight	Le Fevre	Smith, Samuel W.
Bennett, Ky.	Edwards	Longworth	Smith, Pa.
Birdsall	Fassett	Loudenslager	Smyser
Bonynge	Fletcher	McCarthy	Snapp
Boutell	Foster, Ind.	McCleary, Minn.	Southard
Bradley	Foster, Vt.	McGavin	Southwick
Brick	French	McKinlay, Cal.	Sperry
Brooks, Colo.	Gaines, W. Va.	McKinley, Ill.	Steenerson
Brownlow	Gardner, Mass.	McKinney	Sterling
Buckman	Gardner, Mich.	McLachlan	Stevens, Minn.
Burke, Pa.	Graham	Marshall	Sulloway
Burton, Ohio	Grosvenor	Miller	Taylor, Ohio
Campbell, Ohio	Hale	Mondell	Thomas, Ohio
Capron	Hamilton	Mouser	Tirrell
Chaney	Hayes	Mudd	Townsend
Chapman	Hepburn	Murdock	Tyndall
Cocks	Higgins	Needham	Volstead
Cole	Hinshaw	Nevin	Waldo
Cooper, Pa.	Hoar	Norris	Weeks
Cooper, Wis.	Holliday	Olcott	Wharton
Cromer	Howell, N. J.	Olmsted	Wilson
Crumpacker	Howell, Utah	Overstreet	Wood, N. J.
Curtis	Hubbard	Parker	
Cushman	Jones, Wash.	Payne	
Dale	Kahn	Pollard	

NAYS—44.

Beall, Tex.	Goldfogle	Lee	Sherley
Brantley	Goulden	Lester	Smith, Tex.
Broocks, Tex.	Granger	Lewis	Stanley
Burleson	Gregg	Macon	Sullivan, Mass.
Burnett	Griggs	Page	Taylor, Ala.
Clayton	Hardwick	Patterson, S. C.	Thomas, N. C.
De Armond	Heflin	Pou	Wallace
Dixon, Ind.	Henry, Tex.	Richardson, Ala.	Wiley, Ala.
Floyd	Hunt	Robinson, Ark.	Williams
Garner	Johnson	Rucker	Young
Garrett	Kelliher	Shackleford	Zenor

ANSWERED "PRESENT"—28.

Bartlett	Henry, Conn.	Lever	Perkins
Cousins	Hill, Conn.	Lilley, Pa.	Sheppard
Finley	Howard	Madden	Sherman
Foss	Jenkins	Mann	Tawney
Fulkerson	Kitchin, Wm. W.	Moon, Tenn.	Wadsworth
Fuller	Kline	Murphy	Watkins
Hedge	Lamb	Otjen	The Speaker

NOT VOTING—185.

Acheson	Driscoll	Knopf	Rixey
Adams, Pa.	Ellerbe	Lafean	Roberts
Adamson	Ellis	Lamar	Robertson, La.
Aiken	Esch	Landis, Chas. B.	Rodenberg
Allen, N. J.	Field	Law	Ruppert
Andrus	Fitzgerald	Legare	Russell
Babcock	Flack	Lilley, Conn.	Ryan
Bankhead	Flood	Lindsay	Schneebeli
Bartholdt	Fordney	Littauer	Scott
Bates	Fowler	Little	Scroggy
Beidler	Gaines, Tenn.	Littlefield	Shartel
Bell, Ga.	Garber	Livingston	Sibley
Bingham	Gardner, N. J.	Lloyd	Sims
Bishop	Gilbert, Ind.	Lorimer	Slayden
Blackburn	Gilbert, Ky.	Loud	Slemp
Bowers	Gill	Lovering	Small
Bowersock	Gillespie	McCall	Smith, Ky.
Bowie	Gillett, Cal.	McCreary, Pa.	Smith, Md.
Broussard	Gillett, Mass.	McDermott	Smith, Wm. Alden
Brown	Glass	McLain	Southall
Brundidge	Goebel	McMorran	Sparkman
Burgess	Graff	McNary	Spight
Burke, S. Dak.	Greene	Mahon	Stafford
Burleigh	Gronna	Martin	Stephens, Tex.
Burton, Del.	Gudger	Maynard	Sullivan, N. Y.
Butler, Pa.	Haskins	Meyer	Sulzer
Butler, Tenn.	Haugen	Michalek	Talbott
Byrd	Hay	Minor	Towne
Calder	Hearst	Moon, Pa.	Trimble
Calderhead	Hermann	Moore	Underwood
Campbell, Kans.	Hill, Miss.	Morrell	Van Duzer
Candler	Hitt	Padgett	Van Winkle
Cassel	Hogg	Palmer	Vreeland
Clark, Fla.	Hopkins	Parsons	Wachter
Clark, Mo.	Houston	Patterson, N. C.	Wanger
Cockran	Huff	Patterson, Tenn.	Watson
Conner	Hughes	Pearre	Webb
Currier	Hull	Powers	Webber
Dalzell	Humphrey, Wash.	Pujo	Weems
Davey, La.	Humphreys, Miss.	Rainey	Weisse
Davidson	James	Randell, Tex.	Welborn
Davis, W. Va.	Jones, Va.	Ransdell, La.	Wiley, N. J.
Dawes	Ketcham	Reid	Wood, Mo.
Deemer	Kinkaid	Reynolds	Woodyard
Dickson, Ill.	Kitchin, Claude	Rhinock	
Dovener	Klepper	Richardson, Ky.	
Dresser	Knapp	Rives	

So the bill was ordered to be engrossed and read a third time.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WANGER with Mr. ADAMSON.

Mr. CURRIER with Mr. FINLEY.

On this vote:

Mr. MURPHY with Mr. LLOYD.

Mr. ESCH with Mr. STEPHENS of Texas.

Mr. TAWNEY with Mr. MANN.

Mr. GILBERT of Indiana with Mr. FITZGERALD.

Mr. WILLIAMS. Mr. Speaker, I ask for the reading of the engrossed bill.

The SPEAKER. The Clerk will read the engrossed bill.

The engrossed bill was read in full by the Clerk.

The SPEAKER. The Sergeant-at-Arms will reopen the doors. The question is on the passage of the bill.

Mr. WILLIAMS. Mr. Speaker, I move that the House do now adjourn.

Mr. GROSVENOR. I make the point of order that that is dilatory.

Mr. MILLER. Mr. Speaker, that is a dilatory motion.

Mr. WILLIAMS. Mr. Speaker, it is fifteen minutes after the usual time to adjourn. How gentlemen can possibly say there is anything dilatory about a motion to adjourn at this time I do not understand.

The SPEAKER. The Chair is of the opinion that the motion is dilatory.

Mr. WILLIAMS. The Chair means to say that the House is dilatory in adjourning?

The SPEAKER. No; the gentleman is dilatory in making the motion.

Mr. WILLIAMS. I admit that I make it fifteen minutes too late for the usual motion, if that is dilatory.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS. Is the Chair really going to hold that the motion to adjourn is dilatory?

The SPEAKER. Yes.

Mr. WILLIAMS. At this hour?

The SPEAKER. Yes. As many as favor the passage of the bill will say "aye," those opposed "no." The ayes seem to have it——

Mr. WILLIAMS. Division!

The SPEAKER. The ayes have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The SPEAKER. Oh, the Chair did not understand the gentleman. A division is demanded.

Mr. WILLIAMS. That is not dilatory, Mr. Speaker.

The House divided; and there were—ayes 148, noes 38.

Mr. WILLIAMS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 40, answered "present" 29, not voting 189, as follows:

YEAS—124.

Adams, Wis.	Darragh	Jones, Wash.	Pollard
Alexander	Davis, Minn.	Kahn	Prince
Allen, Me.	Dawson	Keifer	Reeder
Ames	Denby	Kennedy, Nebr.	Rhodes
Bannon	Dixon, Mont.	Kennedy, Ohio	Samuel
Barchfeld	Draper	Knowland	Smith, Cal.
Bede	Dunwell	Lacey	Smith, Ill.
Bennet, N. Y.	Dwight	Landis, Frederick	Smith, Iowa
Bennett, Ky.	Edwards	Le Fevre	Smith, Samuel W.
Birdsall	Fassett	Lilley, Pa.	Smith, Pa.
Bonynge	Fletcher	Longworth	Smyser
Boutell	Foster, Ind.	Loudenslager	Snapp
Bradley	Foster, Vt.	McCarthy	Southard
Brick	French	McCleary, Minn.	Southwick
Brooks, Colo.	Gaines, W. Va.	McGavin	Sperry
Brownlow	Gardner, Mass.	McKinlay, Cal.	Steenerson
Buckman	Gardner, Mich.	McKinley, Ill.	Sterling
Burke, Pa.	Graff	McKinney	Stevens, Minn.
Burton, Ohio	Graham	McLachlan	Sulloway
Campbell, Ohio	Grosvenor	Marshall	Taylor, Ohio
Capron	Hale	Miller	Thomas, Ohio
Chaney	Hamilton	Mouser	Tirrell
Chapman	Hayes	Mudd	Townsend
Cocks	Hepburn	Murdock	Tyndall
Cooper, Pa.	Higgins	Needham	Volstead
Cooper, Wis.	Hinshaw	Nevin	Waldo
Cromer	Hoar	Norris	Weeks
Crumpacker	Holliday	Olcott	Wharton
Curtis	Howell, N. J.	Olmsted	Williams
Cushman	Howell, Utah	Parker	Wilson
Dale	Hubbard	Payne	Wood, N. J.

NAYS—40.

Beall, Tex.	Garrett	Johnson	Rucker
Brantley	Gillespie	Keliher	Sherley
Broocks, Tex.	Goldfogle	Lee	Smith, Tex.
Burleson	Goulden	Lester	Stanley
Burnett	Granger	Lewis	Sullivan, Mass.
Clayton	Gregg	Macon	Thomas, N. C.
De Armond	Hardwick	Page	Wallace
Dixon, Ind.	Heflin	Patterson, S. C.	Wiley, Ala.
Floyd	Henry, Tex.	Richardson, Ala.	Young
Garner	Hunt	Robinson, Ark.	Zenor

ANSWERED "PRESENT"—29.

Adamson	Hill, Conn.	Mann	Tawney
Bartlett	Howard	Moon, Tenn.	Taylor, Ala.
Cousins	Jenkins	Murphy	Watkins
Foss	Kitchin, Wm. W.	Otjen	Wood, Mo.
Fulkerson	Kline	Overstreet	The Speaker
Fuller	Lever	Perkins	
Hedge	Lloyd	Sheppard	
Henry, Conn.	Madden	Sherman	

NOT VOTING—189.

Acheson	Ellerbe	Lamar	Rixey
Adams, Pa.	Ellis	Lamb	Roberts
Aiken	Esch	Landis, Chas. B.	Robertson, La.
Allen, N. J.	Field	Law	Rodenberg
Andrus	Finley	Lawrence	Ruppert
Babcock	Fitzgerald	Legare	Russell
Bankhead	Flack	Lilley, Conn.	Ryan
Bartholdt	Flood	Lindsay	Schneebeli
Bates	Fordney	Littauer	Scott
Beidler	Fowler	Little	Scroggy
Bell, Ga.	Gaines, Tenn.	Littlefield	Shackleford
Bingham	Garber	Livingston	Shartel
Bishop	Gardner, N. J.	Lorimer	Sibley
Blackburn	Gilbert, Ind.	Loud	Sims
Bowers	Gilbert, Ky.	Lovering	Slayden
Bowersock	Gill	McCall	Slemp
Bowie	Gillett, Cal.	McCreary, Pa.	Small
Broussard	Gillett, Mass.	McDermott	Smith, Ky.
Brown	Glass	McLain	Smith, Md.
Brundidge	Goebel	McMorran	Smith, Wm. Alden
Burgess	Greene	McNary	Southall
Burke, S. Dak.	Griggs	Mahon	Sparkman
Burleigh	Gronna	Martin	Spight
Burton, Del.	Gudger	Maynard	Stafford
Butler, Pa.	Haskins	Meyer	Stephens, Tex.
Butler, Tenn.	Haugen	Michalek	Sullivan, N. Y.
Byrd	Hay	Minor	Sulzer
Calder	Hearst	Mondell	Talbott
Calderhead	Hermann	Moon, Pa.	Towne
Campbell, Kans.	Hill, Miss.	Moore	Trimble
Candler	Hitt	Morrell	Underwood
Cassel	Hogg	Padgett	Van Duzer
Clark, Fla.	Hopkins	Palmer	Van Winkle
Clark, Mo.	Houston	Parsons	Vreeland
Cockran	Huff	Patterson, N. C.	Wachter
Cole	Hughes	Patterson, Tenn.	Wadsworth
Conner	Hull	Pearre	Wanger
Currier	Humphrey, Wash.	Pou	Watson
Dalzell	Humphreys, Miss.	Powers	Webb
Davey, La.	James	Pujo	Webber
Davidson	Jones, Va.	Rainey	Weems
Davis, W. Va.	Ketcham	Randell, Tex.	Weisse
Dawes	Kinkaid	Ransdell, La.	Welborn
Deemer	Kitchin, Claude	Reid	Wiley, N. J.
Dickson, Ill.	Klepper	Reynolds	Woodyard
Dovener	Knapp	Rhinock	
Dresser	Knopf	Richardson, Ky.	
Driscoll	Lafean	Rives	

So the bill was passed.

The following additional pairs were announced:

For the balance of the day:

Mr. ALLEN of New Jersey with Mr. FITZGERALD.

Mr. COLE with Mr. AIKEN.

Mr. CHARLES B. LANDIS with Mr. JONES of Virginia.

On this vote:

Mr. TAWNEY with Mr. MANN; Mr. TAWNEY in favor, Mr. MANN against.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CANNON, and he answered "present," as above recorded.

Mr. WILLIAMS. Mr. Speaker, I desire to change my vote from "no" to "aye."

The Clerk called the name of Mr. WILLIAMS, and he answered "yea," as above recorded.

The result of the vote was then announced, as above recorded.

The SPEAKER. The question now is on the amendment of the title.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 146, noes 37.

Mr. WILLIAMS. I make the point that no quorum is present.

The SPEAKER. The doors will be closed, and the Sergeant-at-Arms will bring in absentees. The Clerk will call the roll. All those in favor of amending the title will, as their names are called, answer "aye," and those opposed answer "no," and those not voting who are present will answer "present."

The question was taken; and there were—yeas 128, nays 35, answered "present" 30, not voting 189, as follows:

YEAS—128.

Alexander	Denby	Kahn	Payne
Allen, Me.	Dickson, Ill.	Keifer	Pollard
Ames	Dixon, Mont.	Kennedy, Nebr.	Prince
Babcock	Draper	Kennedy, Ohio	Reeder
Bannon	Dunwell	Knowland	Rhodes
Barchfeld	Dwight	Lacey	Samuel
Bennet, N. Y.	Edwards	Landis, Frederick	Smith, Cal.
Bennett, Ky.	Fassett	Le Fevre	Smith, Ill.
Birdsall	Fletcher	Lilley, Pa.	Smith, Iowa
Bonynge	Foster, Ind.	Longworth	Smith, Samuel W.
Boutell	Foster, Vt.	Loudenslager	Smith, Pa.
Brick	French	McCarthy	Smyser
Brooks, Colo.	Gaines, W. Va.	McCleary, Minn.	Snapp
Brownlow	Gardner, Mich.	McGavin	Southard
Buckman	Gilbert, Ind.	McKinlay, Cal.	Southwick
Burke, Pa.	Graff	McKinley, Ill.	Steenerson
Burton, Ohio	Graham	McKinney	Sterling
Campbell, Ohio	Grosvenor	McLachlan	Stevens, Minn.
Capron	Hale	Marshall	Sulloway
Chaney	Hamilton	Miller	Taylor, Ohio
Chapman	Hayes	Minor	Thomas, Ohio
Cocks	Henry, Conn.	Mouser	Tirrell
Cooper, Pa.	Hepburn	Mudd	Townsend
Cooper, Wis.	Higgins	Murdock	Tyndall
Cromer	Hill, Conn.	Murphy	Volstead
Crumpacker	Hinshaw	Needham	Waldo
Curtis	Hoar	Nevin	Weeks
Cushman	Holliday	Norris	Wharton
Dale	Howell, N. J.	Olcott	Williams
Darragh	Howell, Utah	Olmsted	Wilson
Davis, Minn.	Hubbard	Overstreet	Wood, N. J.
Dawson	Jones, Wash.	Parker	Young

NAYS—35.

Beall, Tex.	Gillespie	Lester	Sherley
Brantley	Goulden	Lewis	Smith, Tex.
Broocks, Tex.	Gregg	Lloyd	Stanley
Burleson	Henry, Tex.	Macon	Taylor, Ala.
Burnett	Hunt	Page	Thomas, N. C.
De Armond	Johnson	Patterson, S. C.	Wallace
Dixon, Ind.	Keliher	Richardson, Ala.	Wiley, Ala.
Floyd	Kitchin, Wm. W.	Robinson, Ark.	Zenor
Garner	Lee	Rucker	

ANSWERED "PRESENT"—30.

Bankhead	Garrett	McNary	Sherman
Bartlett	Goldfogle	Madden	Stafford
Conner	Granger	Mann	Tawney
Cousins	Hedge	Moon, Tenn.	Watkins
Foss	Howard	Otjen	Wood, Mo.
Fulkerson	Jenkins	Perkins	The Speaker
Fuller	Kline	Shackleford	
Gardner, Mass.	Lever	Sheppard	

NOT VOTING—189.

Acheson	Bradley	Clayton	Fitzgerald
Adams, Pa.	Broussard	Cockran	Flack
Adams, Wis.	Brown	Cole	Flood
Adamson	Brundidge	Currier	Fordney
Aiken	Burgess	Dalzell	Fowler
Allen, N. J.	Burke, S. Dak.	Davey, La.	Gaines, Tenn.
Andrus	Burleigh	Davidson	Garber
Bartholdt	Burton, Del.	Davis, W. Va.	Gardner, N. J.
Bates	Butler, Pa.	Dawes	Gilbert, Ky.
Bede	Butler, Tenn.	Deemer	Gill
Beidler	Byrd	Dovener	Gillett, Cal.
Bell, Ga.	Calder	Dresser	Gillett, Mass.
Bingham	Calderhead	Driscoll	Glass
Bishop	Campbell, Kans.	Ellerbe	Goebel
Blackburn	Candler	Ellis	Greene
Bowers	Cassel	Esch	Griggs
Bowersock	Clark, Fla.	Field	Gronna
Bowie	Clark, Mo.	Finley	Gudger
Hardwick	Lawrence	Pearre	Smith, Wm. Alden
Haskins	Legare	Pou	Southall
Haugen	Lilley, Conn.	Powers	Sparkman
Hay	Lindsay	Pujo	Sperry
Hearst	Littauer	Rainey	Spight
Heflin	Little	Randell, Tex.	Stephens, Tex.
Hermann	Littlefield	Ransdell, La.	Sullivan, Mass.
Hill, Miss.	Livingston	Reid	Sullivan, N. Y.
Hitt	Lorimer	Reynolds	Sulzer
Hogg	Loud	Rhinock	Talbott
Hopkins	Lovering	Richardson, Ky.	Towne
Houston	McCall	Rives	Trimble
Huff	McCreary, Pa.	Rixey	Underwood
Hughes	McDermott	Roberts	Van Duzer
Hull	McLain	Robertson, La.	Van Winkle
Humphrey, Wash.	McMorran	Rodenberg	Vreeland
Humphreys, Miss.	Mahon	Ruppert	Wachter
James	Martin	Russell	Wadsworth
Jones, Va.	Maynard	Ryan	Wanger
Ketcham	Meyer	Schneebeli	Watson
Kinkaid	Michalek	Scott	Webb
Kitchin, Claude	Mondell	Scroggy	Webber
Klepper	Moon, Pa.	Shartel	Weems
Knapp	Moore	Sibley	Weisse
Knopf	Morrell	Sims	Welborn
Lafean	Padgett	Slayden	Wiley, N. J.
Lamar	Palmer	Slemp	Woodyard
Lamb	Parsons	Small	
Landis, Chas. B.	Patterson, N. C.	Smith, Ky.	
Law	Patterson, Tenn.	Smith, Md.	

So the motion to amend the title was agreed to.

During the calling of the roll the following occurred:

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Is it in order now to move that the House adjourn?

The SPEAKER. It is not during the roll call.

Mr. WILLIAMS. But the roll call has not yet started.

The SPEAKER. One name has been called, and the Clerk will continue.

The Clerk proceeded and completed the roll call.

The Clerk announced the following additional pairs:

Mr. GARDNER of Massachusetts with Mr. MCNARY.

Mr. BEDE with Mr. GRIGGS.

Mr. WILLIAMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I rise for the purpose of moving that the House do now adjourn, but before putting that motion I would like to direct a parliamentary inquiry to the Chair. The title having been perfected, would it be in order now to move to strike out the title?

The SPEAKER. It seems to the Chair not. In the opinion of the Chair, while the question has not arisen for decision, it would not be in order, the previous question having been ordered and operating.

Mr. WILLIAMS. I thought I would wait until after the title was perfected by amendment. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Mississippi moves that the House do now adjourn.

Mr. MILLER. Mr. Speaker, upon that I raise the point of order that the motion is dilatory.

Mr. WILLIAMS. Mr. Speaker, it is now a quarter past 6 o'clock. The last time I made that motion it was a quarter past 5 o'clock.

The SPEAKER. The Chair is inclined to submit the motion to the House, but under the rule it requires a majority to second that motion before it can be put to the House, and that majority is to be ascertained by a rising vote, being counted by the Chair. As many as are in favor of seconding the motion of the gentleman from Mississippi will rise and stand until counted. [After counting.] Fifty-four gentlemen have arisen. Those opposed to seconding the motion will rise and stand until counted. [After counting.] One hundred and fifty-seven gentlemen have arisen.

So the motion to adjourn was not seconded.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. Has a quorum been announced?

Mr. KEIFER. It is not necessary on this.

Mr. WILLIAMS. I know; but on the other vote.

The SPEAKER. The Chair will state to the gentleman for his information that the House is eight short of a quorum, and the Sergeant-at-Arms is attempting to bring in Members under the rule, and on the motion to adjourn a second has been refused, and here we are. [Laughter and applause.]

Mr. BARTLETT. Mr. Speaker, I desire to ask unanimous consent in reference to a vote which I cast on the first roll call, if the House will permit me.

The SPEAKER. It would hardly be in order at this time. The gentleman can hardly interrupt a roll call.

Mr. BARTLETT. I thought the roll call was finished.

The SPEAKER. We are trying to ascertain whether there is

a quorum. The House can do no business until that is disposed of. The Chair will be glad to recognize the gentleman when a quorum is ascertained.

After an interval,

Mr. WILLIAMS. Mr. Speaker, a quarter of one hour, lacking two and a half minutes, having passed, I would like to renew the motion that the House do now adjourn. Perhaps it has changed its mind.

Mr. MILLER. Mr. Speaker, I raise the point of order that the motion is dilatory.

The SPEAKER. No business has intervened since the gentleman did move to adjourn, which motion failed even to get a second. The Chair will state to the gentleman we seem to be four short of a quorum, and the Sergeant-at-Arms reports that he is hustling. The suggestion of the lapse of fifteen minutes by way of a motion it seems to the Chair is dilatory, and the Chair would be so inclined to hold. [After an interval.] Upon this vote the yeas are 128, the nays 35, present 29—a quorum. The ayes have it.

Mr. MILLER. I move, Mr. Speaker, that the House do now adjourn.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman can enter his motion tomorrow, if he chooses to do it, under the rules.

Mr. WILLIAMS. I know; but I wanted to get some information from the Chair.

The SPEAKER. The gentleman can hardly interrupt the motion to adjourn.

The motion was agreed to.

Thereupon (at 7 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting record of certain judgments rendered by the Court of Claims against the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for land and building for subtreasury at San Francisco—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Postmaster-General, transmitting papers in the claim of John N. Newkirk—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19150) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes, reported the same with amendment, accompanied by a report (No. 4266); which said bill and report were referred to the House Calendar.

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 19374) to prohibit shanghaiing in the United States, reported the same without amendment, accompanied by a report (No. 4267); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3433) to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890, reported the same without amendment, accompanied by a report (No. 4269); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17455) permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn., reported the same with amendment, accompanied by a report (No. 4270); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17758) permitting the building of a dam across the Mississippi River, in the county of Morrison, State of Minnesota, reported the same with amendment, accompanied by a report (No. 4271); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17881) permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota, reported the same with amendment, accompanied by a report (No. 4272); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5357) permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn., reported the same with amendment, accompanied by a report (No. 4273); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House H. R. 13300, reported in lieu thereof a bill (H. R. 19473) authorizing the use of the waters in Coosa River at Lock 4, in Alabama, accompanied by a report (No. 4275); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18900) correcting the military record of E. J. Kolb, alias E. J. Kulb, reported the same without amendment, accompanied by a report (No. 4265); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1211) to correct the military record of John Aispaugh, reported the same without amendment, accompanied by a report (No. 4268); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13836) to remove the charge of desertion from the record of Tyler Weare, reported the same with amendment, accompanied by a report (No. 4274); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10135) to provide for an additional judge for the northern district of California, reported the same adversely, accompanied by a report (No. 4264); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. HAYES: A bill (H. R. 19468) to increase the limit of cost of the construction of the immigrant station at Angel Island, in the harbor of San Francisco, Cal.—to the Committee on Immigration and Naturalization.

By Mr. LILLEY of Pennsylvania (by request): A bill (H. R. 19469) creating a commission to investigate the subject of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SULZER: A bill (H. R. 19470) to promote the construction of good roads and the efficiency of the postal service in the States and Territories of the United States—to the Committee on Agriculture.

By Mr. BENNET of New York: A bill (H. R. 19471) fixing the salary of the assistant postmaster in New York City—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: A bill (H. R. 19472) authorizing certain changes in the permanent system of highways, District of Columbia—to the Committee on the District of Columbia.

By Mr. BURTON of Ohio, from the Committee on Rivers and Harbors: A bill (H. R. 19473) authorizing the use of the waters in Coosa River at Lock 4, in Alabama—to the House Calendar.

By Mr. SIBLEY: A joint resolution (H. J. Res. 158) amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A resolution (H. Res. 525) providing for the payment to Clarence E. Gauss of the sum of $500 for services as assistant stenographer to the Committee on Invalid Pensions during the first session of the Fifty-ninth Congress—to the Committee on Accounts.

Also, a resolution (H. Res. 526) providing for the payment to Herman Gauss of the sum of $1,000 for extra and expert services as assistant clerk of the Committee on Invalid Pensions by detail—to the Committee on Accounts.

By Mr. DRAPER: A resolution (H. Res. 527) providing for the appointment of a clerk in the House document room—to the Committee on Accounts.

By Mr. WILLIAM W. KITCHIN: A resolution (H. Res. 528) requesting of the Secretary of the Navy certain information as to the cost of armor plate and armor plant, etc.—to the Committee on Naval Affairs.

By Mr. HARDWICK: A resolution (H. Res. 529) to amend Rule X of the rules of the House—to the Committee on Rules.

Also, a resolution (H. Res. 530) to amend Rule XI of the rules of the House—to the Committee on Rules.

By Mr. McNARY: A resolution (H. Res. 531) giving certain instructions to the United States delegation to the Third International Conference of American Republics, to be held at Rio de Janeiro in July—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 19474) granting an increase of pension to Mathew Kerwin—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 19475) granting an increase of pension to Lucius H. Felt—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 19476) granting an increase of pension to Frances Davis—to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19477) granting an increase of pension to William H. Lamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19478) granting an increase of pension to Stephen M. Fisk—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 19479) granting an increase of pension to George W. Savage—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 19480) granting an increase of pension to Malinda Stinnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19481) for the relief of Elizabeth P. Jenkins, executrix of the estate of William Dominico Jenkins—to the Committee on War Claims.

By Mr. FOSS: A bill (H. R. 19482) granting an increase of pension to Sarah E. Cannell—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 19483) granting a pension to Lydia A. Patnaude—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 19484) granting an increase of pension to Archibald Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19485) granting an increase of pension to Isaac Redenbo—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 19486) granting an increase of pension to Anna K. Rhoades—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 19487) for the relief of John Billups—to the Committee on War Claims.

By Mr. KLINE: A bill (H. R. 19488) granting a pension to Uriah Hartzell—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 19489) for the relief of the legal representatives of Samuel C. Hull, deceased—to the Committee on War Claims.

By Mr. LAWRENCE: A bill (H. R. 19490) granting a pension to Estelle I. Reed—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 19491) for the relief of the Apel Cigar Company—to the Committee on Claims.

By Mr. RHODES: A bill (H. R. 19492) granting an increase of pension to Mary A. Counts—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 19493) to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him by the State courts of Alabama while acting in the service of the United States—to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 19494) granting an increase of pension to Vatchel Carmen—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 19495) granting an increase of pension to A. P. Glaspie—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4292) granting a pension to George W. Kelly—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 17377) granting a pension to Luther M. Southall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17378) granting a pension to Mary W. Taylor—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT: Petitions of Macon Council, No. 290, of the United Commercial Travelers, and W. A. Freeman, G. C. Carmichael, and J. P. Sammons, committee, against bill H. R. 4549—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of Pennsylvania: Paper to accompany bill for relief of Samuel B. McLean—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petition of the General Federation of Women's Clubs, and the Century Club, of Coatesville, Pa., for an appropriation to investigate the industrial conditions of women in the United States—to the Committee on Appropriations.

By Mr. CAMPBELL of Ohio: Petition of 60 American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of Hand in Hand Lodge, of Clinton, Iowa, against the amendment to rate bill to prohibit passes to employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: Paper to accompany bill for relief of Jonas M. Sees—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the city council of Chicago, for control of the drainage of the Chicago city canal by the Federal Government exclusively—to the Committee on Rivers and Harbors.

By Mr. FLOYD: Paper to accompany bill for relief of Samuel H. Britts—to the Committee on Pensions.

By Mr. GRANGER: Petition of the Ladies of the Maccabees of the World, Northeastern Branch, and the State Federation of Clubs of Rhode Island, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. HEFLIN: Paper to accompany bill for relief of Lucinda Brady, wife of Simon D. Brady—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Presbyterian Church of Atlantic Highlands, N. J., for a constitutional amendment prohibiting polygamy in the United States—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of William Farrer—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the city council of Chicago, Ill., for regulation of the drainage of the Chicago city canal solely by the Federal Government—to the Committee on Rivers and Harbors.

By Mr. LORIMER: Petition of Squire T. Harvey & Sons, favoring the provision in the pure-food bill relative to blended whiskies—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: Paper to accompany bill for relief of James A. Lessey—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Emily Fox—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: Paper to accompany bill

for relief of Oscar Fulgham—to the Committee on War Claims.

By Mr. SOUTHARD: Petition of the Helvetia Milk Condensing Company, against cutting out the clause of agricultural appropriation bill relative to research work on American food stuffs—to the Committee on Agriculture.

By Mr. SULLIVAN of New York: Petition of the city council of Chicago, for sole control of the drainage of the Chicago city canal by the Federal Government—to the Committee on Rivers and Harbors.

By Mr. VREELAND: Petition of the railway employees of Salamanca, N. Y., against the amendment in the railway rate bill prohibiting free passes to employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. WHARTON: Petition of the city council of Chicago, for sole control by the Federal Government of the outflow from Lake Michigan into the Chicago city canal—to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 19, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, the Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The motion was agreed to.

REVISED STATUTES.

Mr. JENKINS. Mr. Speaker, I desire to call up conference report on the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States.

Mr. McCALL. Mr. Speaker, if the gentleman will permit me, this report has been pending a long time, and I think it should be disposed of; therefore, I am willing to have it brought up. The gentleman from New York [Mr. COCKRAN] has been interested in this bill. Temporarily he is out of the city. Now, I would ask the gentleman if he can not let the matter which was before the House last night be disposed of, and let this go over with the understanding that he will immediately call it up, so that we may dispose of this report to-day? I prefer to have the gentleman from New York [Mr. COCKRAN] present. He has been here in attendance, but happens just now not to be in the House. In any event, we can dispose of it to-day.

Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Texas [Mr. BURLESON] to reply to the question of the gentleman from Massachusetts [Mr. MCCALL].

Mr. BURLESON. I will state to the gentleman from Massachusetts that I have no objection whatever to the gentleman from New York [Mr. COCKRAN] being present when this matter is disposed of, but as the gentleman from Massachusetts knows and understands, we have postponed this matter time and time again, and I am anxious to have it disposed of. If we can have an understanding that immediately after this other matter is disposed of——

Mr. McCALL. I agree with everything the gentleman has said, and I agree to that.

Mr. BURLESON. But, as I understand it, the gentleman from Massachusetts and I can not make that agreement. There must be a third party to it.

Mr. McCALL. Well, let it be understood that the chairman of the committee is to call it up immediately after the matter before the House last evening is disposed of.

Mr. BURLESON. If that meets the approbation of the Speaker and the gentleman from Wisconsin, I have no objection whatever; but I do want the matter disposed of.

Mr. PAYNE. This is a privileged matter that can be called up at any time.

The SPEAKER. A conference report is a matter of the highest privilege.

Mr. CRUMPACKER. Mr. Speaker, this bill is a very important measure, and I think there ought to be some little time devoted to its consideration. This is a criminal law, and it seems to me open to some very serious criticisms. The code reported by the Committee on the Revision of the Laws contains a section covering this particular question, and if that be acted upon at this session, why, I do not know that anything can be gained by considering both propositions. But I certainly will oppose agreeing to the conference report. I think there ought to be a little time for its consideration, because it violates, it seems to me, all the principles of criminal legislation.

Mr. JENKINS. I withdraw the request for present consideration of the conference report.

The SPEAKER. The gentleman withdraws the conference report.

ESTATE OF SAMUEL LEE, DECEASED.

Mr. MILLER. Mr. Speaker, I move to reconsider the last vote taken last night, and also move to lay that motion on the table.

The SPEAKER. Let the Chair understand. The last vote taken covers the title. The vote taken prior to that covers the passage of the bill. Which vote does the gentleman desire to reconsider—the one passing the bill?

Mr. MILLER. The one passing the bill.

The SPEAKER. The gentleman moves to reconsider——

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Would it be in order, the title of the bill having been perfected, to move to strike out the title?

The SPEAKER. The Chair thinks not. The gentleman from Kansas moves to reconsider the vote by which the bill was passed, and also moves to lay that motion on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 99, noes 65.

Mr. WILLIAMS. No quorum present, Mr. Speaker.

The SPEAKER. The doors will be closed; the Sergeant-at-Arms will bring in the absentees; as many as are in favor of the motion to lay on the table will, as their names are called, vote "yea;" those opposed will vote "nay;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 59, answered "present" 32, not voting 159, as follows:

YEAS—131.

Adams, Wis.	Cushman	Howell, N. J.	Olmsted
Alexander	Dale	Howell, Utah	Overstreet
Allen, Me.	Darragh	Hubbard	Payne
Ames	Davis, Minn.	Jones, Wash.	Perkins
Babcock	Dawson	Kahn	Pollard
Bannon	Denby	Keifer	Prince
Barchfeld	Dunwell	Kennedy, Nebr.	Rhodes
Bates	Dwight	Kennedy, Ohio	Rodenberg
Bede	Edwards	Kinkaid	Samuel
Bennet, N. Y.	Esch	Knowland	Slemp
Bennett, Ky.	Fassett	Lacey	Smith, Cal.
Birdsall	Foster, Ind.	Lawrence	Smith, Ill.
Bishop	Foster, Vt.	Le Fevre	Smith, Samuel W.
Bonynge	French	Lilley, Pa.	Smyser
Boutell	Gaines, W. Va.	Loud	Snapp
Brooks, Colo.	Gardner, Mass.	Lovering	Southard
Brown	Gardner, Mich.	McCall	Southwick
Brownlow	Gilbert, Ind.	McCleary, Minn.	Sperry
Buckman	Gillett, Cal.	McGavin	Steenerson
Burke, Pa.	Graff	McKinlay, Cal.	Stevens, Minn.
Burton, Ohio	Graham	McKinley, Ill.	Sulloway
Campbell, Kans.	Grosvenor	McKinney	Tawney
Campbell, Ohio	Hamilton	McLachlan	Taylor, Ohio
Capron	Haugen	Mann	Thomas, Ohio
Cassel	Hayes	Marshall	Tirrell
Chaney	Hedge	Miller	Townsend
Chapman	Henry, Conn.	Minor	Volstead
Cooper, Pa.	Hepburn	Mouser	Wanger
Cooper, Wis.	Higgins	Murdock	Wharton
Cousins	Hill, Conn.	Murphy	Wilson
Cromer	Hinshaw	Needham	Wood, N. J.
Crumpacker	Hoar	Norris	Young
Curtis	Holliday	Olcott	

NAYS—59.

Adamson	Ellerbe	Johnson	Russell
Aiken	Flood	Jones, Va.	Ryan
Bankhead	Floyd	Kelliher	Shackleford
Beall, Tex.	Garner	Lee	Sims
Bowers	Garrett	Lester	Slayden
Bowie	Gilbert, Ky.	Lewis	Smith, Tex.
Brantley	Gillespie	Livingston	Spight
Broocks, Tex.	Gregg	Lloyd	Sullivan, Mass.
Burgess	Griggs	Macon	Talbott
Burleson	Hay	Patterson, S. C.	Taylor, Ala.
Burnett	Heflin	Randell, Tex.	Thomas, N. C.
Candler	Henry, Tex.	Richardson, Ala.	Wallace
Clark, Fla.	Hopkins	Robertson, La.	Williams
De Armond	Humphreys, Miss.	Robinson, Ark.	Zenor
Dixon, Ind.	Hunt	Rucker	

ANSWERED "PRESENT"—32.

Bartlett	Finley	Kline	Powers
Bell, Ga.	Foss	Lamb	Scott
Brick	Fulkerson	Lever	Sheppard
Clark, Mo.	Fuller	Madden	Sherman
Clayton	Goulden	Maynard	Smith, Iowa
Davey, La.	Granger	Moon, Tenn.	Stafford
Dickson, Ill.	Howard	Otjen	Stephens, Tex.
Dixon, Mont.	Jenkins	Patterson, N. C.	Watkins

NOT VOTING—159.

Acheson	Bingham	Burke, S. Dak.	Calder
Adams, Pa.	Blackburn	Burleigh	Calderhead
Allen, N. J.	Bowersock	Burton, Del.	Cockran
Andrus	Bradley	Butler, Pa.	Cocks
Bartholdt	Broussard	Butler, Tenn.	Cole
Beidler	Brundidge	Byrd	Conner

Currier	Hitt	Mahon	Sibley
Dalzell	Hogg	Martin	Small
Davidson	Houston	Meyer	Smith, Ky.
Davis, W. Va.	Huff	Michaiek	Smith, Md.
Dawes	Hughes	Mondell	Smith, Wm. Alden
Deemer	Hull	Moon, Pa.	Smith, Pa.
Dovener	Humphrey, Wash.	Moore	Southall
Draper	James	Morrell	Sparkman
Dresser	Ketcham	Mudd	Stanley
Driscoll	Kitchin, Claude	Nevin	Sterling
Ellis	Kitchin, Wm. W.	Padgett	Sullivan, N. Y.
Field	Klepper	Page	Sulzer
Fitzgerald	Knapp	Palmer	Towne
Flack	Knopf	Parker	Trimble
Fletcher	Lafean	Parsons	Tyndall
Fordney	Lamar	Patterson, Tenn.	Underwood
Fowler	Landis, Chas. B.	Pearre	Van Duzer
Gaines, Tenn.	Landis, Frederick	Pou	Van Winkle
Garber	Law	Pujo	Vreeland
Gardner, N. J.	Legare	Rainey	Wachter
Gill	Lilley, Conn.	Ransdell, La.	Wadsworth
Gillett, Mass.	Lindsay	Reeder	Waldo
Glass	Littauer	Reid	Watson
Goebel	Little	Reynolds	Webb
Goldfogle	Littlefield	Rhinock	Webber
Greene	Longworth	Richardson, Ky.	Weeks
Gronna	Lorimer	Rives	Weems
Gudger	Loudenslager	Rixey	Weisse
Hale	McCarthy	Roberts	Welborn
Hardwick	McCreary, Pa.	Ruppert	Wiley, Ala.
Haskins	McDermott	Schneebeli	Wiley, N. J.
Hearst	McLain	Scroggy	Wood, Mo.
Hermann	McMorran	Shartel	Woodyard
Hill, Miss.	McNary	Sherley	

So the motion to reconsider was laid on the table.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Until May 24:

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Until May 23:

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Until May 21:

Mr. DALZELL with Mr. CLARK of Missouri.

Until May 20:

Mr. SCOTT with Mr. HOWARD.

Until further notice:

Mr. LITTLEFIELD with Mr. CLAYTON.

Mr. HASKINS with Mr. LEVER.

Mr. FULKERSON with Mr. CLAUDE KITCHIN.

Mr. WOODYARD with Mr. MAYNARD.

Mr. WELBORN with Mr. GUDGER.

Mr. WATSON with Mr. LITTLE.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. REYNOLDS with Mr. MCDERMOTT.

Mr. OTJEN with Mr. PADGETT.

Mr. LILLEY of Connecticut with Mr. REID.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KNOPF with Mr. WEISSE.

Mr. HITT with Mr. LEGARE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. BUTLER of Pennsylvania with Mr. BARTLETT.

Mr. DOVENER with Mr. SPARKMAN.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. DEEMER with Mr. KLINE.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. FOSS with Mr. MEYER.

Mr. DRAPER with Mr. FIELD.

Mr. COLE with Mr. GARBER.

For this day:

Mr. SMITH of Pennsylvania with Mr. TRIMBLE.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. BINGHAM with Mr. HEARST.

Mr. WADSWORTH with Mr. VAN DUZER.

Mr. DIXON of Montana with Mr. PAGE.

Mr. SMITH of Iowa with Mr. HARDWICK.

Mr. WILEY of New Jersey with Mr. BUTLER of Tennessee.

Mr. RIVES with Mr. MOORE.

Mr. BLACKBURN with Mr. SMALL.

Mr. SIBLEY with Mr. WATKINS.

Mr. KNAPP with Mr. LAMAR.

Mr. KETCHAM with Mr. RAINEY.

Mr. ACHESON with Mr. BROUSSARD.

Mr. WALDO with Mr. WILEY of Alabama.

Mr. WACHTER with Mr. WEBB.

Mr. PEARRE with Mr. SULZER.

Mr. PARKER with Mr. SOUTHALL.

Mr. NEVIN with Mr. SMITH of Maryland.

Mr. MAHON with Mr. RIXEY.

Mr. MCCREARY of Pennsylvania with Mr. RHINOCK.

Mr. LOUDENSLAGER with Mr. PUJO.

Mr. LAW with Mr. MCNARY.

Mr. HULL with Mr. MCLAIN.

Mr. HALE with Mr. LINDSAY.

Mr. GRONNA with Mr. JAMES.

Mr. GARDNER of New Jersey with Mr. HILL of Mississippi.

Mr. DAWES with Mr. GOLDFOGLE.

Mr. DAVIDSON with Mr. HOUSTON.

Mr. CONNER with Mr. GLASS.

Mr. BURLEIGH with Mr. GILL.

Mr. BARTHOLDT with Mr. FITZGERALD.

Mr. ALLEN of New Jersey with Mr. BYRD.

Mr. ADAMS of Pennsylvania with Mr. BRUNDIDGE.

On this vote:

Mr. BEIDLER with Mr. DAVIS of West Virginia.

Mr. LAFEAN with Mr. MOON of Tennessee.

Mr. ROBERTS with Mr. STEPHENS of Texas.

Mr. PARSONS with Mr. STANLEY.

Mr. MUDD with Mr. SHERLEY.

Mr. GILLETT of Massachusetts with Mr. TOWNE.

Mr. LITTAUER with Mr. UNDERWOOD.

Mr. ANDRUS with Mr. COCKRAN.

Mr. DIXON of Montana. Mr. Speaker, I desire to change my vote from "aye" to "present." I am paired with the gentleman from North Carolina [Mr. PAGE].

Mr. MAYNARD. Mr. Speaker, I voted "no," and I desire to change my vote to "present," being paired.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will cause the doors to be opened.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I move to reconsider the vote whereby the title of the bill was amended.

The SPEAKER. The gentleman from Mississippi moves to reconsider the vote by which the amendment to the title was adopted.

Mr. MILLER. Mr. Speaker, I raise the point of order——

Mr. PAYNE. That the motion comes too late.

Mr. MILLER. That the motion comes too late, the motion to reconsider the vote by which the bill passed having been laid on the table.

Mr. WILLIAMS. I want to be heard on that just for two minutes. The vote on the passage of the bill was taken before the vote on the amendment to the title.

Mr. MILLER. I make the further point also that it is dilatory.

Mr. WILLIAMS. The vote on the passage of the bill having been taken before the vote on the amendment to the title, naturally the motion to reconsider the vote amending the title also follows the motion to reconsider the vote upon the passage. Now, as to being dilatory, Mr. Speaker, I would challenge any human intelligence to find the means whereby it could be decided that it was not dilatory to move to reconsider upon the passage and is dilatory immediately afterward to move to reconsider the vote whereby the title was amended.

Mr. PAYNE. I want to inquire, Mr. Speaker, which way the gentleman voted on the question when it was taken?

Mr. WILLIAMS. "The gentleman from Mississippi" voted to amend the title. The gentleman purposely voted that way so that he might make this motion.

The SPEAKER. The gentleman voted in the affirmative.

The Chair is prepared to rule. The House will notice from the Journal, as well as the recollection of Members, the votes that were taken on this bill upon yesterday. There were one or more amendments to the bill reported from the Committee of the Whole House. Those amendments were agreed to by the House. The bill was engrossed and read a third time and passed, and then there was a vote upon amending the title. Then the House adjourned. This morning a motion was made to reconsider the vote by which the bill was passed, and we have just voted upon a motion to lay that motion upon the table, and the House has agreed to the motion by a majority. The Chair will state to the gentleman from Mississippi that it does seem to the Chair that, all things considered, the Chair, in ruling upon the point of order that the motion is dilatory, must sustain the point.

Mr. WILLIAMS. Would the Chair be willing to attempt to draw any distinction in the matter of dilatoriness between this motion and the one which just preceded it?

The SPEAKER. Yes. The Chair would be willing to do

that without in the least impugning the motives of any Member. The Chair does not consider that that would be his province, and if it were he would have no judgment that would prompt him to do it. But the Chair, upon the whole, would be willing to put the question, as he did yesterday, to the gentleman from Mississippi himself if he does not think it is dilatory.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Mississippi was interrogating the Chair and would like to have an answer to the question he put to the Chair, and after that the gentleman from Mississippi would stand interrogation himself, but not now. Now, what I am asking is this: Whether the Chair would be willing to undertake to show wherein this motion is any more dilatory than the one which just preceded it, and after the Chair has answered that the gentleman from Mississippi will stand all sorts of interrogation.

The SPEAKER. The Chair will state further in reply to the gentleman that the vote by which the bill was passed was the material vote, the substantial vote, and a motion to reconsider that vote was made and that motion was laid on the table. The question of amending the title may be likened to the "leather and prunella" that surround many questions, and the Chair must adhere to its decision and sustain the point of order.

Mr. WILLIAMS. Do I understand that the decision of the Chair is based upon the "leather-and-prunella" theory?

The SPEAKER. Yes and no. "For the letter killeth, but the spirit giveth life." The House has had an opportunity to consider this bill on its merits and substantially on the motion to reconsider the vote by which it passed. [Applause on the Republican side.]

AMENDING SECTION 5501, REVISED STATUTES.

Mr. JENKINS. Mr. Speaker, I call up conference report on the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 7, 8, 11, and 12, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: On page 2, line 14, after the word "thereof," insert: "and every Member of Congress;" and the Senate agree to the same.

JOHN J. JENKINS,
C. E. LITTLEFIELD,
H. D. CLAYTON,
Managers on the part of the House.
C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The Senate amended the bill as follows:

(1) Page 1, line 6, by striking out the words "or employee."

(2) Page 1, line 10, by striking out the word "such."

(3) Page 2, line 9, after the word "not," by inserting the words "less than one year nor."

(4) Page 2, line 10, by striking out the word "shall" and inserting the words "may, in addition."

(5) Page, 2, line 10, by striking out the words "to exceed" and inserting the words "less than five hundred dollars, nor more than."

(6) Page 2, line 11, by striking out the words "or employee."

(7) Page 2, line 13, after the word "of," by inserting the words "the authority of."

(8) Page 2, line 14, after the word "government," by inserting the word "thereof."

(9) Page 2, lines 14 and 15, by striking out the words "by virtue of the" and inserting the words "while holding said."

(10) Page 2, line 20, after the word "company," by inserting the words "and which information is required by law or under the rules of any department of the Government to be withheld from publication until a fixed time."

(11) Page 2, line 24, after the word "not," by inserting the words "less than five hundred dollars nor."

(12) Page 3, line 1, after the word "not," by inserting the words "less than one year nor."

The following Senate amendments were agreed to: Nos. 2, 3, 4, 5, 7, 11, and 12.

The Senate receded from its amendments Nos. 1, 6, 9, and 10.

The House receded from its disagreement to the amendment of the Senate No. 8, and by authority conferred by Senate concurrent resolution No. 23 agreed to the amendment of the Senate No. 8 with an amendment, as follows:

On page 2, line 14, after the word "thereof," by inserting "and every Member of Congress;" and the Senate agreed to the same.

JOHN J. JENKINS,
C. E. LITTLEFIELD,
H. D. CLAYTON,
Managers on the part of the House.

Mr. JENKINS. Mr. Speaker, there is some opposition to the adoption of this report this morning, and I will make a very brief statement for the information of the House.

Mr. GROSVENOR. Mr. Speaker, I want to ask the gentleman if this bill can be read to the House as it will be after the conference report is agreed to.

Mr. JENKINS. I will ask that the bill be read in my time, Mr. Speaker.

Mr. McCALL. Perhaps the gentleman from Wisconsin did not understand the question of the gentleman from Ohio. The question of the gentleman from Ohio was that the bill be read as it will read after the conference report is adopted. Is there any print of the bill that would give it precisely as it would be after the adoption of the report, so that the bill as amended can be read to the House?

Mr. JENKINS. I am ready to have the bill read in my time.

Mr. McCALL. I understand there is no copy of the bill which incorporates these amendments. I am trying to find out how it will read by putting in the amendments at the points suggested by the report, but I have been unable to do it. I do not believe it can be told just how the bill will read.

Mr. JENKINS. I will say that we did not have any difficulty in harmonizing it.

The SPEAKER. The Chair will say in answer to the question put by the gentleman from Massachusetts that in a short time, if it is desired, the Clerk will be able to give the bill as it will read upon the adoption of the conference report. It will take a little time, however, to do it.

Mr. GROSVENOR. Would not the chairman of the committee be willing that the bill should be printed in the RECORD and let this question lie over for a day or two? This is a very important piece of legislation.

Mr. JENKINS. I have no objection to that.

Mr. BURLESON. Mr. Speaker, that would require unanimous consent, and I object to it; not because I have any desire or am disposed to keep any Member of the House from knowing what is in the bill.

Mr. GROSVENOR. The conference report can be withdrawn by the chairman of the committee. You are creating a lot of penitentiary offenses and Congressmen are asked to vote for them without knowing what they are.

Mr. BURLESON. I am trying to do it.

Mr. GROSVENOR. There are not one-tenth of the Members of this House that know what is in this bill.

Mr. JENKINS. Mr. Speaker, I will say that this bill was introduced by the gentleman from Texas [Mr. BURLESON]. It was carefully considered by the Committee on the Judiciary and amended and reported to the House, and this House concurred in the amendments and the bill was passed by the House. After the bill reached the Senate it was several times amended and the House disagreed to the amendments of the Senate, and asked for a conference. That request was agreed to, and the conference committee met when they were presented with this simple question, that the bill provided that every officer and employee of the United States while holding office or position was forbidden to give out information as to the products grown in the United States that would affect the market value of United States bonds or bonds and stocks of any incorporated company. That included the President of the United States and included every officer and every employee of the Government down to the charman and the charwoman in every department of this Government, and the smallest page boy on the floor of this House. In the conference committee it was suggested that it certainly would only be fair to include Members of Congress. It was a debatable proposition whether it should or should not and whether or not the conferees had the power to make the necessary change. The House conferees took the position that they could not without instructions from the House incorporate the amendment "and every Member of Congress," and after some

consideration a concurrent resolution was presented in the Senate authorizing the committee on conference to include as an amendment "and every Member of Congress." That resolution passed the Senate unanimously and was brought into this House and was adopted, so the committee on conference was instructed to include the words "and every Member of Congress.' There was no opposition to the adoption of the resolution in the House.

The gentleman from Iowa [Mr. HEPBURN] asked for a statement with reference to it, and having the floor I yielded to the gentleman from Texas [Mr. BURLESON], who was interested in the measure, to make the necessary statement for the information of the gentleman from Iowa [Mr. HEPBURN], and the gentleman from Iowa said, as the RECORD discloses, that the statement made by the gentleman from Texas [Mr. BURLESON] was satisfactory to him, and therefore the House in that way became possessed of all the knowledge and information that the committee of conference had. The committee of conference did include in their report the words "and every Member of Congress," and when that committee sought to have the report considered in the House some gentleman raised the question here as to whether it was fair and just and proper to include Members of Congress, and in deference to that question the committee has held back until this morning the consideration of the conference report. I say it was a very serious proposition as presented to the conference committee whether or not it should include every officer and every employee of the Government, from the highest to the lowest, and exclude Members of Congress.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman yield for a question?

Mr. JENKINS. Yes.

Mr. CRUMPACKER. Mr. Speaker, I have read the bill through with some degree of care, and I would have no objection personally, of course, to the inclusion of Members of Congress if it reached the proper question. The bill as it was agreed upon by the conference committee does not make it a crime for Members of Congress to speculate upon products or stocks and bonds which may be influenced by legislation, does it?

Mr. JENKINS. Why, the gentleman can draw his own conclusions. I am simply stating the facts.

Mr. CRUMPACKER. But the gentleman has charge of the matter. I have never seen the bill as it was agreed upon. Does it reach the Members of Congress who may speculate on the boards of trade and cotton and stock exchanges of the country, on commodities the price of which may be influenced by legislation?

Mr. JENKINS. I should say, unhesitatingly, no. Some gentlemen have feared that some Members of Congress might be caught in the net and punished for giving out information. I am satisfied, as far as I am concerned, that there is nothing here that any Member of Congress need fear. The Senate of the United States has unanimously agreed to this proposition, and the question now, Mr. Speaker, is presented to this House to know whether or not it proposes to exclude Members of Congress and include every other officer and employee of the Government.

I yield to the gentleman from Massachusetts [Mr. MCCALL] fifteen minutes.

Mr. MCCALL. Mr. Speaker, I would suggest to the gentleman that fifteen minutes is not sufficient time to discuss a bill that affects the whole fabric and efficiency of the Government of the United States.

Mr. JENKINS. Then, Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts may be recognized for thirty minutes, without taking that time out of my time.

Mr. CRUMPACKER. Oh, let us have an hour on a side.

Mr. MCCALL. Mr. Speaker, I would like to be recognized in my own right. The gentleman can reserve his time.

Mr. JENKINS. I yield to the gentleman for fifteen minutes, if he wants that time now.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCALL] may be given an hour. He asked for that time.

The SPEAKER. The previous question is not moved, and if the gentleman from Wisconsin yields the floor the gentleman would then receive recognition if he desired it.

Mr. JENKINS. Mr. Speaker, I yield fifteen minutes to the gentleman.

The SPEAKER. Does the gentleman yield the floor?

Mr. JENKINS. No; I simply yield to the gentleman for fifteen minutes. Does the gentleman from Massachusetts want the time now?

Mr. OVERSTREET. Mr. Speaker, will the gentleman from Wisconsin yield for a question? At what point in this bill, the printed bill which Members have, does this amendment fall? There is nothing in the printed bill which shows it.

Mr. JENKINS. There is nothing in the printed bill. It is in the statement.

Mr. OVERSTREET. I am asking the gentleman on what page and line.

Mr. JENKINS. Page 2, line 14.

Mr. OVERSTREET. Will the gentleman read in the bill the language of the amendment?

Mr. JENKINS. The amendment occurs on page 2, line 14.

Mr. OVERSTREET. At what place in line 14 and after what word?

Mr. JENKINS. After the word "thereof."

Mr. OVERSTREET. After what?

Mr. JENKINS. After the word "thereof."

Mr. OVERSTREET. Why, there is no such word in that line.

Mr. JENKINS. Well, that is a Senate amendment.

Mr GROSVENOR. Well, it can be voted down, and that is the best way to dispose of it if they will not let us know what is in it.

Mr. BURLESON. With the permission of the gentleman from Wisconsin, I can tell the gentleman what is in it.

Mr. GROSVENOR. I want to read it; I do not want to vote for a penitentiary offense without reading it.

Mr. BURLESON. I do not think there is anything menacing anybody——

Mr. OVERSTREET. The House is entitled to know what is in it, and that is what I am trying to ascertain.

Mr. JENKINS. I claim my right to the floor. Now, I ask the gentleman from Massachusetts if he wants fifteen minutes?

Mr. MCCALL. Mr. Speaker, it is hardly in accordance with the gentleman's usual fairness to ask that a proposition of this kind be discussed in his one hour of time, and I would suggest to the gentleman that he remain in charge of the measure and that he permit me to be recognized in my own right, and reserve his time. I do not propose to talk an hour on the matter—perhaps not over fifteen minutes—but there are gentlemen who desire to give their views to the House with regard to this bill. Now, if the gentleman will permit me to ask unanimous consent——

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the gentleman be given an hour in his own right. I submitted the request a moment ago.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Massachusetts at this time be entitled to an hour. Is there objection? [After a pause.] The Chair hears none.

Mr. MCCALL. Mr. Speaker, this is an exceedingly important bill. I think it affects the efficiency of all the departments of the Government more than any bill which has been presented during my term of service. I only discovered it by mere accident, happening to be in the House when the conference report was brought in, and I venture to say that there are not five members of either House who understand just what it means. I do not believe that even the Judiciary Committee have considered its different aspects. It was introduced, I will say, by the gentleman from Texas [Mr. BURLESON]. It was favorably reported by the Committee on the Judiciary. It appears that the cause that led the gentleman to introduce the bill was the divulging of certain so-called "cotton statistics" collected by the Department of Agriculture. The genesis of the bill illustrates strikingly how penal laws are often made. Here was a distinct evil, something to which legislation should be directed, and the bill that is presented here attempts to accomplish the ideal perfection of the universe and to deal with all the departments of the Government.

I submit that the bill goes vastly beyond what the evil which it is claimed justified the bill would warrant or sanction. The bill exhibts, if gentlemen will read it, a good deal of refinement. It is attempting to do a difficult thing. It is a difficult thing, and it should be a difficult thing, in a Government like ours to keep the lid on any secret information or secret statistics; and I venture to say that the original bill in the form in which it passed both Houses ought never to become a law, and I do not believe it will ever become a law if the Members of this House shall study it. It applies to every officer of the Government from the President down. It applies to the giving of any information, the broadest kind of a term possible, of governmental information which would tend to affect values of certain specified forms of property which comprehend nearly all of the property of the United States except land.

Now, when we remember that the executive officers are constantly applied to by the members of the press representing the public who desire to get information upon all sorts of matters,

when we remember that nearly all governmental information will affect values, information at the Treasury Department, at the Census Department, at the Department of Justice with reference to proposed prosecutions, information as to what a Presidential message is to contain, and a multitude of other things, and when you provide that any officer of the Government who gives information of that sort which may tend to affect all these values gives it at the peril of his liberty, I think you will see that you are attempting to accomplish a very far-reaching thing, and that the only safety for any executive officer would be to become a mere clam and not tell anything whatever concerning his Department. And we may have a President, too, some day who will delight to say things as well as to "do things," and if he is indiscreet and gives information about what his message is going to contain in advance of its being transmitted to Congress he will come near committing a crime under this bill.

And not merely that, but the penalty is absolutely heathenish. This idea had not been put forth since the foundation of the Government—the enactment of a bill like this—and yet the committee that reports this bill thinks this idea has such great consequence and importance and is so greatly enamored with it that the least invasion of it is to be punished by a year in the penitentiary. That is the minimum penalty. An officer might be indiscreet, he might not understand what the rules of the Department were, he might make a mere technical infraction of this statute, and yet the minimum penalty would be a year in the penitentiary. I doubt if any Member of this House will vote for such an absurd and heathenish minimum penalty as that.

Then again, it is made a crime for any officer to give information in advance of the time when it should be given by law or contrary to the "rules of the Department." In other words, one thing may be criminal under the rule established by the chief of a bureau to-day and another thing be criminal to-morrow. You practically delegate to the bureau chief the authority to pass a penal statute. I think that the original bill as it is presented here for consideration is a bad bill, and for the purpose of arresting its progress I believe, if for no other reason, this report should be returned to the conference committee in order that they may, if possible, perfect the bill, and if they can not perfect it, then that they may provide for killing it.

Now, what I have said has application to the original bill. What I shall say now applies to the amendment, so far as Members of Congress are concerned. And the gentleman from Wisconsin [Mr. JENKINS] has given the only reason under the sun why this bill should apply to Members of Congress. The reason amounts simply to this, that it is to complete and make perfect the exquisite absurdity of an absurd bill. There is no original reason given why there should be legislation comprehending Members of Congress; but you take now the standard created by this bill which you have not passed and say, "Oh, well, if we are to have a measure applying to the President, and to the scrub women, and to the clerks, of course Members of Congress should be included." So that, as I have said, it is only to perfect and make complete the absurdity of the bill that you propose to include Members of Congress. I should like to have some original reason given here why Members of Congress should pass this slur upon themselves. If we legislate that our virtue needs to be protected thus by law, we certainly do cast a slur upon ourselves, and if we do not need the protection, then we are passing a bill which practically amounts to an advertisement to this effect, namely, that we are so good that we are willing to pass even so absurd a bill as this against ourselves and against our successors.

Mr. McGAVIN. I will ask the gentleman from Massachusetts if he does not think even under the language of the original bill here the term "officers of the Government" would necessarily include Members of Congress?

Mr. McCALL. I think it does not. I think it has been held that a Member of Congress is not an officer of the Government.

Mr. OVERSTREET. Will the gentleman yield for a question?

Mr. McCALL. Yes.

Mr. OVERSTREET. What effect would the gentleman construe the word "willful" to have where it is used in the bill? Would that in any measure modify the gentleman's construction of the bill generally? I can not see where "willfully" would either add or detract.

Mr. McCALL. I do not think it would have any particular effect. It would have, perhaps, as against something that was purely accidental.

Mr. OLMSTED. May I ask the gentleman a question?

Mr. McCALL. Certainly.

Mr. OLMSTED. I see that as the bill now stands we would not be permitted to impart any information which would tend to exert an influence upon the market of any product grown in the United States. If we should see a conflagration about breaking out in a large warehouse filled with cotton or oil or wheat, the destruction of which might "tend to exert an influence on the market," would it be, under this bill, safe for a Government clerk or a Member of Congress to cry "fire?" [Laughter.]

Mr. McCALL. I will say to the gentleman that the first section does not apply to Members of Congress. It is only proposed to have it apply to executive officers.

Mr. BURLESON. If the gentleman from Pennsylvania acquired that information about the conflagration by virtue of his official position, then it might be a violation of the law, but if he did not acquire it by virtue of the official position he held, it could not possibly be so construed.

Mr. MANN. May I ask the gentleman from Texas [Mr. BURLESON] a question in the time of the gentleman from Massachusetts [Mr. McCALL]?

Mr. McCALL. Certainly.

Mr. BURLESON. It is in the thirteenth line, second section. It says:

> Every officer or employee of the United States and every person acting for or one behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government thereof who shall by virtue of the office or the position held by him, etc.

Mr. KEIFER. Is that in the bill now?

Mr. BURLESON. Certainly it is in the bill now.

Mr. OLMSTED. It is not in the copy of the bill I have.

Mr. BURLESON. I do not know what the gentleman has, but I am talking about the bill as agreed upon by the conferees.

Mr. OLMSTED. I have not been able to find out what that is.

Mr. LILLEY of Pennsylvania. Would it not be well to accept the proposition of the gentleman from Ohio, to let this bill be printed somewhere, so that we can know what it is.

Mr. GROSVENOR. I guess we can defeat it now as well as we can after it is printed. If the gentleman wants us to vote on a bill we never saw, let him try that.

Mr. McCALL. Mr. Speaker, I was trying to discover some original reason why a measure of this kind should be enacted in regard to Members of Congress—any reason other than that it would be in harmony with this absurd bill. Now, what secret and confidential information do Members of Congress have? We have investigations; but those investigations are always public.

The Senate, to be sure, has executive sessions; but when anything of importance happens at an executive session it is reported as accurately and as promptly as the report of what is done at the public sessions. We have absolutely no secret information. If the Executive Departments of the Government are made the custodians of secret statistics, possibly it might be well to pass some carefully framed and guarded statute that would prevent a member of the executive department dealing with these particular statistics from divulging them. But Members of Congress have no such information; all that we collect is public. And I venture to say, so far as speculation is concerned, if both Houses of Congress should be assembled in joint convention and we should pool all our so-called "secret information," arm some one with it, and send him forth to Wall street and back him with our means that we would all be bankrupt. [Laughter and applause.]

Now, Mr. Speaker, this proposition as it has been amended to include Members of Congress is bad for another reason. The two Houses of Congress are given power under the Constitution to try the President, to try judges, to try all the officers of the Government, and we are made the judges of the qualifications of our own Members. It is our prerogative and our duty to punish and even expel Members if their character and deportment shall not accord with, not the arbitrary requirements of a penal statute, but the broad requirements of conscience and rules of best conduct.

We have that jurisdiction; and I submit that this is an invasion of our prerogative for us to subject Members of Congress now and in the future for the manner in which they conduct themselves in their office to the jurisdiction of the other department.

Now, why does not the gentleman from Texas make his code complete while he is about it? If it is good to have a provision here that this shall be criminal for a Member of Congress, why does he not take him out of the hands of the House entirely and provide that if a Member shall fail to vote—and that is a most important thing—that he shall be taken into the police court and fined; if he shall absent himself from his duties here, that he shall be imprisoned; and if the Speaker of the House shall

play the part of a czar, he shall be subject to be flogged at the cart's tail in the public square? [Laughter.]

Why does not the gentleman perfect his bill upon these lines? The obvious answer is that the Houses are entirely competent to purge their own membership. It is their primary duty. Then, if members of our committees collect information and use it improperly, it is the duty of the House, a duty the House will exercise when the infraction is brought to its attention, to hold that Member to a high rule of legislative conduct, and in a proper case to inflict that gravest of all punishments, expulsion.

Now, the Constitution thought so much of the right of representation here that it exempted Members from arrest in going to or returning from the sessions of the House; and yet we have witnessed this winter the spectacle in this House, for something that was alleged to have been done in his office, over which the House had complete jurisdiction, of a Member being taken from this House, his constituents deprived of their representation very nearly all winter, and, finally, when the case was presented in the court, one of the ablest judges on the bench held that there was not even evidence to warrant the case being sent to the jury. [Loud applause.]

I do not care to aid in setting any statutory traps or in spreading a net for the feet of men who may come here after us, men who may never know of this penal statute which you propose to enact.

Mr. MANN. Will the gentleman allow me right there?

Mr. McCALL. In a moment. Now, I do not know whether the prosecution I have referred to was due to political animosity as charged or not; but I do know, when you take into consideration the character of the office we hold, that we are liable to excite antagonisms, and by passing this bill you are furnishing hate and partisanship with an ideal weapon for gratifying animosity.

Now I will yield to the gentleman.

Mr. MANN. Does anybody in the House know where this conference report was printed?

Mr. McCALL. Possibly the members of the Judiciary Committee do.

Mr. MANN. I have made inquiry of several Members, including the gentleman who introduced the bill.

Mr. GROSVENOR. It is in so many different pieces that you could not tell if you knew where it was, unless you could get it printed in the form of a consecutive bill.

Mr. MANN. Of course a conference report must be printed in some place as a whole.

Mr. GROSVENOR. I do not know anything about it. I have got enough of it so that I understand all I care to about it.

Mr. MANN. Under the rules of the House a conference report must be printed.

Mr. BURLESON. It certainly was printed. I am unable to state the page of the RECORD upon which it is to be found.

Mr. MANN. It seems remarkable that the House can not obtain information as to the matter upon which it is called upon to vote.

Mr. PAYNE. It would seem a little remarkable that the conferees could not tell where it was printed.

Mr. McCALL. I am not claiming that Members of Congress should have immunity. They are subject to precisely the same statutes that apply to all of the people of this country, but in addition to that they are subject to the jurisdiction of the Houses of which they are members for the manner in which they conduct themselves in their office, and if the representatives of the States and of the people can not be trusted, if the Houses can not keep their membership pure and can not exact proper conduct, then I submit we had better change the Constitution.

Now, Mr. Speaker, Members come here from all sorts of occupations. They come from among the people, from the professions, from trades, from the farm, from all sorts of business, and it is well that they should have a practical stake in the country. I do not believe that we should encourage the filling of seats in this body by men who have never made any industrial contribution to the welfare of the country, and who regard all questions that come up from the standpoint of the mere theorist and the talker. In one of the two years of a Congressional term we are at home nine months, and engaged in the business that we follow, and in the other year we are at home six months. Yet you subject a Member to this difficulty. The bill does not say that some particular, definite thing shall be a crime, but it says that if he shall have any information by virtue of his office—and what is that? Will somebody tell me exactly how a Member has information by virtue of his office?—that may tend to affect practically the value of any kind of property in the country, and he shall see fit to exercise a reasonable degree of commercial freedom and buy and sell, he subjects himself to having somebody say he had some valuable public information, and must therefore be dragged into a criminal court. I say the crime you are creating is too indefinite, and that if you want to encourage filling this Chamber, not with active men with red blood in their veins, but with patriots of the gum-shoe breed, mere ciphers, whose footfalls you will never hear, who are always ready to stand behind somebody who may at the time be playing all the rôles of government, then you had better pass just such a bill as this. But this will not make Congress more attractive to honest men.

Mr. Speaker, we do not know how far it may be in the future, in view of the developments we have had, when we shall have the State trial and the spectacular and bizarre prosecution, when a man will be followed in the criminal courts, not because he is guilty, but because for political reasons or to enhance the popularity of somebody or for some so-called State purpose a human victim is demanded. I submit that this bill would at some future time subject men actively in politics to the State trial and to the sort of prosecution I have described.

Then, Mr. Speaker, the Executive sometimes exercises discretion in initiating prosecutions, and this bill would, in an emergency, greatly augment executive influence over Congress. The Executive is naturally impressed with the virtue of the men who are immediately about him, men in high executive office, who have his confidence. I may be permitted to refer to the case of Mr. Morton to support that statement. I am far from regarding Mr. Morton as an enormity of wickedness. I believe he is an able man and an honest man, but Mr. Morton should have been permitted to go to the courts. Two eminent doctors selected by the Administration prescribed the courts, and yet we saw him regenerated and made whole by the course of treatment which he took at the immunity baths. [Laughter.]

It is natural for the Executive to regard with favor the officers immediately about him, and he is sometimes apt to look with caution and suspicion upon those who are in the outlying provinces of the Government. For instance, there was the message which we had some time ago with reference to an officer who at the time was acting under all the sanctions which surround the judiciary, a great coordinate department of the Government.

The one deplorable thing in the other republics on this hemisphere is that their constitutions are thrown out of balance, that they have executive government, and that especially the judiciary often decides great questions affecting the lives, liberty, and property of citizens practically under his inspiration. The preservation of liberty, such as we have had in this country, requires that the three departments shall be kept rigidly separate. I believe, sir, in that settled and ordered government, which we have had heretofore, where the legislature legislates, the executive executes, and unawed judges constitute for the citizen the sure palladium of his rights. [Applause.]

I do not care to put any such weapon as this in the hands of the Executive. And because, sir, I believe that there is absolutely no ground in fact for this amendment, because I believe that the original bill in its present form is absolutely vicious and should be defeated, and because I believe that it will tend to a government for the Executive, of the Executive, and by the Executive, I will vote against adopting this conference report. [Applause.]

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirty-five minutes.

Mr. McCALL. I will yield ten minutes to the gentleman from Indiana.

Mr. CLAYTON. Before the gentleman yields to the gentleman from Indiana, I would like to make a statement for the information of the House.

Mr. McCALL. I am always ready to yield to the gentleman. I have been insisting that the gentleman in charge of this report should give the time to have it properly debated. If the gentleman from Alabama will permit me, I will yield——

Mr. CLAYTON. I only want one minute to give the House the information which it asked for. On page 5540 of the RECORD of April 17 Members will find the conference report about which inquiries have been made, setting forth how it is proposed to amend the bill.

Mr. McCALL. I will say that I diligently attempted, with a copy of the bill which I had, to find where the changes came in, and I could not find the places. Now, I will yield ten minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I entirely agree with the distinguished gentleman from Massachusetts [Mr McCALL] in the very able criticism he has made of this measure. This is an exceptionally important bill. It provides penalties for certain acts on the part of Federal officials which are not now

unlawful, the lowest of which is imprisonment in the penitentiary for one year. Now, I conceive it to be one of the very first requisites of wise criminal legislation that it shall define the offense clearly and plainly, so there can be no doubt or uncertainty about what is prohibited. I undertake to say that no man in this country can read the first section of this bill through and say what he can do and what he can not do in relation to the matters mentioned with any degree of safety. The first and fundamental principle of penal legislation is that the criminal act shall be so plainly stated that the ordinary citizen may be able to take the public statutes and read for himself the things that are forbidden under serious penalties like this bill imposes. There is no lawyer, no judge, in the country that can take this bill and say what particular act is made criminal and what not.

The first section provides that—

> Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government, who shall, while holding said office or position, become possessed of any information which would tend to exert an influence upon or affect the market value of any product grown within the United States.

Now, how many of the Members of this House are able to say what information would tend to affect the market price of products or corporation stocks or bonds of the United States? Information that might seriously affect the market price of commodities this week might have no effect on markets at all three weeks hence. Everybody knows that these questions are so entirely speculative, so altogether uncertain, that, with due regard for the liberties of citizens, they should not be made the basis of penal legislation. The gentleman from Texas said that the information must come to the officer or employee "by virtue of his office" in order to make its communication unlawful. I have the bill as it was originally prepared and there is no such requirement in it; I have a copy of the bill as it was reported by the Committee on the Judiciary and there is no such requirement in it; I have a copy of the bill as it was passed by the House of Representatives and it contains no such provision. If there is any provision of that kind in the bill, I have been unable to find it.

Mr. BURLESON. I did not catch what provision the gentleman is talking about.

Mr. CRUMPACKER. That the communication of information in order to be criminal must come to the person by virtue of his office. There is no such provision as that in the bill and there never was.

Mr. HOAR. It is struck out on the seventeenth line of the second page.

Mr. CRUMPACKER. It was perhaps in the bill at one time, but it is out of the bill now.

Mr. BURLESON. Certainly not.

Mr. CRUMPACKER. It is out of the bill as it came from conference.

Mr. GROSVENOR. If the gentleman from Indiana will allow me, it is a thousand times worse now, because it now provides if the information comes to him at all under any circumstances while holding the office.

Mr. CRUMPACKER. That is the point I am making exactly.

Mr. MANN. Mr. Speaker, if the gentleman will yield to me for a moment, I can give him the exact language of the bill as provided in the conference report on that point.

Mr. CRUMPACKER. I will be very glad to hear it. I have never been able to know what it is.

Mr. MANN. It is in section 2:

> Every officer or employee of the Government of the United States and every person acting for or on behalf of the United States in any official capacity, under or by virtue of the authority of any Department of the Government, and every Member of Congress who shall, by virtue of the office or position held by him——

Mr. KEIFER. That is only descriptive of the person.

Mr. CRUMPACKER. That may be a later print.

Mr. BURLESON. That is right.

Mr. MANN. Oh, I am not talking about the latest print. I am talking about the way the bill would read as a law if the conference report were adopted.

Mr. CRUMPACKER. The gentleman from Illinois [Mr. MANN] presents what he says to be the final revision of the bill. I am not able to determine whether it is or not. I have three or four different prints before me, no two of which are alike; but suppose that be true, it does not change the character of the bill. It requires the citizen who is liable to be punished for crime under its provisions to judge for himself whether an item of information may tend to affect the markets of the country respecting produce, stocks, bonds, or the bonds and securities of the United States, and if he honestly makes a mistake he must go to prison. Furthermore, it puts every man in the service of the Government under the control of Department chiefs. These penalties and criminal acts depend upon departmental regulations. The information must be such as is condemned or authorized by a rule or regulation of a Department. I insist that the Congress of the United States can not abdicate its constitutional functions and turn over to any chief of a bureau or head of a Department the right to enact any kind of legislation, let alone criminal legislation which subjects the citizen to confinement in the penitentiaries of the land. It is a salutary requirement that Congress shall put into the laws of the country all of the criminal legislation that they are to contain. The bill provides further that the Department, by rule or regulation, shall say who may legally have the information and who may not have it.

The purpose of the bill, I understand, as explained by the gentleman from Massachusetts [Mr. MCCALL], is to prevent the divulgence of cotton estimates. It is the result of a practice the Government has gotten into that I am now about ready to condemn as a most abominable practice, that of becoming a sort of information bureau for grain and stock speculators and gamblers. If we, however, continue to gather estimates of crops, grain and cotton, I am willing to have a law enacted that will make it a crime for any public officer to divulge any information respecting those estimates or those statistics until they are ready to be given to the public. I believe if we continue in the business we ought to have that sort of statute, but we do not need a piece of legislation of this character, a piece of legislation that subjects men to punishment for acts that they can not possibly know in advance may be criminal. There is no necessity for passing this sort of a law to protect the cotton growers and speculators of the country against leakage in the cotton estimates. The second section provides penalties for speculation in stocks and produce upon certain kind of information, and it includes Members of Congress. Members of Congress have no right to speculate in the markets of the country—and the bill defines speculation to mean buying or selling—after they have received information that the rules of a department say shall not be made public. We are the lawmakers, and yet we turn over the power of making law to the Departments and authorize them to make laws to punish us, to impose penalties on Members of Congress. Think of the situation! This bill does not reach any practical abuse. I never heard of a Member of Congress getting any information wrongfully. He is a disseminator of information respecting government and administration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCCALL. I yield five minutes more to the gentleman.

Mr. CRUMPACKER. I never knew a Member of Congress to be criticised for communicating or speculating upon information, the kind of information described by this bill, but I have heard and read complaints in the public press that Congressmen have sometimes speculated, and it is charged and sometimes believed that Members of Congress do sometimes speculate in commodities the market price of which may be influenced by pending legislation. I do not believe there is any truth in such complaints, but there is nothing in this bill that prohibits doing that at all. The bill does not pretend to cover that subject. We here propose tariff revision bills, we may propose bills of one kind and another, we may propose railroad rate bills, bills for the investigations of trusts and combinations that may materially affect the market price of stocks and bonds of one kind and another; and we are entirely at liberty, so far as this bill is concerned, to go on the market and speculate in the commodities so affected without let or hindrance. This bill prohibits the communication of information in any of the Departments until the head of the Department, by such rules and regulations as he may adopt, shall authorize it to be made public. And he may provide to whom it may be communicated and whom not. If any member of either branch of Congress should speculate upon the subject to which the information relates, he commits a felony, and the bill says that by speculation it is meant to buy and sell——

Mr. OLMSTED. Buy or sell.

Mr. CRUMPACKER. Buy or sell. Now, my friend from Texas [Mr. BURLESON], the author of the bill, is a cotton farmer, and he may be able, and I have no doubt does, carry his cotton crop until the market suits him, and while he is here serving his country as a lawmaker he might get information which would lead him to think it is a good time to sell his cotton, yet if he acted upon that information, of course he would be subject to prosecution under this law, and if he were convicted he would have to go to the penitentiary.

Mr. BURLESON. Not at all.

Mr. CRUMPACKER. The bill says it is a felony to buy or sell any commodity upon certain kind of information, and I insist it would apply to the gentleman in the sale of his cotton.

Mr. HINSHAW. Will the gentleman from Indiana permit a question?

Mr. CRUMPACKER. I will.

Mr. HINSHAW. Members of Congress are constantly receiving letters from their constituents asking them for certain statistics from the Census Office, from the Agricultural Department, and various other Departments of the Government. Now, then, they either go in person or by letter to try and elicit the information from the various Departments. Suppose now, the clerk or head of the Department should report certain information which might be within the inhibition of this rule, and this Congressman should give it forth to his constituents, would he be liable under this bill?

Mr. CRUMPACKER. He would be liable, and the only safe thing for a Congressman would be to inquire every morning of the heads of divisions and of bureaus what he can safely and properly say and do during the day and keep out of jail. [Laughter.] He would need to inquire what new rules the Department had made for the regulation of Members of Congress for that day, and then he could proceed with some sense of security. That would be the only safe thing for a Member to do.

Mr. FREDERICK LANDIS. We constantly get inquiries about the prospect of the passage of bills—for instance, the parcels-post bill. Would information in regard to such measures be a violation of the provisions of this bill?

Mr. CRUMPACKER. I think it would, because it is official information and might affect the value of stocks, railroad and express company stocks.

Mr. OLMSTED. What about the alcohol bill?

Mr. CRUMPACKER. If this bill should pass, there would be dynamite in every bill.

Mr. CAMPBELL of Kansas. And the pure-food bill?

Mr. CRUMPACKER. This bill would put dynamite in everything. I think the proper course for the House to take is to defeat the conference report, and then refuse to go into conference upon the bill again, and thereby effectually put this measure to sleep. [Applause.]

Mr. McCALL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has twenty minutes remaining.

Mr. McCALL. Will the gentleman from Wisconsin consume some of his time?

Mr. JENKINS. I yield to the gentleman from Texas.

Mr. LILLEY of Pennsylvania. Mr. Speaker, I am wholly unable to obtain any copy of anything whatever that relates to the bill. Is there in the possession of the House information for Members as to what this conference report is, and would it be in order for the Clerk to report the conference report?

The SPEAKER pro tempore. The Clerk has a copy of the bill worked out as it will be if the conference report is adopted, and that bill when it comes to be read will be the one presented to the House. The gentleman from Wisconsin yields to the gentleman from Texas.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent——

The SPEAKER pro tempore. The gentleman from Texas [Mr. BURLESON] has the floor.

Mr. LILLEY of Pennsylvania. Could we have that conference report reported to the House now?

The SPEAKER pro tempore. If the House desires and there is no objection.

Mr. BURLESON. Do I understand that this is coming out of our time?

The SPEAKER pro tempore. No, sir.

Mr. LILLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Clerk report the bill as agreed upon with the conferees.

Mr. GROSVENOR. Mr. Speaker, I object to the reading of the conference report. It has been read once.

Mr. PAYNE. What the gentleman from Pennsylvania [Mr. LILLEY] is asking for is the bill.

Mr. GROSVENOR. If the Clerk has the bill, I have no objection to that.

The SPEAKER pro tempore. Does the gentleman withdraw his objection to that?

Mr. GROSVENOR. I do.

The SPEAKER pro tempore. The Clerk will read. If gentlemen have a print of the Senate bill, they can follow the reading of the Clerk.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. I would like to know how the Clerk can tell how the bill will read as reported from the conference when the conferees reported that the House receded from Senate amendment No. 8 in one place and in another place report that they recede with an amendment.

The SPEAKER pro tempore. The intent of the report seems to be to concur in amendment 8 with an amendment, and the Clerk has been able to follow that intent.

Mr. MANN. So that the Speaker rejects that portion——

The SPEAKER pro tempore. There seems to be some ambiguity——

Mr. MANN. So the Speaker rejects that portion of the conference report which says that the House receded from the Senate amendment numbered 8.

The SPEAKER pro tempore. The Chair believes that the intent of the report is plain, although there seems to be some technical difficulty. [Laughter.] The Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 5501 of the Revised Statutes of the United States is hereby amended by adding thereto the following:

"SEC. 5501a. Every officer or employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government, who shall, while holding said office or position, become possessed of any information which would tend to exert an influence upon or affect the market value of any product grown within the United States, or which would tend to exert an influence upon or affect the market value of the bonds of the United States or the stocks or bonds of any incorporated company, which information is required by law or under the rules of any Department of the Government to be withheld from publication until a fixed time, and who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules of the Department of the Government to receive same, shall be punished by imprisonment for not less than one year nor more than five years, and may, in addition, be fined in any sum not less than $500 nor more than $5,000.

"SEC. 5501b. Every officer or employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government thereof and every Member of Congress who shall, by virtue of the office or position held by him, become possessed of any information which would tend to exert an influence upon or affect the market value of any product grown within the United States, or which would tend to exert an influence upon or affect the market value of the bonds of the United States or the stocks or bonds of any incorporated company, and who shall, before said information is made public through regular official channels, either directly or indirectly, speculate in said product, stocks, or bonds, by selling or buying same in any quantity, shall be punished by a fine of not less than $500 nor more than $5,000 and may be imprisoned for not less than one year nor more than five years."

Mr. BURLESON. Mr. Speaker, the Clerk has properly reported this bill just as agreed upon by the conferees. It is simple in its terms. No intelligent man can misunderstand its meaning, provided he wants to understand it.

Mr. McCALL. Will the gentleman yield?

Mr. BURLESON. I have only a limited time as the gentleman knows and——

Mr. McCALL. I want to ask the gentleman one question on the phraseology of the bill.

Mr. BURLESON. I decline to yield, not from any disposition to refuse the gentleman information, but because I have only limited time, and there have been so many specious objections offered to this measure, so many misleading arguments urged against it, that I feel it will require all the time allotted me to answer them. I desire in the beginning to assure the membership of this body that there has been and is now absolutely no disposition upon my part to keep from it full information in reference to the purpose or the effect of the proposed bill. The gentleman from Massachusetts [Mr. McCALL] has said that he feels quite sure that there are not more than five Members of Congress, including both ends of this Capitol, who understand just what this measure means.

If the gentleman is correct about that, Mr. Speaker, am I responsible for it? This bill in the same terms, except as it applies to Members of Congress, passed this House by a unanimous vote. Practically the same measure, with a few unimportant amendments, passed the Senate of the United States by a unanimous vote. When the matters of difference between the two bodies were brought before the conference committee I appeared before the conferees and expressed the desire that the words "and every Member of Congress" should be inserted in the second section of the bill, my purpose being to embrace them within the terms of the bill. The conferees unanimously agreed that this should be done, the understanding being that when the effort was made a full statement should be made to each body. When this was done by the chairman of the Senate Judiciary Committee objection was made that it was a violation of the rule of the Senate. Then the matter was again brought before both bodies through a concurrent resolution, and passed each by a unanimous vote. Thus it is seen that five times this measure has passed by a unanimous vote before this and the other body, and yet Members stand here and have the effrontery, the temerity, to confess that a measure that has

thus passed before the two bodies of the Congress is not understood by Members. I can not understand such an admission, and must confess my surprise that anyone could be found who would openly make it.

Mr. Speaker, before I begin to address myself to the reasons urged by the gentleman from Massachusetts [Mr. McCALL] why this conference report should not be aodpted, I wish briefly to state the circumstances which led up to the introduction of the bill and the reasons which prompted me to introduce it. Last summer a subordinate official in the Bureau of Statistics in the Agricultural Department betrayed the trust which had been reposed in him by the splendid official who heads that great Department. At first the rumor was current throughout this city that this subordinate had betrayed his trust, and finally publication of the fact was made in the papers that some one connected in an official way with the Bureau of Statistics was using for speculative purposes the statistical information relating to cotton which had been gathered by the Government through that Bureau.

When the publication of this charge was made the Secretary of Agriculture promptly set upon foot a sweeping investigation. Bringing to bear all the instrumentalities of his Department for the purpose, the Secretary of Agriculture, after an examination which was rigid, disclosed that one of the officials who had to do with the compiling of the cotton statistics had betrayed his trust. Immediately an outcry went up, first heard on the part of the cotton producers, that this official who had betrayed his trust should be punished. The cotton manufacturers echoed that demand, that this man who had proven unfaithful should be punished. The newspapers were insistent that this guilty official be brought to book; and finally the President—and inasmuch as the gentleman from Massachusetts has made allusion to that, I will allude to it—the President, who but recently had engaged in a vigorous "stunt" of whitewashing Mr. Morton, his ex-Cabinet officer, who was charged with a violation of the Sherman antitrust law, a law that was plain, and notwithstanding many charged, he was a self-confessed violator of this law, still the whitewash was applied—the President rushed into print a letter addressed to the Attorney-General, demanding that this poor, miserable worm, the insignificant subordinate, who had betrayed his trust, should be promptly and vigorously prosecuted. If I recollect aright, the President demanded that he be consigned to the penitentiary.

The law officer of the Government, the Attorney-General, the matter having thus been brought to his attention, set on foot—and I would not have alluded to this but for the statement made by the gentleman from Massachusetts—the law officer of the Cabinet, desiring to carry out the will of his superior to enforce the law, set upon foot an investigation to see what could be done to meet this public demand, this righteous demand, that the official who had violated his trust, who had proven unfaithful, should be punished in some way for the act he had committed.

The Attorney-General made investigation. Now, as to the result of that investigation, whether the Attorney-General reached the conclusion that there was no law on the statute to punish this unfaithful official, I will not say, for as I understand it some character of prosecution is still being attempted, but I will say that the Secretary of Agriculture, the first time I met him afterwards, asked that a bill be introduced penalizing such acts, a bill making such acts an offense, and that is what I have done by the introduction of this bill. Mr. Speaker, I will say, furthermore, that the Secretary of Agriculture earnestly favors this measure. Furthermore, your President recommended it in his message. I read from his message to this Congress:

> Legislation should also be enacted to cover explicitly, unequivocally, and beyond question breach of trust in the shape of prematurely divulging official secrets by an officer or employee of the United States, and to provide a suitable penalty therefor. Such officer or employee owes the duty to the United States to guard carefully and not to divulge or in any manner use prematurely information which is accessible to the officer or employee by reason of his official position. Most breaches of public trust are already covered by the law, and this one should be. It is impossible, no matter how much care is used, to prevent the occasional appointment to the public service of a man who when tempted proves unfaithful; but every means should be provided to detect and every effort made to punish the wrongdoer. So far as in my power lies, each and every such wrongdoer shall be relentlessly hunted down; in no instance in the past has he been spared; in no instance in the future shall he be spared. His crime is a crime against every honest man in the nation, for it is a crime against the whole body politic.

I will say furthermore that the Attorney-General of the United States——

Mr. McCALL. Did the President refer to this particular form of bill?

Mr. BURLESON. Why, certainly not. But I challenge any well-informed lawyer here to prepare a comprehensive measure covering this situation in any other form than the one I have introduced and which we are now considering. You can not do it; it can not be done. The President urged the passage of such a bill. In the same message the President also says:

> In my last message I asked the attention of the Congress to the urgent need of action to make our criminal law more effective; and I most earnestly request that you pay heed to the report of the Attorney-General on this subject.

The Attorney-General said in his report, if you turn to it, and I read from his report:

> Misconduct in office was always a grave offense under the English common law. As such it was brought to this country and was embedded in the common law of Maryland and thence was transplanted to the District of Columbia. Various decisions of the courts of this district show that there this crime is a Federal offense, although within the territory of the States there are no Federal common-law crimes.
>
> After experience in pending cases, and notably the "cotton leak" case, and after careful reflection, I am convinced that the Federal statutory law should make this an offense throughout the United States. Its present local meaning and application should be enlarged for purposes of punishment substantively and for purposes of removal for trial in general between all the districts of the United States. The scope of the crime under the common law should be reduced to precise specification. It is true, as a mere possibility, as the matter stands at present, that irregularities and misbehavior, which are blamable but trifling, may be included in the definition of the offense; but the most serious and essentially criminal matters which now escape definition and punishment in the criminal code are also included.
>
> It is entirely feasible to insure by the terms of the statute against tyrannical persecution on petty accounts, but the law should at once take cognizance of those situations in the recent history of administration where dishonest and conspiring officers of the Government, taking advantage of loopholes and omissions in the law, have skillfully concerted, to the vital injury of the public or the Government, schemes which are essentially fraudulent and corrupt.
>
> On a recent occasion (in the "cotton-leak" matter) for testing this subject, the difficulties confronting the United States in extending the reach of the law for this offense beyond the confines of the District of Columbia and in securing removal for trial were sharply presented. A United States commissioner held that because the nature of the offense was local and peculiar to this jurisdiction and was not clearly defined, and because the charge might be made unjustly and improvidently for all sorts of trifling transactions, the United States was not entitled to a removal for trial of the particular accused persons. It is difficult to understand how this conclusion could be reached in a case presenting acts which were manifestly and essentially criminal in the highest degree. The principle is well established that the exercise of a right is not to be denied because in enforcing it there might possibly be in some suppositious case an abuse of power.
>
> I recommend, therefore, that a statute should be enacted at this session of the Congress which shall deal adequately with this subject, defining the offense, providing for its punishment, extending the prohibitions of the law throughout the United States, and including this offense in the present laws concerning removal or in any amendment of these laws which may be enacted consequent upon the recommendations relative to that subject which I have made in this report. I shall have the honor to submit hereafter to Congress an outline or suggestion of a suitable bill for this purpose.

Note that he says he will submit hereafter to Congress a comprehensive measure covering this matter.

Mr. OLCOTT. Will the gentleman allow me to ask him a question?

Mr. BURLESON. I will yield to the gentleman for a question.

Mr. OLCOTT. While this discussion was going on, I have received a telegram from a friend of mine in New York, and I would——

Mr. BURLESON. I decline to yield to the gentleman for a statement. I yielded to him for a question.

Mr. OLCOTT. I had a query that I wanted to make of the gentleman——

Mr. BURLESON. I decline to yield, Mr. Speaker. The Attorney-General had stated in his report that it was his purpose to submit to this body a comprehensive measure. After I prepared this bill I carried it to the Department of Justice as I had written it, in order to see whether it was broad enough to meet the Attorney-General's views. I have a letter from the Attorney-General approving this measure. I read it now to you:

> Hon. Albert S. Burleson,
> *House of Representatives.*
>
> My Dear Sir: Referring to the bill about to be introduced by you in the House of Representatives, defining and punishing that variety of misconduct in office which consists in the fraudulent publication of Government information by an officer or employee of the Government, or in speculation in the markets based thereon, I beg to say that the intent and language of your bill appear to me to strike at one of the most serious evils in official relations to the Government, and to be adequate for the purpose in view. Speaking to you informally, I therefore beg to say that I approve the bill. It is likely, however, that, in pursuance of the recommendation in my current annual report, I shall suggest to Congress before long a measure which shall deal with misconduct in office generally, either adding it to the list of Federal offenses without definition, leaving to the courts the duty of defining and applying the scope of the law, or defining the offense in the bill by language which shall seek to describe its general nature with specification sufficiently precise to include every variety of official misconduct which is really criminal.
>
> Very truly, yours, W. H. Moody.

It is true the words "Members of Congress" were not in the bill at that time, but I stated to the Solicitor-General of the United States, one of the ablest lawyers on this continent, with whom I discussed it before its introduction, that

it was my purpose to ultimately put these words in, and I have no apologies to offer for attempting so to do. I also informed the chairman of the Judiciary Committee, the gentleman from Wisconsin [Mr. JENKINS], that it was my purpose to have these words inserted in the bill, and I have no apology for it. I will not give the reasons why I did not at the start have these words embodied in it. Well, I will state this, there are said to be many pigeonholes in committee rooms where measures containing objectionable features or that do not meet the requirements of certain interests can be easily laid away, there to sleep the sleep that knows no waking. I would not be candid if I did not say that I anticipated some trouble in getting this bill through in this form.

I thought there would be trouble and for this reason did not start the bill with the words "Members of Congress" embraced therein. I was determined, though, to have them in if it was possible for me to accomplish it.

I intended to have those words placed in the bill upon the floor of the Senate of the United States, after it had passed through the committee stage in both bodies, and but for the fact that the junior Senator from Texas was called from his duties to a distant city because of his father's fatal illness, I would have had them put in the bill on the floor of the United States Senate.

The bill passed the Senate, the junior Senator from Texas having been called away was not present at the time, and the bill finally went to conference without the words "Members of Congress" in it. Mr. Speaker, I then went before the conference committee and asked that those words be put in the bill.

The conferees unanimously agreed that this should be done, and because of the rules of the two bodies it was understood that a frank statement should be made to each of the purpose sought to be accomplished. When the report was presented to the Senate the record will show that a full statement was made, and objection was made upon the floor of the Senate that it was in violation of the rules. No Senator was willing to get up in the open and say that he opposed the recommendation because it was applying this law to Members of Congress. The objection was made, and it was the sole objection made, that it was in violation of their rules.

Finally, after some discussion, upon the suggestion of the senior Senator, I believe it is, from Massachusetts, the distinguished historian, a man who I believe is one of the few men from the New England States in that great body who at all times faithfully represents his State and her people, and against whom the charge has never been made that he represents a special in—I will not complete that sentence for reasons that are obvious—this Senator suggested that the matter in controversy could be settled by passing a concurrent resolution authorizing the conferees to put the words "Members of Congress" in the bill. Now keep in mind that the bill as it originally passed this House did not embrace Members of Congress in its terms; it passed unanimously and no objection was heard from any quarter.

The concurrent resolution was prepared and adopted unanimously by the Senate and, be it said to the Senate's credit, it also adopted without opposition this conference report which is now here so stubbornly resisted. This concurrent resolution has also been adopted by this body and the words "Members of Congress" are now in the bill.

That fact seems to be the occasion of the trouble here. The gentleman from Massachusetts [Mr. MCCALL] says the adoption of this report would be spreading snares for the feet of Members of Congress; that it would be setting statutory traps for those who come after us. Mr. Speaker, the gentleman from Massachusetts [Mr. MCCALL] might just as well have said that every law denouncing a crime that is placed upon the statute books sets a trap for men. Mr. Speaker, the criminal laws of this country set no traps for men, save the vicious, depraved, dishonest men. This bill setting a trap for honest Congressmen! No, it sets no traps, except for corrupt and venal Congressmen. [Applause.]

Mr. Speaker, the gentleman from Massachusetts [Mr. MCCALL] has referred to the message sent here some time ago severely criticising a certain judicial officer. I have as little sympathy as any man on this floor with the scandalous reports that have been published broadcast with reference to Members of Congress, especially those at the other end of this Capitol. I have no respect for the muck raker. But, sir, I have just as little respect for the muck raker who holds the handle at the other end of the avenue, and through a message here rakes a judicial officer who happens to decide a case not in accord with Executive will as I have for the muck raker who through the yellowest of the yellow journals pours out his filth upon honest men who may for the time being be holding public office. I say this because I propose to follow the statement with another. Mr. Speaker, the conviction is ripening in this country that the law, when it touches the poor and the helpless, is swift in its enforcement, and that punishment for their wrong doing is easily brought to them, but that the rich and the powerful have nothing to fear, though officials acting under the sanctity of a solemn oath may be charged with its enforcement—the law as against these becomes weak and impotent.

Mr. Speaker, heretofore the law, as written, has been made to apply to all alike, though, as I have just said, it frequently does not bear on all with equal force. Have we now reached the period in our country's history when a law can be written and one class exempted from its provisions? Shall we define an offense and say if the lowly clerk in the Department is guilty of the act he shall be punished but if a member of Congress is guilty of the same act he is not to be punished? Is it "an exquisite absurdity" to insist this shall not be done?

Mr. Speaker, why should we not make this bill apply to ourselves? Does the gentleman from Massachusetts [Mr. MCCALL] offer us a substantial reason against the adoption of this report by simply asserting that "the idea had not been put forth since the foundation of the Government?" Many new things are happening in this wonderful country of ours. We are about to have a law regulating railroad rates. According to the logic of the gentleman from Massachusetts [Mr. MCCALL] we must not have it because the idea had not been put forth since the foundation of the Government. Mr. Speaker, why is this bill being so stubbornly opposed?

I accord to the gentleman from Massachusetts [Mr. MCCALL] absolute honesty of purpose. I do not mean to impugn his motives in any way, but I do say there are those who are hiding behind the brave fight that he has made, who are anxious to eliminate this phrase from this bill or defeat it. Ah, they try to make it a matter of jest. One gentleman says he would be afraid to give information about a burning barn. Another gentleman—I could not exactly understand him, but the gentleman from Indiana [Mr. LANDIS]—asked if information given out about the passage of the parcel posts bill would be a violation of its provisions. Another expresses the fear that he would have to go down and get information every morning from some bureau chief to be sure he was not going to violate the law during the day. Not a bit of it.

This bill, in plain terms, says that any man who by virtue of the office he holds acquires information that would tend to affect the value of any product or stocks, and goes upon the mart to speculate in them before this information is made public through regular official channels, shall be guilty of a crime. Who stands here and says he ought not to be? If he acquires the information, not on the street corner, not in witnessing the burning of a barn, but acquires it by virtue of the office given to him by the people to represent them, and then takes advantage of this information and before the people he is representing has knowledge of it, goes to the market and speculates, profiting, it may be, at the expense of the very people who have trusted him as their representative, who can here be found that will attempt to justify it? I say such conduct should be declared by law a crime. The crime would be, not in giving out information but in acquiring information by virtue of the office he is holding and then using it for speculative purposes before others know it.

Mr. OLMSTED. Show me that language in the first section.

Mr. BURLESON. The first section does not apply to Members of Congress at all. It relates only to administrative and executive officers who gather statistical information.

Mr. OLMSTED. Not unless a Member of Congress is in the service of the Government.

Mr. BURLESON. It does not apply to Members of Congress at all, for under the decisions of the Supreme Court you must put the words "Members of Congress" in this bill if it is going to apply to Members at all.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. BURLESON. Yes; for a question.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I have thought that the important words, among the most important in either section, were these:

Information which under the law, or under the rules of any department—

it being official information—

must not be published before a fixed time.

Is that stricken out?

Mr. BURLESON. Not at all. Do you mean in the second section of the bill?

Mr. COOPER of Wisconsin. Yes.

Mr. BURLESON. I will read it again, because I feel sure

that many objections that have been voiced upon this floor are based upon misinformation and misunderstanding of what this bill contains.

Every officer, etc., * * * and every Member of Congress who shall, by virtue of the office or position held by him, become possessed of any information which would tend, etc., to affect the market value of any product, etc., or stocks or bonds, etc., and who shall before said information is made public through regular official channels, etc., speculate in said products, stocks, or bonds, etc., shall be punished by a fine, etc.—

Mr. COOPER of Wisconsin. Will the gentleman allow me to say one thing more? My understanding of the bill is as now reported, and I propose to support it if my understanding is correct, that the law gives to a certain Department the right to make investigations, acquire official information, and provides that it shall be kept secret until a certain time, and this amendment proposes that Representatives in Congress and Senators shall not go, as some of them are now reported to go—I do not know whether it is true or not—to the clerks and officials and, in advance of this time fixed by law, get the secret information and make money on it. If that is correct, I shall vote for the bill.

Mr. BURLESON. That is exactly what the bill is intended to prohibit.

Mr. COOPER of Wisconsin. And the only information that is touched upon in either section of the bill as last reported, as I understand it, is the information which the law or the Department says shall not be made public until a fixed time, so that everybody can have an equal right to use it?

Mr. BURLESON. That is exactly correct.

Mr. GARDNER of Massachusetts. Mr. Speaker, I want to ask the gentleman a question. On page 2, lines 24 and 25—are they struck out in conference or not?

Mr. BURLESON. They were stricken out in conference.

Mr. COOPER of Wisconsin. Do I understand the gentleman to say that lines 24 and 25 are stricken out?

Mr. BURLESON. Lines 24 and 25 on page 2 were stricken out because the conferees held that it was unnecessary to repeat the words there and because, further, if the words "Members of Congress" are inserted as part of the bill those words stricken out become inconsistent with its other wording.

Mr. GARRETT rose.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Tennessee?

Mr. BURLESON. I will yield to the gentleman, but only for a question.

Mr. GARRETT. Page 2, lines 4, 5, and 6 read "which information is required by law or under the rules of any Department of the Government to be withheld from the public until a fixed time." Is it not, to say the least of it, very unusual to provide that the violation of some indefinite rule made at any time in the future by a Department shall be a criminal offense?

Mr. BURLESON. It would not be a violation upon the part of a Member unless he acquired the information in violation of the rules of the Department, and also by virtue of his official position, and should then further take the affirmative step of speculating in stocks or products, the market value of which would be affected by this information.

Now, Mr. Speaker, I have no disposition to be discourteous to the gentleman, but I can not yield further. Mr. Speaker, I want some man to state to me why the words "Members of Congress" should be stricken from this bill when we understand that it applies to the humblest clerk in the Departments the head of every bureau, and——

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BURLESON. I would like five minutes more.

Mr. JENKINS. I will yield to the gentleman five minutes.

Mr. BURLESON. I would like to know why these words should be stricken out when it is understood that this law is sought to be made to apply to every clerk however humble, to the chief of every bureau, to the head of every department of the Government, and to the President of the United States himself. For the proper protection of society crime not alone in every degree should be vigorously condemned, but punishment should be visited upon those who commit it regardless of their wealth or official station.

Mr. GRAHAM. Mr. Speaker, I raise the point of order. Have we not the privilege and the right to demand a copy of the bill to know what we are voting on? I can not obtain a copy of the bill as it is amended at all. The bills on the desk do not contain the provisions that the gentleman is discussing.

The SPEAKER pro tempore. All the light has been given by printing the conference report in the RECORD.

Mr. BURLESON. Mr. Speaker, so far as I am concerned—and I do not want the House to misunderstand my position—I have no disposition to have a single man in this body vote without knowing what he is voting upon. If the gentleman from Wisconsin wants to do it, and it can be done so as to ultimately insure a vote on this bill, I am perfectly willing that it shall go over until a reprint of the bill, as agreed upon, may be had. I certainly want the membership of this body to vote with its eyes open, so that no man may afterwards say the measure was not by him thoroughly understood.

If the time has come in this country when we propose to exempt one class from the operation of the criminal law, or a bill is to be killed because an effort is made to apply its terms to all alike, I want to know it. The English-speaking people, the first of the great self-governing people, recollecting the tyranny of former rulers and the oppression of former laws, ever watchful of their liberties and jealous of their rights, have for years and years hedged the citizens and the individual about with protections and technicalities of the law until in this country we have reached a point where it is not the innocent who are in danger of conviction, but where it is almost impossible to punish the guilty. Every man within the sound of my voice knows that this is true.

Mr. COOPER of Wisconsin. I think, with all respect to the gentleman from Texas, that the gentleman is mistaken as to the effect of the second section as I have been reading it. Information which would come to a Senator or Representative in Congress would not come to him "by virtue of his office," because there is no requirement of law which says that that information shall be given to him; he might investigate, but it would not come "by virtue of his office." It comes to the Secretary of Agriculture by virtue of his office when the law authorizes him to conduct an investigation, and then by rule or by the law enacted by Congress that information must not be made public before a fixed time.

Mr. BURLESON. That is what we are trying to do now, to make a law prohibiting the use of public office for private gain.

Mr. COOPER of Wisconsin. Which requires that I shall get any information of any kind except such as I go out voluntarily and seek.

Mr. BURLESON. The gentleman is not asking a question, and I have only a few minutes more. I say to the gentleman that six of as good lawyers as can be found in the Congress were on the conference committee, and after carefully weighing the very suggestions now made by the gentleman from Wisconsin this conference report was formulated. The bill carefully guards against the punishment of any innocent or unsophisticated Congressman.

Mr. COOPER of Wisconsin. I just want to ask one more question, and then I will be through.

Mr. BURLESON. Oh, I must decline to yield. I have only a few minutes more. In conclusion, Mr. Speaker, I have only this to say: The gentleman from Massachusetts [Mr. MCCALL] has said that Members come here from all sorts of occupations or business, and that they should be permitted to exercise a degree of commercial freedom, and to that I certainly have no objection. But, Mr. Speaker, I insist that the people do not send their Representatives here for the purpose of enabling them to fill their pockets by an improper use of the important office they hold. Surely no one will contend that a Member of Congress should be permitted to promote his private fortune by speculating on information which may come to him as a Member of an important committee, and that, too, at the expense of the very people who have given him his office, while they are still in ignorance of the information the Member uses to enable him to make a gainful speculation. I have no objection to the business man in Congress, but I do object to the use by him of that office to acquire information to promote by speculation his business interest. Who is there here who will say this should be done? The purpose of this bill is to prevent such practices, if anyone can be found who would be willing to engage in them.

Mr. Speaker, we now have no law to prevent or punish such practices. We have no law to punish officials who betray the trust imposed on them to keep until a fixed time valuable statistical information gathered for the benefit of all the people. The President properly characterized such conduct in his message, and it is our duty to enact a comprehensive law covering such cases. The adoption of this conference report will accomplish this result. The passage of this bill will cast no slur on any member of Congress, and will be the occasion of no worry or trouble to any honest Member. As it is now, we have no law covering this class of wrongs.

On the 10th day of this month, when two of the men who were said to be implicated with the clerk who betrayed his trust last summer, were on trial in New York, Justice Holt, who, I understand, is an able lawyer, dismissed the case, and in dispos-

ing of the matter said that in so far as he saw—I now read from a New York paper—"there was nothing in the law to have made it obligatory on Statistician H—— to have kept secret the statistical facts contained in the cotton reports, no matter how reprehensible the divulging of them may have been." Now, the Secretary of Agriculture is anxious for a law to cover such cases. The people——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JENKINS. Mr. Speaker, in view of the suggestions just made by the gentleman from Texas [Mr. BURLESON], I would ask unanimous consent that this matter go over until some day next week, when it may be taken up immediately after the reading of the Journal.

Mr. GROSVENOR. Oh, I object, because in the beginning I appealed for that and the gentleman refused.

Mr. BURLESON. To what gentleman does the gentleman from Ohio refer?

Mr. GROSVENOR. I appealed to have this printed and that the matter go over until Monday, and it was objected to.

Mr. BURLESON. Does the gentleman say that I objected to it?

Mr. LILLEY of Pennsylvania. You certainly did.

Mr. BURLESON. I state to the gentleman that I have made no such objection, and make none now, so far as I am concerned, and I have repeatedly said this. I am willing that all possible light should be turned on this measure.

Mr. GROSVENOR. We are all ready to vote now.

Mr. GARDNER of Massachusetts rose.

The SPEAKER pro tempore. How much time does the gentleman yield?

Mr. McCALL. The gentleman from Massachusetts desires to ask a question, and I yield to the gentleman for two minutes.

Mr. GARDNER of Massachusetts. I only want two minutes in which to ask an elaborate question. I ask the attention of the gentleman from Texas [Mr. BURLESON] and the attention of the gentleman from Massachusetts [Mr. MCCALL], to whom I shall address this question.

Last autumn the United States fisheries of this country were in controversy with Newfoundland and Great Britain over our rights under the treaty of 1818 in herring fishing. I was here in Washington representing my constituents before the State Department. I was in constant touch with the captains of our fleets by cable with Newfoundland, with the Board of Trade in Gloucester, and with many individuals. I was continually in touch with them and in consultation with the State Department, which was acting in our behalf with the government of Newfoundland and with the Government of Great Britain. I was advising our captains by cable whether to set their nets, whether to ship the crews on the high seas, whether to fit out their vessels in Gloucester, and incidentally while I was publishing that information, which I got in the Department and which was not given out generally to the public, the price of herrings kept fluctuating in the open market. In other words, I was giving out information which incidentally tended to affect the price of an article produced in the United States. Now, I ask the gentleman from Massachusetts [Mr. MCCALL] and afterwards the gentleman from Texas [Mr. BURLESON] whether under the provisions of this bill both the Secretary of State and myself could not have been imprisoned, and if they say no, then I ask them to point out to me why not.

Mr. BURLESON. Mr. Speaker, I say not, because the Secretary of State was giving out to the gentleman through regular official channels the information that came to him.

Mr. GARDNER of Massachusetts. But that clause has been stricken out.

Mr. McCALL. I think it is clear that the Secretary of State would have to go to jail under this bill. The gentleman from Texas is a very good lawyer, but he has demonstrated, especially in reply to the gentleman from Wisconsin, that he does not understand this bill at all. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Sixteen minutes.

Mr. McCALL. I yield twelve minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I do not doubt that the purpose of this legislation is a wise purpose. I do not doubt that there is necessity for the enactment of some statute in regard to the subject-matter. It could have been put in ten lines. Let me now suggest, "whoever being an officer or employee of any Department of the Federal Government who shall give out any fact, or statement, or confidential communication, or any statistics of any crop or crops or other production of the United States without the authority of the head of such Deparment shall be punished," etc. Now, there is the whole of this trouble all provided for in this short section, and instead we have offered to us a criminal statute that might involve the President of the United States or any judge upon the bench, and every Congressman and every Senator and everybody else, in order to reach that simple little provision that any country lawyer could have written in ten minutes and made absolutely conclusive the whole subject. Why, Mr. Speaker, let me call attention to one or two provisions of this bill, and I have at least succeeded after a long struggle with the mystery of this conference report in working out through the aid of the Clerk substantially what the bill is.

> Every officer or employee of the United States, and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government, who shall while holding said such office become possessed—

Think of that now. Who is to say when a man is "become possessed" of some information?

Mr. BURLESON. Did the gentleman ask me?

Mr. GROSVENOR. No; I did not ask you, and you can not answer. The jury is to say, are they not? Well, I got it from a newspaper, I got it from a report on the street, I got it from conversation with an employee of the Government, but I "became possessed" of it. Now, then, there are two things to be decided as questions of fact: First, that I am possessed of it, and, second, that it "tends to affect the value of bonds of the Government or of any corporation." I get some information; I "become possessed" of some information that if it is given out to the public will affect the bonds of the Pennsylvania Railroad, and I give it out—no matter whether it "tends" to raise or lower the bonds. I am a Congressman, or an employee of the United States; I am sent to the penitentiary for it. That is this law, that is exactly this law; and the jury is to decide how I got it, how valuable it is, and what I did with it. In all the history of judicial legislation an equal monstrosity to the one here was never produced by the genius of man. [Laughter.] No wonder when they sent this section up to the Committee on Revision of the Laws and undertook to have it incorporated in one of the chapters of the criminal statutes of the United States the committee rejected it without any hesitation whatever. Let us see, now, what else there is in this bill. I am an employee of one of these departments, and my friend from Texas is another.

The chief of the bureau or department concludes that he had better send one of us to the penitentiary, and so he gives me, for instance, some information to-day, and to-morrow he makes a regulation and puts it up, saying that no information on that subject shall be given out. I do not know anything about it, and I give it out, and I am gone. Then he concludes it would be a pretty good thing to let the gentleman from Texas give out some information on the same matter, and he rubs off the regulation immediately, and my friend from Texas goes ahead and speculates, and the next day afterwards he puts up the regulation again to stop anybody else from giving it out. That is this law, and you can not make anything else out of it. No intelligent man can defend the proposition from the attack which I have made. Mr. Speaker, never before in all the history of judicial legislation in this country was a bureau officer permitted to create a criminal statute in the United States—to create a crime and fix the penalty, as with this law is clearly provided. That is exactly this law. It is done for a wise purpose, I have conceded, but it was so easy to have reached this question by a ten-line statute that I am amazed that it should have ever found its way in here. I indorse what the gentleman from Massachusetts has said. Congressmen ought not to be, just at this particular time, holding out to the people of the United States that there ought to be some barrier in the form of a criminal statute put up against intelligent action of a Member of Congress. I am going out of Congress, and I do not expect to violate this statute during the period I stay in; but I protest, on behalf of the gentlemen who are to continue to make laws for my country, that it is degrading the very office and name of a Congressman to say that he must go to the penitentiary if he happens to give out information of which he becomes possessed. Think of that! Why should you attempt to degrade the office of Congressman in this way?

There never was the like of this in the English language. Suppose somebody had polled the Senate a day or two ago and found out exactly what was to be in the rate bill, and obtained it from some United States official, and became "possessed of" the information and gave it out, and the jury would say that it tended to affect the value of railroad securities in the United States? And the funny part of it is that the Government is going to send a man to the penitentiary for stating something that increases the value of Government bonds in a given case. There it is. That it tends to affect the Government bonds!

Why, if the gentleman from Texas [Mr. BURLESON] gets upon the floor and makes one of his powerful attacks on plutocracy and the holders of Government bonds, it might have a tendency to lower the price of them; but, on the other hand, if the President of the United States should issue a message to Congress saying that he was in favor of a certain action in regard to the finances of the Government, that might increase the value of the Government bonds, and he has violated this statute just as much as the gentleman from Texas has.

Mr. Speaker, I hope Congress will sit down on this measure. It can not be defeated by too large a majority. Then let the gentleman from Texas [Mr. BURLESON] come with his measure to suppress publicity, although just at this time that sounds a little curious from a gentleman from the South, or from the North, even. We are told now that the very life and future of the Republic are going to depend upon certain enactments that will produce publicity of everything that is going on, so that everybody will know just how much money everybody else has. I do not care much for such a statute as that myself. It will not have a very powerful effect upon me.

Now they want it made a crime to divulge a secret. They are perfectly willing to vote, and I will vote, for such a bill, if it be constructed upon such terms as to be just, equal, and fair; but to reach out and propose that the people of the United States are compelled to protect the interests of the people of the United States themselves against the cupidity and bad morals of the Congress of the United States, I have too much pride in my long relation to Congress to vote for such a measure as that. [Applause.]

I yield back my time.

The SPEAKER pro tempore. The gentleman from Massachusetts has seven minutes remaining.

Mr. McCALL. How much time has the gentleman from Wisconsin [Mr. JENKINS]?

The SPEAKER pro tempore. Twenty-eight minutes.

Mr. JENKINS. I would like to have the gentleman from Massachusetts [Mr. McCALL] use his time now.

Mr. McCALL. Mr. Speaker, I think the course of this debate has amply justified me in directing the attention of the House to this measure. I think that my friend from Texas [Mr. BURLESON], a very good lawyer, has proven in the presence of the House that he does not understand the exact meaning of this measure. He has made a very strong case here by insisting upon the default. He says that it has passed the House, it has passed the Senate, and this thing was done by the House and another thing by the Senate, and yet I adhere to my original proposition. Possibly there may be more than five, but, I dare say, there are not more than a dozen Members who understood this bill. The gentlemen about me know whether they knew about this bill when it passed or not. And if there are a dozen Members, the gentleman from Texas can not be included in their number. [Laughter.]

Now, Mr. Speaker, I am not pleading for the exemption of Members of Congress. I want to reiterate what I said when on the floor before, that the original bill, applicable to the executive officers, ought never to pass this House. I do not believe any Member here would want to go into the Cabinet if he went in under the penalty of a minimum of a year in the penitentiary if in an unguarded moment he gave some member of the press or somebody else some information, which he happened to know as an officer, which might tend to affect the value of all this property.

Mr. BURLESON. I feel sure that the gentleman does not want to mislead anybody. He has stated that the minimum punishment prescribed in the bill is a year in the penitentiary. The second section of this bill, the only section which applies to Members of Congress, might be violated and no penitentiary penalty visited against the violator.

Mr. McCALL. Now, in regard to the gentleman's suggestion, I would ask Members to read the first section of the bill, and see that the minimum penalty inflicted for giving a newspaper man or anybody else any of this information is a year in the penitentiary.

Mr. BURLESON. That does not apply to Members of Congress.

Mr. McCALL. That is the point I made before the gentleman from Texas [Mr. BURLESON] interrupted me. I think the original bill ought not to pass. And then I asked the gentleman who proposed to broaden the measure to give some affirmative reason why it should include Members of Congress—that is, some other reason than that it was necessary to complete the absurdity of the absurd bill—and he did not get back of the bill. He took the bill as his standard and reasoned from that.

Mr. BURLESON. The gentleman knows quite well that my time expired before I finished my remarks. But I can give him an instance, or reason, for its passage, so far as that is concerned. Every Member of this House, I believe, will remember that a few years ago a stockbroker—Chapman, by name, as I recollect it—was, during an investigation in regard to a scandal in reference to the sale of sugar stocks, committed to jail, or, rather, permitted himself to be sent to jail and kept there for a number of days, declining to disclose the information, growing out of a transaction similar to that which I now propose to reach by this bill. If I can have my way, I would denounce such transactions as violations of the law.

Mr. McCALL. I say that case would not be covered by this bill at all. Then I want to say further that since that instance—and he needs to go back nearly to the time of the fathers for it, and the fathers did not see fit to legislate—we have had famine, we have had prosperity, we have had peace, and we have had war, and he has had to go back a dozen years for an instance which he claims would justify the broad provision which he proposes to enact in the bill. Furthermore, I would say that that particular case was dealt with by the body having authority over it. It was the Senate of the United States. It did inaugurate an investigation and did not find that these terrible things were proven of which the gentleman complains—and the only thing that was clearly shown by the investigation, if there should be any change in the statutes, was that the penalty for a witness refusing to answer might properly be increased. Now, if the gentleman thinks he has provided——

Mr. COCKRAN. I would like to suggest that in that case the complaint was, not that the man disclosed things, but that he would not disclose them. [Laughter.]

Mr. McCALL. I thank the gentleman for his witty and effective interruption.

Mr. BURLESON. Yes; if the gentleman will also permit me, it was a refusal to disclose about the practice of a United States Senator who was speculating in sugar stocks upon information that came to him by virtue of the important office he held.

Mr. COCKRAN. Not the information; for it was not a matter of information whatever, but simply a Senator speculated on what he probably knew himself, how he would vote, for or against a certain measure.

Mr. McCALL. Now, Mr. Speaker, if the gentleman wants to cure an evil that is here, he will limit the remedy to the evil. This illustrates the freedom with which we pass penal statutes with their purely legislative standards of right and wrong. I venture to say that if all the penal statutes—Federal and State—were strictly enforced at any given moment of time there would be very few people in this country outside of the penitentiary. [Laughter.] And that statement does not impeach the rectitude of the people of the United States.

After hearing of this trouble about cotton, the gentleman tries to perfect the whole universe in order to take care of cotton. Now, the gentleman might propose a law dealing with products of the soil—and I do not know of any confidential governmental statistics that do not relate to products of the soil—and limited to that, in ten lines, and he would have a bill to which there would be very little objection and would not invite the great evils that this bill will invite.

Mr. PAYNE. Does the gentleman think such a bill could be passed and enforced that would keep these statistics secret so long as the great interests on each side concerned are trying to make them public?

Mr. McCALL. For my part I do not believe in secret statistics.

Mr. PAYNE. Would it not be better to make them known as they went along?

Mr. McCALL. If this bill passed, a seat in this House would be a prize for a rogue and not an honest man. An honest man would need to have a lawyer at his elbow to keep him out of the penitentiary. [Laughter and applause.]

Mr. JENKINS. Mr. Speaker, I beg the indulgence of the House for only a few moments of time. I would not consume any time had it not been for one or two remarks made by the gentleman from Massachusetts.

Now, everybody knows that the gentleman from Massachusetts is honest and needs no defender, and whatever he said in reference to this matter, as springing from the various methods and from business necessities, we are well satisfied that there is no danger that he will get into a net and be taken to the United States prison for the part he will take, so far as that is concerned. But the gentleman said that the Judiciary Committee had not considered this bill—that is, if I understand him correctly. About that the gentleman is simply mistaken. This bill was very carefully considered by the subcommittee first, consisting of the gentleman from Maine [Mr. LITTLEFIELD], the gentleman from Illinois [Mr. STERLING], the gentleman from Alabama [Mr. CLAYTON], and there was no hurry about it.

After they had amended the bill, it was reported to the full committee, and the full committee spent the entire morning hour in the consideration of this bill. It was brought into this House; and it seems a reflection upon the intelligence of the gentlemen here to-day when they come in and plead infancy and ignorance, saying that they did not know anything about it. This bill was brought into this House and passed without a single dissenting vote. The amendments were read. The RECORD shows that the bill was read and the amendments were agreed to, and the bill was passed and sent to the Senate. That body concurred.

Mr. GROSVENOR. If the gentleman will permit me to interrupt him, I will state that I have been informed by a member of the Judiciary Committee that he was present when the bill was considered, and it was passed by a bare majority of the committee.

Mr. JENKINS. I wish you would give the name of that gentleman.

Mr. GROSVENOR. I do not desire to do that. The gentleman is upon the floor.

Mr. JENKINS. The gentleman should not make such a statement.

Mr. GROSVENOR. I have been told by two members of the committee that they did not know that this bill was before the committee.

Mr. JENKINS. Several gentlemen have pleaded ignorance here this morning.

Now, Mr. Speaker, it does not make any difference whether a big majority were present or not.

Mr. HEDGE. Will the gentleman allow me to ask him a question?

Mr. JENKINS. Certainly.

Mr. HEDGE. Does the gentleman mean to insist that the committee passed this bill on purpose? [Laughter.]

Mr. JENKINS. I do not think that is a question that demands any answer, Mr. Speaker.

Now, I want the House to thoroughly understand that after this bill passed the House it went to the Senate and received very serious consideration, first in the committee and then in the Senate. After the matter had once been introduced in the Senate it was withheld for further consideration. I speak of that so that the House may know that gentlemen in the other body thoroughly understood what they were doing. The Senate made some amendments that, in the judgment of this House, it could not agree to, and a conference committee was agreed upon.

When the question was presented to the conference as to whether or not Members of Congress were included in the meaning of that bill, it was an embarrassing question. Some gentlemen insisted that under the broad language of the bill Members of Congress were included, and I am speaking of it because I understand there would be no objection here this morning to the adoption of this conference report if Members of Congress were excluded. They are not looking after the President of the United States; they are not looking after the charwomen and charmen of this Government; they are simply looking after themselves.

Mr. McCALL. May I interrupt the gentleman?

Mr. JENKINS. Certainly.

Mr. McCALL. The gentleman does not intend to say that I ever made a statement of that kind—that I would favor the bill if Members of Congress were not included?

Mr. JENKINS. I never made any such statement. I have not mentioned the gentleman's name. I said I am satisfied from what I have learned that there would be no objection to this bill if Members of Congress were not included.

Mr. BURLESON. Will the gentleman from Wisconsin permit me?

Mr. JENKINS. Yes.

Mr. BURLESON. I should like to ask the gentleman from Massachusetts if I misunderstood him in saying that if this bill was made to apply to the products of the farm, he would have no objection to it whatever?

Mr. McCALL. I will answer the gentleman. I stated to him just what I stated on the floor of the House. I did not say products of the farm. I said that you could apply your bill to the confidential statistics required to be collected as to the products of the soil. I stated that in the concluding words which I addressed to the House.

Mr. BURLESON. I do not want any misunderstanding with the gentleman about the matter. As I understood the gentleman, he said if it was applied to statistics gathered with reference to the products of the farm he would have no objection to the bill, and I answered that all I wanted was to have the Members of Congress exhibit the courage to go on record against it.

Mr. McCALL. I think there are gentlemen here who will have courage to go on record against the whole bill.

Mr. JENKINS. I was simply saying first that the Judiciary Committee very carefully considered this bill, and then that the matter was brought to the attention of both House and Senate. I say further that when the conference committee met——

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. JENKINS. Yes.

Mr. COOPER of Wisconsin. I am in entire sympathy with the gentleman in the purpose which he seeks to accomplish by this proposed legislation, but I want to ask him this question about the second section: It reads, to summarize it, "Any Member of Congress who shall by virtue of his office or position become possessed of any information and who shall before said information is made public through regular official channels," etc. Now, what information does the gentleman from Wisconsin in charge of this bill, or do I as a Representative in Congress, acquire by virtue of my official position, that has a fixed time before it must not be made public through regular official channels?

Mr. JENKINS. I will try to answer the gentleman.

Mr. COOPER of Wisconsin. I think the difficulty is that you struck out "and which information is required by law or under the rules of any Department of the Government to be withheld from publication until a certain time."

Mr. JENKINS. That is a fair question. I am speaking now of the knowledge the House has in regard to the matter. When we were in conference we were met with this proposition. This House and the Senate had both unanimously agreed that the President of the United States and the charmen and the charwomen and the page boys in the House and Senate should not give out any information, and the question was addressed to the conference committee as to whether or not they intended to exclude Members of Congress, and have it go to the country at large that the people I am speaking of were forbidden to give out this information, but Members of Congress could use it and enjoy it to their advantage. That was a perplexing question, and some of the gentlemen here know what my attitude was with reference to it. We hesitated long as to how to bring it to the attention of the House.

Mr. McCALL. Will the gentleman yield for a question?

Mr. JENKINS. It bothers me to be disturbed in this way, but I will yield to my good friend from Massachusetts.

Mr. McCALL. I was simply going to ask the gentleman, if the divulging of information by the charwomen, and the clerks, and the President, and so forth, should be a crime, why it should not be a crime if divulged by a Member of Congress? In other words, why should you not include a Member of Congress in the first section of your bill?

Mr. JENKINS. We were authorized to include it, but gentlemen seem to be afraid of it. Now, then, Mr. Speaker, as I say, we were confronted with this question; it was pressed upon the conference committee very strongly, and I do not think I violate any confidence when I say that I thought it was proper to come to this House and ask permission to include Members of Congress. But it was finally suggested that another way was better, and we finally yielded to it, and a concurrent resolution was introduced in the Senate—unanimously passed in the Senate—authorizing the conference committee to include Members of Congress. That resolution was brought into this House and unanimously adopted by the House. The conferees followed the direction of this House in regard to this proposition.

Now, there are a lot of gentlemen want to depart from it, and cast an inference that the conference committee did not do their full duty in regard to this matter. I would not have yielded to it for a moment if we had not considered it as an instruction of the House. Now, gentlemen on the floor plead ignorance, and say that this is the first time they ever heard of it.

I want to say that when this bill was reported it was reported to this House in the usual manner by a written report, giving all the facts, and was placed upon the record almost three months ago. I say that it does not reflect credit on these gentlemen who stand up here and say that this is the first ime they ever heard of it.

Now, going back to the other matter, I want to say that the proposition that was presented to the conference committee was this: Both Houses of Congress permitted the conference committee to include Members of Congress. We found this difficulty: We found that the Department obtains information that is very valuable; that almost anybody in the employ of the Government might obtain. We did not know exactly who they were, but we found that it might be an officer of the Goveru-

ment, or it might be an employee of the Government, and it was concluded to embrace them both, so as to put it beyond all question. We could not exclude some by saying that this shall not apply to the President of the United States or to the Vice-President, but it was deemed best to make the language very general and not only apply to the Agricultural Department, but to all the Departments of the Government. The matter was pressed upon the committee by a Department of this Government, and we were urged to pass this bill, and we have brought it up to this House; and, Mr. Speaker, if this House does not want to agree to the conference report, the responsibility rests upon the House and not upon the Judiciary Committee. I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. BURLESON. I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of the yeas and nays will rise. [After counting.] Sixteen gentlemen have risen, not a sufficient number.

The question was taken; and on a division (demanded by Mr. BURLESON) there were—ayes 26, noes 101.

Mr. WILLIAMS. Mr. Speaker, I make the point that there is no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-five Members present—a quorum.

Mr. McCALL. Mr. Speaker, if it is in order, I move to lay the bill and amendments on the table.

Mr. BURLESON. And if there is no quorum present, Mr. Speaker, the next thing is a roll call.

The SPEAKER. A quorum is present; and the motion is to lay the bill and amendments on the table.

Mr. WILLIAMS. Let us have the yeas and nays.

The question was taken; and the yeas and nays were ordered.

Mr. BURLESON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURLESON. As I understand it, an affirmative vote is to lay the conference report upon the table, and that carries the bill.

The SPEAKER. The Chair will again state the motion. The motion is to lay the bill with the amendments upon the table. The House has already disagreed to the conference report.

Mr. BURLESON. Mr. Speaker, I make no pretensions to being a parliamentary sharp, and I want to ask the Chair for information. [Laughter.]

The SPEAKER. The motion to lay the bill or any measure on the table is not debatable.

Mr. BURLESON. A parliamentary inquiry.

The SPEAKER. Is it possible for the gentleman to make one without debating it?

Mr. BURLESON. Certainly, Mr. Speaker; I never violate the rules of the House. Is it too late to ask for a nonconcurrence in the conference report, and ask for a further conference?

The SPEAKER. Yes; the motion to lay on the table would dispose of the bill, and has precedence under the rule.

The question was taken; and there were—yeas 107, nays 66, answered "present" 35, not voting 173, as follows:

YEAS—107.

Adams, Wis.	Dwight	Jones, Wash.	Murphy
Allen, Me.	Edwards	Keifer	Needham
Ames	Ellis	Kelliher	Olcott
Babcock	French	Kennedy, Nebr.	Overstreet
Bannon	Gardner, Mich.	Kennedy, Ohio	Payne
Barchfeld	Gilbert, Ind.	Kinkaid	Perkins
Bates	Goulden	Lacey	Pollard
Bennet, N. Y.	Graham	Landis, Chas. B.	Prince
Bennett, Ky.	Granger	Landis, Frederick	Reeder
Bishop	Grosvenor	Lawrence	Redenberg
Bonynge	Hale	Le Fevre	Ryan
Bradley	Haugen	Lilley, Pa.	Small
Brown	Hay	Longworth	Smyser
Brownlow	Hayes	Loud	Southard
Burke, Pa.	Hedge	Lovering	Southwick
Campbell, Ohio	Henry, Conn.	McCall	Stevens, Minn.
Capron	Hepburn	McGavin	Sullivan, Mass.
Chaney	Hermann	McKinlay, Cal.	Sulloway
Cockran	Higgins	McLachlan	Tawney
Cocks	Hill, Conn.	McNary	Taylor, Ohio
Cooper, Pa.	Hinshaw	Madden	Thomas, Ohio
Crumpacker	Hoar	Marshall	Townsend
Cushman	Holliday	Miller	Tyndall
Dale	Howell, N. J.	Minor	Wharton
Darragh	Howell, Utah	Moon, Tenn.	Wood, N. J.
Denby	Humphrey, Wash.	Mouser	Young
Dunwell	Hunt	Murdock	

NAYS—66.

Aiken	Burleson	Dawson	Gardner, Mass.
Beall, Tex.	Burnett	De Armond	Garrett
Birdsall	Candler	Dixon, Ind.	Gillespie
Bowie	Chapman	Ellerbe	Graff
Brantley	Clark, Fla.	Esch	Gregg
Brundidge	Clayton	Floyd	Hamilton
Burgess	Cooper, Wis.	Foster, Ind.	Heflin
Henry, Tex.	Macon	Slayden	Tirrell
Hopkins	Mann	Smith, Ill.	Trimble
Hubbard	Norris	Smith, Tex.	Underwood
Humphreys, Miss.	Patterson, S. C.	Sperry	Wallace
Johnson	Rhodes	Spight	Wiley, Ala.
Lamb	Robertson, La.	Stafford	Williams
Lee	Robinson, Ark.	Stephens, Tex.	Wilson
Lewis	Rucker	Sterling	Zenor
Lloyd	Russell	Taylor, Ala.	
McKinney	Sims	Thomas, N. C.	

ANSWERED "PRESENT"—35.

Bartlett	Dixon, Mont.	Lever	Sheppard
Bell, Ga.	Finley	Livingston	Sherman
Boutell	Foster, Vt.	Maynard	Smith, Iowa
Brick	Fulkerson	Olmsted	Smith, Samuel W.
Buckman	Fuller	Otjen	Stanley
Clark, Mo.	Howard	Patterson, N. C.	Steenerson
Davey, La.	Jenkins	Powers	Wanger
Davis, Minn.	Kline	Richardson, Ala.	Wood, Mo.
Dickson, Ill.	Lester	Shackleford	

NOT VOTING—173.

Acheson	Field	Lafean	Rives
Adams, Pa.	Fitzgerald	Lamar	Rixey
Adamson	Flack	Law	Roberts
Alexander	Fletcher	Legare	Ruppert
Allen, N. J.	Flood	Lilley, Conn.	Samuel
Andrus	Fordney	Lindsay	Schneebeli
Bankhead	Foss	Littauer	Scott
Bartholdt	Fowler	Little	Scroggy
Bede	Gaines, Tenn.	Littlefield	Shartel
Beidler	Gaines, W. Va.	Lorimer	Sherley
Bingham	Garber	Loudenslager	Sibley
Blackburn	Gardner, N. J.	McCarthy	Slemp
Bowers	Garner	McCleary, Minn.	Smith, Cal.
Bowersock	Gilbert, Ky.	McCreary, Pa.	Smith, Ky.
Broocks, Tex.	Gill	McDermott	Smith, Md.
Brooks, Colo.	Gillett, Cal.	McKinley, Ill.	Smith, Wm. Alden
Broussard	Gillett, Mass.	McLain	Smith, Pa.
Burke, S. Dak.	Glass	McMorran	Snapp
Burleigh	Goebel	Mahon	Southall
Burton, Del.	Goldfogle	Martin	Sparkman
Burton, Ohio	Greene	Meyer	Sullivan, N. Y.
Butler, Pa.	Griggs	Michalek	Sulzer
Butler, Tenn.	Gronna	Mondell	Talbott
Byrd	Gudger	Moon, Pa.	Towne
Calder	Hardwick	Moore	Van Duzer
Calderhead	Haskins	Morrell	Van Winkle
Campbell, Kans.	Hearst	Mudd	Volstead
Cassel	Hill, Miss.	Nevin	Vreeland
Cole	Hitt	Padgett	Wachter
Conner	Hogg	Page	Wadsworth
Cousins	Houston	Palmer	Waldo
Cromer	Huff	Parker	Watkins
Currier	Hughes	Parsons	Watson
Curtis	Hull	Patterson, Tenn.	Webb
Dalzell	James	Pearre	Webber
Davidson	Jones, Va.	Pou	Weeks
Davis, W. Va.	Kahn	Pujo	Weems
Dawes	Ketcham	Rainey	Weisse
Deemer	Kitchin, Claude	Randell, Tex.	Welborn
Dovener	Kitchin, Wm. W.	Ransdell, La.	Wiley, N. J.
Draper	Klepper	Reid	Woodyard
Dresser	Knapp	Reynolds	
Driscoll	Knopf	Rhinock	
Fassett	Knowland	Richardson, Ky.	

So the bill and amendments were laid on the table.

The Clerk announced the following pairs:

For the vote:

Mr. LITTLEFIELD with Mr. DAVIS of West Virginia.

Mr. BUCKMAN with Mr. GILBERT of Kentucky.

Mr. FASSETT with Mr. LIVINGSTON.

Mr. DAVIS of Minnesota with Mr. BOWERS.

Mr. BOUTELL (against) with Mr. GRIGGS (in favor).

Mr. ANDRUS with Mr. FLOOD.

Mr. VREELAND with Mr. JONES of Virginia.

Mr. GILLETT of Massachusetts with Mr. TOWNE.

For the balance of the day:

Mr. BROOKS of Colorado with Mr. RICHARDSON of Alabama.

Mr. LITTAUER with Mr. STANLEY.

Mr. ALEXANDER with Mr. RANDELL of Texas.

Mr. KAHN with Mr. TALBOTT.

Until the end of the session:

Mr. WANGER with Mr. ADAMSON.

Mr. CURTIS. Mr. Speaker, I would like to have my name called.

The SPEAKER. Was the gentleman present?

Mr. CURTIS. I was in conference on the Indian appropriation bill.

The SPEAKER. The gentleman does not bring himself within the rules.

Mr. CURTIS. I understand that this is a call of the House.

The SPEAKER. No; it is not.

The result of the vote was announced as above recorded.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue; and

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 395. An act concerning foreign-built dredges.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROBERTS, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. HUNT to withdraw from the files of the House, without leaving copies, the papers in the case of Harriet E. Hall, Fifty-seventh Congress, no adverse report having been made thereon.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 3 o'clock and 33 minutes p. m.), the House adjourned until Monday, May 21, 1906, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, with copies of letters from the Commissioner of Pensions and the United States pension agent at Washington City, a statement as to an accumulation of useless documents—to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for payment of the award in favor of J. R. Sowers, administrator of estate of John A. Sowers—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Fair Columbia*, Joseph Myrick, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Richard T. Marsell against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of H. N. Vaughn, executor of the estate of Benjamin Kirk, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the House joint resolution (H. J. Res. 158) amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, reported the same without amendment, accompanied by a report (No. 4339); which said joint resolution and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19379) providing for the manner of selecting and impaneling juries in the United States courts in the Territories of the United States, reported the same with amendment, accompanied by a report (No. 4340); which said bill and report were referred to the House Calendar.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the bill of the House (H. R. 13304) to provide a suitable memorial to the memory of Christopher Columbus, reported the same without amendment, accompanied by a report (No. 4341); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18124) granting an increase of pension to Theodore T. Davis, reported the same without amendment, accompanied by a report (No. 4276); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17809) granting a pension to William Barrett, reported the same with amendment, accompanied by a report (No. 4277); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17632) granting an increase of pension to John Frick, reported the same without amendment, accompanied by a report (No. 4278); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17896) granting an increase of pension to James K. Dickinson, reported the same with amendment, accompanied by a report (No. 4279); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19272) granting an increase of pension to Alice Morrill, reported the same with amendment, accompanied by a report (No. 4280); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18764) granting an increase of pension to Mary Stone, reported the same with amendment, accompanied by a report (No. 4281); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18504) granting an increase of pension to James T. Rambo, reported the same without amendment, accompanied by a report (No. 4282); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19238) granting an increase of pension to Daniel S. Conover, reported the same without amendment, accompanied by a report (No. 4283); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19053) granting an increase of pension to John T. Heaney, reported the same with amendment, accompanied by a report (No. 4284); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19301) granting an increase of pension to Caroline L. Hodgdon, reported the same without amendment, accompanied by a report (No. 4285); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18956) granting an increase of pension to Joseph Scattergood, reported the same without amendment, accompanied by a report (No. 4286); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18732) granting a pension to James J. Christy, reported the same with amendment, accompanied by a report (No. 4287); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18876) granting an increase of pension to Lemuel Hand, reported the same with amendment, accompanied by a report (No. 4288); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18911) granting an increase of pension to Frances Becker, reported the same with amendment, accompanied by a report (No. 4289); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18433) granting an increase of pension to William Wentz, reported the same

with amendment, accompanied by a report (No. 4290); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19242) granting an increase of pension to Anthony W. Miller, reported the same with amendment, accompanied by a report (No. 4291); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18869) granting an increase of pension to Ellis L. Ayres, reported the same with amendment, accompanied by a report (No. 4292); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18954) granting an increase of pension to John E. Minnick, reported the same with amendment, accompanied by a report (No. 4293); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18623) granting an increase of pension to J. H. Bradberry, reported the same with amendment, accompanied by a report (No. 4294); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19179) granting an increase of pension to Eliza A. Smith, reported the same without amendment, accompanied by a report (No. 4295); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19253) granting an increase of pension to Charles H. Thompson, reported the same without amendment, accompanied by a report (No. 4296); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18833) granting an increase of pension to Henry Horton, reported the same with amendment, accompanied by a report (No. 4297); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19217) granting an increase of pension to William H. Burns, reported the same with amendment, accompanied by a report (No. 4298); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18360) granting an increase of pension to Fanny G. Pomeroy, reported the same with amendment, accompanied by a report (No. 4299); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18475) granting an increase of pension to Joseph F. Cook, reported the same with amendment, accompanied by a report (No. 4300); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18790) granting an increase of pension to James Murphy, reported the same with amendment, accompanied by a report (No. 4301); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18656) granting an increase of pension to George W. Gordon, reported the same with amendment, accompanied by a report (No. 4302); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19121) granting an increase of pension to Isaac Overton, reported the same without amendment, accompanied by a report (No. 4303); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18384) granting an increase of pension to James F. Young, reported the same with amendment, accompanied by a report (No. 4304); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16973) granting an increase of pension to John H. Smith, reported the same with amendment, accompanied by a report (No. 4305); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16613) granting an increase of pension to William C. Fox, reported the same with amendment, accompanied by a report (No. 4306); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13998) granting an increase of pension to J. C. Barnwell, reported the same with amendment, accompanied by a report (No. 4307); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13967) granting a pension to Sophie M. Staab, reported the same with amendment, accompanied by a report (No. 4308); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4397) granting an increase of pension to John M. Byers, reported the same with amendment, accompanied by a report (No. 4309); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14505) granting an increase of pension to John L. Clifton, reported the same with amendment, accompanied by a report (No. 4310); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14107) granting an increase of pension to Isaac Maines, reported the same without amendment, accompanied by a report (No. 4311); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14558) granting an increase of pension to Martha L. Wood, reported the same with amendment, accompanied by a report (No. 4312); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14705) granting an increase of pension to Alva Beebe, reported the same without amendment, accompanied by a report (No. 4313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15063) granting an increase of pension to Henry W. Brown, reported the same with amendment, accompanied by a report (No. 4314); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13949) granting an increase of pension to Mary A. Duryea, reported the same with amendment, accompanied by a report (No. 4315); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15653) granting an increase of pension to Eliza J. Hudson, reported the same with amendment, accompanied by a report (No. 4316); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15674) granting an increase of pension to Susan Campbell, reported the same with amendment, accompanied by a report (No. 4317); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13032) granting an increase of pension to Stewart McKeney, reported the same without amendment, accompanied by a report (No. 4318); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13652) granting an increase of pension to William O. Tobey, reported the same with amendment, accompanied by a report (No. 4319); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13609) granting an increase of pension to Charles H. Guile, reported the same with amendment, accompanied by a report (No. 4320); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10563) granting an increase of pension to Joseph D. Cummins, reported the same with amendment, accompanied by a report (No. 4321); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7683) granting an increase of pension to James Ross, reported the same with amendment, accompanied by a report (No. 4322); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7635) granting a pension to Delia Gibbs, reported the same with amendment, accompanied by a report (No. 4323); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8291) granting an increase of pension to Daniel S. Chase, reported the same with amendment, accompanied by a report (No. 4324); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8285) granting an increase of pension to Daniel Sharpley, reported the same with amendment, accompanied by a report (No. 4325); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions to which was referred the bill of the House (H. R. 8920) granting a pension to Andrew J. Lane, reported the same with amendment, accompanied by a report (No. 4326); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10280) granting an increase of pension to James Spencer, reported the same without amendment, accompanied by a report (No. 4327); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10356) granting an increase of pension to Martin B. Doty, reported the same with amendment, accompanied by a report (No. 4328); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9838) granting an increase of pension to Joseph Fergerson, reported the same without amendment, accompanied by a report (No. 4329); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10394) granting an increase of pension to John Behymer, reported the same with amendment, accompanied by a report (No. 4330); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4887) granting an increase of pension to John F. Brown, reported the same without amendment, accompanied by a report (No. 4331); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4891) granting an increase of pension to George W. Swadley, reported the same with amendment, accompanied by a report (No. 4332); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 717) granting an increase of pension to O. B. Morrison, reported the same with amendment, accompanied by a report (No. 4333); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2867) granting an increase of pension to Leah Bedford, reported the same with amendment, accompanied by a report (No. 4334); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2410) granting an increase of pension to Saturnin Jasnowski, reported the same with amendment, accompanied by a report (No. 4335); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2229) granting an increase of pension to Lytle McCracken, reported the same with amendment, accompanied by a report (No. 4336); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2053) granting an increase of pension to Annie A. Townsend, reported the same with amendment, accompanied by a report (No. 4337); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1294) granting an increase of pension to George W. Van De Bogert, reported the same with amendment, accompanied by a report (No. 4338); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 19496) granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. CAPRON: A resolution (H. Res. 532) authorizing the compilation of the debates in Congress on the railway rate bill—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 19497) granting a pension to Thomas Moran—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 19498) granting an increase of pension to Sarah Neely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19499) granting an increase of pension to Thomas Milson—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 19500) for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin—to the Committee on Indian Affairs.

Also, a bill (H. R. 19501) for the relief of the legal representatives of the late Maj. William M. Maynadier, paymaster, United States Army—to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 19502) for the relief of Francis A. Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 19503) granting an increase of pension to David S. Jones—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 19504) granting an increase of pension to Margaret E. Walker—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 19505) for the relief of Thomas M. S. Rhett and Ann S. Elliott, heirs at law of Edmund Rhett—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 19506) donating lands in Oklahoma Territory for educational purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 19507) donating lands in Oklahoma Territory for educational purposes—to the Committee on the Public Lands.

By Mr. RHODES: A bill (H. R. 19508) granting an increase of pension to George J. Jorden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19509) granting a pension to Daniel M. Mead—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 19510) granting an increase of pension to Richard B. West—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 19511) granting an increase of pension to Alexander Dixson—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19512) granting an increase of pension to Joshua B. Davis—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 19513) granting an increase of pension to Jane M. Barkalow—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 19514) granting an increase of pension to James H. Stimpson—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 8825) for the relief of Thomas H. Kent, and it was referred to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the city council of Chicago, for Federal control, alone, of the outflow from Lake Michigan into the Chicago city canal—to the Committee on Rivers and Harbors.

By Mr. BATES: Petition of E. K. Thompson et al., of Titusville, Pa., favoring passage of the Mann bill (H. R. 8102)—to the Committee on Patents.

Also, petition of A. K. Walters, secretary of Grange No. 955, of Albion, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of A. K. Walters, secretary of Grange No. 955, of Albion, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. O. Allen, master of Grange No. 423, of Waterford, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Watson, master of Grange No. 816, of Conneautville, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of W. H. Watson, master of Grange No. 816, of Conneautville, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. L. Giddings, secretary of Waterford (Pa.) Grange, favoring instruction in agriculture by public schools—to the Committee on Agriculture.

Also, petition of John McCormick & Son, of Erie, Pa., for a salaried inspector of asphalt in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNET of New York: Paper to accompany bill for relief of William Winslow Bennett—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: Petition of Local Union No. 634, of Brunswick, Ga., of the International Longshoremen's Marine and Transportation Association, against bill H. R. 5281 (the Littlefield pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of Pennsylvania: Paper to accompany bill for relief of John McLaughlin—to the Committee on Military Affairs.

By Mr. CHANEY: Petition of the Elnora Packing Company, against subsection 3 of section 7 of bill S. 88 (the pure-food bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: Petition of Division No. 347, Brotherhood of Locomotive Engineers, of Rutland, Vt., for the Gilbert anti-injunction bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of the city council of Chicago, for Federal control alone of the outflow of water from Lake Michigan into the Chicago city canal—to the Committee on Rivers and Harbors.

By Mr. GRAHAM: Paper to accompany bill for relief of Anna K. Rhodes—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petitions of members of the faculty of Teachers' College, of New York City, and the University of Pennsylvania; the Larkin Company et al., of Buffalo, N. Y.; Reasoner Brothers, of Oneco, Fla.; the New Haven (Mo.) Nurseries; Joseph Parker & Son and 3 others, of New Haven, Conn., and R. T. Mitter, jr., and 60 others, of Chicago, Ill., favoring consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOAR: Petition of Osmond J. Billings et al., for investigation of abuses in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of the United Boiler Makers and Iron-ship Builders of North America, for improvement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Richard B. West—to the Committee on Pensions.

By Mr. SMITH of Illinois: Petition of the Herald, of Cartersville, Ill., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Pennsylvania: Petition of the Democrat Publishing Company, of Indiana, Pa., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Indiana Democrat, of Indiana, Pa., to amend the Postal Laws and Regulations making all subscriptions legitimate whether paid for by actual subscribers or not—to the Committee on the Post-Office and Post-Roads.

By Mr. SAMUEL W. SMITH: Petition of Harry H. Peters et al., for bill H. R. 8102 (the Mann bill)—to the Committee on Patents.

By Mr. STEPHENS of Texas: Petition of citizens of Jacksonboro, county of Jackson, Tex., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WHARTON: Petition of the Constitution League of the United States, demanding enforcement of the Constitution in States where the suffrage has been unconstitutionally denied or abridged—to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Petition of the city council of Chicago, for the sole control by the Federal Government of outflow of Lake Michigan water into the Chicago city canal—to the Committee on Rivers and Harbors.

Also, petition of the Home Missionary Society of the church at Stockton, N. J., for an amendment to Constitution prohibiting polygamy—to the Committee on the Judicary.

SENATE.

MONDAY, *May 21, 1906.*

Prayer by Rev. ROBERT M. MOORE, of the city of Washington.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CLAIM OF JOHN N. NEWKIRK.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating that pursuant to law he had transmitted to the Speaker of the House of Representatives the claim of John N. Newkirk, postmaster at San Diego, Cal., for credit on account of loss resulting on the burglary of his office on February 25, 1906, etc.; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT. The Chair presents a communication from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Pensions, embodying a list of useless papers in the various pension agencies throughout the country which are of no practical value or historical interest and not required in the transaction of public business.

The communication will be referred to a joint committee on the destruction of useless papers in the Executive Departments, and the Chair will appoint as members of the committee on the part of the Senate the Senator from Alabama [Mr. PETTUS] and the Senator from New Hampshire [Mr. GALLINGER].

The House of Representatives will be notified of this action.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Loring G. Emerson *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Florville Kerlegan *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Madison*, Samuel Hancock, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Polly*, Joseph Clements, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *John*, James Scott, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Fair Columbian*, Joseph Myrick, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed a bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of

said Lee to the Forty-seventh Congress and his services therein; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue; and

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. MARTIN presented petitions of sundry citizens of Norfolk, Va., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. CULBERSON presented a petition of sundry citizens of Dallas, Tex., praying for the enactment of legislation providing for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FULTON presented petitions of sundry citizens of Molalla, Oreg., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. OVERMAN presented the petition of M. L. Dixon and sundry other citizens of Charlotte, N. C., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented the petition of J. Van Lindley and sundry other citizens of Pomona, N. C., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for drawbacks on structural materials imported for the construction of buildings in that city; which was referred to the Committee on Finance.

Mr. BURNHAM presented the petition of Catharine A. Stone and 11 other citizens of Walpole, N. H., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of Franklin Pierce Council, No. 30, Junior Order of United American Mechanics, of Concord, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Local Council No. 359, American Federation of Musicians, of Nashua, N. H., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which was referred to the Committee on Military Affairs.

He also presented petitions of W. K. Robbins, of Manchester, N. H.; of the Chardonnet Artificial Silk Company, of New York City, N. Y., and of the Board of Managers of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. PROCTOR presented a petition of sundry citizens of North Bennington, Vt., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of Local Division No. 247, Amalgamated Association of Street and Electric Railway Employees of America, of Rutland, Vt., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Lincoln Council, No. 4, Junior Order of United American Mechanics, of Windsor, Vt., and a petition of Caledonia Springs Council, Junior Order of United American Mechanics, of Wheelock, Vt., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of the congregation of the Baptist Church of Vermont, remonstrating against the enactment of legislation providing for the transfer of the education and care of the Indians and Eskimos of Alaska from the United States Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

He also presented memorials of the Brotherhood of Railroad Trainmen of the Delaware and Hudson system, of Rutland; of Local Division No. 106, Brotherhood of Locomotive Engineers, of Bellows Falls, and of Local Division No. 163, Brotherhood of Locomotive Engineers, of Newport, all in the State of Vermont, remonstrating against the adoption of an amendment to the railroad-rate bill to prohibit the issuance of free passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CULLOM presented petitions of Local Union No. 465, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Ottawa; of Local Union No. 766, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Bloomington; of the Rockford Manufacturers' and Shippers' Association, of Rockford, and of sundry citizens of Peoria and Pekin, all in the State of Illinois, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented petitions of the congregation of the First Presbyterian Church of Rushville, of the congregation of the First Presbyterian Church of Du Quoin, and of the congregation of the Presbyterian Church of Minonk, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. RAYNER presented a petition of the Farmers' Club of Cecil County, Md., and a petition of sundry citizens of Maryland, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. KEAN presented the petition of William D. Sargent, of West Orange, N. J., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New Jersey, praying that the direction of the schools of Alaska may remain with the United States Bureau of Education; which was referred to the Committee on Education and Labor.

Mr. PATTERSON presented a memorial of Local Division No. 19, Amalgamated Association of Street and Electric Railway Employees of America, of Colorado Springs, Colo., remonstrating against a repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Local Union No. 20, Denver Musical Protective Association, of Denver, and of the Musicians' Protective Union, of Colorado Springs, both of the American Federation of Musicians, in the State of Colorado, praying for the enactment of legislation to prohibit military bands from competing with civilian bands; which were referred to the Committee on Military Affairs.

He also presented a petition of Columbian Council, No. 5, Daughters of Liberty, of Denver, Colo., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 79, Brotherhood of Painters and Decorators of America, of Denver, Colo., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented petitions of the Unique Club, of Rinn; the Nineteenth Century Club, of Pueblo; the Federation of Women's Clubs, of Colorado Springs; the Improvement Club, of Windsor, and the Pinian Club, of Trinidad, all of the General Federation of Women's Clubs, in the State of Colorado, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

Mr. BURKETT submitted sundry papers to accompany the bill (S. 6190) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims; which were referred to the Committee on Claims.

Mr. GALLINGER presented a petition of the Woman's Home Missionary Society of St. Luke's Methodist Episcopal Church, of West Derry, N. H., praying that the direction of the schools of Alaska may remain with the United States Bureau of Education; which was referred to the Committee on Territories.

He also presented a petition of the Intermunicipal Committee on Household Research, of Boston, Mass., praying for the enactment of legislation to regulate employment agencies in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Dr. J. J. Kinyoun and a memorial of the Eclectic Medical Society of the District of Columbia, remonstrating against the enactment of legislation to regulate the practice of osteopathy in the District of Columbia; which were ordered to lie on the table.

Mr. BULKELEY presented petitions of sundry citizens of Bridgeport, Black Rock, and Weston, all in the State of Connecticut, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented the petition of the New England Committee, Ladies of the Maccabees of the World, of Hartford, Conn., praying for an investigation into the industrial conditions of the women of the country; which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented petitions of sundry citizens of the State of Connecticut, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1178) granting an increase of pension to Herman Buckthal;

A bill (H. R. 1247) granting an increase of pension to Columbus Botts;

A bill (H. R. 6596) granting an increase of pension to Alex. O. Huffman;

A bill (H. R. 8155) granting an increase of pension to Henry E. Seelye;

A bill (H. R. 9862) granting an increase of pension to William B. Warren;

A bill (H. R. 12184) granting an increase of pension to Joseph Sprauer;

A bill (H. R. 13594) granting an increase of pension to Jonathan Snook; and

A bill (H. R. 13824) granting a pension to Noah Myers.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 10395) granting an increase of pension to Stephen Cundiff; and

A bill (H. R. 16878) granting an increase of pension to James B. Adams.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4318) granting an increase of pension to H. S. Bennett; and

A bill (S. 1976) granting a pension to William N. Dickey.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6155) granting an increase of pension to H. Davis;

A bill (S. 4390) granting an increase of pension to Rebecca A. Alexander; and

A bill (S. 4391) granting an increase of pension to Abner R. Barnes.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5353) granting an increase of pension to Thomas W. Carter;

A bill (H. R. 1034) granting an increase of pension to John Logan;

A bill (H. R. 3351) granting an increase of pension to George King;

A bill (H. R. 6208) granting an increase of pension to William D. Conner;

A bill (H. R. 7244) granting an increase of pension to Christopher S. Guthrie;

A bill (H. R. 11161) granting an increase of pension to Michael Aaron;

A bill (H. R. 11855) granting an increase of pension to Mary Ann Shelly;

A bill (H. R. 14678) granting a pension to James A. Boggs;

A bill (H. R. 14702) granting an increase of pension to Christian Schlosser;

A bill (H. R. 16492) granting an increase of pension to John M. Logan;

A bill (H. R. 17772) granting an increase of pension to John W. Henry; and

A bill (H. R. 18509) granting an increase of pension to Ellen L. Stone.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 5262) granting an increase of pension to Frank N. Nichols, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5598) granting an increase of pension to Almond Greeley; and

A bill (S. 4651) granting an increase of pension to Rufus M. Ashley.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6065) granting an increase of pension to Ellen M. Dyer;

A bill (S. 4092) granting an increase of pension to John Smith;

A bill (H. R. 2785) granting an increase of pension to Margaret Bonynge;

A bill (H. R. 3488) granting an increase of pension to Egbert J. Olds;

A bill (H. R. 3495) granting an increase of pension to Charles F. Tower;

A bill (H. R. 4241) granting an increase of pension to David B. Coleman;

A bill (H. R. 6774) granting an increase of pension to John Platt;

A bill (H. R. 8736) granting an increase of pension to Lowell M. Maxham;

A bill (H. R. 8852) granting an increase of pension to Frederick W. Clark;

A bill (H. R. 12336) granting an increase of pension to Margaret A. Montgomery;

A bill (H. R. 12418) granting an increase of pension to Thomas P. Crandall;

A bill (H. R. 14661) granting an increase of pension to John B. Bussell;

A bill (H. R. 14729) granting an increase of pension to David Ford; and

A bill (H. R. 18910) granting an increase of pension to Philo E. Davis.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3735) granting an increase of pension to Phebe W. Drake; and

A bill (S. 3028) granting an increase of pension to Helen C. Sanderson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3168) granting an increase of pension to Obadiah Derr;

A bill (S. 5952) granting an increase of pension to Hyacinth Dotey;

A bill (H. R. 3005) granting an increase of pension to Jacob C. Shafer; and

A bill (H. R. 18135) granting an increase of pension to Benedict Sutter.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2566) granting an increase of pension to George H. Rodeheaver;

A bill (H. R. 5040) granting an increase of pension to Joseph Montgomery;

A bill (H. R. 9609) granting an increase of pension to Jesse M. Auchmuty;

A bill (H. R. 10865) granting an increase of pension to Alexander Caldwell;

A bill (H. R. 12971) granting an increase of pension to Matthew H. Brandon;

A bill (H. R. 16005) granting an increase of pension to Hezekiah J. Reynolds;

A bill (H. R. 18052) granting a pension to John Lewis Barnard Breighner; and

A bill (H. R. 17922) granting an increase of pension to Thomas D. Adams.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2092) granting an increase of pension to Franklin M. Hill;

A bill (H. R. 2237) granting an increase of pension to Martin Pool;

A bill (H. R. 2247) granting an increase of pension to Anthony Sanspeur;

A bill (H. R. 4161) granting an increase of pension to Robert Beatty;

A bill (H. R. 6059) granting an increase of pension to Elias Hanes;

A bill (H. R. 6422) granting an increase of pension to Anthony Van Slyke;

A bill (H. R. 11260) granting an increase of pension to James H. Van Camp; and

A bill (H. R. 16073) granting an increase of pension to John Ginther.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were indefinitely postponed:

A bill (S. 44) to provide a temporary home for ex-volunteer Union soldiers and sailors in the District of Columbia;

A bill (S. 50) to regulate the employment of child labor in the District of Columbia;

A bill (S. 1242) to regulate the employment of child labor in the District of Columbia; and

A bill (S. 691) to regulate the employment of child labor in the District of Columbia.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1438) granting an increase of pension to Oliver T. Smith;

A bill (H. R. 2265) granting an increase of pension to Hudson J. Van Scoter;

A bill (H. R. 15056) granting an increase of pension to James Ramsey;

A bill (H. R. 16272) granting a pension to William D. Willis;

A bill (H. R. 16525) granting an increase of pension to Mary Amanda Nash; and

A bill (H. R. 18121) granting an increase of pension to John W. Jones.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6533) granting a pension to Horace Salter;

A bill (H. R. 6878) granting a pension to Lucy Brown;

A bill (H. R. 8232) granting an increase of pension to James M. Jared;

A bill (H. R. 8817) granting an increase of pension to Calvin M. Latham;

A bill (H. R. 9844) granting an increase of pension to John J. Erick;

A bill (H. R. 13069) granting an increase of pension to Friend S. Esmond;

A bill (H. R. 13443) granting an increase of pension to James E. Hammontree;

A bill (H. R. 15613) granting an increase of pension to William W. Combs; and

A bill (H. R. 16109) granting an increase of pension to Jacob Cline.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom were referred the memorial of the members of the Civic Club, of Harrisburg, Pa., and the memorial of 600 members of the New Century Club, of Philadelphia, and the Iris Club of Lancaster, Pa., remonstrating against the repeal of the so-called "Morris law" for the protection of the forests, asked to be discharged from their further consideration, and that they be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to.

He also, from the same committee, to whom was referred the memorial of 514 citizens of Washington County, Idaho, remonstrating against any extension of or addition to the timber reserve in that county and the creation of any new reserve therein, asked to be discharged from its consideration, and that it be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to.

Mr. MILLARD, from the Committee on Interoceanic Canals, to whom was referred the message of the President of the United States transmitting copies of correspondence between himself and the Secretary of War on the subject of the purchase of two steel dredges for the Panama Canal, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

EXPENSES OF DISTRICT JUDGES.

Mr. PETTUS. From the Committee on the Judiciary I report back without amendment the bill (S. 6176) providing for pay of expenses of district judges, and I ask for its present consideration. The bill merely puts the district judges on an equality as to their expenses. The present law gives to a district judge his expenses when holding court outside of his district. There are four or five judges in the United States who have two districts, and in that case the bill merely provides that they shall have their expenses paid when holding court outside of the district in which they live. That is the only change.

The Secretary read the bill, as follows:

Be it enacted, etc., That the reasonable expenses actually incurred, not to exceed $10 per day each, for travel and attendance of district judges when holding court outside of the district in which they reside shall be paid by the marshal of the district in which said court is held, on the written certificate of the judge, and said payment shall be allowed the marshal in the settlement of his accounts with the United States.

Mr. KEAN. May I ask the Senator from Alabama if the law does not now authorize the payment of their actual expenses? The language of the bill is "reasonable expenses."

The VICE-PRESIDENT. The language is "the reasonable expenses actually incurred."

Mr. KEAN. All right; I have no objection to the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BACK RIVER BRIDGE, NEAR WHEELING, W. VA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6146) to authorize the Back River Bridge Company to build a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore, to report it favorably without amendment, and I submit a report thereon.

Mr. SCOTT. I ask for the present consideration of the bill just reported by the Senator from Arkansas.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PEND D'OREILLE RIVER DAM, WASHINGTON.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6038) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes, to report it favorably with an amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, on page 2, line 16, after the word "approval," to strike out the word "or" and insert the word "and."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY E. RHOADES.

Mr. HALE. There is a House bill on the table which I ask be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives, which will be read.

The bill (H. R. 1997) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired, was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to transfer Assistant Engineer Henry E. Rhoades, upon the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States, to take effect from the date of his retirement.

Mr. HALE. A similar bill has already passed the Senate, and I ask that this bill may be placed on its passage now.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 6213) for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fread Gehring, T. H. Ross, and L. C. Partee; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6214) for the relief of Jarib L. Sanderson; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced a bill (S. 6215) to correct the naval record of Joseph Alfred Guthrie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. McLAURIN introduced a bill (S. 6216) for the relief of the heirs at law of Harvey Latham; which was read twice by its title, and referred to the Committee on Claims.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6217) granting an increase of pension to William Brings; and

A bill (S. 6218) granting an increase of pension to George A. Hamilton.

Mr. BEVERIDGE introduced a bill (S. 6219) to provide for the inspection, examination, and supervision of live cattle, sheep, swine, and goats, and the carcasses and food products thereof, which are the subjects of interstate or foreign commerce, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. DRYDEN introduced a bill (S. 6220) to provide for the erection of a monument on the battlefield of Gettysburg to commemorate the services of the Signal Corps of the United States Army during the war of the rebellion; which was read twice by its title, and referred to the Committee on the Library.

Mr. HEMENWAY introduced a bill (S. 6221) granting an increase of pension to Joseph McBride; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6222) granting an increase of pension to John A. Alden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 6223) granting an increase of pension to William E. Cummin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 6224) for the relief of B. F. Van Meter; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6225) for the relief of James Webb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MALLORY (for Mr. TALIAFERRO) introduced a bill (S. 6226) granting an increase of pension to Mary A. Mickler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 6227) to grant an extension of certain letters patent to assignees of John A. Gunn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. NELSON introduced a bill (S. 6228) granting a pension to Betsey Hattery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 6229) to authorize the sale of public lands for cemetery purposes; which was read twice by its title and referred to the Committee on Public Lands.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6230) granting an increase of pension to Nellie Paxton;

A bill (S. 6231) granting a pension to Caroline Lankford (with accompanying papers); and

A bill (S. 6232) granting an increase of pension to John L. Anthony.

Mr. PATTERSON introduced a bill (S. 6233) granting an increase of pension to George E. Vanderwalker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 6234) to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.; which was read twice by its title, and referred to the Committee on Commerce.

JOSEPH D. ARMSTRONG.

On motion of Mr. McCUMBER, it was

Ordered, That the bill S. 5806, Calendar No. 3174, granting an increase of pension to Joseph D. Armstrong be indefinitely postponed, the beneficiary having died.

HOUSE BILL REFERRED.

H. R. 850. An act making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, was read twice by its title, and referred to the Committee on Claims.

ENGINEERING WORK ON ISTHMIAN CANAL.

Mr. McCUMBER. Mr. President, on the 15th of this month, during the debate on the rate bill and upon the particular subject of salaries for the Interstate Commerce Commissioners, in opposition to the increase of such salaries I submitted some remarks. To illustrate the point I desired to make at that time, namely, that we would not secure perfect judgment by paying an excessive salary, I called attention to certain disagreements between two of the highest salaried men in the Government employ in the matter of excavating for the Panama Canal.

Since that time I received a letter from Mr. John F. Wallace, who was at one time chief engineer in charge of that work, and who seemed to think that he had not been treated with entire justice in this matter and asked a little correction. Desiring that he shall be heard on any subject pertaining to that discussion, I ask permission that his letter may be read, and printed in the RECORD.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows:

MAY 16, 1906.

Hon. P. J. McCUMBER,
United States Senate, Washington, D. C.

DEAR SIR: I beg to call your attention to the following statement, which appeared in the Washington Evening Star of May 15:

"Senator McCUMBER opposed the provision as a 'surreptitious effort to increase salaries.' He did not believe that Commissioners should be paid more than Federal court judges. He referred to the high salaries paid to the engineers in connection with the Panama Canal, saying that notwithstanding Mr. Wallace had received a salary of $25,000 or $30,000 a year, Mr. Shonts had testified that the dirt he had dumped would have to be removed. 'We can get men to do bad work for less pay,' he declared. Senator MORGAN said that no such testimony had been given in the canal matter, but Mr. McCUMBER stuck to his point."

If you will kindly glance at the testimony of Mr. Stevens, the present chief engineer of the Panama Canal, you will find that on page 94 Mr. Stevens, in direct reply to the question whether or not Mr. Wallace had wasted material, which would have to be removed, stated that he had not, that that was a "slur" upon Mr. Wallace. I quote from Mr. Stevens's testimony, as follows:

"Mr. TALIAFERRO. Speaking of the economy, or want of economy, in the expenditures down there, did not I understand you to say that you had been using some of the French dumps where the material would have to be moved later, and that that has been done since we have been doing the work?

"Mr. STEVENS. No; you did not understand me correctly. Whatever material we have to move or will have to move was material that was dumped there by the French.

"Mr. TALIAFERRO. Did you not say you were using some of the same dumps?

"Mr. STEVENS. Some of the same dumping grounds, but putting it farther in. There has not been a spoonful that we have dumped that will have to be dumped again; no.

"Senator GORMAN. I am glad to have you make that statement. There was a public statement that some of the stuff Mr. Wallace had taken out had to be removed.

"Mr. STEVENS. No; that is a slur on Mr. Wallace; that is not so at all."

You will also note, on page 2540 of the testimony before the Senate Committee on Interoceanic Canals, the following statement of Secretary Taft:

"I am sorry to have been misled into the incorrect statement of Mr. Stevens's views, which Mr. Wallace regards as a slur upon his work. From Mr. Stevens's reports and from his evidence until the question was definitely put, I had supposed that he intended to say that some of the dumps used by Mr. Wallace would have to be removed, and so some members of the committee understood Mr. Stevens's statement to mean this; but when the direct question was put, it appeared that while some of the old French dumps, where material was deposited by Mr. Wallace, would have to be moved, none of the material which Mr. Wallace placed there would have to be removed. I regret the mistake very much."

As to characterizing such a statement as a "slur" upon me, Mr. Stevens made use of this expression in his testimony before the Senate committee, and the word was not used by me as indicated by Secretary Taft.

In view of the testimony of Mr. Stevens and Secretary Taft, I hope you will do me the justice to correct your statement in regard to my connection with the work, if your remarks were as stated in the Star.

Very truly, yours, JOHN F. WALLACE.

Mr. McCUMBER. It may be proper for me to state at this time that I did not intend by those remarks to pass upon the comparative competency of the two engineers who were paid a salary of $30,000 each, or that of any other member of the Commission, but simply to demonstrate the fact that by paying higher salaries than is usual for the best of men in those particular occupations we would not necessarily add to the skill or competency of the officer, and we would not necessarily secure men whose judgment would be perfect.

But in order to justify the statement which I made, I also ask that that portion of document No. 69, of the Fifty-ninth Congress, first session, being a hearing before the Committee on Appropriations of the Senate December 12, 1905, on page 34, and a little portion on page 36, which I have marked, may also be printed in the RECORD at this time, for the purpose of showing that there was entire foundation for the statement which I made. There are other mild criticisms with reference to Mr. Wallace in other pages of this same document, but my object in discussing the matter and making that point was not for the purpose of criticising, but for the purpose of showing that adding more than a reasonable compensation did not secure any better men than we would get if we paid a reasonable, just, and liberal compensation. I ask that those marked portions, comprising less than a page, may be printed in the RECORD. I will not ask that they be read, unless some Senator desires it.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Secretary TAFT. Strictly speaking, 4,000 are in the sanitation department, and the other 13,000 are engaged in track work and in the construction of buildings, of machine works, of putting together the equipment, which has to be knocked down when it is sent down there, and in making surveys, and in all the preliminary work that is going on upon the Isthmus.

Senator HALE. In short, to get ready for the work of excavation.

Secretary TAFT. Yes, sir. Mr. Stevens states—and I think Mr. Shonts agrees with him—that Mr. Wallace made a mistake in expending what he did expend for actual excavation in the Culebra cut.

Senator TELLER. Why?

Secretary TAFT. It was not done for the purpose of excavation, although it did accomplish, to the extent to which there was excavation, work which may not have to be done again. But it was done for the purpose of making estimates as to the cost, and Mr. Stevens thinks that the material which was deposited was deposited at places from which it will have to be removed, and that estimates based upon those experiments, therefore, are estimates based upon what do not assimilate to the actual work to be done.

Senator HALE. So that it really was not good sample work.

Secretary TAFT. No, sir. Of course the great problem there is not excavation. The great problem is transportation and the disposition of spoil.

Senator HALE. The disposition of what?

Secretary TAFT. Of spoil; of that which is excavated.

Senator TELLER. Dirt.

Secretary TAFT. It will involve transportation all the way from 4 to 14 and 15 miles from Culebra cut.

Senator HALE. By rail?

Secretary TAFT. By rail.

Senator TELLER. How far did he transport it?

Mr. SHONTS. Mr. Wallace, if you will permit me, had exceptional fine weather. He did his work in the dry season. He selected the easy work at the top of the cut, where he had gravity hauls. He wasted it at the nearest place where he could waste it, and misled himself and other people by taking the cost per cubic yard thus arrived at during the most favorable circumstances as being the unit cost at which he could do the entire work. For that reason his work was practically wasted, because on a comprehensive plan——

* * * * * * *

Mr. SHONTS. I understand; I think I can probably answer that. The result of Mr. Wallace's own plant ran from 43 cents per cubic yard in the height of the dry season to a dollar and a half per cubic yard in the worst season.

Senator TELLER. As high as a dollar and a half?

Mr. SHONTS. Yes; his own plant, operated under the same conditions, by his own men; and that is the work we stopped.

Senator TELLER. Will you tell this committee why there is that difference between the excavation in the dry season and in the wet?

Mr. SHONTS. There are a great many elements entering into that. In the first place Mr. Wallace did not go to work correctly.

Senator TELLER. Never mind about Mr. Wallace.

Mr. SHONTS. Well, I must refer to him in order to answer the question, Mr. Senator.

SURVEY OF PUBLIC LANDS IN LOUISIANA.

Mr. McENERY. I ask for the present consideration of the bill (H. R. 16307) authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana.

Mr. CULLOM. It is my purpose to call up the legislative, etc., appropriation bill this morning, but I will yield to the Senator from Louisiana and also to the Senator from New Hampshire [Mr. GALLINGER] before doing so.

The VICE-PRESIDENT. The Senator from Louisiana asks for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 16484) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

This is a bill which proposes to make a reasonable increase in the pay of the Metropolitan police of the District of Columbia, and it is important that it should be passed for the reason that if passed the increased items will be placed in the District of Columbia appropriation bill, which is now under consideration by the subcommittee.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 3, line 10, before the word "surgeons," to strike out "three" and insert "four;" so as to read:

PAR. 3. The said Metropolitan police force shall consist of one major and superintendent, who shall continue to be invested with such powers and charged with such duties as is provided by existing law; and also of one assistant superintendent, with the rank of inspector; four surgeons for the police and fire departments; three inspectors; ten captains; twelve lieutenants, one of whom shall be harbor master, and such number of sergeants and privates of class 3, privates of class 2, privates of class 1, mounted inspectors, captains, lieutenants, sergeants, and privates on horses and bicycles, and such others as said Commissioners may deem necessary within the appropriations made by Congress.

The amendment was agreed to.

The next amendment was, on page 6, line 19, after the word "class," to strike out "one" and insert "two;" so as to read:

PAR. 6. The members of the said police force now designated as "desk sergeants" shall cease to be known as such and shall become privates of class 2 from and after the date this act is to take effect.

The amendment was agreed to.

The next amendment was, on page 7, after the word "appointment," in line 2, to strike out the following:

Police surgeons shall be members of the said police force and shall be subject to the laws, rules, and regulations for the government, good conduct, discipline, and removal of other officers or members of the said police force. Such police surgeons shall devote their entire time and attention to said police force, attend, without charge, all members of said police force and of the fire department of said District, examine applicants for appointment and retirement in and to said police force and said fire department, and attend such dependent sick and injured, and examine and attend such insane or alleged insane persons as may be taken in charge by said police, and shall perform such other duties as the said Commissioners may direct.

And to insert:

Such police surgeons shall be subject to such laws, rules, and regulations as the Commissioners of the District of Columbia may from time to time make, alter, or amend. Such police surgeons shall attend, without charge, all members of said police force and of the fire department of said District, examine applicants for appointment and retirement in and to said police force and said fire department, and attend such dependent sick and injured, and examine and attend such insane or alleged insane persons as may be taken in charge by said police, and shall perform such other duties as the said Commissioners may direct.

The amendment was agreed to.

The next amendment was, on page 8, line 13, before the word "hundred," to strike out "one thousand eight" and insert "six;" so as to read:

Police surgeons shall each receive an annual salary of $600.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SURVEY OF MARYLAND OYSTER BEDS.

Mr. HOPKINS. I am directed by the Committee on Fisheries, to whom was referred the bill (H. R. 18435) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland, to report it favorably without amendment.

Mr. RAYNER. It is a matter of urgent necessity that this bill should pass as soon as possible, and I should like to have it put upon its passage now. It was passed unanimously by the House of Representatives.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOPKINS. I think it is a meritorious bill and one that should pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I now call up for consideration House bill No. 16472, being the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16472) making ap-

propriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask unanimous consent that the first formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments reported by the Committee on Appropriations be first acted on as they are reached in the reading.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," on page 2, line 17, after the words "assistant secretary," to insert "(Henry M. Rose);" in line 20, before the word "dollars," to strike out "seven hundred and fifty" and insert "one thousand;" in line 22, after the word "dollars," to strike out "principal clerk, and enrolling clerk, at $2,700 each" and insert "enrolling clerk, $3,000; principal clerk, $2,750;" on page 3, line 3, after the word "dollars," to strike out "and $280 additional while the office is held by the present incumbent;" in line 6, before the word "assistant," to strike out "messenger, acting as;" in line 7, after the word "dollars," to insert "skilled laborer, $900;" and in line 18, before the word "dollars," to strike out "seventy-six thousand five hundred and ninety-six," and insert "seventy-seven thousand seven hundred and sixteen;" so as to make the clause read:

Office of Secretary: For Secretary of the Senate, including compensation as disbursing officer of the contingent fund of the Senate, $5,000, and for compensation as disbursing officer of salaries of Senators, $396; hire of horse and wagon for the Secretary's office, $700; assistant secretary (Henry M. Rose), $5,000; chief clerk, $3,250; financial clerk, $3,000, and $1,000 additional while the office is held by the present incumbent; minute and journal clerk, $3,000; enrolling clerk, $3,000; principal clerk, $2,750; reading clerk, $2,500; assistant financial clerk, $2,400; librarian, $2,220; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $900; six clerks, at $2,220 each; five clerks, at $2,100 each; clerk, $1,800; clerk, $1,600; keeper of stationery, $2,220; assistant keeper of stationery, $1,800; assistant in stationery room, $1,000; messenger, $1,440; assistant messenger, $1,200; six laborers, at $720 each; in all $77,716.

The amendment was agreed to.

The next amendment was, on page 3, line 21, after the word "dollars," to strike out "two assistants in document room, at $1,440 each" and insert "assistant in document room, $1,600; assistant in document room, $1,440;" and on page 4, line 3, before the word "dollars," to strike out "three hundred and twenty" and insert "four hundred and eighty;" so as to make the clause read:

Document room: For superintendent of the document room (Amzi Smith), $3,000; first assistant in document room, $2,000; assistant in document room, $1,600; assistant in document room, $1,440; clerk to superintendent of document room, $1,440; skilled laborer, $1,000; in all, $10,480.

The amendment was agreed to.

Mr. CULLOM. On page 4, in line 15, in the appropriation for "Clerks and messengers to committees," before the word "dollars," I move to strike out "fourteen hundred and forty" and to insert "two thousand;" so as to read "assistant clerk, $2,000."

The amendment was agreed to.

Mr. CULLOM. On page 4, line 16, after the word "messenger," I move to strike out "fourteen hundred and forty" and insert in lieu thereof "nine hundred;" so as to read:

Messenger, $900.

The amendment was agreed to.

Mr. CULLOM. In the same clause, on page 6, line 9, I move to change the total from $127,760 to $127,780.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 10, before the word "clerk," to strike out "twenty-two" and insert "twenty;" and in line 12, before the word "dollars," to strike out "thirty-nine thousand six hundred" and insert "thirty-six thousand;" so as to make the clause read:

For twenty clerks to committees, at $1,800 each, $36,000.

The amendment was agreed to.

The next amendment was, on page 6, line 15, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" on page 7, line 2, after the word "dollars," to strike out "messenger in charge of storeroom, $1,600" and insert "storekeeper, $1,800;" in line 5, before the word "carpenters," to strike out "three" and insert "four;" in line 13, after the word "dollars," to strike out "press-gallery page, $720," and insert "assistant in press gallery, $900;" and in line 22, before the word "dollars," to strike out "fifty-four thousand nine hundred and forty-four" and insert "fifty-six thousand seven hundred and eighty-four;" so as to make the clause read:

Office of Sergeant-at-Arms and Doorkeeper: For Sergeant-at-Arms and Doorkeeper, $5,000; horse and wagon for his use, $420, or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, $2,000; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; three messengers, acting as assistant doorkeepers, at $1,800 each; forty-seven messengers, at $1,440 each; two assistant messengers on the floor of the Senate, at $1,440 each; messenger to official reporters' room, to be selected by the official reporters, $1,440; storekeeper, $1,800; upholsterer and locksmith, $1,440; four carpenters to assist him, at $960 each; janitor, $1,200; skilled laborer, $1,000; four skilled laborers, at $900 each; laborer in charge of private passage, $840; two female attendants in charge of ladies' retiring room, at $720 each; two telephone operators, at $900 each; telephone page, $720; assistant in press gallery, $900; two laborers, at $840 each; twenty-four laborers, at $900 each; twenty-eight laborers, at $720 each; sixteen pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,760; in all $156,784.

The amendment was agreed to.

The next amendment was, on page 7, line 25, after the word "dollars," to insert "clerk, $1,400," and, on page 8, line 4, before the word "hundred," to strike out "seventeen thousand five" and insert "eighteen thousand nine;" so as to make the clause read:

Post-office: For postmaster, $2,250; assistant postmaster and mail carrier, $2,088; clerk, $1,400; seven mail carriers and one wagon master, at $1,200 each; four riding pages, at $912.50 each; in all, $18,988.

The amendment was agreed to.

The next amendment was, on page 8, line 20, before the word "machinist," to strike out "assistant;" in line 21, before the word "dollars," to insert "two hundred;" and in line 25, before the word "hundred," to strike out "four" and insert "six;" so as to make the clause read:

Under Superintendent of the Capitol Building and Grounds: For chief engineer, $2,160; four assistant engineers, at $1,440 each; eight conductors of elevators, at $1,200 each; machinist and electrician, $1,400; machinist and electrician $1,200; three firemen, at $1,095 each; five laborers, at $720 each; laborer in charge of Senate toilet rooms in old library space, $660; in all, $27,665.

The amendment was agreed to.

The next amendment was, on page 9, line 1, before the word "annual," to strike out "thirty" and insert "twenty-four;" in line 3, before the word "hundred," to strike out "five" and insert "eight;" and in line 4, before the word "dollars," to strike out "forty-five thousand" and insert "forty-three thousand two hundred;" so as to make the clause read:

For twenty-four annual clerks to Senators who are not chairmen of committees, at $1,800 each, $43,200.

The amendment was agreed to.

The next amendment was, on page 9, line 11, before the word "hundred," to strike out "one" and insert "three;" and in line 12, before the word "hundred," to strike out "one" and insert "three;" so as to make the clause read:

For postage stamps for the office of the Secretary of the Senate, $300; for the office of the Sergeant-at-Arms, $75; in all, $375.

The amendment was agreed to.

The next amendment was, on page 9, line 17, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For materials for folding, $2,000.

The amendment was agreed to.

The next amendment was, on page 9, line 24, before the word "dollars," to strike out "six thousand" and insert "eight thousand five hundred;" so as to make the clause read:

For purchase of furniture, $8,500.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For materials for furniture and repairs of same, exclusive of labor, $3,000.

The amendment was agreed to.

The next amendment was, on page 10, line 7, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For miscellaneous items, exclusive of labor, $100,000.

The amendment was agreed to.

The next amendment was, on page 10, line 17, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

For reporting the debates and proceedings of the Senate, $30,000, payable in equal monthly installments.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Police," on page 10, line 24, after the word "each," to strike out "sixty-nine privates, at $1,020 each" and insert "thirty privates, at $1,100 each; thirty privates, at $1,000 each; and nine privates,

at $960 each;" on page 11, line 4, before the word "to," to strike out "and watchmen;" and in line 7, before the word "dollars," to strike out "seventy-five thousand five hundred and eighty" and insert "seventy-six thousand eight hundred and forty;" so as to make the clause read:

For captain, $1,000, and three lieutenants, at $1,200 each; thirty privates at $960 each, one-half of said privates to be selected by the privates, at $960 each, one-half of said privates be selected by the Sergeant-at-Arms of the Senate and one-half by the Sergeant-at-Arms of the House of Representatives; in all, $76,840, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 16, line 22, before the word "Arts," to insert "Industrial;" so as to make the clause read:

For an assistant clerk to each of the Committees on Military Affairs, and Naval Affairs, and clerk to the Committee on Industrial Arts and Expositions, at $6 per day each during the session, $2,142.

The amendment was agreed to.

The next amendment was, on page 18, line 24, after the word "each," to strike out "twelve thousand seven hundred and ninety-two dollars and fifty cents" and insert "thirteen thousand and ninety dollars;" so as to read:

Forty-four pages, during the session, including two riding pages, two telephone pages, press gallery page, and ten pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $13,090.

The amendment was agreed to.

The next amendment was, on page 20, line 21, before the word "dollars," to strike out "sixty" and insert "seventy;" so as to make the clause read:

To continue the employment of the laborer authorized and named in the resolution of the House adopted December 19, 1901, at $70 per month, $840.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 25, line 16, after the word "dollars," to insert "chief classifier, $2,000;" in line 17, before the word "assistants," to strike out "five" and insert "four;" and on page 26, line 4, before the word "hundred," to strike out "seven" and insert "nine;" so as to make the clause read:

Catalogue and shelf: For chief of division, $3,000; chief classifier, $2,000; four assistants, at $1,800 each; seven assistants, at $1,500 each; six assistants, at $1,400 each; twelve assistants, at $1,200 each; six assistants, at $1,000 each; fourteen assistants, at $900 each; four assistants, at $800 each; thirteen assistants, at $720 each; three assistants, at $600 each; ten assistants, at $540 each; four assistants, at $480 each; six messengers, at $360 each; in all, $87,940.

The amendment was agreed to.

The next amendment was, on page 33, line 7, after the word "thereto," to insert "and to enable the Joint Committee on the Library to consider the question of additional bookstack accommodation, especially for newspaper files, for the Library of Congress, and to report to Congress plans and estimates for the same, if in their opinion such additional stack room is advisable;" and in line 12, before the word "thousand," to strike out "forty" and insert "twenty;" so as to make the clause read:

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, and to enable the Joint Committee on the Library to consider the question of additional bookstack accommodation, especially for newspaper files, for the Library of Congress, and to report to Congress plans and estimates for the same, if in their opinion such additional stack room is advisable, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 34, line 21, after the word "dollars," to insert the following proviso:

Provided, That hereafter employees of the Executive Departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary.

Mr. BACON. Mr. President, I should like to ask the Senator in charge of the bill what is the necessity and the purpose of the amendment at the bottom of page 34, with reference to the detail of employees to the White House? I presume there is a good reason for it, but at the same time a little explanation will be advantageous. I do not make the inquiry in any spirit of criticism, but for the purpose of obtaining the information. There must be something which has given rise to that amendment.

Mr. CULLOM. Mr. President, this same provision is now in the current law. The President only takes advantage of this provision when the pressure of work in his office is very great, at which times he asks for a detail of a few clerks to help him out. That is all there is to it.

Mr. BACON. I understood the Senator to say it is in the current law?

Mr. CULLOM. It is.

Mr. BACON. Then why should it be repeated here now?

Mr. CULLOM. It either has to be repeated every year or amended, as we have it in this bill, to provide for the same contingencies hereafter.

Mr. BACON. Oh, that is the purpose—to make permanent what it is the custom to make annual provision for?

Mr. CULLOM. That is the purpose.

Mr. BACON. That is right.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 37, line 2, after the word "employees," to insert "herein provided for;" so as to make the proviso read:

Provided, That no detail of clerks or other employees from the Executive Departments or other Government establishments in Washington, District of Columbia, to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1907. The Civil Service Commission shall, however, have power to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 37, line 14, after the word "dollars," to strike out "assistant solicitor of the Department of State, to be appointed by the Secretary of State, $3,000," and insert "two assistant solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each;" in line 23, before the word "dollars," to strike out "one hundred" and insert "two hundred and fifty;" on page 38, line 3, before the word "clerks," to strike out "thirteen" and insert "fourteen;" in line 4, before the word "clerks," to strike out "nine" and insert "ten;" in line 5, before the word "clerks," to strike out "nineteen" and insert "twenty;" in the same line, before the word "clerks," to strike out "thirty-two" and insert "thirty-three;" in line 11, after the word "each," to strike out "one telephone switch-board operator" and insert "two telephone operators, at $600 each;" and in line 15, before the word "dollars," to strike out "four thousand three hundred and seventy" and insert "fifteen thousand and fifty;" so as to make the clause read:

For compensation of the Secretary of State $8,000; Assistant Secretary, $4,500; Second and Third Assistant Secretaries, at $4,500 each; chief clerk, $3,000; two assistant solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; eight chiefs of bureaus, at $2,250 each; two translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary of State, $2,250; fourteen clerks of class 4; ten clerks of class 3; twenty clerks of class 2; thirty-three clerks of class 1, one of whom is to be a telegraph operator; seven clerks, at $1,000 each; fifteen clerks, at $900 each; chief messenger, $1,000; three messengers; twenty-two assistant messengers; messenger boy, $420; packer, $720; four laborers, at $600 each; two telephone operators, at $600 each; in all, $215,050: *Provided*, That hereafter there shall not be employed in the Department of State or in connection with said Department in the District of Columbia any personal services other than those which shall be specifically authorized or appropriated for.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 39, line 16, after the word "dollars," to insert "examiner, $2,000;" and in line 20, before the word "thousand," to strike out "forty-six" and insert "forty-eight;" so as to make the clause read:

Office of the Secretary: For compensation of the Secretary of the Treasury, $8,000; three Assistant Secretaries of the Treasury, at $4,500 each; clerk to the Secretary, $2,500; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; examiner, $2,000; one clerk of class 4; two clerks of class 2; one clerk of class 1; one clerk, $1,000; four messengers; three assistant messengers; and one laborer; in all, $48,430.

The amendment was agreed to.

The next amendment was, on page 41, line 16, before the word "hundred," to strike out "eighty-four thousand eight" and insert "eighty-three thousand six;" so as to read:

For the Cox Building, 1709 New York avenue: Three watchmen-firemen, at $720 each, and one laborer; in all, $183,610.

The amendment was agreed to.

The next amendment was, on page 44, line 2, after the word "namely," to strike out "One clerk" and insert "Two clerks;" in line 3, after the word "two," to strike out "one clerk of class 1" and insert "two clerks of class 1;" in line 4, before the word "clerk," to strike out "clerk, $1,000;" and in line 6, before the word "six," to strike out "eight thousand" and insert "ten thousand;" so as to make the clause read:

For the following heretofore employed in the miscellaneous division, to be assigned by the Secretary of the Treasury, namely: Two clerks

of class 4, one clerk of class 3, one clerk of class 2, two clerks of class 1; clerk, $900; and one assistant messenger; in all, $10,620.

The amendment was agreed to.

The next amendment was, on page 44, line 12, after the word "laborer," to insert "foreman of bindery, at $6 per day; four binders, at $4 per day each; and two sewers and folders, at $2.50 per day each;" and in line 17, before the word "dollars," to strike out "thirty thousand four hundred and eighty" and insert "thirty-eight thousand nine hundred and thirty-one;" so as to make the clause read:

Division of printing and stationery: For chief of division, $2,500; assistant chief of division, $2,000; four clerks of class 4; four clerks of class 3; four clerks of class 2; one clerk of class 1; two clerks, at $900 each; two messengers; two assistant messengers; one laborer; foreman of bindery, at $6 per day; four binders, at $4 per day each; and two sewers and folders, at $2.50 per day each; in all, $38,931.

The amendment was agreed to.

The next amendment was, on page 45, line 12, after the word "four," to insert "one clerk of class 3;" in the same line, before the word "of," to strike out "two clerks" and insert "one clerk;" and in line 15, before the word "dollars," to strike out "fourteen thousand eight hundred" and insert "fifteen thousand;" so as to make the clause read:

Offices of disbursing clerks: For two disbursing clerks, at $2,500 each; two clerks of class 4; one clerk of class 3; one clerk of class 2; two clerks of class 1; one clerk, $1,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, on page 46, line 1, before the word "divisions," to strike out "technical;" in line 3, before the word "dollars," to insert "seven hundred and fifty;" in line 4, before the word "dollars," to insert "five hundred;" and in line 16, before the word "dollars," to strike out "seventy-two thousand four hundred and sixty" and insert "seventy-three thousand seven hundred and ten;" so as to make the clause read:

For the following, now authorized and paid from appropriations for construction of public buildings, namely: For assistant to Supervising Architect, $3,250; superintendent of drafting and constructing division, $3,000; two superintendents of divisions, at $2,750 each; chief of law and records division, $2,750; chief of accounts division, $2,500; chief mechanical and electrical engineer, $2,750; five clerks of class 4; six clerks of class 3; three clerks of class 2; two clerks of class 1; contract clerk, $2,000; foreman duplicating gallery, $1,800; four technical clerks, who shall also be skilled stenographers and typewriters, at $1,800 each; four inspectors, at $2,190 each; one inspector, $1,800; seven messengers; two laborers; in all, $73,710.

The amendment was agreed to.

The next amendment was, on page 47, line 15, after the word "two," to strike out "two typewriter copyists, at $1,000 each" and insert "one typewriter copyist, $1,400; one typewriter copyist, $1,000;" and in line 20, before the word "hundred," to strike out "sixty-eight thousand seven" and insert "sixty-nine thousand one;" so as to make the clause read:

Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $4,500; chief clerk, $2,500; chief law clerk, $2,500; eight law clerks revising accounts and briefing opinions, one at $2,100 and seven at $2,000 each; six expert accountants, at $2,000 each; private secretary, $1,800; eight clerks of class 4; one clerk of class 3; two clerks of class 2; one typewriter-copyist, $1,400; one typewriter-copyist, $1,000; two messengers; one assistant messenger; and one laborer; in all, $69,160.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the office of the Auditor for the War Department, $5,000.

The amendment was agreed to.

The next amendment was, on page 49, line 1, before the word "clerks," to strike out "eighteen" and insert "nineteen;" in line 2, before the word "clerks," to strike out "fifteen" and insert "sixteen;" in line 2, before the word "clerks," to strike out "nineteen" and insert "twenty;" in line 3, before the word "clerks," to strike out "eighteen" and insert "seventeen;" in line 4, before the word 'clerks," to strike out "fifteen" and insert "fourteen," and in line 8, before the word "hundred," to strike out "forty thousand nine" and insert "forty-three thousand two;" so as to make the clause read:

Office of Auditor for Navy Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; three chiefs of division, at $2,000 each; ten clerks of class 4; nineteen clerks of class 3; sixteen clerks of class 2; twenty clerks of class 1; seventeen clerks, at $1,000 each; fourteen clerks, at $900 each; one clerk, $800; one messenger; one assistant messenger; and three laborers; in all, $143,240.

The amendment was agreed to.

The next amendment was, on page 49, line 13, before the word "clerks," to strike out "eleven" and insert "twelve," and in line 20, before the word "hundred," to strike out "sixty-five thousand five" and insert "sixty-seven thousand three;" so as to make the clause read:

Office of Auditor for Interior Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; three chiefs of division, at $2,000 each; twelve clerks of class 4; sixteen clerks of class 3; twenty-eight clerks of class 2; twenty-eight clerks of class 1; fifteen clerks, at $1,000 each; ten clerks, at $900 each; two assistant messengers; four skilled laborers, at $720 each; six laborers; and one female laborer, $600; in all, $167,380.

The amendment was agreed to.

The next amendment was, on page 50, line 18, after the word "each," to insert "twenty skilled laborers, at $840 each; in line 20, before the word "skilled," to strike out "seventy" and insert "fifty;" and on page 51, line 2, before the word "hundred," to strike out "ninety-one thousand four" and insert "ninety-three thousand eight;" so as to read:

Office of Auditor for Post-Office Department: For Auditor, $4,000; 2 Deputy Auditors, at $2,500 each; chief clerk, $2,000; law clerk, $2,000; 8 chiefs of division, at $2,000 each; 36 clerks of class 4; additional to 1 clerk as disbursing clerk, $450; 69 clerks of class 3; 91 clerks of class 2; 119 clerks of class 1; 104 clerks, at $1,000 each; skilled laborer, $1,000; 81 clerks, at $900 each; 20 skilled laborers, at $840 each; 50 skilled laborers, at $720 each; 65 skilled laborers, at $660 each; 8 messengers; 15 assistant messengers; 6 watchmen; 25 male laborers, at $660 each; 3 female laborers, at $660 each; and 21 charwomen; in all, $793,810.

The amendment was agreed to.

The next amendment was, on page 51, line 21, before the word "clerks," to strike out "sixty-six" and insert "forty-six;" in the same line, after the word "each," to insert "twenty expert counters, at $900 each;" so as to read:

Office of the Treasurer: For Treasurer of the United States, $6,000; Assistant Treasurer, $3,600; Deputy Assistant Treasurer, $3,200; cashier, $3,600; assistant cashier, $3,000; chief clerk, $2,500; seven chiefs of division, at $2,500 each; assistant chief of division, $2,250; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; clerk for the Treasurer, $1,800; twenty-five clerks of class 4; eighteen clerks of class 3; fifteen clerks of class 2; coin clerk, $1,400; thirty-one clerks of class 1; seventeen clerks, at $1,000 each; forty-six clerks, at $900 each; twenty expert counters, at $900 each, etc.

The amendment was agreed to.

The next amendment was on page 52, line 4, before the word "pressmen," to strike out "eleven" and insert "thirteen;" in line 6, before the word "separators," to strike out "twenty-eight" and insert "forty-six;" in line 7, before the word "feeders," to strike out "seventeen and insert "twenty," and in line 11, before the word "dollars," to strike out "eighteen thousand six hundred and thirty" and insert "thirty-five thousand two hundred and ninety;" so as to read:

Foreman pressman, $1,500; thirteen pressmen, at $1,400 each; forty-six separators, at $660 each; twenty feeders, at $660 each; compositor and pressman, $1,400; machinist, $900; in all, $435,290.

The amendment was agreed to.

The next amendment was on page 57, line 1, before the word "watchmen," to strike out "forty" and insert "forty-six;" in line 4, before the word "morning," to strike out "forty-seven" and insert "fifty-two;" in line 6, before the word "laborers," to strike out "fifty-seven" and insert "sixty-five;" in line 9, before the word "dollars," to strike out "fifty-five thousand two hundred and twenty" and insert "sixty-five thousand three hundred and sixty;" in line 10, after the word "services," to insert "in connection with the executive or administrative force," and in line 13, after the word "paragraph," to insert "but this provision shall not prohibit the employment of helpers, laborers, and employees performing clerical work in the several mechanical divisions of the Bureau;" so as to read:

For the following, now authorized and being paid from appropriations for engraving and printing in the Bureau of Engraving and Printing, namely: For disbursing agent, $2,400;

* * * * * * *

forty-six watchmen; two forewomen of charwomen, at $540 each; nineteen day charwomen, at $400 each; fifty-two morning and evening charwomen, at $300 each; foremen of laborers, $900; four laborers; sixty-five laborers, at $540 each; in all, $165,360; and no other fund appropriated by this or any other act shall be used for services in connection with the executive or administrative force, in the Bureau of Engraving and Printing, of the character specified in this and the foregoing paragraph, but this provision shall not prohibit the employment of helpers, laborers, and employees performing clerical work in the several mechanical divisions of the Bureau.

Mr. BACON. I should like to have the Senator from Illinois give an explanation of the provision on page 57, beginning in line 13, and extending to line 16. I should like to know whether it contemplates the employment of persons outside of the civil-service rules.

Mr. CULLOM. The clause reads:

But this provision shall not prohibit the employment of helpers, laborers, and employees performing clerical work in the several mechanical divisions of the Bureau.

I will read an extract from a communication of Hon. William M. Meredith, Director of the Bureau of Engraving and Printing, on the subject:

TREASURY DEPARTMENT.
BUREAU OF ENGRAVING AND PRINTING,
April 19, 1906.

SIR: I have the honor to call attention to the item for the Bureau of Engraving and Printing in the legislative, executive, and judicial

appropriation bill, pages 54 and 55, recently passed by the House of Representatives. Provision is made in this item for a number of employees, including clerks, helpers, watchmen, charwomen, and laborers which have heretofore been paid for from the lump appropriation for "Engraving and printing," usually carried in the sundry civil appropriation act.

In addition to providing for these employees in the legislative, executive, and judicial appropriation bill, this item in the bill as passed by the House of Representatives contains the following restrictive provision:

"And no other fund appropriated by this or any other act shall be used for services, in the Bureau of Engraving and Printing, of the character specified in this and the foregoing paragraph."

The information upon which the Committee on Appropriations of the House of Representatives determined the number and classes of the employees which it desired to provide for in the legislative, executive, and judicial appropriation bill was furnished in response to a letter dated February 7, 1906, from Hon. L. N. LITTAUER, in which he requested that the subcommittee in charge of this bill be furnished with "a statement showing the number of clerks and other employees and the present rate of compensation of each additional to those now estimated for in said bill who are employed in the executive or administrative offices of the Bureau of Engraving and Printing * * *." In furnishing this information it was considered that the committee desired the number of such clerks and other employees, including watchmen, cleaners, and charwomen, who were connected with the executive or administrative force of the Bureau, and that its request did not include the employees engaged in the minor clerical work of nor the helpers and laborers connected with the several mechanical divisions of the Bureau.

In its present shape it is feared that the restrictive provision might be construed to prohibit the payment to the employees performing the minor clerical work, as well as the helpers and laborers in these several mechanical divisions, from the appropriation for "Engraving and printing" usually carried in the sundry civil appropriation act. It would seem therefore to be necessary to qualify this restrictive provision by adding after the word "services," in line 9, page 55, the words "connected with the executive or administrative force;" and after the word "paragraph," in line 10, page 55, the words "but this provision shall not prohibit the employment of helpers, laborers, and employees performing clerical work in the several mechanical divisions of the Bureau;" so that the provisions shall read:

Mr. BACON. What the Senator now proposes to read is a part of the bill as amended?

Mr. CULLOM. Yes.

Mr. BACON. I have glanced over the document from which the Senator is reading, and I think it furnishes an explanation that is sufficient.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. CULLOM. On page 58, line 11, I move to strike out "forty" and insert in lieu thereof "sixty-five;" so as to make the paragraph read:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $65,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 59, line 16, before the word "thousand," to strike out "thirty" and insert "thirty-five;" so as to make the clause read:

For stationery for the Treasury Department and its several bureaus, $35,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 19, to insert:

For purchasing material for binding important records, $600.

The amendment was agreed to.

The next amendment was, on page 63, line 7, before the word "dollars," to insert "and fifty thousand;" so as to make the clause read:

For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks in internal-revenue offices, $2,950,000.

The amendment was agreed to.

The next amendment was, on page 63, line 11, before the word "thousand," to insert "and fifty;" so as to make the clause read:

For salaries and expenses of forty revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers, and storekeeper-gaugers, $2,250,000.

The amendment was agreed to.

The next amendment was, on page 70, line 15, before the word "thousand," to strike out "nine" and insert "twelve;" so as to make the clause read:

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $12,000.

The amendment was agreed to.

The next amendment was, under the head of "Mints and assay offices," on page 71, line 6, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred;" in line 9, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" and in line 14, before the word "dollars," to strike out "two hundred and fifty" and insert "seven hundred;" so as to make the clause read:

Mint at Denver, Colo.: For superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk, $2,500; weigh clerk, $2,000; cashier, $2,500; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; bookkeeper, $2,000; abstract clerk, warrant clerk, assistant weigh clerk, and calculating clerk, at $1,600 each; calculating clerk, $1,400; and two clerks, at $1,200 each; in all, $38,700.

The amendment was agreed to.

The next amendment was, on page 74, line 3, before the word "thousand," to strike out "fifty" and insert "sixty-five;" so as to make the clause read:

For wages of workmen and adjusters, and not exceeding $37,500 for other clerks and employees, $165,000.

Mr. CULLOM. I wish to amend the amendment of the committee. I move, in line 2, to strike out "thirty-seven" and insert "forty-seven," and in line 3, to strike out "sixty-five" and insert "seventy-five."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 74, line 9, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

For incidental and contingent expenses, including new machinery, melter and refiners' wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and wastage of, and loss on sale of, coiners' sweeps, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Government in the Territories," on page 77, line 18, after the word "hire," to insert "not to exceed $2,000," and in line 21, before the word "thousand," to strike out "two" and insert "five;" so as to make the clause read:

For incidental and contingent expenses, clerk hire not to exceed $2,000, stationery, lights, and fuel, to be expended under the direction of the governor, $5,000.

The amendment was agreed to.

The next amendment was, on page 79, line 12, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For contingent expenses of the Territory, to be expended by the governor for rents, private secretary, stenographer and typewriter, and typewriter supplies, janitor, messenger, fuel, lights, stationery and printing, postage, telegrams, furniture for office, express, and other incidentals, $2,000.

The amendment was agreed to.

The next amendment was, on page 81, line 11, after the word "cents," to insert:

Which shall hereafter be paid by the Sergeant-at-Arms of the House of Representatives in the same manner as the salaries of the Members of the House of Representatives are now paid.

So as to make the clause read:

Territory of Porto Rico: For salary of the Resident Commissioner from Porto Rico to the United States authorized by the act temporarily to provide revenues and a civil government for Porto Rico, approved April 12, 1900, $5,000; for traveling expenses, $134.50; in all, $5,134.50, which shall hereafter be paid by the Sergeant-at-Arms of the House of Representatives in the same manner as the salaries of the Members of the House of Representatives are now paid.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 82, line 3, after the word "each," to insert "superintendent of buildings outside of State, War, and Navy Department building, in addition to compensation as chief of division, $250;" so as to read:

Appointment clerk, $2,000; four chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department building, in addition to compensation as chief of division, $250; chief telegrapher, $1,800.

The amendment was agreed to.

The next amendment was, on page 83, line 1, to increase the total appropriation for the office of the Secretary of War from $134,730 to $135,180.

The amendment was agreed to.

The next amendment was, on page 86, line 6, after the word "one," to insert "advisory architect, $4,000;" in line 14, after the word "each," to strike out "electrical and mechanical engineer, $1,600;" and in line 24, before the word "hundred," to strike out "forty-three thousand nine" and insert "forty-six thousand three;" so as to make the clause read:

For the following, now authorized and paid from appropriations for the Army in the office of the Quartermaster-General, namely: For two clerks of class 3; three clerks of class 2; three clerks of class 1; advisory architect, $4,000; supervising engineer, $2,500; structural engineer architect and draftsman, $1,800; civil engineer, $1,800; sanitary and heating engineer, $1,800; architectural and structural draftsman, $1,800; five architectural and structural draftsmen, at $1,600 each; topographical and mechanical draftsman, $1,600; three topographical draftsmen, at $1,400 each; writer of specifications and com-

puter, $1,200; assistant architect and draftsman, $1,000; blueprint operator, $900; five laborers, at $660 each; laborer, $480, and coal-testing engineer, $960; in all, $46,340.

The amendment was agreed to.

The next amendment was, on page 87, line 11, after the word "each," to insert "three clerks, at $900 each;" in line 18, after the word "dollars," to insert "skilled laborer, $900;" and in line 25, before the word "hundred," to strike out "sixty-one thousand six" and insert "sixty-five thousand two;" so as to make the clause read:

Office of the Surgeon-General: For chief clerk, $2,000; law clerk, $2,000; thirteen clerks of class 4; eleven clerks of class 3; twenty-six clerks of class 2; thirty-two clerks of class 1; ten clerks, at $1,000 each; three clerks, at $900 each; anatomist, $1,600; engineer, $1,400; assistant engineer, for night duty, $900; two firemen; skilled mechanic, $1,000; twelve assistant messengers; three watchmen; superintendent of building (Army Medical Museum and Library), $250; skilled laborer, $900; six laborers; chemist, $2,088; principal assistant librarian, $2,088; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; four charwomen; in all, $165,286.

The amendment was agreed to.

The next amendment was, on page 89, line 14, after the word "For," to insert "two expert clerks, at $2,000 each; two clerks, at $1,900 each;" in line 17, before the word "of," to strike out "five clerks" and insert "one clerk;" and in line 21, before the word "hundred," to strike out "sixty-eight thousand nine" and insert "sixty-nine thousand five;" so as to make the clause read:

For the following, now authorized and being paid from appropriations for rivers and harbors, fortifications and surveys, in the office of the Chief of Engineers, namely: For two expert clerks, at $2,000 each; two clerks, at $1,900 each; one clerk of class 4; seven clerks of class 3; eight clerks of class 2; eleven clerks of class 1; eight clerks, at $1,000 each; eleven clerks, at $900 each; six messengers; and two assistant messengers; in all, $69,580.

The amendment was agreed to.

The next amendment was, under the subhead of "State, War, and Navy Department building," in the appropriations for the office of the superintendent, on page 94, line 19, after the word "dollars," to strike out "and the superintendent of the State, War, and Navy building shall also act as superintendent of buildings rented for the War and Navy Departments in the District of Columbia."

The amendment was agreed to.

The next amendment was, on page 94, after line 24, at the end of the items for State, War, and Navy Department building, to insert:

For new boilers, $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in the appropriations for the office of the Secretary, on page 95, line 17, after the word "dollars," to strike out "telephone switch-board operator" and insert "two telephone operators, at $600 each."

The amendment was agreed to.

The next amendment was, on page 95, line 18, to increase the appropriation for the office of the Secretary of the Navy from $62,620 to $63,100.

The amendment was agreed to.

The next amendment was, on page 95, line 25, after the word "each," to insert "mistress of charwomen, $300;" on page 96, line 1, before the word "charwomen," to strike out "ten" and insert "nine;" and in line 3, before the word "dollars," to strike out "fourteen thousand eight hundred and sixty" and insert "fourteen thousand nine hundred and twenty;" so as to make the clause read:

For the following, for service in fireproof building authorized to be rented for use of the Navy Department, namely: Assistant engineer, $1,000; four firemen; two elevator conductors, at $720 each; mistress of charwomen, $300; nine charwomen; four laborers; five watchmen; and one plumber, $900; in all, $14,920.

The amendment was agreed to.

The next amendment was, on page 97, line 1, after the word "dollars," to insert "to continue available during the fiscal year 1908;" so as to make the clause read:

For continuing the publication of an edition of 11,000 copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the act of Congress approved July 31, 1894, and for the purpose of making such maps and illustrations as relate to the work, $21,000, to continue available during the fiscal year 1908.

The amendment was agreed to.

The reading of the bill was continued to line 24, page 97, the last paragraph read containing the items for the Bureau of Navigation.

Mr. CULLOM. I will yield to the Senator from Maine for a moment.

Mr. HALE. In the provision for the Bureau of Navigation, page 97, line 16, I move to strike out "one clerk" and insert "three clerks;" so as to read "three clerks of class 4."

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Page 97, line 16, strike out "one clerk" and insert "three clerks;" so as to read "three clerks of class 4."

The amendment was agreed to.

Mr. HALE. I move to change the total in lines 23 and 24 so as to read "$67,940," in lieu of "$64,340."

The amendment was agreed to.

Mr. HALE. I ask that a communication from the Acting Secretary of the Navy be printed in the RECORD for the benefit of the committee of conference.

The VICE-PRESIDENT. Without objection, it is so ordered.

The communication referred to is as follows:

NAVY DEPARTMENT,
Washington, May 19, 1906.

SIR: 1. The Department desires to establish a system of identification for the men of the Navy, with a view to preventing the enlisting of undesirable persons, to which cause a large number of desertions is ascribed.

2. After a thorough and careful investigation of the subject, it has been decided to recommend the system in use in the Army, which is also in use by the civil authorities in many of our cities and quite extensively used abroad, known as the "finger-print system."

3. At present the Department has no system, and it is known that many deserters from the service and other undesirable men reenlist. These men are only detected when they reenlist under their own names or become shipmates with those with whom they have been before and are recognized.

4. All the Department needs to put the system into effect is two expert clerks to have charge of the cards, and it asks the aid of the Committee on Naval Affairs to have inserted in the legislative, executive, and judicial bill, about to come before the Senate, a provision for two clerks, class 4, under the Navy Department, Bureau of Navigation, making the number three in all—an increase of $3,600.

5. As said above, the Department is convinced that with such a system in force a large number of men who now make fraudulent enlistments, without the knowledge of the Department, would be detected. These fraudulent enlistments are a great charge upon the naval appropriation in the way of outfits of clothing, transportation, pay, etc. Each man detected of fraud would have the outfit furnished, amounting to $45, checked against him, and if only eighty such men were detected in one year the compensation of the additional clerks asked for would be saved through this one item alone. It is confidently believed that the number fraudulently enlisting far exceeds eighty in one year, and the saving to the Government would be appreciable with a proper system of identification in effect.

6. No request for the additional clerical force could be made earlier in order that the matter might have been presented to the Committee on Appropriations, because the Department has only just decided upon the system in question. The request is addressed to the Committee on Naval Affairs, because the Department believes it can materially economize from the start, as far as the naval appropriation is concerned, had it the additional clerical force to put the system into effect.

Respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 98, line 4, before the word "draftsman," to strike out "assistant;" so as to make the clause read:

Office of Naval Intelligence: For one clerk of class 4; one clerk of class 2; one translator, $1,400; one clerk, $1,300; one draftsman, $1,200; three clerks at $1,000 each; one messenger boy, $600; and one laborer; in all $11,360.

The next amendment was, in the items for the Hydrographic Office, on page 98, line 25, after the word "each," to insert "one nautical expert, $1,300;" and on page 99, line 2, before the word "nautical," to strike out "three" and insert "two;" so as to read:

Hydrographic Office: For hydrographic engineer, $3,000; one assistant, $2,200; one assistant, $2,000; one nautical expert, $1,800; two nautical experts, at $1,600 each; one nautical expert, $1,300; two nautical experts, at $1,200 each.

The amendment was agreed to.

The next amendment was, in the items for the Hydrographic Office, on page 99, line 22, before the word "engravers," to strike out "four" and insert "five;" and in line 23, after the word "each," to strike out "two engravers, at $900 each" and insert "one engraver, $900;" so as to read:

Two engravers at $1,200 each; five engravers, at $1,000 each; one engraver, $900; one engraver, $800; one engraver, $720.

The amendment was agreed to.

The next amendment was to increase the total of the appropriations for the Hydrographic Office, on page 100, line 17, from $101,200 to $101,400.

The amendment was agreed to.

The next amendment was, on page 102, line 16, before the word "hundred," to strike out "four" and insert "two;" and in line 22, before the word "hundred," to strike out "two" and insert "four;" so as to read:

Naval Observatory: For pay of three assistant astronomers, one at $2,200, and two at $1,800 each; one assistant in department of nautical instruments, $1,600; one clerk of class 4; one clerk of class 2; instrument maker, $1,500; electrician, $1,500; assistant, $1,400, etc.

The amendment was agreed to.

The next amendment was, on page 103, line 25, in the items for the Naval Observatory, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For one new steam boiler, and installation and appliances for the same, $2,500.

The amendment was agreed to.

The next amendment was, on page 106, line 10, before the word "clerks," to strike out "three" and insert "four;" in line 11, before the word "clerks," to strike out "five" and insert "six;" in the same line, after the word "two," to strike out "two stenographers, at $1,400 each;" and in line 21, before the word "hundred," to strike out "eighty-nine thousand six" and insert "ninety thousand two;" so as to make the clause read:

Bureau of Supplies and Accounts: For chief clerk, $2,000; four clerks of class 4; six clerks of class 3; three clerks of class 2; one clerk, $1,300; sixteen clerks of class 1; eight clerks, at $1,100 each; twenty-two clerks, at $1,000 each; three clerks, at $900 each; eight copyists; two copyists, at $840 each; one assistant messenger; three messenger boys, at $400 each; one laborer; one messenger boy, $600; and two laborers, at $600 each; in all, $90,260.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," in the items for the office of the Secretary, on page 109, line 17, before the word "additional," to strike out "twelve" and insert "eighteen;" in line 23, after the word "eighty-three," to strike out "for the fiscal year 1907, at the end of which year said employments shall cease;" and in line 25, after the word "each," to insert "and vacancies occurring in this force of eighteen additional members of the board of pension appeals during the fiscal year 1907 shall not be filled;" so as to read:

Nine members of a board of pension appeals, to be appointed by the Secretary of the Interior, at $2,000 each; eighteen additional members of the board of pension appeals, to be selected and appointed by the Secretary of the Interior from persons not now or heretofore employed in the Pension Office and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, at $2,000 each; and vacancies occurring in this force of eighteen additional members of the board of pension appeals during the fiscal year 1907 shall not be filled, etc.

The amendment was agreed to.

The next amendment was, on page 110, line 13, after the word "each," to insert "clerk in charge of documents, $2,100;" in line 16, before the word "dollars," to strike out "one hundred" and insert "two hundred and fifty;" in line 21, before the word "clerks," to strike out "fourteen" and insert "sixteen;" in line 22, before the word "clerks," to strike out "twenty-five" and insert "twenty-six;" and in the same line, before the word "clerks," to strike out "thirty-six" and insert "thirty-five;" so as to read:

Five special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior and to be subject to his direction, at $2,500 each; clerk in charge of documents, $2,100; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, $2,250; seven clerks, chiefs of division, at $2,250 each, one of whom shall be disbursing clerk; four clerks, at $2,000 each; private secretary to the Secretary of the Interior, $2,500; sixteen clerks of class 4; sixteen clerks of class 3; twenty-six clerks of class 2; thirty-five clerks of class 1, two of whom shall be stenographers or typewriters; etc.

The amendment was agreed to.

The next amendment was, on page 111, line 23, to increase the total of the appropriations for the office of the Secretary of the Interior from $340,390 to $358,220.

The amendment was agreed to.

The next amendment was, in the items for the General Land Office, on page 114, line 7, after the word "dollars," to insert "two chiefs of division, at $2,400 each;" and in line 8, before the word "chiefs," to strike out "eleven" and insert "nine;" so as to read:

Recorder, $2,000; two chiefs of division, at $2,400 each; nine chiefs of division, at $2,000 each, etc.

The amendment was agreed to.

The next amendment was to increase the total of the appropriations for the General Land Office from $560,100 to $560,900.

The amendment was agreed to.

The next amendment was, at the top of page 115, to insert:

For temporary force, to be selected and employed by the Secretary of the Interior, for the reproduction of the official records of United States surveys, tracings of township plats, diagrams, copying of field notes, and correspondence, constituting the records and files of the offices of surveyor-general and register and receiver at San Francisco, Cal., which were destroyed by earthquake and fire on the 18th day of April, 1906, $61,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 116, line 3, after the word "Senate," to strike out "and," and in line 4, after the words "House of Representatives," to insert "five hundred copies shall be delivered to the Commissioner of the General Land Office;" so as to make the clause read:

For connected and separate United States and other maps prepared in the General Land Office, $19,160: *Provided*, That of the United States maps procured hereunder 7,200 copies shall be delivered to the Senate, 14,400 copies shall be delivered to the House of Representatives, 500 copies shall be delivered to the Commissioner of the General Land Office, and the residue shall be delivered to the Secretary of the Interior for distribution. And all maps delivered to the Senate and House of Representatives hereunder shall be mounted with rollers ready for use.

The amendment was agreed to.

The next amendment was, on page 116, line 13, before the word "dollars," to insert "two hundred and fifty;" so as to make the clause read:

For separate State and Territorial maps, prepared in the General Land Office, $1,250.

The amendment was agreed to.

The next amendment was, in the items for the Indian Office, on page 117, line 6, before the word "law," to strike out "chief;" in line 8, before the word "clerks," to strike out "six" and insert "eight;" in line 13, before the word "clerks," to strike out "thirty-one" and insert "thirty-three;" in line 20, before the word "thousand," to strike out "eighty-four" and insert "ninety;" so as to make the clause read:

Two chiefs of division, at $2,000 each; law clerk, $2,000; private secretary, $1,800; principal bookkeeper, $1,800; eight clerks of class 4; nineteen clerks of class 3; stenographer, $1,600; stenographer, $1,400; nineteen clerks of class 2; architect, $1,600; two draftsmen, at $1,500 each; thirty-three clerks of class 1; twenty-three clerks, at $1,000 each; one clerk, $1,400, one stenographer, $1,000, and one clerk at $1,000 to superintendent of Indian schools; twenty-one copyists; one messenger; four assistant messengers, three laborers; messenger boy, $360; and four charwomen; in all, 190,770.

The amendment was agreed to.

The next amendment was, in the items for the "Pension Office," on page 118, line 5, before the word "medical," to strike out "thirty-two" and insert "thirty-eight;" and in line 14, before the word "assistant," to strike out "ten" and insert "eighteen;" so as to read:

Two qualified surgeons who shall be experts in their profession, at $2,000 each; thirty-eight medical examiners who shall be surgeons of education, skill, and experience in their profession, at $1,800 each; nine chiefs of division, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; fifty-five principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; eighteen assistant chiefs of division, at $1,800 each, etc.

The amendment was agreed to.

The next amendment was to increase the total of the appropriations for the Pension Office, page 119, line 6, from $1,749,950 to $1,775,150.

The amendment was agreed to.

The next amendment was, on page 122, line 18, before the word "thousand," to strike out "seventy" and insert "sixty-five;" in the same line, after the word "done," to insert "at the Government Printing Office;" in line 22, before the word "thousand," strike out "sixty" and insert "eighty;" and in line 23, before the word "thousand," strike out "thirty" and insert "forty-five;" so as to make the clause read:

For photolithographing or otherwise producing plates and illustrations for the Official Gazette, $65,000; for work to be done at the Government Printing Office in producing the Official Gazette, including the letterpress, the weekly, monthly, bimonthly, and annual indexes therefor, exclusive of expired patents, $80,000; in all, $145,000.

The amendment was agreed to.

The next amendment was, on page 123, line 3, after the word "dollars," to strike out:

Provided, That the act approved January 12, 1895, shall not apply to this and the preceding paragraph.

So as to make the clause read:

For producing copies of drawings of the weekly issues of patents; for producing copies of designs, trade-marks, and pending applications; and for the reproduction of exhausted copies of drawings and specifications, $140,000.

The amendment was agreed to.

The next amendment was, on page 126, line 2, before the word "thousand," to strike out "ninety-five" and insert "one hundred and five;" so as to make the clause read:

For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including $6,500 for the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, expressage, wagons and harness, food and shoeing of horses, diagrams, awnings, constructing model and other cases and furniture, and other absolutely necessary expenses, including fuel and lights, $105,000.

The amendment was agreed to.

The next amendment was, on page 126, line 8, after the word "cases," to strike out "of protecting public lands from illegal and fraudulent entry or appropriation;" and in line 11, before the word "thousand," to strike out "twenty" and insert "ten;" so as to make the clause read:

For salary, traveling, and other miscellaneous and emergency expenses, including a per diem in lieu of subsistence, not exceeding $4 per day, of confidential agents appointed by the Secretary of the Interior to make investigations and examinations in special cases, to be

expended at his discretion and under his authority and approval, to be immediately available, $10,000.

The amendment was agreed to.

The next amendment was, on page 126, line 19, before the word "thousand," to strike out "sixty" and insert "sixty-eight;" so as to make the clause read:

For stationery, including tags, labels, index cards, cloth-lined file wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster-General, for the Department of the Interior and its several bureaus and offices, including not to exceed $5,000 for the Civil Service Commission, $68,000.

The amendment was agreed to.

The next amendment was, on page 127, after line 7, to insert:

For rent for Patent Office model exhibit, $19,500; and the Secretary of the Interior shall report to Congress at its next session his views and recommendation as to the practicability of disposing of a part or all of the models of said exhibit, either by sale, gift, or otherwise.

The amendment was agreed to.

The next amendment was, on page 127, after line 13, to insert:

For rent of temporary offices for the General Land Office, for the purchase of typewriters, furniture, stationery, and other drafting supplies; and for the binding of plats and field notes constituting the reproduced records of the office of the surveyor-general of California, which were destroyed by earthquake and fire April 18, 1906, $10,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, and to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Surveyors-general and their clerks," on page 129, line 1, after the word "expenses," to strike out "$1,500" and insert "$4,000, to be immediately available;" so as to make the clause read:

For pay of messenger, stationery, binding records, repairing maps, repairs to locks, clocks, furniture, batteries, and typewriter, towels, telephone, books of reference for office use, and other incidental expenses, $4,000, to be immediately available.

The amendment was agreed to.

The next paragraph was read, as follows:

For surveyor-general of the State of Colorado, $2,000; and for the clerks of his office, $16,500; in all, $18,500.

Mr. TELLER. In lines 4 and 5 I move to strike out "sixteen thousand five hundred" and insert "seventeen thousand two hundred and twenty-five."

The amendment was agreed to.

Mr. TELLER. In line 5 I move to strike out "eighteen thousand five hundred" and insert "nineteen thousand two hundred and twenty-five." That is the total.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 129, line 21, before the word "dollars," to strike out "nine thousand" and insert "ten thousand five hundred," and in line 22, before the word "dollars," to strike out "eleven thousand" and insert "twelve thousand five hundred;" so as to make the clause read:

For surveyor-general of Idaho, $2,000; and for the clerks in his office, $10,500; in all, $12,500.

The amendment was agreed to.

The next amendment was, on page 130, line 3, before the word "dollars," to strike out "five hundred;" so as to make the clause read:

For rent of office for the surveyor-general, pay of messenger, stationery, binding, printing, fuel, light, drafting instruments, post-office box rent, furniture, typewriters, ice, books of reference for office use, and other incidental expenses, $1,000.

The amendment was agreed to.

The next amendment was, on page 131, line 7, before the word "dollars," to strike out "five hundred" and insert "one thousand;" so as to make the clause read:

For rent of office for the surveyor-general, stationery, and drawing materials, post-office box rent, registering letters, telephone, ice, repair of furniture, books of reference for office use, and other incidental expenses, $1,000.

The amendment was agreed to.

The next amendment was, on page 133, line 7, before the word "hundred," to strike out "eight thousand nine" and insert "eleven thousand seven;" and in line 8, before the word "hundred," to strike out "ten thousand nine" and insert "thirteen thousand seven;" so as to make the clause read:

For surveyor-general of Wyoming, $2,000; and for the clerks in his office, $11,700; in all, $13,700.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 133, line 22, after the word "dollars," to strike out "two stenographers, at $1,600 each," and insert "two clerks of class 4, who shall be stenographers;" so as to read:

Office Postmaster-General: For compensation of the Postmaster-General, $8,000; chief clerk, Post-Office Department, including $500 as superintendent of Post-Office Department building, $3,000; private secretary, $2,500; disbursing clerk, $2,250; bookkeeper and accountant, $1,800; two clerks of class 4, who shall be stenographers; appointment clerk, $2,000; one clerk, assistant to chief clerk, $2,000; etc.

The amendment was agreed to.

The next amendment was, on page 135, line 3, before the word "and," to strike out "fifty-three thousand six hundred" and insert "fifty-four thousand;" so as to read:

Female laborer, $540; three female laborers, at $500 each; three female laborers, at $480 each; and thirty-two charwomen; in all, $154,050.

The amendment was agreed to.

The next amendment was, on page 139, line 19, after the word "clerk," to insert "(now classified laborer);" so as to make the clause read:

For the following employees now employed in the postage stamp agency and appropriated for in the postal service appropriation: One clerk of class 3; one clerk of class 2; four clerks, at $900 each; and one clerk (now classified laborer), at $840; in all, $7,440.

The amendment was agreed to.

The next amendment was, on page 142, after line 19, to strike out:

For hardware, $250.

The amendment was agreed to.

The next amendment was, on page 142, line 22, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty;" so as to make the clause read:

For miscellaneous items, $8,750, of which sum not exceeding $3,985 may be expended for telephone service, and not exceeding $1,500 may be expended for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 144, line 24, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred;" on page 145, line 6, before the word "hundred," to strike out "four" and insert "five;" and in line 24, before the word "dollars," to strike out "three hundred and sixty" and insert "seven hundred and ten;" so as to make the clause read:

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor-General, $7,500; assistant to the Attorney-General, $7,000; five Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General of the Post-Office Department, $4,500; solicitor of internal revenue, $4,500; solicitor for the Department of State, $4,500; two assistant attorneys, at $3,000 each; four assistant attorneys, at $2,500 each; assistant attorney, $2,000; two assistant attorneys, at $2,750 each; one assistant attorney, $2,400; one assistant attorney, $2,000; assistant attorney in charge of dockets, $2,500; law clerk and examiner of titles, $2,700; chief clerk and ex officio superintendent of the buildings, $2,500; superintendent of buildings, $500; private secretary to the Attorney-General, $2,500; clerk to the Attorney-General, $1,600; stenographer to the Solicitor-General, $1,600; two confidential clerks, at $1,600 each; two law clerks, at $2,000 each; one law clerk of class four; attorney in charge of pardons, $2,500; disbursing clerk, $2,750; appointment clerk, $2,000; five clerks of class four; nine clerks of class three; four clerks of class two; eight clerks of class one; telegraph operator and stenographer, $1,200; one clerk, $1,000; eleven clerks, at $900 each; chief messenger, $1,000; two messengers; six assistant messengers; four laborers; three watchmen; engineer, $1,200; assistant engineer, $900; three firemen; two conductors of the elevator, at $720 each; eight charwomen; division of accounts; chief of division of accounts, $2,500; chief bookkeeper and record clerk, $2,000; three clerks of class four; five clerks of class three; seven clerks of class two; six clerks of class one; two clerks, at $900 each; one packer, $840; in all, $226,710.

The amendment was agreed to.

The next amendment was, on page 147, line 24, before the word "dollars," to insert "two hundred and fifty;" in the same line, before the word "clerks," to strike out "two" and insert "three;" in line 25, before the word "clerks," to strike out "two," and insert "three;" on page 148, line 1, before the word "clerks," to strike out "four" and insert "two;" and in line 3, before the word "dollars," to strike out "twenty-one thousand seven hundred and forty" and insert "twenty-two thousand five hundred and ninety;" so as to make the clause read:

Office of the solicitor of the Department of Commerce and Labor: For Solicitor of the Department of Commerce and Labor, $4,500; chief clerk and law clerk, $2,250; two clerks of class four; three clerks of class three; three clerks of class two; two clerks of class one; and one messenger; in all, $22,590.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 148, line 14, before the word "dollars," to strike out "two hundred and fifty;" so as to read:

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, $8,000; Assistant Secretary, $5,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,600; private secretary to the Assistant Secretary, $1,800; chief clerk and superintendent, $3,000; disbursing clerk, $2,500; chief of appointment division, $2,000, etc.

The amendment was agreed to.

The next amendment was, on page 149, line 10, before the word "dollars," to strike out "fifty-four thousand one hundred

and seventy" and insert "fifty-three thousand nine hundred and twenty;" so as to make the total appropriation for the office of the Secretary of the Department of Commerce and Labor $153,920.

The amendment was agreed to.

The next amendment was, on page 150, line 5, after the word "agents," to insert "and for fees and mileage of witnesses;" so as to read:

For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, and for fees and mileage of witnesses, for the purpose of carrying on the work of said Bureau, etc.

The amendment was agreed to.

The next amendment was, on page 150, line 24, before the word "of," to strike out "clerk" and insert "two clerks;" in the same line, before the word "clerk," to strike out "four" and insert "three;" and on page 151, line 3, before the word "hundred," to strike out "seven" and insert "nine;" so as to make the clause read:

Bureau of Manufactures: Chief of Bureau of Manufactures, $4,000; assistant chief of Bureau, $2,500; chief of division, $2,100; two clerks of class 4; two clerks of class 2; three clerks of class 1; two clerks, at $1,000 each; clerk, at $900; three assistant messengers, two laborers; in all, $24,980.

The amendment was agreed to.

The next amendment was, on page 151, line 5, after the word "dollars," to strike out "chief clerk, $2,500" and insert "chief statistician, who shall perform the duties of chief clerk, $3,000;" in line 13, before the words "special agents," to strike out "two" and insert "four;" in line 15, before the words "special agents," to strike out "ten" and insert "eight;" and in line 18, before the word "hundred," to strike out "six thousand one" and insert "seven thousand four;" so as to make the clause read:

Bureau of Labor: For compensation of the Commissioner of Labor, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,000; four statistical experts, at $2,000 each; five clerks of class 4, five clerks of class 3; six clerks of class 2; twelve clerks of class 1; ten clerks, at $1,000 each; two copyists; one messenger; one assistant messenger; three watchmen; four laborers; three charwomen; four special agents, at $1,800 each; six special agents, at $1,600 each; eight special agents, at $1,400 each; four special agents, at $1,200 each; in all, $107,480.

The amendment was agreed to.

The next amendment was, on page 152, line 5, before the word "dollars," to strike out "sixty-five thousand one hundred and forty" and insert "sixty-four thousand and ninety;" so as to make the clause read:

For per diem in lieu of subsistence of special agents and employees, while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labour Legislation," and necessary expenses connected with representation of the United States Government therein, 64,090.

The amendment was agreed to.

The next amendment was, on page 153, line 10, before the word "clerks," where it occurs the second time, to strike out "sixteen," and insert "twenty-five;" in line 12, before the word "clerks," to strike out "two hundred" and insert "one hundred and ninety-eight;" in line 13, before the word "clerks," to strike out "twenty-seven" and insert "seventeen;" in line 15, before the words "skilled laborers," to strike out "two" and insert "three;" in line 16, before the words "skilled laborers," to strike out "five" and insert "four;" in line 18, after the word "messengers," to insert "eleven skilled laborers, at $720 each;" in line 20, before the words "unskilled laborers," to strike out "nineteen" and insert "eight;" in line 21, before the word "charwomen," to strike out "thirty-two" and insert "twenty-four;" and in line 23, before the word "dollars," to strike out "three hundred and forty" and insert "one hundred and twenty;" so as to make the clause read:

The Census Office: For Director, $6,000; four chief statisticians, at $2,500 each; chief clerk, $2,500; disbursing and appointment clerk, $2,500; geographer, $2,000; stenographer, $1,500; eight expert chiefs of division, at $2,000 each; four clerks of class 4; seven clerks of class 3; twenty-five clerks of class 2; 300 clerks of class 1; 198 clerks, at $1,000 each; seventeen clerks, at $900 each; expert map mounter, $1,000; engineer, $1,000; electrician, $1,000; three skilled laborers, at $1,000 each; four skilled laborers, at $900 each; ten watchmen; six messengers; two firemen; ten assistant messengers; eleven skilled laborers, at $720 each; eight unskilled laborers, at $720 each; twenty-four charwomen; in all, $717,120.

The amendment was agreed to.

The next amendment was, on page 155, line 2, before the word "thousand," to strike out "twelve" and insert "fifteen;" so as to make the clause read:

For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraph and telephone service, photographic work and supplies, transportation and preparing articles for shipment, horses and maintenance thereof, wagons, diagrams, maps and blueprints, awnings, shelving, filing apparatus, fuel, light, office fixtures, and other absolutely necessary expenses, including repairs to the Census building, $15,000.

The amendment was agreed to.

The next amendment was, on page 156, line 15, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and in line 19, before the word "hundred," to strike out "twelve thousand nine" and insert "thirteen thousand four;" so as to make the clause read:

Office Supervising Inspector-General Steamboat-Inspection Service: For Supervising Inspector-General, $4,000; chief clerk, $2,000; two clerks of class 3; two clerks of class 1; one clerk (file clerk and stenographer), $1,000; one messenger; in all, $13,440, the same to be paid from the permanent appropriations for the Steamboat-Inspection Service.

The amendment was agreed to.

The next amendment was, on page 157, line 22, before the word "clerks," to strike out "four" and insert "five;" in line 23, before the word "copyists," to strike out "three" and insert "two;" and in line 24, after the word "thousand," to insert "five hundred;" so as to make the clause read:

Bureau of Immigration: For Commissioner-General of Immigration, $4,000; chief clerk, $2,500, and $250 additional for services as actuary; private secretary, $1,800; statistician and stenographer, with authority to act as immigrant inspector, $2,000; one supervising immigrant inspector, $1,800; one clerk of class 3; five clerks of class 2; two clerks of class 1; five clerks, at $1,000 each; two copyists; two messengers; one assistant messenger; in all, $32,550, which, together with all other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses of regulating immigration.

The amendment was agreed to.

Mr. McCREARY. I wish to call the attention of the Senator from Illinois [Mr. CULLOM], in charge of the bill, to the language found on pages 157 and 158, under the heading "Bureau of Immigration," which reads:

Which, together with all other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses of regulating immigration.

Mr. CULLOM. What information does the Senator from Kentucky desire in regard to that?

Mr. McCREARY. I desire to ask the Senator who has charge of the bill what becomes of the immigration fund? There is a large fund, known as the "immigration fund," provided for under existing law, and this bill, in the language I have quoted, seems to provide for the payment of all such expenses out of what is known as the regular immigration appropriation fund.

Mr. CULLOM. I understand that is a permanent fund and that these expenses are paid out of it.

Mr. McCREARY. If that is the construction put upon the language, the provision is all right and I am satisfied with it.

Mr. CULLOM. There is no question about it. This has been in existence for a good while.

Mr. McCREARY. Then, as I understand the Senator from Illinois, the immigration fund is included in that language?

Mr. CULLOM. Undoubtedly.

Mr. McCREARY. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 159, before the word "thousand," in line 17, to strike out "ten" and insert "eleven;" so as to make the total appropriation for the Bureau of Standards $111,440.

The amendment was agreed to.

The next amendment was, on page 160, line 1, after the word "alterations," to insert "to buildings;" so as to make the clause read:

For repairs and necessary alterations to buildings, $1,000.

The amendment was agreed to.

The next amendment was, on page 160, line 12, before the word "dollars," to strike out "twelve thousand five hundred" and insert "fifteen thousand;" so as to make the clause read:

For fuel for heat, light, and power; office expenses, stationery, books and periodicals (subscriptions to periodicals may be paid in advance); traveling expenses; expenses of the visiting committee; expenses of attendance of American member at the meeting of the International Committee of Weights and Measures; traveling expenses of two delegates to the International Committee of Electrical Units and Standards, one of whom shall be an officer or employee of the Bureau of Standards; and contingencies of all kinds, $15,000.

The amendment was agreed to.

The next amendment was, on page 160, line 18, before the word "thousand," to strike out "for repairs and necessary alterations to buildings (including $1,500 which shall be immediately available), four" and insert "three;" and in the same line, after the word "dollars," to insert "of which amount $1,500 shall be immediately available;" so as to make the clause read:

For grading, construction of roads and walks, piping grounds for water supply, lamps, wiring for lighting purposes, and other expenses incident to the improvement and care of grounds, $3,000, of which amount $1,500 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 161, line 16, before the

word "thousand," to increase the total appropriation for contingent expenses, Department of Commerce and Labor, from $50,000 to $60,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 164, line 6, before the word "hundred," to strike out "five" and insert "eight;" so as to make the clause read:

For necessary expenditures in the conduct of the clerk's office, $800.

The amendment was agreed to.

The next amendment was, on page 164, line 14, before the word "hundred," to strike out "four" and insert "seven;" so as to make the clause read:

For the purchase, for the library of the court of appeals for the District of Columbia, of the reports of the State of Maryland and of the District of Columbia, also volumes 1 to 17, United States Statutes at Large, $621; in all, $33,741, one-half of which shall be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 165, line 20, after the words "United States," to strike out "nine thousand five hundred dollars" and insert "eleven thousand dollars, of which amount two thousand five hundred dollars shall be expended for the library of the eighth circuit;" so as to make the clause read:

Books for libraries of circuit courts of appeals: For the purchase of law books and rebinding law books for the nine libraries of the United States circuit courts of appeals, to be expended under the direction of the Attorney-General upon the requisition of the court (all books purchased hereunder to be plainly marked "The property of the United States"), $11,000, of which amount $2,500 shall be expended for the library of the eighth circuit.

The amendment was agreed to.

The next amendment was, on page 166, line 4, after the word "dollars," to strike out "one clerk, $1,400," and insert "two clerks, at $1,400 each;" in line 6, before the word "clerks," to strike out "three" and insert "two;" in line 7, after the word "each," to strike out "one messenger" and insert "one chief messenger, $1,000;" and in line 12, before the word "dollars," to strike out "five hundred and forty" and insert "nine hundred;" so as to make the clause read:

Court of Claims: For the chief justice of the Court of Claims, $6,500; four judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,500; one clerk, $1,600; two clerks, at $1,400 each; two clerks, at $1,200 each; one chief messenger, $1,000; stenographer, $1,200; three firemen; three watchmen, elevator conductor, $720; one assistant messenger; one laborer, and two charwomen; in all, $53,900.

The amendment was agreed to.

The next amendment was, in section 3, on page 167, line 15, after the word "incapacitated," to insert "otherwise than temporarily;" so as to make the section read:

SEC. 3. The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated, otherwise than temporarily, for performing such service.

The amendment was agreed to.

The next amendment was, in section 4, on page 167, line 20, after the word "preceding," to insert "but the estimates for the Indian Service for the fiscal year 1908 shall be prepared and submitted according to the order and arrangement of the Indian appropriation act for the fiscal year 1906;" and on page 168, line 4, after the word "estimates," to insert "The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation acts for the year preceding, except that the Indian appropriation bill for 1908 shall follow the general order and arrangement of the act for 1906;" so as to read:

SEC. 4. Hereafter the estimates for expenses of the Government, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation acts for the year preceding, but the estimates for the Indian Service for the fiscal year 1908 shall be prepared and submitted according to the order and arrangement of the Indian appropriation act for the fiscal year 1906. And any changes in such order and arrangement and transfers of salaries from one office or bureau to another office or bureau or the consolidation of offices or bureaus desired by the head of any Executive Department may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation acts for the year preceding, except that the Indian apppropriation bill for 1908 shall follow the general order and arrangement of the act for 1906.

The amendment was agreed to.

The next amendment was, on page 168, after line 10, to insert:

Hereafter the heads of the several Executive Departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the Department in which they shall originate.

The amendment was agreed to.

The next amendment was, in section 5, on page 169, line 1, before the word "in," to strike out "three years" and insert "one year;" so as to make the section read:

SEC. 5. It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the Executive Departments to be transferred from one Department to another Department until such clerk or other employee shall have served for a term of one year in the Department from which he desires to be transferred.

Mr. MCCUMBER. Mr. President, for the purpose of at least raising the question I move to amend the committee amendment at the top of page 169 by striking out the words "one year" and inserting in lieu thereof the words "six months."

I should like to have the Senator in charge of this bill explain why it is necessary to have section 5 in the bill at all. It has been the custom, I understand, heretofore to give a trial of six months before any clerk can be deemed to be fully under the protection of the civil-service law. That is time enough to give something of a knowledge of the ability of that clerk, and why, at the end of that period, should clerks not be eligible for transfer from one Department to another, as one Department may be in need of clerks and another Department may have a surplusage of them?

I want to call the Senator's attention to another fact, and that is the reason I make the motion to amend and why I ask the Senator from Illinois for information. I understand that the salaries for clerical work are different in the various Departments for practically the same kind of labor, and that it always has been so, or at least has been so for a great many years. Why should a clerk of a certain grade receive, when working in the Patent Office, for the character of work that is there required, from $40 to $45 a month only and for the same character of work in any other Department from $60 to $75 a month? Under this has grown up a system of a great many accepting employment in the Patent Office for a compensation upon which it is impossible for them to live in the city of Washington, where they have to pay their own board. Their only hope is that they can make a sacrifice for a given number of months, until they can get a transfer to a Department where they will be paid living wages.

For my part, I do not understand why any employee should be forced to perform clerical service in the Patent Office for $40 a month while for the same kind of service in another Department $75 a month is paid. If the salaries for the same class of labor were raised to practically the same amount, so that they would be similar in all the Departments, then there might be some reason for compelling clerks to remain in one Department for one or for three years; but so long as one Department or bureau of that Department is used as an introductory stage by a great many who desire to get Government employment it seems to me that we ought to give them an opportunity to be transferred where they can receive living wages.

Mr. CULLOM. Mr. President——

Mr. CLAPP. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. Certainly.

Mr. CLAPP. I have stated to the Senator in charge of the bill that I desired to raise a point of order on the amendment at the top of page 168, but I understand the senior Senator from Iowa [Mr. ALLISON] is very anxious to have that amendment retained, and, in his absence, I certainly would not want to press the point and I would not want to delay the bill. So I give notice that I do not care to make the point of order.

Mr. CULLOM. In answer to the Senator from North Dakota I will say that section 5 is an original section inserted by the House of Representatives, as the Senator will see. The House fixed the time at three years within which a clerk could not be transferred. The Senate committee thought that that was an extremely long time, and so we cut it down to one year.

Of course, as suggested by the Senator, there are reasons that make it seem very hard to keep a man in the employ of one Department when by being transferred to another he would get twice as much pay, but that is always so in the Departments. They do not all pay alike. In one Department more is frequently paid for a certain class of work than is paid in others. There is a disposition, as we all know, on the part of clerks to be dissatisfied wherever they may be. They want promotion, or they want to be transferred from one Department to another, and they sometimes become very annoying to the heads of the Departments in making their applications. So it seemed to the Committee on Appropriations on the part of the Senate that one year perhaps would not be an extravagant time; but so far as I am concerned, I have no objection to making it six months, if that will be satisfactory to the Senator, and I am willing to allow such an amendment to be made.

The VICE-PRESIDENT. The question is on agreeing to the

amendment of the Senator from North Dakota [Mr. MCCUMBER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 6, on page 169, line 7, after the words "District of Columbia," to insert "except those officers and employees whose details are now specially provided by law;" so as to make the section read:

SEC. 6. Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office, or other division of any Executive Department in the District of Columbia, except temporary details for duty connected with their respective offices.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. OVERMAN. I call the attention of the Senator from Illinois to an amendment which I wish to offer.

Mr. CULLOM. Will the Senator wait one moment?

Mr. OVERMAN. Yes, sir.

Mr. CULLOM. On page 3, line 7, I move to amend the amendment of the committee, before the word "hundred," by striking out "nine" and inserting "twelve;" so that it will read "twelve hundred dollars."

The VICE-PRESIDENT. In the absence of objection, the Chair will regard the amendment as open to amendment. The Secretary will state the amendment of the Senator from Illinois to the amendment.

The SECRETARY. On page 3, line 7, it is proposed to amend the amendment of the committee by striking out "nine" and inserting "twelve."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. The total should be corrected. I move, on page 3, line 18, before the word "dollars," to strike out "seventy-seven thousand seven hundred" and insert "seventy-eight thousand;" so that it will read: "seventy-eight thousand and sixteen dollars."

The VICE-PRESIDENT. The amendment proposed by the Senator from Illinois to the amendment of the committee will be stated.

The SECRETARY. On page 3, line 18, before the word "dollars," it is proposed to amend the amendment of the committee by striking out "seventy-seven thousand seven hundred" and inserting "seventy-eight thousand."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OVERMAN. Mr. President, on page 149, line 14, I move to strike out the word "thirty" and insert "sixty;" and after the word "Congress," in line 16, I move to add the following:

And to report as to the opportunities for and the obstacles against the enlargement of our export trade in cotton goods, the kinds and qualities of goods in demand, the shipping facilities, freight rates, and the commercial and financial agencies necessary for the successful competition of our cotton manufacturers and exporters in foreign trade; to collect full lines of the standard specimens of all cotton products consumed there, to exhibit them in the different cotton industrial centers of the United States, classified, labeled, and arranged for exhibition, with complete information as to the countries in which they are produced, wholesale and retail prices, the patterns in demand by different localities and by different classes of consumers, and the essential conditions of competition to be met in each market for each kind of goods.

Mr. President, I call the attention of the Senator from Illinois to what I am about to say. I do not propose to say much upon this subject at the present time, but simply state a few facts. At the beginning of the present session the Senator from New Hampshire [Mr. GALLINGER] introduced a bill appropriating the sum of $75,000 for the purpose of extending our cotton trade in the Orient. The Senator from Alabama [Mr. MORGAN] also introduced a bill carrying a large appropriation for that purpose, and I myself introduced a bill to appoint a world market commission, to extend our cotton market in foreign countries. All three of those bills were referred to the Committee on Commerce, and by that committee referred to the Secretary of the Department of Commerce and Labor, and I desire to read what he says about this matter. I wish to call the attention of the Senator from Illinois to the fact that the Secretary has recommended this legislation.

The following associations have also unanimously indorsed this movement:

The Southern Cotton Growers' Association;
The American Cotton Manufacturers' Association;
The Texas Cotton Manufacturers' Association;
The Georgia Industrial Association;
The Interstate Cotton Seed Crushers' Association;
The Cotton Seed Oil Superintendents' Association;
The Memphis Cotton Exchange;
The New York Cotton Exchange;
The Southern Soft Yarn Spinners' Association;
The Southern Hard Yarn Spinners' Association;
The New England Cotton Manufacturers' Association;
The legislature of the State of Georgia, last August; and
The Alabama Commercial and Industrial Association.

These three bills were referred to the Secretary of Commerce and Labor, and his letter is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
Washington, March 7, 1906.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce,
United States Senate.

MY DEAR SENATOR FRYE: I have your letter of the 15th ultimo in regard to bills of the Senate, Nos. 36, 409, and 2827, relating to the appointment of a commission to investigate trade conditions in foreign markets, especially with reference to cotton products, and which are now before the Committee on Commerce for consideration. In response to requests from the committee, my views on the general merits and advisability of favorable action on these several bills were expressed in communications dated January 5 and 12, respectively.

Further reflection upon the subject-matter strengthens the conviction that while the work proposed in these several bills would be of great value, it could be better accomplished and more efficiently performed, and at much less expense, if assigned to the Department of Commerce and Labor.

These bills were to establish a commission, and the Secretary of Commerce and Labor says it can be better and more cheaply performed by his Department, and I have adopted his recommendation in that regard:

The cultivation and manufacture of cotton is the leading industry of the United States. We supply seven-tenths of the raw material, of which 30 per cent is used in home consumption, 9 per cent is held in stock, and 61 per cent is exported. The latter is manufactured into yarn and cloth by the foreign purchasers and sold in the world's markets to the approximate value of $800,000,000, of which immense aggregate the manufacturers of the United States participate only to the value of $60,000,000.

Here we have our raw cotton going abroad, to be manufactured there, to the extent of $800,000,000, and we manufacture only about $60,000,000 worth.

I call attention to this language of the Secretary:

How to increase our share in this great and steadily expanding trade is a problem confronting our planters and manufacturers, the solution of which deeply concerns our domestic welfare and industrial prosperity and our commercial influence in foreign markets. Any plans, therefore, presenting reasonable grounds for success, especially when they emanate from and have the deliberate approval of those directing the great industry involved, are entitled to the most careful consideration.

The study of foreign markets is essential to the promotion of the object in view, and I believe the services of those expert in the manufacture and marketing of cotton products would be valuable in this connection. I do not, however, believe the work contemplated can be accomplished by employing experts alone, which seem to be the aim and purpose of the bills under consideration. It has been demonstrated by the experience of our commercial rivals, confirmed by voluminous testimony of our consular officers and special agents, and by individuals who have studied foreign markets, that recognition of existing conditions, methods of conducting business, habits and tastes of the people, their preferences, prejudices, and superstitions is infinitely more important than expert inquiry into, or previously acquired knowledge of, the technics of manufacture.

In this connection and by way of illustration, I invite your attention to the reports of the special agents sent to China and Japan by the Department of Commerce and Labor under authority of the act of February 3, 1905. These reports were published in Daily Consular and Trade Reports during the month of January, and were given wide circulation among business men and the newspaper press, from whom they received generous commendation. They were consolidated and reproduced in the January number of Monthly Consular and Trade Reports, and, in compliance with popular demand, have been issued as a separate pamphlet. These reports convey the class of information and answer fully the inquiries described in the bills under consideration. Every physical, ethical, and commercial condition existing in China having relation to the marketing of cotton fabrics is not only fully set forth in the reports of the Department's special agents, but photographs are furnished illustrating certain conditions of the highest importance to our business men, and samples are supplied of every kind of cotton fabrics successfully sold in Chinese markets. The descriptions and the samples themselves furnish material that can be utilized by technical experts at home, and these, combined with the pertinent facts with which the reports abound, persistently followed by those in charge of factories making cotton goods for the markets of the Orient, will very materially promote the sale of American cotton fabrics in those markets.

While fully sympathizing with and desirous of securing the object contemplated in the pending bills, I do not believe their enactment necessary. The Department of Commerce and Labor was established to do what is contemplated by the proposed legislation, and although the work of fostering, promoting, and developing the various manufacturing industries of the United States "and markets for the same at home and abroad, domestic and foreign," has been retarded by inadequate facilities, the results obtained are encouraging and give assurance that if the Congress shall provide the necessary means to carry out the expressed mandate of the act creating the Department of Commerce and Labor, with the cooperation of our manufacturers and merchants the Department will become the active agency by which all the great interests committed to its care will be promoted at home and extended abroad.

If the Committee on Commerce shall determine to provide for the appointment of experts to make special inquiry into the export trade in

cotton products, it is respectfully suggested that this may be accomplished through the medium of the legislative, executive, and judicial appropriation bill, and without establishing, as provided in the pending bills, what would be practically an unnecessary and costly governmental department, independent of the Department of Commerce and Labor, which was organized by Congress for the specific purpose of developing our foreign commerce. In addition to making provision for continuing the investigations authorized by the legislative, executive, and judicial appropriation act for the fiscal year 1906, I recommend that like provision be made in the legislative, executive, and judicial appropriation bill for the coming year for the appointment of three experts to inquire into the export trade in cotton products, who shall be appointed by the Secretary of Commerce and Labor, and to whom reports shall be made.

Very respectfully,

V. H. METCALF, *Secretary.*

Mr. President, I do not desire to detain the Senate, nor to make a speech upon this question. I have read the Secretary's letter showing that I have done exactly what he recommends. I have given up for the present the idea of having a commission, because commissions seem to be unpopular at this particular time. The Secretary says it will be less expensive to do the work through his Department. Adopting the suggestion made in his letter, I introduced an amendment to this bill for an appropriation of $75,000 to carry out the objects of this proposed legislation—not for $100,000, nor for $200,000, but for $75,000 only, and it seems the committee refused to consider it favorably.

Mr. President, the cotton growers of the United States add to the wealth of this country every year more than $600,000,000. They send abroad 7,000,500 bales of cotton. They bring back to this country from foreign markets $400,000,000 in gold. It seems to me that when the cotton grower and the cotton manufacturer asks for this appropriation we ought to grant it, in order that there may be an investigation and study of conditions with a view of increasing our export trade. There is a bill now pending before Congress to remove the tax from denaturized alcohol, and this bill will probably become a law. A few days ago I received a letter containing a bundle of artificial silk manufactured in France out of our raw cotton by a treatment of ethyl alcohol. Not a Senator upon this floor, unless he is an expert, could distinguish this from the real silk. We want our experts to know how these things are done; we want them to know how to make silk out of cotton; we want them to explain the process to our manufacturers, so that we can make it here out of the raw material which lies at our very doors.

The writer of this letter says further:

This company, with a capital of $950,000, has been formed for the purpose of establishing a plant in the United States for manufacturing artificial silk like the samples I am going to show you, provided legislation is enacted by Congress under which grain or ethyl alcohol may be used free of tax.

Our factory will give employment to at least 1,200 to 1,500 hands, and will turn out about 4,000 pounds of silk a day. Artificial silk is made of raw cotton treated in a certain way by alcohol, therefore large quantities of both cotton and alcohol would be used by us. As an indication of our requirements, I may say that about one and one-half gallons of alcohol go to a pound of silk; thus our consumption of alcohol would be 6,000 gallons a day.

In the event of favorable legislation by Congress, that is, with free alcohol for our industry, we would be able to produce the silk at a price that would bring it within the purchasing power of thousands of people who can not afford its use at the present.

I feel confident that in time there will be an annual production and consumption in this country of several million pounds. Besides, such markets as Japan and China could be supplied from here instead of their having to get the finished product from Europe, as is now the case.

I am informed also that billiard balls and celluloid goods of all kinds are made in Europe out of raw cotton by means of similar treatment. All of these articles ought to be manufactured in this country. While $800,000,000 of manufactured cotton goods made in Europe out of the products we raise are sold in the markets of the world, we manufacture only about $60,000,000. It is shameful that our cotton should be taken to other countries to be spun and woven into cloth and made into a hundred different useful articles, while we with the raw material at our very doors neglect our opportunities.

We have hitherto made the mistake of depending too much on one or two markets, instead of seeking and securing a market wherever there is a consuming demand. We had barely begun to enlarge our producing capacities to supply the Chinese markets, in 1902 and 1903, when the disturbances in the Far East put a sudden check to our exports of cotton cloths to that quarter of the globe.

The Chief of the Bureau of Statistics of the Department of Commerce and Labor, in his report for 1904, says:

FALL IN EXPORTS OF COTTON GOODS TO CHINA.

A strongly marked characteristic of the trade with China in the year just ended was a reduction in the exports of cotton goods from the United States to that country. The total value of cotton cloths exported to China in the fiscal year 1904 was but $4,090,952, against $13,689,860 in 1903 and $16,382,698 in 1902. In quantity the reduction is still more striking, the total number of yards of cotton cloth exported from the United States to China in 1904 being 76,886,534, against 277,671,500 in 1903 and 335,327,764 in 1902. This falling off in exports of American cotton goods to China is due in some degree to the excessively high prices of cotton during the last year, but chiefly to the general reduction in imports of cotton goods into that country and especially that section which has been the scene of hostilities during the year. Northern China has been, in recent years, the especial field for American cotton goods entering that country, and the reports from Newchwang have shown a rapid growth during recent years in American cottons reaching that port from Shanghai, to which most of the cotton goods leaving the United States for China is consigned. The reports of Sir Robert Hart, the head of the Chinese customs service, indicate a general reduction in imports of cotton goods into China, except those from Japan, but it is apparent from an examination of the official statistics that the United States has suffered a greater reduction proportionately than other nations, and this is apparently due to the fact that the field which is supplied has been the one most affected by the hostilities. Official figures of the United Kingdom show that the total value of cotton goods exported to China in 1903 was £4,691,057, against £5,448,130 in 1902. The shipments of piece goods from India to China in the year ending March 31, 1904, amounted to 1,118,091 pieces, against 2,609,416 pieces in the preceding year. Japan, however, is the one country which seems to have suffered no loss in the cotton trade of China, but increased in some instances its shipments to that market. The shipments of gray shirtings from Japan to China in 1903 were 10,349,248 yards, against 8,864,888 yards in the preceding year, and of T-cloths 10,549,508 yards in 1903, against 10,227,026 yards in the preceding year. In cotton yarns the figures for 1903 are materially in excess of those of 1902, the total value of cotton yarns exported from Japan to China in 1903 being 28,338,367 yen, against 17,495,929 yen in 1902, while measured by quantity the increase is equally striking.

The mischievous effects of having to depend upon a single area to take our mills' products is seen, therefore, not only in loss of sales and temporary depression, but likewise in the opportunity which it gives to other producers to take advantage of conditions and capture the market for themselves, so that when we come back we find our rivals in possession.

The war in the East was followed closely by the general boycott in China against our products. Whether this boycott ever did much harm may be questioned, but it can not be deemed that it was not taken advantage of by Japanese, German, and British traders in cotton goods to strengthen their hold upon the market in which the southern and northern manufacturers had come to feel that they had a promising future.

How this promising trade was obtained by our cotton manufacturers, what kind of goods this market requires, what is the nature and the degree of competition which have to be met, on what terms the market can be held permanently, and what obstacles are to be removed in order to improve our chances of success—these are the questions that have to be answered, not only for the Far East, but just as fully and as clearly for the near East, for South and Central America, for Australia, for Africa, and for our two great North American neighbors, Mexico and Canada.

If in each one of these great consuming countries we can succeed in establishing a demand for our cotton fabrics by adaptation to their respective requirements, as no doubt by proper inquiry we can, then the failure of any single market like that of China in the years 1903–4 can not bring our mills to the verge of suspension, but the loss in one quarter may be made good in whole or in part at least by gains in another, and an even level of prosperity be insured by our textile industries, for which cotton manufacturing is by far the leader. It is the even tenor of industry that gives happiness and contentment to the people, prevents the evils of social and political discontent from taking root, and gives to the consumer that constancy of purchasing power in the home market that makes for the prosperity of the farmers, the merchants, the manufacturer, and the carrier alike. But only on a broader basis of sales throughout the world, only by an expansion of our trade beyond the limits within which the attitude of a single people can paralyze our prosperity can such consummation be achieved.

That is what the southern cotton manufacturer demands, and has a right to demand; this is what the New England manufacturer requires, and has a right to require, not simply on their own account, but on account of the vast national interests which are dependent upon the cotton industry from the planting of the seed until the cloth passes over the counter to the foreign consumer.

But let us take the cotton manufacturing industry alone. It ranks second among our great industries in the average number of wage-earners employed; fifth in the rank of wages paid and in capital invested, and sixth in the net value of its products. So closely interwoven with the prosperity of the southern and eastern people of this country is the manufacture of cotton that irregular markets and uncertain demands for the output of the mills would probably cause more loss to the national income than in the case of any other industry, not even excepting the iron and steel industry. For the cotton industry is still one of those widely distributed industries, having its mills scattered among numerous communities where economical life is closely connected with that of the cotton mill. Especially in the South

there are hundreds of localities in which the cotton mill has gathered thousands of white families from their little farms into the factory villages. They have, many of them forever, ceased to live the self-sufficing life of the farm, but have, like the English hand-loom weaver a century ago, promptly answered the clarion call of progress in the industrial evolution of the new South. They are there to-day, faithfully working out their part in the newer destiny of the old Southland; and we demand that the prosperity of these people, who have in them a new element of power for the nation in its competitive struggle with other nations, shall not be left dependent for their welfare upon the whim of a Chinese boycott or of a single war in any one portion of the trading world. We demand that those who are responsible for industrial leadership, in the North as well as in the South, shall have placed at their disposal every factor of commercial policy which may in any essential way contribute to their mastery of the problems which involve the continuous prosperity of our people. How can this best be done? How may the National Government not only prevent depressions but also promote enterprise? By giving to the people thus responsible for prosperity the widest possible opportunity to help themselves. We must put our manufacturers, both large and small, in possession of the knowledge that will enable them to command the export market situation.

The large corporation, with its millions of capital, may possibly not need so much the aid of such a commission as is here proposed. The large corporation can send its own special agents, if it will; but the smaller manufacturer has an equal right to independent access to the world market, and it is for him that the resources of knowledge are especially needed, so that he may share on equal terms in the prosperity which depends upon such an acquaintance with conditions of trade. To fail to put the independent manufacturer in possession of these resources would speedily result in driving these many mills into consolidations, a result which at this stage of the South's industrial evolution especially would in all probability arrest the development of the types of industrial talent which the existing scale of industry is developing.

This appropriation asked for by the cotton growers and cotton manufacturers is comparatively a mere pittance, and I hope the Senate will adopt the amendment. This country should spin and weave its own cotton instead of sending it to England, France, and Germany. We should sell the finished products in the markets of the world and reap the rich rewards that now go to the factories of Europe. In the great commercial struggle we have every advantage on our side. Having almost a monopoly of the raw material, with every natural advantage and facility for its manufacture, we will, with proper encouragement, secure and hold our share of the world's trade, and the wealth of this country will be increased a thousandfold.

Mr. CULLOM. The Senator from North Carolina and I agree upon one proposition, that this is legislation, and that being so, I raise the point of order on the amendment.

The VICE-PRESIDENT. The Chair is clearly of opinion that the amendment contravenes the fixed rule of the Senate, and is not in order.

Mr. CARTER. On page 6, line 4, after the word "Departments," I move to amend by inserting the word "Manufactures."

Mr. CULLOM. The motion of course means that the salary of the clerk of the Committee on Manufactures is to be raised to twenty-two hundred and twenty dollars.

Mr. CARTER. That is the purpose of the amendment.

Mr. President, I desire to say a word on this subject. The effect of this amendment will be as stated by the Senator from Illinois [Mr. CULLOM] in charge of the bill. I make the motion at the request of the chairman of the Committee on Manufactures, who is temporarily absent from the Senate on account of illness. I understand the fact to be that the Senator from Idaho [Mr. HEYBURN], the chairman of that committee, has been compelled, in order to secure the efficient service necessary, to make payment from his private funds in order to carry on the work of the committee and likewise his work as a Senator. I believe it is one of the committees sufficiently active to warrant the $2,220 per year provided for in this particular paragraph of the bill. I think it is just that the transfer be made, and I make the motion for the absent Senator at his request, believing it is meritorious.

Mr. CULLOM. Mr. President, I do not know any instance in the list of committees where I should feel more like accommodating the chairman of the committee than in this case. The chairman is now, and has been for some time, ill at his home. But I want to say to the Senator from Montana that we find a very great state of inequality with respect to clerkships and the services allotted to each Senator. It is obvious that some arrangement should be made, perhaps through a committee, by which the services rendered to each Senator, whether in charge of a committee or otherwise, should be equalized, so as to remove the difficulty and feeling of inequality that exist to-day.

We have given considerable attention to this subject, and we find, for instance, that $117,000 is now expended in the employment of clerks by resolutions. A condition exists which makes it necessary that all these things should be taken up by some special committee, created for that purpose, in order to equalize the services rendered to each chairman and each Senator, and to remove the complaints we now hear every day.

I trust that the Senator from Montana, in view of this state of things, and in the hope that we may work it out so that there shall be no complaint on the part of any Senator, will withdraw his motion for the present. It seems to me it would be better to leave the matter so that it can be taken up and the whole subject overhauled, getting rid of the employment of clerks, etc., by resolution, and allot to each Senator whatever service he ought to have as a Senator in the performance of his duty.

Mr. CARTER. Mr. President, it is obvious that the statement of the Senator from Illinois [Mr. CULLOM] is based upon substantial foundation. That great discrepancies do exist in the matter of the payment of employees connected with the Senate is beyond question. I believe that as a rule men of ability, equal to the discharge of the important duties that fall to the clerks of committees and clerks to Senators, are inadequately compensated by the Senate. It must be borne in mind that as a rule a secretary to a Senator or the clerk of a committee is not only required to perform service here during the session of Congress, but must, at his own expense, pay travel charges for himself and family to his home at the adjournment of Congress. In the case of the Senator from Idaho, the clerk of the committee, being required to pay his own expenses for a distance of 3,000 miles to his home, in order there to continue the service the Senator requires, and then to pay his expenses 3,000 miles back to the Capitol next autumn, is, after subtracting the amount thus paid out, allowed very meager compensation for his services.

I trust that when this adjustment occurs due regard will be paid to the ability of the men, the faithful and efficient services they render, and the expense unavoidably attached to the performance of their duties at the Capitol and at their respective homes. I know of many clerks of Senators and clerks of committees in this body possessed of abilities which would command in any outside occupation in the business world a very much larger compensation than they receive here. Senators' clerks and committee clerks as a rule are men of genuine ability, high accomplishments, and of unquestionable fidelity to the public interest. The increase made from fifteen hundred to eighteen hundred dollars per year for the secretaries of Senators of the minority——

Mr. CULLOM. Made in this bill.

Mr. CARTER. Is an allowance that stops short of justice. I think these clerks should receive at least $2,000 a year, and that no man who is fit to be a clerk to a Senator—capable of assisting in the transaction of the business of a great State—should be asked to work for practically his board and clothes. At this capital it is almost impossible for a man of family—and most of the clerks of committees and clerks of Senators have families—to support himself and family and dress decently and keep even on the meager salary of $2,000 per year.

I know that as to a Senator, calculating by personal experience, the board bill in the city of Washington is generally measured by the full sum of the salary received. At some of the hotels in the city of Washington they take it, as a matter of course, that the salary of a Senator is but an incident to his general income. He is expected to pay for his personal accommodations more than the salary received. With the clerks of committees or the secretaries of Senators the same rule applies, and I do not believe the public at large expect capable men to work at the Capitol, discharging onerous and responsible duties, without fair compensation. I verily believe that the clerical force of the United States Senate is inadequately compensated and has been paid too small a pittance for the services performed for many, many years past.

In nearly every avenue of employment throughout the country salaries and wages have been greatly increased of late years. This is but a response to the increased cost of living. I have no doubt the cost of living in the city of Washington to-day is 25 to 40 per cent higher than it was fifteen years ago. And yet the salaries of our people, the salaries of Senators and Representatives, remain unchanged. I think, in the matter of the compensation of Senators and Members of the House of

Representatives, an important duty has been long neglected through moral cowardice. We all know that the salaries received are not, as a rule, sufficient to pay the ordinary expenses of the Senator. If you will add to the expenses in the city of Washington the unavoidable expenses encountered elsewhere and in travel, it will be found, I think, that no Senator receives from the Government anything like the amount he is compelled to pay out in the course of his service. This condition should be remedied. I believe a bill should be passed by the terms whereof those who vote upon it may not, during their present term, receive any special benefit from the legislation, but that those elected hereafter shall be paid something like reasonable expenses, at least.

What applies to Senators and Members certainly applies to the clerical force in the two establishments. There are clerks of committees in this body who could, for service of like responsibility, obtain double the amount we pay, and many of those gentlemen are practically indispensable to the conduct of the business of the Senate and in the training of new men to take up the duties where they may ultimately leave them off.

I do not feel disposed to press this motion, because I do not deem it wise to disturb a wholesome purpose for general readjustment of salaries in the Senate, and in order to avoid precipitating that question before the Senate is prepared to deal with it in its entirety, I am content to and do withdraw the motion.

The VICE-PRESIDENT. The Senator from Montana withdraws his motion.

Mr. OVERMAN. I suppose the reason why my amendment was declared out of order is that I added certain words to show the purpose of the appropriation. That made it out of order. Therefore, I move now to strike out the word "thirty" and insert the word "sixty" on page 149, line 14. It simply increases the appropriation without stating what it is for. In that view of the case I should think it would be in order.

The VICE-PRESIDENT. The Senator from North Carolina proposes an amendment, which will be stated.

The SECRETARY. On page 149, line 14, after the words "United States," strike out "thirty" and insert "sixty;" so that if amended it will read "$60,000."

Mr. BACON. Mr. President, I hope the Senator in charge of the bill will, with the approval of the Senate, accept the amendment. I do not want to take up the time of the Senate to add to any extent to what has already been said by the Senator from North Carolina [Mr. OVERMAN], but it does seem to me that this is an item which would appeal to the sense of the Senate as one eminently proper to be incorporated in this bill. The facts are set out by the letter of the Secretary of Commerce and Labor, from which the Senator from North Carolina has read. The important fact stated is that of this immense crop a very small percentage is marketed in foreign markets by domestic manufacturers. Not only the manufacturers but the producers of raw cotton are interested in extending the foreign markets for all cotton products. As stated by the Secretary of Commerce and Labor—and I presume he has accurately informed himself upon the subject—the manufactured products, including cotton yarn, made abroad from the cotton we ship there aggregate $800,000,000 a year, while the part of American manufacture which is shipped abroad is only $60,000,000.

The purpose of the amendment is to have investigations made which will aid in opening markets for the products of cotton as manufactured in this country and for raw cotton as well. This bill has an item in it in which it is contemplated to appropriate $30,000 generally for the purpose of opening markets, providing—

> For compensation, at not more than $10 per day and actual necessary traveling expenses, of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States.

So the specific object is thus recognized as a proper one in this bill. The purpose in regard to the particular product is one recognized by the terms of this provision as proper as to all products. Here is a particular product which, according to the information given us by the Secretary of Commerce and Labor, is very much in need of an investigation for the purpose of enabling the producers of this article to find markets abroad, to open for them widely the avenues of trade.

Mr. President, if there is any one single product which ought to have the considerate favor of Congress in that regard it is the cotton product, and on that line I simply want to add a word to what has been so well said by the Senator from North Carolina on this subject.

In the first place, the balance of trade, and particularly the gold balance, would have been overwhelmingly against the United States during the greater part of the past forty years if it had not been for the cotton crop. The cotton crop is essentially a gold crop, and every pound of it which goes abroad represents its value in gold in return. Every pound of it that goes abroad either brings gold to this country or, by furnishing the equivalent of gold in exchange, prevents gold from going out, which is practically the same thing.

As I have previously had occasion to say to the Senate, the amount of the cotton crop in its unmanufactured raw state which goes abroad, excluding the amount of raw cotton which is consumed by our factories at home, represents every year more than all the gold, and is the direct equivalent of more than all the gold, that is produced in all the mines of all the world in that year. All the gold that is produced in the world in the whole of each year is considerably less than the amount of gold represented by the raw cotton that is each year shipped from this country abroad. The equivalent in gold of the raw cotton that goes abroad each year is nearly if not quite 50 per cent more than all the gold that is dug in all the world in a year, and it represents and preserves that much in the way of the gold balance of the United States. Raw cotton is the largest single article of export of all articles exported from this country, whether of manufactures, mining, or agriculture, and is therefore more potential than any other single article of export in preserving our gold balance. Other products of manufacture and agriculture are in the main consumed at home, and therefore do not bring the gold into the country. Besides this, the cotton crop performs a most important public function in the increase in the wealth of the country, which reaches all the various trades directly or indirectly throughout the land.

But there is another important point to which I wish to ask the attention of Senators, and especially those who believe in legislation for the encouragement and protection of domestic industries. Here is this great and important industry, important not only to those directly engaged in it, but important either directly or indirectly to every man, woman, and child in the United States in that which adds to the prosperity of the country, and particularly in the great office which it performs in the keeping of the proper gold balance on our side in our trade relations.

It is impossible for this Government by any enactment to materially aid this great industry in the production of cotton, by any of the peculiar class of legislation to which I refer, where not only millions but hundreds of millions of dollars every year go to other industries by reason of the legislation along the lines which I have indicated. There is not one single dollar by reason of any legislation of the United States that can come to those who produce raw cotton.

The demand for this appropriation is not found in simply this information from the Department of Commerce and Labor, but also in the call of those engaged in this business in their conventions, and all have appealed to Congress for the inauguration of this important work.

I wish to ask the Senator from Illinois if in the face of the declared policy of this country by which hundreds of millions of dollars, and even a thousand million dollars, as can be shown, directly and indirectly, accrues in benefits to other industries by reason of the legislation of the country, shall it be said that when the small pittance of $30,000 is asked for directly on the line of what is recognized in this paragraph of the bill as a proper appropriation, Congress will say no to it? The fact is that this amount is altogether too small, but in the face of the opposition to an appropriation for this purpose it is better to secure even this small amount to inaugurate a beginning of the work.

I hope, Mr. President, that the Senator will agree to strike out "$30,000" and insert "$60,000," in order to enable the Department of Commerce and Labor to go on with this investigation, which the Secretary himself writes here is one which can be advantageously undertaken and which should be undertaken.

Mr. FRYE. Mr. President, there have been pending before the Senate Committee on Commerce during the present session three separate bills in relation to the very matter which is now under discussion. Each one of the bills provided for a commission, all the way from three to five and perhaps nine in number, who should be empowered to visit countries abroad and pursue this investigation, practically taking it from the direction of the Secretary of the Department of Commerce and Labor. All of those bills were finally referred to a subcommittee, and that subcommittee has not made any report. I am satisfied, however, if there had been simply this proposition before the Committee on Commerce, to appropriate $30,000 to be expended under the direction of the Secretary of Commerce and Labor for this investigation, the committee would have unanimously reported in favor of it; and I hope that the Senator from Il-

linois will consent that $30,000 may be added to the appropriation in the bill.

Mr. CULLOM. Mr. President, I rose before the Senator from Maine asked to say a word to suggest to the Senator from Georgia and also to the Senator from North Carolina——

Mr. OVERMAN. Let me interrupt the Senator. I have no doubt the Committee on Commerce will report unanimously on this proposition, and it is only a question of delay. I am willing to take the smaller sum, but I want the words to go in as in my original amendment to show that the cotton men of the South have been recognized in this matter in a small manner. I should like those words to be added increasing it to $60,000 and let the other words show for what purpose.

Mr. CULLOM. I would rather not do that because it makes it out of order. I wish to say in addition that the estimate is only $50,000, and the Senator is here asking for $60,000. There is now $30,000 in the bill for foreign examinations, etc., and if you add $30,000 you go beyond the estimate.

What I was going to suggest is that I am entirely willing to allow $50,000 as the total—that is, to give $20,000 more than is provided in the bill, and without any further discussion on the subject, if this is agreeable to the gentlemen interested.

Mr. OVERMAN. Very well; let it go.

Mr. BACON. I understand the Senator from North Carolina consents to that, although he says, as the Secretary of Commerce and Labor recommends, $30,000 is the proper amount to be added, and I would be very glad to get that, if practicable.

Mr. CLAY. My colleague is mistaken in making an estimate of $50,000. The Secretary of Commerce and Labor had no reference to the appropriation stated by the Senator from North Carolina.

Mr. CULLOM. I do not know that he had.

Mr. CLAY. That $50,000 was simply a sum he asked to carry out the present law, and if this appropriation is increased from $30,000 to $50,000 and stops there without any other provision, there is no existing law directing the Secretary of Commerce and Labor to apply the $20,000 for the purpose set forth by the Senator from North Carolina and the $50,000 will then simply be applied to carrying out the general purposes of the existing law.

Mr. CULLOM. Of course that will be so; and there is no reason why it should not be applied to investigations of the cotton interest as well as any other interest.

Mr. BACON. I understand that, but I think there ought to be something to indicate that this addition has been made by Congress with a special view to this particular investigation.

So far as the suggestion made by my colleague is concerned, I have no doubt he is correct. He is on that committee and is familiar with the subject, and I took it up on the wing, as it were. I was mistaken as to the recommendation of the Secretary of Commerce and Labor.

Mr. CULLOM. The provision in the bill is "for compensation, at not more than $10 per day and actual necessary traveling expenses, of special agents to investigate trade conditions abroad, with the object of promoting foreign commerce with the United States, $30,000," etc.

Mr. BACON. Will the Senator permit me to make a suggestion?

Mr. CULLOM. First I want to say that last year we had quite a struggle over this very provision. I wanted to have $50,000 appropriated in the bill then, but we were cut down finally to $30,000. I have no objection to raising this amount to the estimate, but I do not see that we can go beyond the estimate.

Mr. BACON. I would have the Senator go one step further. This provision is for an investigation to be made "with the object of promoting the foreign commerce of the United States." It seems to me that it would not be in contravention of the rule when we add the $20,000 to specify a particular article of commerce, because it would be included in the general language and be directly in line with the general intent of the provision. So I hope that the Senator will accept the original phraseology proposed by the Senator from North Carolina.

Mr. CULLOM. What was the original phraseology the Senator suggested?

Mr. OVERMAN. Let it be read from the desk.

Mr. BACON. It seems to me that it is directly in harmony with the other provisions of the paragraph.

The VICE-PRESIDENT. The Senator's proposed amendment has been taken to the Reporters' room.

Mr. OVERMAN. I proposed to add these words——

Mr. CULLOM. The Senator had better let the provision go in as it is with the additional appropriation, and if there is any——

Mr. BACON. Let the Senator from Illinois hear the Senator from North Carolina read his amendment. I think it will make it all right.

Mr. OVERMAN. Here are the words I suggested. To add after the last line in the paragraph, after the word "Congress," in the clause requiring report to be made to Congress:

And report as to the opportunities for and the obstacles against the enlargement of our export trade in cotton goods, the kinds and qualities of goods in demand, the shipping facilities, freight rates, and the commercial and financial agencies necessary for the successful competition of our cotton manufacturers and exporters in foreign trade; to collect full lines of the standard specimens of all cotton products consumed there, to exhibit them in the different cotton mill and industrial centers of the United States, classified, labeled, and arranged for exhibition, with complete information as to the countries in which they are produced, wholesale and retail prices, the patterns in demand by different localities and by different classes of consumers, and the essential conditions of competition to be met in each market for each kind of goods.

Mr. CULLOM. I can not consent to allow that amendment to be made.

Mr. BACON. I would suggest, in the interest of brevity, that after striking out "$30,000" and inserting "$50,000" we add the words "$20,000 of which to be used in investigations of markets for cotton products."

Mr. CULLOM. I have no objection to that.

The VICE-PRESIDENT. The Secretary will report the amendment proposed by the Senator from Georgia.

Mr. BACON. It is the amendment of the Senator from North Carolina.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from North Carolina as modified.

The SECRETARY. On page 149, line 14, before the word "thousand," strike out "thirty" and insert "fifty;" and after the word "dollars" insert "$20,000 of which to be used in investigations of markets for cotton products."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina as modified.

The amendment as modified was agreed to.

Mr. CLAY. I wish to call the attention of the Senator from Illinois, in charge of the bill, to the item on page 118, which I do not exactly understand. It is in the appropriation for the Pension Office. I see that the bill as passed by the House provided, in line 5, for "thirty-two medical examiners, who shall be surgeons of education, skill, and experience in their profession, at $1,800 each." The Senate committee has stricken out "thirty-two" and inserted "thirty-eight," and that amendment has been agreed to.

Now I go to line 14, on page 118, where the bill as it passed the House provided for "ten assistant chiefs of division, at $1,800 each," and the Senate strikes out "ten" and increases the number to eighteen. It is difficult for me to understand why it becomes necessary to increase the medical examiners from thirty-two to thirty-eight and to increase the assistant chiefs from ten to eighteen.

Mr. CULLOM. As a matter of fact the proposition as it now stands in the bill is exactly as it is in the law. Thirty-eight is exactly the number the law now provides for.

Mr. CLAY. The Senator means that the House saw fit to reduce the number from thirty-eight to thirty-two and the Senate committee restored that number?

Mr. CULLOM. Yes; the committee put it back; that is all.

Mr. CLAY. And the Senator also means to say that, in line 14, heretofore eighteen assistant chiefs of division were employed and the House struck out "eighteen" and inserted "ten?"

Mr. CULLOM. The truth is that they had twenty before, and we made it eighteen after hearing the Commissioner of Pensions.

Mr. CLAY. That may explain it, but I am frank to say that I was unable to see why there had been an increase of nearly double the amount.

Mr. CULLOM. It is not an increase, but a slight reduction.

Mr. CLAY. The House decreased it, but the Senate put it back to what it was before.

Mr. CULLOM. That is substantially what was done.

The VICE-PRESIDENT. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. PETTUS. I move to amend, on pages 10 and 11, under the head of "Capitol police," by striking out the first amendment and restoring the text as it came from the House. As it came from the House all the private policemen were paid the same price. As it came from the committee of the Senate there were three classes, undefined classes, but numbered. It seems to me that, as this is a Government where the head is in favor of a "square deal," it would be best to have all these private police-

men paid the same price, and I move to restore the text as it came from the House.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment. The question is on concurring in the amendment made as in Committee of the Whole on the bottom of page 10 and the top of page 11. Shall the Senate concur in that amendment?

The amendment was concurred in.

The VICE-PRESIDENT. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. MILLARD. I offer an amendment to the bill and ask that it be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 23, after the word "dollars," it is proposed to insert "clerk to Committee on Interoceanic Canals, at $2,220; one assistant clerk, at $1,800," and on page 6, line 1, after the word "Cuba," strike out the words "Interoceanic Canals."

Mr. CULLOM. Has the committee now more than one clerk?

Mr. MILLARD. There is an assistant clerk at $1,400, and I will state——

Mr. KEAN. The assistant clerk is employed under a resolution.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. MILLARD. Certainly.

Mr. CULLOM. I dislike very much to oppose the Senator in the increase of salary to $1,800, but there are many cases of the same kind. Possibly this clerk has a little more to do just now on the Interoceanic Canals Committee than some other clerks who want an increase, but to interfere with these resolution clerks it would be necessary that the resolution under which the clerk of the committee is employed should be repealed, so as not to get mixed up in the matter of drawing pay. I think the Senator had better withhold any action on the resolution at this session until, as I said before, we can take up these things by some special committee and equalize the salaries of the employees of the Senate.

Mr. MILLARD. I will say that in this case there is no reason for the increase of the salary of the clerk, whose present salary is sufficient; but the assistant clerk is now receiving only $1,400 a year.

Mr. CULLOM. If the Senator will introduce a resolution amending his own resolution under which the clerk is employed he might get an increase of salary. I think that had better not be done on this bill.

Mr. MILLARD. The amount of labor that the assistant clerk is performing for the committee seems entrely disproportionate to the salary he is receiving. If an increase can be allowed, I believe it to be the proper thing to do.

Mr. CULLOM. I think I shall be compelled to make the point of order if the Senator insists upon the amendment.

The VICE-PRESIDENT. The Chair sustains the point of order. The bill is in the Senate and open to amendment.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills upon the Calendar, and I will include bills to correct military records.

The VICE-PRESIDENT. The Senator from North Dakota asks that the Senate proceed to the consideration of unobjected pension bills and unobjected bills correcting military records. Is there objection? The Chair hears none, and it is so ordered.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. I yield to the Senator from Massachusetts.

AGNES W. AND SARAH J. HILLS.

Mr. LODGE. I ask leave to call up the bill (H. R. 5217) for the relief of Agnes W. Hills and Sarah J. Hills.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Agnes W. Hills and Sarah J. Hills $7,561.80, the value of personal property belonging to Albert G. Hills and Alfred C. Hills, both deceased, taken and converted to the use of the United States by the military forces of the United States during the war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BULKELEY. I ask unanimous consent to call up a bill——

Mr. KEAN. Let us have the regular order.

The VICE-PRESIDENT. Objection is made. The regular order is demanded, and the Secretary will state the first bill on the Calendar under the order just adopted.

Mr. McCUMBER. I yield to the Senator from Vermont [Mr. DILLINGHAM] to give a notice.

REGULATION OF IMMIGRATION.

Mr. DILLINGHAM. I wish to give notice that to-morrow immediately after the conclusion of the morning business I shall ask the Senate to take up the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens in the United States," approved March 3, 1903.

The VICE-PRESIDENT. The Senator's notice will be entered.

ELIZABETH J. MEEK.

The bill (H. R. 13493) granting an increase of pension to Elizabeth J. Meek was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth J. Meek, widow of John Meek, late of Company E, Fifty-ninth Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. BEACH.

The bill (H. R. 13024) granting a pension to William J. Beach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Beach, late of Troop F, Fourth Regiment United States Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN K. DALZELL.

The bill (H. R. 14200) granting an increase of pension to John K. Dalzell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John K. Dalzell, late of Company F, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. STEWART.

The bill (H. R. 14198) granting an increase of pension to William T. Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Stewart, late of United States ship *Pansy*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REESE MOORE.

The bill (H. R. 12813) granting an increase of pension to Reese Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reese Moore, late of Company A, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'KENNA.

The bill (H. R. 12480) granting an increase of pension to James McKenna was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McKenna, late of Companies M and H, Twenty-third Regiment Pennsylvania Volunteer Infantry, and Company E, Twenty-second Regiment Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'DONOUGH.

The bill (H. R. 12304) granting an increase of pension to John McDonough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McDonough, late acting master's mate, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HAINES.

The bill (H. R. 13236) granting an increase of pension to William Haines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Haines, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. WABRASS.

The bill (H. R. 13421) granting a pension to John W. Wabrass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Wabrass, late of Company F, Sixth Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS M'DANIEL.

The bill (H. R. 13326) granting an increase of pension to Augustus McDaniel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus McDaniel, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. SMITH.

The bill (H. R. 14996) granting an increase of pension to John F. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Smith, late second lieutenant Company I, Fifth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA MOORE.

The bill (H. R. 14955) granting an increase of pension to Eliza Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Moore, widow of Lewis W. Moore, late of Captain Miller's company, Second Regiment Illinois Foot Volunteers, war with Mexico, and captain Company G, Forty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'MANIS.

The bill (H. R. 14839) granting an increase of pension to James McManis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McManis, late of Company K, First Regiment United States Veteran Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM K. STEWART.

The bill (H. R. 14827) granting an increase of pension to William K. Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William K. Stewart, late of Company H, Eleventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA L. NIXON.

The bill (H. R. 14545) granting an increase of pension to Eliza L. Nixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza L. Nixon, widow of John B. Nixon, late captain, Twenty-fourth Regiment United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN DAYHUFF.

The bill (H. R. 13923) granting an increase of pension to Martin Dayhuff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Dayhuff, late of Company G, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. DRAKE.

The bill (H. R. 12842) granting an increase of pension to William J. Drake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Drake, late of Company K, One hundred and sixty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. NEWMAN.

The bill (H. R. 13689) granting an increase of pension to William S. Newman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William S. Newman, late of Company E, Thirteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY COCHRAN.

The bill (H. R. 13622) granting a pension to Mary Cochran was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Cochran, widow of Isaac H. Cochran, late second lieutenant Company C, Eighty-seventh Regiment Indiana Volunteer Infantry, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. BRASELTON.

The bill (H. R. 14470) granting an increase of pension to William A. Braselton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Braselton, late of Company C, Fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. MEARS.

The bill (H. R. 14328) granting an increase of pension to Charles M. Mears was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Mears, late of Company K, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN DEWIER.

The bill (H. R. 13704) granting a pension to Ann Dewier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann Dewier, widow of Michael Dewier, late of Company E, Sixteenth Regiment Illinois Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELEANOR GREGORY.

The bill (H. R. 13465) granting an increase of pension to Eleanor Gregory was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eleanor Gregory, widow of Samuel Oscar Gregory, late second lieutenant Company C and colonel Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay her a persion of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS S. PERKINS.

The bill (H. R. 13111) granting an increase of pension to Lewis S. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis S. Perkins, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM VAN RIPER.

The bill (H. R. 12734) granting an increase of pension to Abram Van Riper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram Van Riper, late of Company E, Ninety-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. WALLACE.

The bill (H. R. 12664) granting an increase of pension to William E. Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Wallace, late of Company G, Twentieth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL DAVY, ALIAS JAMES BYRON.

The bill (H. R. 13469) granting an increase of pension to Michael Davy, alias James Byron, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Davy, alias James Byron, late of Company B, Seventy-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. TOPPING.

The bill (H. R. 12279) granting an increase of pension to James S. Topping was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Topping, late of Company G, Fifty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. REEDER.

The bill (H. R. 14072) granting an increase of pension to George W. Reeder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Reeder, late of Company D, Twenty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY DE GRAFF.

The bill (H. R. 13060) granting an increase of pension to Henry De Graff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry De Graff, late commissary-sergeant Seventh Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. HENEY.

The bill (H. R. 13030) granting an increase of pension to John C. Heney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Heney, late mate, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. MELTON.

The bill (H. R. 14106) granting an increase of pension to John S. Melton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Melton, late of Company F, Eighteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI L. PRICE.

The bill (H. R. 13882) granting an increase of pension to Levi L. Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi L. Price, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLISON W. POLLARD.

The bill (H. R. 13713) granting a pension to Allison W. Pollard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allison W. Pollard, late second lieutenant Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. KELSEY.

The bill (H. R. 12733) granting an increase of pension to Charles W. Kelsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Kelsey, late of Company C, Forty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KELLY.

The bill (H. R. 13535) granting an increase of pension to William Kelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kelly, late of Company I, Third Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS HOFFMANN.

The bill (H. R. 12010) granting an increase of pension to Lewis Hoffmann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Hoffmann, late captain Fourth Independent Battery, Ohio Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA A. BACHUS.

The bill (H. R. 13506) granting an increase of pension to Julia A. Bachus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia A. Bachus, widow of Lucius A. Bachus, late second lieutenant Company C, Twentieth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET HOWARD.

The bill (H. R. 14854) granting an increase of pension to Harriet Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet Howard, widow of John Howard, late of Troop E, Sixth Regiment United States Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC C. SMALLWOOD.

The bill (H. R. 14736) granting an increase of pension to Isaac C. Smallwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac C. Smallwood, late of Company B, Tenth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS C. ROBINSON.

The bill (H. R. 14539) granting an increase of pension to Louis C. Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis C. Robinson, late captain Company E, Fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN W. NEAL.

The bill (H. R. 11424) granting an increase of pension to Stephen W. Neal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen W. Neal, late of Company A, Eighth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. O'HARE.

The bill (H. R. 9276) granting a pension to Mary E. O'Hare was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. O'Hare, dependent mother of Peter O'Hare, late oiler, U. S. S. *Brooklyn*, United States Navy, and to pay her a pension of $6 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. M'KENNEY.

The bill (H. R. 9375) granting an increase of pension to Charles H. McKenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. McKenney, late of Company F, Sixteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COUGHLIN.

The bill (H. R. 8091) granting an increase of pension to John Coughlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Coughlin, late lieutenant-colonel Tenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN C. SMITH.

The bill (H. R. 6776) granting an increase of pension to Stephen C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen C. Smith, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, and Forty-first Company, Second Battalion, Veteran Reserve Corps, and One hundred and fifty-ninth Company, Second Battalion, Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND FISH.

The bill (H. R. 6112) granting an increase of pension to Edmund Fish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund Fish, late of Companies M and F, Fifteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. LEACH.

The bill (H. R. 10774) granting an increase of pension to James D. Leach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Leach, late of Company I, Second Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. HOLLETT.

The bill (H. R. 10318) granting an increase of pension to James F. Hollett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Hollett, late of Company E, One hundred and fifteenth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN R. STEENROD.

The bill (H. R. 6111) granting an increase of pension to Edwin R. Steenrod was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin R. Steenrod, late of Company H, One hundred and twenty-first Regiment, and Company K, Sixty-fifth Regiment, New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. SMITH.

The bill (H. R. 15972) granting an increase of pension to Thomas J. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Smith, late of Company D, Second Regiment Florida Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. TALLANT.

The bill (H. R. 4595) granting an increase of pension to Thomas H. Tallant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Tallant, late of Company K, First Regiment Alabama Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA S. DITTO.

The bill (H. R. 4594) granting an increase of pension to Joshua S. Ditto was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua S. Ditto, formerly of Captain Gee's company, Alabama Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA MORRISON.

The bill (H. R. 15178) granting an increase of pension to Matilda Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda Morrison, widow of Henry Morrison, late of Company B, First Regiment Florida Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of a minor child of said soldier, until such child shall arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA PITMAN.

The bill (H. R. 15180) granting an increase of pension to Amanda Pitman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda Pitman, widow of Thomas H. Pitman, late of Company F, First Regiment Florida Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. OLMSTED.

The bill (H. R. 1547) granting an increase of pension to William A. Olmsted was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Olmsted, late colonel Fifty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILLIP SCHLOESSER.

The bill (H. R. 15854) granting an increase of pension to Phillip Schloesser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Phillip Schloesser, late of Company F, Twenty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. STEVENS.

The bill (H. R. 15867) granting an increase of pension to Annie M. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie M. Stevens, widow of Erastus F. Stevens, late of Company C, Sixth Regiment Louisiana Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID LINDSEY.

The bill (H. R. 16274) granting an increase of pension to David Lindsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Lindsey, late of Company A, First Regiment Loyal Eastern Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY GENTLES, ALIAS HENRY HOPNER.

The bill (H. R. 14493) granting an increase of pension to Henry Gentles, alias Henry Hopner, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Gentles, alias Henry Hopner, late of Company C, Seventh Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH NOBINGER.

The bill (H. R. 13679) granting an increasse of pension to Joseph Nobinger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Nobinger, late of Company B, Thirty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. M'CLENDON.

The bill (H. R. 12561) granting a pension to Francis M. McClendon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. McClendon, late of Company A, First Regiment Florida Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CROWLEY.

The bill (H. R. 13507) granting an increase of pension to Thomas Crowley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Crowley, late of Company C, First Regiment United States Infantry, Texas and New Mexico Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS W. RAY.

The bill (H. R. 14861) granting an increase of pension to Dennis W. Ray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dennis W. Ray, late of Company D, One hundred and eleventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK B. WALTON.

The bill (H. R. 14745) granting an increase of pension to Frederick B. Walton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick B. Walton, late of Company B, Second Regiment Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE A. B. THORNE.

The bill (H. R. 13233) granting an increase of pension to Jesse A. B. Thorne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse A. B. Thorne, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENINA OWENS.

The bill (H. R. 13232) granting an increase of pension to Penina Owens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Penina Owens, widow of Elisha Owens, late of Company A, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. HOLLAND.

The bill (H. R. 13229) granting an increase of pension to Sarah E. Holland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Holland, widow of William Holland, late of Company D, Third Regiment United States Artillery, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS HATHAWAY.

The bill (H. R. 13228) granting an increase of pension to Augustus Hathaway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Hathaway, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT BLANCETT.

The bill (H. R. 13227) granting an increase of pension to Robert Blancett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Blancett, late of Company F, First Regiment Alabama Volunteers, war with Mexico, and pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN M. VAN BRUNT.

The bill (H. R. 13577) granting an increase of pension to Ellen M. Van Brunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen M. Van Brunt, widow of George B. Van Brunt, late lieutenant-colonel Forty-seventh Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON P. SEELEY.

The bill (H. R. 14504) granting an increase of pension to Aaron P. Seeley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron P. Seeley, late captain Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. MORGAN SEABURY.

The bill (H. R. 12372) granting an increase of pension to J. Morgan Seabury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of J. Morgan Seabury, late second lieutenant Company C, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES BELL.

The bill (H. R. 13575) granting a pension to Frances Bell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Bell, widow of John Bell, late of Eighty-seventh Company United States Coast Artillery, and to pay her a pension of $12 per month, and $2 per month additional on account of each of the minor children of said John Bell until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE W. HOWE.

The bill (H. R. 13140) granting an increase of pension to Jesse W. Howe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse W. Howe, late of Companies H and B, Seventy-sixth Regiment, and Company G, One hundred and forty-seventh Regiment, New York Volunteer Infantry, and unassigned detachment Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. DICKINSON.

The bill (H. R. 12588) granting an increase of pension to Joseph B. Dickinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Dickinson, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and Company M, Sixth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. DUNNING.

The bill (H. R. 12180) granting an increase of pension to Charles H. Dunning was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Dunning, late of Company B, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE D. M'NARY.

The bill (H. R. 12160) granting an increase of pension to Josephine D. McNary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine D. McNary, widow of William H. McNary, late lieutenant-colonel One hundred and fifty-eighth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WILLIAMSON.

The bill (H. R. 16174) granting an increase of pension to John Williamson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Williamson, late of Company H, Ninety-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. DAILEY.

The bill (H. R. 15355) granting an increase of pension to George M. Dailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Dailey, late of Company I, First Regiment Nebraska Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOB B. SANDERSON.

The bill (H. R. 15495) granting an increase of pension to Job B. Sanderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Job B. Sanderson, late of U. S. S. *Grampus*, *Great Western*, and *Benton*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. DUFF.

The bill (H. R. 16606) granting an increase of pension to James A. Duff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Duff, late of Company E, One hundred and seventieth Regiment Ohio National Guard Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BRENIZER.

The bill (H. R. 16806) granting an increase of pension to Henry Brenizer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Brenizer, late of Company F, Fourth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN RUTTER.

The bill (H. R. 16547) granting an increase of pension to John Rutter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Rutter, late of Company G, United States Voltigeurs, war with Mexico, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS SMITH.

The bill (H. R. 16165) granting an increase of pension to Morris Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris Smith, late of Company G, Forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. JONES.

The bill (H. R. 15943) granting an increase of pension to William D. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Jones, late of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM WALKER.

The bill (H. R. 15925) granting an increase of pension to Abraham Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham Walker, late of Company B, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL M. PHILBROOK.

The bill (H. R. 14660) granting an increase of pension to Daniel M. Philbrook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel M. Philbrook, late of Company H, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ADAMS.

The bill (H. R. 12653) granting a pension to Sarah Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Adams, helpless and dependent daughter of Edward Adams, late of Company F, Sixteenth Regiment, and Company F, Eleventh Regiment, Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARTLEY B. COX.

The bill (H. R. 15932) granting an increase of pension to Hartley B. Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hartley B. Cox, late of Company M, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. WESTOVER.

The bill (H. R. 15233) granting an increase of pension to William G. Westover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Westover, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and first lieutenant Company C, Seventy-fifth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL P. SARGENT.

The bill (H. R. 15418) granting an increase of pension to Samuel P. Sargent, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel P. Sargent, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DARWIN JOHNSON.

The bill (H. R. 16887) granting an increase of pension to Darwin Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Darwin Johnson, late of Company C, First Regiment Vermont Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH DELISLE.

The bill (H. R. 16996) granting an increase of pension to Joseph Delisle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Delisle, late of Battery G, Fifth Regiment United States Artillery, and to pay him a pension of $10 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH SMITH.

The bill (H. R. 16173) granting a pension to Sarah Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Smith, dependent foster mother of Freeman H. Smith, late of Company E, First Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANGUS CAMPBELL.

The bill (H. R. 16765) granting an increase of pension to Angus Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Angus Campbell, late of Company F, Twenty-fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUSTAVE BERGEN.

The bill (H. R. 16681) granting a pension to Gustave Bergen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gustave Bergen, late of Company K, Eleventh Regiment United States Infantry, and to pay him a pension of $10 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELILAH MOORE.

The bill (H. R. 16627) granting a pension to Delilah Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delilah Moore, widow of Robert Moore, alias Abraham Moore, late of Captain Alexander White's company, Illinois Mounted Volunteers, Black Hawk Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WEBB.

The bill (H. R. 16622) granting an increase of pension to James Webb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Webb, late of Company I, Fourth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. FAIRCHILD.

The bill (H. R. 16516) granting an increase of pension to James B. Fairchild was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Fairchild, late of Company A, Sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS DENSON.

The bill (H. R. 16491) granting an increase of pension to Lewis Denson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Denson, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE M. PIERCE.

The bill (H. R. 16429) granting an increase of pension to Caroline M. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline M. Pierce, widow of Washington Pierce, late of Company D, Sixth Regiment Minnesota Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. TEAS.

The bill (H. R. 15147) granting an increase of pension to Joseph B. Teas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Teas, late of Company H, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. BRYAN.

The bill (H. R. 16335) granting an increase of pension to John A. Bryan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Bryan, late first lieutenant Company D, Eleventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD E. ELLIOTT.

The bill (H. R. 16279) granting an increase of pension to Edward E. Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward E. Elliott, late of Company B, Fourth Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW F. KREGER.

The bill (H. R. 15566) granting an increase of pension to Andrew F. Kreger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew F. Kreger, late of Company C, First Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'CONNELL.

The bill (H. R. 15539) granting an increase of pension to John McConnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McConnell, late of Captain Sublett's company, Powell's battalion, Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. DARCY.

The bill (H. R. 15490) granting a pension to Mary E. Darcy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Darcy, dependent mother of James C. Darcy, late oiler, U. S. S. *Detroit*, United States Navy, war with Spain, and pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DRUCILLAR A. MASSEY.

The bill (H. R. 15459) granting an increase of pension to Drucillar A. Massey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Drucillar A. Massey, widow of Berrel J. Massey, late of Company B, Third Regiment Illinois Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN HOWES.

The bill (H. R. 15229) granting an increase of pension to Edwin Howes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin Howes, late of Company K, Twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARMON FREEMAN, ALIAS HARMON STORME.

The bill (H. R. 15762) granting an increase of pension to Harmon Freeman, alias Harmon Storme, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harmon Freeman, alias Harmon Storme, late of Company B, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHARINE PARTRIDGE.

The bill (H. R. 16390) granting a pension to Katharine Partridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katharine Partridge, helpless and dependent daughter of Wesley Partridge, late of Company B, Thirty-sixth Regiment Ohio Volunteer In-

fantry, and to pay her a pension of $12 per month, the same to be paid to her duly constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'CRACKEN.

The bill (H. R. 16400) granting an increase of pension to James McCracken was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McCracken, late of Company H, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. CARTER.

The bill (H. R. 16427) granting an increase of pension to William W. Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Carter, late of Company C, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN I. WRIGHT.

The bill (H. R. 16535) granting an increase of pension to Jonathan I. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan I. Wright, late of Company C, Seventy-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS S. CASE.

The bill (H. R. 16536) granting an increase of pension to Cyrus S. Case was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus S. Case, late of Company C, Sixteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN VAUGHT.

The bill (H. R. 16991) granting an increase of pension to Stephen Vaught was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Vaught, late of Company H, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK CORNETT.

The bill (H. R. 15614) granting an increase of pension to Clark Cornett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clark Cornett, late of Company H, Forty-seventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI WOODBURY.

The bill (H. R. 15641) granting an increase of pension to Eli Woodbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Woodbury, late of Company H, Fifteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. M'WHORTER.

The bill (H. R. 6578) granting an increase of pension to James B. McWhorter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. McWhorter, late of Company F, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. RYCKMAN.

The bill (H. R. 15102) granting an increase of pension to William H. Ryckman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Ryckman, late of Company F, First Regiment Michigan Volunteer Engineers and Mechanics, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI H. TOWNSEND.

The bill (H. R. 15592) granting an increase of pension to Levi H. Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi H. Townsend, late of Company D, First Regiment New York Volunteer Mounted Rifles, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAFAYETTE NORTH.

The bill (H. R. 15761) granting an increase of pension to Lafayette North was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lafayette North, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MEADOWS.

The bill (S. 5803) granting an increase of pension to William H. Meadows was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Meadows, late of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA J. CLARK.

The bill (S. 5758) granting an increase of pension to Joshua J. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua J. Clark, late of Company E, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILBUR F. FLINT.

The bill (S. 3750) granting an increase of pension to Wilbur F. Flint was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur F. Flint, late of Twenty-sixth Independent Battery, New York Volunteer Light Artillery, and second lieutenant Company B, Tenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN DONOVAN.

The bill (S. 5085) granting an increase of pension to Ellen Donovan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "and," to insert "and Company D, Twelfth Regiment Veteran Reserve Corps;" and in the same line, before the word "dollars," to strike out

"twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Donovan, widow of Andrew Donovan, late of Company H, Sixteenth Regiment New York Volunteer Infantry, and Company D, Twelfth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. SCRUTCHFIELD.

The bill (H. R. 14142) granting an increase of pension to James A. Scrutchfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Scrutchfield, late of Company I, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW H. BELLOMY.

The bill (H. R. 14980) granting an increase of pension to Matthew H. Bellomy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew H. Bellomy, late of Company G, Sixteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD O'SHEA.

The bill (H. R. 15201) granting an increase of pension to Edward O'Shea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward O'Shea, late captain Company L, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HESTER HYATT.

The bill (H. R. 15588) granting a pension to Hester Hyatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hester Hyatt, widow of John H. Hyatt, late lieutenant-colonel Eighteenth Regiment New York National Guard and major, Fifteenth Regiment New York State Militia, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. SANDERS.

The bill (H. R. 15632) granting an increase of pension to Joseph B. Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Sanders, late first lieutenant Company K, Seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARLEY MOWREY.

The bill (H. R. 15675) granting an increase of pension to Harley Mowrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harley Mowrey, late of Company C, Mormon Battalion Iowa Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH M. HAYES.

The bill (H. R. 15682) granting an increase of pension to Hannah M. Hayes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah M. Hayes, widow of Joel N. Hayes, late of Company H, One hundred and twentieth Regiment New York Volunteer Infantry, and Forty-second Company, Second Battalion Veteran Reserve Corps, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE ARNOLD.

The bill (H. R. 15807) granting a pension to Catharine Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Arnold, widow of Anning W. Arnold, late of Company B, Forty-fourth Regiment, and Company B, Seventy-third Regiment, New York Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW DORN.

The bill (H. R. 16372) granting an increase of pension to Andrew Dorn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Dorn, late of Company D, One hundred and forty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. BURGESS.

The bill (H. R. 16724) granting an increase of pension to James S. Burgess was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Burgess, late of Company F, Sixtieth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS WINN.

The bill (H. R. 16902) granting an increase of pension to Dennis Winn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dennis Winn, late of Company A, Mormon Battalion Iowa Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE AMERINE.

The bill (S. 5046) granting a pension to George Amerine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Amerine, late of Company H, First Regiment Kentucky Volunteer Cavalry, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES J. BROWN.

The bill (S. 1855) granting an increase of pension to J. J. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out the letter "J." and insert the name "James;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Brown, late first lieutenant Twenty-fourth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James J. Brown."

JAMES M'TWIGGAN.

The bill (S. 5731) granting an increase of pension to James McTwiggin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "McTwiggin" and insert "McTwiggan;" in the same line, before the word "Third," to insert "Company H;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McTwiggan, late of Company H, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James McTwiggan."

ANDREW J. FOSDICK.

The bill (S. 5158) granting an increase of pension to Andrew J. Fosdick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Fosdick, late of Company M, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. BOWLES.

The bill (S. 1224) granting an increase of pension to William A. Bowles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Bowles, late of Company B, Thirty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW P. QUIST.

The bill (S. 4458) granting an increase of pension to Andrea P. Quist was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew P. Quist, late of Company B, First Regiment Minnesota Volunteer Infantry, and Company A, Ninth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew P. Quist."

HENRY CLAY SLOAN.

The bill (S. 5557) granting an increase of pension to Henry C. Sloan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Clay Sloan, late first lieutenant Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and first lieutenant, Fourth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Clay Sloan."

ROBERT CARNEY.

The bill (S. 764) granting an increase of pension to Robert Carney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "sergeant;" and in line 8, before the word "dollars," to strike out "thirty-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Carney, late of Company A, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EUGENE V. M'KNIGHT.

The bill (S. 5143) granting an increase of pension to Eugene V. McKnight was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene V. McKnight, late of Company A, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEMUEL CROSS.

The bill (S. 4784) granting an increase of pension to Lemuel Cross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Cross, late of Company E, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LINDT.

The bill (S. 2791) granting an increase of pension to John Lindt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Battery," to insert "Independent;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lindt, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $22 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD HART.

The bill (S. 4770) granting an increase of pension to Edward Hart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Hart, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. RASSBACK.

The bill (S. 668) granting an increase of pension to John C. Rassback was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Rassbach, late of Company C, Twelfth Regiment Wisconsin Volunteer

Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH C. CHURCH.

The bill (S. 5809) granting an increase of pension to Hannah C. Church was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah C. Church, widow of Thomas Church, late captain Company E, Fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID T. PETTIE.

The bill (S. 1849) granting an increase of pension to David T. Pettie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David T. Pettie, late of Company F, Third Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. FERGUSON.

The bill (H. R. 15149) granting an increase of pension to William W. Ferguson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Ferguson, late of Company H, Fourth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILL E. KAYSER.

The bill (H. R. 15855) granting a pension to Will E. Kayser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Will E. Kayser, late of Company I, Second Regiment United States Volunteer Engineers, war with Spain, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET MANAHAN.

The bill (S. 2852) granting a pension to Bridget Manahan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Manahan, dependent mother of Daniel Manahan, late of Company K, Thirteenth Regiment Vermont Volunteer Infantry, and Company M, Twenty-sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIUS A. DAVIS.

The bill (S. 911) granting an increase of pension to Julius A. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius A. Davis, late of Company A, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH SHINEY.

The bill (S. 1264) granting an increase of pension to Joseph Shiney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Shiney, late of Company H, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. SHELDON.

The bill (S. 5834) granting an increase of pension to Charles F. Sheldon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Sheldon, late of Company A, Twelfth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOSTER L. BANISTER.

The bill (S. 5583) granting an increase of pension to Foster L. Banister was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Foster L. Banister, late of Company A, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL REYNOLDS.

The bill (S. 2294) granting a pension to Michael Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Reynolds, late of Company H, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE J. THOMAS.

The bill (S. 3904) granting an increase of pension to George J. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George J. Thomas, late of Company K, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAHALA F. CAMPBELL.

The bill (S. 5784) granting an increase of pension to Mahala F. Campbell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mahala F. Campbell, widow of Henry S. Campbell, late of United States ships Alleghany and

Iroquois, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. DOUGHTY.

The bill (S. 5785) granting an increase of pension to Joseph W. Doughty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Doughty, late first lieutenant Company I, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB L. KLINE.

The bill (S. 5501) granting an increase of pension to Jacob L. Kline was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob L. Kline, late of Company I, Eleventh Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS M'DOWELL.

The bill (S. 4497) granting an increase of pension to Augustus McDowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus McDowell, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH B. NEWBURY.

The bill (H. R. 9812) granting an increase of pension to Joseph B. Newbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Newbury, late of Company I, Seventy-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. HEALD.

The bill (H. R. 11466) granting an increase of pension to Benjamin F. Heald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Heald, late second lieutenant Company F, Ninth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL J. MILLER.

The bill (H. R. 12331) granting an increase of pension to Daniel J. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel J. Miller, late of Company K, Sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB WAGENKNECHT.

The bill (H. R. 15064) granting an increase of pension to Jacob Wagenknecht was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Wagenknecht, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK MOONEY.

The bill (H. R. 15272) granting an increase of pension to Patrick Mooney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Mooney, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. SUTTON.

The bill (H. R. 15783) granting an increase of pension to George W. Sutton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Sutton, late of Company F, First Regiment Missouri Volunteer Engineers of the West, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK FENZ.

The bill (H. R. 16098) granting an increase of pension to Frederick Fenz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Fenz, late of Twelfth Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. POWELL.

The bill (H. R. 16220) granting an increase of pension to George C. Powell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Powell, late of Company C, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MEYER.

The bill (H. R. 16522) granting an increase of pension to Charles Meyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Meyer, late first lieutenant and adjutant, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS LEPINE.

The bill (H. R. 16632) granting an increase of pension to Louis Lepine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Lepine, late of Company G, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. WOODCOCK.

The bill (H. R. 16884) granting an increase of pension to William D. Woodcock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Woodcock, late of Company A, Ninth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC TUTTLE.

The bill (H. R. 3227) granting an increase of pension to Isaac Tuttle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Tuttle, late of Company B, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OTTO BOESEWETTER.

The bill (H. R. 4222) granting a pension to Otto Boesewetter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otto Boesewetter, late of Company C, Ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM N. GOODELL.

The bill (H. R. 4743) granting an increase of pension to Hiram N. Goodell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram N.

Goodell, late of Company A, Third Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY D. STIEHL.

The bill (H. R. 4745) granting an increase of pension to Henry D. Stiehl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Stiehl, late of Company K, Twenty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. GILBERT.

The bill (H. R. 6490) granting an increase of pension to William H. Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Gilbert, late of Company H, First Regiment United States Veteran Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. WEAVER.

The bill (H. R. 6912) granting an increase of pension to Charles H. Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Weaver, late medical cadet, United States Army, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES SCOTT.

The bill (H. R. 7419) granting an increase of pension to James Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Scott, late of Company B, Twenty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSIE M. GERTH.

The bill (H. R. 7495) granting a pension to Susie M. Gerth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susie M. Gerth, widow of Reinhold Gerth, late of Company B, Fifth Regiment United States Cavalry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HANSON.

The bill (H. R. 7498) granting an increase of pension to Mary Hanson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Hanson, widow of Halvor Hanson, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Oscar Hanson, helpless and dependent child of said Halvor Hanson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Hanson the name of said Oscar Hanson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Mary Hanson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'CANDLESS.

The bill (H. R. 7500) granting an increase of pension to John McCandless was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McCandless, late of Company C, Tenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIUS BEIER.

The bill (H. R. 7876) granting an increase of pension to Julius Beier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julius Beier, late of Company E, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMILDE E. FORBES.

The bill (H. R. 8138) granting an increase of pension to Similde E. Forbes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Similde E. Forbes, widow of Seloftus D. Forbes, late second lieutenant Company I, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADA J. LASSWELL.

The bill (H. R. 8144) granting a pension to Ada J. Lasswell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ada J. Lasswell, helpless and dependent child of James Lasswell, late of Battery A, Third Regiment Illinois Volunteer Light Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD F. PARAMORE.

The bill (H. R. 8662) granting an increase of pension to Edward F. Paramore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward F. Paramore, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINNIE IRWIN.

The bill (H. R. 12194) granting a pension to Minnie Irwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minnie Irwin, widow of Edward Irwin, late of Company D, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and Company A, Twenty-third Regiment Veteran Reserve Corps, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILHELM DICKHOFF.

The bill (H. R. 13861) granting an increase of pension to Wilhelm Dickhoff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilhelm Dickhoff, late of Company K, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE E. WOOD.

The bill (H. R. 15002) granting an increase of pension to George E. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Wood, late second lieutenant Company B, Sixth Regiment Vermont Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MALCOLM RAY.

The bill (H. R. 13787) granting an increase of pension to Malcolm Ray was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Malcolm Ray, late of Company C, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE W. HYDE.

The bill (S. 3684) granting an increase of pension to George W. Hyde was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of George W. Hyde, late of Company K, First Regiment Wisconsin Volunteer Infantry, and One hundred and Forty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES DEVOR.

The bill (S. 2429) granting an increase of pension to James Devor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Devor, late of Eighth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. WILLIE.

The bill (S. 2619) granting an increase of pension to William H. Willie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Willie, late of Company E, Third Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL C. JOSLYN.

The bill (H. R. 14994) granting an increase of pension to Daniel C. Joslyn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel C. Joslyn, late first lieutenant Company A, Fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS ANDREW.

The bill (H. R. 15499) granting an increase of pension to Elias Andrew was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Andrew, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. THOMAS.

The bill (H. R. 15500) granting an increase of pension to John W. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Thomas, late of Company K, Twenty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORRIN D. NICHOLS.

The bill (H. R. 16319) granting an increase of pension to Orrin D. Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orrin D. Nichols, late of Company C, One hundred and ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIE G. LAUER.

The bill (S. 5842) granting a pension to Marie G. Lauer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marie G. Lauer, widow of Frank D. Lauer, late of Hospital Corps, United States Army, and to pay her a pension of $12 per month, and $2 per month additional on account of each of the minor children of the said Frank D. Lauer until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET SIMPSON.

The bill (S. 5791) granting an increase of pension to Margaret Simpson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "First," to insert "Regiment;" in line 8, before the word "Indian," to insert "Florida;" and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Simpson, widow of Daniel Simpson, late of Captain Doucin's company, First Regiment South Carolina Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. IVEY.

The bill (S. 5786) granting an increase of pension to Mary J. Ivey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Ivey, widow of Robert L. Ivey, late of Capt. J. A. Newman's company, Georgia Volunteers, and Capt. John C. Pelott's company, Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STERLING HUGHES.

The bill (H. R. 16717) granting an increase of pension to Sterling Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sterling Hughes, late of Company A, First Regiment Arkansas Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. HOGAN.

The bill (H. R. 16941) granting an increase of pension to Thomas H. Hogan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Hogan, late of Company D, Second Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH MATTHEWS.

The bill (H. R. 11303) granting a pension to Joseph Matthews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Matthews, late seaman, U. S. S. *Constitution*, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. BALDWIN.

The bill (H. R. 16992) granting an increase of pension to John R. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Baldwin, late of Company E, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MELROE TARTER.

The bill (H. R. 16993) granting an increase of pension to Melroe Tarter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melroe Tarter, late of Company L, Second Regiment United States In-

fantry, war with Spain, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTEMESIA T. HUSBROOK.

The bill (H. R. 15243) granting a pension to Artemesia T. Husbrook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Artemesia T. Husbrook, widow of Paschal C. Husbrook, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH PARKS.

The bill (H. R. 15501) granting an increase of pension to Elizabeth Parks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Parks, widow of William M. Parks, late of Captain Ballard's company, Young's regiment Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS P. CONWAY.

The bill (H. R. 16576) granting an increase of pension to Silas P. Conway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas P. Conway, late of Company C, First Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M. POUND.

The bill (H. R. 16577) granting an increase of pension to Joseph M. Pound was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. Pound, late of Company A, First Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER C. REEVES.

The bill (H. R. 16602) granting an increase of pension to Christopher C. Reeves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher C. Reeves, late of Company K, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PLEASANT W. COOK.

The bill (H. R. 16603) granting an increase of pension to Pleasant W. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pleasant W. Cook, late of Company B, Second Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOEL R. YOUNGKIN.

The bill (H. R. 16881) granting an increase of pension to Joel R. Youngkin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel R. Youngkin, late of Captain Evans's independent company, Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIA MITCHELL.

The bill (H. R. 16931) granting a pension to Cornelia Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelia Mitchell, widow of Nathan Mitchell, late of the Quartermaster's Department, United States Army, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHERWOOD F. CULBERSON.

The bill (H. R. 16936) granting an increase of pension to Sherwood F. Culberson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sherwood F. Culberson, late a member of Capt. G. W. Kendrick's company, Georgia Volunteers, Creek Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BOSWORTH.

The bill (H. R. 16486) granting an increase of pension to Thomas Bosworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Bosworth, late of Company C, Thirty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASENITH WOODALL.

The bill (H. R. 16466) granting an increase of pension to Asenith Woodall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asenith Woodall, widow of Abraham Woodall, late of Captain Patrick's company, Fourth Regiment Alabama Mounted Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY M. TRAVER.

The bill (S. 5775) granting an increase of pension to Harvey M. Traver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey M. Traver, late of Company K, One hundred and fiftieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGIA A. HUGHS.

The bill (H. R. 16828) granting an increase of pension to Georgia A. Hughs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Georgia A. Hughs, widow of Nat C. Hughs, late of Captain Burney's company, Georgia Volunteer Infantry, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBROSE Y. TEAGUE.

The bill (H. R. 16541) granting an increase of pension to Ambrose Y. Teague was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose Y. Teague, late of Company K, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH M. EVANS.

The bill (H. R. 16540) granting an increase of pension to Sarah M. Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah M. Evans, widow of Charles Evans, late of Company C, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, Company E, First Regiment United States Infantry, sergeant-major Third Regiment Pennsylvania Volunteer Infantry, and first lieutenant Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOCH RECTOR.

The bill (H. R. 15058) granting an increase of pension to Enoch Rector was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch Rector, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. GAUTIER.

The bill (H. R. 16530) granting an increase of pension to William H. Gautier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Gautier, late of Company I, First Regiment North

Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. SIKES.

The bill (H. R. 16529) granting an increase of pension to James M. Sikes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Sikes, late of Company B, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MARTIN.

The bill (H. R. 16527) granting an increase of pension to William Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Martin, late of Company I, Twelfth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. HILLIARD.

The bill (H. R. 16526) granting an increase of pension to James R. Hilliard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Hilliard, late of Company I, United States Mounted Riflemen, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. CRAWFORD.

The bill (H. R. 16224) granting an increase of pension to Francis M. Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Crawford, late of Company E, Thirteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE A. WEST.

The bill (S. 5326) granting an increase of pension to Annie A. West was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie A. West, widow of Walter G. West, late of Company H, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW JACKSON PARIS.

The bill (S. 5801) granting an increase of pension to Andrew Jackson Parris was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Parris" and insert "Paris;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Jackson Paris, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew Jackson Paris."

JAMES N. DAVIS.

The bill (S. 5800) granting an increase of pension to James N. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to insert "Mounted;" and in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James N. Davis, late captain Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. BRYANT.

The bill (S. 5742) granting an increase of pension to James A. Bryant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Regiment," to strike out "Sixteenth" and insert "Tenth;" in the same line, before the word "Cavalry," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Bryant, late of Company G, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALVIN C. HUSSEY.

The bill (S. 4887) granting an increase of pension to Calvin C. Hussey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin C. Hussey, late of Company C, Eighth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN MORGAN.

The bill (S. 1174) granting an increase of pension to Edwin Morgan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin Morgan, late of Company F, Fifth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SEWELL F. GRAVES.

The bill (H. R. 8650) granting an increase of pension to Sewell F. Graves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sewell F. Graves, late master's mate, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY F. M'CAULEY.

The bill (H. R. 9034) granting an increase of pension to Mary F. McCauley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary F. McCauley, widow of John McCauley, late of Company B, Third Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WILEY.

The bill (H. R. 12792) granting an increase of pension to William Wiley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Wiley, late of Capt. W. H. Russell's company, Missouri Volunteers, Florida Indian War, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER SAUNDERS.

The bill (H. R. 13047) granting an increase of pension to Walter Saunders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter Saunders, late captain Company I, First Regiment Potomac

Home Brigade Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUAN CANASCO.

The bill (H. R. 13877) granting an increase of pension to Juan Canasco was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Juan Canasco, late of Company D, First Battalion Native California Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. RAMSEY.

The bill (H. R. 15977) granting an increase of pension to Mary E. Ramsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Ramsey, widow of Simon D. Ramsey, late of Company B, Captain Crawson's Battalion Mississippi Volunteer Rifles, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. A. H. BOLES.

The bill (H. R. 16186) granting an increase of pension to William T. A. H. Boles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. A. H. Boles, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN ELLIOTT.

The bill (H. R. 16271) granting an increase of pension to Edwin Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin Elliott, late of Company B, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS PHELPS.

The bill (S. 215) granting a pension to Elias Phelps was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Phelps, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elias Phelps."

GEORGE BREWSTER.

The bill (S. 4133) granting an increase of pension to George Brewster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six," and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Brewster, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HOCH.

The bill (H. R. 17683) granting an increase of pension to John Hoch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hoch, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. THOMPSON.

The bill (H. R. 17671) granting a pension to Sarah A. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Thompson, widow of James Thompson, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET E. EVELAND.

The bill (H. R. 17308) granting a pension to Margaret E. Eveland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret E. Eveland, widow of Andreas Eveland, late of Company E, Fourteenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN H. COOL.

The bill (H. R. 17202) granting an increase of pension to Benjamin H. Cool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin H. Cool, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELEAZER C. HARMON.

The bill (H. R. 17003) granting an increase of pension to Eleazer C. Harmon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eleazer C. Harmon, late of Company C, Eleventh Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WARNES.

The bill (H. R. 17384) granting an increase of pension to William Warnes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Warnes, late of Company D, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. VASSAR.

The bill (H. R. 17238) granting an increase of pension to John G. Vassar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Vassar, late of Company I, Twenty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON D. THORNTON.

The bill (H. R. 17014) granting an increase of pension to Jackson D. Thornton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson D. Thornton, late of Company G, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOUNTAIN M. FAIN.

The bill (H. R. 17006) granting an increase of pension to Fountain M. Fain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fountain M. Fain, late of Company C, Third Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE WILEY.

The bill (H. R. 17144) granting an increase of pension to Jesse Wiley was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Jesse Wiley, late of Captain Murray's company, Second Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK M. PARKER.

The bill (H. R. 17781) granting an increase of pension to Frank M. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank M. Parker, late second lieutenant Company E, Eighth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN E. LEARY.

The bill (H. R. 17690) granting a pension to Ellen E. Leary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen E. Leary, dependent mother of Peter J. Leary, late of Seventeenth Company, United States Volunteer Signal Corps, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES LEE.

The bill (H. R. 17597) granting an increase of pension to Charles Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Lee, late of Company L, First Regiment United States Artillery, war with Mexico, and Company B, Tenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLANDO HAND.

The bill (H. R. 17422) granting an increase of pension to Orlando Hand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orlando Hand, late captain Company E, Eleventh Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. MATHER.

The bill (H. R. 17430) granting an increase of pension to John A. Mather was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Mather, late of Company H, Seventh Regiment United States Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL C. SAWYER.

The bill (H. R. 17174) granting an increase of pension to Nathaniel C. Sawyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel C. Sawyer, late major and additional paymaster, United States Volunteers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE GARVEY.

The bill (H. R. 17205) granting a pension to Alice Garvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Garvey, widow of John Garvey, late of Company I, Sixth Regiment Michigan Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDITH F. MORRISON.

The bill (H. R. 17108) granting a pension to Edith F. Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edith F. Morrison, widow of Walter E. Morrison, late major, Fifth Regiment Massachusetts Volunteer Infantry, war with Spain, and to pay her a pension of $25 per month, and $2 per month additional on account of each of the minor children of said Walter E. Morrison until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY THACKARA.

The bill (H. R. 17012) granting an increase of pension to Mary Thackara was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Thackara, widow of Samuel C. Thackara, late of Capt. R. L. Armstrong's company, New Jersey Militia, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLARD F. SESSIONS.

The bill (H. R. 17004) granting an increase of pension to Willard F. Sessions was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willard F. Sessions, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. HALBERT.

The bill (H. R. 15768) granting an increase of pension to Mary J. Halbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Halbert, widow of George T. Halbert, late of Company C, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M. HAYS.

The bill (H. R. 17684) granting an increase of pension to Joseph M. Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. Hays, late of Company F, Twelfth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HALL.

The bill (H. R. 17591) granting an increase of pension to William Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hall, late recruit, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES CRANDOL.

The bill (H. R. 17244) granting an increase of pension to James Crandol was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Crandol, late of Company I, Twenty-fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. FUHRMAN.

The bill (H. R. 17344) granting an increase of pension to John L. Fuhrman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Fuhrman, late of Company K, Thirty-fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE FANKELL.

The bill (H. R. 17055) granting an increase of pension to George Fankell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Fankell, late of Company A, McLaughlin's squadron, Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YORK A. WOODWARD.

The bill (H. R. 17638) granting an increase of pension to York A. Woodward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of York A. Woodward, late of Company D, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN E. NASH.

The bill (H. R. 17613) granting an increase of pension to Susan E. Nash was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan E. Nash, widow of Michael V. Nash, late of Captain Carr's company, First Regiment Georgia Volunteer Infantry, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARETHUSA M. PETTIT.

The bill (H. R. 17372) granting an increase of pension to Arethusa M. Pettit was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arethusa M. Pettit, widow of Charles B. Pettit, late of Company A, Third Regiment Kentucky Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS A. HITE.

The bill (H. R. 17310) granting an increase of pension to Francis A. Hite was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Hite, late of Company B, Third Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM TAYLOR.

The bill (H. R. 17143) granting an increase of pension to William Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Taylor, late of Company K, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMEON PIERCE.

The bill (H. R. 17067) granting an increase of pension to Simeon Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simeon Pierce, late of Company A, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BLAKNEY.

The bill (H. R. 17070) granting an increase of pension to Thomas Blakney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Blakney, late hospital steward, Third Regiment Maryland Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM L. WILCHER.

The bill (H. R. 17069) granting an increase of pension to William L. Wilcher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William L. Wilcher, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN EUBANK.

The bill (H. R. 17854) granting an increase of pension to John Eubank was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Eubank, late of Captain Owen's company, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE V. SPARKS.

The bill (H. R. 17842) granting a pension to Josephine V. Sparks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine V. Sparks, widow of Ovid G. Sparks, late of Captain Meriweather's company, Georgia Volunteers, Florida Indian war, and to pay her a pension of $8 per month.

Mr. McCUMBER. Mr. President, in reference to that bill, I beg to state that I have here a letter from the Senator from Georgia [Mr. BACON], who is personally acquainted with this claimant, and as it gives additional information to that contained in the report on the case, I move to amend the bill by striking out, in line 8, before the word "dollars," the word "eight" and inserting in lieu thereof the word "twelve."

I will also ask, as a basis for this amendment, that the letter of the Senator from Georgia, which I send to the desk, be printed in the RECORD.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from North Dakota [Mr. McCUMBER].

The amendment was agreed to.

The VICE-PRESIDENT. In the absence of objection, the letter referred to will be printed in the RECORD.

The letter referred to is as follows:

Senator McCUMBER,
Chairman Committee on Pensions.

DEAR SIR: I trust that in the bill granting a pension to Josephine V. Sparks (H. R. 17842) there may be an increase to $12 per month. She is seventy-odd years of age, bedridden, utterly helpless, and dependent upon others for support. Her husband has been dead some six years, during which time if the act had been passed she would have been receiving a pension.

Very truly, yours, A. O. BACON.

I know Mrs. Sparks personally and can vouch for the above.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrosed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS J. MACKEY.

The bill (H. R. 17761) granting an increase of pension to Thomas J. Mackey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Mackey, late of Company F, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. EASTLER.

The bill (H. R. 17644) granting an increase of pension to Henry C. Eastler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Eastler, late of Company H, Third Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVIA D. SPAIN.

The bill (H. R. 17619) granting an increase of pension to Davia D. Spain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Davia D. Spain, widow of Albertus C. Spain, late first lieutenant of Captain Sumter's company, First Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE H. PROUT.

The bill (H. R. 17558) granting a pension to Lizzie H. Prout was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie H. Prout, widow of William D. Prout, late captain's clerk U. S. S. *Relief*, United States Navy, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. M'ALLISTER.

The bill (H. R. 17406) granting an increase of pension to William B. McAllister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. McAllister, late unassigned, Fifteenth Regiment New York Volunteer Engineers, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH H. HAZLITT.

The bill (H. R. 17402) granting an increase of pension to Isaiah H. Hazlitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah H.

Hazlitt, late of Capt. J. K. Lamerick's company, Oregon Volunteers, Oregon and Washington Territory Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY G. COX.

The bill (H. R. 17342) granting an increase of pension to Wesley G. Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley G. Cox, late of Company D, First Regiment Georgia Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. PATTERSON.

The bill (H. R. 17278) granting an increase of pension to Mary E. Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Patterson, widow of Lorenzo D. Patterson, late of Captain Thomason's company, First Regiment Alabama Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL ALLEN.

The bill (H. R. 17231) granting an increase of pension to Rachel Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel Allen, widow of Spartan Allen, late of Captain Arnold's company, Alabama Volunteers, Creek Indian war, and second lieutenant Captain Liken's company, Alabama Volunteer Infantry, Cherokee Indian disturbances, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE L. JORDAN.

The bill (H. R. 17036) granting an increase of pension to Josephine L. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine L. Jordan, widow of Robert Jordan, late of Captain Fluellen's company, Georgia Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. HESTER.

The bill (H. R. 17303) granting an increase of pension to William H. Hester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Hester, late of Company H, One hundredth Regiment, and Company G, Forty-eighth Regiment, Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW T. MITCHELL.

The bill (H. R. 17700) granting an increase of pension to Andrew T. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew T. Mitchell, late of Fourth Battery, Indiana Volunteer Light Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. RUBY.

The bill (H. R. 17385) granting an increase of pension to James S. Ruby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Ruby, late of Battery E, Second Regiment Missouri Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RHODA MUNSIL.

The bill (H. R. 17120) granting a pension to Rhoda Munsil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rhoda Munsil, widow of Aaron Munsil, late of First Independent Company Michigan Volunteer Sharpshooters, attached to Twenty-seventh Regiment Michigan Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WINANS.

The bill (S. 3728) granting a pension to William H. Winans was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Winans, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Winans."

G. ANNIE GREGG.

The bill (S. 2179) granting an increase of pension to S. Annie Gregg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Annie," strike out the initial "S." and insert "G.;" in line 7, before the word "Volunteer," to insert "Reserve;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. Annie Gregg, widow of William B. Gregg, late chaplain First Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to G. Annie Gregg."

WILLIAM H. RICHARDSON.

The bill (S. 3270) granting an increase of pension to William H. Richardson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Richardson, late of Company A, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH AGNES SULLIVAN.

The bill (S. 3649) granting a pension to Sarah Agnes Sullivan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Agnes Sullivan, widow of John T. Sullivan, late lieutenant, United States Navy, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET A. MORTON.

The bill (H. R. 17586) granting a pension to Harriet A. Morton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet A. Morton, widow of Robert S. Morton, late chaplain Seventeenth Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. OLIS.

The bill (H. R. 17085) granting an increase of pension to George W. Olis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Olis, late of Company D, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. GRAHAM.

The bill (H. R. 11543) to correct the military record of Benjamin F. Graham was announced as next in order.

The VICE-PRESIDENT. A request has been made that that bill be passed over and it will be so ordered.

Mr. NELSON. I desire to inquire why House bill 11543 has been passed over?

The VICE-PRESIDENT. A memorandum was left at the desk of the senior Senator from New Hampshire [Mr. GALLINGER] indicating that he wished to be present when the bill was considered.

Mr. NELSON. It is a bill to correct a military record.

The VICE-PRESIDENT. It has been passed for the present, without prejudice, in the absence of the Senator from New Hampshire.

Mr. NELSON. That is one of the bills which came within the order under which the Senate is now acting.

Mr. KEAN. But this proceeding is by unanimous consent——

Mr. NELSON. Yes.

Mr. KEAN. And the Senator from New Hampshire desires to be present when the bill is considered.

Mr. NELSON subsequently said: I wish to call attention to the bill (H. R. 11543) to correct the military record of Benjamin F. Graham. It was laid over at the instance of the Senator from New Hampshire [Mr. GALLINGER]. I have just seen him, and he has withdrawn his objections, and says the bill may go through, so far as he is concerned.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment of the Committee on Military Affairs was, in section 1, page 1, line 4, after the word "grant," to strike out "an honorable discharge;" and in line 6, after the word "Infantry," to strike out "during the war of the rebellion" and insert "an honorable discharge as of date October 18, 1865;" so as to make the section read:

That the Secretary of War be, and he is hereby, authorized and directed to grant to Benjamin F. Graham, an assistant surgeon of the One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, an honorable discharge as of date October 18, 1865.

The amendment was agreed to.

The next amendment was, in section 2, page 1, after line 8, to strike out the following:

SEC. 2. That said honorable discharge shall supersede and take the place of the record relative to the said Benjamin F. Graham now on file in the War Department;

So as to read:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LOUISA GREGG.

The bill (H. R. 4867) granting a pension to Louisa Gregg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Gregg, late a nurse in the Medical Department, United States Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FLEMING.

The bill (S. 1215) to correct the military record of William Fleming was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of William Fleming, late a private of Company I, First Regiment Massachusetts Volunteer Infantry, so that it will read: "Discharged from the service of the United States on the 20th day of September, 1862, by reason of disability;" but no pay, bounty, or other allowance shall be paid or become due or payable by reason of or on account of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS F. WALTER.

The bill (S. 4964) for the relief of Thomas F. Walter was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War is hereby authorized to review the record of Thomas F. Walter, late first lieutenant of Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and to revoke the order of courts-martial promulgated in orders dated April 16, 1865, and grant to him an honorable discharge as of the date of his separation from the service: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN REECE.

The bill (S. 4937) granting an increase of pension to John Reece was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Reece, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN JOHNSON.

The bill (S. 5256) granting an increase of pension to John Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Johnson, late of Companies D and E, Eighty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTHER M. NOAH.

The bill (H. R. 16320) granting a pension to Esther M. Noah was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Esther M. Noah, widow of Jacob J. Noah, late captain Company K, Second Regiment Minnesota Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL P. HOLLAND.

The bill (H. R. 4965) granting an increase of pension to Samuel P. Holland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel P. Holland, late of Company B, Eighty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. DOUGLASS.

The bill (H. R. 6114) granting an increase of pension to Andrew J. Douglass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Douglass, late of Company B, Third Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. KEMP.

The bill (H. R. 7584) granting an increase of pension to James H. Kemp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Kemp, late of Company B, First Regiment Kentucky Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVIS PRESTON.

The bill (H. R. 11917) granting an increase of pension to Davis Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Davis Preston, late of Company H, Nineteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. BAILEY OREM.

The bill (H. R. 13026) granting an increase of pension to J. Bailey Orem was considered as in Committee of the Whole. It proposes to place on the pension roll the name of J. Bailey Orem, late of Company C, Fourth Regiment Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD W. BELL.

The bill (H. R. 15274) granting an increase of pension to Edward W. Bell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward W. Bell, late of Company B, Sixteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSE N. LUCERO, ALIAS NASARIO LUCERO.

The bill (H. R. 15523) granting a pension to Jose N. Lucero, alias Nasario Lucero, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jose N. Lucero, alias Nasario Lucero, late of Company B, First Regiment New Mexico Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. BAKER.

The bill (S. 4879) granting an increase of pension to Nellie Baker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Baker, widow of Charles N. Baker, late captain Company K, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of Eleanor A. Baker, child of the said Charles N. Baker, while living and helpless.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Baker."

ANNIS BAILEY.

The bill (S. 722) restoring to the pension roll the name of Annis Bailey, widow of Abram R. Ward was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annis Bailey, former widow of Abram R. Ward, late of Company K, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Annis Bailey."

WILLIAM HIBBS.

The bill (S. 3629) granting an increase of pension to William Hibbs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Militia;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hibbs, late of Company D, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM LAUDAHN.

The bill (H. R. 12135) granting an increase of pension to William Landahn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "William," to strike out "Landahn" and insert "Laudahn;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Laudahn, late of Eighth Independent Company, Ohio Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Laudahn."

CHARLES W. STORR, JR.

The bill (H. R. 549) granting an increase of pension to Charles W. Storr, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Storr, jr., late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP COOK.

The bill (H. R. 1482) granting an increase of pension to Philip Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Cook, late of Company H, Eighth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. CHAPMAN.

The bill (H. R. 6061) granting an increase of pension to William H. Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Chapman, late of Ninth Battery, Ohio Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL A. WHITE.

The bill (H. R. 6546) granting an increase of pension to Samuel A. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel A. White, late of Company F, Thirtieth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. VOSS.

The bill (H. R. 6865) granting an increase of pension to Charles F. Voss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Voss, late of Company K, Tenth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK GAFFNEY.

The bill (S. 5928) granting an increase of pension to Patrick Gaffney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Company K" and insert "quartermaster-sergeant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Gaffney, late quartermaster-sergeant, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES E. TAYLOR.

The bill (S. 5442) granting a pension to Frances E. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances E. Taylor, widow of Ellis Taylor, late of Company A, One hundred and twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEHIAL P. HAMMOND.

The bill (S. 5790) granting an increase of pension to Jehial P. Hammond was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jehial P. Hammond, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN D. WESCOTT.

The bill (S. 3486) granting an increase of pension to Edwin D. Wescott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to insert "Company L, Tenth Regiment, and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin D. Wescott, late of Company L, Tenth Regiment, and Company G, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS F. STEVENS.

The bill (S. 2032) granting an increase of pension to Thomas F. Stevens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Stevens, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SIRMYER.

The bill (H. R. 11151) granting an increase of pension to John Sirmyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Sirmyer, late of Company D, Tenth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM G. LEISER.

The bill (H. R. 11552) granting an increase of pension to Abraham G. Leiser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham G. Leiser, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMELINE A. STEWART.

The bill (H. R. 13979) granting an increase of pension to Emeline A. Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emeline A. Stewart, widow of William E. Stewart, late second lieutenant Company K, and first lieutenant and adjutant, Twelfth Regiment Michigan Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL M. REESE.

The bill (H. R. 15634) granting an increase of pension to Samuel M. Reese was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel M. Reese, late of Company B, One hundred and fiftieth Regiment Ohio National Guard Infantry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH FULLER.

The bill (S. 3487) granting an increase of pension to Joseph Fuller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Fuller, late of Company H, Fourteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE F. WHITE.

The bill (S. 5949) granting an increase of pension to George F. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George F. White, late of Campany I, Third Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. M'CUNE.

The bill (H. R. 15869) granting an increase of pension to Wilson H. McCune was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the first time, to strike out the name "Wilson" and insert "William;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McCune, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. McCune."

EZEKIEL BRIDWELL.

The bill (H. R. 1182) granting an increase of pension to Ezekiel Bridwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ezekiel Bridwell, late of Company B, Eighteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. HESS.

The bill (H. R. 1192) granting an increase of pension to George B. Hess was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. Hess, late of Company C, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. TOWN.

The bill (H. R. 2816) granting an increase of pension to James C. Town was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Town, late of Company H, Ninth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BRIDGES.

The bill (H. R. 2168) granting an increase of pension to William Bridges was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Bridges, late of Company K, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE F. LONG.

The bill (H. R. 2226) granting an increase of pension to George F. Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George F. Long, late of Company D, Tenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB W. GERSTENEKER.

The bill (H. R. 2234) granting an increase of pension to Jacob W. Gersteneker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob W. Gersteneker, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM HIGBIE.

The bill (H. R. 10029) granting an increase of pension to Abram Higbie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram Higbie, late of Company A, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL DEEMS.

The bill (H. R. 10257) granting an increase of pension to Samuel Deems was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Deems, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'DONALD.

The bill (H. R. 10922) granting an increase of pension to John McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McDonald, late major, Eighth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH N. PIERSELL.

The bill (H. R. 10561) granting an increase of pension to Joseph N. Piersell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph N. Piersell, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWYER SUGS.

The bill (H. R. 11822) granting an increase of pension to Lawyer Sugs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lawyer Sugs, late of Captain Patton's company, Georgia Volunteers, Cherokee Indian disturbances, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD ROSS.

The bill (H. R. 12810) granting an increase of pension to Edward Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Ross, late second lieutenant Company I, Second Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ARMSTRONG.

The bill (H. R. 14801) granting an increase of pension to Thomas Armstrong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Armstrong, late of Company A, One hundred and sixth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER C. DAVIS.

The bill (S. 5966) granting an increase of pension to C. C. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "C." and insert the name "Christopher;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Davis, late of Company A, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Christopher C. Davis."

NATHALIA BOEPPLE.

The bill (S. 5708) granting an increase of pension to Nathalia Boepple was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company A" and insert "sergeant-major;" and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathalia Boepple, widow of William T. Boepple, late sergeant-major, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAISY C. STUYVESANT.

The bill (S. 5032) granting a pension to Daisy Crownshield Stuyvesant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daisy C. Stuyvesant, widow of Moses S. Stuyvesant, late lieutenant and lieutenant-commander, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Daisy C. Stuyvesant."

SAMUEL B. RICE.

The bill (S. 5948) granting an increase of pension to Samuel B. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. Rice, late of Company B, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM N. WHITLOCK.

The bill (H. R. 1719) granting an increase of pension to William N. Whitlock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William N. Whitlock, late of Company I, Sixth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL EGENESS.

The bill (H. R. 18237) granting an increase of pension to Rachel Egeness was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel Egeness, widow of Larse T. Egeness, late of Company M, First Regiment Illinois Volunteer Light Artillery, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CARY.

The bill (H. R. 5571) granting an increase of pension to William Cary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Cary, late of U. S. S. *Shenandoah*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. COFFEY.

The bill (H. R. 8716) granting an increase of pension to John L. Coffey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Coffey, late of Company G, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL L. BARTLETT.

The bill (H. R. 10766) granting a pension to Rachel L. Bartlett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel L. Bartlett, widow of Charles G. Bartlett, late colonel Ninth Regiment United States Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GIBSON.

The bill (H. R. 9529) granting an increase of pension to William Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Gibson, late of Company E, Second Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL W. HARLAN.

The bill (H. R. 11062) granting an increase of pension to Samuel W. Harlan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel W. Harlan, late of Company E, First Regiment Indiana Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT D. WILLIAMSON.

The bill (H. R. 11365) granting an increase of pension to Robert D. Williamson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert D. Williamson, late of Company I, Eightieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'KELVY.

The bill (H. R. 15316) granting an increase of pension to James McKelvy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McKelvy, late of Company G, Sixteenth Regiment New York Volunteer Infantry, and second lieutenant Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. BURGESS.

The bill (H. R. 15819) granting an increase of pension to William T. Burgess was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Burgess, late of Company E, Thirtieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS R. SMITH.

The bill (S. 225) granting a pension to Thomas R. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas R. Smith, late of Company I, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas R. Smith."

ELIJAH R. MERRIMAN.

The bill (S. 5932) granting an increase of pension to E. R. Merriman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah R. Merriman, late captain Company F, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elijah R. Merriman."

ALEXANDER PLOTTS.

The bill (S. 5056) granting a pension to Alexander Plotts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to insert "war with Mexico," and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Plotts, late of Captain Coffee's independent company, Florida Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD DELANEY.

The bill (H. R. 14118) granting an increase of pension to Edward Delaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Delany, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BURKE.

The bill (H. R. 17118) granting an increase of pension to John Burke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Burke, late of Company I, Ninth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. HINDS.

The bill (H. R. 11989) granting an increase of pension to Francis M. Hinds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Hinds, late of Company B, First Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH S. LARRANCE.

The bill (H. R. 11510) granting an increase of pension to Joseph S. Larrance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph S. Larrance, late of Company B, Third Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON L. ROCKWOOD.

The bill (H. R. 9138) granting an increase of pension to Aaron L. Rockwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron L. Rockwood, late captain Company E, Fourth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST CROME.

The bill (H. R. 9135) granting a pension to August Crome was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Crome, late of Company G, Tenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK L. FORNSHELL.

The bill (H. R. 735) granting an increase of pension to Frank L. Fornshell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank L. Fornshell, late of Company F, Twelfth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA A. M'KNIGHT.

The bill (S. 2008) granting a pension to Virginia A. McKnight was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "twenty" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia A. McKnight, widow of Sargent McKnight, late second lieutenant Company H, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN KEYS.

The bill (S. 5844) granting an increase of pension to John Keys was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Keys, late of Company G, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH L. GHRIST.

The bill (H. R. 13022) granting an increase of pension to Sarah L. Ghrist was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah L. Ghrist, widow of James F. Ghrist, late of Company K, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE WARNER.

The bill (S. 4205) granting an increase of pension to George Warner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Warner, late of Company G, Thirty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID F. EAKIN.

The bill (H. R. 17387) granting an increase of pension to David F. Eakin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David F. Eakin, late assistant surgeon, Twenty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOCH BOYLE.

The bill (H. R. 17806) granting an increase of pension to Enoch Boyle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch Boyle, late of Company G, First Regiment Oregon Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE CUNNINGHAM.

The bill (H. R. 8954) granting a pension to George Cunningham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Cunningham, late of Company H, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. DORMAN.

The bill (H. R. 10008) granting an increase of pension to James W. Dorman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Dorman, late of Company D, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE H. BRANDT.

The bill (H. R. 12762) granting an increase of pension to Jesse H. Brandt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse H. Brandt, late second lieutenant Companies F and A, Forty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. HARSH.

The bill (H. R. 13337) granting an increase of pension to Joseph W. Harsh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Harsh, late of Company C, Forty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC N. LONG.

The bill (H. R. 14982) granting an increase of pension to Isaac N. Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Long, late of Company C, Fifty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS D. MOORE.

The bill (S. 1256) granting an increase of pension to Lewis D. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis D. Moore, late of Company C, Seventeenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLOMON H. BAKER.

The bill (S. 1865) granting an increase of pension to Solomon H. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon H. Baker, late of Company D, Eighteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK J. OATLEY.

The bill (H. R. 1557) granting an increase of pension to Frank J. Oatley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank J. Oatley, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. SPROULL.

The bill (H. R. 1946) granting an increase of pension to James A. Sproull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Sproull, late captain Company F, One hundred and seventy-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. ADAMS.

The bill (H. R. 2791) granting an increase of pension to Mary E. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Adams, widow of Enoch G. Adams, late captain Company D, First Regiment United States Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH D. EMERY.

The bill (H. R. 3694) granting an increase of pension to Joseph D. Emery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph D. Emery, late of Company E, Twenty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. CHIPMAN.

The bill (H. R. 4240) granting an increase of pension to James F. Chipman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Chipman, late of Company D, Thirty-third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SPAULDING.

The bill (H. R. 4244) granting an increase of pension to John Spaulding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Spaulding, late of Company D, Thirtieth Regiment, Massachusetts Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY R. COWAN.

The bill (H. R. 3686) granting an increase of pension to Henry R. Cowan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry R. Cowan, late of Company E, First Regiment District Columbia Volunteer Cavalry, and Company I, First Regiment Maine Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS R. STEGMAN.

The bill (H. R. 5222) granting an increase of pension to Lewis R. Stegman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis R. Stegman, late captain Company E and major One hundred and second Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE A. MANLEY.

The bill (H. R. 8737) granting an increase of pension to Horace A. Manley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace A. Manley, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE SULLIVAN.

The bill (H. R. 8771) granting an increase of pension to Florence Sullivan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florence Sullivan, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $55 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDNA M. JOHNSON.

The bill (H. R. 8833) granting a pension to Edna M. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edna M. Johnson, helpless and dependent daughter of John B. Johnson, late of Company E, First Regiment Vermont Volunteer Heavy Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN S. BROWN.

The bill (H. R. 12238) granting an increase of pension to Helen S. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen S. Brown, widow of Moses T. Brown, late of Company C, Seventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN COOLEY.

The bill (H. R. 14391) granting an increase of pension to Franklin Cooley was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Franklin Cooley, late of Company G, Tenth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EZRA H. BROWN.

The bill (H. R. 15305) granting an increase of pension to Ezra H. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ezra H. Brown, late first lieutenant Company A, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD HIGGINS.

The bill (S. 20) granting an increase of pension to Edward Higgins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Higgins, late of Company L, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM OLIVER.

The bill (S. 3553) granting an increase of pension to William Oliver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Oliver, late of Company I, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. FLETCHER.

The bill (S. 4492) granting an increase of pension to George W. Fletcher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Fletcher, late of Company C, First Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH FRENCH.

The bill (H. R. 17072) granting an increase of pension to Joseph French was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "seventy-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph French, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES RAMSEY.

The bill (S. 5290) granting an increase of pension to James Ramsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Ramsey, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BLANCHE BADGER.

The bill (S. 5855) granting an increase of pension to Blanche B. Badger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Blanche Badger, widow of Algernon S. Badger, late lieutenant-colonel First Regiment Louisiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Blanche Badger."

GEORGE W. WALTER.

The bill (S. 4608) granting a pension to George W. Walter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Walter, late of Troop A, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Walter."

CATHARINE E. SMITH.

The bill (S. 4173) granting an increase of pension to Catharine E. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "master," to insert "commanding;" and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine E. Smith, widow of William H. Smith, late acting master, commanding, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS D. WELCH.

The bill (S. 5767) granting an increase of pension to Thomas D. Welch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Welch, late of Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STACY B. WARFORD.

The bill (S. 5700) granting an increase of pension to Stacy B. Warford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stacy B. Warford, late of Company F, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE F. MONTGOMERY.

The bill (S. 5765) granting an increase of pension to Theodore F. Montgomery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore F. Montgomery, late of Company B, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company A, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WRIGHT.

The bill (S. 4910) granting an increase of pension to William Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Wright, late of Company B, First Regiment, Potomac Home Brigade, Maryland Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CRAWFORD.

The bill (H. R. 1413) granting an increase of pension to John Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Crawford, late of Company I, Third Regiment West Virgina Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, orto a third reading, read the third time, and passed.

GEORGE W. CHILDERS.

The bill (H. R. 1768) granting an increase of pension to George W. Childers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Childers, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, orto a third reading, read the third time, and passed.

CHRISTINA WHITE.

The bill (H. R. 3345) granting an increase of pension to Christina White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christina White, widow of Hiram H. White, late of Company K, Eleventh Regiment, Pennsylvania Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, orto a third reading, read the third time, and passed.

WILLIAM A. FAILER.

The bill (H. R. 5048) granting an increase of pension to William A. Failer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Failer, late of Company G, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC C. FRANCE.

The bill (H. R. 6498) granting an increase of pension to Isaac C. France was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac C. France, late of Company B, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH J. MISHLER.

The bill (H. R. 9923) granting an increase of pension to Joseph J. Mishler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Mishler, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL JONES.

The bill (H. R. 10993) granting an increase of pension to Samuel Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Jones, late first lieutenant Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN D. BOGIA.

The bill (H. R. 12727) granting an increase of pension to Benjamin D. Bogia was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin D. Bogia, late of Company B, First Regiment, and first lieutenant Company C, First Battalion, Eighth Regiment Delaware Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BETTIE STERN.

The bill (H. R. 14169) granting an increase of pension to Bettie Stern was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bettie Stern, widow of Meier Stern, late of Company A, Fourth Regiment Maryland Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EZRA H. WIGGINS.

The bill (H. R. 14731) granting an increase of pension to Ezra H. Wiggins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ezra H. Wiggins, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GRAY.

The bill (H. R. 15003) granting an increase of pension to James Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Gray, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. WAGONER.

The bill (H. R. 15695) granting a pension to John T. Wagoner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Wagoner, late a private in Captain Degges's company, Fifth Battalion, District Columbia Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB R. DECKARD.

The bill (H. R. 15748) granting an increase of pension to Jacob R. Deckard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob R. Deckard, late of Company I, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAMILTON D. BROWN.

The bill (H. R. 718) granting an increase of pension to Hamilton D. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hamilton D. Brown, late captain Company K, One hundred and tenth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY COMPTON.

The bill (H. R. 18005) granting a pension to Emily Compton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily Compton, widow of Henry Compton, late of Company F, Third Regiment Missouri Volunteer Infantry, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA J. BASS.

The bill (H. R. 18006) granting an increase of pension to Martha J. Bass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Bass, widow of Joseph C. Bass, late of Company D, Third Regiment Missouri Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS D. CAMPBELL.

The bill (H. R. 4363) granting an increase of pension to Thomas D. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas D. Campbell, late of Company M, Eleventh Regiment Missouri State Militia Volunteer Cavalry, and Company L, Second Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA HILGEMAN.

The bill (H. R. 4388) granting a pension to Laura Hilgeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura Hilgeman, widow of William Hilgeman, late of Company C, First Regiment Missouri Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDERSON J. SMITH.

The bill (H. R. 4625) granting an increase of pension to Anderson J. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anderson J. Smith, late of Company A, One hundred and thirtieth Regiment, and Company C, Seventy-seventh Regiment, Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HARRISON.

The bill (H. R. 10246) granting an increase of pension to John Harrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Harrison, late of Company C, First Battalion, Nineteenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is how receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA SPIELMAN.

The bill (H. R. 12088) granting an increase of pension to Louisa Spielman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Spielman, widow of David H. Spielman, late of Company I, Forty-third Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY T. CORNS.

The bill (H. R. 15152) granting an increase of pension to Mary T. Corns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary T. Corns, widow of James H. Corns, late captain Company D, Eighty-first Regiment Ohio Volunteer Infantry, and captain Company K, Eighth Regiment, and Company C, Seventeenth Regiment, Veteran Reserve Corps, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MISNER.

The bill (H. R. 15886) granting an increase of pension to John Misner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Misner, late of Company G, Seventh Regiment United States Infantry, war with Mexico, and Company L, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN H. CROFTON.

The bill (S. 5559) granting an increase of pension to Ann H. Crofton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann H. Crofton, widow of John E. Crofton, late of United States ships Vermont and Clematis, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN BURDICK.

The bill (S. 5969) granting an increase of pension to Franklin Burdick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Burdick, late of Company C, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY P. HUBBARD.

The bill (S. 4372) granting an increase of pension to Emily P. Hubbard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily P. Hubbard, widow of George M. Hubbard, late first lieutenant and quartermaster, Seventy-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN JOINES.

The bill (S. 4719) granting an increase of pension to John Joines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Joines, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. SMITH.

The bill (H. R. 2155) granting an increase of pension to William H. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Smith, late of Company G, Fourth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTEMAS D. MANY.

The bill (H. R. 10525) granting an increase of pension to Artemas D. Many was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Artemas D. Many, late of Company E, One hundred and twentieth Regiment New York Volunteer Infantry, and Company F, Eighteenth Regiment Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBENEZER W. AKERLEY.

The bill (H. R. 10524) granting an increase of pension to Ebenezer W. Akerley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ebenezer W. Akerley, late of Company B, Fifty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. TUCKER.

The bill (H. R. 13809) granting an increase of pension to James P. Tucker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Tucker, late of Company C, Second Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC KINDLE.

The bill (H. R. 14237) granting an increase of pension to Isaac Kindle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Kindle, late of Company C, Fifth Regiment Ohio Volunteer Cavalry, and Company C, Fifth Regiment United States Veteran Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER G. THOMPSON.

The bill (H. R. 15206) granting an increase of pension to Peter G. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter G. Thompson, late of Company D, Battalion Georgia Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAS R. KING.

The bill (H. R. 15565) granting an increase of pension to Josias R. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josias R. King, late lieutenant-colonel Second Regiment United States Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WILLY.

The bill (H. R. 17635) granting an increase of pension to George Willy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Willy, late of Company A, Fifty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH A. NOYES.

The bill (H. R. 5804) granting an increase of pension to Joseph A. Noyes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. Noyes, late of Company C, Eighth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT M. RYAN.

The bill (H. R. 4406) granting a pension to Albert M. Ryan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert M. Ryan, late of Capt. Michael M. Gilbreath's company, Alabama Scouts and Guides, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS C. KITCHIN.

The bill (H. R. 5732) granting an increase of pension to Elias C. Kitchin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias C. Kitchin, late assistant surgeon Twenty-first Regiment Pennsylvania Volunteer Cavalry, and surgeon One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. MADISON.

The bill (H. R. 8547) granting an increase of pension to John W. Madison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Madison, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY DEAL.

The bill (H. R. 10319) granting an increase of pension to Harvey Deal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey Deal, late of Company B, One hundred and twenty-first Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. KENNEY.

The bill (H. R. 14490) granting an increase of pension to Martha A. Kenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Kenney, widow of Robert E. Kenney, late of Company D, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEHU MARTIN.

The bill (H. R. 15275) granting an increase of pension to Jehu Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jehu Martin, late of Company E, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA J. D. HOLMES.

The bill (H. R. 15450) granting an increase of pension to Virginia J. D. Holmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Virginia J. D. Holmes, widow of James C. Holmes, late of Captain Lane's company, First Regiment Georgia drafted militia, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL SHRADER.

The bill (H. R. 16193) granting an increase of pension to Daniel Shrader was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Shrader, late of Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER EVERHART.

The bill (S. 1584) to correct the military record of Alexander Everhart was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "discharge," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM PERSONS.

The bill (S. 3256) for the relief of William Persons was considered as in Committee of the Whole. It provides that William Persons, late of Company I, Second Regiment Wisconsin Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH KOHLER.

The bill (H. R. 10177) granting a pension to Elizabeth Kohler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Kohler, widow of John Kohler, late of Battery B, First Regiment United States Artillery, and to pay her a pension of $12 per month and $2 per month additional on account of the minor child of said John Kohler until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITMAN V. WHITE.

The bill (H. R. 16566) granting an increase of pension to Whitman V. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Whitman V. White, late surgeon Fifty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY B. TEETOR.

The bill (H. R. 16648) granting an increase of pension to Henry B. Teetor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry B. Teetor, late first lieutenant and captain Company B, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS P. CHANDLER.

The bill (H. R. 16699) granting an increase of pension to Lewis P. Chandler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis P. Chandler, late of Company H, One hundred and sixth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. JONES.

The bill (H. R. 16749) granting an increase of pension to Henry A. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry A. Jones, late of Company K, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH J. K. THOMAS.

The bill (H. R. 17654) granting an increase of pension to Hannah J. K. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah J. K. Thomas, widow of William Thomas, late of Captains Redding and Norton's companies, Florida Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET E. VANDINE.

The bill (H. R. 17933) granting an increase of pension to Harriet E. Vandine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet E. Vandine, widow of Michael Vandine, late of Company E, Eighth Regiment Kentucky Volunteer Cavalry, and Company E, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. HAGER.

The bill (H. R. 17950) granting an increase of pension to James W. Hager was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Hager, late of Company H, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH VAN RIPER.

The bill (H. R. 18175) granting an increase of pension to Jeremiah Van Riper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Van Riper, late of Twenty-eighth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES G. WALL.

The bill (H. R. 17971) granting an increase of pension to James G. Wall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James G. Wall, late of Capt. James F. P. Johnston's independent company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES A. SULLIVAN.

The bill (S. 6063) granting an increase of pension to F. A. Sullivan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances A. Sullivan, widow of Thomas A. Sullivan, late of Company A, Seventy-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frances A. Sullivan."

GEORGE GARDENER.

The bill (S. 6039) granting an increase of pension to George Gardner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Gardener, late of Captain Brady's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George Gardener."

HATTIE S. CARUTH.

The bill (S. 6027) granting a pension to Hattie S. Carruth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie S. Carruth, widow of George L. Carruth, late of ordnance detachment United States Army, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of the minor children of the said George L. Carruth until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY H. SCOTT.

The bill (H. R. 18032) granting an increase of pension to Mary H. Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, after the word "account," to insert "of each;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Scott, widow of Albert B. Scott, late captain Thirteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving and $2 per month additional on account of each of the minor children of said Albert B. Scott until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WASHINGTON BROCKMAN.

The bill (S. 5808) granting an increase of pension to Washington Brockman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington Brockman, late of Company K, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE K. GREEN.

The bill (S. 453) granting an increase of pension to George K. Green was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George K. Green, late of Company B, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROY E. KNIGHT.

The bill (S. 4379) granting an increase of pension to Roy E. Knight was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roy E. Knight, late of Company I, Third Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES B. TOWNE.

The bill (S. 3261) granting an increase of pension to Charles B. Town was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Town" and insert "Towne;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Towne, late of Company L, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles B. Towne."

JOSEPH BOVEE.

The bill (S. 4171) granting an increase of pension to Joseph Bovee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Bovee, late of Company K, First Regiment Colorado Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY ANN GEE.

The bill (H. R. 12807) granting a pension to Nancy Ann Gee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Ann Gee, former widow of Richard Burnand, alias Richard Borrand, late of Company B, Second Regiment Ohio Volunteer Infantry, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILEY H. DIXON.

The bill (H. R. 13991) granting an increase of pension to Wiley H. Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wiley H. Dixon, late of Company K, Eleventh Regiment, and unassigned, Seventy-ninth Regiment, Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. BRAND.

The bill (H. R. 16255) granting an increase of pension to James S. Brand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Brand, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL SMITH.

The bill (H. R. 17035) granting an increase of pension to Samuel Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Smith, late of Company A, Thirty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. STOTT.

The bill (H. R. 17373) granting an increase of pension to William T. Stott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Stott, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC COPE.

The bill (H. R. 18158) granting a pension to Isaac Cope was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Cope, helpless and dependent son of Edmund Cope, late of Company K, Forty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID B. GUTHRIE.

The bill (H. R. 18188) granting an increase of pension to David B. Guthrie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David B. Guthrie, late of Company C, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL WATKINS.

The bill (H. R. 17843) granting an increase of pension to Samuel Watkins was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Samuel Watkins, late of Company E, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELOSS WILLIAMS.

The bill (H. R. 17771) granting an increase of pension to Deloss Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Deloss Williams, late of Company B, Fifth Regiment Iowa Volunteer Infantry, and Company I, Fifth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DIETZ.

The bill (H. R. 17711) granting an increase of pension to John Dietz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Dietz, late of Company E, Sixteenth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID W. KIRKPATRICK.

The bill (H. R. 16783) granting an increase of pension to David W. Kirkpatrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David W. Kirkpatrick, late of Company A, Third Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. ROE.

The bill (H. R. 16423) granting an increase of pension to Andrew J. Roe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Roe, late of Company C, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID ROSS.

The bill (H. R. 16398) granting an increase of pension to David Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Ross, late of Company D, First Regiment Kentucky Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON DIEHL.

The bill (H. R. 15032) granting a pension to Milton Diehl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton Diehl, late of Company H, Thirty-second Regiment United States Infantry, and Company H, Twenty-first Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA N. HARVEY.

The bill (S. 6) granting an increase of pension to Ella N. Harvey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Cavalry," to insert "Volunteers;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella N. Harvey, widow of Ira B. Harvey, late of Company D, First Regiment District of Columbia Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMERY WYMAN.

The bill (S. 5728) granting an increase of pension to Emery Wyman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emery Wyman, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY MOODY.

The bill (S. 4550) granting an increase of pension to Henry Moody was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Moody, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL LAMPREY.

The bill (S. 1428) granting an increase of pension to Daniel Lamprey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Lamprey, late of Company E, Second Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH L. W. BAILEY.

The bill (S. 1664) granting an increase of pension to Elizabeth L. W. Bailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth L. W. Bailey, widow of Davis W. Bailey, late captain Company H, Forty-second Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURENCE FOLEY.

The bill (H. R. 16295) granting an increase of pension to Laurence Foley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laurence Foley, late first lieutenant Company C, Eighth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY C. STROUT.

The bill (H. R. 16704) granting a pension to Lucy C. Strout was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy C. Strout, dependent mother of Roy L. Strout, late of Company L, Ninth Regiment United States Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW E. KINNEY.

The bill (H. R. 17175) granting an increase of pension to Andrew E. Kinney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew E. Kinney, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID J. BENTLEY.

The bill (H. R. 17548) granting a pension to David J. Bentley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David J. Bentley, late of

Troop A, Ninth Regiment United States Cavalry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE B. PHELON.

The bill (H. R. 17736) granting an increase of pension to Josephine B. Phelon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine B. Phelon, widow of Henry A. Phelon, late acting master, United States Navy, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILBUR F. LANE.

The bill (H. R. 17797) granting an increase of pension to Wilbur F. Lane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilbur F. Lane, late of Company G, Eighth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT A. SEAVER.

The bill (H. R. 17939) granting an increase of pension to Robert A. Seaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert A. Seaver, late second lieutenant Company E, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA E. KINGSTON.

The bill (H. R. 18075) granting an increase of pension to Anna E. Kingston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna E. Kingston, widow of Samuel T. Kingston, late assistant surgeon Second Regiment New York Volunteer Cavalry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. HORACE PERRY.

The bill (H. R. 18149) granting an increase of pension to S. Horace Perry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of S. Horace Perry, late second lieutenant and first lieutenant Company G, Ninth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD W. SMITH.

The bill (S. 4790) granting an increase of pension to Edward W. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward W. Smith, late second lieutenant Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. PETHERBRIDGE.

The bill (S. 3697) granting an increase of pension to Sarah A. Petherbridge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Petherbridge, widow of Edward R. Petherbridge, late of Captain Tilghman's company, Maryland Light Artillery of District of Columbia and Maryland Volunteers, war with Mexico, and major, Purnell Legion, Maryland Volunteers, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA CARR.

The bill (S. 2728) granting an increase of pension to Louisa Carr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "E" and insert "B;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Carr, widow of John T. Carr, late of Company B, Third Regiment West Virginia Volunteer Infantry, and Company D, Sixth Battalion West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY LOCKARD.

The bill (H. R. 1133) granting a pension to Mary Lockard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Lockard, helpless and dependent daughter of John Lockard, late of Company I, Twentieth Regiment Pennsylvania Volunteer Cavalry, and Company H, First Regiment Pennsylvania Provisional Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELLIE A. BATCHELDER.

The bill (H. R. 8479) granting an increase of pension to Nellie A. Batchelder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nellie A. Batchelder, widow of Winfield S. Batchelder, late first lieutenant Company H, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HOUGH.

The bill (H. R. 16751) granting an increase of pension to Samuel Hough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Hough, late of Company C, Ninety-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET M'GIFFIN.

The bill (H. R. 17361) granting an increase of pension to Margaret McGiffin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret McGiffin, widow of George W. McGiffin, late of Company D, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES P. LORD.

The bill (H. R. 17480) granting an increase of pension to Charles P. Lord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles P. Lord, late first lieutenant Company F, Eighth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. BENSON.

The bill (H. R. 17788) granting a pension to Charles E. Benson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Beason, late of Company E, First Regiment New York Volunteer Infantry, war with Spain, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. SNELL.

The bill (H. R. 17830) granting an increase of pension to William R. Snell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Snell, late of Company F, Sixty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEWART J. DONNELLY.

The bill (H. R. 18054) granting an increase of pension to Stewart J. Donnelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stewart J. Donnelly, late captain Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. MELICK.

The bill (H. R. 18094) granting an increase of pension to William G. Melick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Melick, late of Company F, Thirty-first Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. SCHOFIELD.

The bill (H. R. 18325) granting an increase of pension to John W. Schofield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Schofield, late of Company K, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAE SPAULDING.

The bill (S. 4811) granting a pension to Mae Spaulding was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mae Spaulding, widow of Sylvester Rickles Spaulding, late of Company H, First Regiment Idaho Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said Sylvester Rickles Spaulding until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN B. BEACH.

The bill (S. 6024) granting an increase of pension to Franklin B. Beach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin B. Beach, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BYRON K. MAY.

The bill (S. 1510) granting an increase of pension to Byron K. May was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Byron K. May, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES S. PROSE.

The bill (H. R. 13077) granting an increase of pension to James S. Prose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Prose, late of Company G, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MATTISON.

The bill (H. R. 16586) granting an increase of pension to William Mattison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Mattison, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS STOECKIG.

The bill (H. R. 16629) granting an increase of pension to Louis Stoeckig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Stoeckig, late of Company L, Fourth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP DUMONT.

The bill (H. R. 16630) granting an increase of pension to Philip Dumont was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Dumont, late of Company E, Twelfth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES L. WESTFALL.

The bill (H. R. 17268) granting an increase of pension to Charles L. Westfall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles L. Westfall, late of Eighteenth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESEK W. HOFF.

The bill (H. R. 17333) granting an increase of pension to Esek W. Hoff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Esek W. Hoff, late of Company K, One hundred and eleventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO WELLS.

The bill (H. R. 17996) granting an increase of pension to Alonzo Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Wells, late of Company C, Tenth Regiment Wisconsin Volunteer Infantry, and Company K, Nineteenth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID F. CROUCH.

The bill (H. R. 18393) granting an increase of pension to David F. Crouch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David F. Crouch, late of Company F, Fourteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WASKOM.

The bill (H. R. 16824) granting an increase of pension to James Waskom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Waskom, late recruit, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCOTT RUDDICK.

The bill (H. R. 17162) granting an increase of pension to Scott Ruddick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Scott Ruddick, late of Company G, Sixty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. DAVIS.

The bill (H. R. 17173) granting an increase of pension to Thomas J. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas

J. Davis, late of Company B, Tenth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINCY A. LINDSEY.

The bill (H. R. 17826) granting a pension to Wincy A. Lindsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wincy A. Lindsey, widow of Berry G. Lindsey, late of Company A, Seventh Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES J. WINKLER.

The bill (H. R. 18157) granting a pension to James J. Winkler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Winkler, late of Company A, Easton's battalion Missouri Volunteer Infantry, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. OLNEY.

The bill (S. 5022) granting an increase of pension to Henry S. Olney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Olney, late first lieutenant and quartermaster Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. HOLLOWAY.

The bill (S. 4346) granting an increase of pension to William E. Holloway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "lieutenant," to insert "United States;" in line 7, before the word "and," to strike out "war of the rebellion;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Holloway, late second lieutenant, United States Revenue-Cutter Service, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM C. CLARK.

The bill (S. 1443) granting an increase of pension to Hiram C. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram C. Clark, late of Company F, Eighty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. M. CARPENTER.

The bill (H. R. 15486) granting a pension to William H. M. Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. M. Carpenter, late of Company D, Thirty-fifth Regiment Michigan Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE ROGERS.

The bill (H. R. 16284) granting an increase of pension to George Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Rogers, late of Company F, Third Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY JOHNSON.

The bill (H. R. 16285) granting an increase of pension to Henry Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Johnson, late assistant surgeon, Sixth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET HAYNES.

The bill (H. R. 17592) granting an increase of pension to Margaret Haynes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Haynes, widow of Hezekiah Haynes, late of Capt. John Evans's company, Kentucky Militia, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY F. BELDEN.

The bill (H. R. 18147) granting an increase of pension to Perry F. Belden was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of Perry F. Belden, late of Company B, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET STEVENS.

The bill (H. R. 18169) granting a pension to Margaret Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Stevens, widow of Joshua Stevens, late of Company I, Ninety-eighth Regiment Ohio Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE H. GODFREY.

The bill (S. 5783) granting a pension to Florence H. Godfrey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence H. Godfrey, widow of Guy C. M. Godfrey, late captain and assistant surgeon, United States Army, and pay her a pension at the rate of $20 per month, and $2 per month additional on account of the minor child of the said Guy C. M. Godfrey until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORYDON W. SANBORN.

The bill (S. 586) granting an increase of pension to Corydon W. Sanborn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Corydon W. Sanborn, late of Company B, Fifteenth Regiment Vermont Volunteer Infantry, and Company D, Tenth Regiment New York Volunteer Heavy Artillery, and grant him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES T. BANDY.

The bill (H. R. 17890) granting an increase of pension to J. T. Bandy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "J." and insert "James;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized, and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of James T. Bandy, late of Company C, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James T. Bandy."

SARAH ELLEN DICKENS.

The bill (H. R. 12874) granting a pension to Sarah Ellen Dickens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Ellen Dickens, widow of Thomas Dickens, late of Company A, Sixty-second Regiment Illinois Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HENDRICKS.

The bill (H. R. 16408) granting an increase of pension to William Hendricks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hendricks, late of Company B, Third Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET PAYNE.

The bill (H. R. 16994) granting an increase of pension to Harriet Payne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet Payne, widow of Alpheus Payne, late of Companies H and E, Third Regiment Missouri Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DERIAS THOMAS JEAN.

The bill (H. R. 17229) granting an increase of pension to Derias Thomas Jean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Derias Thomas Jean, late of Company C, First Battalion Mississippi Volunteer Rifles, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA C. MOORE.

The bill (H. R. 17514) granting an increase of pension to Virginia C. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Virginia C. Moore, widow of Albert H. Moore, late of Captain Loyall's company, Georgia Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SMITH.

Mr. FRYE. I ask unanimous consent to take up Senate bill 4092, a pension bill which was reported this morning.

There being no objection, the bill (S. 4092) granting an increase of pension to John Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Smith, late of Company C, Twenty-fifth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. ELLIOTT.

The bill (H. R. 17515) granting an increase of pension to John J. Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Elliott, late of Captain Handley's company, First Regiment Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM I. CANARY.

The bill (H. R. 17747) granting an increase of pension to Abraham I. Canary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham I. Canary, late of Company F, Seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS C. ALEXANDER.

The bill (H. R. 17796) granting an increase of pension to Thomas C. Alexander was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas C. Alexander, late of Captain Lenow's company, First Regiment Tennessee Volunteer Cavalry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM K. SMITH.

The bill (H. R. 17892) granting an increase of pension to Abraham K. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham K. Smith, late of Company F, Second Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH GUIOTT.

The bill (H. R. 18067) granting an increase of pension to Joseph Guiott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Guiott, late of Company I, Seventy-fifth Regiment, and Company C, Eighty-fourth Regiment, United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABBY B. CLOUD.

The bill (H. R. 18465) granting an increase of pension to Abby B. Cloud was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abby B. Cloud, widow of William F. Cloud, late of Company K, Second Regiment Ohio Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. HOPPER, ALIAS CUFF WATSON.

The bill (S. 6034) granting an increase of pension to William H. Hopper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Hopper, alias Cuff Watson, late of Company M, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William A. Hopper, alias Cuff Watson."

JOHN GIFFEN.

The bill (S. 3814) granting a pension to John Giffin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Giffen, late of Company A, Tenth Regiment United States Infantry, war with Mexico, and drum major Eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Giffen."

MARY A. COUNTS.

The bill (S. 4585) granting an increase of pension to Mary A. Counts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Counts, widow of William D. Counts, late of Captain De Korponay's detachment of recruits, Third Regiment Missouri Mounted Volunteers, war with Mexico, and second lieutenant Company F, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE PIPER.

The bill (H. R. 16267) granting a pension to Catherine Piper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Piper, widow of Frederick Piper, late of Company P, Seventy-first Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTH ANN DORMAN.

The bill (H. R. 16471) granting an increase of pension to North Ann Dorman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of North Ann Dorman, widow of Ephraim D. Dorman, late of Company G, Second Regiment Maine Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE PRICE.

The bill (H. R. 16528) granting an increase of pension to Catharine Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Price, widow of John Price, late of Company I, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. MARSHALL.

The bill (H. R. 17557) granting an increase of pension to John W. Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Marshall, late lieutenant-colonel Tenth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON K. CLARK.

The bill (H. R. 17782) granting an increase of pension to Aaron K. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron K. Clark, late of Company G, Tenth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIETT E. MILLER.

The bill (H. R. 17855) granting an increase of pension to Harriett E. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriett E. Miller, widow of Jacob O. Miller, late of Company E, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. HODGES.

The bill (H. R. 17951) granting an increase of pension to Elizabeth A. Hodges was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Hodges, widow of Washington Ludlow Hodges, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HODGES.

The bill (H. R. 17989) granting an increase of pension to Elizabeth Hodges was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Hodges, widow of John E. Hodges, late of Company H, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. BROWN.

The bill (H. R. 18143) granting an increase of pension to James F. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Brown, late of Capt. R. F. Ligon's company, Battalion Alabama Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW JACKSON.

The bill (H. R. 18406) granting an increase of pension to Andrew Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Jackson, late of Captain Miller's company, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHALA JONES.

The bill (H. R. 18506) granting an increase of pension to Mahala Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mahala Jones, widow of Henderson Jones, late of Captain Kelsey's company, North Carolina Volunteers, Cherokee Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLAWAY W. KINNEY.

The bill (S. 5152) granting an increase of pension to Holoway W. Kinney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the name "Holoway" and insert "Holaway," and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Holaway W. Kinney, late of Company G, Fifteenth Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Holaway W. Kinney."

JAMES A. PRICE.

The bill (S. 5169) granting an increase of pension to James A. Price was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Price, late captain Company K, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. WEBSTER.

The bill (S. 5902) granting an increase of pension to George W. Webster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Webster, late of Company K, One hundred and second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. BERGHAHN.

The bill (H. R. 11686) granting a pension to William C. Berghahn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Berghahn, late of Company D, Third Regiment Nebraska Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. LINSDAY.

The bill (H. R. 16044) granting an increase of pension to John C. Linsday was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Linsday, late of Company D, Thirty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. HOPE.

The bill (H. R. 16253) granting an increase of pension to Margaret A. Hope was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret A. Hope, widow of James B. Hope, late of Company F, Fifth Regiment Tennessee Volunteers, war with Mexico, major, Forty-fifth Regiment Iowa Volunteer Infantry, and captain, Seventh Regiment Iowa Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. JACKSON.

The bill (H. R. 16810) granting an increase of pension to Henry C. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Jackson, late of Company K, Eighteenth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVA D. SMITH.

The bill (H. R. 17209) granting an increase of pension to Alva D. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alva D. Smith, late of Company E, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THADDEUS C. S. BROWN.

The bill (H. R. 17395) granting an increase of pension to Thaddeus C. S. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thaddeus C. S. Brown, late of Company I, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD DUNLAP.

The bill (H. R. 17526) granting an increase of pension to Richard Dunlap was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Dunlap, late of Company A, Fourth Regiment United States Colored Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WHITE.

The bill (H. R. 17584) granting an increase of pension to James White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James White, late of Company D, Third Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILO GREEN.

The bill (H. R. 17913) granting an increase of pension to Philo Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philo Green, late of Company M, Twenty-fourth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES REPPETO.

The bill (H. R. 17921) granting an increase of pension to James Reppeto was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Reppeto, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON A. GRIFFETH.

The bill (H. R. 18019) granting an increase of pension to Milton A. Griffeth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton A. Griffeth, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES DAVIS.

The bill (H. R. 18056) granting an increase of pension to Moses Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses Davis, late of Company E, Twenty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIE POHLERS.

The bill (H. R. 17165) granting an increase of pension to Sophie Pohlers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sophie Pohlers, widow of Augustus Pohlers, late hospital steward, United States Army, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH F. AMES.

The bill (H. R. 17650) granting an increase of pension to Hugh F. Ames was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh F. Ames, late of Company K, Sixty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. DEISCH.

The bill (H. R. 5842) to correct the military record of Charles F. Deisch was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of Charles F. Deisch, late a private in Company G, Thirteenth Regiment Ohio Volunteer Infantry, and to issue to said Charles F. Deisch an honorable discharge from the service of the United States, of date April 4, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT W. LIGGETT.

The bill (H. R. 13917) to remove the charge of desertion from the military record of Robert W. Liggett was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, on page 1, line 4, after the word "the," to strike out "charge of desertion standing against" and insert "order of dismissal from the military record of;" in line 7, after the word "Infantry," to strike out "to amend his military record accordingly;" and in line 9, after the word "charge,"

to insert: "*Provided*, That no pay, bounty, or other allowance shall become due or payable by virtue of the passage of this act:" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the order of dismissal from the military record of Robert W. Liggett, late captain Company B, Sixteenth Regiment Ohio Volunteer Infantry, and to grant to said Robert W. Liggett an honorale discharge: *Provided*, That no pay, bounty, or other allowance shall become due or payable by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to remove the order of dismissal from the military record of Robert W. Liggett."

The VICE-PRESIDENT. This completes the Calendar of pension bills and bills to correct military records.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 22, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 21, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, the Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The motion was agreed to.

ENLISTMENTS AND PUNISHMENTS IN THE UNITED STATES REVENUE-CUTTER SERVICE.

Mr. HEPBURN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4129) to regulate enlistments and punishments in the United States Revenue-Cutter Service.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Be it enacted, etc., That all persons composing the enlisted force of the Revenue-Cutter Service shall be enlisted for a term not to exceed three years, in the discretion of the Secretary of the Treasury, who shall prepare regulations governing such enlistments and for the general government of the Service.

SEC. 2. That no commander of a vessel of the Revenue-Cutter Service shall inflict upon any commissioned or warrant officer under his command any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period be necessary to bring the offender to trial; nor shall he inflict or cause to be inflicted upon any other person under his command for a single offense, or at any one time, any other punishment than confinement, with or without single irons, on board ship; confinement, on bread and water, with or without single irons, on board ship; deprivation of liberty on shore for a period not exceeding three months; extra duties, and, in case of absence without leave failing short of desertion, forfeiture of two days' pay for each day of unauthorized absence: *Provided*, That such confinement shall not continue longer than ten days, unless further confinement be necessary to bring the offender to trial, and, when on bread and water, a full ration shall be served every third day: *Provided*, That all punishments inflicted by the commander or by his order, except reprimand, shall be fully entered upon the ship's log.

SEC. 3. That offenses against the discipline of the Revenue-Cutter Service too grave in character to be adequately dealt with directly by the commanding officer, as hereinbefore provided, may be punished by Revenue-Cutter Service courts, to be convened by or under the direction of the Secretary of the Treasury. Such courts shall consist of not less than three commissioned officers of the Revenue-Cutter Service, and shall, under rules approved by the Secretary of the Treasury, be governed in their organization and procedure substantially in accordance with naval courts, but the jurisdiction of Revenue-Cutter Service courts shall be limited to the following offenses, namely: Disobeying lawful order of superior officer, refusing to obey lawful order of superior officer; striking, assaulting, or attempting or threatening to strike or assault a superior officer while in the execution of the duties of his office; drunkenness on duty; drunkenness; gambling; misappropriation of mess funds; misuse of Government property or supplies; fraudulently signing vouchers; theft in an amount under $100; scandalous conduct tending to the destruction of good morals; desertion; absence from duty without leave or after leave has expired; neglect of duty; conduct unbecoming an officer and a gentleman; malicious or willful destruction of public property; aiding or enticing others to desert; smuggling liquor on board a vessel of the Revenue-Cutter Service; cruelty toward or oppression or maltreatment of any subordinate person in the Service; using obscene or abusive language; violating or refusing obedience to any lawful order or regulation issued by the Secretary of the Treasury or the President. Such courts shall have power to impose upon a commissioned officer none other than the following punishments, namely: Summary dismissal from the Service; suspension from duty for a period of two years or any part thereof upon reduced pay, which shall in no case be less than one-half nor more than three-fourths of the duty pay of such officer; reduction of rank in his own grade; retention of his present number on the official register for a specified time; imprisonment for a period not to exceed two years; official reprimand. The only punishments that may be imposed by such courts upon any person in the Revenue-Cutter Service other than a commissioned officer shall be the following, namely: Dishonorable discharge; forfeiture of not to exceed two months' pay; imprisonment on land for a period not to exceed one year; confinement aboard ship not to exceed one month; confinement in single irons, on bread and water, or on diminished rations, not exceeding thirty days, but a full ration shall in all cases be given at least every third day; confinement in single irons; reduction to next inferior rating; deprivation of liberty for a period not to exceed three months; extra duties; and the imposing of these punishments will be regulated in accordance with rules prescribed by the Secretary of the Treasury. A commissioned officer of the said Service may be designated by the convening authority as official prosecutor to prosecute the case in the interests of the Government, and whose general powers and duties will be prescribed by the Secretary of the Treasury. The proceedings, findings and sentences of Revenue-Cutter Service courts shall be subject to review by the Secretary of the Treasury, as the convening authority, and the records of such courts shall be filed in the division of Revenue-Cutter Service, Treasury Department, and no sentence of said court shall be carried into effect until approved by the said Secretary: *Provided*, That in the case of a commissioned officer a sentence of dismissal shall not be carried into effect until approved by the President of the United States.

SEC. 4. That the Secretary of the Treasury may designate, as the place of execution of the sentence of a Revenue-Cutter Service court involving imprisonment, any prison or penitentiary that receives Federal prisoners.

SEC. 5. That it shall be lawful for the commanding officer of a vessel of the Revenue-Cutter Service to apprehend and arrest or cause to be apprehended and arrested, by the force under his command, a deserter from the Revenue-Cutter Service wherever found, and shall have authority to call upon all persons to assist in such arrests, and all persons so assisting are hereby invested with the power and authority of deputy United States marshals, and shall deliver the offender on board of the vessel from which he deserted: *Provided*, That a reward for the apprehension and delivery of a deserter from the Revenue-Cutter Service, as hereinbefore provided, not to exceed $15, may be offered by the commanding officer of the vessel from which the person deserted, and this reward, or any part thereof, may be deducted and paid from money due said deserter: *Provided*, That no person who has deserted from the Revenue-Cutter Service shall afterwards be employed in said Service, or enlisted in any other military or naval service under the United States, unless he shall have delivered himself aboard the vessel from which he deserted, or been apprehended, and the disability shall have been removed by a board of commissioned officers of the said Service convened for a consideration of the case, and the action of the said board shall have been approved by the Secretary of the Treasury.

SEC. 6. That the jurisdiction conferred by this act for the punishment of offenses against the discipline of the Revenue-Cutter Service shall not be regarded as exclusive, but offenders may, in the discretion of the Secretary of the Treasury, be turned over to the civil authorities for trial by any court having jurisdiction of the offense.

SEC. 7. That for offenses against the laws of the United States other than those specified in this act, offenders shall be turned over to the civil authorities for trial.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Alabama demands a second.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Unanimous consent is asked that a second may be considered as ordered. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I shall be compelled to object.

The SPEAKER. The gentleman from Mississippi objects, and the gentleman from Iowa and the gentleman from Alabama will take their places as tellers.

The House divided; and the tellers reported that there were—ayes 142, noes 3.

Mr. WILLIAMS. Mr. Speaker, I am sorry there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-five gentlemen are present. [Applause.]

Mr. WILLIAMS. I want to congratulate the Speaker in having made an error on the side of subtraction this time.

The SPEAKER. The gentleman from Iowa is entitled to twenty minutes and the gentleman from Alabama is entitled to twenty minutes.

Mr. HEPBURN. Mr. Speaker——

Mr. UNDERWOOD. I demanded a second for the purpose of asking the gentleman from Iowa some questions about the bill. I do not know I am opposed to it, and I want to find out something about it. This bill, as I understand, is a bill providing for enlistments and punishments for desertions and so on in the Marine Corps.

Mr. HEPBURN. No; in the Revenue-Cutter Service.

Mr. UNDERWOOD. I would like to ask the gentleman at what age the bill provides for enlistment?

Mr. HEPBURN. I think the age of 18.

Mr. UNDERWOOD. Well, the present age in the Navy is 21 years, is it not?

Mr. HEPBURN. I think not. This bill fixes the term of enlistment and provides a method for the administration of criminal justice in the Revenue-Cutter Service. There is no law by which discipline could be maintained, and it is in a very lax and bad condition. This bill passed the Senate after careful consideration. I think it had the unanimous support of the Committee on Interstate and Foreign Commerce. Its provisions

are mild, all taken from the laws governing the Navy or the Army, but minifying in almost every instance the punishment that may be inflicted.

Mr. UNDERWOOD. Mr. Speaker, I wish to ask the gentleman what is the age provided that a boy shall be enlisted under the age of 21?

Mr. HEPBURN. There is no change in the law whatever upon that subject.

Mr. UNDERWOOD. Then I want to make this suggestion to the gentleman from Iowa: Every Member of this House has been repeatedly annoyed and his constituents annoyed and perhaps distressed by reason of the fact boys enlist under the age of 21, run away from home, and then afterwards desert, and being caught are sent to prison for desertion, and I want to ask the gentleman—of course I recognize the fact nobody else but the gentleman from Iowa can make the motion to suspend the rules and pass the bill with an amendment if he desires to do so—I want to ask him if he will not agree to an amendment providing if a boy enlisted for any reason under the age of 21 years and he runs away he shall not be punished for desertion?

Mr. HEPBURN. Mr. Speaker, I have never yet known and I do not think the gentleman has ever yet known a case of that kind in the Revenue-Cutter Service. I think I have never heard of one, and I do not believe there are any.

Mr. UNDERWOOD. But it is true in the Army; it is true in the Navy. It is probable that the gentleman has not heard of a case, because the law has not been stringent enough to reach a boy who runs away. And now the gentleman proposes to put it on the statute books. I am not opposed to this bill, but I am opposed to putting further legislation on the statute books that will punish severely, as they are in the Army and Navy, these young boys who, by reason of some trouble at home, run away and then desert.

Mr. HEPBURN. I will say to the gentleman that I do not think boys are enlisted in the Revenue-Cutter Service.

Mr. UNDERWOOD. They can be.

Mr. HEPBURN. I never saw one, and I am quite sure they are not.

Mr. UNDERWOOD. I understand, I will say to the gentleman from Iowa, from some gentlemen sitting by my side that the present age of enlistment in the Revenue-Cutter Service is 18 years; and I think that ought to be changed. I think the law in reference to enlistments and punishment of young boys in the Army and Navy ought to be changed, and, now that we are going to put upon the statute book a new law, I do not think we ought to make this open trap with which to catch the young boys of the country. Very often innocent boys are punished, boys who have not realized what they were doing, and I hope the gentleman will perfect the bill to that extent.

Mr. HEPBURN. I would be willing to do that if the gentleman could give me any assurance that there was any necessity for it. If he could say that a boy had been enlisted, if he could show one evil of the kind that he complains of or is fearful of, I would be willing to provide against it by law; but in the absence of such a case, and in the belief that I have that it can not arise—that boys are not enlisted, and there are none in the Service—I do not think it is necessary to put that on the statute books.

Mr. UNDERWOOD. Let me ask the gentleman. I may not understand the proposition, but under the law to-day they are not enlisted the Service, are they?

Mr. HEPBURN. I can not say, but I will tell the gentleman I have never heard of one.

Mr. UNDERWOOD. But the gentleman proposes to pass a bill which provides for the enlistment. When this law passes they will be enlisted for a term of years, and, therefore, although it does not occur under the old law, when you put this law on the statute it will be in the same identical position that the enlistments in the Army and Navy are put upon.

Mr. HEPBURN. The adults enlist, but it is in the form of a contract. There is nothing in the statutes that fixes a term. Boys might enlist in the same way—that is, if it was the policy of the service to receive them.

Mr. UNDERWOOD. I understand——

Mr. HEPBURN. But I think it is not, and therefore I think there is no necessity for this provision.

Mr. UNDERWOOD. But under your bill you provide for a term of enlistment.

Mr. HEPBURN. That is true.

Mr. UNDERWOOD. Therefore you come right within the same category as the Army and Navy. It has not been that way heretofore, but you are going to put a law on the statute books to-day that does provide for an enlistment and does provide for punishment for desertion.

Mr. HEPBURN. No; it does not provide for an enlistment. It simply fixes a term when enlistments occur.

Mr. UNDERWOOD. That is a provision for enlistments.

Mr. BARTLETT. Right in this connection I want to state to the gentleman from Alabama [Mr. UNDERWOOD], and to suggest to the gentleman from Iowa [Mr. HEPBURN], that this bill does not provide for any offense for fraudulent enlistments like the law of the Army and Navy does. So that while it provides for desertion and violation of the rules and regulations, the bill nowhere provides for punishment for what they call fraudulent enlistments. So I do not think that the point made by the gentleman from Alabama would be good, because the bill itself does not make it a crime to fraudulently enlist. The bill is specific and sets out in so many words what shall be offenses in the Revenue-Cutter Service and what shall be their punishment. But among those offenses is not the offense of a fraudulent enlistment.

Mr. UNDERWOOD. I am not talking about a fraudulent enlistment. I am talking about the boy who has enlisted under it and has deserted. That is where the trouble comes, namely, as to the punishment when he is only 18 and enlists and then deserts, just as they do in the Army and Navy. Now, I ask the gentleman to offer an amendment providing that no boy who enlists under 21 years of age shall be punished for desertion. It is a very simple amendment, but it protects the youths of the country against the trouble we have had in the Army and the Navy, and now, when he is writing that new statute on the books, I think the boy is entitled to that protection.

Mr. POWERS. I will ask the gentleman from Alabama, Does anybody enlist in the Revenue-Cutter Service?

Mr. KEIFER. I would like to ask if the gentleman from Alabama desires to put on the statute books a provision authorizing desertion either in the Revenue-Cutter Service, in the Navy, or in the Army? That is the present proposition, as I understand it.

Mr. UNDERWOOD. I will say to the gentleman, I have not the floor.

Mr. WILLIAMS. Mr. Speaker——

Mr. HEPBURN. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I merely want to say that this is a good bill, and ought to pass. It is the only service, so far as I know, without any provision for enlistment and promotion, and without any laws regulating it either, in the interest of the public service. I want to say this, because I was afraid that having made the objection a moment ago for unanimous consent, my own position might not be understood. I am very much in favor of the passage of the bill.

Mr. HEPBURN. Does the gentleman want to occupy any of his time?

Mr. UNDERWOOD. I do not care to. I only asked for a second in order that I might ask the gentleman to make this amendment. I recognize that I can not make it.

Mr. HEPBURN. I ask for a vote, Mr. Speaker.

The question was taken, and (in the opinion of the Chair two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

AMENDING PENSION LAWS.

Mr. SIBLEY. Mr. Speaker, I move to suspend the rules and pass House joint resolution 158.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 158) amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes.

Resolved, etc., That section 2 of joint resolution approved July 1, 1902, be amended to read as follows:

"SEC. 2. That in the administration of the pension laws any enlisted man or commissioned officer of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man or commissioned officer of the Navy or Marine Corps, who was honorably discharged from any subsequent contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all previous contracts of service as commissioned officer or enlisted man previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man or commissioned officer served not less than six months under any subsequent enlistment, appointment, or commission; that his entire service under any subsequent enlistment, appointment, or commission was faithful, and that he did not receive by reason of said enlistment, appointment, or commission any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion."

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

Mr. SIBLEY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. Mr. Speaker, I am compelled to object to that.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Pennsylvania [Mr. SIBLEY] will take their places as tellers.

The House divided; and the tellers reported—ayes 121, noes 1.

Mr. WILLIAMS. I regret, Mr. Speaker, there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-three, and many more not counted.

Mr. WILLIAMS. Has the Chair found 193?

The SPEAKER. And more not counted. A second is ordered. The gentleman from Pennsylvania has twenty minutes and the gentleman from Mississippi twenty minutes.

Mr. SIBLEY. Mr. Speaker, I shall not worry the House long with an explanation of this joint resolution. It is merely an expression of the intention of the House in the passage of the joint resolution approved July 1, 1902. It is construing the act of June 27, 1890, which provided that in the administration of the pension laws any enlisted man or commissioned officer of the Army—soldiers—or any appointed or enlisted man or commissioned officer of the Navy or Marine Corps, who had been dismissed from the service and then reenlisted without bounty, and had served for six months or more, shall be held and construed to have been honorably discharged from all similar contracts. The Secretary of the Interior has made a ruling in respect to the word "similar," holding it as "identical," and holding in a case which I have in mind as follows. I am speaking of an actual case: A man enlisted as a private, served until some time in 1863, and was honorably discharged from the service. Then he reenlisted and was commissioned as a captain and dismissed from the service. Immediately thereafter he reenlisted as a private in the Navy, and served until the close of the war, being discharged in June, 1865. The Secretary of the Interior has made a ruling that because this man enlisted as a private, and not as a captain, construing the words "similar contract for service" to mean "identical contract for service," that this man, who enlisted and served until the close of that great struggle, is not entitled to a pension because his contract was not similar, he having enlisted as a private rather than as a captain the third time.

Mr. FINLEY. Mr. Speaker, why was this officer discharged as a captain?

Mr. SIBLEY. That will be going into the history of this individual case. But it was this: He was commissioned as a captain, sent to a regiment where he was not known and where there existed a desire that some other officer should have that position as captain. As a result of that, one night he was invited to go on the picket line. He said, "Yes, when I get my side arms." They told him, "You will not need your side arms." This is evidenced by the testimony existing in the War Department of those people who caused his dismissal.

They invited him onto the picket line at night, and when they got to a thick place in the woods, all at once they were surrounded by men who were, I think, ostensibly Mosby's guerrillas. They had their coats turned wrong side out. They seized him, blindfolded him, and bound him, and, according to their own testimony, they led him over stumps and logs and through brush for about an hour, and then brought him before an officer who decreed that he should be hanged. They finally said to him that if he would reveal the number of the troops in the Union forces and their location they would save his life. Now, the Bible says that all that a man hath will he give for his life, and this boy told them. Then the testimony goes on to say that the moment they had taken off the hoodwink, he jumped into the timber at the risk of his life and escaped.

Mr. FINLEY. That was a clear case of hazing, was it not?

Mr. SIBLEY. Absolutely. But the colonel immediately dismissed this man. That was during the great struggle. That action was approved later by the commanding general of that corps. There never was a court-martial, and any gentleman here in reading that case will say, without a question of doubt in his mind, that those who should have been court-martialed and dismissed were the men who formed the conspiracy against their brother officer.

Mr. FINLEY. I agree with the gentleman in that.

Mr. SIBLEY. This man immediately reenlisted and served until the close of the war, and this amendment simply provides that the words "similar contract" shall not be regarded as an identical contract, under which construction that man would have been compelled to serve as a captain instead of a private. It is a pretty good mark that a man is not a coward when he will reenlist as a private after having served as a captain.

Mr. HINSHAW. Is there not now a statute on the books providing that where a soldier deserted and afterwards served six months he is entitled to an honorable discharge?

Mr. SIBLEY. Yes; and the gentleman will find a copy of that statute in the report. There was a question in the mind of no Member of this House when we passed that joint resolution but that we were doing identically what I am seeking to accomplish through the passage of this amendment, but this was the construction of some Pension Commissioner, indorsed by the Secretary of the Interior, that the words "similar contract" meant identical service.

Mr. HINSHAW. I have no doubt this is all right.

Mr. ZENOR. I have a case in mind, of a decision by the Secretary of the Interior. I had a case that went up on an appeal from the decision of the Pension Bureau to the Secretary of the Interior, a case where a private had enlisted for three years and had served perhaps in the neighborhood of eighteen months. For some reason he left his company and regiment, but reenlisted for an additional term of three years, as I now recall. He served out his second term of enlistment and was honorably discharged, reenlisted for a third term, and served a little less than six months, being then discharged by reason of the close of the war. The Bureau and the Secretary of the Interior held in that case that because the soldier had not served a full six months during his last enlistment, although he had served three years in the intermediate term of enlistment and was honorably discharged, that he did not come within the purview of this law, and therefore was not entitled to the benefit of it. I ask the gentleman whether or not this amendment covers cases of that kind?

Mr. SIBLEY. I am frank to say to my friend from Indiana that I think it does not. There was no thought, in offering this amendment, to change at all the action of the House taken in 1902, but it was merely to show how Congress construed that law, because the Secretary of the Interior had construed it entirely opposite to what, I think, was the judgment and the action of all the Members of this body when we passed the law.

Mr. ZENOR. Now, if the gentleman will permit me, I notice you have changed this language in reference to this exact point:

Provided, That such enlisted or appointed man served not less than six months under said last enlistment.

That language is changed so as to provide that the enlisted man shall have served as much as six months during any subsequent term of enlistment, which, it seems to me, covers the case I referred to and all others included within that class.

Mr. SIBLEY. Very possibly it does.

Mr. ZENOR. The word "last" is changed to the word "subsequent." I think this clearly cures the defect to which I call attention, a defect which should be remedied by this resolution, if it does not now do so.

Mr. CONNER. I will ask the gentleman if he will not insert after the words "six months" the words "or was wounded?"

Mr. SIBLEY. I understand that under a motion to suspend the rules no amendment is permissible.

Mr. CONNER. You can get unanimous consent to offer that amendment.

Mr. SIBLEY. Then I come back to a request for unanimous consent, and the gentleman from Mississippi objects to unanimous consent.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 141, noes 0.

Mr. WILLIAMS. Mr. Speaker, I must call attention again to the fact that there is no quorum.

The SPEAKER. The Chair will count. [After counting.] Again the Chair has counted 195—a quorum.

Mr. BEALL of Texas. Mr. Speaker, would the Chair inform the House how he counted them—individually or by groups?

The SPEAKER. Counted them in blocks of 10; evidently there is over a quorum present. Two-thirds having voted in favor thereof, the rules are suspended and the joint resolution is passed.

AMENDING SECTIONS 6 AND 12 OF THE CURRENCY ACT OF MARCH 14, 1900.

Mr. FOWLER. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 13566, to amend sections 6 and 12 of the currency act approved March 14, 1900.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for

other purposes, approved March 14, 1900, be, and the same is hereby, amended to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $5, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order. And section 5193 of the Revised Statutes of the United States is hereby repealed."

SEC. 2. That section 12 of said act is hereby amended to read as follows:

"SEC. 12. That upon the deposit with the Treasurer of the United States by any national banking association of any bonds of the United States in the manner provided by existing law such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section 5167 of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law, and that any national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency and place in circulation such portion of its circulating notes in the denomination of $5 as the Secretary of the Treasury may, from time to time, authorize by regulation: *And provided further*, That the total amount of such notes issued to any such association may equal at any time, but shall not exceed, the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the 2 per cent bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an act entitled 'An act to enable national banking associations to extend their corporate existence, and for other purposes,' approved July 12, 1882, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed."

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New Jersey [Mr. FOWLER] and the gentleman from Mississippi [Mr. WILLIAMS] will take their places as tellers.

The House divided; and the tellers reported—ayes 19, noes 3.

So a second was ordered.

Mr. WILLIAMS. Mr. Speaker, again I realize the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-three present, a quorum. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 148, noes 16.

Mr. WILLIAMS. Mr. Speaker, I think we had better have the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays. All those in favor of ordering the yeas and nays will rise. [After counting.] Twenty-nine gentlemen have arisen.

Mr. WILLIAMS. The other side, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi demands the other side. All those opposed to ordering the yeas and nays will rise. [After counting.] One hundred and thirty-eight gentlemen have arisen, and the yeas and nays are refused.

Mr. WILLIAMS. Mr. Speaker, I make the point of order that in refusing the yeas and nays the point of no quorum has been disclosed.

Mr. PAYNE. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER. A quorum is not required to order or to refuse the yeas and nays. The ayes have it, and two-thirds having voted in favor thereof, the bill is passed.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF NEW YORK.

Mr. ALEXANDER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5533) to appoint an additional judge for the southern district of New York.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge for the southern district of New York, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judges of said district.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

Mr. ALEXANDER. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

Mr. WILLIAMS. I object.

The SPEAKER appointed Mr. ALEXANDER and Mr. WILLIAMS as tellers.

The House divided; and the tellers reported—ayes 129, noes 0.

Mr. WILLIAMS. I make the point of order, Mr. Speaker, that there is no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-seven Members present.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The yeas and nays can not under the rule be had on ordering a second. That is expressly provided in the rules. A second is ordered, and the gentleman from New York is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. ALEXANDER. Mr. Speaker, I reserve my time.

Mr. WILLIAMS. I will reserve my time, too, Mr. Speaker.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was being taken and the House was dividing, when

Mr. WILLIAMS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 14, answered "present" 20, not voting 169, as follows:

YEAS—178.

Adams, Wis.	Dixon, Ind.	Hunt	Parsons
Alexander	Dixon, Mont.	Johnson	Patterson, S. C.
Allen, Me.	Dunwell	Jones, Wash.	Payne
Bankhead	Dwight	Kahn	Perkins
Bannon	Edwards	Kelliher	Pollard
Barchfeld	Fassett	Kennedy, Nebr.	Pou
Bartholdt	Finley	Kennedy, Ohio	Prince
Bates	Floyd	Kinkaid	Randell, Tex.
Beidler	Fordney	Kline	Reeder
Bennet, N. Y.	Foster, Ind.	Knowland	Rhodes
Bennett, Ky.	Foster, Vt.	Lafean	Robertson, La.
Birdsall	Fowler	Lamar	Ryan
Bishop	French	Lamb	Samuel
Bonynge	Gaines, W. Va.	Landis, Frederick	Scott
Boutell	Gardner, Mich.	Lawrence	Sibley
Bowers	Gardner, N. J.	Le Fevre	Sims
Bowie	Garner	Lilley, Pa.	Slemp
Brantley	Gilbert, Ind.	Littauer	Smith, Tex.
Broocks, Tex.	Gillespie	Longworth	Smyser
Brownlow	Gillett, Cal.	Loud	Snapp
Brundidge	Goulden	Loudenslager	Southard
Buckman	Graham	Lovering	Sparkman
Burgess	Granger	McCall	Sperry
Burke, Pa.	Griggs	McCarthy	Stafford
Burton, Ohio	Grosvenor	McCleary, Minn.	Stephens, Tex.
Campbell, Ohio	Hale	McKinlay, Cal.	Stevens, Minn.
Cassel	Hamilton	McKinley, Ill.	Sulloway
Chaney	Haugen	McKinney	Talbott
Chapman	Hay	McLachlan	Taylor, Ala.
Cocks	Hayes	Macon	Taylor, Ohio
Conner	Hedge	Madden	Thomas, Ohio
Cooper, Pa.	Henry, Conn.	Marshall	Tirrell
Cooper, Wis.	Henry, Tex.	Minor	Towne
Cousins	Hermann	Moon, Tenn.	Townsend
Cromer	Higgins	Mouser	Underwood
Crumpacker	Hill, Conn.	Mudd	Volstead
Cushman	Hinshaw	Murdock	Waldo
Dale	Hoar	Needham	Wallace
Dalzell	Holliday	Nevin	Watkins
Darragh	Hopkins	Norris	Weeks
Davis, Minn.	Houston	Olcott	Wood, N. J.
Dawson	Howell, N. J.	Otjen	Young
De Armond	Hubbard	Padgett	Zenor
Deemer	Hull	Palmer	
Denby	Humphrey, Wash.	Parker	

NAYS—14.

Burleson	Hill, Miss.	Robinson, Ark.	Thomas, N. C.
Clark, Mo.	Lewis	Rucker	Trimble
Garrett	Lloyd	Russell	
Heflin	Murphy	Shackleford	

ANSWERED "PRESENT"—20.

Bartlett	Dickson, Ill.	Maynard	Sherman
Bowersock	Fulkerson	Powers	Slayden
Clayton	Fuller	Richardson, Ala.	Smith, Iowa
Davey, La.	Jenkins	Rixey	Wanger
Davidson	Lee	Sheppard	Wood, Mo.

NOT VOTING—169.

Acheson	Esch	Law	Schneebeli
Adams, Pa.	Field	Legare	Scroggy
Adamson	Fitzgerald	Lester	Shartel
Aiken	Flack	Lever	Sherley
Allen, N. J.	Fletcher	Lilley, Conn.	Small
Ames	Flood	Lindsay	Smith, Cal.
Andrus	Foss	Little	Smith, Ill.
Babcock	Gaines, Tenn.	Littlefield	Smith, Ky.
Beall, Tex.	Garber	Livingston	Smith, Md.
Bede	Gardner, Mass.	Lorimer	Smith, Samuel W.
Bell, Ga.	Gilbert, Ky.	McCreary, Pa.	Smith, Wm. Alden
Bingham	Gill	McDermott	Smith, Pa.
Blackburn	Gillett, Mass.	McGavin	Southall
Bradley	Glass	McLain	Southwick
Brick	Goebel	McMorran	Spight
Brooks, Colo.	Goldfogle	McNary	Stanley
Broussard	Graff	Mahon	Steenerson
Brown	Greene	Mann	Sterling
Burke, S. Dak.	Gregg	Martin	Sullivan, Mass.
Burleigh	Gronna	Meyer	Sullivan, N. Y.
Burnett	Gudger	Michalek	Sulzer
Burton, Del.	Hardwick	Miller	Tawney
Butler, Pa.	Haskins	Mondell	Tyndall
Butler, Tenn.	Hearst	Moon, Pa.	Van Duzer
Byrd	Hepburn	Moore	Van Winkle
Calder	Hitt	Morrell	Vreeland
Calderhead	Hogg	Olmsted	Wachter
Campbell, Kans.	Howard	Overstreet	Wadsworth
Candler	Howell, Utah	Page	Watson
Capron	Huff	Patterson, N. C.	Webb
Clark, Fla.	Hughes	Patterson, Tenn.	Webber
Cockran	Humphreys, Miss.	Pearre	Weems
Cole	James	Pujo	Weisse
Currier	Jones, Va.	Rainey	Welborn
Curtis	Keifer	Ransdell, La.	Wharton
Davis, W. Va.	Ketcham	Reid	Wiley, Ala.
Dawes	Kitchin, Claude	Reynolds	Wiley, N. J.
Dovener	Kitchin, Wm. W.	Rhinock	Williams
Draper	Klepper	Richardson, Ky.	Wilson
Dresser	Knapp	Rives	Woodyard
Driscoll	Knopf	Roberts	
Ellerbe	Lacey	Rodenberg	
Ellis	Landis, Chas. B.	Ruppert	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RUPPERT.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. FOSS with Mr. MEYER.

Until further notice:

Mr. SHARTEL with Mr. LITTLE.

Mr. DALE with Mr. BOWIE.

Mr. BROOKS of Colorado with Mr. GREGG.

Mr. WOODYARD with Mr. MAYNARD.

Mr. FULKERSON with Mr. CLAUDE KITCHIN.

Mr. HASKINS with Mr. LEVER.

Mr. LITTLEFIELD with Mr. CLAYTON.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. BUTLER of Pennsylvania with Mr. BARTLETT.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. COLE with Mr. GARBER.

Mr. DRAPER with Mr. FIELD.

Mr. WELBORN with Mr. GUDGER.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. POWERS of Maine with Mr. GAINES of Tennessee.

Mr. REYNOLDS with Mr. MCDERMOTT.

Mr. LILLEY of Connecticut with Mr. REID.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. KNOPF with Mr. WEISSE.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. HITT with Mr. LEGARE.

Until May 24:

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Until May 23:

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

For the day:

Mr. CAPRON with Mr. BROUSSARD.

Mr. ACHESON with Mr. AIKEN.

Mr. ANDRUS with Mr. BURNETT.

Mr. BRICK with Mr. COCKRAN.

Mr. CALDERHEAD with Mr. FITZGERALD.

Mr. BURLEIGH with Mr. ELLERBE.

Mr. CAMPBELL of Kansas with Mr. FLOOD.

Mr. DAWES with Mr. GILBERT of Kentucky.

Mr. ESCH with Mr. HUMPHREYS of Mississippi.

Mr. GILLETT of Massachusetts with Mr. LIVINGSTON.

Mr. GRAFF with Mr. JAMES.

Mr. GRONNA with Mr. GILL.

Mr. LACEY with Mr. LINDSAY.

Mr. MCCREARY of Pennsylvania with Mr. MCLAIN.

Mr. MAHON with Mr. MCNARY.

Mr. MANN with Mr. HOWARD.

Mr. MILLER with Mr. PUJO.

Mr. PEARRE with Mr. RHINOCK.

Mr. RODENBERG with Mr. SOUTHALL.

Mr. ROBERTS with Mr. SMITH of Maryland.

Mr. SAMUEL W. SMITH with Mr. SPIGHT.

Mr. TAWNEY with Mr. SULZER.

Mr. WADSWORTH with Mr. SULLIVAN of Massachusetts.

Mr. MCGAVIN with Mr. VAN DUZER.

Mr. SOUTHWICK with Mr. WEBB.

Mr. BRADLEY with Mr. GOLDFOGLE.

Mr. DIXON of Montana with Mr. PAGE.

Mr. SMITH of Iowa with Mr. HARDWICK.

Mr. WILEY of New Jersey with Mr. BUTLER of Tennessee.

Mr. RIVES with Mr. MOORE.

Mr. BLACKBURN with Mr. SMALL.

Mr. KETCHAM with Mr. RAINEY.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. BEDE with Mr. JONES of Virginia.

Mr. KNAPP with Mr. CANDLER.

Mr. BINGHAM with Mr. HEARST.

For the vote:

Mr. CURTIS with Mr. WILEY of Alabama.

Mr. CURRIER with Mr. RICHARDSON of Alabama.

Mr. DOVENER with Mr. RIXEY.

Mr. WILSON with Mr. STANLEY.

Mr. WATSON with Mr. SHERLEY.

Mr. OLMSTED with Mr. WILLIAMS.

Mr. HEPBURN with Mr. LESTER.

Mr. BROWN with Mr. DAVIS of West Virginia.

Mr. BABCOCK with Mr. CLARK of Florida.

Mr. ADAMS of Pennsylvania with Mr. BEALL of Texas.

Mr. BEALL of Texas. Mr. Speaker, I desire to be marked "present."

The SPEAKER. Was the gentleman present when his name was called?

Mr. BEALL of Texas. Mr. Speaker, I came into the room just as my name was called, but I did not know upon what question the vote was being taken.

The SPEAKER. Did the gentleman hear his name called?

Mr. BEALL of Texas. I did. I simply desire to vote "present."

The SPEAKER. The Chair would be very glad to have the gentleman recorded, but unfortunately under the rules he could not do so unless it were necessary to make a quorum, and in that event he would take great delight in doing so.

Mr. CAMPBELL of Kansas. Mr. Speaker, I desire to be marked "present."

The SPEAKER. Was the gentleman present when his name was called?

Mr. CAMPBELL of Kansas. No.

The SPEAKER. Then the gentleman does not bring himself within the rules.

Mr. BABCOCK. Mr. Speaker, I desire to inquire how I am recorded.

The SPEAKER. The gentleman is not recorded. Was the gentleman present when his name was called and paying attention?

Mr. BABCOCK. I did not hear my name called.

The SPEAKER. Was the gentleman present?

Mr. BABCOCK. I was here in the Capitol.

The SPEAKER. The gentleman does not bring himself within the rules.

Mr. BABCOCK. I could not say whether I was here in the Hall or in the Rotunda when my name was called.

The SPEAKER. That is the gentleman's misfortune. The gentleman does not bring himself within the rules.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5913. An act to authorize the sale of certain lands to the city of Mena, in the County of Polk, in the State of Arkansas.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER, Mr. FLINT, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title:

H. R. 12987. An act to amend an act entitled "An act to regu-

late commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5913. An act to authorize the sale of certain lands to the city of Mena, in the County of Polk, in the State of Arkansas—to the Committee on the Public Lands.

ARCHÆOLOGICAL INSTITUTE OF AMERICA.

Mr. LONGWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5131) incorporating the Archæological Institute of America.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Simeon E. Baldwin, Frederic C. Bartlett, William N. Bates, W. K. Bixby, Charles J. Bonaparte, Charles P. Bowditch, Henry F. Burton, H. W. Callahan, John Campbell, Mitchell Carroll, R. R. Converse, J. T. Edmundson, Howard P. Eells, John W. Foster, Harold N. Fowler, Basil L. Gildersleeve, John S. Gary, J. E. Harry, John B. Jackson, Francis W. Kelsey, John O. Keopfli, William A. Lamberton, John B. Larner, Seth Low, Charles F. Lummis, G. F. Moore, Edward Delavan Perry, Henry Kirke Porter, John Dyneley Prince, Edward Robinson, J. G. Schurman, Thomas Day Seymour, F. W. Shipley, M. S. Slaughter, Charles F. Smith, George S. Sykes, Frank B. Tarbell, Andrew F. West, Benjamin Ide Wheeler, James R. Wheeler, John Williams White, John H. Wright, their associates and successors be, and they are hereby, created a body corporate and politic in the District of Columbia by the name, title, and style of the Archæological Institute of America, and by that name shall have perpetual succession for the purpose of promoting archæological studies by investigation and research in the United States and foreign countries by sending out expeditions for special investigation, by aiding the efforts of independent explorers, by publication of archæological papers, and reports of the results of the expeditions which the institute may undertake or promote, and by any other means which may from time to time be desirable.

SEC. 2. That the government of said corporation shall be vested in a council consisting of the following ex officio members: The presidents, the honorary presidents, the vice-presidents, the treasurer, and the secretary of the institute and the editor in chief and the business manager of its journal, the presidents of affiliated societies and the chairmen of the managing committees of any American schools founded by the Archæological Institute of American in foreign countries for classical or archæological studies and research (including those now affiliated with the voluntary association known as the Archæological Institute of America), and the chairman of the committee on American archæology, and of additional members annually chosen by the members of affiliated societies, as may be provided by the by-laws.

SEC. 3. That said corporation may make all by-laws, rules, and regulations not inconsistent with law that may be necessary or expedient to accomplish the purposes of its creation; and it may hold real estate and personal property in the United States and any foreign country for the necessary use and purposes of said organization to an amount not to exceed $1,000,000. The principal office of said corporation shall be in Washington, in the District of Columbia, and its annual meetings may be held in such places as its by-laws may provide.

The SPEAKER. Is a second demanded?

Mr. GARRETT. Mr. Speaker, I demand a second.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. GARRETT. I object.

The SPEAKER. The gentleman from Ohio and the gentleman from Tennessee will take their places as tellers.

The House divided; and the tellers reported there were—ayes 88, noes none; so a second was ordered.

The SPEAKER. The gentleman from Ohio is entitled to twenty minutes and the gentleman from Tennessee is entitled to twenty minutes. Does the gentleman desire to consume his time?

Mr. GARRETT. Mr. Speaker——

Mr. LONGWORTH. Mr. Speaker, I reserve my time.

The SPEAKER. The gentleman from Ohio reserves his time.

Mr. GARRETT. I want to ask the gentleman a question in his time or in mine. Is this an institution that could not incorporated under the laws of the District?

Mr. LONGWORTH. It is.

Mr. GARRETT. Why?

Mr. LONGWORTH. Because the incorporators are residents of a number of different States. The organization has been in existence for twenty-five years. Its objects are almost entirely to promote and direct archæological research in foreign countries, and they are unable to incorporate under the general law here for the reason that so many of the incorporators and officers are residents of different States. I will say to the gentleman that there is a mistake in the reference of the bill. It was originally referred to the District of Columbia Committee and rereferred to the Committee on Foreign Affairs, the field of activity of the association being almost entirely in foreign countries.

Mr. GARRETT. They could incorporate under the laws of any State, or at least of some of the States, could they not?

Mr. LONGWORTH. They could not; for the reason it would require a majority of the incorporators to be residents of that State.

Mr. GARRETT. Could they incorporate in the State of New Jersey?

Mr. LONGWORTH. I believe not even in the State of New Jersey. The bill was unanimously passed by the Senate, and unanimously reported by the Committee on Foreign Affairs of the House.

Mr. GARRETT. By what possible reason should it have been referred to the Committee on Foreign Affairs?

Mr. LONGWORTH. It is an association which is entirely concerned in research in other countries. It also maintains three American schools—one in Rome, one in Athens, and one in Palestine.

Mr. GARRETT. You say it has been in existence for twenty-five years?

Mr. LONGWORTH. Yes.

Mr. GARRETT. As a corporation?

Mr. LONGWORTH. No; as an organization of about sixteen affiliated societies.

Mr. GARRETT. Mr. Speaker, this is one of those cases which we have had up here before of creating corporations by special act. I have nothing to say about the matter except that, however worthy the cause, it seems to me it is very bad policy to pass these special acts through this House. If there is a defect in the District law by which such institutions as this can not be incorporated under the general law of this District, then the proper course for gentlemen to pursue who desire to secure these incorporations is to secure an amendment to the District code, where it may be carefully considered by a committee. There is danger in these special acts, however worthy the cause for which they are passed, and I am opposed to them from the standpoint of principle without reference to the merits to the particular case that comes up. I now yield to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I would like to ask the gentleman from Ohio a question or two.

Mr. LONGWORTH. With great pleasure.

Mr. CLARK of Missouri. How did the Foreign Affairs Committee ever get hold of this bill?

Mr. LONGWORTH. They got jurisdiction of the bill because it dealt more particularly with the question of foreign affairs than it did with questions relating to the District of Columbia.

Mr. CLARK of Missouri. Well, do you not think, really, yourself, it ought to have been considered by the District of Columbia Committee?

Mr. LONGWORTH. Why, I will say to the gentleman that, in my opinion, it stands on all fours with such incorporations as the Red Cross Society, which was passed by this House at the last session; on all fours with the incorporation of the American Art Academy, in Rome, both of which matters were referred to the Committee on Foreign Affairs of this House.

Mr. CLARK of Missouri. Mr. Speaker, is it too late to raise the question of order on this bill being reported from the Committee on Foreign Affairs?

The SPEAKER. In the opinion of the Chair, yes; this is to suspend all rules.

Mr. CLARK of Missouri. Well, I know that, but certainly you can not—well, you can, too. [Laughter.]

The SPEAKER. Of course it is possible to suspend the rules and pass an elephant. [Laughter.]

Mr. GARRETT. There is a difference between this and the Carnegie Institute, that the gentleman has referred to.

Mr. LONGWORTH. I did not refer to it.

Mr. GARRETT. The Red Cross. This bill creates for us a corporation of the District of Columbia. The American Red Cross was created a general corporation.

Mr. LONGWORTH. It was incorporated by special act and charter under the District of Columbia.

Mr. GARRETT. It does not have to have its principal office in the District of Columbia.

Mr. LONGWORTH. I beg the gentleman's pardon.

Mr. GARRETT. I think not, and I think the gentleman will so find if he will examine that act. I have examined it with considerable care, and I do not think he will find it that way.

Mr. LONGWORTH. I beg the gentleman's pardon, but the central office of the Red Cross is in the District of Columbia.

Mr. GARRETT. That may be as a matter of fact, but as a matter of law it does not have to be. But there is this difference between that and this bill, that the Red Cross was organized primarily for caring for soldiers in time of war.

Mr. LONGWORTH. It also has a number of other objects.

Mr. GARRETT. But that is the main purpose of the act.

Mr. LONGWORTH. But the gentleman will recall that the Red Cross has been one of the most active associations in the recent disaster at San Francisco.

Mr. GARRETT. I recall it, and believe it to be one of the most worthy associations in the world.

Mr. CLARK of Missouri. Now, Mr. Speaker, I am opposed to this bill and all bills like it, on the principle that Congress has no right to go into the general business of granting charters to corporations. I would just as lief this one would pass as any of the rest of them. But in the beginning of this session of Congress, at least toward the first part of it, in discussing one of these bills, I stated that if we passed that bill and encouraged people to apply to Congress for a charter, when they could go to the District authorities here and get a charter, like other people do, that we would encourage divers and sundry corporations in esse and in posse to come in here and apply for charters at the hands of Congress for the prestige it would give them. At the risk of boring the House by repetition of the statement I have made here repeatedly, I say that we already fool away a great deal of time here with three sorts of business that we ought not be bothered with at all. One of them is the District of Columbia business, another one is the private-claims business, and the other one is the private pension bills The upshot of encouraging this kind of charters is to add a fourth class of superfluous work to the already overworked Congress.

Now, there is not any reason on the face of the earth why the incorporators or the archæological company, if it is to be called a company, should not go down to the District officials and get a charter. I never intend to see another one of these bills pass through this House without making a fight against it. I do not care a straw who introduces it or what it is about, because it is loading us up with something we ought not to be loaded up with.

Mr. LONGWORTH. I agree entirely with the gentleman from Missouri, as I almost always do on nonpartisan questions, that it is a mistake to give general charters of incorporation by act of Congress. But it seems to me that this is an entirely different sort of a corporation. As I said in reply to the gentleman from Tennessee [Mr. GARRETT], it is impossible for this association to obtain incorporation under the laws of any State or under the general laws of the District, for the reason that its officers, no two of them, are residents of the same State, and practically very few of its incorporators as named in this bill are residents of the same State. It is impossible——

Mr. MANN. Will the gentleman yield?

Mr. LONGWORTH. With pleasure.

Mr. MANN. I understood the gentleman to say that this organization has been in existence for twenty-five years. What are the purposes of the organization?

Mr. LONGWORTH. I will read to the gentleman the stated purposes of the organization.

Mr. MANN. I would rather have the gentleman state to me what the purposes have been in the past in fact.

Mr. LONGWORTH. The purpose has been to develop archæological research in foreign countries, principally in Greece and in Palestine; also to maintain American schools abroad for instruction in these subjects.

Mr. MANN. Purely patriotic purposes?

Mr. LONGWORTH. A purely patriotic purpose.

Mr. MANN. No money?

Mr. LONGWORTH. Absolutely no money.

Mr. MANN. And no selfish interest?

Mr. LONGWORTH. No selfish interest whatever. The difficulty that this association labors under now is that it is unable to accept gifts and bequests for the reason that the only way bequests can be accepted is by some individual acting as trustee for this association. Of course, in addition they desire the added prestige of being an American institution for the purpose of developing their work in other countries.

Mr. MANN. I suppose that being incorporated under the National Government will aid them in getting opportunities to make these researches in foreign countries?

Mr. LONGWORTH. Oh, unquestionably.

Mr. GARRETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. GARRETT. I yield to the gentleman from North Carolina.

Mr. POU. Mr. Speaker, on the 13th day of April I submitted some remarks on the Post-Office appropriation bill. I desire to revise those remarks and extend them in the RECORD and to reprint them. I ask unanimous consent for that purpose.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Mr. Speaker, I ask for a vote.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GARRETT. Division, Mr. Speaker.

The House divided, and there were—ayes 131; noes 19.

Mr. GARRETT. I call for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-four gentlemen have arisen in support of the demand; not a sufficient number. The yeas and nays are refused; and, two-thirds having voted in favor thereof, the rules are suspended, and the bill is passed.

Mr. GARRETT. I make the point of order that there is no quorum present.

The SPEAKER. On a yea-and-nay vote had a few minutes ago a quorum was ascertained. The Chair thinks there is a quorum.

ADDITIONS TO THE LIGHT-HOUSE ESTABLISHMENT.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 19432.

The Clerk read as follows:

A bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following aids to navigation in the Light-House Establishment, under the Light-House Board, in the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter set forth, which shall in no case be exceeded:

FIRST LIGHT-HOUSE DISTRICT.

A light and fog-signal station at Isle au Haut, Me., at a cost not to exceed $14,000.

SECOND LIGHT-HOUSE DISTRICT.

A fog signal at Baker Island, Salem Harbor, Massachusetts, at a cost not to exceed $10,000.

A light vessel to be placed off Nantucket Shoals, Massachusetts, at a cost not to exceed $115,000.

THIRD LIGHT-HOUSE DISTRICT.

For lighting Ambrose Channel, New York Bay:

a. A light vessel for the sea entrance of the channel, at a cost not to exceed $115,000.

b. A light-house on Staten Island, New York, and raising West Bank light, at a cost not to exceed $100,000.

c. Two lens lanterns and structures for range on the bend, at a cost not to exceed $12,000.

FOURTH LIGHT-HOUSE DISTRICT.

The limit of cost for establishing a light and fog-signal station on the new breakwater, Harbor of Refuge, Delaware Bay, authorized by the act approved June 6, 1900, is hereby increased by the sum of $20,000, so as to make the total limit of cost $50,000 instead of $30,000, as heretofore authorized.

Range lights at Bellevue Range, Delaware River, at a cost not to exceed $40,000.

A light and fog-signal station at Miah Maul Shoal, Delaware River, at a cost not to exceed $75,000.

FIFTH LIGHT-HOUSE DISTRICT.

A light station at Pungoteague Creek, Virginia, at a cost not to exceed $8,000.

A light and fog-signal station at Ragged Point, Potomac River, at a cost not to exceed $30,000.

SIXTH LIGHT-HOUSE DISTRICT.

The limit of cost of light vessel to be placed off the outer bar of Brunswick, Ga., heretofore authorized, is hereby increased by the sum of $25,000, so as to make the total limit of cost $115,000 instead of $90,000, as heretofore authorized.

The limit of cost of tender for inspector, heretofore authorized, is hereby increased by the sum of $10,000, so as to make the total limit of cost $135,000 instead of $125,000, as heretofore authorized.

EIGHTH LIGHT-HOUSE DISTRICT.

Dwellings for three light-house keepers at Southwest Pass light station, Louisiana, at a cost not to exceed $12,000.

NINTH LIGHT-HOUSE DISTRICT.

A light and fog-signal station on the south end of the breakwater, Harbor of Refuge, Milwaukee, Wis., at a cost not to exceed $100,000.

A light-keepers' dwelling at Sheboygan light station, Sheboygan, Wis., at a cost not to exceed $6,000.

A light-keepers' dwelling at Menominee Harbor, Michigan, at a cost not to exceed $5,000.

TENTH LIGHT-HOUSE DISTRICT.

A dwelling for the keepers of the light-house on Horseshoe Reef, entrance to Buffalo Harbor, New York, at a cost not to exceed $6,200.

Four range lights, Strawberry Island Cut and channel leading thereto, Niagara River, New York, at a cost not to exceed $13,000.

A light-keepers' dwelling at Tibbetts Point light station, New York, at a cost not to exceed $4,000.

ELEVENTH LIGHT-HOUSE DISTRICT.

Two range lights, Isle aux Peches, Lake St. Clair, Michigan, at a cost not to exceed $18,000.

A light vessel to be placed off Martins Reef, northwest end of Lake Huron, Michigan, at a cost not to exceed $45,000.

A light and fog-signal station on Rock of Ages, Lake Superior, at a cost not to exceed $100,000 in addition to the sum of $25,000 heretofore appropriated.

TWELFTH LIGHT-HOUSE DISTRICT.

A light station at Makapuu Point, at the Island of Oahu, Territory of Hawaii, at a cost not to exceed $60,000.

A light station and range lights at Honolulu Harbor, Territory of Hawaii, at a cost not to exceed $40,000.

A fog signal at the entrance to the harbor at Humboldt Bay, California, at a cost not to exceed $15,000.

A light-keepers' dwelling at Cape Mendocino, California, at a cost not to exceed $5,500.

A light and fog-signal station near Point Cabrillo, California, at a cost not to exceed $50,000.

THIRTEENTH LIGHT-HOUSE DISTRICT.

A light vessel for use off the mouth of the Columbia River, Oregon, at a cost not to exceed $130,000.

A light-keeper's dwelling at Robinson Point, State of Washington, at a cost not to exceed $5,000.

A fog signal at Ediz Hook light station, State of Washington, at a cost not to exceed $10,000.

New tender for inspection service in the thirteenth light-house district, at a cost not to exceed $110,000 in addition to the unexpended balance of the appropriation of $40,000 for the repair of the tender Manzanita, carried by the act approved March 3, 1905, which shall be applied on the new tender herein authorized.

FOURTEENTH LIGHT-HOUSE DISTRICT.

Post lights on the Monongahela River, at a cost not to exceed $5,000.

SEC. 2. That the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare plans for the tenders and light vessels authorized by this act, and to be paid from the respective appropriations therefor, such employment to terminate on or before the date when the plans for such tenders shall be finished and proposals for building said tenders are invited by advertisement.

SEC. 3. That after the 1st day of January, 1907, it shall be unlawful for any person, company, corporation, or municipality not under the control of the Light-House Board, to establish, erect, or maintain in the navigable waters of the United States any light as an aid to navigation, or any other aid to navigation similar to any of those maintained by the United States under the control and direction of the Light-House Board, without first obtaining permission so to do from the Light-House Board, in accordance with rules and regulations to be established by the Secretary of Commerce and Labor; and any person violating the provisions of this section or any of the rules and regulations established by the Secretary of Commerce and Labor in accordance herewith shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of $100 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

Mr. MANN. I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. I object to the unanimous consent.

The SPEAKER. The gentleman from Illinois [Mr. MANN] and the gentleman from Mississippi [Mr. WILLIAMS] will take their places as tellers.

The House divided; and the tellers reported—ayes 108, noes none.

Mr. WILLIAMS. No quorum is present.

The SPEAKER. Only a few moments ago a quorum was ascertained on a yea-and-nay vote.

Mr. WILLIAMS. As the gentleman has informed me that he will explain the bill. I will withdraw the point of order.

The SPEAKER. The gentleman withdraws the point of no quorum. The gentleman from Illinois is entitled to twenty minutes, and the gentleman from Mississippi is entitled to twenty minutes.

Mr. WILLIAMS. Now, I understand that this bill carries an appropriation of a large amount of money, and for that reason I would like to have the gentleman from Illinois make a statement to the House of the reasons for the enactment of the legislation.

Mr. MANN. Mr. Speaker, the bill carries no appropriation, although it makes authorizations which will result in appropriations. The total amount of the authorization is a little more than $1,300,000. The bill provides for a number of aids to navigation in the Light-House Service. Among others are aids to navigation at New York Harbor for Ambrose channel, where the Government is now constructing a channel 40 feet in depth and 1,000 feet in width, which will be utterly valueless, so far as the use of the channel is concerned, until lights are provided. This bill makes provision for lights at that point. The same is done for lights on the Delaware Bay and Delaware River, where the Government is engaged in deepening the channel, and the channel can not be used until lights are provided. In addition to that, you will all remember we lost the light vessel located at Nantucket Shoals last fall under most pathetic and exciting circumstances. This bill provides for a new light vessel to take its place, costing $115,000. Last fall there was also lost one light vessel and one inspector's tender on the Pacific coast. This bill provides for the replacement of those with new vessels.

Another provision is for a new light-house at Honolulu Harbor, where the Government is now engaged in deepening the entrance of the harbor and in cutting away the site upon which the present light-house is located, so that a new light-house is absolutely necessary. Another is on the Rock of Ages, in Lake Superior, a most dangerous point, where the lake traffic from Duluth and Superior passes, which costs $100,000. Another light is for the breakwater at Milwaukee, costing $100,000. Instead of the breakwater being an aid to navigation, so far it has been a detriment, and will continue until a new light is provided. I will say to the House that we have been asked for about $5,000,000 for aids to navigation. By the very closest scrutiny possible of each item, we have reduced the amount we have recommended to $1,300,000. If any gentleman desires any further information, I will be pleased to give it; otherwise I reserve the balance of my time and ask for a vote.

Mr. RYAN. Mr. Speaker, this bill is to authorize aids to navigation in the Light-House Establishment. This establishment comprises the light-houses, light vessels, fog signals, range lights, light-house tenders for use of inspectors, and light-houe keepers' dwellings on the Atlantic, Pacific, and Gulf coasts, the Great Lakes, and inland rivers of the United States and of the Territory of Hawaii. The bill has been reported from the Committee on Interstate and Foreign Commerce, which has had under consideration the various bills introduced during the present session relating to this service.

The bill authorizes $1,313,500, and every item in the bill has received the closest attention.

There are many other items that are desirable and that would be a great benefit to navigation, if provided for, but the committee reported only those bills that were deemed most urgent and necessary. I favor even a far greater appropriation for aids to navigation and for river and harbor work. Believing, as I do, that while provision should be made for the military and naval establishments necessary for the defense of our country and protection of our commerce, the amounts provided for these purposes are out of all proportion to that expended by the Government for river and harbor improvement and to provide aids in the Light-House Service for the great and growing commerce of the United States.

Our Army appropriation bill this year, as passed by the House, carries, in round numbers, $73,000,000; our naval bill, $100,000,000; the fortifications bill, $5,278,000; the Military Academy bill, $1,600,000. If we add to these the amount appropriated for pensions, $140,000,000, we have for military and naval purposes, including pensions, a total of $320,000,000; and yet we hesitate to appropriate $1,300,000 for aids to navigation in the Light-House Service.

EXTENT OF COAST LINES.

Mr. Speaker, I wish to submit a table showing the extent of the coast lines of the United States, of its Great Lakes and rivers and island possessions, excepting the Philippines, together with the number of lights and light vessels in use and the cost of their maintenance yearly, as well as the extent of the coast lines of the British Islands and of France, with their lights and light vessels and the annual cost of their maintenance.

	Coast line (general) in nautical miles.	Number of lights.	Number of light vessels.
Atlantic coast	1,773	975	32
Gulf coast	1,607	258	3
Porto Rico	209	24	
Pacific coast	1,571	257	4
Alaska	4,123	16	
Hawaiian Islands	628	23	
Guam Island	80		
Midway Islands	20	1	
Samoan Islands	83	3	
Northern lakes and rivers	3,500	580	11
Western rivers	3,845	1,455	
United States, total	17,499	3,532	50
Maintenance per year, 1905	$3,704,451.24		
England	1,580	532	65
Scotland	2,517	337	5
Ireland	1,367	147	11
Total, British Islands	5,464	1,016	81
Maintenance, 1904	$2,599,699.75		
France	1,830	541	1
Maintenance, 1902	$615,810.00		

In order that we may fully realize the importance of the ports for which appropriations for aids for navigation are authorized by this bill, I desire to submit the figures showing the foreign commerce of each of the ports named, imports and exports being given separately, and also in the aggregate, and the tonnage of vessels engaged in foreign commerce.

FOREIGN COMMERCE AND TONNAGE.

Table showing the foreign commerce and tonnage movement in the foreign trade of the following customs districts during the year ending June 30, 1905.

Customs district.	Imports.	Exports.	Vessels entered.	Tonnage cleared.
			Tons.	
New York	$679,629,256	$524,726,005	9,630,853	9,311,527
Delaware Bay:				
Philadelphia	60,180,901	63,278,070	1,833,640	1,817,984
Delaware	566,430	3,585,425	109,362	106,404
Total Delaware Bay	60,747,331	66,863,495	1,913,002	1,924,388
Puget Sound	7,378,328	43,843,173	1,238,095	1,436,374
Willamette	2,611,339	7,722,905	76,440	149,584
Northern border and Lake ports	a 8,561,989	a 22,206,817	6,189,918	6,127,721

a Includes merchandise carried only in vessels.

As there are no figures of the tonnage of vessels engaged in coastwise commerce entering or leaving New York or Philadelphia available, I can only add the number of vessels engaged in coastwise commerce which arrived at New York and at Philadelphia in the calendar year 1905, to wit, at New York, 7,182, and at Philadelphia, 4,334.

AMBROSE CHANNEL, NEW YORK.

The most important item in the bill is that providing for the lighting of Ambrose channel, New York. This is the great short cut up New York Bay for which shipping men and navigators have been looking forward for years. This improvement, formerly called "East channel," was authorized in the river and harbor act of March 3, 1899, and provides for a channel in lower New York Bay 2,000 feet wide and 40 feet deep, to cost $4,000,000. It is intended to have the work completed in 1911. This channel when completed will enable the biggest liners leaving the port of New York to sail at any hour without depending on the tide, as is now the case. In June, 1905, a depth of 22 feet had been attained, and by January, 1907, 35 feet is promised, so that the work of lighting the channel must be ready for the partial opening in January, 1907. The sum required to complete the system of lights for Ambrose channel is $360,000, and of this amount this bill carries $227,000, which sum is necessary at this time.

DELAWARE BAY AND RIVER.

The next great work is lighting the Delaware Bay and River. Extensive river and harbor work is now being carried on there by the Government. The lighting of this river and bay, complete, will cost $446,000, of which amount $135,000 is carried in this bill. This sum will provide lights, urgently required at the present time and of first importance in this work.

LIGHT VESSELS.

Three light vessels are provided for, one to be stationed at Nantucket Shoals, Massachusetts, to take the place of light vessel No. 58, which foundered on December 11, 1905, in a terrific gale. This is one of the most important stations on the Atlantic coast. It is 40 miles off Nantucket Shoals and on the line of all vessels plying between New York and Europe. As the Light-House Board has no vessel to take the place, except temporarily, of the one lost, it is imperative to replace her with a new one at the earliest possible moment.

The second light vessel is to replace No. 50, located off the mouth of the Columbia River, Oregon. The report of the Secretary of Commerce and Labor to the Committee on Interstate and Foreign Commerce of the House of Representatives on January 18, 1906, says:

I have the honor to state, at the instance of the Light-House Board, that an appropriation of $120,000 is needed with which to build a light vessel to replace Columbia River light vessel No. 50, Oregon.

The Light-House Board reports that this composite light vessel, which was built in 1891, parted her moorings during a heavy sea, and on October 6, 1905, was driven on the beach. The only proposal received for repairing this light vessel was for $33,550, which is considered excessive.

The Board desires to repair old light vessel No. 50, so that she may be held as a relief light vessel to be used during good weather. The station off the mouth of the Columbia River is one of the stormiest on our coast. Once before, in 1899, light vessel No. 50, which has no steam power, broke adrift and went on shore. She was gotten off and repaired at a total cost of about $31,000, and was away from her station about twenty months. Her original cost in 1891–92 was about $70,000. Fortunately no lives were lost at either time she went on shore. The station off the mouth of the Columbia River should be marked by a new light vessel having her own steam power and modern improvements.

The third light vessel authorized is to be placed off Martins Reef, northwestern end of Lake Huron, and the report of the Light-House Board on the necessity of this vessel is as follows:

It is proposed to place a light on Martins Reef as an aid to the great and increasing traffic between the mouth of the St. Marys River and the Straits of Mackinac. Since the great development of steel works at Chicago, Milwaukee, and Joliet and the discovery of new and cheap ores suitable for making steel on the northerly shore of Lake Superior, the commerce passing from the mouth of St. Marys River through the Straits of Mackinac into Lake Michigan has increased with rapidity. It is several times greater than it was five years ago. The vessels carrying ore from Duluth and Two Harbors to Lake Michigan ports are the largest in the lake marine class. These vessels pass close to the dangerous Martins Reef; hence a light vessel there is much needed.

In the original estimate for this light vessel a wooden vessel was contemplated. From information since received and in view of the exposed and dangerous position she would occupy, it is now believed that it would be more economical to build this light vessel of steel, with auxiliary steam power, as she could then not only place and maintain herself on her station, but she could also tow the Poe Reef light vessel to and from her station, and thus effect a saving of about $150 a year. This Department, concurring with the Light-House Board, recommends the passage of this bill, after it is so amended as to provide for an appropriation of $45,000.

LIGHT-HOUSE TENDERS.

A new tender for inspection service is provided for in the thirteenth district, State of Washington, to replace the tender *Manzanita*. The Secretary of Commerce and Labor says in reference to this tender:

I have the honor to state that an appropriation of $150,000 is needed with which to build a tender to replace the tender *Manzanita*.

The Light-House Board reports that the *Manzanita* was, on October 6, 1905, run into and sunk by a dredge in tow of a tugboat on the Columbia River, Oregon. This tender was built in 1879, and is a wooden, screw steamer. It is estimated that it will cost $51,000 to put her in repair, but even then she would still be an old tender. It is therefore deemed best that a new and modern tender be built to replace the *Manzanita*.

THE GREAT LAKES.

The immensity of the commerce of the Great Lakes is appreciated by but few persons. The following statement shows the freight tonnage and tonnage of vessels entering and leaving all of the lake ports during the year 1905:

Vessels entered at all ports, registered tonnage	87,810,640
Freight carried inward, tons	65,395,161
Vessels cleared at all ports, registered tonnage	87,978,397
Freight carried outward, tons	67,345,620

The value of this tremendous commerce, when added to the $31,000,000, the value of the foreign commerce carried on the Great Lakes during 1905, will fall but little short of $1,000,000,000.

ROCK OF AGES, LAKE SUPERIOR.

The most important items carried in this bill for the Great Lakes are: A light and fog-signal station on Rock of Ages, Lake Superior, for which $100,000 is authorized, in addition to $25,000 heretofore provided. The Light-House Board and the Secretary of Commerce and Labor say in this connection:

During the season of southerly and westerly winds many vessels bound to and from Duluth, by taking a course along the north shore of the lake and in lee of Isle Royale, are enabled to run when the lake is too rough for the more southerly course. A light and fog signal on the dangerous rocks off the westerly end of Isle Royale would be a valuable aid to these vessels. It is therefore proposed to establish a light and fog-signal station on the Rock of Ages, off the western end of Isle Royale. These views of the Light-House Board meet with the approval of this Department, and it is therefore recommended that this bill be passed, appropriating $125,000, less the $25,000 already appropriated, for the construction of a light-house and fog signal on Rock of Ages, Lake Superior, Michigan.

LIGHT, ETC., ON BREAKWATER AT MILWAUKEE.

Regarding a light and fog-signal station on the south end of the breakwater at Milwaukee, Wis., the Board, in its report, says:

Since the first recommendation was made the matter has presented itself in a different form. The original recommendation contemplated a fourth-order light at or near the southerly end of the new breakwater. It is now considered that a flashing light of the third order should be provided, as it would make a more permanent light. The elevation should not be less than 105 feet above mean lake level. This, while it is somewhat higher than was at first proposed, would enable the light to be seen well past if not over North Point, looking from the southward. In consequence of this increased height and the increased cost of a third-order over a fourth-order station, and also the increase in the cost of materials of all kinds, it is found that the cost of the light station will be materially increased. With a higher focal plane, a more powerful light and a first-order fog signal at this station, the light at North Point, Milwaukee, could be discontinued. It is estimated that a proper light and fog signal can not be established on Milwaukee Breakwater at a cost less than $100,000; hence the Board recommends that an appropriation of this amount be made therefor.

RANGE LIGHTS, NIAGARA RIVER.

Four range lights are provided for the Niagara River at Strawberry Island Shoal. A bill introduced by me was unanimously reported to the House in the Fifty-eighth Congress to establish these lights. This item is strongly urged by the shipping interests. The necessity for these lights is apparent from the following extract from the report of the Light-House Board:

Strawberry Island Cut and channel leading thereto, Niagara River, New York.—The conditions attending the navigation of the Strawberry Island Cut and channels leading thereto are now practically the same as they were four years ago. The channels are narrow, with a considerable current, and the course for vessels through them is not straight. Although the channels are well buoyed, the navigation of them is more than ordinarily hazardous. Practically all of the vessel tonnage going into and out of the harbor of Tonawanda goes through

these channels. For 1903 that tonnage was 1,103,207, as given by custom-house records.

The following recommendation, made in the Board's last four annual reports, is renewed:

"Vessels bound down the Niagara River to points below the International Bridge must make their way through the narrow natural channel between the main shore and the shoals about the head of Strawberry Island and the artificial cut made by the Government through Strawberry Island Shoal. These channels are marked by buoys, which can not be put down until some time, usually several weeks, after navigation opens in the spring, as they would be carried away by floating ice. Moreover, they are liable at any time to be shifted by vessels hitting and moving them in the swift currents, and they do not supply the need that sometimes exists for running the channels in the nighttime. Four range lights are necessary as additional aids for running these channels, two in the vicinity of Germania Park to mark the channel leading from the International Bridge to the Strawberry Island Cut, and two on the lowland lying between the Erie Canal and the river to the north of and marked by the axis of the cut. It is estimated that these four lights can be established for the sum of $13,000, which includes the cost of the land required for sites for the structures. The Board therefore recommends that an appropriation of this amount be made therefor."

Two range lights are provided to Isle Aux Peches to mark the 20-foot channel in Lake St. Clair, Michigan.

LIGHT-KEEPERS' DWELLINGS AT BUFFALO, N. Y.

Dwellings are also authorized at Buffalo, N. Y., for the keepers of the light-house on Horseshoe Reef, entrance to Buffalo Harbor. They are necessary for the comfort and convenience and proper housing of the men employed in attending to the lights. The Light-House Board, in its report on this provision, says:

77. *Horseshoe Reef, entrance to Buffalo Harbor, Lake Erie, New York.*—The following recommendation was made in the Board's last three annual reports:

"This light-house, which is located on a reef at the head of the Niagara River, requires the services of two light keepers, who are alternately on duty at the station throughout the entire season of open navigation. The light is built on a crib, and the accommodations in it are limited. The trips to and from the mainland are made in a small rowboat, and the distance is about 1½ miles. During a large part of the season the trips are made under conditions of difficulty and danger, and the landing at the station is often perilous. Sometimes it is impossible to get to and from the station, and the keeper then on duty has to remain at the station until he can be relieved, which may be several days. The pay of the keeper is $560 and that of the assistant keeper $490 a year, and no dwelling on shore is furnished to either of them. It is one of the most comfortless and unattractive stations in the district, and it would be for the interest of the Government to furnish proper dwellings for the two keepers. The Board is of the opinion that a double dwelling should be built on the shore for the use of the keepers. Such a building could be built on Government land near the south pier, in close proximity to the dwelling occupied by the keeper of the main Buffalo light, where it would be very convenient for the keepers in connection with their duties at the light. It is estimated that such a dwelling could be built for $5,500, and the Board recommends that an appropriation of that amount be made therefor."

Owing to increases in the prices of materials and labor, it is now estimated that the dwelling would cost, approximately, $6,200, and the Board recommends that an appropriation of that amount be made therefor.

Light-house keepers' dwellings are also authorized at Tibbetts Point, on Lake Ontario; at Sheboygan, Wis., and at Menominee, Mich.

OTHER ITEMS PROVIDED.

Provision is also made for imperative needs of the Service on the New England coast, the South Atlantic and the Gulf coasts, and $100,000 is provided for the light stations and range lights at Honolulu Harbor and on the island of Oahu, Territory of Hawaii.

It is to be regretted that it is deemed impossible to make more liberal provisions at this time for the Light-House Service. The increasing commerce of the country is fast overtaxing our present facilities. Larger ships are continually being built to be freighted with the product of the American farm and of the American mechanic. Larger vessels require more commodious docks, deeper and wider channels, properly buoyed and adequately lighted. The most important triumphs of our country, those that reflect the greatest glory upon its institutions and upon the people, are the triumphs achieved in peace rather than in the evil days of war. Necessary as it is to make proper provision for the maintenance of the Army and Navy in that condition that will insure their usefulness in time of stress, yet patriotic men must regret that the cost of their maintenance prevents the doing of many things that would result in everlasting benefit to the entire country. I would be inclined to be liberal rather than parsimonious in expending public funds for those things that conduce to the success of a people in peaceful pursuits. I would have every cultivated acre highly productive. I desire that the hum of industry should be heard incessantly throughout the land. I would have furnaces in full blast and factories so crowded with orders that there would be no fear of either a complete or partial shut down. I would adequately improve the rivers and harbors of the country, so that its commerce might safely be carried to the markets on the natural highways of commerce, and I would make liberal and, if need be, lavish appropriations to make those highways for those engaged in the navigation of ships, always a somewhat perilous employment, as safe as human agencies can make them. The preservation of life and property would be made more certain. The peace and happiness of those dependent on the men employed in navigation would be promoted, and the resulting good would be beneficial to the entire country.

Mr. WILLIAMS. Mr. Speaker, the bill is satisfactory to me. I wanted it explained, because some gentlemen wanted to know what it was about.

The question was taken; and (two-thirds voting in the affirmative) the rules were suspended, and the bill was passed.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6128. An act to authorize the construction of a bridge across the Pend d'Oreille River, in Stevens County, Wash., by the Pend d'Oreille Development Company;

S. 1739. An act granting a pension to Henry Sistrunk; and

S. 5670. An act granting an increase of pension to Isaac L. Duggar.

GOLD BULLION IN THE TREASURY.

Mr. SOUTHARD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6022) to amend section 6 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act approved March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," be amended by striking from the first proviso of said section 6 the words "one hundred" and inserting in lieu thereof the word "fifty," and by adding, after the words "shall be suspended," the following: "but the Secretary of the Treasury is directed to coin, within reasonable time, any and all gold bullion held in said reserve fund in excess of $50,000,000," making the first proviso of said section 6 read as follows: "*Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of the United States notes and Treasury notes shall fall and remain below $50,000,000 the authority to issue certificates as herein provided shall be suspended, but the Secretary of the Treasury is directed to coin, within reasonable time, any and all gold bullion held in said reserve fund in excess of $50,000,000."

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

Mr. SOUTHARD. I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. I shall have to object.

The SPEAKER. A second is demanded. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Ohio [Mr. SOUTHARD] will take their places as tellers.

The House divided; and there were—ayes 81, noes none.

Accordingly, a second was ordered.

Mr. SOUTHARD. Mr. Speaker, this is a bill which, as I understand it, has the unanimous approval of the Finance Committee of the Senate and of the Committee on Coinage, Weights, and Measures of the House. It provides that the amount of bullion held in the Treasury uncoined may be $100,000,000 instead of $50,000,000. That is the substance of the provision. I will read the letter, or one of the letters of the Secretary of the Treasury, written in support of this measure. As I understand it, this bill was introduced in the Senate at the suggestion of the Secretary of the Treasury. It passed the Senate, came to the House, and he has written this letter in support of it here:

TREASURY DEPARTMENT,
Washington, May 11, 1906.

DEAR SIR: Agreeable to your verbal request for a report on S. 6022, I beg to say:

Within the last thirty days 100 tons of gold bars have been imported. This sudden inflow of uncoined gold can be disposed of only in the reserve fund, and the law as it now stands suspends the issuance of gold certificates whenever the gold coin in the reserve fund is below $100,000,000. To relieve this rigidity the law ought to authorize the accumulation of at least $100,000,000 in gold bars in the fund. The last clause in the bill is important, I think, for in its absence the policy might be adopted of carrying $100,000,000 of gold bars in the reserve fund at all times, and then a repetition of unusual importations would cause a repetition of the present embarrassment.

Very truly, yours,

L. M. SHAW, *Secretary.*

CHAIRMAN COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES,
House of Representatives.

The reason for this is set forth in the Annual Report of the Secretary of the Treasury for 1904, and also for 1906. In fact, this is something that the Secretary of the Treasury has been asking for for several years in his annual report. He says:

In my report of 1904 attention was called to the fact that the provision of the monetary act of March 14, 1900, requiring that when-

over the gold coin in the redemption fund shall fall and remain below $100,000,000 the issue of gold certificates shall cease, virtually restricts the amount of bullion in the redemption fund to $50,000,000. No good purpose is served by arbitrarily fixing the proportions of coin and bullion in this fund, and it was probably unintentional. The law in its first section directs the Secretary of the Treasury to maintain a reserve fund of $150,000,000 "in gold coin and bullion," apparently leaving the relative proportions to the discretion of the Secretary. In another section, the purpose of which was to prevent the depletion of the fund below $100,000,000, the provision referred to is made. The security and effectiveness of the fund would not be diminished if this section was made to read that "whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000," etc. There is practical convenience and advantage in having a considerable share of the gold in the reserve fund in the form of bullion. No important demand upon the Treasury for gold ever occurs except for export, and for that purpose bullion is always preferred by the shipper and is the most desirable form of payment for the Government, as it saves the cost of coinage. The law as it stands has the practical effect of limiting the Treasury holdings of bullion and of causing an unnecessary amount of coinage. I recommend the amendment of section 6 of the act of March 14, 1900, to read as above.

This bill provides for this amendment as suggested by the Secretary of the Treasury. It will be a convenience to the Treasury, and it will be a saving by limiting unnecessary coinage.

Mr. CRUMPACKER. I believe the purpose of the bill is right, but it seems to me the method of amending the law selected by the committee of which the gentleman is chairman is a very unwise one. It provides that certain words shall be stricken out of the proviso to a certain section and certain other words inserted. It provides that certain other words shall be added. It is the hypodermic method of amending a law, which involves a good deal of labor in ascertaining subsequently what the law is and where it is. It will be necessary to examine two independent sections to find what one means. I do not intend to oppose the bill, but I believe in amending sections of the statutes the sections as amended ought always to be set out in the bill, so that they will be carried along in the revisions and reprints of the law, and save the necessity for comparing the old section with the new one.

Mr. SOUTHARD. This bill contains the proviso as it will read when amended.

Mr. CRUMPACKER. It ought to set out the amended section, so that it can be carried along and supersede the original section, and can be understood from the reading of the single section.

Mr. SOUTHARD. This bill says that the proviso shall be amended by striking out certain words and inserting certain words, so as to make the proviso read as follows, and so forth.

Mr. CRUMPACKER. The whole section as amended ought to be set out. That would very much promote the convenience of those who desire to investigate the meaning of the statute.

Mr. SOUTHARD. This is a Senate bill which came to the House.

Mr. CRUMPACKER. It is none the better because it is a Senate bill.

Mr. STAFFORD. Inasmuch as this is an amendment to a proviso and the only part amended in the section is the proviso, why would it not be well as a matter of practice to omit from the bill when published the entire section sought to be amended and set it out in the report? It seems to me that there would be no purpose in having a long section repeated in the bill when it could be effected by printing the section in the report. A result of the proposed method would be to encumber needlessly the statutes when published.

Mr. WILLIAMS. As I understand it, the bill does not change the reserve fund at all.

Mr. SOUTHARD. Oh, no.

Mr. WILLIAMS. It simply gives the section greater elasticity.

Mr. SOUTHARD. It permits the holding of more bullion. As the law now stands there must be in the reserve fund one hundred millions of gold coin. This simply permits the holding of a larger proportion of that gold in the form of bullion.

Mr. WILLIAMS. And thereby permits greater elasticity?

Mr. SOUTHARD. Yes.

Mr. GILBERT of Kentucky. I would like to ask the gentleman from Ohio to take a little more time explaining the details and the effect of this amendment. How much uncoined bullion is there now that will be coined under the second clause of this bill?

Mr. SOUTHARD. I do not know how much uncoined bullion there is in the Treasury now.

Mr. GILBERT of Kentucky. There seems to be no limitation provided in this second section of the bill.

Mr. SOUTHARD. The law provides that at all times there must be one hundred millions of gold coin in the Treasury.

Mr. GILBERT of Kentucky. The gentleman is talking about the reserve fund?

Mr. SOUTHARD. Yes.

Mr. GILBERT of Kentucky. But this bill has another provision directing the Secretary of the Treasury to proceed and coin without any limitation on it.

Mr. SOUTHARD. That is the law now.

Mr. GILBERT of Kentucky. I want to know the detailed effect of this amendment.

Mr. SOUTHARD. This amendment produces only one simple effect. Under the law as it now stands the reserve fund is $150,000,000. The law provides that $100,000,000 of that fund must be in coin.

Mr. GILBERT of Kentucky. It doesn't state whether it shall be silver or gold?

Mr. SOUTHARD. Oh, yes; gold. There may be $5,000,000 in bars or uncoined gold. Now, the effect of this amendment is simply to change the proportion of coined and uncoined gold in the reserve fund, so that there may be of this $150,000,000 $100,000,000 of it in the form of gold bullion and only $50,000,000 of it in coin.

Mr. GILBERT of Kentucky. My question was designed to call the gentleman's attention to the other clause in the bill, which directs the Secretary of the Treasury to proceed to coin a certain amount of uncoined bullion. How much of that is to be coined, how much is there that is uncoined, and what limits are there in the bill as to the amount of coinage to be accomplished by it?

Mr. SOUTHARD. It does not affect provisions relating to coinage at all. As the law now stands whenever bars of gold or gold in any form uncoined comes into the Treasury the law compels its coinage as fast as possible, as I understand it. Now, the suggestion of the Secretary of the Treasury is, and the provision of the bill is, that all over and above $100,000,000 which may be held in the form of gold bars shall be coined hereafter as heretofore. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

GRANTS OF LAND TO NEW MEXICO.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 18600) amending section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes, be amended to read as follows:

"SEC. 10. That the lands reserved for university purposes, including all saline lands, and sections 16 and 36, reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; but until the meeting of the next legislature of said Territory the governor, secretary of the Territory, and the solicitor-general shall constitute a board for the leasing of said lands, and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases. And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, except when in the opinion of the Secretary of the Interior the leasing of a larger area is deemed advisable, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State; and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of separate funds for the use of said institutions, and shall be paid out only as directed by the legislative assembly of said Territory and for the purposes indicated herein. The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; and all such necessary costs and expenses as may be incurred in the management, protection, and sale of said lands may be paid out of the proceeds derived from such sales; and not more than one quarter section of land shall be sold to any one person, corporation, or association of persons, and no sale of said lands or any portion thereof shall be made for less than $1.25 per acre; and all money received on account of such sales, after deducting the actual expenses necessarily incurred in connection with the execution thereof, shall be placed to the credit of separate funds created for the respective purposes named in this act, and shall be used only as the legislative assembly of said Territory may direct, and only for the use of the institutions or purposes for which the respective grants of lands are made: *Provided*, That such legislative assembly may provide for leasing all or any part of the lands granted in this act on the same terms and under the same limitations prescribed above as to the lands that may be leased only; but all leases made under the provisions of this act shall be subject to the approval of the Secretary of the Interior, and all investments made or securities purchased with the proceeds of sales or leases of lands provided for by this act shall be subject to like approval by the Secretary of the Interior."

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

USE OF WATERS IN COOSA RIVER, LOCK 4, ALABAMA.

Mr. BANKHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19473) authorizing the use of the waters in the Coosa River at Lock No. 4, in Alabama, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to enter into contract with any individual or corporation, private or municipal, preference being given to riparian owners and their assigns, hereinafter designated "the contracting party," to complete the dam and forebay of the lock which has been partially constructed by the Government at Lock No. 4 on the Coosa River, the work to be done under his supervision and control, and in accordance with the present adopted project and any modification thereof that he may deem proper: *Provided*, That the contracting party shall furnish all materials, of every character, and pay for all labor required in the construction of said dam and forebay, which, upon completion, shall become the property of the United States, free of all costs, claims, or charges of any kind whatsoever: *Provided further*, That the terms of this act and any stipulation which the Secretary of War may deem necessary to safeguard the interests of navigation and other interests of the United States shall be embodied in any contract entered into as aforesaid.

SEC. 2. That the contracting party shall begin the said work within two years from the passage of this act and shall complete the same within four years from the date of commencing construction, and the Secretary of War may, upon reasonable diligence of the contracting party being shown, extend the time for completion, the Government reserving the right to commence and finish the work, if deemed advisable, at any time before it is commenced by the contracting party; or, if begun and not carried out in strict conformity to the directions of the Secretary of War, the Government may assume the completion of said work at its option, the cost of such completion to be paid by the contracting party: *Provided*, That the Secretary of War shall determine from time to time whether the work is being properly done.

SEC. 3. That in consideration of the completion of said dam and forebay, including buttresses and gates, free of cost to the Government, the contracting party is hereby granted such rights as the Government possesses to use the water power produced by said dam for manufacturing and other industrial purposes for a period of ninety-nine years: *Provided*, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War: *Provided further*, That the right is reserved to the United States to construct, maintain, and operate a lock for navigation purposes in connection with said dam and forebay, and nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operation of said lock or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States or the maintenance of the water surface above the dam at the established pool level; and the Secretary of War is hereby authorized to prescribe regulations to govern the use of the said water power and the operations of the plant and force employed in connection therewith; and no claim shall be made against the United States for any failure of water power resulting from any cause whatsoever: *Provided further*, That the contracting party shall furnish to the United States, free of cost, such electric current as may be necessary for operating the Government lock, in case the same shall be built, and lighting its buildings and grounds: *And provided further*, That the contracting party may have ingress and egress over Government lands in the construction and operation of plant.

SEC. 4. That the Secretary of War may require the contracting party to execute a bond, with proper securities, before the commencement of the work, in such amount as he may consider necessary, to insure the beginning, prosecution, and completion of the work and compliance with the terms and requirements of this act, and in case of failure to comply with the requirements of said bond the contracting party shall forfeit to the United States the full amount thereof: *Provided*, That a suitable force of inspectors shall be employed on the work by the Secretary of War, at the expense of the United States, to see that the plans and specifications and the terms and requirements of the act and the conditions of the contract are strictly carried out, and any expense incurred by the United States in maintaining said inspectors shall be paid from any funds available pertaining to the appropriations made by Congress for examinations, surveys, and contingencies of rivers and harbors.

SEC. 5. That Congress reserves the right to revoke the rights and privileges conferred by this act; but in the event of such revocation the United States shall pay to the contracting party, as full compensation, the reasonable value, exclusive of any franchise that may be required under this act, of all properties erected and lands purchased by them, necessary for the enjoyment of the benefits hereby conferred, such value to be determined by mutual agreement between the Secretary of War and the owners of said properties, and in case they can not agree, then by proceedings in condemnation, to be instituted in the proper United States court: *Provided*, That to insure compliance with the terms of the contract, or to protect the interests of navigation and other interests of the United States, the Secretary of War shall have power, at any time before or after the completion of the work, to order a suspension of all privileges granted by this act, and compliance with such order may be enforced by injunction of the court of the United States exercising jurisdiction in the district in which the work is situated, and proper proceedings to this end shall be instituted by the Attorney-General upon request of the Secretary of War.

SEC. 6. That nothing in this act shall be construed as in any way abridging the exclusive jurisdiction and control by the United States over the Coosa River, and of any structures therein, nor as repealing or modifying any of the provisions of law now existing for the protection of navigation.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

GRANTING LAND TO ALBUQUERQUE, N. MEX.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 18333) granting land to the city of Albuquerque for public purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That a patent shall be, and hereby is, authorized to be issued to the city of Albuquerque, in the county of Bernalillo, Territory of New Mexico, for south half of section 17 and north half of section 20, in township 10 north, of range 4 east, New Mexico principal meridian, containing 640 acres, more or less, upon the payment of $1.25 per acre therefor, and upon the submission of due proof of the incorporation of said city, said land to be used for park and other public purposes only, and the patent to contain the provision that the land shall revert to the United States whenever it shall not be used for the purposes mentioned in this act.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

OPENING OF COEUR D'ALENE INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17884) to authorize the sale and disposition of surplus or unallotted lands of the Coeur D'Alene Indian Reservation, in the State of Idaho, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the Coeur d'Alene Indian Reservation, in the State of Idaho.

SEC. 2. That as soon as the lands embraced within the Coeur d'Alene Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Coeur d'Alene Indian Reservation, to each man, woman, and child 160 acres, and, upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.

SEC. 3. That upon the completion of said allotments to said Indians the residue of surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said Coeur d'Alene Indian Reservation shall be classified under the direction of the Secretary of the Interior as agricultural lands, grazing lands, or timber lands, and shall be appraised under their appropriate classes by legal subdivisions, and, upon completion of the classification and appraisement, such surplus lands shall be opened to settlement and entry, under the provisions of the homestead laws, at not less than their appraised value, in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of $1.25 per acre, by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisement, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided*, That the right to commute by said entryman shall be allowed as to any lands classified as agricultural and grazing lands, but the entryman, upon commutation, shall not be required to pay in the aggregate any sum in excess of the appraised value of such lands; and nothing in this act shall be held to repeal or extend the provisions of the homestead laws permitting the entryman to cut and remove, or cause to be cut and removed, so much timber as is actually necessary for buildings, fences, and other improvements on the land entered: *Provided further*, That the general mining laws of the United States shall extend to any of said lands and mineral entry may be made on any of said lands, but no such mineral selection shall be permitted upon any lands allotted in severalty to the Indians: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than $1 per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price: *And provided further*, That sections 16 and 36 of said lands be, and they are hereby, excepted from the foregoing provisions and are hereby granted to the State of Idaho for school purposes, and the United States shall pay to said Indians therefor the sum of $1.25 per acre: *And provided also*, That if the State of Idaho has made any selections under existing law in lieu of sections 16 and 36 of the lands affected by this act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso.

SEC. 4. That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation.

SEC. 5. That the Secretary of the Interior shall reserve from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians as provided in section 7 of this act.

SEC. 6. That the net proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and townsite lands, shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales and surveys herein provided, deposited in the Treasury of the United States to the credit of the Coeur d'Alene and confederated tribes of Indians belonging and having tribal rights on the Coeur d'Alene Indian Reservation, in the State of Idaho, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horse-rakes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians, in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise: *Provided*, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of 3 per cent per annum, which interest shall be expended in the same manner as the principal.

SEC. 7. That any of said lands necessary for agency, school, and religious purposes, including any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved for such uses so long as said land shall be occupied for the purposes above designated: *Provided*, That all such reserved lands shall not exceed in the aggregate three sections and must be selected in legal subdivisions conformable to the public surveys, such selection to be under the direction of the Secretary of the Interior and subject to his approval.

SEC. 8. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.

SEC. 9. That nothing in this act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.

SEC. 10. That to enable the Secretary of the Interior to allot, classify, appraise, and conduct the sale and entry of said lands as in this act provided the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this act.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

SELECTION OF JURORS IN NEW MEXICO.

Mr. HENRY of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19379) providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of the act of June 30, 1879, chapter 52, providing for the manner of selecting and impaneling juries in the United States courts, together with the several acts amendatory thereof, be, and the same is hereby, made applicable to the courts of the United States in the Territory of New Mexico sitting for the trial of causes and offenses arising under the Constitution and laws of the United States.

SEC. 2. That this act shall take effect from and after its passage.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

DISPOSITION OF CERTAIN PROPERTY IN HAWAII.

Mr. McKINNEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5513) to provide for the disposition of certain property in the Territory of Hawaii, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That all personal and movable property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898, may be sold, leased, or otherwise disposed of in such manner as may be provided by the laws of the Territory of Hawaii: *Provided*, That all sales, leases, or other disposals of such property heretofore made by said Territory, under the authority of such laws, are hereby ratified and confirmed, and all moneys or revenues derived from sales or disposals heretofore made, or made under authority of this act, shall remain the property of said Territory.

The SPEAKER. Is a second demanded? [After a pause.] No second being demanded, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DAM ACROSS MISSISSIPPI RIVER, MORRISON COUNTY, MINN.

Mr. BUCKMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17758) permitting the building of a dam across the Mississippi River, in the county of Morrison, State of Minnesota, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to The Pike Rapids Power Company, a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessary incident thereto for water power and supply purposes at any point between section 20, township 128 north, range 29 west, and section 17, in township 39, range 32, in Morrison County, Minn.: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said The Pike Rapids Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance, and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interest of navigation.

SEC. 2. That suitable fishways, to be approved by the Secretary of Commerce and Labor, shall be constructed and maintained at said dam by said corporation, its successors or assigns.

SEC. 3. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Minnesota, or in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said structures from the operation of same.

SEC. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved; and the same shall become null and void unless the construction of the dam hereby authorized is commenced within one year after the passage of this act and completed within three years thereafter.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

Mr. BUCKMAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. WILLIAMS. I object.

The SPEAKER. The question is on ordering a second. The gentleman from Minnesota, Mr. BUCKMAN, and the gentleman from Mississippi, Mr. WILLIAMS, will take their places as tellers.

The House divided; and the tellers reported—ayes 90, noes 0.

Mr. WILLIAMS. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and one gentlemen present—a quorum. The ayes have it, and a second is ordered. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. BUCKMAN. I yield five minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Speaker, I do not rise to make any remarks upon the bill that is under consideration, but I would like to submit some remarks on the bill H. R. 8889 [applause], which has reference——

The SPEAKER. The Chair did not understand the gentleman. Does the gentleman yield to the gentleman from Indiana?

Mr. BUCKMAN. I did; five minutes time.

Mr. WILLIAMS. I understand, Mr. Speaker, that the gentleman does not desire to address himself to the bill under consideration, but desires to make a few remarks about some other bill. I desire to call the Chair's attention to the fact that we are not in the Committee of the Whole.

The SPEAKER. Debate must be confined to the bill, if objection is made.

Mr. BUCKMAN. I will state, then, Mr. Speaker, this bill gives permission to build a dam across the Mississippi River in Morrison County, in the State of Minnesota——

Mr. WILLIAMS. I would like to ask the gentleman some

questions. Is this dam to be on a navigable portion of the river?

Mr. BUCKMAN. No, sir; it is not navigable at all.

Mr. WILLIAMS. It is not navigable there at all?

Mr. BUCKMAN. No, sir.

Mr. WILLIAMS. And there is no possibility in the future of its interfering with navigation?

Mr. BUCKMAN. Not at all. There is a dam now built a few miles both above and below the proposed location.

Mr. WILLIAMS. I called for a second so as to get information upon this subject. We have passed some bills here giving permission to build some dams in stretches where we ran the risk possibly of interfering with navigation.

Mr. BUCKMAN. I will say to the gentleman this is not navigable.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DAM ACROSS GOOSE CREEK IN BERKELEY COUNTY, S. C.

Mr. FINLEY. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk with the committee amendments.

The SPEAKER. The Clerk will report the bill and amendments.

The Clerk read as follows:

Be it enacted, etc., That the right, power, and privilege to construct, erect, and maintain a dam across the said Goose Creek is here authorized, granted, and given to the said the Charleston Light and Water Company, its successors and assigns: *Provided*, That the said Charleston Light and Water Company shall be liable for all such damages as may be established in any court of competent jurisdiction by any landowner claiming that his land had been damaged by reason of the erection of the said dam: *And provided further*, That nothing herein shall impair any navigation or other rights of any riparian owner, other than the closing of said creek, by the construction, erection, and maintenance of said dam at said location.

SEC. 2. That the right to alter, amend, and repeal this act, and the right to require the alteration or removal of the structure authorized without any liability on the part of the United States, are hereby expressly reserved.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ENLARGING AUTHORITY OF THE MISSISSIPPI RIVER COMMISSION.

Mr. PRINCE. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any of said river between the Head of Passes and Cape Girardeau, Mo.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DIVISION OF LANDS OF THE OSAGE INDIANS IN OKLAHOMA TERRITORY.

Mr. McGUIRE. Mr. Speaker, I move to suspend the rules and put upon its passage the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the roll of the Osage tribe of Indians, as shown by the records of the United States in the office of the United States Indian agent at the Osage Agency, Okla., as it existed on the 1st day of January, 1906, and all children born between January 1, 1906, and July 1, 1907, to persons whose names are on said roll on January 1, 1906, and all children whose names are not now on said roll, but who were born to members of the tribe whose names were on the said roll on January 1, 1906, including the children of members of the tribe who have, or have had, white husbands, is hereby declared to be the roll of said tribe and to constitute the legal membership thereof: *Provided*, That the principal chief of the Osages shall, within three months from and after the approval of this act, file with the Secretary of the Interior a list of the names which the tribe claims were placed upon the roll by fraud, but no name shall be included in said list of any person or his descendants that was placed on said roll prior to the 31st day of December, 1881, the date of the adoption of the Osage constitution, and the Secretary of the Interior, as early as practicable, shall carefully investigate such cases and shall determine which of said persons, if any, are entitled to enrollment; but the tribe must affirmatively show what names have been placed upon said roll by fraud; but where the rights of persons to enrollment to the Osage roll have been investigated by the Interior Department and it has been determined by the Secretary of the Interior that such persons were entitled to enrollment, their names shall not be stricken from the roll for fraud except upon newly discovered evidence; and the Secretary of the Interior shall have authority to place on the Osage roll the names of all persons found by him, after investigation, to be so entitled, whose applications were pending on the date of the introduction of this bill in the House of Representatives, namely, February 21, 1906; and the said Secretary of the Interior is hereby authorized to strike from the said roll the names of persons or their descendants which he finds were placed thereon by or through fraud, and the said roll as above provided, after the revision and approval of the Secretary of the Interior, as herein provided, shall constitute the approved roll of said tribe; and the action of the Secretary of the Interior in the revision of the roll as herein provided shall be final, and the provisions of the act of Congress of August 15, 1894, 28 Statutes at Large, page 305, granting persons of Indian blood who have been denied allotments the right to appeal to the courts, are hereby repealed as far as the same relate to the Osage Indians; and the tribal lands and tribal funds of said tribe shall be equally divided among the members of said tribe as hereinafter provided: *Provided further*, That said list shall contain the names of persons now on the Osage roll heretofore investigated by the Secretary of the Interior and whose right to be on said roll was sustained by him unless new and material evidence is submitted.

SEC. 2. That all lands belonging to the Osage tribe of Indians in Oklahoma Territory, except as herein provided, shall be divided among the members of said tribe, giving to each his or her fair share thereof in acres, as follows:

First. Each member of said tribe, as shown by the roll of membership made up as herein provided, shall be permitted to select 160 acres of land as a first selection; and the adult members shall select their first selections and file notice of the same with the United States Indian agent for the Osages within three months after the approval of this act: *Provided*, That all selections of lands heretofore made by any member of said tribe, against which no contest is pending, be, and the same are hereby, ratified and confirmed as one of the selections of such member. And if any adult member fails, refuses, or is unable to make such selection within said time, then it shall be the duty of the United States Indian agent for the Osages to make such selection for such member or members. That all said first selections for minors shall be made by the United States Indian agent for the Osages: *Provided*, That said first selections for minors having parents may be made by said parents, and the word "minor" or "minors" used in this act shall be held to mean those who are under 21 years of age: *And provided further*, That all children born to members of said tribe between January 1, 1906, and the 1st day of January, 1907, shall have their selections made for them within six months after approval of this act, or within six months after their respective births. That all children born to members of said tribe on and after the 1st day of January, 1907, and before the 1st day of July, 1907, shall have their selections made for them on or before the last day of July, 1907, the proof of birth of such children to be made to the United States Indian agent for the Osages.

Second. That in making his or her first selection of land, as herein provided for, a member shall not be permitted to select land already selected by, or in possession of, another member of said tribe as a first selection, unless such other member is in possession of more land than he and his family are entitled to for first selections under this act; and in such cases the member in possession and having houses, orchards, barns, or plowed land thereon shall have the prior right to make the first selection: *Provided*, That where members of the tribe are in possession of more land than they are entitled to for first selections herein, said members shall have sixty days after the approval of this act to dispose of the improvements on said lands to other members of the tribe.

Third. After each member has selected his or her first selection as herein provided, he or she shall be permitted to make a second selection of 160 acres of land in the manner herein provided for the first selection.

Fourth. After each member has selected his or her second selection of 160 acres of land as herein provided, he or she shall be permitted to make a third selection of 160 acres of land in the manner herein provided for the first and second selections: *Provided*, That all selections herein provided for shall conform to the existing public surveys in tracts of not less than 40 acres, or a legal subdivision of a less amount, designated a "lot." Each member of said tribe shall be permitted to designate which of his three selections shall be a homestead, and his certificate of allotment and deed shall designate the same as a homestead, and the same shall be inalienable and nontaxable until otherwise provided by act of Congress. The other two selections of each member, together with his share of the remaining lands allotted to the member, shall be known as surplus land, and shall be nontaxable and inalienable for twenty-five years, and shall be designated as surplus lands.

Fifth. After each member has selected his or her first, second, and third selections of 160 acres of land, as herein provided, the remaining lands of said tribe in Oklahoma Territory, except as herein provided, shall be divided as equally as practicable among said members by a commission to be appointed to supervise the selection and division of said Osage lands.

Sixth. The selection and division of lands herein provided for shall be made under the supervision of, or by, a commission consisting of three members of the Osage tribe, to be selected by the Osage council, and a person to be selected by the Commissioner of Indian Affairs and one other person to be selected by the Secretary of the Interior; and said commission shall settle all controversies between members of the tribe relative to said selections of land; and the schedules of said selections and division of lands herein provided for shall be subject to the approval of the Secretary of the Interior. The surveys, salaries of said commission, and all other proper expenses necessary in making the selection and division of land as herein provided shall be paid by the Secretary of the Interior, out of any Osage funds derived from the sale of town lots royalties from oil, gas, or other minerals, or rents from grazing land.

Seventh. That the Secretary of the Interior, in his discretion, at the request and upon the petition of any adult member of the tribe, may issue to such member a certificate of competency, authorizing him to sell and convey any of the lands deeded him by reason of this act, except his homestead, which shall remain inalienable and untaxable for a period of twenty-five years, or during the life of the homestead allottee, if upon investigation, consideration, and examination of the request he shall find any such member fully competent and capable of transacting his or her own business and caring for his or her own individual affairs: *Provided*, That upon the issuance of such certificate of competency the lands of such member (except his or her homestead) shall become subject to taxation, and such member, except as herein provided, shall have the right to manage, control, and dispose of his or her lands the same as any citizen of the United States: *Provided further*, That nothing herein shall authorize the sale of the oil, gas,

coal, or other minerals covered by said lands, said minerals being reserved to the use of the tribe for a period of twenty-five years, and the royalty to be paid to said tribe as hereinafter provided: *And provided further*, That the oil, gas, coal, and other minerals upon said allotted lands shall become the property of the individual owner of said land at the expiration of said twenty-five years, unless otherwise provided for by act of Congress.

Eighth. There shall be reserved from selection and division, as herein provided, 160 acres on which the St. Louis School, near Pawhuska, is located, and the 160 acres on which the St. John's School, on Hominy Creek, Osage Indian Reservation, is located, said tracts to conform to the public surveys; and said tracts of land are hereby set aside and donated to the order of the Sisters of St. Francis; and said tracts shall be conveyed to said order, the Sisters of St. Francis, as early as practicable, by deed. There shall also be reserved from selection and division the quarter section of land, conforming to the public surveys, near Gray Horse, on which are located the dwelling houses of John N. Florer, Walter O. Florer, and John L. Bird; and said John N. Florer shall be allowed to purchase said quarter section of land at the appraised value placed thereon by the Osage Allotting Commission, the proceeds of the sale to be placed to the credit of the Indians and to be distributed like other funds herein provided for.

Ninth. There shall be reserved from selection and division, as herein provided, the northeast quarter of section 3, township 25, range 9 east, of the Indian meridian, and 160 acres to conform to the public survey at the town of Gray Horse, including the Government doctor's building, other valuable buildings, and the cemetery, and the 160 acres to conform to the public survey, adjoining or near the town site of Hominy. Said lands or tracts are hereby set aside for the use and benefit of the Osage Indians, exclusively, for dwelling purposes, for a period of twenty-five years from and after the 1st day of January 1907: *Provided*, That said land may, in the discretion of the Osage tribe, be sold under such rules and regulations as the Secretary of the Interior may prescribe; and the proceeds of the same under such sale shall be apportioned and placed to the credit of the individual members of the tribe according to the roll herein provided for.

Tenth. The Osage Boarding School reserve of 87$\frac{5}{8}$ acres, and the reservoir reserve of 17$\frac{1}{8}$ acres, and the agent's residence reserve, together with all the buildings located on said reservations in the town site of Pawhuska, as shown by the official plat of the same, are hereby reserved from selection and division as herein provided; and the same may be sold in the discretion of the Osage tribe, under such rules and regulations as the Secretary of the Interior may provide; and the proceeds of such sale shall be apportioned and placed to the credit of the individual members of said tribe according to the roll herein provided for.

Eleventh. That the United States Indian agent's office building, the Osage council building, and all other buildings which are for the occupancy and use of Government employees, in the town of Pawhuska, together with the lots on which the said buildings are situated, shall be sold to the highest bidder as early as practicable, under such rules and regulations as the Secretary of the Interior may prescribe; and with the proceeds he shall erect other suitable buildings for the uses mentioned, on such sites as he may select, the remaining proceeds, if any, to be placed to the credit of the individual members of the Osage tribe of Indians: *Provided*, That the house known as the "chief's house," together with the lot or lots on which said house is located, and the house known as the "United States interpreter's house," in Pawhuska, Okla., together with the lot or lots on which said houses are located, shall be reserved from sale to the highest bidder and shall be sold to the principal chief of the Osages and the United States interpreter for the Osages, respectively, at the appraised value of the same, said appraisement to be made by the Osage town-site commission.

Twelfth. That the cemetery reserve of 20 acres in the town site of Pawhuska, as shown by the official plat thereof, is hereby set aside and donated to the town of Pawhuska for the purpose of sepulture, on condition that if said cemetery reserve of 20 acres, or any part thereof, is used for purposes other than that of sepulture the whole of said cemetery reserve of 20 acres shall revert to the use and benefit of the individual members of the Osage tribe, according to the roll herein provided, or to their heirs; and said tract shall be conveyed to the said town of Pawhuska by deed, and said deed shall recite and set out in full the conditions under which the above donation and conveyance are made.

That the provisions of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes," approved March 3, 1905, be, and the same are hereby, continued in full force and effect.

SEC. 3. That the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is herein made are hereby reserved to the Osage tribe for a period of twenty-five years from and after the 8th day of April, 1906, and leases for all oil, gas, and other minerals covered by selections and division of land herein provided for may be made by the Osage tribe of Indians through its tribal council and with the approval of the Secretary of the Interior and under such rules and regulations as he may prescribe: *Provided*, That the royalties to be paid to the members of the Osage tribe under any mineral lease so made shall be determined by the President of the United States: *And provided further*, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the member of the Osage tribe entitled thereto and the approval of the United States Indian agent for the Osages.

SEC. 4. That all funds belonging to the Osage tribe, and all moneys due, and all moneys that may become due, or may hereafter be found to be due the said Osage tribe of Indians, shall be held in trust by the United States for the period of twenty-five years from and after the 1st day of January, 1907, except as hereinafter provided:

First. That all the funds of the Osage tribe of Indians, and all the moneys now due or that may hereafter be found to be due to the said Osage tribe of Indians, and all moneys that may be received from the sale of their lands in Kansas under existing laws, and all moneys found to be due to said Osage tribe of Indians on claims against the United States, after all proper expenses are paid, shall be segregated as soon after January 1, 1907, as is practicable and placed to the credit of the individual members of the said Osage tribe on a basis of a pro rata division among the members of said tribe, as shown by the authorized roll of membership as herein provided for, or to their heirs as hereinafter provided, said credit to draw interest as now authorized by law; and the interest that may accrue thereon shall be paid quarterly to the members entitled thereto, except in the case of minors, in which case the interest shall be paid quarterly to the parents until said minor arrives at the age of 21 years: *Provided*, That if the Commissioner of Indian Affairs becomes satisfied that the said interest of any minor is being misused or squandered he may withhold the payment of such interest: *And provided further*, That said interest of minors whose parents are deceased shall be paid to their legal guardians, as above provided.

Second. That the royalty received from oil, gas, coal, and other mineral leases upon the lands for which selection and division are herein provided, and all moneys received from the sale of town lots, together with the buildings thereon, and all moneys received from the sale of the three reservations of 160 acres each heretofore reserved for dwelling purposes, and all moneys received from grazing lands, shall be placed in the Treasury of the United States to the credit of the members of the Osage tribe of Indians as other moneys of said tribe are to be deposited under the provisions of this act, and the same shall be distributed to the individual members of said Osage tribe according to the roll provided for herein, in the manner and at the same time that payments are made of interest on other moneys held in trust for the Osages by the United States, except as herein provided.

Third. There shall be set aside from the royalties received from oil and gas not to exceed $50,000 per annum for ten years from the 1st day of January, 1907, for the support of the Osage Boarding School and for other schools on the Osage Indian Reservation conducted or to be established and conducted for the education of Osage children.

Fourth. There shall be set aside and reserved from the royalties received from oil, gas, coal, or other mineral leases, and moneys received from the sale of town lots, and rents from grazing lands not to exceed $30,000 per annum for agency purposes and an emergency fund for the Osage tribe, which shall be paid out from time to time, upon the requisition of the Osage tribal council, with the approval of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior shall furnish to the Osage tribe of Indians, on or before January 1, 1907, copies of all treaties and a complete record of all transactions of every character between the United States and the said Osage tribe of Indians, and all acts of the United States, or its officials, relating to the Osage Indians or their affairs or interests.

SEC. 6. That at the expiration of the period of twenty-five years from and after the 1st day of January, 1907, the lands, mineral interests, and moneys herein provided for and held in trust by the United States shall be the absolute property of the invidual members of the Osage tribe, according to the roll herein provided for, or their heirs, as herein provided, and deeds to said lands shall be issued to said members, or to their heirs, as herein provided, and said moneys shall be distributed to said members, or to their heirs, as herein provided, and said members shall have full control of said lands, moneys, and mineral interests.

SEC. 7. That the lands, moneys, and mineral interests, herein provided for, of any deceased member of the Osage tribe shall descend to his or her legal heirs, according to the laws of the Territory of Oklahoma, or of the State in which said reservation may be hereinafter incorporated, except where the decedent leaves no issue, nor husband nor wife, in which case said lands, moneys, and mineral interests must go to the mother and father equally.

SEC. 8. That the lands herein provided for are set aside for the sole use and benefit of the individual members of the tribe entitled thereto, or to their heirs, as herein provided; and said members, or their heirs, shall have the right to use and to lease said lands for farming, grazing, or any other purpose not otherwise specifically provided for herein, and said members shall have full control of the same: *Provided*, That parents of minor members of the tribe shall have the control and use of said minors' lands, together with the proceeds of the same, until said minors arrive at their majority: *And provided further*, That all leases given on said lands for the benefit of the individual members of the tribe entitled thereto, or for their heirs, shall be subject only to the approval of the United States Indian agent for the Osages.

SEC. 9. That all deeds to said Osage lands or any part thereof shall be executed by the principal chief for the Osages, but no such deeds shall be valid until approved by the Secretary of the Interior.

SEC. 10. That the Osage Indian Reservation is hereby made a county, to be known as Osage County, of the Territory of Oklahoma, and that Pawhuska shall be the county seat of said county; and the manner and time of holding the first election of officers for said Osage County shall be provided by the governor of Oklahoma Territory within sixty days after the approval of this act; and the officers elected at said first election shall hold their respective offices like officers in other counties in said Territory and until their successors are provided for at the next general election in said Territory, according to the laws governing elections in other counties in said Territory: *Provided*, That all male persons residing in said Osage County and who have resided therein for at least six months and who are citizens of the United States or members of the Osage tribe of Indians, and who are not otherwise disqualified under the laws of Oklahoma Territory, are qualified electors and shall be competent persons to serve upon all juries in said county, and all juries in and for said county shall be drawn by open venire under the direction of the judge of the district court of said Osage County.

SEC. 11. That there shall be a biennial election of officers for the Osage tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June; and the first election for said officers shall be held on the first Monday in June, 1906, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of two years, commencing on the 1st day of July following said election, and in case of a vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant principal chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council.

SEC. 12. That public highways or roads, two rods in width, being one rod on each side of all section lines, in the Osage Indian Reservation, may be established without any compensation therefor.

SEC. 13. That all lands taken or condemned by any railroad company in the Osage Reservation, in pursuance of any act of Congress or regulation of the Department of the Interior, for rights of way, station grounds, side tracks, stock pens and cattle yards, water stations, terminal facilities, and any other railroad purpose, shall be, and are hereby, reserved from selection and allotment and confirmed in such railroad companies for their use and benefit in the construction, operation, and maintenance of their railroads: *Provided*, That such railroad

companies shall not take or acquire hereby any right or title to any oil, gas, or other mineral in any of said lands.

SEC. 14. That all things necessary to carry into effect the provisions of this agreement not otherwise herein specifically provided for shall be done under the authority and direction of the Secretary of the Interior.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, reserving the right to demand a second——

Mr. ZENOR. I desire to make a parliamentary inquiry. Is the bill open for amendment?

The SPEAKER. No; the motion is to suspend the rule and pass the bill with amendments.

Mr. ZENOR. Will the gentleman from Oklahoma consent to an amendment to this bill? I desire to offer an amendment, and to this amendment I suppose there will be no serious objection, although it is a very important bill involving the partition and division of 1,400,000 acres of land among the Osage Indian tribes.

Mr. McGUIRE. I will have no objection to the gentleman's amendment.

The SPEAKER. The Chair wants to get the amendment reported, because this motion is to suspend the rules and pass the bill with committee amendments.

Mr. ZENOR. I offer the following amendment——

The SPEAKER. The gentleman yields for the purpose of hearing the amendment for information?

Mr. WILLIAMS. Mr. Speaker, I do not want the period for demanding a second to pass, as I want to reserve that right while I am getting some information about the bill.

The SPEAKER. Is there objection to reading the amendment for information?

There was no objection.

The Clerk read as follows:

Amend, on page 22, by adding after section 15 the following, to be numbered section 16:

"That this act shall be of full force and effect if ratified before the 1st day of December, 1906, by a majority of the adult male members of said tribe at the next general election of said tribe or at an election held for the purpose of voting upon the acceptance or rejection of said act; and the Secretary of the Interior is hereby authorized and directed to make public proclamation that said act shall be voted on at the next general election of said tribe or at a special election called by said Secretary under such rules and regulations as he may prescribe. At the said election all male members of said tribe over the age of 21 years qualified to vote under the tribal laws shall have the right to vote at the election precinct most convenient to their residence: *Provided*, That the votes cast at such election shall be forthwith certified to the Secretary of the Interior by the chief and the business committee of said tribe."

Mr. CURTIS. Mr. Speaker, as this bill was submitted to Congress by the tribe itself, after it had been voted on by the members of the tribe, I am satisfied there will be no objection on this side or by the members of the committee, at least, to having the bill resubmitted to the tribe.

Mr. WILLIAMS. Let me ask the gentleman a question in connection with the bill. Does this bill cut off the right of these people to enter the courts in order to determine their tribal relations?

Mr. CURTIS. There is no question about their tribal relations. They are continued for twenty-five years, and then they may be further extended by Congress if it sees fit.

Mr. WILLIAMS. The gentleman misunderstands me; but about which Indians shall be on the tribal roll? As I caught the reading, it gives authority in that respect to the Secretary of the Interior.

Mr. CURTIS. To the Secretary of the Interior.

Mr. WILLIAMS. And he can purge the roll and do it when he pleases?

Mr. CURTIS. That is to be done——

Mr. WILLIAMS. One moment, and then the gentleman can answer it all at once. Now, if he can purge the roll and change it in any manner, then it would be possible that some Indian might be aggrieved or might think himself aggrieved, and if so, of course, he ought to have the right to assert his grievance in court and ought to have it determined.

Mr. CURTIS. There is no provision in this bill authorizing appeal to the courts to settle the question as to whom is entitled to enrollment. The bill does provide that the present roll will be taken as the roll of the tribe, except that the chief may file a complaint within a certain time alleging that certain people are there by fraud. That list shall not include any person whose case has been heard or tried heretofore. That complaint being filed, it is the duty of the Secretary of the Interior to carefully investigate and determine if fraud has been committed as to that particular list. I might say to the gentleman that there are but very few contested cases in the Osage Reservation.

The SPEAKER. The Chair desires to say, in the amendment submitted as the committee amendment, section 5 seems to have been stricken out.

Mr. CURTIS. Yes, sir.

The SPEAKER. Does the motion include that amendment also?

Mr. CURTIS. No. All of section 5 is to be left out of the bill. It should not have been read.

The SPEAKER. It was not read, and it was offered with the amendment striking out section 5.

Mr. WILLIAMS. One other question. Has this bill the unanimous report of the Committee on Indian Affairs?

Mr. CURTIS. It has the unanimous report of the Committee on Indian Affairs and has been considered by two subcommittees. It was drawn by the Osages and submitted to a vote of the tribe. They almost unanimously agreed to it. They sent delegations here representing both factions. They appeared before the committee and asked for its passage. The bill was submitted to the Secretary of the Interior and met the approval of the Commissioner of Indian Affairs and the Secretary, and was then considered, as I said before, by two subcommittees of the Committee on Indian Affairs and unanimously reported.

Mr. WILLIAMS. Well, Mr. Speaker, I shall not ask a second.

Mr. ZENOR. I understand the gentleman to state that this matter was submitted to the tribe for a vote. That does not include the pending bill, but was a prior bill that had been submitted.

Mr. CURTIS. No; this very bill. It was submitted to the tribe and by the tribe submitted to the committee.

Mr. ZENOR. Have there not been several amendments put on the bill?

Mr. CURTIS. Oh, yes; several committee amendments and Department amendments—five or six.

Mr. ZENOR. Mr. Speaker, I want to call attention to another amendment, on page 22.

The SPEAKER. But first, is a second demanded?

Mr. CURTIS. If a second is demanded, Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is a second demanded?

Mr. ZENOR. I want to get my position clear with reference to this amendment.

The SPEAKER. The gentleman's amendment is covered by the motion.

Mr. ZENOR. But, Mr. Speaker, there is an amendment I desire to offer as pending. I demand a second.

The SPEAKER. The gentleman demands a second.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Oklahoma is entitled to twenty minutes and the gentlemar from Indiana is entitled to twenty minutes.

Mr. McGUIRE. Mr. Speaker, as has been said, this measure was submitted to the Osage tribe of Indians, and they approved it by a practically unanimous vote; and, as I understand, those who did not vote for the provision of this bill were contending for just such a provision in the bill as is contained in the amendment of the gentleman from Indiana. As has been said, the bill was considered by the Interior Department and indorsed by the Secretary of the Interior and the Commissioner of Indian Affairs. It has a unanimous report from the Committee on Indian Affairs.

I reserve the balance of my time.

Mr. MURDOCK. I would like to ask the gentleman a question.

Mr. McGUIRE. I yield five minutes to the gentleman from Kansas.

Mr. MURDOCK. I only want to ask a question. It has been said often that the richest people in the world are the Osages. This bill proposes to segregate the funds now in the hands of the Government. Now, what is the population of the present Osage tribe, and what will each individual member get from the Government in the way of money?

Mr. CURTIS. There are about 1,800 Osages, in round numbers. They have $8,000,000 in the Treasury; but this bill does not make any payment to them. It simply places to the credit of each individual Indian his proportionate share of these funds; and there is nothing in the bill that authorizes the payment of the money to the individual except section 7, which provides that any adult member of the tribe may file an application, and if the Secretary of the Interior, upon investigation, finds such Indian competent and qualified to manage his own affairs, he may issue him a certificate of competency which will enable him to sell any of the lands deeded him except his homestead. This section does not apply to the funds.

Mr. MURDOCK. Does he draw any share of the interest?

Mr. CURTIS. He draws the interest every year, just the same as he does now.

Mr. MURDOCK. Has the gentleman any computation of what that share amounts to?

Mr. CURTIS. They get about $50 a quarter; about $200 annually for each individual Indian—man, woman, and child.

Mr. MURDOCK. On page 9 of the bill are certain exceptions which are made in favor of individuals, apparently.

Mr. CURTIS. That provision was put in on the recommendation of the Department of the Interior and carries several names. The Department made the recommendation because these people, as we were informed by the Secretary of the Interior, in an official letter, had made valuable improvements upon the reservation; and it is provided that they shall have the right to buy the land upon which they have made the improvements at the appraised value fixed by the Osage Commission, a majority of whom are to be Osage Indians.

The SPEAKER. The gentleman from Oklahoma reserves the remainder of his time.

Mr. ZENOR. Mr. Speaker, I shall occupy but a few minutes. This bill, as suggested by my colleague on the committee, the gentleman from Kansas, is a bill proposing to segregate and set apart the lands belonging to the Osage Indian tribe in Oklahoma Territory, and also to divide the surplus funds, or the tribal trust funds, amongst the various members of the tribe. I believe the land embraces an area of about 1,400,000 acres. In this reservation there has been discovered one of the richest oil fields perhaps in this country; and it is now being held, a good portion of it, under leases granted heretofore by the tribe and approved by the Secretary of the Interior.

The only purpose, Mr. Speaker, for offering this amendment, to submit this act to the members of the tribe, is in order to enable the members of the tribe, and especially the full-blood Indians, thoroughly to understand the exact provisions of the bill.

Now, it is said by the gentleman from Kansas that this proposition has been submitted to the tribe and voted upon. There have been some bills prior to this one submitted to the tribe, and there was perhaps one of them voted upon; but there have been several bills introduced upon this subject—three or four different bills—and each of them contained different provisions in regard to the disposition and division of these lands. This bill as it is now prepared, with the amendments to it, has never been submitted to this tribe of Indians at any election. There has been quite a controversy going on as between what is known as the "full bloods" and what is known as the "mixed bloods," composing this particular tribe of Indians. They hold their lands a little differently from the lands held by most of the Indian tribes. They hold their lands by virtue of a purchase from the Cherokee tribe, having paid their money for it, and there is in this tribe, I believe, between 1,800 and 2,000 members, and about one-half of them are what are known as "full bloods," and the remainder of mixed bloods, and white persons made members of the tribe by adoption.

They, the full bloods, can neither speak nor understand the English language. They are compelled to rely entirely upon information given them by interpreters, and it is through this source that they become familiar with matters affecting their interest. The mixed bloods are a pretty smart set of fellows, able to speak English and able to transact their business. In addition, there is quite a large number of white persons who have been admitted to the tribe by the council, people who have no Indian blood at all in them, who share in the distribution of these funds and these lands. Now, it is claimed upon the part of the full-blood Indians that some of those who are better capable of conducting business and have a keener insight into driving bargains, and in locating their land, these white men who have married into the tribe, and some of the mixed bloods with very little Indian blood in them, have located their 160-acre allotments upon these oil lands, and that many of the full bloods, by reason of their incapacity to deal on equal terms with the white people, have been driven back onto the poorer lands of the reservation. Here is where the controversy has arisen and been carried on to a considerable extent between what are known as the full bloods and the mixed bloods and the white men belonging to the tribe. Now, some members of the tribe, I understand, some of the full bloods, claim that they do not understand the exact provisions of this act. It has been before the committee, has been amended, has been changed several times in consequence of a controversy going on between the members of the tribe, and it involves a pretty serious matter to these full-blood Indians as well as the others; but if the amendment which I have proposed is adopted, to submit this act to the tribe for their approval or rejection, the whole matter will be passed on at an election to be held under the direction of the Secretary of the Interior, and in that way those who are capable of voting under the tribal laws, those who are eligible to vote under the tribal laws of the nation, will have the opportunity to examine and pass upon the question whether or not this act is acceptable or otherwise.

If they decide by a majority that they are in favor of accepting this act, it will go into effect from and after the time that it is so accepted by the tribe, or perhaps from the date of its passage, as its operation will revert back to that date if approved. Certainly there can be no hardship in this, and certainly there can be no valid objection to it. It was formerly invariably the rule in reference to a treaty that was negotiated with a tribe of Indians that before it took effect, where changes were made in its provisions by any act of Congress—the Supreme Court, however, has held differently lately, but it used to be the recognized rule—where any changes were made in the agreement negotiated with the tribe, it should be submitted again to the tribe before it was held to be binding on the tribe.

With this amendment to it, I shall make no objection to the passage of the bill, although I do think it is a very serious mistake to predicate the apportionment or division of these lands upon the basis that this bill puts it. There are quarter sections in this reservation upon which numerous very rich oil wells have been dug that are now in operation, and this bill provides for a division of this land by acres and not according to value. There are other quarter sections in some portions of the reservation which are not worth, perhaps, $5 an acre. These rich lands are mostly located and settled upon by the whites and the mixed bloods of the tribe. They seem to have outgeneraled their less fortunate brother—the full blood—in the race of diligence and judgment in securing their locations. This bill provides that the member of the tribe occupying any quarter section of land at the date of taking effect of this act shall have the preference right to hold that land as his homestead or first selection, and this same rule is made to apply to each of his subsequent selections. Each member has three selections of 160 acres each, and he is required to designate within a certain fixed time which one of the three selections he will take as his homestead.

There is no way to get an equal distribution of this land according to value—according to the rule of partition and division of lands applied in our courts in the settlement of estates. In such cases the lands and improvements are appraised at their fair value, and the portion to which each party is entitled on the basis of value is set off to him in acres. But if these Indians approve the provisions of this act and this method of segregating their lands and funds at an election held by them under the direction of the Secretary of the Interior, when it is submitted to them, I shall make no objection to it.

Mr. FINLEY. What will the white settlers pay for these lands that they have squatted upon and are now occupying? What will they pay under this bill?

Mr. ZENOR. They will not pay anything.

Mr. FINLEY. It is given to them as homesteads?

Mr. ZENOR. The bill provides that each member of the tribe shall have a right to make a selection of 160 acres, and they have a right to make three selections successively of 160 acres; and any Indian or member of the tribe residing on a particular quarter section at the time of the taking effect of this act, if it shall become a law, shall have the preference right to hold that as his first selection.

Mr. FINLEY. Are there not some white settlers in this area?

Mr. ZENOR. There are some who are admitted to membership of the tribe by virtue of ordinances passed by the Osage council, and such other procedure as is recognized by their tribal laws, quite a large number.

Mr. FINLEY. Will not this bill give to the Secretary of the Interior the authority to purge the rolls of such classes, if he sees fit?

Mr. ZENOR. No; it does not; not of his own initiative. It provides that the chief of the tribe shall, within three months after the passage of this act, make out a list of such persons as the tribe deems to be on the rolls fraudulently, and that list is submitted to the Secretary of the Interior, and he shall make an investigation, and if he finds that persons now upon the rolls have procured their enrollment fraudulently he may purge the rolls of those names. The provisions of the bill, however, place the onus of proof upon the tribe to show that the names of such persons included in such list were fraudulently placed thereon.

Mr. CURTIS. That was a provision the Indians themselves asked for.

Mr. ZENOR. Yes; that provision is included in the bill; and I believe no serious objection is made to it, but some of the full bloods wanted a different and more drastic provision in this matter.

Mr. FINLEY. All persons who have been added to the tribes since 1901?

Mr. CURTIS. Since the former action—since it was acted upon.

Mr. ZENOR. This provision authorizes the chief to submit a list including none back of that date. He is precluded from going back of that. There is a complaint, however, among the full bloods that some of these parties procured an enrollment prior to that date, but this bill forbids their going back.

Mr. CURTIS. Those cases were acted upon by the Secretary of the Interior fourteen years ago.

Mr. ZENOR. I think that is correct, but there was a controversy going on, and there were two reports made by parties sent down there to make an examination, and they differed about it.

Mr. FINLEY. Does the gentleman think the taking away the right to resort to the courts to settle the membership of this tribe is good policy?

Mr. ZENOR. In answer to the gentleman, in reference to that matter, it seems to have been universally conceded that they wanted the matter settled in this summary way, without appeal to the courts.

Mr. FINLEY. What is the status of this tribe of Indians in regard to the matter of citizenship? Have they the right to vote?

Mr. McGUIRE. They are still on unorganized territory.

Mr. FINLEY. They have the right to vote in Oklahoma Territory?

Mr. McGUIRE. No; they have no right to vote.

Mr. FINLEY. Will they have the right to vote when this bill is finally passed?

Mr. CURTIS. They will have the right to vote, but they are still in the hands of the Government for twenty-five years, the same as they are now, except the land is segregated and each individual is given a certificate of his proportionate share.

Mr. MURDOCK. What purpose is served by the segregating of this fund to the individuals?

Mr. ZENOR. This seems to be the desire of the majority of the members of the tribe.

Mr. MURDOCK. But to what end?

Mr. ZENOR. One of the reasons, among others, is that it will place to the credit of each member of the tribe an income derived from the proceeds on the different allotments, and this would be, in some instances of allottees, entirely different from the time the segregation takes place.

Mr. CURTIS. Let me say in answer to the gentleman that one thing that will be accomplished is this, and that is that it will do away with the great inducement that now exists for people to try to be admitted to the roll of that tribe and endeavor to establish claims against the tribe, because when the money is once segregated it can not be attacked by outside individuals.

Mr. MURDOCK. It closes the rolls?

Mr. ZENOR. It closes the rolls, and no person now has a right to question the rolls except on the suggestion of the chief, under the provisions of this bill.

Mr. DE ARMOND. I would like to ask the gentleman a question. How is the income of the oil lands now distributed?

Mr. ZENOR. It all goes into the tribal fund and is subject to be apportioned at the time the division is made of the tribal fund. They are paid into a trust fund in which all the members of the tribe share.

Mr. DE ARMOND. In other words, each individual gets his proportionate share?

Mr. ZENOR. Yes, sir.

Mr. DE ARMOND. And when the division takes place the few will get the valuable oil lands and the others will get something else?

Mr. ZENOR. Yes, sir. That is my contention, and what I conceive to be the most objectionable feature to this bill; but, as I have said, if a majority of the adult members of the tribe approve it, they ought to be content.

Mr. CURTIS. No; the coal, oil, and gas is reserved for twenty-five years, and each individual will get his share for that time, and no lease can be made hereafter without the consent of the council, approved by the Secretary of the Interior. The oil, gas, and coal is reserved for twenty-five years for the benefit of the tribe.

Mr. ZENOR. And the proceeds of the leases go into the general fund to be apportioned?

Mr. CURTIS. Yes.

Mr. FINLEY. One other question. Will the Indians have the right to sit on juries?

Mr. ZENOR. Express provision is made in the bill for their sitting on juries.

The SPEAKER. The time of the gentleman has expired and the question is on suspending the rules and passing the bill.

Mr. ZENOR. Mr. Speaker, before that question is put I desire to inquire as to the scope of the motion of the gentleman from Oklahoma. Does that include the amendment I offered as section 16 and also my amendment to section 15, striking out the word "agreement," in line 11, page 22, and inserting in lieu thereof the word "act?"

The SPEAKER. The gentleman submitted his amendment, and it was accepted, and the motion operates on that. But the gentleman sent up a paper to the Clerk's desk, which is not included.

Mr. CURTIS. I understood that the gentleman from Indiana offered only one amendment, and that was to submit the proposition to the Indians, and that is included.

Mr. ZENOR. Then the amendment is covered by the motion, and it includes the amendment to strike out the word "agreement" and insert in lieu thereof the word "act."

The SPEAKER. But that amendment is not included unless by unanimous consent.

Mr. ZENOR. Does not the gentleman from Kansas concede that it ought to be so amended?

Mr. CURTIS. Mr. Speaker, if the word "agreement" is there, it should be "act."

The SPEAKER. The Clerk will report the proposed amendment, and then the Speaker will put it to the House for unanimous consent.

The Clerk read as follows:

Amend by striking out the word "agreement," in line 11, page 22, and insert in lieu thereof the word "act."

The SPEAKER. Is unanimous consent granted that the motion shall cover that amendment? [After a pause.] The Chair hears none. The question is on suspending the rules and passing the bill with the amendment.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended, and the bill as amended was passed.

ALASKA CENTRAL RAILWAY.

Mr. POWERS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19037) to extend the time for the completion of the Alaska Central Railway, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the time for the compliance by the Alaska Central Railway Company with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska, is hereby extended, and the powers of said company are enlarged, as follows:

First. Said company shall have three years from the passage of this act within which to file a map of definite location, until which time all their rights originally secured by the filing of their plats of preliminary locations shall continue, and six years from the date of filing of such maps of definite location within which to complete said railroad to the Tanana River.

Second. That there is hereby granted to said company for terminal purposes and for the building of approaches, wharves, docks, warehouses, elevators, and such other structures as may be necessary for the conduct of the business of said railway, on and contiguous to the Tanana River and Yukon River, and at such points thereon as the company shall select, public land not exceeding 160 acres at each of said points and having a frontage in each of the said rivers not to exceed 1 mile; and a similar grant of land is hereby made to said company for intermediate division terminals at points on the line of its railway to be selected by it as most convenient for said intermediate division terminals and approximately 100 miles apart.

The land hereby granted shall be located and selected by said company, and its right shall attach thereto when it shall have filed in the office of the Secretary of the Interior a plat thereof with a copy thereof in the local land office. Said company shall have the right to enter on and possess said lands immediately, but title shall not vest until the railroad of said company shall have been completed to said points, respectively. There is further hereby granted to said company for similar purposes, on Resurrection Bay, two parcels of public land, one of an area of 1.40 acres, and the other of an area of twenty-eight one-hundredths acre, which lie between the line of mean high tide on said bay and the east line of the present right of way of the Alaska Central Railway, and immediately east of the United States survey No. 726 south and United States survey No. 726 north, F. L. Ballaine soldier's additional homestead location, said two parcels being in addition to the land located by said company for terminal purposes on Resurrection Bay under the provisions of general law.

Third. There is hereby granted the said company the right to purchase at $1.25 an acre the reserve tract between the homestead locations of Scheffler and Ravell on the north shore of Resurrection Bay, said reserve tract having the same depth from the water front as the adjoining homestead locations.

Fourth. Said company shall have the right to locate its right of way along the navigable waters of Alaska and as near thereto as may be necessary for the safe, economical, and efficient construction and operation of its line of railway, any restriction, condition, reservation, or easement provided in, by, or under any act of Congress to the contrary notwithstanding, and the right of way for its railway is granted to said company on Resurrection Bay and at such other points as it may be found desirable to establish terminal facilities on, over, along,

and across any roadway established along the shores of navigable waters under the act of Congress of May 14, 1898.

Fifth. Said company shall be exempt from license tax and tax on its railway and railway property during the period of construction and for five years thereafter: *Provided*, That the total period of exemption shall not exceed ten years from the time of the passage of this act.

Sixth. Congress reserves the right to alter, amend, or repeal this act.

Seventh. Nothing herein contained shall be taken as vacating or impairing the reserved shore roadway and riparian rights provided for under the said act approved May 14, 1898.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

Mr. POWERS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Maine asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Maine [Mr. POWERS] and the gentleman from Mississippi [Mr. WILLIAMS] will take their places as tellers. The question is on ordering a second.

The House divided; and the tellers reported—ayes 66, noes 33.

Mr. WILLIAMS. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and three gentlemen present, a quorum. The ayes have it, and a second is ordered, and the gentleman from Maine [Mr. POWERS] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. POWERS. Mr. Speaker, the object of this bill is to furnish some little aid toward the building of railroads in Alaska. The President of the United States, in his message, recommended that aid be furnished, and the Alaska Central is certainly deserving more than this bill provides. Several Alaskan companies came here and desired a guaranty of bonds, or rather, I should say, a general bill introduced in the interest of at least two roads to guarantee bonds was before the Committee on Territories. The committee deemed it not wise to do anything of that kind at present, but in reference to the Alaska Central Railroad, which has already completed 40 miles through a country where there are no settlers, or next to none, and which has 30 miles more under contract, which is struggling to open up that vast, and, in my judgment, a very valuable central section of Alaska, we have brought in a bill, first, that extends for three years the time within which they have to file certain completed plans and surveys and to construct the remainder of the read; and, second, to exempt the railroad and its property from taxation and the license tax of $100 per mile per annum during a certain number of years, not exceeding ten, while they are constructing the 463 miles of main line, where the conditions are such—the winters so severe—they can not work but half the year, to say nothing about the branches. Hence the committee felt ten years might go by or be consumed in its completion. It will be fortunate, indeed, for the people of this country and fortunate for Alaska if within ten years this road is constructed. There are some other little things favorable to the railroad company in this bill. There is a clause increasing the grant of land at two of the terminal stations; also another clause granting some infinitesimal pieces of land on the bay—little points which jut out beyond that which they already have under the general law and adjoining where they have located; but the two principal things in the bill are the extension of time and the exemption from the license tax. Climatic conditions imperatively demand a longer time, and the same rule that we have extended to the road on the Seward Peninsula should exempt from the license tax. It seems to me that if we can extend the aid—which is a mere bagatelle compared with what Congress has done for the Philippine roads—we should be doing a very proper thing to facilitate and hasten the settlement of Alaska, with its great resources yet to be developed, a country in which people of our own kith and kin are living and are bound to settle.

We should do something in aid of the opening up of that vast territory by the passage of this bill, and we want it developed, if possible, by American capital and Americans, and not by English capital and foreigners. The present road—the White Pass and Yukon—is an English road. Of course that road is fighting this and every other bill. Its agents, attorneys, etc., have been here for some time—not before the committee in the open, but we find them getting in their work in a more effective way, because this road will furnish a direct line to the Yukon and Tanana rivers that will come in competition with theirs, and, in the end, compel a great reduction in the price of freight to the interior of Alaska. Under those circumstances, Congress having already relieved the road on the Seward Peninsula from this tax or license, that bill having passed and become a law, it seemed to the committee that in aid of the development of this vast possession which has, in my judgment, more of mineral resources and more of wealth for the future than any other part of our country not developed, it was wise to grant these few requests, and therefore the committee favorably reported the bill.

Why, gentlemen, if the same desire, the same purpose not to aid a railroad in any form, shape, or manner or aid in the development or opening up of the country had been the rule years ago out on the plains where we now have cities probably the coyote would be digging his hole. Now, under these circumstances, Mr. Speaker, I submit that the extension of this time, the granting of small quantities of land more than they could under the general law obtain, some of it they buy at the usual price of a dollar and a quarter an acre, and the exemption from license tax during the time it will undoubtedly take to build the road—and we would be fortunate if it is all built by that time—would be a wise policy and are not much of a subsidy or inducement to the men and capitalists who are undertaking this great work. I reserve the balance of my time.

Mr. CRUMPACKER. Mr. Speaker, I would like to ask about the total amount of land granted. It is less than a thousand acres all told, is it not?

Mr. POWERS. The only land granted is this: At the two terminals, where they now have 40 acres under the law, they ask to have 160; that is an increase of 240 acres; and at two places along the road they ask some hundred acres where they have forty, and they ask for one other piece of land, which they buy at the usual price of a dollar and twenty-five cents an acre.

Mr. LOVERING. May I ask the gentleman a question?

Mr. POWERS. Yes, sir.

Mr. LOVERING. Does this grant of land include any coal lands?

Mr. POWERS. There are no coal or mineral lands granted. It is only granted sufficient under the circumstances for a great line like this to have proper terminal facilities and enough land every some hundred miles along the road where it will be necessary to establish shops and other buildings for railroad purposes.

Mr. BROOKS of Colorado. May I ask the gentleman a question? What provision does this bill make in regard to right of way of this road? Does this road avail itself of the ordinary right of way for obtaining right of way over the public domain or is there a special right of way granted?

Mr. POWERS. This road is located under the general railroad law—applicable to all railroads in Alaska.

Mr. BROOKS of Colorado. Then, this does not extend any extraordinary privilege to this road in this particular?

Mr. POWERS. Perhaps in one possible thing. There is a peculiar section of the general law, which might preclude the road from going along one of these navigable rivers more than 80 rods. It allows them to go along the river more than that and across public highways, provided for in the general law, and you will see there is a proviso at the end of the bill which says that it shall not in any way conflict with any right of those highways.

Mr. BROOKS of Colorado. Has this road taken any steps to comply with the ordinary requirements of the law with reference to locating its right of way over the public domain?

Mr. POWERS. It has located and built 40 miles and has 30 miles more under contract.

Mr. BROOKS of Colorado. Has it filed its application for right of way for the remainder, and has that right of way been approved?

Mr. POWERS. Whether it covers the whole line I do not know, but it asks for an extension of time for three years to file its completed survey as to part of it.

Mr. BROOKS of Colorado. In other words, does not this bill—and I am simply asking for information—in effect relieve this corporation from the necessity of complying with the regular ordinary law with reference to right of way over the public domain?

Mr. POWERS. It does not relieve them from anything whatever. They are subject to everything in the general law, but it states at the top of the second page:

> Said company shall have three years from the passage of this act within which to file a map of definite location, until which time all their rights originally secured by the filing of the plats of preliminary location shall continue.

Mr. BROOKS of Colorado. Then, in fact, this road has three years during which it can go on without complying with the law, as any other road would have to do?

Mr. POWERS. I do not know how that may be. It has three years in which to complete these working plans.

Mr. BROOKS of Colorado. Now, is not that a distinction, a

special privilege that is granted to this road that other roads similarly situated would not have?

Mr. POWERS. I think Congress would grant that to any road in Alaska that came and asked it.

Mr. BROOKS of Colorado. That is not the question.

Mr. POWERS. There is only one other road in Alaska belonging to American citizens and, that is the railroad on the Seward Peninsula, and we have granted them every privilege they asked.

Mr. BROOKS of Colorado. Is it not entirely possible for a company operating in Alaska, whether English or American, to comply with our laws as laid down in the general statutes and get the right of way in the regular way without coming to Congress?

Mr. POWERS. I think in that cold country, when you can not work more than five or six months a year, 300 miles of main line in three years is not unreasonable.

Mr. BROOKS of Colorado. I will ask the gentleman from Maine if it is not true that companies have gone in, and without these special privileges succeeding in getting their rights of way, and are they not going on and building their roads?

Mr. POWERS. There is no other company that has done anything in comparison with what this road has done, except the White Pass and Yukon, which is completed, and which is an English company.

Mr. BROOKS of Colorado. Is this company incorporated?

Mr. POWERS. Certainly, sir.

Mr. BROOKS of Colorado. Under what law?

Mr. POWERS. Under the general law, and has located its route the whole distance, and only asks this extension for filing its completed survey. It has, as I have already stated, completed 40 miles of its line, and has 30 miles more under contract.

Mr. BROOKS of Colorado. What difference does it make, in the gentleman's mind, whether the White Pass and Yukon road is an English corporation or any other? As a matter of fact, that road has complied with the law, and without special privileges from Congress has gotten right of way.

Mr. POWERS. The White Pass and Yukon is a short road in the American portion of Alaska. It is only partly in our territory. The Canadians have subsidized it and built it, and they have undoubtedly—I know something of what Canada does—received many hundred times the aid this road is asking for here.

Mr. BROOKS of Colorado. That does not answer the question. That road has complied with our laws and has gotten a regular right of way over our public domain without special privileges from the Government.

Mr. POWERS. It has not built nearly as much road over our domain as this company has now already constructed.

Mr. HAMILTON. There are only 20 miles in American territory.

Mr. POWERS. The gentleman from Michigan informs me there are only 20 miles in American territory, and I have no doubt he is correct. The Canadian Pacific received aid from Canada for building across the State of Maine a large sum per mile, and I have no doubt the White Pass and Yukon was subsidized its own length.

Mr. BROOKS of Colorado. I am simply asking these questions for information.

Mr. WILLIAMS. Mr. Speaker, I hope that this bill will not pass. The gentleman from Maine [Mr. POWERS] says that the committee did not accept all of the advice given to it by the President on the subject of aiding to build railroads. I think it was very wise for them to consider the recommended policy not wise. I think it will be a long time before the American people will be willing to go into Federal-Government-aided railroad building again, after all the rottenness and corruption of the Crédit Mobilier and the De Golyer-Oakes Ames affairs that we got out of the business when we went into it before.

Now, Mr. Speaker, this bill does several things that I think are entirely too liberal. I notice that when we are dealing with the public money, and especially when we are dealing with it to help corporations, we are awfully liberal. When we are dealing with our own money, or even public money, to help individuals we are not nearly so liberal. A gentleman said to me this morning that we ought to exempt this railroad from taxes because they are unable to borrow money. Why, bless your soul, Mr. Speaker, about fifteen or sixteen years ago, when I was about to the point where I was not able to borrow money very readily, there was nothing said about exempting me from taxation so that I could borrow it. I have never yet been in favor of a proposition exempting anybody from taxation. Every enterprise, whether corporate or individual, ought to stand upon its own bottom with equal burdens of government and with equal opportunities under the Government. There is no more reason under the sun why a lot of men who want to build a railroad in Alaska, or anywhere else, should be exempt from the burdens of government than there is why I should be exempt if I wanted to plant cotton, or the gentleman from Illinois [Mr. MANN] be exempt if he wanted to practice law, or somebody else because he wanted to manufacture cotton.

I am opposed to exemption from taxes. The gentleman from Maine says that this bill only exempts this company "from the license tax." That is true. But the general law already exempts them from every other tax. They are exempt now from ad valorem taxes on property, and the general law provides that where railroads are to be taxed at all in Alaska it shall be in this manner—by license. When you take that away the result is they are not taxed at all.

Now, one of two things is true. Either it is going to pay somebody to build that railroad, or it is not; and if it is going to pay somebody to build it, then the little amount that they will have to pay for taxes will not render it a nonpaying investment. If it is not going to pay, they are not going to build simply because you have exempted them from their share of what little taxes are paid in the Alaskan Territory. The general law is already very liberal. It gives, if I remember right, 20 acres for station and 20 acres for terminals; and there are other advantages under the general Alaskan railroad law. Now, these people, not satisfied with these, ask not only for an exemption for taxes, both property and license, but an increase in the area and value of terminal facilities, an increase in the station rights given under the general law, and various things.

Now, I wish to say here and now that I was informed by an ex-member of this House, in whom I place very much confidence personally and in every other way, that there was a company there now building a railroad chartered under the laws of the State of Washington, and that they had spent, he said—I am not certain about the amount, but, I think, something like a million and a half of dollars.

Mr. HAMILTON. What road is that?

Mr. WILLIAMS. I do not remember the name of the road.

Mr. HAMILTON. It would be well for the gentleman to be specific, because there are other projects.

Mr. WILLIAMS. I can not be specific when I can not remember.

Mr. LLOYD. The road to which you refer is not this road, but it is a road that is to be built.

Mr. WILLIAMS. Mr. Shafroth, who was a Member of this House, was speaking to me this morning about a company which was chartered, as he said, by the State of Washington, without any of these special privileges.

Mr. HAMILTON. Will the gentleman permit an inquiry?

Mr. WILLIAMS. Yes.

Mr. HAMILTON. What road does Mr. Shafroth represent?

Mr. WILLIAMS. That I do not know. I have already told the gentleman that.

Mr. HAMILTON. Will the gentleman permit me to say to him that Mr. Shafroth represents the White Pass and Yukon Company, or people who are connected with an English company, and who are endeavoring to prevent American capital constructing railroads on Alaskan soil.

Mr. WILLIAMS. I know the man, a man of honor—I don't care who is his client—and I know that when the man makes a statement of fact, it is the truth.

Mr. HAMILTON. Nobody would deny the statement; but the facts are as I state.

Mr. WILLIAMS. There is not a man who ever served with him does not know his honesty and truthfulness.

Mr. LLOYD. I am sure the gentleman from Mississippi wants to state the thing fairly.

Mr. WILLIAMS. Of course.

Mr. LLOYD. I have conversed with Mr. Shafroth in connection with the railroad legislation that is proposed in Alaska, and there is something coming up that is much worse than this.

Mr. WILLIAMS. Is there a worse bill than this to come up?

Mr. LLOYD. Yes; ten times worse.

Mr. WILLIAMS. Then let us beat this one first—it is bad enough—and beat the one that is ten times worse than this, when it comes up later, ten times as badly. Whether he was complaining to me about this road or the one to follow, which is worse, I do not know; but these gentlemen in urging this bill are seeking to have themselves exempt from taxation. There is no more reason why the railroads in Alaska should be exempt than anybody should be, and they are seeking other

special advantages in addition to those they have received under the already very liberal general railroad laws for the Territory of Alaska.

I do not suppose there is a man in the House who will deny the statement that there is no more liberal law relating to railroads than is the general law for the construction of railways in the Territory of Alaska.

Mr. CUSHMAN. Mr. Speaker, it is not such a liberal law—and it is liberal in some of its provisions—as to enable the people to construct railroads to satisfactorily take care of the traffic of that country. The people in Alaska are in a very bad way for transportation facilities. Now, so far as I am concerned, I want to help them out in every way I can.

Mr. WILLIAMS. Now, Mr. Speaker, with reference to that, of course the people in Alaska are having difficulties, in a scantily settled and poor country, about enterprises in building railroads.

Mr. CUSHMAN. Not a poor country.

Mr. WILLIAMS. It may not be poor in potentiality, but it is in actuality, because there are few people there to work and make money, and wealth is the result of labor profitably employed.

Mr. HAMILTON. They are at work there.

Mr. WILLIAMS. But there are not many of them.

Mr. HAMILTON. Does the gentleman know that it costs $100 per ton to get freight by water into Alaska now?

Mr. WILLIAMS. I know if it costs $100 a ton to get freight by water it will cost more than $100 a ton to get it there by rail.

Mr. HAMILTON. What makes the gentleman say that?

Mr. WILLIAMS. I do not know whether it costs $100 a ton, but if the gentleman from Michigan says it does I accept the statement. The gentleman from Washington has mentioned the fact that gentlemen are having difficulty in building the road. Of course every sparsely settled country has difficulty in building railroads, and it is natural that it should have difficulty in building railroads; but in the course of time, when conditions shall justify the railroads, they will be built.

Now, it was argued that the Government ought to build a railroad wherever the people needed that one should be built. In other words, the people who live in a portion of the country where railroads are just as much needed, but where agriculture, commerce, and mining justify them in paying out their own earnings for railroads are to be taxed in order to build a railroad somewhere where commerce, agriculture, and mining do not justify it, because if it did it would be built.

Mr. HAMILTON. Is the country in any way taxed by enacting the provisions of this bill?

Mr. WILLIAMS. Of course, for every dollar they do not collect up there we have got to make it up—somebody in Alaska or somewhere in the balance of the United States has got to make it up.

Mr. HAMILTON. Oh, no.

Mr. WILLIAMS. There never was a man exempted from taxation but that some other man had to make it up, unless you are running a government where you are collecting more taxes than you need; and I hope that is not the case in Alaska, and I hope it is not the case here. Mr. Speaker, I reserve the balance of my time, and I will yield any of it to any gentleman on this side who may need it.

Mr. POWERS. Mr. Speaker, how much time has the gentleman remaining?

The SPEAKER pro tempore. The gentleman from Mississippi has eight minutes remaining, and the gentleman from Maine nine minutes.

Mr. POWERS. Will the gentleman from Mississippi use the balance of his time?

Mr. WILLIAMS. I will reserve the balance of my time.

Mr. POWERS. I intend to use the remainder of mine or give it away.

Mr. WILLIAMS. Will the gentleman close in one speech?

Mr. POWERS. One speech.

Mr. WILLIAMS. I will not use any further time, Mr. Speaker.

Mr. POWERS. Mr. Speaker, I want this House distinctly to understand that to-day in Alaska for more than one-half of the year, when the Yukon River is frozen over, there is one of the greatest and most exacting monopolies doing transportation business found on this continent—the White Pass-Yukon Company, whose attorney is Mr. Shafroth, who has interviewed the gentleman from Mississippi. It has no competitor, and it does not mean to have any. I am surprised that the leader of the Democratic party, that claims to be against all monopolies, should come here and oppose a road which, if built, furnishes another source of transportation from the ocean to the Yukon River in opposition to this White Pass and Yukon road, and an English road at that.

Mr. WILLIAMS. I don't care whether it is English or Dutch. I would like to ask the gentleman from Maine a question. Does the gentleman think that the right way to avoid a monopoly, even granting that there were one or will be one, is to tax me to avoid it for somebody else's benefit?

Mr. POWERS. I will answer the gentleman by saying that there is no property to be taxed there until we bring it into existence. They are not now operating the 40 miles of railroad for public purposes simply because they do not want to pay the tax. The object of building the 463-mile line, to say nothing about its branches, is to open up a desirable country which will give us the privilege of transporting supplies to the Yukon River where navigation is open, and the river does not freeze for two months longer than down below toward the mouth, and to enable our people who are trying to mine in that section of the country to get freight at a rate so that they can live, so that mining operations can be carried on in many claims that will not pay now, freights are so high. We will develop that country and open up its vast wealth of coal, copper, and timber, I trust, in the not too far distant future.

Mr. LLOYD rose.

Mr. POWERS. I can not yield to the gentleman. I have only a few minutes.

Mr. WILLIAMS. Very well; I waived my time in order that you might conclude.

Mr. POWERS. Mr. Speaker, it seems to me that gentlemen ought not to oppose this petty little aid. The relieving from taxation of this road, while it is creating the property to be taxed, which is so necessary to our own people, so necessary in order that the miners on the Yukon and in all northern Alaska may not be, for more than half the year, in the grip of this English corporation, whose attorneys have not appeared before our committee, but we have heard from them in many ways, and they have not failed to make themselves distinctly understood. This road is not within hundreds of miles of the one which they pretend to have surveyed, but which they have not surveyed. Now, Mr. Speaker, under these circumstances, I submit that if Congress wishes to do anything for the development of Alaska this session, it should pass this bill as a very easy and proper means of doing it with little or no cost to the Government.

Mr. WILLIAMS. I should like to ask the gentleman a question right there.

The SPEAKER pro tempore. Does the gentleman from Maine yield to the gentleman from Mississippi?

Mr. POWERS. I do.

Mr. WILLIAMS. The gentleman has referred to Government aid in building railroads in the Philippines and to building roads in Alaska as if they both were justifiable enterprises. That is a question on which he and I differ, as I do not think either one is justifiable; but the question I want to ask him is, Does he not think if the Government was going to aid the building of a road, it would do more good by aiding the building of a road in Texas or some other State of this Union, where there would be more use of and for one, where it would serve more people, than by aiding a road up in Alaska?

Mr. POWERS. I think there is no place on this continent where it would do more good than right where this bill proposes it shall be done.

Mr. LLOYD. I am sure the gentleman from Maine has no purpose of deceiving the House.

Mr. POWERS. Certainly not.

Mr. LLOYD. Mr. Shafroth, to whom the gentleman has referred, represents a State of Washington company. He does not represent the White Pass and Yukon Company.

Mr. POWERS. One moment. I can not be interrupted any more. I understand whom Mr. Shafroth represents, and I understand the men who are behind that project, but the gentleman will agree with me that the project to which he refers has no connection with this. It has connection with another and a different one.

Mr. LLOYD. I want to say also that Mr. Shafroth is not opposing this particular bill.

Mr. POWERS. Is it not a right and proper and reasonable thing to extend this time, and to exempt this road from this small amount of taxation if it will go on and complete its road so that it can pay taxes in the future? It does not exist now. Nobody pays any taxes there now that I know of. Is it not a good business proposition? Is it not in accordance with the recommendation of the President in his message? In heaven's name, suppose we had denied some little aid like this instead of aiding the great roads that cross the continent to the Pacific coast, we would have set back the wheels of progress a half

century. And we have got every dollar of money back that we ever expended on those roads. Every bond that the United States issued or guaranteed in their behalf has been paid by them.

I submit, Mr. Speaker, that the aid asked for in this bill, the exemption from license tax or taxation during the time the road is being built, the small addition to terminal facilities, and the extension of time within which to file final location and working plans, on a road nearly 500 miles long—these requests are reasonable and just, and I hope this House will grant them. [Applause.]

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds having voted in the affirmative——

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 129, noes 53.

Mr. WILLIAMS. Mr. Speaker, if I caught the figures correctly, there is no quorum present.

The SPEAKER. The Chair will count.

Mr. WILLIAMS. Mr. Speaker, in the interim, I call for the yeas and nays upon the pending bill.

The SPEAKER. The point is made that no quorum is present. The doors will be closed, the Sergeant-at-Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 110, nays 60, answered "present" 29, not voting 182, as follows:

YEAS—110.

Adams, Wis.	Dwight	Lawrence	Payne
Alexander	Edwards	Lilley, Pa.	Perkins
Allen, Me.	Esch	Lorimer	Pollard
Bannon	Fassett	Loud	Reeder
Barchfeld	Gaines, W. Va.	Loudenslager	Rodenberg
Bartholdt	Gardner, Mich.	Lovering	Samuel
Bates	Gardner, N. J.	McCall	Scott
Beidler	Gilbert, Ind.	McCarthy	Sibley
Bennet, N. Y.	Graham	McGavin	Smith, Cal.
Bonynge	Grosvenor	McKinley, Ill.	Smith, Ill.
Bowersock	Hamilton	McKinney	Smyser
Brick	Hayes	Madden	Snapp
Brown	Hepburn	Mann	Southwick
Buckman	Hermann	Marshall	Sperry
Burke, Pa.	Higgins	Miller	Stafford
Burton, Ohio	Hill, Conn.	Minor	Steenerson
Capron	Hinshaw	Mouser	Stevens, Minn.
Chaney	Hogg	Mudd	Sulloway
Chapman	Howell, N. J.	Murdock	Tirrell
Cooper, Pa.	Hubbard	Needham	Townsend
Cromer	Hull	Nevin	Volstead
Crumpacker	Jones, Wash.	Norris	Waldo
Cushman	Kahn	Olcott	Watson
Dalzell	Keifer	Otjen	Wiley, N. J.
Darragh	Kennedy, Ohio	Overstreet	Wilson
Dawson	Knowland	Palmer	Young
Deemer	Lafean	Parker	
Dunwell	Landis, Frederick	Parsons	

NAYS—60.

Beall, Tex.	Gill	Lee	Shackleford
Bell, Ga.	Gillespie	Lloyd	Sims
Birdsall	Granger	McNary	Slayden
Brantley	Gregg	Macon	Smith, Md.
Broocks, Tex.	Hay	Mondell	Smith, Tex.
Burgess	Hedge	Padgett	Spight
Burleson	Heflin	Patterson, S. C.	Stephens, Tex.
Candler	Henry, Tex.	Pou	Sullivan, Mass.
Clark, Mo.	Hopkins	Rainey	Thomas, N. C.
Davis, W. Va.	Houston	Rhodes	Towne
De Armond	Howard	Richardson, Ala.	Underwood
Dixon, Ind.	Humphreys, Miss.	Rixey	Wallace
Floyd	Johnson	Robinson, Ark.	Watkins
Garner	Kelliher	Rucker	Williams
Garrett	Kitchin, Claude	Russell	Zenor

ANSWERED "PRESENT"—29.

Bankhead	Dixon, Mont.	Jenkins	Southard
Bartlett	Driscoll	Kline	Sparkman
Boutell	Ellis	Maynard	Taylor, Ala.
Brooks, Colo.	Finley	Moon, Tenn.	Wanger
Campbell, Kans.	French	Powers	Wood, Mo.
Cooper, Wis.	Fulkerson	Ryan	
Curtis	Goulden	Sheppard	
Dale	Howell, Utah	Smith, Iowa	

NOT VOTING—182.

Acheson	Brownlow	Cole	Fletcher
Adams, Pa.	Brundidge	Conner	Flood
Adamson	Burke, S. Dak.	Cousins	Fordney
Aiken	Burleigh	Currier	Foss
Allen, N. J.	Burnett	Davey, La.	Foster, Ind.
Ames	Burton, Del.	Davidson	Foster, Vt.
Andrus	Butler, Pa.	Davis, Minn.	Fowler
Babcock	Butler, Tenn.	Dawes	Fuller
Bede	Byrd	Denby	Gaines, Tenn.
Bennett, Ky.	Calder	Dickson, Ill.	Garber
Bingham	Calderhead	Dovener	Gardner, Mass.
Bishop	Campbell, Ohio	Draper	Gilbert, Ky.
Blackburn	Cassel	Dresser	Gillett, Cal.
Bowers	Clark, Fla.	Ellerbe	Gillett, Mass.
Bowie	Clayton	Field	Glass
Bradley	Cockran	Fitzgerald	Goebel
Broussard	Cocks	Flack	Goldfogle
Graff	Lamar	Morrell	Smith, Pa.
Greene	Lamb	Murphy	Southall
Griggs	Landis, Chas. B.	Olmsted	Stanley
Gronna	Law	Page	Sterling
Gudger	Le Fevre	Patterson, N. C.	Sullivan, N. Y.
Hale	Legare	Patterson, Tenn.	Sulzer
Hardwick	Lester	Pearre	Talbott
Haskins	Lever	Prince	Tawney
Haugen	Lewis	Pujo	Taylor, Ohio
Hearst	Lilley, Conn.	Randell, Tex.	Thomas, Ohio
Henry, Conn.	Lindsay	Ransdell, La.	Trimble
Hill, Miss.	Littauer	Reid	Tyndall
Hitt	Little	Reynolds	Van Duzer
Hoar	Littlefield	Rhinock	Van Winkle
Holliday	Livingston	Richardson, Ky.	Vreeland
Huff	Longworth	Rives	Wachter
Hughes	McCleary, Minn.	Roberts	Wadsworth
Humphrey, Wash.	McCreary, Pa.	Robertson, La.	Webb
Hunt	McDermott	Ruppert	Webber
James	McKinlay, Cal.	Schneebeli	Weeks
Jones, Va.	McLachlan	Scroggy	Weems
Kennedy, Nebr.	McLain	Shartel	Weisse
Ketcham	McMorran	Sherley	Welborn
Kinkaid	Mahon	Sherman	Wharton
Kitchin, Wm. W.	Martin	Slemp	Wiley, Ala.
Klepper	Meyer	Small	Wood, N. J.
Knapp	Michalek	Smith, Ky.	Woodyard
Knopf	Moon, Pa.	Smith, Samuel W.	
Lacey	Moore	Smith, Wm. Alden	

So the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following pairs:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. DOVENER with Mr. SPARKMAN.

For the balance of the day:

Mr. STERLING with Mr. STANLEY.

Mr. LITTAUER with Mr. LEWIS.

Mr. LONGWORTH with Mr. LAMAR.

Mr. HAUGEN with Mr. COCKRAN.

Mr. MCCLEARY of Minnesota with Mr. GOLDFOGLE.

Mr. BROWNLOW with Mr. BRUNDIDGE.

Mr. BOUTELL with Mr. GRIGGS.

Mr. VREELAND with Mr. LESTER.

Mr. OLMSTED with Mr. TALBOTT.

Mr. LE FEVRE with Mr. MOON of Tennessee.

Mr. BABCOCK with Mr. CLARK of Florida.

For the vote:

Mr. BURTON of Delaware with Mr. BOWERS.

Mr. COUSINS with Mr. FRENCH.

Mr. CAMPBELL of Kansas. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. CAMPBELL of Kansas. Mr. Speaker, I am paired for the day with Mr. FLOOD, of Virginia, and I desire to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. CAMPBELL of Kansas and he answered "present."

Mr. DALE. Mr. Speaker, I am paired with the gentleman from Alabama [Mr. BOWIE]. I desire to change my vote from "aye" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DALE and he answered "present."

The result of the vote was announced as above recorded.

CARRYING OF DANGEROUS ARTICLES ON PASSENGER STEAMERS.

Mr. GROSVENOR. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6129) to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4472 of the Revised Statutes be, and the same is hereby, amended by adding thereto the following provision:

"*Provided, however*, That nothing in the provisions of this title shall prohibit the transportation by vessels not carrying passengers for hire of gasoline or any of the products of petroleum for use as a source of motive power for the motor boats or launches of such vessels."

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

TO PROHIBIT SHANGHAIING IN THE UNITED STATES.

Mr. GROSVENOR. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19374) to prohibit shanghaiing in the United States.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That whoever, with intent that any person shall perform service or labor of any kind on board of any vessel of any kind

engaged in trade and commerce among the several States or with foreign nations, shall—

First. Procure or induce or attempt to procure or induce another by force, threats, or representations which the person making them knows or believes to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to go on board of any such vessel.

Second. Induce or procure or attempt to induce or procure another by force or threats, or by representations known or believed by the person making them to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to sign or in any wise enter into any agreement to go on board any such vessel to perform service or labor thereon, shall be fined not more than $1,000 or imprisoned for one year, or both.

SEC. 2. That whoever shall knowingly detain on board any such vessel any person induced to go on board thereof or to enter into an agreement to go on board thereof by any of the means defined in section 1 hereof shall be punished as provided in section 1.

SEC. 3. That whoever shall knowingly aid or abet in the doing of any of the things declared unlawful by sections 1 and 2 of this act shall be deemed a principal and punished accordingly.

SEC. 4. That sections 4, 6, and 24 of chapter 28 of the acts of Congress, approved December 21, 1898, shall apply to all vessels engaged in the taking of oysters, anything in section 26 of said last-mentioned act to the contrary notwithstanding.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRASS CANNON FOR GENERAL HOWELL POST, NO. 31, GRAND ARMY OF THE REPUBLIC, OF WOODBURY, N. J.

Mr. WILLIAMS. Mr. Speaker, I move that the rules be suspended and House joint resolution No. 98 be put upon its passage.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.

Resolved, etc., That the Secretary of War be, and is hereby, authorized to deliver to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J., if the same can be done without detriment to the public service, two brass cannon, now at the Frankford Arsenal, Philadelphia, Pa., one marked "179, Revere Copper Company," 12-pounder, weight 1,246 pounds, 1862 model, T. J. R. brass gun, and the other marked "226, H. N. H. & Co.," 12-pounder, weight 1,235 pounds, model 1863, T. J. R. brass gun, the same to be used in front of the monument erected on the court-house grounds at Woodbury, N. J.: *Provided*, That the donation shall be without expense to the United States.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

DAM ACROSS THE MISSISSIPPI RIVER NEAR BEMIDJI, MINN.

Mr. STEENERSON. Mr. Speaker, I move that the rules be suspended and the bill (H. R. 18026) permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn., be passed.

The SPEAKER. The Clerk will report the bill.

Mr. WILLIAMS. Mr. Speaker, it is twenty-four minutes after 5 o'clock, and I think the gentleman from New York wants to move to adjourn.

The SPEAKER. The bill, the Chair understands, is a short one.

Mr. WILLIAMS. Is it a very short one?

The SPEAKER. And the Chair indicated to the gentleman from Minnesota that he would be recognized. It is a dam bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to William R. Morrison and H. W. Haines to build a dam across the Mississippi River near the city of Bemidji, Minn., between the point where the same crosses the west line of township 145, range 35, and the point where said river crosses the north line of said township in Hubbard County, Minn., for the development of water power and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said William R. Morrison and H. W. Haines, their heirs, administrators, and assigns, shall not deviate from such plans after such approval, either before or after the completion of said structure, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway, so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation; and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such a dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways and lights, to be approved by the Secretary of Commerce and Labor, shall be constructed and maintained at said dam by William R. Morrison and H. W. Haines, their heirs, administrators, and assigns.

SEC. 2. That in case any litigation arises from the building of said dam or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Minnesota and in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of the same.

SEC. 3. That this act shall be null and void unless the dam herein authorized be commenced within one year and be completed within three years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

WITHDRAWAL OF PAPERS.

Mr. GUDGER asked leave to withdraw from the files of the House, without leaving copies, the papers in the case of F. M. Rhineheardt et al., Fifty-ninth Congress, no adverse report having been made thereon.

Mr. GARNER asked leave to withdraw from the files of the House, without leaving copies, the papers in the case of Floyd L. Frisbie, Fifty-ninth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the requests be granted.

The question was taken; and the motion was agreed to.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting a list of certain properties belonging to the United States, with recommendation as to their sale—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for file cases, etc., for the office of the supreme court of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for work of the isthmian canal—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ALLEN of Maine, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4268) changing the name of Douglas street to Clifton street, reported the same without amendment, accompanied by a report (No. 4342); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 18441) referring to the Court of Claims the claims for longevity pay on account of service of officers of the United States, reported the same with amendment, accompanied by a report (No. 4343); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was

referred the bill of the House (H. R. 10595) for the relief of Nye & Schneider Company, reported the same without amendment, accompanied by a report (No. 4344); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13122) to correct the military record of John Allen, reported the same without amendment, accompanied by a report (No. 4345); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. GAINES of West Virginia: A bill (H. R. 19515) providing for publicity in election expenditures—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. GARNER: A bill (H. R. 19516) to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes—to the Committee on the Judiciary.

By Mr. BANNON (by request): A bill (H. R. 19517) to amend and construe an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ended June 30, 1900, and for other purposes," in so far as the same relates to Virgina military, continental, or State land warrants—to the Committee on the Public Lands.

By Mr. BURLESON: A bill (H. R. 19518) to amend section 5501 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. YOUNG: A bill (H. R. 19519) to establish a subport of entry at Superior, Wis., with privileges of immediate transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

By Mr. DIXON of Montana: A bill (H. R. 19520) to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a railroad bridge across the Missouri River in Montana—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 19521) granting pensions to certain soldiers and sailors who served in the war of the rebellion, and their widows—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: A bill (H. R. 19522) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.—to the Committee on the Judiciary.

By Mr. BENNETT of Kentucky: A bill (H. R. 19523) to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Maine: A bill (H. R. 19524) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906—to the Committee on the District of Columbia.

By Mr. BANKHEAD: A bill (H. R. 19525) to promote the construction of good roads and the efficiency of the postal service in the States and Territories of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMPACKER: A joint resolution (H. J. Res. 159) authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES B. LANDIS: A resolution (H. Res. 533) providing for the printing of 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-ninth Congress—to the Committee on Printing.

By Mr. LOUDENSLAGER: A resolution (H. Res. 534) providing for the payment to D. S. Porter a certain sum of money as assistant clerk to the Committee on Pensions—to the Committee on Accounts.

By Mr. OLCOTT: A resolution (H. Res. 535) authorizing the committee appointed to investigate the Government Hospital for the Insane to print—to the Committee on Printing.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 536) fixing the salary of Charles J. Sumner, superintendent of the House document room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 19526) granting an increase of pension to Judson H. Holcomb—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 19527) granting an increase of pension to John Smallwood—to the Committee on Invalid Pensions.

By Mr. BROOCKS of Texas: A bill (H. R. 19528) granting an increase of pension to Elizabeth Maddox—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 19529) granting an increase of pension to Mary Elizabeth Hutcheson—to the Committee on Pensions.

Also, a bill (H. R. 19530) granting an increase of pension to Charles P. Gray—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 19531) granting a pension to Lisle F. McCully—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 19532) for the relief of Severin Hartmann—to the Committee on Claims.

By Mr. DEEMER: A bill (H. R. 19533) granting an increase of pension to Mary Hall—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 19534) granting an increase of pension to Noah Resseguie—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 19535) granting an increase of pension to Mary A. Bingaman—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 19536) granting a pension to Jane Craven—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 19537) granting an increase of pension to Edward S. E. Newbury—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 19538) granting an increase of pension to Sarah Jane Dougherty—to the Committee on Pensions.

By Mr. GREGG: A bill (H. R. 19539) granting an increase of pension to Margaret E. Carlton—to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 19540) granting an increase of pension to Vine Branch—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 19541) grating an increase of pension to Job F. Martin—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 19542) for the relief of George crease of pension to Job F. Martin—to the Committee on Ivers, administrator de bonis non of William Ivers, deceased, of Las Animas County, Colo., or his legal representatives—to the Committee on War Claims.

By Mr. HOWARD: A bill (H. R. 19543) granting a pension to William E. Anderson—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 19544) granting an increase of pension to J. De Puy Davis—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 19545) for the relief of the village of Graysville, in Catoosa County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 19546) granting a pension to Sarah M. Roach and others—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19547) for the relief of Martha Howard—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 18548) granting an increase of pension to Elizabeth S. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19549) for the relief of the Corn Exchange National Bank, of Philadelphia, Pa.—to the Committee on Claims.

By Mr. McKINNEY: A bill (H. R. 19550) granting an increase of pension to David O. Reid—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 19551) for the relief of Vallintine & Hain—to the Committee on War Claims.

Also, a bill (H. R. 19552) for the relief of Vallintine & Hain—to the Committee on War Claims.

By Mr. SNAPP: A bill (H. R. 19553) granting an increase of pension to James Robertson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19554) granting an increase of pension to Robert B. Graves—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 19555) granting an increase of pension to Thomas J. Long—to the Committee on Pensions.

By Mr. SPIGHT (by request): A bill (H. R. 19556) for the

relief of Alfred McFadgen—to the Committee on Military Affairs.

By Mr. TIRRELL: A bill (H. R. 19557) to refund certain legacy taxes illegally collected—to the Committee on Claims.

By Mr. TYNDALL: A bill (H. R. 19558) granting a pension to George W. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19559) granting a pension to Conrad Stehr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19560) granting a pension to Charles C. Mauch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19561) granting an increase of pension to Joseph H. Shipman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19562) granting an increase of pension to Newton C. Epps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19563) granting an increase of pension to Nathaniel Martin—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 19564) for the relief of the heirs of Elizabeth T. Davis—to the Committee on War Claims.

By Mr. WILEY of Alabama: A bill (H. R. 19565) to donate certain lands in Baldwin County, Ala., for educational purposes—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 15492) granting a pension to W. L. Tyler, and it was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Paper to accompany bill for relief of Henry M. Serena—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Elizabeth Gibbs—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of William H. Thompson—to the Committee on Naval Affairs.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of John Smallwood—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jacob R. Compton—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Charles P. Gray—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: Petition of J. B. Henderson, of Hoboken, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of C. B. Oborn, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Edward H. Graham, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FLOYD: Paper to accompany bill for relief of Malinda Stinnett—to the Committee on Invalid Pensions.

By Mr. FOWLER: Petition of Rockaway Council, No. 195, Junior Order United American Mechanics, for bills H. R. 15442 and 17941, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the First Presbyterian Church of Roselle, N. J., for an antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GARRETT: Paper to accompany bill for relief of Sarah Jane Dougherty—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Manchester Savings Bank and Trust Company, favoring two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of Edward H. Graham, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Petition of Headquarters Grand Army of the Republic, Department of Pennsylvania; Association of the Twenty-eighth and One hundred and forty-seventh Pennsylvania Volunteers and Knap's battery, for a monument to General Rosecrans—to the Committee on the Library.

By Mr. HAMILTON: Petition of soldiers of Anderson County, Kans., for increase of pensions for ex-prisoners of war (bill H. R. 15585)—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Petition of the New London (Conn.) Business Men's Association, for the Hull bill increasing the artillery forces—to the Committee on Military Affairs.

By Mr. HOWELL of Utah: Petition of 60 American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of the Morgan Canning Company and the Uintah Canning Company, for an amendment of subsection 3 of section 7 of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Paper to accompany bill for relief of James McLaughlin (erroneously referred to the Committee on Military Affairs)—to the Committee on Naval Affairs.

By Mr. LAFEAN: Petition of A. R. Kilgore, of York County, Pa., urging elimination of subsection 3 of section 7 of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEE: Papers to accompany bills for relief of Presbyterian Church and the Baptist Church of Calhoun, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Martha Howard—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petition of William F. Humphrey, chairman of the maritime committee of the Boston Chamber of Commerce, for bill S. 2262, relative to destruction of ocean derelicts—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of W. L. Tyler (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of heirs of Elizabeth T. Davis—to the Committee on War Claims.

By Mr. RODENBERG: Petition of citizens of Washington County, Ill., for the Army medical bill—to the Committee on Military Affairs.

By Mr. SAMUEL: Petition of Mount Pleasant Grange, No. 68, Patrons of Husbandry, of Muncy, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SPIGHT: Paper to accompany bill for relief of Alfred McFadgen—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of the Dairy Record, of St. Paul, Minn., and the Stillwater Messenger, of Stillwater, Minn., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of citizens of Michigan, against the ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

By Mr. VOLSTEAD: Petition of the Review, of Olivia, Minn., and the Times, of Ivanhoe, Minn., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, for the Mann bill (H. R. 8102)—to the Committee on Patents.

By Mr. WANGER: Petition of the General Church of the New Jerusalem, for an amendment of the postal laws, so as to make all paid subscriptions to publications legitimate—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *May 22, 1906.*

Prayer by Rev. ROBERT M. MOORE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PETITIONS AND MEMORIALS.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Ill., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Foreign Relations.

He also presented petitions of the congregations of the First Presbyterian Churches of De Quoin, Sandwich, Minonk, and Trenton, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Chicago, Peoria, Carthage, and Fairfield, all in the State of Illinois, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the city council of Chicago, Ill., praying that in the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes the

sanitary interests of that city be fully protected; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of Franklin Pierce Council, No. 30, Junior Order United American Mechanics, of Concord, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the Washington Homeopathic Medical Society, of Washington, D. C., remonstrating against the enactment of legislation to regulate the practice of osteopathy; which was ordered to lie on the table.

He also presented a memorial of the committee on public improvements to the board of directors of the Business Men's Association, of Washington, D. C., remonstrating against the enactment of legislation reducing the width of roadways of certain streets and avenues in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BURKETT presented a petition of sundry teachers of the public schools of Washington, D. C., praying for the enactment of legislation to increase the salaries and also for the automatic promotion of public school teachers in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KNOX presented a petition of 204 citizens of Altoona, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented petitions of the Westminister Presbyterian Church, of West Chester, Woman's Home Missionary Society of the Presbyterian Church in the presbyteries of Pittsburg and Allegheny, Woman's Home Missionary Society of Point Breeze, of Pittsburg, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Home Missionary Society of the First Methodist Episcopal Church of Scottdale; Young Ladies' Home Missionary Society of Emory Methodist Episcopal Church, of Pittsburg; Woman's Home Missionary Society of the Methodist Episcopal Church of Grove City, all in the State of Pennsylvania, praying that the direction of the schools of Alaska be left with the Bureau of Education; which were referred to the Committee on Territories.

He also presented the petitions of A. L. Snowden, of Philadelphia; B. K. Huber, of Neffsville; sundry citizens of Jeddo; T. S. Mellor, of West Chester; F. L. Mears, of Stoneboro; E. A. Furman, of Canton; M. P. Haverstick, of Lititz; J. W. Root, of Manheim; C. H. A. Dissinger & Bro, of Wrightsville; the Board of Trade of Chester; the Autocrat Company, of Ardmore; sundry citizens of Pittsburg; Grange No. 423, Patrons of Husbandry, of Waterford; Grange No. 1133, Patrons of Husbandry, of Washington; Grange No. 897, Patrons of Husbandry, of Carnegie, all in the State of Pennsylvania, praying for the passage of the bill to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

He also presented the petitions of J. R. Troup, of Oak Ridge; Council No. 384, Junior Order United American Mechanics, of Hoboken; Council No. 18, Junior Order United American Mechanics, of Philadelphia; sundry citizens of Hoboken; Council No. 211, Junior Order United American Mechanics, of New Stanton, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented the petitions of Mrs. G. T. Reynolds, of Vandergrift; Lillian C. Lesley, of Swarthmore; J. L. Metzgar, of Altoona; sundry citizens of Honeybrook; Rev. J. R. Monney, of Monessen; R. W. Himlick, of Monessen; E. U. Sowers, of Lebanon; Woman's Christian Temperance Union of Sayre; J. C. McDowell, of Pittsburg; Woman's Home Missionary Society, Christ Methodist Episcopal Church, of Pittsburg; K. J. McCune, of Fredonia; J. Y. McConnell, of Darby; L. B. Hershey, of Lancaster; Rev. C. R. Henry, of Philadelphia; J. L. Slater, of Pittsburg; Mary B. Smith, of Sayre; E. K. Thompson, of Titusville; East Harrisburg Woman's Christian Temperance Union, of Harrisburg; J. W. Leeds, of Rocouncy; W. H. Woods, of Huntingdon; C. C. Roudobush, of Altoona; Rev. Wm. Weir, of Philadelphia; J. S. Austin, of Lansdowne; Ellen H. E. Price, of Swarthmore; Rev. G. I. Humphreys, of Delta; Jennie M. Blackman, of Allentown; Woman's Home Missionary Society of Jersey Shore; Woman's Christian Temperance Union of Vandergrift; Sara A. Haskell, of Forksville; Woman's Christian Temperance Union of Downingtown; Jonathan Brown, of Ariel; Wilmer D. Scott, of Philadelphia; Rev. Judson U. Bailey, of Scranton; J. M. Howell, of Scranton; Woman's Christian Temperance Union of Lincoln University; Frank J. Lyons, of Oxford; G. Birdsall Passmore, of Malvern; W. S. Taylor, of Malvern; Rev. R. H. Crawford, of Downingtown; Henry Easson, of Beaver Falls; W. C. Letson, of Philadelphia; James Scott, of Beaver Falls; Mary S. Scott, of Swarthmore; Etta M. Wilson, of Berwyn; Edwin P. Sellew, of Colwyn; Wilkinsburg Christian Church, of Wilkinsburg; sundry citizens of Wilkinsburg; sundry citizens of Selinsgrove; F. W. McKee, of Pittsburg; W. H. Greene, of Philadelphia; H. W. Armstrong, of McEwensville; Joseph French, of Spring Run; C. S. Barrett, of Titusville; Rev. S. C. Simpkins, of Hawley; Rev. T. J. Hamilton, of Rouseville; Rev. Alice H. Allen, of Belle Vernon; Eva Hoffman, of Hoytville; W. C. Melcher, of Philadelphia; Thomas W. Fisher, of Malvern; James H. Smith, of Mount Carmel; The Teachers' Club, of Jersey Shore; sundry citizens of Bedford; sundry citizens of Dry Run; Woman's Christian Temperance Union of Allentown; C. W. Butler, of Montandon; William K. Eyeter, of Sunbury; Woman's Christian Temperance Union of Lancaster; Rev. J. L. Stratton, of New Castle; Woman's Christian Temperance Union of New Castle; D. B. Robins, of Fredonia; G. H. Brown, of Mazeppa; Joseph Lownes, of Soleburg; Dr. A. H. Flatt, of Corydon; H. M. Brown, of Lancaster; Robert H. Brown, of Lancaster; Dr. O. H. Rockwell, of Monroeton; First United Presbyterian Church of Slippery Rock; I. M. McClaymond, of Slippery Rock; Rev. L. F. Brown, of Mill Hall; Woman's Christian Temperance Union of Ridgway; Woman's Christian Temperance Union of Swarthmore; Woman's Home Missionary Society, Methodist Episcopal Church, of Philadelphia; E. S. Hopkins, of Wilcox; Woman's Home Missionary Society of Berwick; George B. Brown, of Lancaster; F. C. Doan, of Jersey Shore; Woman's Home Missionary Society of the Methodist Episcopal Church of Mount Carmel; Rev. Robert W. Woods, of Pittsburg; Frank J. Shepherd, of Philadelphia; Rev. W. R. Thompson, of Pittsburg; Rev. J. L. Updegraph, of Pittsburg; Presbyterian congregation of Fredonia; Elm Park Methodist Episcopal Church, of Scranton; William Hubbard, of Kane; Woman's Missionary Society of Jersey Shore; J. Blaine Peck, of Grand Valley; A. B. McHenry, of Silverwater; sundry citizens of LeRoy; Rev. Waton Bracken, of Livermore; Woman's Christian Temperance Union of Berwick; T. B. Perry, of Powell; A. M. Samuel, of Mount Carmel; East End Woman's Christian Temperance Union, of Pittsburg; Woman's Christian Temperance Union of Knox; sundry citizens of Washington; W. Henry Wilson, of Slippery Rock; Woman's Christian Temperance Union of Pennsylvania, Philadelphia; sundry citizens of Lititz; Woman's Club, of Swarthmore; sundry citizens of Southampton; sundry citizens of Mechanicsburg; sundry citizens of Washingtonville; H. C. Hinsloe and Newton Hamilton, Allegheny County; Woman's Christian Temperance Union of Allegheny; Dr. Joseph McFarland, of Philadelphia; Young Men's Christian Association, of Freeport; A. F. Titus, of Rixford; C. A. Titus, of Rixford; W. S. Robison, of Bradford; George W. Bailey, of Philadelphia; Woman's Christian Temperance Union of Montgomery County, of Philadelphia; sundry citizens of Coopertown; Paul H. Yourd, of Carnegie; Rev. E. W. Hart, of Philadelphia; Woman's Christian Temperance Union of Pennsdale; Hiram Riegner, of Mohns Store; M. L. Miller, of Mohns Store; George A. Johnson, of Berwyn; Rev. Charles W. Fletcher, of Washington; "Watson Lands" Lumber Company, of Nebraska; H. F. Dittmann, of Philadelphia; Collins, Darrah & Co., of Nebraska; R. W. Shawham, of Carnegie; H. H. Weber, of Jersey Shore; Ella Broomell, of Cochranville; D. J. Ebert, of Forksville; Alice G. Harbison, of Idlewood; Woman's Christian Temperance Union of Elverson; E. R. Huyck, of Starrucca; J. B. Handwork, of Elverson; Hunter Sigman, of Elverson; B. F. Steffy, of Mohns Store; Anna M. Dilks, of Philadelphia; Frank M. Rudolph, of York; E. C. Walton, of Swarthmore; Godfrey Stringer, of Philadelphia; D. C. Gilboney, of Philadelphia; Rev. C. P. Cheeseman, of Pittsburg; First Methodist Episcopal Church of Conneautville; Lewis Gross, of Rochester; Rev. E. J. Bond, of Strasburg; Woman's Christian Temperance Union of Watsontown; Woman's Christian Temperance Union of Milesburg; sundry citizens of Pittsburg; G. W. Moore, of Moore; Woman's Christian Temperance Union of Marion Center; Rev. Samuel D. Manifold, of Lancaster; Woman's Christian Temperance Union of Lancaster; William C. Taylor, of Dardy, Philadelphia; W. E. Matthews, of Johnstown; Alexander Gordon, of Pittsburg; Woman's Christian Temperance Union of Edinboro; Woman's Christian Temperance Union of Warren; Woman's Christian Temperance Union of Conneautville; Woman's Christian Temperance Union of Meyersdale; Woman's Home and Foreign Missionary Society of Fleetwood; Louise Dengler, of Elverson; Woman's Christian Temperance Union of West Grove; Woman's Christian Temperance Union of Atglen; Emma H. Eves, of Millville; Woman's

Christian Temperance Union of Clarks Summit; Alexander Zettle, of Jersey Shore; C. M. Mouser, of McEwensville; Young Men's Christian Association of Millville; J. F. Ellsworth, of Williamsburg; sundry citizens of Slippery Rock; Woman's Christian Temperance Union of Philadelphia; Woman's Christian Temperance Union of Allentown; D. L. Glover, of Mifflinburg; Woman's Christian Temperance Union of Milton; John A. Doods, of Beaver Falls; Homewood Baptist Church, of Pittsburg; Woman's Christian Temperance Union of Homestead; Leah McHenry, of Stillwater; Woman's Christian Temperance Union of Endeavor; Rev. T. L. Tomkinson, of Mount Carmel; Mary Bingham, of Burgettstown; A. R. Thompson, of Grand Valley; sundry citizens of New Hamburg; Woman's Christian Temperance Union of Freeport; Euclid Avenue Reformed Presbyterian congregation, of Pittsburg; Summit Presbyterian Church, of Germantown; Fourth Methodist Protestant Church of Pittsburg; L. N. Hilaman, of Nottingham; Woman's Christian Temperance Union of Carbondale; East End Reformed Presbyterian Church, of Pittsburg; John Fulton, of Johnstown; D. K. Condon, of Wilcox; E. E. Olin, of Bixford; Alice L. Irvine, of Towanda; J. W. Acla, of Towanda; M. B. Smith, of Sayre; sundry citizens of Towanda; M. B. Wood, of Sayre; A. H. Tomlinson, of Swarthmore; Alvan H. Tomlinson, of Wrightstown; Woman's Christian Temperance Union of Taylorsville; Homewood Avenue Methodist Episcopal Church, of Pittsburg; Rev. J. Norton Hyde, of Elverson; Ellen L. Thomas, of Norristown; Williston P. Wood, of Grand Valley; Dr. W. W. Dill, of Pottstown; Woman's Christian Temperance Union of Titusville; Henry J. Martin, of West Grove; Ellen Park, of Rixford; First Cumberland Presbyterian Church of Pittsburg; Woman's Christian Temperance Union of Bristol; S. W. Dickson, of Berwick; Woman's Christian Temperance Union of Berwyn; Methodist Episcopal Church of Sayre; Woman's Christian Temperance Union of Gravity; East End Woman's Christian Temperance Union, of Pittsburg; Alice S. Graff, of York; Rev. A. Meeker, of Grand Valley; I. B. Jones, of Philadelphia; B. H. Bateman, of Bradford; Harry E. Righter, of Philadelphia; J. C. Bryan, of Mill Hall; Woman's Christian Temperance Union of Wilkes-Barre; Woman's Christian Temperance Union of Solebury; Ministerial Association of York; James Yeats, of Philadelphia; D. I. Camp, of Dry Run; Woman's Christian Temperance Union of Clarskburg; Dr. G. Edgar Dean, of Scranton; Kate L. Shoemaker, of Hollidaysburg, and Woman's Christian Temperance Union of Jersey Shore, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PENROSE presented petitions of Local Grange No. 423, of Waterford; Local Grange No. 1199, of Fleetville; of sundry citizens of Wiconisco; of Local Grange No. 1188, of Skinners Eddy; of sundry citizens of Lancaster; of Local Grange No. 981; of Jordan Grange, No. 758; of sundry citizens of Philadelphia; of Beaver Run Grange, No. 813, of Alderson; of East Lynn Grange, No. 1263; of sundry citizens of Jeddo, Hazelton, and Freeland, and of Goshen Grange, No. 121, of West Chester, Patrons of Husbandry, in the State of Pennsylvania, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 5283) for the relief of John T. Rennie, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 744) for the relief of Edward H. Ozmun, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 10th instant relative to the purchase, installation, and maintenance of water meters to be placed in such private residences as may be directed by the Commissioners of the District of Columbia, etc., intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 3d instant, proposing to appropriate $9,000 for paving South Carolina avenue from Thirteenth street to Fifteenth street SE., intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McCUMBER (for Mr. TALIAFERRO)) from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6187) granting an increase of pension to Martha Jane Bolt;

A bill (S. 4375) granting an increase of pension to David McCredie; and

A bill (S. 6189) granting a pension to Dora D. Walker.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6188) granting an increase of pension to Sarah Young;

A bill (S. 1570) granting an increase of pension to Lydia A. Johnson;

A bill (H. R. 4956) granting an increase of pension to James C. Bryant;

A bill (H. R. 12330) granting an increase of pension to Hester A. Van Derslice;

A bill (H. R. 12879) granting an increase of pension to Catharine Myers;

A bill (H. R. 13993) granting an increase of pension to Joseph Watson;

A bill (H. R. 15104) granting an increase of pension to Thomas E. Owens;

A bill (H. R. 15288) granting an increase of pension to Benjamin F. Finical; and

A bill (H. R. 16441) granting an increase of pension to Joseph J. Goode.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6164) granting an increase of pension to Julius S. Cuendet;

A bill (S. 6154) granting an increase of pension to Edwin Freeman; and

A bill (S. 5870) granting an increase of pension to S. H. Morrison.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6168) granting an increase of pension to Calvin Lambert; and

A bill (S. 5543) granting an increase of pension to William A. Humrich.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1736) granting an increase of pension to Charles A. Walker;

A bill (H. R. 1788) granting an increase of pension to William D. Christy;

A bill (H. R. 3243) granting an increase of pension to John H. Anderson;

A bill (H. R. 3572) granting an increase of pension to William L. Riley;

A bill (H. R. 5560) granting an increase of pension to Henry Chubb;

A bill (H. R. 6205) granting an increase of pension to Lucy E. Engler;

A bill (H. R. 8795) granting an increase of pension to Orrin A. A. Gardner;

A bill (H. R. 10794) granting an increase of pension to Jacob Schultz;

A bill (H. R. 11457) granting an increase of pension to Cyrus Vanmatre;

A bill (H. R. 16252) granting an increase of pension to Adam Dixon; and

A bill (H. R. 16496) granting an increase of pension to Thomas Dailey.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 5155) granting an increase of pension to Charles H. Van Duzen, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (H. R. 15692) granting a pension to Frank M. Dooley;

A bill (S. 4961) granting an increase of pension to William Ickes; and

A bill (S. 5195) granting an increase of pension to Sidney H. Cook.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17872) granting an increase of pension to Allen D. Metcalfe;

A bill (H. R. 1614) granting an increase of pension to Jacob H. Lynch;

A bill (H. R. 1650) granting an increase of pension to Frank B. Watkins;

A bill (H. R. 4715) granting an increase of pension to John H. Whiting;

A bill (H. R. 9828) granting an increase of pension to John Broughton;

A bill (H. R. 10828) granting an increase of pension to Michael Lennon;

A bill (H. R. 11057) granting an increase of pension to Lewis J. Post;

A bill (H. R. 11152) granting an increase of pension to Theodore S. Currier; and

A bill (H. R. 14264) granting an increase of pension to John H. Eversole.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18367) granting an increase of pension to John Wilkinson;

A bill (H. R. 18262) granting an increase of pension to John H. Broadway;

A bill (H. R. 15126) granting an increase of pension to William H. Trabue;

A bill (H. R. 9531) granting an increase of pension to Eliza Rogers;

A bill (H. R. 9243) granting an increase of pension to Joseph A. Barnard;

A bill (H. R. 7402) granting an increase of pension to Edwin M. Todd;

A bill (H. R. 7147) granting an increase of pension to Bronson Rothrock;

A bill (H. R. 6505) granting an increase of pension to Mary C. Chapman;

A bill (H. R. 5911) granting a pension to Edward D. Lockwood, alias George E. McDaniel;

A bill (H. R. 4597) granting an increase of pension to Martin Ellison;

A bill (H. R. 3588) granting an increase of pension to William H. Riggin; and

A bill (H. R. 612) granting an increase of pension to George W. Kohler.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 13828) granting an increase of pension to John M. Carroll, reported it with an amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 7065) to amend section 858 of the Revised Statutes of the United States, reported it without amendment.

LEASES IN YELLOWSTONE NATIONAL PARK.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 14410) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park," to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M. HARRIS.

Mr. SCOTT. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5772) granting an increase of pension to Thomas M. Harris, to report it favorably with an amendment, and I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Harris, late colonel Tenth Regiment West Virginia Volunteer Infantry, and brigadier-general, United States Volunteers, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISTHMIAN CANAL PLANS.

Mr. MILLARD, from the Committee on Interoceanic Canals, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That there be printed for the Senate 100 copies of plan for sea-level and lock canal, and that the usual number be not printed.

BILLS INTRODUCED.

Mr. FULTON introduced a bill (S. 6235) granting an increase of pension to Sebastian Gimble; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 6236) granting an increase of pension to Albert A. Porcel; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6237) granting an increase of pension to Robert L. Lindsay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6238) granting an increase of pension to Hugh S. Strain; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6239) granting an increase of pension to Kate M. Miner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6240) granting an increase of pension to John G. Fonda; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DRYDEN introduced a bill (S. 6241) granting an increase of pension to William Phipps; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 6242) for the relief of the estates of Francis A. Gonzales and Antonio Gonzales; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 6243) to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands; which was read twice by its title.

Mr. LODGE. I move that the memorandum in relation to coinage which accompanies the bill be printed as a document and referred with the bill to the Committee on the Philippines.

The motion was agreed to.

Mr. BEVERIDGE introduced a bill (S. 6244) to provide for the purchase of additional ground and the enlargement and improvement of the public building at Lafayette, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. KNOX introduced a bill (S. 6245) granting an increase of pension to Susan Mahany; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6246) granting an increase of pension to Armanis Bomboy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6247) granting an increase of pension to Elizabeth S. Taylor; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 6249) to provide for the establishment of an agricultural bank in the Philippine Islands; which was read twice by its title.

Mr. LODGE. I move that the memorandum which accompanies the bill be printed as a document and referred with the bill to the Committee on the Philippines.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GEARIN submitted an amendment relative to the status of Union war officers on the retired list of the Navy and Marine Corps, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $3,420 to pay Sandy Wallace, a laborer on the rolls of the Senate, for extra labor performed from December 1, 1893, to March 1, 1900, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $150 to pay Hawkins Taylor the balance of salary due

as private secretary to the governor of the Isthmian Canal Zone from October 1, 1904, to October 25, 1904, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. KNOX submitted an amendment proposing to increase the salary of the envoy extraordinary and minister plenipotentiary from the United States to Turkey from $10,000 to $17,500 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $1,000 for paving that portion of Florida avenue between P and Q streets NW., contiguous to Twenty-second street, in the city of Washington, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SENATOR FROM KANSAS.

Mr. HALE. Mr. President, I offer the following resolve. I had intended to ask the Senator from Michigan [Mr. BURROWS], the chairman of the Committee on Privileges and Elections, to present the resolve. As he is not here, I send it now to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Privileges and Elections be, and are hereby, directed to examine into the legal effect of the late decision of the Supreme Court in the case of JOSEPH R. BURTON, a Senator from the State of Kansas, and, as soon as may be, to report their recommendation as to what action, if any, shall be taken by the Senate.

The VICE-PRESIDENT. Does the Senator from Maine desire the present consideration of the resolution just read?

Mr. HALE. It is simply directing the committee to investigate. There is no objection, I suppose, to the resolution.

The resolution was considered by unanimous consent, and agreed to.

FALSELY STAMPED JEWELRY, ETC.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 14604) forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes. It is a bill which was unanimously reported by the Committee on Interstate Commerce.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Interstate Commerce with amendments.

The VICE-PRESIDENT. The amendments will be stated in their order.

Mr. KEAN. There is an amendment on page 6, line 18, which is not marked in the bill, but which should be made. After the word "into," in that line, I move to insert "or exported from."

The amendment was agreed to.

Mr. KEAN. The first amendment which appears in the print is at the bottom of page 7.

The SECRETARY. In section 5, on page 7, line 24, strike out the words "one thousand" and insert the words "five hundred."

The amendment was agreed to.

The SECRETARY. In line 25, before the word "months," strike out "six" and insert "three."

The amendment was agreed to.

The SECRETARY. In section 8, on page 8, line 21, strike out the words "six months" and insert the words "one year," so as to make the section read:

That this act shall take effect one year after the date of its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

YOSEMITE VALLEY GRANT AND MARIPOSA BIG TREE GROVE.

Mr. PERKINS. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 118) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. KEAN. Personally I have no objection to the measure, but the Senator from South Dakota [Mr. KITTREDGE] said he would like to be present when it is considered.

Mr. PERKINS. Very well; I will not press it at this time.

CEMETERY LANDS AT TINCUP, COLO.

Mr. TELLER. I ask unanimous consent to call up the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to be issued to the town of Tincup, Colo., from and out of the Leadville Forest Reserve, for the west half of the southeast quarter of the southeast quarter of section 7, township 15 south, range 81 west of sixth principal meridian, for cemetery purposes, such patent to issue only after the filing of due proof with the Land Department of the incorporation of said town; and said patent to contain a clause that in case the land, or any portion thereof, shall be devoted to other than cemetery uses, the land shall thereupon revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 4129. An act to regulate enlistments and punishments in the United States Revenue-Cutter Service;

S. 5131. An act incorporating the Archæological Institute of America;

S. 5513. An act to provide for the disposition of certain property in the Territory of Hawaii;

S. 5533. An act to appoint an additional judge for the southern district of New York;

S. 6022. An act to amend section 6 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900; and

S. 6129. An act to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 8410. An act to authorize the Charleston Light and Water Power Company to construct and maintain a dam across Goose Creek, in Berkeley County, in the State of South Carolina;

H. R. 13566. An act to amend sections 6 and 12 of the currency act approved March 14, 1900;

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes;

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River;

H. R. 17758. An act permitting the building of a dam across the Mississippi River, in the county of Morrison, State of Minnesota;

H. R. 17884. An act to authorize the sale and disposition of surplus or unallotted lands of the Coeur D'Alene Indian Reservation, in the State of Idaho, and for other purposes;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.;

H. R. 18333. An act granting land to the city of Albuquerque for public purposes;

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes;

H. R. 19374. An act to prohibit shanghaiing in the United States;

H. R. 19379. An act providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico;

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment;

H. R. 19473. An act authorizing the use of the waters in the Coosa River at Lock No. 4, in Alabama;

H. J. Res. 98. Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.; and

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 1739. An act granting a pension to Henry Sistrunk;

S. 5670. An act granting an increase of pension to Isaac L. Duggar;

S. 6128. An act to authorize the construction of a bridge across the Pend d'Oreille River, in Stevens County, Wash., by the Pend d'Oreille Development Company.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, to report it with amendments and to submit a report thereon. I give notice that I will call it up at the earliest practicable moment, I hope to-morrow.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

REGULATION OF IMMIGRATION.

Mr. DILLINGHAM. I ask unanimous consent to call up Senate bill 4403, the immigration bill, so called.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, which had been reported from the Committee on Immigration with amendments.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. DILLINGHAM. Certainly.

Mr. McCREARY. I desire only to ascertain how the Senator from Vermont desires to proceed. I wish to present some remarks on the bill generally. If it is his purpose to have it read now for discussion of the amendments, I should like to make a few remarks on the bill generally.

Mr. DILLINGHAM. It has been suggested by some gentlemen around me that perhaps before any of the amendments are considered it would be well for me to make a statement of the bill.

Mr. McCREARY. That will be agreeable to me, and then I will follow the Senator from Vermont.

Mr. DILLINGHAM. I will ask that the formal reading be dispensed with and that the Senate act upon the amendments as they are reached, if that be the pleasure of the Senate.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. DILLINGHAM. I yield to the Senator.

PERSONAL EXPLANATION—REGULATION OF RAILROAD RATES.

Mr. McCUMBER. Mr. President, I rise to a matter of personal privilege. My attention has just been called to an article in the New York Tribune of May 22. The article is headed:

"JOKER" IN RATE BILL?—M'CUMBER'S AMENDMENT—SEEMS TO ENABLE CARRIERS TO DISREGARD COMMISSION'S ORDERS.

The article goes on to state that—

Leading lawyers in Congress are of the opinion that a tiny amendment put in the railroad rate bill by Senator McCUMBER, of North Dakota, constitutes a "little joker" which vitiates the effectiveness of the measure. Senator McCUMBER admits that his amendment will prevent an order of the Interstate Commerce Commission going into effect until the court has determined whether or not such order is "just and reasonable" and a final decree has been issued by the court, whenever a carrier chooses to disregard such order.

Mr. President, I have never admitted anything of that character. I do not admit that this amendment will in the slightest degree affect the time the order will go into effect. This article goes on further to state:

Mr. McCUMBER explains that his purpose in offering the amendment was to insure the court review, in the case of a carrier refusing to comply with an order of the Commission, being as broad as that provided for in the Allison amendment, where the carrier may appeal to the court against an order of the Commission. Under the McCumber amendment the carrier who objected to complying with an order of the Commission would have no occasion to appeal to the courts for relief. He would need merely to refuse to carry out the order, and no one could compel him to do so until the Commission, on which would be the burden of proof, had demonstrated to the satisfaction of the court that its order was not only regular, but "just and reasonable."

Mr. President, this is also very incorrect. The purpose in offering the amendment was not to insure the court review, because the court review had already been insured by the Allison amendment, but was simply to insure harmony between the sections of the bill.

Mr. President, after the Allison amendment was adopted by the Senate it left the bill providing two separate methods of getting into court and two separate kinds of review. Under one provision (page 26 of the bill), if the carrier failed to comply with the order the Commission, by petition, brought the case into court. Upon the hearing of such case, if it appeared "that the order was regularly made and duly served," and that the carrier was in disobedience, the court would issue its mandatory process to compel obedience. In this case there would be no trial upon its merits—simply the question as to whether the order was regularly made and served.

On the next page of the bill the Allison amendment provides for a trial on the merits. It is apparent, therefore, that the two trials, while they are between the same parties upon the same subject-matter, were absolutely inconsistent with each other. And the object of striking out the word "regularly" was simply to harmonize the two provisions. Their inconsistency will be seen by a single illustration:

Suppose upon the trial under the first provision the court determines that the order was regularly made and issues its mandatory process compelling obedience. This would be a final judgment in that case. At the same time an action is instituted by the common carrier under the other provision, and a preliminary injunction is issued against the order, or upon final determination a perpetual injunction is issued. There you would have two processes from the same court upon a case between the same parties and upon the same subject-matter, one process compelling the common carrier to obey the order and the other process forbidding the Commission to enforce the order. It is perfectly safe to say that neither House ever contemplated such inconsistency.

This amendment does not affect the date at which an order shall go into effect in the slightest degree. It does not abate the time in which it shall go into effect. The bill provides (page 20), "All orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction."

How any person with the slightest amount of reasoning power could possibly claim that by changing the word "regularly" to "lawfully," which merely changes the scope of the inquiry to harmonize with the inquiry in a proceeding brought by the common carrier itself, would operate to extend the period of time within which the order would go into effect is beyond my comprehension. It does not affect the order in the slightest degree.

The Commission, if the order is disobeyed, can, the very next day after the order goes into effect, bring the matter into court, and then, whether it is brought into court by the Commission or whether it is brought into court by the carrier itself, the trial and the determination will be exactly the same under the two provisions.

Neither provision pretends in any way to affect the time in which the order shall go into effect. Of course, any man who knows anything about the law would understand that the order of the Commission is not self-enforcing; that it would require an order of the court in any instance to compel the common carrier to obey the order. If such carrier does not obey the order of the court of course it is subject to the penalties which are prescribed in the act itself. Therefore I say it seems to me absolutely incomprehensible how anyone, even not an attorney, could make such a ridiculous claim as is made in this article that the change of the word "regularly" to "lawfully" would affect the order and the date on which the order would go into effect.

There is another provision in this article to which I call attention. It also provides that—

The amendment, which in the opinion of leading lawyers in both Houses constitutes so great a menace to the efficacy of the bill, merely provided for striking out the word "regularly" and inserting the word "lawfully" in section 5 of the act.

Now, Mr. President, it is stated in this article that this amendment was a "joker." The only joke that I can possibly see is the joke in the article itself, if the ridiculousness of an article may be termed to be a joke. It is rather a slur, not only upon the committee who agreed to this amendment without a dissenting voice, but also upon the great number of good law-

yers in the Senate to consider that either the committee or the attorneys would have allowed the efficacy of the bill to be joked out of existence.

Mr. President, that is all the explanation it seems to me that is necessary. I have tried to make it clear and to the point. I regret that any reporter should have understood or stated that I had ever admitted that the amendment in the slightest degree tended to extend the time in which an order could go into effect. The bill itself clearly provides when the order is to go into effect and continue in effect, and nothing can arrest its force except an order of the court or a subsequent order of the Commission.

CONTRIBUTIONS IN CONNECTION WITH POLITICAL ELECTIONS.

Mr. FORAKER. The bill the Senator from Vermont called up will be likely to occupy some time, and there is a very short bill that will have no opposition, I am sure, which I should like to ask to have passed, if the Senator will yield to me for a minute. If there is any opposition to it, I will withdraw the request.

Mr. DILLINGHAM. I have no objection, if it is a matter which will not cause delay.

Mr. FORAKER. If there is any delay, I will withdraw it. I ask unanimous consent for the present consideration of the bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Privileges and Elections with amendments.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole. The amendments will be stated.

The amendments of the Committee on Privileges and Elections were, in line 3, after the word "bank," to strike out "or any corporation engaged in interstate or foreign commerce;" in line 9, after the word "which," to insert "Presidential and Vice-Presidential electors or;" in line 11, after the word "or," to strike out "with;" in the same line, after the word "election," to strike out "or attempted election" and insert "by any State legislature;" on page 2, line 3, after the word "officer," to strike out "stockholder" and insert "or;" and in line 4, before the word "of," to strike out "or employees;" so as to make the bill read:

Be it enacted, etc., That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding $5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be subject to a fine of not exceeding $1,000.

Mr. PATTERSON. I should like to have some member of the committee state to the Senate why the words read have been stricken out from the bill.

Mr. FORAKER. If the Secretary will read the report, I think it will give the Senator all the information necessary.

Mr. PATTERSON. It seems to me that the parts stricken out are the most important parts of the bill, and it is far more important to prohibit——

Mr. FORAKER. I asked for the consideration of the bill at this time under the impression that it would not lead to any debate at all, saying to the Senator from Vermont that if it did I would withdraw my request. He now reminds me of my promise.

Mr. PATTERSON. I think it is due to the country that there should be an explanation made.

Mr. FORAKER. Very well; I will withhold the bill until after the Senator from Vermont is through with his measure, and then I will take pleasure in making some explanation of it.

The VICE-PRESIDENT. The bill will lie over.

REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

Mr. DILLINGHAM. Mr. President, in presenting this bill, which is in amendment of the present immigration laws, an effort has been made to strengthen those statutes and to make them more effective. The Senate will remember that the act of 1903 was not only a very comprehensive measure, but that it was based upon the principle that we should cause a most thorough examination to be made of all aliens seeking to become residents of the United States, and that every objectionable character, whether the objection arose from mental or moral or physical causes, should be excluded.

Before taking up the amendments for discussion, I wish to say that the public sentiment of the country has become very much aroused by the vast number of aliens who have sought entrance into the United States since 1898. This may well be so, because in that year the number coming was only 229,299, while in 1905 it had increased to 1,026,000. The tide of immigration reached its highest mark in that year.

Owing to this great influx of aliens a belief has become general that the European nations are using the United States as a dumping ground for their diseased and their insane and their criminal classes. To some extent this may be true, but not at all to the extent, in my judgment, that is believed by the general public. In order that there may be a better understanding of the causes which control the flow of immigration to the United States and of the character and condition of aliens recently admitted, I wish to submit some facts gathered from official sources which may serve to dispel misapprehension and allay fears.

THE LAW OF SUPPLY AND DEMAND CONTROLS THE VOLUME OF IMMIGRATION.

Mr. President, I think that the law of supply and demand as applied to labor very largely governs the number of aliens who seek our shores. This is indicated by the movement of the alien classes during periods of depression and of prosperity in the United States. Going back a half century, we find that during the period of depression between 1857 and 1860 the number of arrivals decreased from 251,300 in the former year to 153,640 in the latter. Again, following the depression of 1873, the number decreased from 459,803 in that year to 138,469 in 1878. I find also that the number coming in 1892 was 623,084, while in 1898, after that period of depression, it was only 229,299.

On the other hand, when times are prosperous in this country, when there is an active demand for labor, we have a corresponding increase in the number of aliens coming to our shores. As I have already stated, in 1898 the number admitted was 229,299, while in 1905 it had reached the unprecedented total of 1,026,499.

Returning to a previous period of prosperity, we find the same effect. In 1878 we received only 138,469, but in 1882 we received 788,992. So it will be seen that the workingman of Europe seems to understand perfectly what is going on in the United States. The great body of aliens who have found homes in the United States are in correspondence with their friends in Europe; with seven steamship lines connecting New York with all the different ports of Europe, the mail facilities are such that the laboring classes in all of the European countries are in quick touch with the laboring classes in the United States; and whenever a period of prosperity prevails, and the demand for labor is great and wages are good, the fact is heralded abroad and the tide of immigration runs high.

IMMIGRANTS COME UPON THEIR OWN INITIATIVE AND WITH A DEFINITE PURPOSE.

As I have said, the law of 1903 was intended as a selective rather than a restrictive measure, and, while the number of incoming aliens has reached high-water mark since its enactment, I believe the selective features have admirably served their purpose, and that the aliens who have been admitted under it were by no means "dumped" upon our shores, but rather that they came with a definite purpose in view, knowing where they were going, what they were going to do, and what wages they would receive.

In the year 1905 we admitted through the Ellis Island station 754,334 immigrants. Seven hundred and fifty-one thousand five hundred and ten, or 97.5 per cent of the whole number, had definite addresses and knew precisely where they were going. Out of that vast number only 2,824 were without a definite purpose in this regard. This is a most significant fact, and one that should have a strong influence upon us as we weigh the causes which operate in bringing this vast wave of immigration to our shores.

When at Ellis Island some months ago, I found that a railroad ticket office was maintained for the convenience of those destined to inland points. The gentleman in charge estimated that 65 per cent of the whole number admitted through that station were already provided either with railroad tickets or with orders for railroad transportation. These facts are especially significant when it is remembered that during the whole period since 1898 wages have been maintained, not only at the rate they had then reached, but even higher. Published tables from the Bureau of Labor show that the wages of black-

smiths, bricklayers, carpenters, compositors, hod carriers, general laborers, machinists, house painters, plumbers, stonecutters, stone masons, iron molders, and boiler makers have increased over 20 per cent during that time, and I suppose a corresponding increase has come in connection with other branches of labor.

THE RESULTS OF A WISE SELECTIVE SYSTEM.

To my mind, an encouraging feature of the present immigration to the United States is that the great majority of those admitted are in the very prime of life, and all the circumstances surrounding them indicate that they have come upon their own initiative and with an intelligent purpose to improve their condition.

During the last five years we have admitted 3,833,000 aliens at Ellis Island station. Of that multitude, 3,162,000, or 82½ per cent of the whole, have been between the ages of 14 and 44—just in the period of life when they are in possession of their best earning capacity, when health and vigor abound, when they are least liable to become paupers or inmates of charitable institutions.

The same facts appear with regard to the single year of 1905 when the number of immigrants admitted to the United States was 1,026,000, and 82 per cent of that vast number were between the ages of 14 and 44. There were only 12½ per cent under 14 and only 6 per cent over 45 years of age. It seems to me that these figures illustrate the potency of the present law in protecting against defective classes.

Again, take the very last month, April of the present year. The number admitted through Ellis Island was 118,665. Those between the ages of 14 and 44 were 104,318, or 87¾ per cent of the whole; those under 14 were 9½ per cent, and those over 45 years of age constituted only 3¼ per cent. These were destined to every State and Teritory of the United States; but, of course, more to New York, Pennsylvania, Massachusetts, Illinois, and the manufacturing States than to the others.

REASSURING FACTS.

Then the perhaps natural fear that the relative proportion of foreign born to all residents of the United States is increasing seems not to be substantiated by the census reports for the forty years ending in 1900, for I find that this foreign-born element constituted 15.4 of the whole in 1860, 14.44 in 1870, 13.32 in 1880, 14.77 in 1890, and 13.6 in 1900.

There is another fact connected with the question of the increase of alien population which is sometimes overlooked and which ought to be mentioned. I refer to the number of immigrants admitted who subsequently return to Europe. During the five years from 1899 to 1905, inclusive, those arriving in steerage from British, Continental, and the Mediterranean ports numbered 4,210,292; but during that same period there returned to the old countries as steerage passengers 1,275,803, or 31 per cent of the whole. So that, out of all coming by steerage to the United States during that time, 4,210,292, the net gain in population has been probably about 2,934,000, or 69 per cent of those originally admitted.

Another most interesting fact bearing upon one phase of this question is this: That in 1904 we received through the steerage from the Mediterranean ports 142,913, and we sent back to the Mediterranean ports 149,878, or 6,965 more than came here during that year. That is explained in part by the fact that very many of the Italian immigrants who come to this country work through the warm season, return to Italy in the fall, and spend the winter at home engaged in their small trades.

Another thing which has impressed me as bearing upon the condition of immigrants is a statement made in the report of the Commissioner-General of Immigration, which has also been cited by him in some of his public addresses, to the effect that this million of immigrants, in round numbers, who came to us in 1905, brought with them $25,000,000; that is to say, they brought $25 per capita, and he cites the fact that the world's money is but $10 per capita, while the money per capita in circulation in the United States is $31, or perhaps a fraction more than that.

It seems to me, Mr. President, that these facts, and the fact I have already mentioned that 82 per cent of all who have come to us in the last five or six years are between the ages of 14 and 44, should relieve our anxiety as to the class of immigrants we are admitting and should emphasize the fact that the present law is highly effective in its operation.

But there is still another encouraging feature, and that relates to the 12 per cent of the whole, who are under 14 years of age. The school census of 1900 indicates that of the children of natives—that is, the native white children of native parents—68.7 per cent of the boys and 71.4 per cent of the girls were in school six months in the year; of the native white children of foreign-born parents 88.7 per cent of the boys and 90.6 per cent of the girls were in school; and of the children who were born abroad 89.1 per cent of the boys and 90.8 per cent of the girls were in school for six months of that year. It clearly appears from these figures that a larger percentage of the children of foreign-born parents and children born abroad were in school for six months in the year 1900 than there were of native-born children of native parents.

THE MOST OBJECTIONABLE CLASS.

This leads us to the proposition that the remaining 6 per cent of those admitted, who are over 45 years of age, constitute, in all probability, the class from which we may reasonably expect our greatest danger. It stands to reason that it should be so.

The Commissioner-General, in his report for 1905, gives the number of those who were born abroad who are inmates of insane, charitable, and penal institutions of the United States. I have the table before me, but will not take the time to read.

It appears, however, that 10 per cent of such inmates have been in this country over forty years; 22 per cent over thirty-one years; 38 per cent have been here over twenty-one years; 66 per cent over eleven years, and 79 per cent have been here over six years. This record can not possibly be construed as a reflection upon the present law, because none of these aliens were admitted under its provisions. It does, however, point to the need of looking sharply after those whose age or whose mental, moral, or physical condition suggests even the possibility of their ultimately becoming members of these undesirable classes, and this bill is calculated to strengthen the law in this regard.

THE PRINCIPLE UNDERLYING IMMIGRATION LEGISLATION.

As I have already said, the present law is good. It was the result of a great deal of study, of investigation, and of experience, and it came after many conflicts with adverse interests. I look upon that piece of legislation as being pretty nearly a masterpiece when we consider the problem with which it deals. The statute was based upon the principle of selection, and from beginning to end its provisions are aimed at the defective classes. It contains no prohibition against the admission of any class of persons who would make desirable citizens.

There are in this country two classes of persons who differ in judgment as to the policy to be adopted to control immigration. One class is made up of pronounced restrictionists who favor drastic measures for the reduction of the number admitted. The other class think that the demand for labor should govern the number admitted, but that we should select from those offering themselves, and permit only those to enter who are sound in mind, sound in body, sound in morals, and fit to become fathers and mothers of American children. The present law was based upon this latter principle—the principle of selection—and the amendments proposed in this bill were framed in accordance with this principle.

The present law, I am glad to say in passing, has been very ably administered. I have taken great pains to observe its operation, and frequent visits to Ellis Island have convinced me that our officers are thorough, efficient, and at the same time fair and just in the discharge of their duties.

INSPECTION AT THE PORTS OF EMBARKATION.

Before the adoption of the present law the great transportation companies—and I do not stand here to rail against them, for naturally they look at the question of transportation from a selfish standpoint—brought to our shores all kinds of objectionable people. But under the provisions of this law a restraint was placed upon them and the results are most gratifying.

Senators are probably aware that the Commissioner-General of Immigration has repeatedly recommended that we station officers of the Marine-Hospital Service at the foreign ports, that an examination of aliens intending to come to America might be made at the port of embarkation. It is an exceedingly good idea, and I wish that it might be carried out. With this end in view inquiries have been made of foreign governments whether or not such an arrangement would be agreeable to them. Replies have been received, from which it appears that the United Kingdom would permit it; Italy would and does permit it, and we now have officers stationed in that country, and every immigrant who sails from Italian ports is examined by a surgeon of our own service. I may say also that Japan consented to such an arrangement, and we have officers stationed there; but in the Netherlands, in China, in Greece, permission was refused, and from Germany, France, Norway, Sweden, and Belgium no replies have been received. Under these circumstances it has not been possible for our Government to establish a system of its own for the examination of immigrants at ports of embarkation, except as already indicated.

But to accomplish the same purpose, Mr. President, to secure an examination of intending immigrants before their embark-

ation, a provision was adopted in the law of 1903 by which a fine of $100 is imposed on transportation companies for every person brought into the United States afflicted with a loathsome or dangerous contagious disease which might have been discovered by a competent medical examination on the other side. At the places where we have been unable to send our own officers to make such examinations, this provision of the law has induced the steamship companies to adopt a like precaution rather than submit to the inevitable fine. These companies, it appears, did not fully appreciate the force of this provision at first, but the imposition of fines amounting to $28,400 in 1904, and to $27,300 in 1905, has not been without effect and the various ocean lines have now undertaken to make the examinations by their own surgeons at ports of embarkation more thorough and effective. A gratifying result of this response to the demands of the law is illustrated by the fact that during the single period of six months, extending from July 1, 1905, to January, 1906, there were excluded by the steamship companies at ports of embarkation 5,070 persons who were afflicted with contagious or loathsome diseases.

Mr. LATIMER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. DILLINGHAM. Certainly.

Mr. LATIMER. The Senator from Vermont is on a very interesting part of this discussion. It seems that one of the difficulties in connection with the country being overrun with immigrants who are not desirable is that the steamship companies have taken so much interest in the matter that they have agents throughout Europe to canvass the different countries in order to get immigrants to come here, so that they may benefit by the transportation charges paid by the immigrants. They have been collecting, in some instances, $150 for each member of a family, and although they may be deported after reaching here and being rejected, and you may collect a fine of $100 from the steamship company for bringing them here in violation of law, still the company makes $50 profit out of the transaction. Now, I want to ask the Senator if he does not think it would be a good idea to put an amendment on this bill to require the steamship companies to pay twice the amount collected from the immigrants when they are rejected because of disease when the diseased condition could have been detected before embarkation for this country? I say where it could have been detected and the immigrants could have been prevented from coming to this country and the steamship companies could have had that knowledge when they brought them to this country, would it not be a good idea to put an amendment on this bill to require the steamship companies to pay an immigrant twice the amount collected from him, so that when deported he would have something with which to take him back to his home, and at the same time be in the nature of a penalty on the steamship company for bringing such people here for profit?

Mr. DILLINGHAM. I would do everything possible, Mr. President, to protect the immigrant who has been badly treated by a transportation company, as doubtless very many of them have been; but the operation of the present law has been so good that with the addition of certain provisions in this bill, to which I will refer later, I think we can get along without, perhaps, enacting a measure as drastic as that which has been suggested by the Senator from South Carolina [Mr. LATIMER], although I desire to say that I am in perfect sympathy with him in the object which he wishes to accomplish.

Referring again to the effectiveness of medical examinations by steamship companies at foreign ports, I want to say that I was in doubt concerning the real significance of the statement that 5,070 intended immigrants had been turned back at ports of embarkation or at the so-called control stations along the border between Russia and western Europe. It occurred to me that this "turning back" of intended immigrants as reported by the steamship companies to United States officials, was in fact simply a detention of diseased persons that they might be given medical treatment and prepared for a fraudulent entry into the United States at a later date. At my suggestion the list of those 5,070 aliens who were denied the privilege of embarkation was compared with subsequent manifests of incoming aliens with the purpose of ascertaining whether many of them came later, and Commissioner Watchorn gives me the rather surprising information that only 19 names appearing on that list have subsequently appeared on manifests of aliens coming to Ellis Island, and these were mostly marked "temporarily detained for observation."

This satisfies me that the steamship companies are acting in good faith in the work which they are doing.

Without this fine, I doubt if a single one of these persons would have been rejected at the port of embarkation. They would, in all probability, have been brought to our immigrant stations, examined, and deported. I am also informed by Mr. Watchorn that of all the cases certified to be loathsome or dangerous contagious diseases among arrivals at Ellis Island in 1905 only 149 were such as could have been detected at the time of embarkation; that is, out of those whom we deported as so diseased, only 149, in the judgment of the immigration officials, could have been detected had they been examined by our own surgeons on the other side of the water. This, I think, is strong evidence of the effectiveness of the law in compelling steamship companies to cooperate with us in our effort to exclude diseased classes. The provision has really worked a revolution in the method of inspecting aliens abroad.

As evidence that the provision is still working well, I have before me a table showing that 1,373 alien passengers were rejected on account of dangerous contagious or loathsome diseases during the month of March, 1906, by the North German Lloyd Company alone. In a letter transmitting that table to me Commissioner Watchorn says:

> I also inclose a list of rejections by the North German Lloyd Company for the month of March, 1906. A perusal of this list will suffice to indicate the value of section 9 of the act of March 3, 1903. The more thought I give to this matter the more I am convinced that so far as weeding out undesirables is concerned this section furnishes the key to the whole situation. It is sound in principle, possible of execution, and yields satisfactory results.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Maine?

Mr. DILLINGHAM. Certainly.

Mr. HALE. Where does this process of elimination or rejection by the steamship companies take place, and how does the Senator arrive at his figures showing the number of prospective immigrants the steamship companies have rejected. I do not wish to interrupt the Senator——

Mr. DILLINGHAM. I am glad to be interrupted. I thought I had a document here explaining that, but I find I have not. I have sent for it. However, I will say to the Senator from Maine that the manifests furnished by the steamship companies show the rejections that have been made at the port of embarkation, and it is from these, I suppose, that the figures have been deduced. In a moment I will have brought to me the Commissioner-General's report for 1905, in which will be found a report from one of the special department inspectors sent abroad by the Bureau of Immigration, who has examined this whole question and tells how the work is done at the different ports of embarkation.

Mr. HALE. I should not suppose the manifests would cover anything except what the steamship company takes on board. I know generally, from my knowledge of the operation of commercial law in relation to vessels, that the manifest runs with the cargo, and I did not suppose any ship would in its manifest cover anything except what was taken aboard the ship. If the Senator is certain about that, of course that is sufficient.

Mr. DILLINGHAM. Under existing law the steamship companies are required to furnish at the immigrant stations manifests containing the name, nativity, and various other facts concerning every alien who comes into the United States.

Mr. HALE. Every passenger?

Mr. DILLINGHAM. Every alien passenger, and my understanding of the matter is that these manifests include the names of all intended passengers, and that the names of those who are rejected are crossed out and the reason given. I may be in error, but that is my recollection.

Mr. LODGE. As I remember, those who are rejected are included in the manifest.

Mr. DILLINGHAM. Certainly.

Mr. HALE. If they are, that is different from other matters connected with passengers on vessels ordinarily.

Mr. DILLINGHAM. It is altogether different and comes under the peculiar provisions of the act of 1903 relating to immigration.

Mr. DRYDEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from New Jersey?

Mr. DILLINGHAM. Gladly.

Mr. DRYDEN. I wish to ask the Senator from Vermont if it is not true that these 5,070 undesirable immigrants were prevented from coming into this country by reason of the law of 1903, whereas under previous laws they probably would not have been detected and prevented from coming here at all?

Mr. DILLINGHAM. I think that is in part true, and it has prevented the hardship most would have incurred in being brought here only to be rejected and returned.

Mr. DRYDEN. Therefore, as I understand it, the law of

1903 is a humane law, a kind law, in its effect upon the immigrants, because instead of being brought here and detected in America and left here in a friendless condition, to be returned to Europe, they are detected over there near their homes and are returned without any great hardship.

Mr. DILLINGHAM. That is the fact; and I want to go further and make the statement that in administering the law at our ports the immigration officers take every precaution to protect the aliens who land. I would be glad if every member of the Senate could visit Ellis Island and witness the operation of the law. Every effort is made to keep immigrants out of the city of New York. Those going west over the Erie road are kept by themselves, placed upon a boat, and landed at the Erie station on the Jersey side. Those going another route are taken to the proper station. Runners do not reach them. I think the whole administration of the immigration act has been upon the most humane basis and with an effort to prevent fraud and deception.

Recurring to the question propounded by the Senator from Maine, I desire to refer to the report of Maurice Fishberg, made to the Commissioner-General of Immigration, dated September 5, 1905. It bears upon the question concerning which he inquires, but I will read only two or three passages, which will perhaps answer the question better than I could do it myself. Speaking of England, he says:

With the exceptions to be noted hereafter, my observations have shown that every company tries its best to have all emigrants examined by a physician to determine their admissibility to the United States, knowing, as they do, that it is rather expensive to bring a deported immigrant back to England and in addition to pay $100 fine for each case of trachoma.

Again, speaking of English service, he says:

On embarkation the emigrants are again examined by the steamship doctor and also by a doctor of the board of trade. The former, acting for the steamship companies, is usually careless and will pass anybody. The contrary appears to be true of the board of trade physicians.

He adds:

It is the prevailing conviction of all of the runners in Liverpool and London that the authorities in New York City are too severe, and that it is dangerous to attempt to send diseased aliens to that port. Deportation is very certain.

Then he takes up the work at Antwerp, and says:

In Antwerp every emigrant is carefully examined by several doctors before he is allowed to embark. There the steamship company has an excellent staff of specialists, who are assisted by a doctor representing the Government emigration service. The examination leaves nothing to be desired.

Regarding a class of immigrants who come from the interior, Inspector Fishberg says:

The bulk of the eastern European emigrants and a fair proportion of the north and south Europeans pass through Germany while emigrating for the United States. The German steamship companies have taken special sanitary measures in dealing with the emigrants. With the assistance of the police department of the Empire the emigrants are rigidly inspected. This is especially regulated along the frontier of Russia and Austria-Hungary. There have been established so-called "control stations" along the Russian borders.

At these control stations the immigrants are all bathed and their clothing disinfected before they are allowed to leave for German ports.

In describing the work as conducted at Hamburg, in Germany, this official states that immigrants are bathed, their clothing disinfected, that they are taken on board ship without going into the city, and are thoroughly examined by the surgeons.

Then he takes up the work in Italy, where we have our own immigration officers, and says it is ideal. During the last five years they have rejected 27,834. That would be 5,566 annually. He then says:

After a careful study of the emigration question in eastern and southern Europe I feel called upon to report that the steamship companies can prevent the embarkation of undesirable emigrants for the United States. In fact they are preventing it to a certain extent, and deserve commendation for the good work they are doing. There are, however, a few improvements in this work which I venture to suggest.

AN IMPORTANT ADVANCE PROPOSED.

Mr. President, one of the chief features of this bill is to amend section 9, which provides—

That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any aliens afflicted with a loathsome or with a dangerous contagious disease.

For doing so a fine of $100 is imposed for each person brought.

Now, by the pending bill it is proposed to amend the section by including in the prohibition "idiots, imbeciles, feeble-minded persons, insane persons, epileptics;" so that the section will read:

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any aliens subject to any of the following disabilities: Idiots, imbeciles, feeble-minded persons, insane persons, epileptics, or persons afflicted with a loathsome or with a dangerous contagious disease.

In other words, the law provides that steamship companies shall be fined $100 for bringing to this country an alien "afflicted with a loathsome or with a dangerous contagious disease," and the proposed amendment to section 9 simply extends this provision to include idiots, imbeciles, feeble-minded persons, insane persons, and epileptics, provided their condition might have been ascertained by a competent medical examination at the ports of embarkation.

Mr. HALE. Has the Senator, in drawing this very important amendment excluding these different classes, covered, in addition to the language of the old statute, all of the disabilities and infirmities that he believes ought to be incorporated in it so as to make it exhaustive in its terms?

Mr. DILLINGHAM. I think this clause covers all of the classes whose condition might be detected by a competent medical examination. I have consulted with immigration officials here in Washington and at various immigrant stations, and have secured all the light I can upon that subject, with this result.

Mr. HALE. The Senator believes that if this is adopted and enforced it will practically exhaust the power we should properly exercise with respect to discrimination against these immigrants?

Mr. DILLINGHAM. Of that class?

Mr. HALE. Yes.

Mr. DILLINGHAM. Where a fine should be imposed for bringing them in. This section of the law should not be confounded with those governing the admission or rejection of aliens. It is intended simply to prevent steamship companies from allowing certain classes of intended immigrants to embark from the United States from foreign ports, and this provision in no way conflicts with section 2 or any other section intended to prevent the landing of undesirable aliens in the United States. The section as amended enumerates certain excluded classes whom the committee believe should not be allowed to leave foreign ports upon the hopeless quest of gaining entrance to this country.

Mr. SCOTT. Does that include a maimed or crippled person?

Mr. DILLINGHAM. Another provision of the law covers that class, and it has not occurred to me that it was necessary to include disabilities of this nature in this particular provision. The object in levying this fine has been to compel an examination at the ports of embarkation, and so detect diseases of a particularly dangerous or disagreeable character. It provides that a fine shall be imposed in those cases where a competent medical examination would have detected such a disease. Persons of the kind mentioned by the Senator from West Virginia, it seems to me, ought not to come within the class aimed at in this provision of the bill. A person may have lost a finger, but it would be wrong to fine a steamship company $100 for bringing him to one of our ports if he is all right in other respects.

Mr. LATIMER. I have not examined it closely, but I am of the impression that section 9 includes all persons that were prohibited in section 2 of the present law, and that in section 9 as you now have it you have narrowed the limit so that you do not exclude some that were excluded under the present law.

Mr. DILLINGHAM. The fine on the steamship company, if the Senator will excuse me, is only imposed when they bring those who are afflicted with loathsome or dangerous contagious diseases. The fine is not imposed upon the steamship company for bringing any except those two classes. The object of this amendment is to also punish the company for bringing insane persons, feeble-minded persons, imbeciles, or epileptics, provided their condition could have been discovered by a proper medical examination. It broadens the provisions of the law of 1903 to that extent.

Mr. PERKINS. If it will not interrupt the Senator from Vermont, I should like to ask a question.

Mr. DILLINGHAM. Certainly not.

Mr. PERKINS. I should like to ask one question. Section 2, page 4, line 16, provides that persons shall be excluded who have had two attacks of insanity. Why do you designate two attacks? Insanity, I understand, is hereditary, and if a person has had one attack of insanity, it seems to me it ought to be sufficient to exclude him from coming into this country. Such a person is certainly not a desirable immigrant; and the statistics show that in the State of California, which I have the honor in part to represent, over 65 per cent of those in the insane asylums are of foreign birth. It strikes me very forcibly that we ought not to permit anyone to enter this country who has the misfortune to have insanity in the family.

Mr. DILLINGHAM. The question of revising the present law with regard to the exclusion of insane persons has not

entered into the discussion of this bill in committee, nor has the necessity for a change been suggested to me. I will, however, if the Senator please, be glad to take that matter up before consideration of the bill is completed.

This effort to induce steamship companies to prevent the embarkation from foreign ports of aliens who are sure to be denied admission to the United States under the law is to my mind a most important and commendable one. It is but simple justice to those who are about to seek our shores that they should be reasonably certain of admittance when they come. The policy of the Department is to insure, when practicable, a preliminary examination by our own medical officers of all aliens at the ports of embarkation, but as previously stated this is not permitted by all nations, and in any event it can be effectively carried out only by cooperation with the steamship companies. It is because of the necessarily unsatisfactory character and the incompleteness of our own inspection abroad that it is necessary to induce steamship companies to assist in making the examination effective. The fine of $100 is not at all unreasonable, considering the fact that it is imposed only in such cases as might have been detected by a careful examination before embarkation, and the results have fully proven its wisdom.

As the Commissioner-General has said in speaking of the excluded classes, "It is right to debar those who are affected, but it is wrong to permit them to start;" and the steamship companies who are deriving this great income from the steerage passengers should be willing, of course, to cooperate with the United States in excluding the defective classes.

THE MOST UNDESIRABLE CLASS HERETOFORE ADMITTED.

Having called attention to this amendment, I want now to go back to the statement made earlier in my remarks—that 6 per cent of all who come into the United States are over 45 years of age. Senators are aware, of course, of the complaint that is made that we are getting too large a percentage of the defective classes, and that our hospitals and asylums and other public institutions are burdened with them.

There is in this class, and among other classes to a lesser degree, a large number in whom no specific disease is detected, and yet one knows at a glance that they are of poor physique or of low vitality. They are in a condition that may be the result of heredity or of a low grade of living. They have not what we would call stamina, and while they can not be placed in the class of those specifically diseased, they are liable to find their way into some public institution, and ought not to be permitted to land.

The attention of Congress has been called to this matter by the President in his message, where he has spoken of the greed of the steamship companies, and I have brought together the opinions of quite a good many persons who have given thought to the matter, among them William Williams, esq., who was for several years the commissioner of immigration at Ellis Island, and who was succeeded by Commissioner Watchorn. Mr. Williams, in his report for 1903, says:

> But these laws do not reach a large body of immigrants who, while not of this class, are yet generally undesirable, because unintelligent, of low vitality, of poor physique, able to perform only the cheapest kind of manual labor, desirous of locating almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wageworker, and unfitted mentally or morally for good citizenship.

In his report for 1904 he again calls attention to the matter, and says:

> We are receiving too many immigrants whose physical condition is poor. The law now excludes idiots, insane persons, epileptics, and those suffering from a loathsome or a dangerous contagious disease. To exclude aliens suffering from other physical or mental ailments it is generally necessary to show that they are likely to become public charges, and yet it is obviously impossible to exclude on this ground all persons whose physical condition is poor. I think that in all instances in which the United States Marine-Hospital surgeons, who conduct the medical examinations at the immigrant stations, certify in writing that the physical condition of an immigrant, dependent for support upon his own physical exertions, is below a certain standard to be designated by them by some appropriate term, whether this be "low vitality," "poor physique," or some other similar expression, or that he is "senile," such immigrant should be excluded, subject to certain reasonable exceptions of the character described in the preceding paragraph.

I have other quotations from him and other writers upon the general subject, but I will only call attention to what has been said by our consul at Bremen, where so many aliens embark:

> As to the emigrants that passed through Bremen during the period under discussion, I found that they averaged about the same as they did in former years. By far the greater majority of them were stalwart men and women in good health and of splendid physique, and their appearance gave every promise of their becoming good and useful citizens. And when I inquired of some of these uncouth-looking men, as I occasionally did, why they should leave their fatherland, their humble homes, their friends, and the traditions of their forefathers, to start off, oftentimes with their wives and small children, for a far-off strange land, I invariably learned that the one strong, overruling desire with them was simply to better their condition in life.

In this he evidently refers to that class between the ages of 14 and 44 who constitute such a large majority of all who come to this country, but he adds:

> A very small percentage of the people in the long line of the procession that passed by almost day by day, are such as ought to be rejected, but can not be, because our medical examination can not detect any disease or any other physical defect in or about them. Yet a mere glance at them suffices to make one feel morally certain that they will be an objectionable addition to our population. How best to sift out these cases, of which, fortunately, there are but comparatively few, is one of the many problems the great question of immigration continually presents.

I might go on and read the opinions of others, but deem it unnecessary.

Section 2 enumerates the classes who are not permitted to enter the United States, and if amended as proposed it will read:

> All idiots—

And we have added "imbeciles, feeble-minded persons, epileptics," to make it more definite—

> insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge.

Mr. HALE. I was rather puzzled, looking over the bill, on reading the language applied to insanity. It seems that there are subdivisions—persons subject to insanity and those actually insane. I wish the Senator would explain just what is the purport and limitation and legal operation of the insane classification.

Mr. DILLINGHAM. I have always supposed that the act of 1903 was an effort to reach every case of unsound mind. A person may land who gives every evidence of sanity, and who is, in fact, sane, but upon looking up his record they find that he has been insane within five years. So he, by the provisions of this law, is debarred. The law also debars a person who has had two or more attacks of insanity at any time during his lifetime, not necessarily within the last five years.

Mr. HALE. In other words, all insane persons; insane now?

Mr. DILLINGHAM. Insane now, who have been insane within five years, or who during their entire life have had two attacks of insanity.

Mr. HALE. "All insane persons" covers those who are now insane—who are insane at the time the law is put in force.

Mr. DILLINGHAM. Yes.

Mr. HALE. And the bill includes persons who have been insane within five years previous—that is, any person who has at any time within five years been insane. That is it?

Mr. DILLINGHAM. Yes.

Mr. HALE. The other is intended to embrace the larger class—that is, persons who have had two or more attacks of insanity at any time in their lives?

Mr. DILLINGHAM. Yes.

Mr. HALE. That straightens it out. I can see the object of the section.

Mr. DILLINGHAM. Now, after going through this list, which also includes paupers, persons likely to become a public charge, beggars, persons affected with a loathsome or with a dangerous contagious disease, the bill adds:

> Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

We have intended to make that broad enough to give the examining surgeons a wide discretion in judging a person's general appearance, taking into consideration what evidence there is of poor physique, low vitality, or anything else of that character which bears upon the question of his ability to obtain a livelihood by his own exertions.

Mr. HALE. The Senator's statement is very interesting and important. Can the Senator, from his study and investigation of the subject, tell us whether the statistics show at which of the decades in age the largest numbers come in—that is, whether it is from 20 to 30 in age, or 30 to 40 in age, or 40 to 50, or are there no statistics showing those facts?

Mr. DILLINGHAM. I do not think the statistics are published in that form.

Mr. HALE. There are no statistics by decades?

Mr. DILLINGHAM. I think not. If there are such, they have escaped by attention.

Mr. DRYDEN. Before the Senator passes from this matter, I should like to ask him if he knows whether it is the practice at the immigrant stations to exercise a more rigid scrutiny in examining people above the age of 45? The Senator has stated that 6 per cent of our immigrants are 45 years old or

older. It is evident enough that immigrants who have arrived at that age are not as likely to become as desirable citizens as those of younger age, for the reason that they have arrived at a time of life when their vitality either has declined or soon will begin to decline.

I wish to know whether the immigrant officials examine those immigrants with more thoroughness, with more care, with a view to protecting the country against having foisted upon it a class who are more likely to become a public burden than are immigrants of younger age?

Mr. DILLINGHAM. I will say to the Senator from New Jersey that great care has been given to the examination of this class, but the surgeons have been very much troubled, because, for instance, where there was brought before them a person, evidently of poor physique or low vitality, they could discover no specific disease. Yet he was defective. He might be defective mentally or physically without the physicians being able to say he had a contagious or a loathsome disease, or in fact any definite disease. And it is to meet the difficulty referred to by Mr. Williams in his report which I have just read that this particular amendment to section 2 has been suggested.

Mr. DRYDEN. Is it the Senator's idea that that would confer upon the immigration officials sufficient authority and power to make such an exclusion of people of older age?

Mr. DILLINGHAM. That is my opinion. This matter has been discussed with the Department, and I took the trouble, after this clause was drafted, to go to the Department of Justice and discuss it with the particular officer in that Department who has charge of cases arising under the immigration laws. His judgment was that the provision was sufficient.

Mr. HALE. Do the ship's papers contain information as to the age of immigrants?

Mr. DILLINGHAM. Yes; age, sex, nationality, and various other items.

Mr. HALE. Those are given on the other side?

Mr. DILLINGHAM. Yes. The law requires that manifests of alien passengers shall be made at the time and place of embarkation.

Mr. SPOONER. If the Senator from Maine were abroad and were coming back to this country, he could not get in without giving his age. It was demanded of me last May, and I gave mine.

Mr. HALE. I have never been sensitive on that point, but I do not remember ever to have been asked my age.

Mr. DILLINGHAM. The two amendments which have been under discussion are to my mind the most important provided for in the bill. I refer to the amendment to section 2, which is intended to exclude a considerable class of defectives not specifically defined in the present law, and that broadening the provision which imposes upon steamship companies a fine for bringing to the United States alien passengers suffering from certain diseases, when such affliction might have been discovered at a port of embarkation and the alien denied passage.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Washington?

Mr. DILLINGHAM. Certainly.

Mr. PILES. I should like to ask the Senator a question for information. I notice that section 2 prohibits persons from coming into the United States who have been insane within five years and also those who have had one or more attacks of insanity. I have understood the discussion which has been going on here upon that subject, but I do not understand why if a man has been insane at all he should be admitted into the United States. Neither do I understand why it would be more difficult to ascertain whether a man had been insane at all than to ascertain whether he had had two or more attacks of insanity. If he has been an insane person, that fact would, of course, be publicly known. It would be much more difficult, in my judgment, to ascertain whether a man had had two or more attacks of insanity than to know whether he had been an absolutely insane person, and I do not see why that distinction is made.

Mr. DILLINGHAM. That distinction is in the existing law.

Mr. PILES. I think it ought to go out.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Utah?

Mr. DILLINGHAM. Certainly.

Mr. SMOOT. I should like to say to the Senator from Washington that I think it is a very proper provision in the law, for this reason: Many times a person has an insane attack from accident, and he is not virtually an insane person. The attack of insanity may come from an accident. Many times females become insane from certain causes, yet they are not insane persons, although certain attacks bring insanity. I think the provision in the law is perfectly correct as it is. If, perchance, a person has had more than one or two attacks, as the case may be, then there is doubt as to whether there is an original cause of insanity in the person. I think the provision is very proper, indeed, and it should stand as it is.

Mr. DILLINGHAM. Mr. President, I want simply to add, while we are speaking of the insane classes, that it is utterly impossible to frame a measure which will suit every case and do exact justice in every instance. The framers of this statute evidently had in mind the thought that a person who had been insane within five years ought not to come in, and if back of the five-year period it appeared that the person had suffered two attacks of insanity the danger of further attacks were so strongly indicated that he ought not to be admitted.

Mr. PILES. Mr. President, I was not finding fault so much with the question of two or more attacks. I can understand where a man might have a very mild attack or two mild attacks of insanity and recover from them. But where a man has been absolutely insane I do not see any reason why because for five years before his admission to the United States he has not been an insane person that we should admit this man. In other words, if the insanity had passed away for a period of five years, I do not see that that should admit him into the United States. I think if a man has been once insane he ought not to be admitted into the United States, and that this provision as to five years should be stricken from the bill. That is my idea.

Mr. PERKINS. In view of what the Senator from Washington has stated in relation to this matter, the best evidence that the law is defective in that respect is the fact that in the asylums of the Western States which care for the insane there is a very much larger percentage of those of foreign birth who are suffering from the affliction of insanity than there are of those of American birth. Therefore, the law has undoubtedly been lax in that respect, which has permitted people who have insanity in the family to be admitted into this country as immigrants. Insanity is a great affliction; it is undoubtedly hereditary; and while there may be temporary causes, perhaps, yet I think we can dispense with that class of immigrants.

Mr. DILLINGHAM. Mr. President, I would suggest that that clause of the law has not been in operation a sufficient length of time to indicate what its ultimate effect will be. It is in the law of 1903. I called the attention of the Senate earlier in my remarks to the considerable length of time the largest percentage of aliens detained in public institutions had been in the United States. The fact is that few aliens who have been admitted under the law of 1903 are in penal or charitable institutions, and to thoroughly test the effectiveness of the provision intended to debar persons of these classes from entering the United States will require time.

MINOR AMENDMENTS.

Now, Mr. President, I have called attention to what I conceive to be the two chief amendments to the pending bill.

Mr. BACON. Before the Senator passes from section 2 I desire to ask his attention to some matters.

Mr. DILLINGHAM. I was going to speak of section 2 further; but I shall be very glad to yield to the Senator from Georgia.

Mr. BACON. I will not, then, interrupt the Senator for the present.

Mr. DILLINGHAM. Under the existing law all idiots are debarred, but the administration of the law has shown it is necessary to add "imbeciles, feeble-minded persons," and those words have been inserted. There are those who ought not to be admitted, but who can not be certified as being idiots, but they are so far inclined that way that they ought, in the discretion of the examining officers, to be kept out.

The experience of the immigration officers at Ellis Island has been that while polygamists are debarred under the present law, they were compelled to admit persons who could not be proved to be polygamists, but who freely admitted their belief in the practice of polygamy. This amendment was added at the suggestion of those officers.

Again, the present law provides for the exclusion of prostitutes, and at the suggestion of the administration officers we have added "or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose." That was suggested, I think, by Commissioner Watchorn.

Then, again, there has been added at the suggestion of the Department this clause:

Persons who have been induced to migrate to this country in consequence of offers, solicitations, promises, or agreements, oral, written, or printed, express or implied, to perform labor of any kind, skilled or unskilled, in this country.

That covers those who are so frequently spoken of as the contract-labor class. The clause I have just read was in the act of 1903 and went out by misapprehension, I conclude. The contract-labor law is in the statute now, I may say, only by inference, but there are provisions in sections 4, 5, 12, and 13 relating to the contract-labor law, and we are constantly deporting those who are here contrary to it. Yet, the real enactment which I have just read is not in the law, and we have restored it as it was in the act of 1903, so there shall be no question in the courts as to our right to debar contract laborers.

Then there is another amendment in section 2 which is intended to do away with what is known as the "padrone system," by which men bring over from Italy and from other countries boys from 12 to 16 years of age and control their lives and their earnings, their goings and their comings, until they reach their majority. This clause is as follows:

All children under 17 years of age unaccompanied by their parents, unless coming to join parents already in this country who are able to support them, or unless, in the case of death of both parents, they are coming to join brothers or sisters already in the United States who are willing and able to support them.

Mr. BACON. It is in that connection that I wanted to ask the attention of the Senator to a matter.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. DILLINGHAM. Gladly.

Mr. BACON. I do not know how far this matter has been considered by the committee. Under the bill, and also largely under the existing law, certain contract labor is now permitted to enter. For instance, right in connection with what the Senator has just read there is this proviso:

That skilled labor may be imported if labor of like kind unemployed can not be found in this country.

That is a pretty wide and liberal provision, and one, it seems to me, where there would be practically no limit upon the admission, wherever those who had control of the matter sought to exercise a liberal discretion. It would be very difficult to say in what particular class you could find skilled labor needed where there was not skilled labor unemployed. But that is not the point I am coming to. I mention that simply by way of inducement in what I am going to suggest to the Senator.

Then there are certain classes excluded from the operation of the law in the succeeding proviso:

And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession.

To that point in the clause of course you might say none of that is labor, but it adds:

Or persons employed strictly as personal or domestic servants.

Now, with the recognition of the fact by this provision of law that contract labor should be permitted under certain circumstances in certain classes of labor, upon what principle, I would ask the Senator, does the committee draw the line at domestic persons employed strictly as personal or domestic servants?

I will state to the Senator very frankly the object of my inquiry, premising first that I understand the purpose of the law in this exclusion to be mainly directed for the protection of the mechanical classes of the country, who do not desire that persons shall be admitted here who will be in competition with them in their work. I think I am correct in that.

Now, upon what reason is there an exclusion of agricultural laborers? If there is in the country a very great need and demand for agricultural labor, and if circumstances are such that it can not be had in any way practically except by contracting with such laborers on the other side, for what reason should they be excluded? For what reason should persons be excluded from the privilege of contracting with parties and bringing them over to this country for agricultural occupations?

Mr. DILLINGHAM. Mr. President, that is a matter that has not been considered by the present Committee on Immigration. There is no amendment to the existing law proposed in that respect.

Mr. BACON. I know there is no amendment proposed.

Mr. DILLINGHAM. But I will say to the Senator from Georgia that it is a matter to which I have given some personal attention. One of the Senators now on this floor called me to the Marble Room some time ago and presented a gentleman from his State who was anxious to have agricultural laborers settle there, and he propounded the same inquiry. I sent him, with a letter of introduction, to the Commissioner-General of Immigration. The reply he received was simply that this clause was adopted for the purpose which the Senator has already suggested—for the protection of the skilled mechanics in the United States; that it was put in the law at the demand of what we call the "labor element." The country has acquiesced in the demand so made, and this provision in the law has been preserved. It has worked admirably; the country has accepted and become accustomed to its provisions, and, so far as I am aware, there is practically no demand or desire for its repeal.

Now, the Department is of the opinion that if we should make an exception of those who profess to come here for agricultural purposes it would be simply opening a broad doorway for fraud; that large numbers of persons would come ostensibly as farm laborers, but who, after a short time, would be found in the trades and in competition with the skilled labor of the United States. The Department was unable to suggest any amendment that will accomplish the purpose which the Senator has in his mind without doing away with the effective provisions of the clause which we are discussing.

Mr. BACON. I think there is a very general desire throughout the country to conform to that wish on the part of the skilled labor of the country, that there should not be introduced into this country skilled laborers to come into competition with them in mechanical pursuits. On the other hand, it is true that there is an exceedingly great necessity for an increased supply of laborers in agricultural pursuits. It seems to me that it would be entirely possible to have an examination of parties on the other side by which it could be ascertained whether they were skilled in any mechanical pursuit, and that if an amendment of this kind should be adopted, by which the strictly agricultural laborers are admitted, persons who have been trained in any mechanical pursuit could, upon such examination, be excluded from the privilege of coming as agricultural laborers.

Mr. President, I do not know that I would take the responsibility of offering an amendment on this subject, because I doubt very much, in the first place, whether the public sentiment has been educated up to it, and the matter has not been discussed sufficiently at large for that result to be secured. But there are some very cogent reasons why it should be done, and I want to call attention to one in particular.

The great object of this law is to exclude undesirable immigrants and to have a process of selection, as it were. There is no process of selection that would be as efficacious and as certain as that which would be found in the selection which would be made by one who went there for the purpose of securing laborers under a contract. He would be certain not to wish to get one who was diseased or who was mentally unfit or who was otherwise undesirable to be employed as an efficient laborer. If it were so arranged in the law that, without bringing here any of those who would be in competition with the mechanical class, and only those could be contracted for who were to be employed in agricultural pursuits solely, men who had no mechanical training, every man who sought to make a contract of that kind on the other side would himself be an agent for the purpose of eliminating from those who were thus brought to this country all of the undesirable class.

It so happens, Mr. President, if I am not unduly trespassing upon the Senator——

Mr. DILLINGHAM. Not at all, sir.

Mr. BACON. It so happens that on account of peculiar conditions the most available of all immigrants—at least those who would be secured for agricultural pursuits—are from the Latin countries. Take Italy, the country from which we secure so large a number of immigrants. The agriculturists are north of the middle line of Italy, you might say, and are a very superior class of men to those who are in the southern part of Italy. Yet it is from the southern part of Italy that the voluntary immigration is received, because there conditions are less favorable and they are under greater inducement to try to improve their conditions, whereas those in the more northern part of Italy are in a superior condition; the condition in their own country is more tolerable, more satisfactory, and they do not come here so readily for the purpose of seeking their fortunes as adventurers or to seek simply day labor.

They are of a class that want something more certain than the possibility of day labor. They wish to know before they come what they are going to engage in. They are agriculturists at home, and the kind of agriculture in which they could be engaged in this country is largely of the same class as that in which they are occupied at home. But, in the absence of the ability to make an arrangement with them, that class, the most desirable of all classes of people who are eligible for immigration, are excluded because of this barrier, which says to a man, "You shall not make a contract with a man, however well fitted he may be to make a good citizen;" as a great many of them are. He must come over here and look for himself, and unless that is done he shall not be received. The result is that the best class of agricultural laborers do not come.

Mr. PERKINS. Mr. President, permit me to ask the Senator from Georgia a question.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from California?

Mr. DILLINGHAM. Certainly.

Mr. PERKINS. I desire to ask my friend from Georgia a question in relation to his suggestion about inviting desirable immigrants from the north of Italy. I know in my own State they are very desirable as grape growers; they are skilled in raising figs and other semitropical fruits. If the law was amended in that repsect would it not permit railroads and other corporations to go to Japan and Korea and employ skilled laborers to work upon their roads?

Mr. BACON. I am not familiar with the oriental question, consequently I am not in a position to answer the question.

Mr. PERKINS. We can not segregate them, as I understand the present law.

Mr. BACON. The suggestion I made was not as to an indiscriminate liberty to employ persons to be brought to this country under contract, but those——

Mr. PERKINS. The Japanese are skilled horticulturists and florists and agriculturists. So are the Koreans, and some who would come under the Chinese-exclusion law. I know many horticulturists who would be very glad to make contracts with them for a term of years for wages that could secure their services. It seems to me it would be a very dangerous thing to amend the law in that respect.

Mr. DILLINGHAM. Mr. President, I think that I can make a suggestion to the Senator from Georgia.

Mr. BACON. I will only interrupt the Senator to the extent of saying that I have merely taken the opportunity to make a suggestion upon the subject, for the reason that there are already excepted classes, and why there should be excepted classes of those who are to be employed as personal or domestic servants and at the same time those who are to be employed as servants to work upon the ground should be excluded I am unable to see.

Mr. DILLINGHAM. Mr. President, I have before me a statement of the numbers admitted in the year 1905 by occupations. I find that 13,643 were in professional walks of life and in the skilled occupations there were 180,112; but the number of farm laborers was 142,000 and of men who had been actual farmers 18,000—I am giving the round numbers—of laborers, 287,450; merchants and dealers, 19,579; servants, 125,473, and of no occupation—which, I suppose, means women and children, mostly—232,018. Those numbers brought together make 1,018,936, and all other occupations are embraced in 7,563 persons not classified.

Now, there are a large number of farm laborers coming into this country; a larger number of common laborers and a considerable number of those who have owned farms in the old country. The difficulty is, when they get to this country the avenues to employment are so many and so various, many of which afford a so much higher rate of wages than can be derived from farm labor, they leave the farms and go to the manufacturing centers. Owing to this tendency there is an unequal distribution of incoming aliens among the various industries of the country, and the problem of directing immigrants to the agricultural districts is a very difficult one, although much time has been devoted to the study of it.

The committee proposes an amendment to the bill which it is hoped may have a tendency to relieve the congestion of alien immigrants in manufacturing centers, and in a measure answer the demand of agricultural districts for laborers and settlers. The amendment offered is in the form of a new section to the law, which provides for the establishment of a division of information in the Bureau of Immigration. It is proposed that this division shall gather from the various States and Territories such information as might aid incoming aliens in selecting a home, and shall publish it for the benefit of such aliens.

Upon the suggestion of the Senator from Kentucky [Mr. MCCREARY], the section was broadened until in its present form it provides that the different States and Territories desiring immigration may, at their own expense, send agents to the various immigrant stations of the United States to confer with incoming aliens, to present those considerations which might induce them to settle in the States and Territories represented by them, and giving the Commissioner-General of Immigration, under certain restrictions, the right to allow them to make a display of the products of their States or Territories at those stations.

I will not go further into that question, because I know that the Senator from Kentucky, who is deeply interested in it, as Kentucky very much desires agricultural laborers, wishes to speak upon it.

OUTGOING ALIENS.

Earlier in my remarks reference was made to the great numbers of aliens who go out of the country, no authentic record of which is kept by the Government. The only available statistics of this nature are those published by the steamship companies and from these it is possible to tell only approximately how many aliens return to their native countries. The number is great, however, and for the purpose of making this very desirable information available in the future the following amendment to the law is proposed:

That it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file before departure therefrom, with the collector of customs of such port, a complete list of all such alien passengers taken on board for the purpose aforesaid. Such lists shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States.

The fact that more than a million aliens came into this country last year is much heralded, but the fact that in all probability more than one-third of the total went out during the same time is rarely mentioned. The amendment, if enacted into law will in no way restrict or improve immigration, but it will enable us to know just how many and who are added to the alien population of the country in any particular year, and the value of such statistics is obvious.

Numerous minor amendments to the present law are proposed by this bill, but all are of an administrative character and I do not care to consume the time of the Senate in discussing them. In one way or another nearly all of them center around section 2, which enumerates the excluded classes and which I have already discussed at length.

In closing, I want to say that, in my opinion, this bill, if enacted into law, will go a long way in the direction of making perfect the already excellent immigration act of 1903, and I believe that it will not only eliminate from the class of aliens now coming pretty nearly all of the objectionable and defective ones, whether their defects be of mind, body, or of morals. More than this, I believe it will have the effect, not only of preventing the undesirable classes from entering the country, but of preventing them from ever leaving their native shores to cross the sea only to find the doors of the United States hopelessly closed against them.

Mr. BACON. Mr. President, I wish to refer to a matter which is not one of amendment. The Senator from Vermont [Mr. DILLINGHAM] has evidently given very careful study to this question, and therefore, returning to the matter about which I was interrogating him a moment ago, I desire to ask him if he has any information as to the extent that the second proviso of this bill, found on page 6, has been taken advantage of?

Mr. DILLINGHAM. In which section is the proviso to which the Senator from Georgia refers found?

Mr. BACON. It is found in section 2. It provides:

And provided further, That skilled labor may be imported if labor of like kind unemployed can not be found in this country.

That is a very peculiar provision, and I should like to know if the Senator from Vermont has investigated that matter and can give us any information as to how far that provision has ever been taken advantage of, and what, if anything, has ever been done under it?

Mr. DILLINGHAM. I understand it has been taken advantage of to a very limited extent. I have papers in my committee room in regard to one instance, where a manufacturer of certain kinds of glass brought over some skilled laborers. I do not remember how many there were, nor very distinctly about the results, except that they were deported under this section. My attention was, however, called to the matter, and I repeat that I think very few have been admitted under the provision referred to.

Mr. BACON. That is the exact point to which I want to call the Senator's attention. It seems to me that there is a discrimination in the provision of the law—I am not speaking of the amendments now, for which the committee is particularly responsible, but I am speaking of the law containing the provision that those who desire to employ persons in Europe strictly as personal or domestic servants are permitted to do so.

Now, the Senator says, when I suggest the desirability of having a like privilege for those who wish to employ servants or laborers to come here to engage in agricultural pursuits, that that will not do at all, as it would, in his opinion, open the door to fraud. It seems to me, in the same way, the same reply might be made as to those who are employed as personal or domestic servants. It looks as if that were done in response to the demand of a certain influential class who want to be made exceptions to the general law. They wish to have the privilege of having servants, selected by them in Europe or elsewhere,

brought to this country to be used by them in personal or domestic service.

But that is not so marked in its discrimination, it seems to me, as the particular proviso to which I ask the attention of the Senator, which goes to the extent of absolutely antagonizing in a degree what is the main purpose of the labor contract law, which is to protect the mechanical population of this country, those engaged in mechanical pursuits, from persons being brought here from Europe under contract to be brought in competition with them. This proviso, permitting the contracts for skilled laborers, is in direct conflict with that design and is evidently, while not so intended, something which would in practical operation be unfriendly to those engaged in mechanical pursuits in this country—I say "evidently," but, of course, that is probably too strong a word—but it seems to me to be intended to give all persons who are interested in the great mechanical industries of this country the opportunity, when they may be short of labor, to supply that labor by going to Europe, making contracts for such labor, and bringing that labor here.

The Senator says it has been only utilized partially in the case of the glass workers. Well, in the same way it can be utilized by any of the other great mechanical industries of the country—iron works, potteries, textile, wood, and all other manufacturing enterprises—and whenever they are in a position where they are suffering by reason of the inadequacy of the supply of mechanical labor for their particular industry, the law gives them an opportunity to supply the need. Here is the great agricultural industry of the country, which is not in any manner in conflict with those engaged in mechanical pursuits. When the great agricultural industry of the country is suffering from a lack of labor, there is no possibility that they may contract for labor to be brought here upon the ground that unemployed labor in the same line of work can not be found. Now, why should there be that discrimination against the agricultural industry of the country?

If the policy of the country is to exclude all immigrants secured through contract, that is one thing. But to admit skilled immigrants secured by contract when needed by the mechanical or manufacturing industries of the country, and to deny to the agricultural industries the right to secure unskilled immigrants by contract when they need their labor equally as urgently is quite another thing. It is the unfair discrimination now found in the law against the agricultural interests of the country of which I complain.

Mr. DILLINGHAM. Mr. President, I am not here to defend that provision of the law as it stands to-day. That is a principle which has been written into the law for a considerable length of time, and I have never heard any particular complaint made of the operation of it, so far as this exception is concerned. There are a considerable number of people in the country who doubt the general advisability of a contract-labor law in itself, but the great majority are now in favor of it.

I would suggest to the Senator, as I suppose he speaks for his State to some extent, that I understand from the Senator from Kentucky [Mr. McCREARY] that many of the Southern States are anxious to bring contract laborers into those sections.

In section 6 of the existing law, which makes it unlawful to assist or encourage any importation or immigration of any alien by contract, there is a provision which reads as follows:

Provided, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

I know that some of the States have taken action and have sent agents to Europe for this purpose. In fact, the State which I in part represent did that very thing a few years ago and succeeded in introducing a very good class of immigrants into one of the mountain sections of Vermont. Under this law, if a State desires to take action, I can see no objection to it.

Mr. BACON. The Senator does not realize the fact that it is very much more difficult to put the machinery of a State into motion than it is to have individual enterprise avail itself of an opportunity of this kind. I have no doubt in the world, if this barrier were removed, the agricultural interests, not simply of my State, but very largely of the South, would take advantage of the opportunity, or individuals would do so, to bring over to this country the most desirable of all the population that could be found on the other side in the way of immigrants—that is, those who are now engaged in agricultural labor.

The Senator alluded to the fact that machinery has been devised by which it is proposed to give opportunity for distribution of those coming into the country at present, so that they may be sent to agricultural districts, and thus distributed through the agricultural regions and employed in agricultural pursuits. But the fact stands that the large majority—in fact, almost all of those who now come to this country—are not those who are seeking agricultural employment; they are not those who were engaged in agricultural employment before they came to this country, and they are not those whom it is easy to enlist, or, I might go further and say, they are not those among whom is to be found the most desirable class to be enlisted in the work of agriculture.

There is a crying and growing need for intelligent, reliable labor in agricultural pursuits, and it seems to me, while, as the Senator says, they are not the advocates or the defenders of this bill, yet the committee is charged with the consideration of the question and with the suggestion of measures making the required changes in the law. I will say to the Senator that I will not offer an amendment on the subject, because I do not suppose, in the absence of the approval of the committee, there would probably be any change made in the law. But I would desire, if any change were made, that it should be most closely guarded, so that there could be no intrusion upon the well-settled policy of the country to prevent contract labor for those who are to be engaged in mechanical pursuits; but it seems to me that it could be so guarded that, by proper examination, of course, it can be ascertained who are trained in mechanical pursuits, and they should be excluded from the privilege of coming as agricultural laborers. A very large benefit could be derived from a change in the law in this particular, and at the same time the main purpose of this entire immigration law be largely advanced and assisted in the fact that those who were seeking to make a contract would have the highest inducement to eliminate from those with whom they should make contracts those who are undesirable as immigrants and future citizens of this country.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Colorado?

Mr. DILLINGHAM. I do.

Mr. PATTERSON. I think it would be a great deal better to eliminate from the present law the provisions which the Senator from Georgia [Mr. BACON] seems to think discriminative against agricultural laborers, than to broaden the law with such a provision as he has in mind.

The Senator from Georgia, I think, is mistaken when he suggests that the object of the law prohibiting the immigration of contract laborers is to protect those engaged in mechanical pursuits in which skilled labor is employed. It goes a great deal farther. It is intended to protect labor that hardly comes under the head of skilled labor, although, broadly speaking, it may be mechanical labor, as all labor by hand would probably come under that head.

One of the great troubles about any law that would permit the introduction of contract agricultural labor is that if it was brought in any great quantity it could only receive employment during a very small portion of the year. Bring in 10,000 agricultural laborers as such expressly, and they would find employment, probably, from March or April until the crops were gathered.

Mr. BACON. Will the Senator pardon an interruption?

Mr. PATTERSON. Certainly.

Mr. BACON. In the large field of cotton production, which is not an unimportant part of agricultural labor, it takes twelve months' labor to make a cotton crop, and very frequently, strange as it may sound, thirteen months. It is frequently the case that the cotton crop is not gathered until the close of January of the year succeeding the one in which it was grown.

Mr. PATTERSON. I suppose, Mr. President, that is one of the hardships. Surely the Senator from Georgia would not desire to have discrimination in such agriculturists as were introduced in favor of the cotton industry alone. I am inclined to think that the raising of the sugar cane as well as the raising of the cotton plant is an industry that requires pretty constant labor the year around.

But, Mr. President, that is but a very small portion of the products of agricultural pursuits, and it would be an anomaly to find upon the statute book a law that permitted contracts to be made for labor to produce cotton and labor to produce sugar cane and discriminating against the great corn-raising section of the country, the great wheat-raising section of the country, the oats and barley raising sections of the country, and the great fruit-raising section of the country. So that while there are exceptions to the rule probably—certainly there are in the case of cotton, because the Senator from Georgia makes that statement—it must be perfectly clear that it will be utterly impossible to bring into this country contract agricultural labor as such that would not be labor that could only be employed in that particular calling for about four months in a year, or five at the outside, and during the rest of the year would necessarily be thrown into every other field of industry.

Mr. BACON. The probability is, Mr. President, that no contract could be made with a laborer in a foreign country unless you could give him a year's work. He would not come for six months.

Mr. PATTERSON. I am inclined to think that if a proper amount of information were conveyed to the laborers in Europe there would be no difficulty whatever in securing all the labor that was necessary for every calling for a term of a month, realizing, as the laborer would, that having entered this country under a contract by which his passage was paid his coming to this country was made very easy, so that he could come when otherwise he might not or would not be able to come. He would come, even though the employment was for a month, being quite willing then, Mr. President, to take his chances in the future.

Mr. President, I desire to express just one further thought in the matter. The great evil that legislation of this kind is intended to remedy can be illustrated by the use to which the repeal of this law might be put at the present time. We have in some of the Eastern States quite a large strike in the coal fields. I do not know how many coal miners and coal laborers are out of employment—whether the number be 25,000, or 50,000 or 150,000 men. They are engaged in a strike. It is not necessary to raise the question as to whether it is a good strike or a bad strike, or whether the aims that the strikers seek to accomplish are for the benefit of the country at large or for the benefit of those who are engaged in it. It is sufficient to know that, were it not for this law, ships would be loaded to-day with contract laborers brought from the Mediterranean countries to be thrown into the coal mines to take the place of the labor that is now out on a strike. Thereby, as a penalty for entering upon a strike, those who are engaged in it and their families would be literally thrust from their homes and denied, except in some other calling or in some other locality, employment in the future.

Therefore, Mr. President, it seems to me that it is much better to circumscribe the law than to enlarge it. Various callings suffer for the want of labor in this country. There is no doubt about that. That is because of the prosperity in every department of industry. The growth of the demand for labor seems to be in excess of the supply; but because that is the case, it is not a sufficient reason for throwing down the barriers that prevent the labor of Europe, pauper or otherwise, desirable or otherwise, from being flooded into this country under contracts by individuals or great corporations, simply because they happen to have temporary trouble with their present or their late employees.

This country is growing quite fast enough in population, Mr. President. It is making wonderful strides in population, as well as in industry and in commercial prosperity of every kind. It is not possible for everybody to have everything that he wants in order that he may take all the advantage that is possible in this state of prosperity. There must be limitations; and if it is shortage of labor that can not be supplied otherwise than by throwing down the barriers that prevent the influx of European labor under contract, then, Mr. President, they had better submit for the time being to an inconvenience, as we are all constantly compelled to do by reason of our utter inability to secure everything which we desire to add to our share of the prosperity that is going on.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. McCREARY. I supposed the Senator was through.

Mr. DILLINGHAM. I was going to suggest, Mr. President, that we take up the committee amendments at this time, unless there is some reason to the contrary.

Mr. McCREARY. If the Senator from Vermont has concluded, I desire to address the Senate.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. McCREARY. If the Senator has concluded his remarks, I will say that one of the first amendments to come up is in the first part of the bill. I propose to speak on that, as I announced.

Mr. LODGE. Let the bill be read for amendment.

Mr. DILLINGHAM. I ask unanimous consent that the first formal reading of the bill may be dispensed with, that it be read for amendment, and that the amendments reported by the Committee on Immigration be first acted on as they are reached in the reading of the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Vermont?

Mr. McCREARY. I announced when this bill first came up, and before the Senator from Vermont addressed the Senate, that I desired to submit some remarks on it. If the Senator from Vermont has finished, I desire to speak a few moments, and I think I have that right.

The VICE-PRESIDENT. The Senator from Vermont has the floor. Does he yield to the Senator from Kentucky?

Mr. DILLINGHAM. I very gladly yield. I made the motion in regard to the reading of the bill under a misapprehension. I thought it was according to the Senator's desire, because I knew he wanted to address himself to the Senate on the question of the head tax, which is the second committee amendment. I hope he will not think I was attempting to crowd him. I thought I was carrying out his wishes.

Mr. McCREARY. The explanation is satisfactory.

Mr. LODGE. Mr. President——

Mr. McCREARY. Have I the floor now?

The VICE-PRESIDENT. The Senator from Kentucky is entitled to the floor. Does he yield to the Senator from Massachusetts?

Mr. LODGE. I merely desire to suggest to the Senator from Kentucky that it will not interfere in the least with his making his address—which we are all very glad and anxious to have him make—that we should put the bill regularly before the Senate, dispense with the first reading, and have the bill read for amendment. We have not had that agreed to as yet.

Mr. McCREARY. I am perfectly willing for that to be done when I complete my remarks. I desire now to address the Senate on the pending bill.

The VICE-PRESIDENT. The Senator from Kentucky has the floor.

Mr. McCREARY. Mr. President, I introduced a bill on the 8th of last January to amend the existing law on the subject of the immigration of aliens into the United States. Important provisions of my bill have been incorporated in the bill now under consideration. I am also a member of the Committee on Immigration, and I helped to prepare the pending bill, and I am in favor of its passage.

There is no problem confronting the people of the United States which deserves more earnest attention and careful consideration than the immigration problem. It involves questions which not only reach the homes and the farms and the industries of our country, but also the welfare of the people and the degeneracy or elevation of the human race in our country.

I admire the sentiment that in this free country we should welcome the people of the world, and that America should be the home of the liberty-loving and downtrodden and oppressed of all nations; but I should like to add also the plain but expressive words that America should be the home of the worthy, and that the undesirable immigrants should be kept out and the desirable immigrants should be welcomed.

If the immigrants coming to our country are beginning to be a menace to American homes and American industries and American civilization, should we not do all that can be done to separate the worthy from the unworthy—keep up the best standards and do justice to the desirable immigrants and do our duty to our home people? Should we not by legislation exclude the objectionable element and encourage the immigrants we want, who come here to stay, and who are healthy and resolute and industrious, and who appreciate American institutions?

The President of the United States very appropriately said in his last annual message to Congress:

> The prime need is to keep out all immigrants who will not make good American citizens. The laws now existing for the exclusion of undesirable immigrants should be strengthened. * * *
>
> What we should desire to find out is the individual quality of the individual man. In my judgment, with this end in view, we shall have to prepare through our own agents a far more rigid inspection in the countries from which the immigrants come. It will be a great deal better to have fewer immigrants, but all of the right kind, than a great number of immigrants, many of whom are necessarily of the wrong kind. As far as possible we wish to limit the immigration to this country to persons who propose to become citizens of this country, and we can well afford to insist upon adequate scrutiny of the character of those who are thus proposed for future citizenship.

Mr. President, a review of immigration statistics and reports discloses an increase in the number of foreigners annually coming to our country which is startling. In the year ending June 30, 1905, there came to the United States 1,026,000 alien immigrants, being a greater number of immigrants than came to our country during the one hundred and sixty-nine years of our colonial life which intervened between the first landing at Jamestown and the Declaration of Independence, and a greater number than came to the United States from 1800 to 1840.

The statistics of immigration which are available show that since 1820 22,931,983 aliens came to the United States. In the year 1820 8,385 immigrants came to the United States. In 1860,

forty years later, they numbered 133,143. The number of alien immigrants who came to the United States in 1900 was 448,000. In the year 1905, only five years later, the number of immigrants who came to the United States had more than doubled. At the rate they are now coming they would equal the population of Kentucky in two years, and equal the combined population of Delaware, Nevada, Montana, Utah, Idaho, and Wyoming in one year. At the ratio of increase, it would only require four generations for our country to reach the limit of the density of population, and by that time we would have eight or nine hundred millions of people, or a territory as densely populated as the Empire of China.

I present a table showing the annual immigration to the United States from 1820 to 1905, inclusive, furnished by the Commissioner-General of Immigration:

Number of immigrants arrived in the United States each year from 1820 to 1905, both inclusive.

Year ending September 30:	
1820	8,385
1821	9,127
1822	6,911
1823	6,354
1824	7,912
1825	10,199
1826	10,837
1827	18,875
1828	27,382
1829	22,520
1830	23,322
1831	22,633
October 1, 1831, to December 31, 1832	60,482
Year ending December 31:	
1833	58,640
1834	65,365
1835	45,374
1836	76,242
1837	79,340
1838	38,914
1839	68,069
1840	84,066
1841	80,289
1842	104,565
January 1 to September 30, 1843	52,496
Year ending September 30:	
1844	78,615
1845	114,371
1846	154,416
1847	234,968
1848	226,527
1849	297,024
1850	310,004
October 1 to December 31, 1850	59,976
Year ending December 31:	
1851	379,466
1852	371,603
1853	368,645
1854	427,833
1855	200,877
1856	195,857
January 1 to June 30, 1857	112,123
Year ending June 30:	
1858	191,942
1859	129,571
1860	133,143
1861	142,877
1862	72,183
1863	132,925
1864	191,114
1865	180,339
1866	332,577
1867	303,104
1868	282,189
1869	352,768
1870	387,203
1871	321,350
1872	404,806
1873	459,803
1874	313,339
1875	227,498
1876	169,986
1877	141,857
1878	138,469
1879	177,826
1880	457,257
1881	669,431
1882	788,992
1883	603,322
1884	518,592
1885	395,346
1886	334,203
1887	490,109
1888	546,889
1889	444,427
1890	455,302
1891	560,319
1892	579,663
1893	439,730
1894	285,631
1895	258,536
1896	343,267
1897	230,832
1898	229,299
1899	311,715
1900	448,572
1901	487,918
1902	648,743
1903	857,046
1904	812,870
1905	1,026,499

An analysis of immigration statistics presents an interesting and instructive lesson when we consider the character and class of the immigrants now coming to our country and the class and character of the immigrants who came to our country up to 1890. Those who came to our country up to the last fifteen years were the class of people that were by nature possessed with instincts and aspirations kindred to our own, and with love and admiration for our institutions. They were, in the main, the same race of people to which we belonged, and came from the countries whence our fathers came. They were persons of courage, energy, and lofty purpose, and were in every respect fitted to assimilate our ideas, hopes, and conditions, and became valuable additions to our citizenship.

Immigrants from England, Scotland, Ireland, Germany, France, Sweden, Norway, Denmark, and Switzerland, and countries in northern Europe have always been welcome and still are welcome, for many of our people are descended from them, and we would be untrue to our lineage not to welcome them.

The whole number of immigrants which came to our country from 1820 to 1905 from England, Scotland, and Ireland amounted to 7,286,443. In 1851 these countries sent us 272,740, but the immigration from these countries is now decreasing and has fallen off 40 per cent.

The immigration from Ireland formerly ranged from 60,000 to 70,000 per annum. From 1820 to 1902 Ireland sent us 4,000,000 of immigrants, and it was said that the Irish race was being transplanted from Ireland to the United States. In 1904 only 37,000 immigrants came from Ireland, 20,000 of whom were women; so there was a falling off of about one-half.

From Germany came to our country, from 1820 to 1905, 5,187,092. Two hundred and fifteen thousand immigrants came from Germany in 1854; but German immigration has been decreasing and has fallen off more than 30 per cent.

Scandinavia, consisting of Denmark, Norway, and Sweden, furnished 105,326 immigrants to the United States in 1882, but in 1902 these countries furnished only 19,228.

France has never furnished a large quota to our list of immigrants. The largest number came in 1850, being 20,126; but the number of immigrants coming from France has greatly decreased since that time.

I call special attention to the statement I am about to make, because it shows what a wonderful change has occurred in immigration to the United States.

In 1869 the immigrants from Austria-Hungary, Italy, Poland, and Russia were about one hundredth of the number from England, Scotland, Ireland, France, Germany, and Scandinavia; in 1880 about one-tenth; in 1894 nearly equal to it; in 1901 the immigration from Austria-Hungary, Italy, Poland, and Russia was three times as great to the United States as from the other countries just named.

During the past fiscal year the greatest number of immigrants came to our country from Austria-Hungary, which sent 275,693, or 27 per cent of the whole number; Italy sent 221,479, or 22 per cent, and Russia, 184,897, or 18 per cent, and Asia sent 26,186, or 4 per cent; so that Austria-Hungary, Italy, Russia, and Asia sent last year to the United States nearly three-fourths of the 1,026,000, which came to our country.

It has been asserted by those who have studied the immigration question with great care that one great reason our immigration from nations which furnished our country in the past so many worthy and desirable immigrants has decreased is because so many undesirable immigrants are now coming to the United States.

It may well be asked here, Where did the large number of immigrants go who came to our country last year? The Commissioner-General of Immigration says, "315,511 were destined to New York; 210,708 to Pennsylvania; 72,150 to Massachusetts; 72,770 to Illinois; 57,258 to New Jersey, and 49,351 to Ohio." Thus it appears that 777,748, or 76 per cent of the 1,026,000 immigrants who came to our country in 1905, went to six States, and the Rocky Mountain region and the West received but 43,571, and the States south of the Mason and Dixon line 46,343, or 4½ per cent. Maryland, West Virginia, and Florida each received nearly 9,000, Louisiana 5,000, Texas 4,000; Kentucky received but 618, Tennessee 782, North Carolina 183, South Carolina 328, Georgia 518, and Arkansas 432.

These figures suggest that a very large number of immigrants who came to this country last year found places to locate in only six States out of the forty-five, and that over 300,000 of them went to the State of New York and 210,000 went to the State of Pennsylvania. If immigrants continue to go to those States in that way there will be a serious problem to solve in those States. These figures suggest another serious problem. While we of the South have the race problem constantly with us, and development, both educational and industrial, is hampered and influenced because the South is

biracial, nevertheless both races speak the same language and have for generations lived under the same government, and have worked in harmony, while the people of New York, Pennsylvania, Massachusetts, and New Jersey have with them not the problem of two races, but the problem of many races, and the influx each year of hundreds of thousands of immigrants who are unfamiliar with our language, ignorant of our manners and customs, and without any conception of our Government, and the people of these States are called upon to solve a stupendous problem, which not only concerns amalgamation of these divers races into proper citizenship, but also the economic question as to how they can be cared for and controlled.

The extent and the importance of the immigration problem can not be properly shown without presenting the social effects of immigration and the filling of our prisons, almshouses, and asylums with foreigners, thereby entailing extra burdens upon our people.

According to statistics presented by the Commissioner-General of Immigration, and by Prescott F. Hall, secretary of the Immigration League, it appears that 44 per cent of the crime committed by white persons in the United States is charged to the native element and 56 per cent to the foreign element, and under the census of 1890 the number of native-born whites in penitentiaries was 12,842 and the number of those of foreign birth or parentage was 15,598, or 54 per cent of the total; in other words, the foreign white element, which was two-fifths of the total, furnished three-fifths of the white criminals of the United States at that time.

The same census shows that, not counting the feeble-minded and idiots, 33 per cent of the insane of the United States were of foreign birth, as compared with 28 per cent in 1880, and although the foreign born constituted in 1890 only 14 per cent of the total population they furnished two and one-third times their normal portion of insane, and comparing an equal number of the foreign element and the native element of the year 1905 the foreigners furnished three times as many paupers as the native element.

Of all the aliens confined in our criminal and penal institutions in 1904, 32 per cent of them were of the Celtic and Teutonic races of northern and western Europe, and 64 per cent of them were of the Slavic and Iberic races of southern and eastern Europe.

In 1905 the total number of inmates in our criminal and penal institutions was 349,885. Of this number, 97,074, or 28 per cent, were of foreign birth, and the foreign-born population of the United States is only 14 per cent of the whole population; in other words, while they furnish a little more than one-seventh of our population, they furnish about one-third of our criminals.

It should also be stated that the number of illiterates over 14 years of age who came to the United States in 1904 was 172,856, and the number of illiterates in 1905, 239,091, or an increase of illiterates of 66,235 in one year.

Senators may speak conservatively and kindly about immigration to the United States, but I believe that the facts which I have stated are alarming. I believe they need attention by Congress.

The question of restricting immigration is very important and calls for the exercise of conservatism and judicious legislation.

De Tocqueville, with far-seeing vision, wrote of American immigration nearly three-fourths of a century ago, "No power on earth can close upon immigrants that fertile country which offers resources to all industries and a refuge from all want." His declaration has grown in importance until people in every part of the civilized world are watching the prosperity, growth, progress, and attractions of our great country, and as the years roll by the desire of foreigners to come to our country grows and increases.

The Senator from Colorado [Mr. PATTERSON] spoke with great force and appropriateness on the progress and prosperity of our country, and I heard him with much pleasure.

While we should always be ready to welcome desirable and worthy immigrants, we should remember our duty to our fellowmen, and we should keep constantly in mind that our duty is to our own people and our own country. We have received millions of strangers within our gates and treated them as friends and brothers. The law of self-protection, which is the first law of nature, is now becoming of pressing and conspicuous importance. I believe in the elevation and the betterment of mankind in all lands and among all races, and all men deserve credit who work to advance civilization and Christianity, but we should not imperil our own household or detract from our own superb citizenship.

The report of the Commissioner-General of Immigration discloses the fact that undesirable immigration is largely due to the methods of steamship companies and their agents that ply their unlawful practices of getting immigrants for the gain of transportation. Every person who has watched the trend of passenger steamship traffic between the United States and European ports within the past few years, and especially within the past year, has been impressed by the increase in the number of sailing vessels, and especially by the marked increase in the sailing vessels to and from Mediterranean ports. It has been announced that the White Star Line has inaugurated a new service between the Mediterranean ports and the United States, and the Cunard Line has entered into competition for the steerage traffic from southern Europe and northern Africa and Asia and has closed a contract with the Austro-Hungarian Government by which the Cunard ships are guaranteed 30,000 immigrants from Austria-Hungary every year. Complaint was made against this contract, and it has since been modified. A new line of steamers has been established between Odessa and New York. The Austro-American steamers, which formerly plied as cargo boats between Trieste and Central America, have been transferred to run as passenger ships between Trieste and New York. The number of Mediterranean vessels of the Hamburg-American, North German Lloyd, and other companies has been largely increased. This shows a very large growth in the steerage passenger traffic from southern and eastern Europe and from Asia. The increase in the number of steamship agents all over eastern Europe, northern Africa, and Asia Minor likewise means increased immigration.

The last report of the Commissioner-General of Immigration (pp. 109 and 110) says:

> A change in the source of immigration, it will be seen, however, commenced about 1882, and has assumed enormous proportions during the past eight years, until now 70 per cent of our immigration comes from Slavic and Iberic countries of southern and eastern Europe, 700,000 having arrived from those countries during the past year, among whom were great numbers of illiterate aliens of different races, customs, and standards.

Further on he says:

> With the continuance of present conditions, it will be seen, the time will come when the new element, containing 70 per cent from southeastern Europe, will outnumber the old, which eventually can hardly mean less than a changed nationality.

The Commissioner-General of Immigration says also in his report:

> What will be the effect if the present phenomenal immigration continues, is a question that is constantly being asked. With regard more particulary to quantity, the question may be answered by the following illustration: China proper is the thickly populated portion of the Chinese Empire and is the country popularly thought of as practically representing the limit of density of population. At the present rate of immigration, say 1,000,000 per annum, and the present rate of natural increase (14.66 per cent per decade) the United States would reach the density of China proper in about four generations, or, more particularly, in one hundred and thirty-six years, at which time we would have a population of 950,000,000. This is in no sense an estimate of future population; it is simply an answer to the mathematical problem as to how long it will take to reach a density of population equal to the estimated density of China proper, with an annual immigration of 1,000,000, at the present rate of natural increase, and represents the present pace.

Mr. Jefferson, in his notes on Virginia, in speaking of the question of immigration—and the immigration that came at that time was of the same blood and stock as the American people—said:

> The present desire of America is to produce a rapid population by as great importation of foreigners as possible, but is this founded in good policy? Are there no inconveniences to be thrown into the scale against the advantages expected from the multiplication of numbers by the importation of foreigners? It is for the happiness of those united in society to harmonize as much as possible in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent.
>
> Every species of government has its specific principles. Ours perhaps are more peculiar than any other in the universe. It is a composition of the freest principles of the English constitution with others derived from natural right and reason. To this nothing can be more opposed than the maxims of absolute monarchies; yet from such we expect the greatest number of immigrants. They will bring with them the principles of the government they have imbibed in early youth, or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. *It would be a miracle with them to stop precisely at the point of temperate liberty.*

There is another view of the question of immigration, which was suggested to me by an editorial in the Washington Post of yesterday, May 21, which is as follows:

> To put it plainly, the Republican party has practically barred out most of the products of foreign labor, and at the same time has tempted European workingmen with wages that, to them, are "beyond the dreams of avarice." In addition to these influences, our manufacturers, protected by tariff bars, are taking bread out of the mouths of European workingmen at home by selling their products abroad at prices far below those which our own people are compelled to pay, and so low that even European cheap labor can not compete with them.

Mr. President, it is a common statement that the cardinal principle of the Republican party is protection to American industries and American labor, yet the American laborer is to-day confronted with the proposition that he has to pay protection prices for everything he buys, while his labor, which is the only thing he has to sell with which to buy the necessaries of life, is daily in danger of depreciation or absolute loss because labor is not sufficiently protected as against undesirable immigrants who are almost daily being dumped on our shores by thousands.

I shall not, however, discuss this subject further. To my mind it is self-evident that tariff rates should be reduced and immigration restricted.

Mr. President, I have tried to present the abuses of our present system of immigration, and now it is in order for me to suggest what I regard as proper legislation to be enacted at the present time. Before I do this, I wish to say immigration legislation in the United States has been the slow growth of years of study and investigation on the part of Congress and of Government officials.

I believe the act to regulate the immigration of aliens into the United States, approved in 1903, is a good law. It is being enforced by the Commissioner-General of Immigration in a way that is satisfactory to the country. I think he is a faithful and an efficient officer.

Existing immigration laws, as far as they extend, are good and appropriate, but they are often violated. All agree that our laws are wise in excluding such classes as idiots and insane persons, epileptics, paupers, persons likely to become a public charge, professional beggars, persons afflicted with a loathsome or with a dangerous contagious disease, persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude, polygamists, anarchists, prostitutes, but the time has arrived when the restrictions should be extended.

I shall not consume the time of the Senate by referring in detail to all matters presented in the pending bill, but I shall refer to the important additions now proposed to existing immigration laws, which were in the bill introduced by me and which are embraced in the pending bill.

The first addition is known as the head-tax amendment. A head tax of 50 cents on every immigrant was imposed by act of Congress in 1882, which was afterwards raised to $1, and under the act of March 3, 1903, it was increased to $2. Under the pending bill it is provided that there shall be levied, collected, and paid a duty of $5 for each and every passenger not a citizen of the United States, or of the Dominion of Canada, Newfoundland, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation from foreign contiguous territory to the United States, and the money thus collected is required to be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating immigration of aliens into the United States.

Mr. DRYDEN. Mr. President, may I interrupt the Senator from Kentucky?

Mr. McCREARY. Certainly.

Mr. DRYDEN. On the basis of last year's immigration, it would amount to something over $5,000,000.

Mr. McCREARY. The number of immigrants who came to our country last year amounted to 1,026,000. The head tax was $2. It would be $2,000,000.

Mr. DRYDEN. The Senator did not quite understand my question. On the basis of last year's immigration, it would be $5,000,000.

Mr. McCREARY. You mean, if we have a similar number this year?

Mr. DRYDEN. That is another way of putting it.

Mr. McCREARY. Yes, sir.

Mr. DRYDEN. Assuming the immigration is a million persons, of course the head tax would amount to $5,000,000.

Mr. McCREARY. Yes, sir; $5,000,000.

Mr. DRYDEN. Can the Senator tell us what proportion of the fund is expended in immigration expenses? I ask for information. I am not myself informed.

Mr. McCREARY. I will state to the Senator from New Jersey that the last amendment proposed by the committee, if it is agreed to, will require a considerable expenditure of money in order to enforce it. I expect to discuss that when I get to it in connection with immigration expenses, but I would rather, if it is agreeable to the Senator, discuss the amendments in regular order, as they appear in the bill.

Mr. DRYDEN. I do not wish to anticipate the Senator's discussion. I did not know he was coming to that point.

Mr. McCREARY. An increased head tax means a larger immigrant fund and more effective administration of existing laws and better care of immigrants. It helps also to keep the steerage passage rate to the United States at a figure which brings it somewhere near the rate to other countries to which immigrants are likely to go. The head tax is generally paid by the steamship companies, who, by their agents, solicit immigrants to come to our country. When warm steamship rivalry occurs the steerage rates may be dropped to $10, or even less, as they did in the summer of 1904, and such reductions bring a large influx of very poor and generally undesirable aliens, as was the case last year. The increased head tax also keeps the steerage passage above the level of pauper rates, and is one of the few practical methods of reducing or limiting the rush of undesirable immigrants. While the head tax would not prevent all undesirable immigrants from coming to our country, it would doubtless prevent many of the incompetent and undesirable immigrants from coming, and it is believed that it will deter shipment of paupers and criminals as has been done in violation of law with the connivance of certain authorities abroad, and for the purposes of aiding immigration ship companies.

In the pending bill the classes of aliens excluded from admission into the United States have been increased by excluding imbeciles and feeble-minded persons. The two classes just named are not in the act of 1903, and have never before been in any of our immigration laws. The act of March 3, 1903, which is the existing law, excludes idiots, but does not exclude imbeciles and feeble-minded persons. There are a good many immigrants who are certified by medical inspectors as being feeble-minded, and who should certainly be debarred by law. No distinction should be made between the idiotic and the feeble-minded. The latter are as undesirable an addition to our population as the former, and it is as injurious and as improper to add to the American race the children of feeble-minded parents as of idiotic parents. We should therefore exclude imbeciles and feeble-minded persons as well as idiots. The pending bill also excludes persons who are found to be and are certified by the examining surgeons as being mentally or physically defective to an extent that will affect the ability of such alien to earn a living. That is a very important amendment, and one which I think will reach a very large class of immigrants who seek to come to our country.

Indeed, when we exclude imbeciles and feeble-minded persons, and when we exclude also those who are certified by the examining surgeon to be mentally or physically defective to an extent that will affect the ability of such alien to earn a living, we will exclude a large number.

Thousands of aliens are recorded annually as being mentally or physically so defective that their ability to earn a living is thereby interfered with, yet most of them have been admitted because there is no specific clause in our existing law which excludes them. The mental or physical condition of an immigrant is a matter of great importance both as regards his ability to earn a living and also the health of and future of his descendants. The aliens who are mentally or physically defective usually shun the country, where they will be required to perform manual labor, and crowd into the city tenements, where they contract and disseminate diseases. One of the great dangers to our country from alien immigrants is that a large class of immigrants have been coming to our country in the last few years whose physique is much below American standards. Our best insurance against race decadence is to be found in good laws, which will give us only honest, industrious, healthy, and fit immigrants who appreciate our institutions and who will, like the immigrants who came to our country for so many years, quickly assimilate with our customs, aspirations, and interests.

We pay especial attention in our country to improvement in the breeding of our live stock of every description, and it would be just as unreasonable to claim that we will not lower American standards by admitting to our country immigrants that are of lower standards than ours as it is to assert that the breeding of the thoroughbred Kentucky horses will not be injured by breeding them with Texas mustangs.

One of the most important provisions in the pending bill, and one that will accomplish great good, is that provision which makes it a misdemeanor for any person, company, partnership, or corporation in any manner whatever to prepay the transportation, or to in any way assist or encourage the importation or migration of any alien into the United States in pursuance of an offer, solicitation, or agreement made previous to the im-

portation of such alien to perform labor or service of any kind in the United States, and the transportation companies or owner or owners of vessels, or others engaged in transporting aliens into the United States, are not allowed directly or indirectly, either by writing, printing, or oral representations, to solicit or encourage the immigration of aliens into the United States, and transportation companies are only permitted to issue circulars or advertisements stating the sailings of their vessels and terms and facilities of transportation; and for a violation of the foregoing provisions any such transportation company and any owner or owners of vessels engaged in transporting aliens into the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not less than $100 nor more than $1,000 for each and every offense, or by imprisonment for a term of not less than three months nor more than two years, or by both such fine and imprisonment; and every master, agent, owner or consignee of any vessel who shall bring into the United States by vessel or otherwise any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor and shall be subject to the same penalties as just stated.

One of the distressing results of our present immigration system is the large number of aliens who are denied admission after they have made their journey across the ocean. During the last year, according to the statement of Hon. Frank P. Sargent, United States Commissioner-General of Immigration, 11,879 immigrants were denied admission to our country out of over 1,000,000 that arrived, and were returned to the country whence they came. These persons were paupers, convicts, immoral characters, diseased persons, and persons who came in violation of the alien contract-labor law; and the United States Commissioner-General of Immigration also says:

> Of the number that were landed, there were many who were afterwards found to be undesirable and here in violation of law.

The immigration conference recently held at New York heartily indorsed the excellent method of reducing the number of the debarred aliens when it recommended that a fine be imposed on the steamship companies for each immigrant who is inspected and rejected in our country under existing law after arrival.

It is believed that the provisions of the pending bill to which I have referred will go very far toward forcing the steamship companies to cease their solicitation of immigrants, and cause thousands of undesirable or doubtful aliens, who otherwise could have been brought to our country in great numbers, to be debarred.

In this connection I wish to say the substitute of the Senator from Massachusetts [Mr. LODGE] for the amendment of the Senator from South Carolina [Mr. SIMMONS] is meritorious and seems to be unanimously indorsed. It provides that admission into the United States shall be denied to all immigrants over 16 years of age who can not read the English language or some other language.

The last section of the pending bill to which I refer is the section which was prepared with much care and which, I think, is needed by the people of all the States and Territories in the Union, and especially by the people in the Southern States. It is as follows:

> Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration. The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistants as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, the character of the climate and soil, the prices of lands, the routes of travel and cost of transportation, the opportunities of employment in skilled and unskilled occupations, the prevailing rates of wages, the cost of living, and all other information that may tend to aid aliens in selecting a place of residence, and shall publish such information in different languages and distribute the same among all admitted aliens at the immigrant stations of the United States and to such other persons and societies as may desire the same. When any State or Territory appoints and maintains at its own expense an agent to represent it at any of the immigrant stations of the United States, such agent shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purposes of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein; and the Commissioner-General of Immigration may, when practicable, provide space at the various immigrant stations for displays by such agents of the resources and products of their respective States and Territories. While on duty at any immigrant station, such agent shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted. The expense of carrying the provisions of this section into effect shall be paid out of the "immigrant fund."

I call the attention of the Senator from New Jersey [Mr. DRYDEN] to that section of the proposed law which I have just read, and which relates to the question he asked me.

Mr. DRYDEN. I understand it is the view of the Senator from Kentucky that the increase in the fund created by the head tax is to be used to assist in the distribution of immigrants to different parts of the country. Is that the Senator's view?

Mr. MCCREARY. The view I have is that a large part of the immigrant fund will be necessary to carry out the requirements of the amendment proposed by the committee to the existing law, which I have just read.

The best class of immigrants generally know when they leave home where they expect to locate when they arrive in the United States. But a large number of immigrants who came to this country last year did not know when they started where they would locate. One object of this amendment is to obtain information in a proper way and furnish it to them. Also to promote a beneficial distribution of aliens among the several States and Territories desiring immigrants, and disseminate useful information regarding the resources, products, and physical characteristics of each State and Territory, the kind of climate and soil, the price of land, the route of travel and cost of transportation, and the rate of wages; and provide for the display by State agents at immigrant stations of the resources and products of their respective States.

The amendment is of great importance to the Southern States. The last report of the Commissioner-General of Immigration shows that very few immigrants found their way to the Southern States.

Last year 315,000 immigrants located in New York and 210,000 in Pennsylvania, and only 684 located in Kentucky and a less number in each of the States of Georgia, Arkansas, North Carolina, and South Carolina.

The Southern States need desirable immigrants: they want desirable immigrants; and the object of this amendment, which was reported unanimously from the Committee on Immigration, is to lay before immigrants when they come to this country the attractions of the various States and Territories, so that they may not be collected in the cities and in a few States.

It is not proposed to send immigrants to States that do not want them; it is not proposed to use any undue influence with immigrants; it is only proposed to lay before them the attractions of the various States and Territories, to show them how they may get there, what it will cost to get there, and how they can make an honest living after they have arrived in the various States and Territories.

When we look at the Congressional Directory and see the list of the names of the commissioners who are now engaged in assisting the Commissioner-General of Immigration at various points, we find that to-day there is a commissioner of immigration at Ellis Island, New York, one at Boston, one at Philadelphia, one at Baltimore, one at San Francisco, and there is not one on the southern coast.[a]

How do we propose to bring before the immigrants who come to this country the attractions, the desire for laborers, and the wages they may obtain unless we adopt the plan set forth in this amendment? Steamships that have been bringing immigrants to our country have been bringing them to the ports which I have named, and there seems to have been no effort to bring immigrants to the Southern States. The immigration law should be so broadened as to bring before the minds of immigrants when they come to this country the fact that there are other States besides New York, Pennsylvania, Massachusetts, and New Jersey. The time has come when there should be one commissioner of immigration, at least, in the Southern States, for, if the list in the Congressional Directory, is correct, there is not to-day a solitary commissioner of immigration at any southern port. They are all at northern ports.

I noticed a few days ago that a vessel arrived in New Orleans from Palermo with 630 Italian immigrants, who, after due inspection, took trains to various points in Louisiana, Alabama, Texas, and Mississippi, showing that there is beginning now among the better class of immigrants to be a desire to go to the Southern States.

The South needs more labor and can give employment to a large number of worthy immigrants; but to secure these organization is necessary and intelligent selection of immigrants who are adapted to the climate and the occupation will be required.

In addition, the various States which have immigration

[a] An amendment was offered by Mr. MCCREARY, authorizing the appointment of an immigration commissioner, to be located at New Orleans, La.; which was agreed to.

bureaus should cooperate, and the States which have no immigration bureaus or immigration agents should enact such legislation as may seem desirable and proper after this law is enacted.

There has been a great change in the labor of the South in the last twenty years, especially in the production of cotton. Very few persons are aware of the great change that has occurred in the cotton States so far as the production of cotton is concerned.

In 1885, twenty years ago, 10 per cent of the cotton crop only was produced by white labor.

Between 8,000,000 and 9,000,000 bales of cotton were produced in 1885.

In 1904, which was the year when the South made the largest number of bales of cotton ever produced, reaching nearly 14,000,000 bales, the census report issued by Director North shows that 40 per cent of the cotton that year was produced by white labor.

This increase in twenty years shows that white labor in the South now produces four times as much cotton as was produced just twenty years before. The time is not far distant when white labor will produce more than half the cotton, and perhaps before a great while three-fourths of the cotton of the Southern States.

Mr. President, when we remember that 45,000 immigrants landed at Ellis Island, New York, in one week last month, and the outlook indicates that the rest of the spring and the coming summer will see no diminution of this rate of almost 7,000 immigrants per day, and when the United States Commissioner-General of Immigration asserts that he believes the total number of arrivals for the current year will exceed that for last year, it is clear that just and speedy and proper action should be taken by Congress.

I hope the pending bill will pass, and that immigration to our country will be so restricted as to keep out undesirable immigrants and encourage desirable immigrants to come to our country, and that American wage-earners, whether in the field, in the factory, or in the mines, will be protected against pauper labor, and that the racial standards will not degenerate in any part of our country.

Mr. LODGE. Mr. President, I desire to renew the suggestion which I made before the Senator from Kentucky took the floor, that the unanimous consent asked by the Senator from Vermont for disposing of the amendments of the committee be agreed to. The unanimous consent asked was that the formal reading of the bill be dispensed with, and that the bill be read for amendment and the committee amendments be first considered.

The VICE-PRESIDENT. Is there objection? There is no objection, and it is so ordered.

Mr. SCOTT. Mr. President, I dislike very much to delay action upon the bill, but I should like to make a few remarks on it, and I will ask the kind indulgence of the Senate for a brief time.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Tennessee?

Mr. SCOTT. Certainly.

Mr. CARMACK. Will the Senator yield to me to have an amendment read that I propose to offer?

Mr. SCOTT. Certainly; I yield for that purpose.

The VICE-PRESIDENT. The Senator from Tennessee proposes an amendment, which will be read.

The Secretary read as follows:

SEC. —. That every transportation company or owner or owners of vessels or others engaged in the transportation of aliens into the United States shall file with the Commissioner of Immigration a statement of the number, character, tonnage, and cubic space available and used for immigrant passengers of each and every vessel thus employed in the transportation of aliens, and no transportation company, owner or owners of vessels, or others failing to file such statement shall be permitted to land alien passengers at any port of the United States.

SEC. —. That not more than one passenger to every foot of cubic space available and used for the carriage of immigrant passengers shall be transported on any such vessels.

SEC. —. That the Commissioner of Immigration is authorized to appoint an inspector, who shall be carried on every vessel thus engaged in the transportation of aliens into the United States, and such inspector shall be charged with the duty of making and enforcing such sanitary regulations as he may deem necessary for the health of the alien immigrants on board such vessels.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. SCOTT. Mr. President, on the 6th day of last February the Senator from Vermont introduced a bill, known as Senate bill 4172, having for its object "to establish a uniform rule for the naturalization of aliens throughout the United States." Subsequently, on the 14th day of February, the same Senator introduced a bill, known as Senate bill No. 4403, to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

These bills present for the consideration of Congress two subjects of far-reaching importance to the American people, as to which I desire to submit some observations and to suggest on each subject—namely, that of immigration and naturalization—certain remedies that appeal to me as being absolutely necessary and practicable. I am not prepared to advocate the bills referred to in their entirety, but have no hesitancy in saying that in their general aim and intent they seek to reach a subject and afford a remedy that is second in importance to but few of the great issues that are now attracting universal attention. A moment's reflection upon the phenomenal growth of our own country, its almost boundless wealth, its vast domain, and the freedom and independence associated with its citizenship will quickly impress the thoughtful mind with the importance of placing every safeguard not only around the right to American citizenship, but upon the privilege of admission to our country.

A careful consideration of the class of immigrants being admitted into this country, the vast throng that annually seeks these shores, compels the conviction that the laws, rules, and regulations on the subject of immigration and naturalization are entirely inadequate to meet the situation and are far short of being effective, having a proper regard for our own welfare.

In the earlier days of the Republic the number of persons seeking admission into the United States was infinitesimal compared with the present. From the year 1776 down to the year 1820 it is estimated that there were only 250,000 immigrants admitted to this country, while from 1820 to 1895 the number increased to 22,931,983, and in the last year, 1905, reached the enormous figures of 1,026,499, largely in excess of the number of inhabitants of some of our important States, and more than the population of the great and rich State that I have the honor in part to represent on this floor. The admission of immigrants up to the year 1845 was comparatively small, never exceeding 100,000 annually, with the exception of that year (1845), and, as a rule, greatly below that figure. Since 1845 it has fluctuated greatly, depending largely upon the prosperity of the country.

In recent years there has been a steady increase up to three-quarters of a million annually four years ago and the round million last year. These figures speak more eloquently than anything that can be said, and must admonish every patriotic person of the urgent necessity for legislation to the end that this enormous annual influx into our body politic of an element, in most instances, unused and unsuited to our institutions, and in many respects unfriendly to the same, may be kept within reasonable bounds. These immigrants come from well-nigh every part of the habitable globe, are of nearly every nationality, are generally densely ignorant, and in nearly every instance from countries whose institutions and form of government unsuit them for life under our popular form of government. In view of the constant increase of this population and the great benefits derived by them in leaving their own lands and coming here, it would be folly to suppose for a moment that there will under existing conditions be any diminution of the same. On the contrary, every sign points to the steady increase, and this increase, too, from the most undesirable, the worst populations of the Old World. The duty of the hour, in my humble opinion, is to prevent the pollution of our body politic by the injection of this deadly virus; and how can we do this unless we remove the cause—by placing limitations and restrictions upon the wholesale admission of foreigners, so that the undesirable immigrants may be kept out. The constant stream of these people to our country reminds us of Tennyson's brook—it runs on forever—and unless we take some radical action to prevent it, the time will come when it will burst all about us and overwhelm us in the flood.

When we contemplate the class of immigrants that are now flooding this country and reflect upon their deterioration, as compared with those who came in former years, we see at a glance the great danger to which our institutions are exposed, and I trust that I may be pardoned for making a comparison as to this. The number of immigrants from Germany has been within the last quarter of a century and is still steadily declining and those from Italy steadily increasing. The same may be said as to Russia and Austria-Hungary. In 1881 there were 15,401 immigrants from Italy, against 210,485 Germans, while in 1905 there were admitted 221,470 Italians and only 40,574 Germans. During the last six years the tide of German immigrants has fallen to as low as 18,507 annually, while that from Italy during the same period has never dropped below the

100,000 mark and in the year 1900 soared up to the enormous figure of 230,622. When one reflects upon the value of the material development of this country and compares his works average German immigrant and the part he has taken in the with those of the average Italian, having in view the great increase of the latter, he can but have serious apprehension and forebodings for the future.

Much that has been said as to the Italian immigrant applies with equal force to those from Austria-Hungary and Russia. In 1895, 275,693 immigrants were admitted from the first-named country and 184,897 from the latter. Of those from Austria-Hungary, more than 50,000 were Poles, nearly that number Magyars, and a large number were Bohemians. Of those from Russia, about a fourth of the entire number were Poles, thus forming about as undesirable a class of immigrants as could well be imagined. Another feature serious to contemplate in connection with this influx of immigrants is the large percentage of illiterates. The increase in this respect is due, doubtless, to the change in the countries from which the majority of the immigrants now come. But however this may be, it nevertheless exists and is undesirable in the extreme. An illustration may be given in the case of the Italian immigrants. Last year 185,445 of them were from southern Italy and 56 per cent of them were illiterate. The percentage of ignorance in the case of the immigrants from Austria-Hungary and Russia was not quite so high, but nevertheless alarming.

In nothing that has been said has it been my purpose to harshly criticise any of the unfortunates who seek relief by coming to our country with a view of bettering their condition. We all recognize how much we owe to the worthy immigrant who settles in our midst, and what a debt of obligation we particularly owe to the English, Irish, German, Swede, Norwegian, Finn, and others who have done so much to develop our country in the past and who now form a part and parcel of it, standing true and loyal to our institutions in peace and in war. They have a common interest with us in preventing the population of our Government from being polluted with this undesirable, unsuited, and illiterate class.

We who are in part charged with the responsibility of government owe this to our fellow-countrymen, and more particularly to those with whom this class comes in competition, namely, our small tradesmen and laboring people. They should not be subjected to competition with this shiftless class. The American laboring man and wage-earner is among those who should never be lost sight of in considering this problem. They make up the bone and sinew of the land. Their labor gives vitality to it. They are law-abiding, worthy, and intelligent, and have deservedly earned for themselves the affection and good will of their fellow-countrymen. And they and their children have the right to expect the Government, which they support, love, and help to maintain, to do all in its power to add to their opportunities in life; to increase their chances of earning a livelihood and to make life happy and congenial rather than to put stumbling blocks in their path. Anything that tends to put them in competition with a degraded class, or with others who, by reason of their lack of thrift and desire for respectability and decency, can exist under circumstances and conditions not conducive to the public good, would be little short of criminal.

For the majority of these immigrants that come to our country and compete with our honest laboring people are those who, in their native land, receive what would be equivalent in our money to not more than 25 to 50 cents for a day's work of twelve or fourteen hours. When they see either by the public press or by letters from this country that our laborers for ten hours' work are receiving from $1.50 to $2 a day for ordinary labor, the mighty rush sets in, and they are willing to immigrate here and work for a dollar per day, which is a great injustice to our home people.

I have stood upon the dock at Naples, Italy, and seen as many as three large ocean-going steamers leave with emigrants for America, not one of whom could speak our language, who had only as much of this world's goods as could be carried in an ordinary gunny sack, and who bore upon their countenances every indication of dissipation. What is true in this regard of the immigrants from Naples is equally true of many other ports. They are made up of the very lowest classes of other countries. Mr. President, I do not mean to say that all immigrants are of this class, but I do unhesitatingly state that a very great majority of them are. The time has come for us to enact laws not only to protect our own citizens from such conditions, but that will compel other countries to keep at home their disreputable subjects, which their conditions have fostered.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. SCOTT. I yield with pleasure to my friend from Montana.

Mr. CARTER. Mr. President, will the Senator from West Virginia state what, if any, restrictions were placed by the steamship companies upon the billing of this vast mass of humanity upon our shores? Did they conduct any inspection or endeavor in any manner to ascertain whether the immigrants were fit or proper persons to be admitted to our country and to have the benefit of our laws?

Mr. SCOTT. Mr. President, in reply to the Senator from Montana, I will say that in the immense building to which I have referred, where those immigrants congregated before going aboard the steamer, they have, as the Senator from Vermont [Mr. DILLINGHAM] noted this morning, in conformity with an arrangement with the Italian Government, a system of inspection; but as a casual observer, standing in their midst and seeing go forth this great throng to this country, it did not appear to me an inspection of a very thorough character.

The evil effects of such an element among us are made evident in various ways; among others, in the large percentage of aliens who make up the inmates of our penal and charitable institutions, and who are largely, if not entirely, responsible for the serious violence and disorder constantly occurring in sections largely occupied by them in this country, from which places we continually see evidence of antagonism to government and hatred of law and order, involving destruction of life and property, such as are made manifest by the anarchists of Germany, the nihilists of Russia, and the communists of France. In this connection it may be stated as a fact not unworthy of note that in the portions of this country where we are free from this undesirable class of immigrants such things as serious outbreaks and defiance of law and order are comparatively unknown, and it may further be said, without fear of successful contradiction, that where such disturbances have occurred they may be traced to the vicious examples thus set them by the aliens.

But, Mr. President, the objections to the indiscriminate admission, as at present, of immigrants to this country are so manifold that they need not be detailed, and the bad effect upon the people of our land is so apparent as to be readily observed. The detrimental effect upon our social, religious, and moral conditions can not be calculated, nor can one well estimate the far-reaching evil effect that will be sustained in the way of disease, pauperism, vice, and crime from the existing conditions.

Mr. President, much that has been said on the subject of immigration bears directly upon the subject of naturalization also. The two subjects are so identified that they can well be considered together in the same bill and discussed at the same time. The benefits derived from living in a country such as ours is, in itself, a blessing that all might well crave, no matter from what part of the habitable globe the immigrant may come. When it is recognized, as it is to-day everywhere, what the right of American citizenship implies and the rich heritage that an American-born boy has in that respect, we, at least, by the laws passed by the Congress of the United States, should not seek to bring this citizenship into disrepute at home or abroad, but, on the contrary, should ever be willing to protect and elevate it. We annually spend millions and millions of dollars upon our public and private educational institutions looking to the fitting of our people to properly discharge the obligations of government and enjoy its blessings, and our sons are required to wait until the year of maturity before they can exercise the elective franchise. They have not only, therefore, the full opportunity of education afforded to all classes and races, but they are imbued from childhood with full knowledge of our form of government and our institutions; and it is a fact that the average American boy knows more of our institutions and form of government than a foreign adult who has resided here for ten years. Yet the foreigner, no matter who he is, has but to come and knock at the door of the naturalization office, and even if he complies with the law he has only to live in this country five years before he can vote.

But it is within the knowledge of us all that with the use of the fraudulent practices prevailing in many places, to the disgrace of the country be it said, throngs of them are immediately made full-fledged American citizens and carried to the polls to vote, not for the man of their choice (for they have no choice), but simply for the manipulator who has them in charge. The immigrant does not have to speak our language; he does not have to possess any educational advantages or any means, and he thus helps to swell the election returns, which, in our cities particularly, most frequently are against good government and the intelligence and worth of the community. Great political machines and powerful organizations thrive and exist

and have their being in some of our larger cities, and as a result make and unmake rulers, and at times control the political destinies of the nation entirely through the manipulation of this class of immigrants. That such a condition as this should exist in this country is shocking to our civilization, and it ought not to remain for a moment longer. That it is true, however, is well known and recognized, and within a period of two years, it appears from a recent report of a special attorney appointed by the Department of Justice, that in the city of New York, out of 791 criminal complaints filed, 685 convictions were had. It also appears that through civil proceedings 1,916 fraudulent certificates of naturalization were canceled, and it was reported that these were but a small fraction of the total number of frauds that had been committed. Every possible safeguard should be thrown around the admission to citizenship of the immigrant after he arrives, as well to the end that he may not exercise the right of suffrage fraudulently as that he may be competent to understand when he does so, and also that he may not go abroad and there fraudulently avail himself of the rights of citizenship in this country. The following report of the Commissioners on Naturalization, recently made to the President of the United States, will be interesting on this point:

> The commanding position assumed by the United States among the great powers of the world, especially since the Spanish war, has induced many aliens resident abroad to secure naturalization certificates from the courts of this country by false personation or perjury, for the sole purpose of engaging in unlawful pursuits or practices in their native country under the protection afforded them by such alleged citizenship. In the same way certificates have been procured in the name of alien criminals resident abroad or of aliens who for some reason would be debarred from entrance into the United States, and by the possession of which certificates they are assured of entrance into this country. Many alleged citizens of the United States, principally Syrians, resident in Hayti and Santo Domingo, have procured certificates for the sole purpose of escaping local taxation and to invoke the protection of the United States in any internal trouble arising in those countries.

This report clearly reveals the tricks resorted to in fraud of our citizenship. I know personally, Mr. President, something as to the accuracy of this statement of the commissioners. In my travels abroad—and I have of late spent considerable time in foreign countries—I have had brought to my attention the fact that there are many subjects who come to America for no other purpose than to take out naturalization papers, return to their homes, and claim the protection of the American Government through its consuls and judicial tribunals whenever they are caught in the act of wrongdoing. For instance, I remember that three years ago when I was in Jerusalem, I was informed by the consul-general that the greatest trouble he had was with citizens of that place who had come to the United States, taken out naturalization papers, become citizens of this country, and then returned there, and who, upon getting into trouble, claimed the protection of American citizenship. Many of them were not able to speak one single word of English and knew nothing whatever of our institutions, or had no possible interest in the same, except in so far as it afforded them relief and protection. That upon the presentation of the evidence that they were American citizens, he would have to go into the courts, take up their cases and defend them. On this same tour I took a two days' drive out from Naples, Italy, stopping overnight in a village. There I found a hotel kept by an Italian who had been a cook in Philadelphia, and who had saved enough money to go back home and build a hotel, which he was then conducting. He informed me that he had taken out papers and was a full American citizen, but never expected to come back here, and had only come to America for the purpose of making enough money to establish his business and become an American citizen so he could claim the protection of our Government when he returned to his native land.

I noticed the same evening that a great many houses in this village were minus windows and doors, and asked my host the cause of it. He replied, "Well, we are a city here of possibly 5,000 inhabitants, but at present we have, possibly, not more than 3,000. The balance are in America. They take out the windows and doors and then these houses are reported to the Government as abandoned, so as to save taxes." He said that many of the people remained in America long enough to earn sufficient money and then they would come back, as he had done. I learned from him that another important point is that they become citizens of the United States while over here, and it saves them a great deal of trouble and expense when they go back to Italy and reside there, not as Italians, but as American citizens. Then I said, "They take out naturalization papers and become citizens of the United States simply to defraud and evade the laws of their own country." He replied that this was true to a large extent. A simple reference to these conditions and recital of the facts narrated will, I am sure, more strongly present the necessity for immediate relief and remedy from the evils of existing conditions than anything that I can possibly say. There will naturally arise differences as to the details in providing for the desired relief, but that the same should be afforded, and that there is the utmost urgency therefor, there can be no doubt. This, in my humble judgment, calls for far more speedy action than many of the questions that are to-day largely occupying the public mind and receiving attention at our hands. I do not profess to possess superior knowledge in reference to either of the subjects involved, but trust that I may be pardoned for making as to each several suggestions which occur to me as pertinent and material and that will tend, at least in part, to lesson the evils of which the nation complains.

As to immigration:

1. I would provide by law that only persons should be admitted at all to whom our consular officers at the place of departure, or at the place nearest the immigrant's home, would give a certificate showing that he had furnished evidence satisfying him of the standing of the prospective immigrant at his home, so that he would not make an undesirable citizen of our country.

2. That such prospective immigrant should particularly furnish to the consul evidence of the fact that he was of good moral character, had not been convicted of crime, and was such a person, by reason of health and strength, that neither he nor his family would likely become a charge upon the country.

3. That such immigrant should make affidavit that it was his bona fide purpose to immigrate to this country with a view of becoming a citizen thereof, and that he would not return to his home, with a view of residing there, within a period of five years.

4. Where such immigrant is a man of family, the certificate herein provided for should be sufficient to provide for the admission of his wife and children under 18 years of age, but for all children above 18 a separate affidavit should be furnished.

5. Our consuls should, in issuing certificates to families, limit them to such families as have a male parent or two sons above the age of 16 years, upon whom the mother or wife, as the case may be, and the children could depend for support.

6. Certificates should not issue at all to persons over the age of 60 years.

7. That the immigration officers in this country should only admit such persons as are contemplated by and hold the certificates hereinbefore provided for.

8. Our immigration officers in this country should be required to keep a record of all immigrants coming to this country holding such certificates, the same to show a full description of the immigrant, including his age, appearance, height, weight, color of hair and eyes, physical marks, and anything else that would tend to show the identity of the person, together with the date of his admission. The certificate issued by the consul abroad should be filed as a part of the public record of the immigration office in this country, showing the authority for making such entry.

9. Our immigration officers should furnish a certificate showing this entry and record, either to the immigrant himself or to any persons in his behalf, to be used, among other things, in connection with his application for naturalization, if he should make application for such.

10. Each immigrant should pay to the consul abroad a fee of $2 in American money for the certificate, such fee to be accounted for by the consul in settlement with the Government of his country, and a fee of $3 to the immigration officer in this country, to be accounted for in the same way.

11. Each immigrant should have $50 upon his admission into this country, as evidence of the fact that he will not become a charge upon the country.

As to naturalization, around the right to naturalization I would throw such safeguards as would not only tend to elevate those seeking to secure the right of suffrage, but, moreover, would add every possible requirement that would tend to prevent the practice of fraud in connection therewith. Among other things, I would suggest:

1. That those seeking naturalization should be able to write the English language and to intelligently speak the English language.

2. That five years' residence should be required of immigrants coming into this country before having the right to make a preliminary declaration of intention to become a citizen of this country.

3. That ten years' residence should be required before securing the right of citizenship.

4. That the preliminary application for admission to citizenship should be made at least two years before the granting of the permanent certificate; but in the case of minors admitted under the age of 18 years no preliminary declaration should be required, but they must have resided in this country continuously for the prescribed ten years.

5. That persons seeking to be naturalized should reside in the State in which they seek naturalization at least one year prior to the granting of the same, and in the county, city, or town in which they seek such naturalization at least three months prior thereto; residence, however, anywhere in the United States to be computed in making up the full time limit of ten years as prescribed above.

6. Each applicant seeking admission should be required to produce before the court hearing his final application for admission to citizenship a certificate from the immigration officer at the port at which he entered showing the date of his admission to the country and a full copy of the record entry made at the time of his admission, showing his description and identity as the person he represents himself to be; and he should also be required, by at least two witnesses, to prove his residence within the State, city, county, or town in which the application is made for the period above specified, that he is a law-abiding citizen, of good moral character, attached to our institutions, and has forever renounced all allegiance to all foreign powers, and especially the one of which he has formerly been a subject.

7. That jurisdiction to grant certificates of naturalization should be limited to the circuit and district courts of the United States exclusively in cities and towns where such courts are held, and in places where there are no Federal courts then in the courts of record of general jurisdiction in the city, town, or county wherein the applicant resides.

8. That all applications for naturalization should be heard in open court, and upon the admission to citizenship that fact should be certified to the Secretary of the Department of Commerce and Labor, at Washington, D. C., under the seal of the court, embodying as a part of the record a copy of the certificate filed by the applicant of his admission to the country.

9. That no certificate of naturalization should be granted by any court, State or Federal, within sixty days of any Federal, State, county, city, or town election.

10. That the applicant for naturalization should pay all costs incident to the same, including the cost of the certificate, also the cost of the papers required to be certified to the Department at Washington, together with a fee of $1, to pay for recording such certificate of citizenship in the Department.

11. That the Government, through its accredited representatives, should have the right to appear and oppose the awarding of the certificate of naturalization, and appeal from the order granting the same should be allowed to the Government, and an order rejecting the same should be appealable by the applicant; and that the Government should have the right to move to cancel and vacate certificates of naturalization believed to have been improperly or fraudulently secured.

12. That all certificates of naturalization should be vacated and annulled upon the holder thereof returning permanently to his native country after remaining therein for a period exceeding two years.

13. That heavy fines and punishments should be prescribed for all violations of the naturalization laws as well on the part of the person seeking naturalization as of persons aiding and abetting, directly or indirectly, in connection therewith.

These are some suggestions that present themselves to me as tending somewhat to remedy the complaints justly made against the present system, and I shall be more than content if, by anything that I may have said or suggested, material assistance will be rendered in this great and important task which so urgently calls for prompt and vigorous action on our part.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, which had been reported by the Committee on Immigration with amendments.

The first amendment of the Committee on Immigration was, in section 2, page 2, line 5, before the word "dollars," to strike out "two" and insert "five;" in line 6, after the word "passengers," to insert "not a citizen of the United States, or of the Dominion of Canada, Newfoundland, the Republic of Cuba, or of the Republic of Mexico;" and in line 10, before the word "other," to insert "any;" so as to read:

SEC. 2. That sections 1, 2, 3, 4, 7, 8, 9, 11, 12, 13, 19, 20, and 25 of said act be amended so as to read as follows:

"SECTION 1. That there shall be levied, collected, and paid a duty of $5 for each and every passenger not a citizen of the United States or of the Dominion of Canada, Newfoundland, the Republic of Cuba, or of the Republic of Mexico who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation from foreign contiguous territory to the United States, etc.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 12, after the words "United States," to strike out:

Unless it shall be made to appear that such passenger is a citizen of the United States, or of the Republic of Cuba, or is returning overland from foreign contiguous territory to resume a domicile already acquired in the United States, or has for a year prior to such coming been a domiciled resident of Newfoundland, the Dominion of Canada, or the Republic of Mexico, or that such passenger is a duly accredited official of a foreign government entering the United States from foreign contiguous territory upon the business of the government by which he is accredited.

The amendment was agreed to.

Mr. FRYE. Mr. President, I am called out of the Chamber, and will ask the Senator from Vermont if he will allow me to offer an amendment on page 3?

Mr. DILLINGHAM. Certainly.

Mr. LODGE. We have not reached that point yet. I will say to the Senator, however, that I will offer the amendment if he desires to leave the Chamber.

Mr. FRYE. I am entirely willing to leave it to the Senator.

Mr. CARTER. I desire to ask a question of the Senator in charge of the bill concerning the amendment on page 2. The amendment to which I desire to direct attention reads as follows:

That there shall be levied, collected, and paid a duty of $5 for each and every passenger not a citizen of the United States or of the Dominion of Canada, Newfoundland, the Republic of Cuba, or of the Republic of Mexico.

Will the Senator permit me to ask if he understands that a citizen of Porto Rico or of the Philippines would be compelled to pay $5 tax on coming into this country?

Mr. DILLINGHAM. If he is a citizen of the United States, I do not think he would.

Mr. CARTER. Filipinos are not citizens of the United States, as I understand, and I think the people of Porto Rico have only a qualified citizenship.

Mr. LODGE. It seems to me that they ought both to be included in the amendment. They are not citizens of the United States under existing law.

Mr. CARTER. That is true.

Mr. FORAKER. There is a bill pending in relation to this matter, but I have no objection to having a provision inserted in this bill covering that case. Unless it is inserted, I should like to have the proviso——

Mr. CARTER. Then I move, after the words "United States" in the amendment of the committee, to insert "or of any of its possessions who are not prohibited from entering the United States by existing law."

Mr. LODGE. There is no need of the last part of that.

Mr. CARTER. There are certain persons in our possessions who are prohibited from entering the United States—the Chinese, for instance—and it is essential that this act be not in conflict with the Chinese-exclusion act.

The VICE-PRESIDENT. The committee amendment has been agreed to; but in the absence of objection, the Chair will regard it as open to amendment. The Secretary will state the amendment proposed by the Senator from Montana to the committee amendment.

The SECRETARY. After the words "United States," in the amendment of the committee, on page 2, line 6, it is proposed to insert "or of any of its possessions who are not prohibited from entering the United States by existing law."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Immigration was, in section 2, on page 3, line 14, after the word "other," to insert "conveyance or;" and in line 17, after the word "other," to insert the words "conveyances or;" so as to read:

The duty imposed by this section shall be a lien upon the vessel or other conveyance or vehicle which shall bring such aliens to ports or places in the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, or other conveyances or vehicles, and the payment of such duty may be enforced by any legal or equitable remedy.

The amendment was agreed to.

Mr. FRYE. I offer an amendment, in line 20 on page 3, after the word "upon."

The VICE-PRESIDENT. The Chair would suggest that, un-

der the unanimous-consent agreement, the bill is being read now for the consideration of committee amendments.

Mr. FRYE. I understand that, but the Senator in charge of the bill authorized me to offer the amendment at this time.

The VICE-PRESIDENT. The Chair was not aware of that.

Mr. FRYE. After the word "upon," in section 2, on page 3, line 20, I move to insert "aliens in transit through the United States nor upon."

Mr. LODGE. Mr. President, I ask the Senator from Maine if the amendment ought not to read "continuous transit?"

Mr. FRYE. No; I think not, because the word "continuous" is below, and it is not continuous transit, for they change from the steamer to the railroad. They take the Grand Trunk Railroad. Such a provision is in the existing law.

Mr. LODGE. I know it is the existing law, but as it now stands it is open to a great deal of abuse. If they land and take the railroad at once and go to Canada, which is the point in question, that is all very well; but if they are landed on that proposition, and then do not go to Canada, they simply escape, or the company escapes.

Mr. FRYE. A very large majority of them have their fares paid through to Canada.

Mr. LODGE. I know that, but inserting the word "continuous" could not possibly do any injustice. It would simply provide that they should be bona fide passengers in continuous transit.

Mr. FRYE. I do not know that I object to that. I accept the modification.

The VICE-PRESIDENT. The Secretary will state the amendment as modified.

The SECRETARY. On page 3, line 20, after the word "upon," it is proposed to insert "aliens in continuous transit through the United States, nor upon."

Mr. PATTERSON. Let the clause as proposed to be amended be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The head tax herein provided for shall not be levied upon aliens in continuous transit through the United States, nor upon aliens passing in continuous transit from one point in foreign contiguous territory through the United States to another point in foreign contiguous territory, nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 4, line 1, after the word "territory," to insert:

Nor upon duly accredited officials of foreign governments who shall enter the United States from foreign contiguous territory upon the business of the governments to which they are accredited.

Mr. DILLINGHAM. That amendment should be amended. I move to amend it by adding to the amendment the matter which I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "accredited," at the end of the committee amendment, it is proposed to insert:

Nor upon the alien passengers who have been residents of the Dominion of Canada, Newfoundland, or of the Republic of Mexico for at least one year prior to their coming to the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Vermont to the amendment of the committee.

Mr. MALLORY. I should like to ask the Senator from Vermont why he limits it to those traveling from "foreign contiguous territory?" Why not say "from any foreign country?"

Mr. DILLINGHAM. I do not think I understood the Senator's inquiry.

Mr. MALLORY. I did not catch what the Senator from Vermont said.

Mr. DILLINGHAM. I did not quite understand the Senator's inquiry.

Mr. MALLORY. I want to know why in the proposed amendment there is inserted the word "contiguous," so as to read "from foreign contiguous territory." Suppose they enter from a foreign country that is not contiguous?

Mr. DILLINGHAM. The purpose, I suppose, has been this: On the north we have Canada and on the south we have Mexico. Persons are constantly passing back and forth from Canada into the United States. Various railroads run back and forth. We have had a good deal of trouble in determining who in Canada should be permitted to come in without the payment of a head tax. We have discussed the question whether it should be a citizen of Canada, and when we came to find who were citizens of Canada we found ourselves in trouble.

Mr. MALLORY. This amendment applies to officials.

Mr. DILLINGHAM. Oh!

Mr. MALLORY. It is the amendment at the top of page 4.

Nor upon duly accredited officials of foreign governments who shall enter the United States from foreign contiguous territory upon the business of the governments to which they are accredited.

Mr. DILLINGHAM. I misunderstood the Senator's inquiry. I know no reason why it should not apply to all, whether they come from contiguous territory or not.

Mr. MALLORY. I move to strike out the word "contiguous."

Mr. PATTERSON. Mr. President, may it not be that this refers to accredited officials simply passing through the United States to other countries; and if that is the case, why not confine it to those who enter the United States from contiguous territory?

Mr. LODGE. That is the reason why it was inserted, as I understood. Of course the representatives of foreign governments to this country, no matter where they may come from, are admitted without restriction.

Mr. PATTERSON. That is, to this country.

Mr. LODGE. To this country; whether they come from foreign contiguous territory or direct from abroad.

Mr. PATTERSON. Yes; or from Canada, if they intend to go to Mexico——

Mr. LODGE. Certainly.

Mr. PATTERSON. They could pass through.

Mr. LODGE. That is what I understood.

Mr. PATTERSON. But why, unless there is some necessity, where they come to this country on a steamship line, when it is not necessary for them to pass through this country to go to any other country, should not the head tax be levied? I think the language is well enough.

Mr. DILLINGHAM. If the Senator will allow me, as a matter of practice the steamship companies plying between the United States and Europe invariably pay the head tax.

Mr. PATTERSON. Yes.

Mr. DILLINGHAM. And they will pay it upon an ambassador as well as upon anybody else. This applies to cases where officials of foreign governments are coming into our territory from contiguous territory, where there is no steamship company to pay it.

Mr. PATTERSON. Therefore I think the language is eminently correct.

Mr. DILLINGHAM. It seems to me so.

Mr. PATTERSON. It meets the situation just as the committee had it in mind.

Mr. DILLINGHAM. This is what the committee had in mind.

Mr. PATTERSON. I do not think the amendment ought to prevail.

Mr. MALLORY. How does that affect the case of a diplomat or consul going from Germany to Japan, passing through the United States?

Mr. LODGE. Those are the cases, I suppose, which it is intended to cover. Oh! You mean coming direct from Germany?

Mr. MALLORY. Passing through the United States. Germany is not contiguous to the United States.

Mr. LODGE. Certainly not.

Mr. DILLINGHAM. Those are covered by the amendment of the Senator from Maine [Mr. FRYE].

Mr. LODGE. Those are covered by the general law.

Mr. PATTERSON. I understand that the head tax in such cases is now paid by the steamship companies.

Mr. MALLORY. I was not aware of that.

Mr. SPOONER. I should like to inquire of the Senator from Vermont something of the scope of this provision. This is to apply to immigrants, as I understand, and to regulate immigration. Is it the law or intended to be the law that if some gentleman and his wife come from England, to sojourn two weeks in this country, they must pay this tax, or if a lawyer comes to deliver an address to the American Bar Association, he must pay the tax?

Mr. LODGE. It is the existing law.

Mr. SPOONER. That he must go to Ellis Island and pay this tax?

Mr. LODGE. It is the existing law. It does not, of course, include persons who are not in the nature of immigrants.

Mr. SPOONER. Then why this amendment?

Mr. DILLINGHAM (to Mr. LODGE). It covers all aliens.

Mr. LODGE. Of course that language has to be used, and therefore the exceptions have to be made.

Mr. SPOONER. There are no exceptions except these.

Mr. PATTERSON. As I understand——

Mr. LODGE. Because they are persons in transit.

Mr. SPOONER. Anybody who comes is in transit until he gets here.

Mr. LODGE. Not if they are going to settle here.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I yield.

Mr. PATTERSON. As I understand from the Senator from Vermont, as the law now is all accredited officials of foreign governments entering the United States en route to other governments pay the head tax; that is, the head tax is paid by the steamship company upon those as well as upon everybody else who is on board the vessel. That is the present law, if I understand the Senator from Vermont.

Now, that being the case, it is necessary to have the exception as to accredited officials who shall enter from contiguous territory. If that exception were not provided, the head tax would have to be paid for them, although they do not enter the United States upon a steamship or through a steamship line.

Mr. SPOONER. I agree, if that is the present law, that the amendment should be put in the bill, but I had not supposed it was the law——

Mr. LODGE. The present law is very broad.

Mr. SPOONER. I should suppose it is.

Mr. LODGE. The present law is:

The head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory.

And that is all.

Mr. SPOONER. I did not suppose the law was that if Mr. Chamberlain should come here to make a short visit he would be obliged to pay the head tax, or the steamship company would be obliged to pay it for him. Is that the law?

Mr. DILLINGHAM. I understand that to be the law. It includes all alien passengers from foreign ports, and the steamship company pays it as a part of the fare. They pay it in all such instances, and this clause which has been spoken of has been inserted at the request of the immigration officers on the Canadian border, who have been embarrassed when official personages have crossed there. It is put in to relieve them.

Mr. SPOONER. I should think they would be embarrassed. I want to ask the Senator about this head tax. Is that intended to refer back to the word "duty" in the early part of the bill?

Mr. LODGE. The word "duty" ought to be changed.

Mr. SPOONER. It is in line 5, page 2. It is not an ad valorem duty, but a specific duty.

That there shall be levied, collected, and paid a duty of $5 for each and every passenger.

Is that the head tax?

Mr. DILLINGHAM. It is the head tax.

Mr. SPOONER. Does not the Senator think he had better call it a tax instead of a duty?

Mr. DILLINGHAM. I should think so.

Mr. SPOONER. Duties are imposts levied upon merchandise. I suggest to the Senator that he use the word "tax."

Mr. LODGE. Make it tax.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. MALLORY] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. SPOONER. If it is in order to go back to line 5, page 2, and if it is agreeable to the Senator from Vermont——

Mr. DILLINGHAM. Certainly; I have no objection.

Mr. SPOONER. I move to strike out the word "duty" and insert "tax."

Mr. McCREARY. The Senator, I suppose, is aware that the word "duty" has been used. It is used in the act of 1903.

Mr. SPOONER. That does not make it right.

Mr. McCREARY. It does not make it right.

Mr. SPOONER. Call it a "tax," and then when you refer to tax later——

The VICE-PRESIDENT. Strictly speaking, the amendment is not in order until the committee amendments are acted upon, but without objection the Chair will entertain the amendment. It will be stated.

The SECRETARY. On page 2, line 5, it is proposed to strike out "duty" and insert "tax."

The amendment was agreed to.

Mr. DILLINGHAM. The same amendment should be made in line 22, on page 2.

The amendment was agreed to.

Mr. DILLINGHAM. The same amendment should be made on page 3, line 13.

The amendment was agreed to.

Mr. DILLINGHAM. The same amendment should be made in line 18, page 3.

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the amendment last proposed by the Senator from Vermont [Mr. DILLINGHAM] to the amendment will be agreed to.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of line 11, on page 4.

Mr. DILLINGHAM. On page 4, line 9, I move to strike out "duty" and insert "tax."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 17, on page 4.

Mr. PILES. I move to strike out the words "within five years previous," after the word "insane," in line 15, page 4; and also in line 16 I move to strike out the word "two" and insert "one."

Mr. LODGE. The amendment is not in order at this time. That is a part of the existing law.

The VICE-PRESIDENT. Under the unanimous-consent agreement, the bill is being read for the consideration of committee amendments.

Mr. PILES. "Duty" was stricken out some time ago and the word "tax" substituted. I suppose that was in the original law.

Mr. LODGE. That was done by unanimous consent.

Mr. PILES. At the proper time I shall move to exclude these insane persons.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 4, line 20, after the words "classes who," to insert "are found to be and;" so as to read:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

The amendment was agreed to.

The reading of the bill was continued to the end of line 6, on page 5.

Mr. SIMMONS. Do I understand that individual amendments are not now in order?

The VICE-PRESIDENT. They are not in order at the present, except amendments to amendments of the committee as they are reached.

Mr. SIMMONS. I should like to inquire of the Senator in charge of this bill if he expects to finish it to-night?

Mr. DILLINGHAM. I shall be very glad to. I know no reason why we may not.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 6, line 3, after the word "prevent," to insert "citizens of the United States, or;" and in line 4, after the words "United States," to insert "who have declared their intention to become citizens of the United States, or women who have acquired a domicile in the United States;" so as to read:

All children under 17 years of age unaccompanied by their parents, unless coming to join parents already in this country who are able to support them or unless in the case of death of both parents they are coming to join brothers or sisters already in the United States who are willing and able to support them; but this section shall not be held to prevent citizens of the United States, or persons living in the United States who have declared their intention to become citizens of the United States, or women who have acquired a domicile in the United States, from sending for parents, wife, husband, children, brothers, or sisters who are not of the foregoing excluded classes.

The amendment was agreed to.

The next amendment was, on page 7, line 4, to strike out "or" and insert "of;" so as to read:

For the purpose of prostitution.

The amendment was agreed to.

The next amendment was, on page 7, line 12, after the word "prostitution," to strike out "or engaged in any other immoral practice;" so as to read:

And any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be

deemed to be unlawfully within the United States and shall be deported as provided by section 21 of this act.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the words "United States," to strike out "except by ordinary commercial letters" and insert "but this shall not be held to prevent transportation companies from issuing;" in line 8, after the word "circulars," to insert "or;" and in the same line, after the word "advertisements," to strike out "or oral representations;" so as to read:

SEC. 7. That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing circulars or advertisements stating the sailings of their vessels and terms and facilities of transportation therein.

The amendment was agreed to.

The reading of the bill was continued to the end of line 4, on page 10.

Mr. LATIMER. I wish to offer an amendment to this section.

The VICE-PRESIDENT. It will be in order later, but is not in order now.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 10, after the word "physical," to insert "or mental;" so as to read:

SEC. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical or mental disability, or infancy, if such alien is accompanied by another alien, whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded.

The amendment was agreed to.

The reading of the bill was continued to the end of line 1, page 11.

Mr. DILLINGHAM. I offer an amendment to be inserted after the word "residence," in line 1, page 11.

The VICE-PRESIDENT. The Senator from Vermont offers an amendment, which will be stated.

The SECRETARY. On page 11, line 1, after the word "residence," it is proposed to insert:

The name and address of the nearest relative in the country from which the alien came.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of line 17, on page 12.

Mr. DILLINGHAM. I move an amendment to be added to the section just read.

The VICE-PRESIDENT. The Senator from Vermont proposes an amendment, which will be stated by the Secretary.

The SECRETARY. After the word "Labor," in line 17, page 12, it is proposed to insert:

Provided, That in case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Immigration was, on page 13, line 23, to strike out "officers, owners," and insert "the owners, officers."

The amendment was agreed to.

Mr. LODGE. I offer a committee amendment to come in after the word "line," in line 25.

The SECRETARY. In line 25, after the word "line," insert:

Other than railway lines entering the United States, which may enter into a contract, as provided in section 32 of the immigration act approved March 3, 1903.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Immigration was, on page 14, line 3, to strike out "officers, owners, or agents," and insert "owner, officer, or agent."

The amendment was agreed to.

The reading of the bill was continued to page 15, line 23.

Mr. DILLINGHAM. I desire to offer a committee amendment, which I will send to the desk.

The SECRETARY. On page 15, lines 11 and 12, strike out the words "under promise or agreement of labor or service of any kind" and insert in lieu thereof "in violation of any provision of this act."

The amendment was agreed to.

Mr. DILLINGHAM. I offer a committee amendment as an addition to the section just read.

The SECRETARY. On page 15, line 23, after the word "States," insert:

Unless with the express permission of the Secretary of Commerce and Labor, in case it shall appear to his satisfaction that any alien on whose behalf application is made for permission to land for such treatment was not suffering with any such disease at the time of his embarkation at a foreign port for the United States.

The amendment was agreed to.

The reading of the bill was continued to the end of the proposed section 21, line 12, page 17.

Mr. DILLINGHAM. In behalf of the committee, I move to insert after the word "found," in line 19, page 16, the words "or has been allowed to land."

The amendment was agreed to.

Mr. DILLINGHAM. In behalf of the committee, I move to amend by inserting, after the word "purpose," line 10, page 17, the words:

Who shall, if directed by the Secretary of Commerce and Labor, accompany such aliens to their final destination in the country from which they came.

The amendment was agreed to.

The next amendment of the Committee on Immigration was, on page 17, line 13, to strike out "board" and insert "boards;" and in line 16 to strike out "immigrants" and insert "aliens."

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 18, line 17, after "decision," to strike out the words "which shall be rendered solely upon the evidence adduced before the board of special inquiry."

The amendment was agreed to.

The next amendment was, on page 18, line 21, after the words "United States," to strike out "under any law or treaty now existing or hereafter made."

The amendment was agreed to.

The next amendment was, on page 18, after line 24, to insert a new section, as follows:

SEC. 26. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration. The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistants as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, the character of the climate and soil, the prices of land, the routes of travel and cost of transportation, the opportunities of employment in skilled and unskilled occupations, the prevailing rates of wages, the costs of living, and all other information that may tend to aid aliens in selecting a place of residence, and shall publish such information in different languages, and distribute the same among all admitted aliens at the immigrant stations of the United States, and to such other persons and societies as may desire the same. When any State or Territory appoints and maintains at its own expense an agent to represent it at any of the immigrant stations of the United States such agent shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein, and the Commissioner-General of Immigration may, when practicable, provide space at the various immigrant stations for displays by such agents of the resources and products of their respective States and Territories. While on duty at any immigrant station such agent shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any of such regulations, deny to the agent guilty of such violation any of the privileges herein granted. The expense of carrying the provisions of this section into effect shall be paid out of the immigrant fund.

Mr. DILLINGHAM. I move to insert, after the word "residence," on page 19, line 18, what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, line 18, after the word "residence," insert:

Or which will acquaint incoming aliens with the system of the government of the States and the United States and the duties and privileges of residence therein.

The amendment to the amendment was agreed to.

Mr. SPOONER. Mr. President, this amendment, of course, means a new bureau. It is pretty broadly worded. It says:

The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistants as may be necessary.

There is no limitation upon it. I should like to have some member of the committee give us some information about it.

Mr. KEAN. I think we ought to have some explanation of the amendment.

Mr. McCREARY. I offered the amendment.

Mr. SPOONER. I was not aware of it.

Mr. McCREARY. I think it is one of the very best provi-

sions we have in the pending bill. I read some statistics, which possibly the Senator from Wisconsin did not hear, showing the number of immigrants who came to this country last year.

Mr. SPOONER. I did not hear the Senator. I was on a conference committee upon the quarantine bill.

Mr. McCREARY. I read some statistics showing that the number of immigrants who came to this country last year was 1,026,000. Of that number 618 came to Kentucky, and less than a thousand went to South Carolina, Florida, and Tennessee.

I think we should do all that can be done to induce desirable immigrants to come to the Southern States. There has been a great change in the labor of the South in the last twenty years. In 1885 white labor produced only 10 per cent of the cotton, and there were about 8,000,000 bales produced in that year. Last year white labor produced 40 per cent of the cotton, and there were nearly 14,000,000 bales of cotton produced. The Southern States are progressing and developing and improving very rapidly, and, in my opinion, in less than ten years white labor will produce one-half of the cotton grown in the South. In Kentucky and, as far as I am informed, in all the Southern States they want good white labor.

I referred in the speech I made this afternoon to over 600 immigrants from Palermo, Italy, who landed at New Orleans, and after being inspected those immigrants divided. Some of them went to Louisiana, some to Mississippi, some to Texas, and some to Georgia. This shows that the question of having desirable immigrants from Europe come to various parts of the South is now being considered. The section to which the Senator from Wisconsin refers is for the purpose of attracting immigrants to every part of the United States. I did not name the Southern States exclusively, but in preparing the amendment I referred to all the States and Territories. The amendment provides that—

> The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistants as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration.

Of the 1,026,000 immigrants who landed on the shores of the United States the past year 700,000 of them went to five States, 315,000 went to New York, and about 250,000 went to Pennsylvania; I do not exactly remember the number, but over 200,000. Seven hundred thousand of those immigrants went to five States, as I said, and a very small number went to the Southern States.

We desire to have a division with a chief of division and proper clerical assistants who will present to the immigrants at all points where they land the productions of the various States and Territories and the proper routes to get there. We desire also that where a State has a bureau of immigration, as a number of States now have, that there shall be a place furnished them where immigrants land so that they can come in contact with the immigrants and have an opportunity of explaining to them the attractions, the climate, the transportation, etc., of the various States and Territories. It will cost, I do not know how much, but it will cost thousands of dollars to make the necessary preparations and to furnish all this information. This last amendment of the bill was drawn for the purpose of having immigrants who come to this country disseminated not in four or six States of the North, but sent all over the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. LODGE. I report from the Committee on Immigration, amendment intended to be proposed to the pending bill, which I ask may be printed and lie upon the table.

The VICE-PRESIDENT. The amendment will be printed and ordered to lie upon the table, in the absence of objection.

Mr. KEAN. It is very evident that we can not dispose of the amendment to-night. It proposes to establish a national exposition for forty-five States at all the immigrant stations, and I should think it had better go over until morning. If there is no objection, I will move that the Senate proceed to the consideration of executive business.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. KEAN. Certainly.

Mr. SIMMONS. I simply rose for the purpose of saying a word to the Senator from Wisconsin, who made an inquiry for information a few moments ago, to which the Senator from Kentucky replied. I wish to say, in addition to what the Senator from Kentucky has stated, that at the last session of Congress I introduced a bill that was in substance——

Mr. LODGE. Mr. President, what has become of the motion to proceed to the consideration of executive business?

The VICE-PRESIDENT. The Senator from New Jersey [Mr. KEAN] made the motion and then yielded to the Senator from North Carolina.

Mr. KEAN. I did not suppose the Senator from North Carolina wanted to go on with the debate on the bill.

Mr. SIMMONS. I took the floor to make a statement.

The VICE-PRESIDENT. Does the Senator from New Jersey yield?

Mr. KEAN. For a brief statement, of course, I will yield.

Mr. SIMMONS. I rose to make a very brief statement. I was simply saying that I introduced at the last session of Congress a bill which was very similar to the amendment under consideration. Before I introduced that bill I examined the report of the Commissioner of Immigration, and the identical principle which is involved in the pending amendment, which was drawn by the Senator from Kentucky, is recommended by the Commissioner of Immigration as the best method of securing a just and proper distribution of the alien immigration that is now flooding our country.

The VICE-PRESIDENT. If the Senator from New Jersey will withhold his motion further, the Chair will lay before the Senate bills from the House of Representatives.

Mr. KEAN. Certainly.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 8410. An act to authorize the Charleston Light and Water Power Company to construct and maintain a dam across Goose Creek, in Berkeley County, in the State of South Carolina;

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River;

H. R. 17758. An act permitting the building of a dam across the Mississippi River, in the county of Morris, State of Minnesota;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.;

H. R. 19374. An act to prohibit shanghaiing in the United States;

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment; and

H. R. 19473. An act authorizing the use of the waters in the Coosa River at Lock No. 4, in Alabama.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 18333. An act granting land to the city of Albuquerque for public purposes; and

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes.

H. R. 13566. An act to amend sections 6 and 12 of the currency act approved March 14, 1900, was read twice by its title and referred to the Committee on Finance.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes; and

H. R. 17884. An act to authorize the sale and disposition of surplus or unallotted lands of the Cœur D'Alene Indian Reservation, in the State of Idaho, and for other purposes.

H. R. 19379. An act providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico was read twice by its title, and referred to the Committee on the Judiciary.

H. J. Res. 98. Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J., was read twice by its title, and referred to the Committee on Military Affairs.

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

EFFICIENCY OF THE MILITIA.

Mr. HEMENWAY. Mr. President, I give notice that on Thursday, after the routine morning business, I shall move that the Senate proceed to the consideration of the bill (S. 1442) to increase the efficiency of the militia and promote rifle practice.

The VICE-PRESIDENT. The Senator's notice will be entered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 23, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1906.

CONSULS-GENERAL.

Louis H. Aymé, of Illinois, now consul at Para, to be consul-general of the United States at Lisbon, Portugal, to fill an original vacancy.

Leo Allen Bergholz, of New York, now consul-general at Beirut, to be consul-general of the United States at Canton, China, vice Julius G. Lay, nominated to be consul-general at Cape Town.

William T. Fee, of Ohio, now consul at Bombay, to be consul-general of the United States at Mukden, China, vice Fleming D. Cheshire, nominated to be consul-general at large.

Julius G. Lay, of the District of Columbia, now consul-general at Canton, to be consul-general of the United States at Cape Town, Cape of Good Hope, vice Horace Lee Washington, nominated to be consul-general at large.

Ernest A. Man, of Florida, now consul at Breslau, to be consul-general of the United States at Copenhagen, Denmark, to fill an original vacancy.

Charles C. Eberhardt, of Kansas, now vice and deputy consul-general at Mexico, to be consul of the United States at Iquitos, Peru, to fill an original vacancy.

APPRAISER OF MERCHANDISE.

Edward S. Fowler, of New York, to be appraiser of merchandise in the district of New York, in the State of New York, to succeed George W. Whitehead, resigned.

COMMISSIONER-GENERAL OF IMMIGRATION.

Frank P. Sargent, of Illinois, to be Commissioner-General of Immigration in the Department of Commerce and Labor. (Reappointment.)

INDIAN AGENT.

John T. Frater, of Brainerd, Minn., to be agent for the Indians of the Leech Lake Agency, in Minnesota, vice Maj. George L. Scott, United States Army, relieved from duty as acting Indian agent.

PROMOTIONS IN THE NAVY.

Ensign George B. Landenberger to be a lieutenant (junior grade) in the Navy from the 15th day of April, 1906, to fill a vacancy existing in that grade on that date.

Lieut. (Junior Grade) George B. Landenberger to be a lieutenant in the Navy from the 15th day of April, 1906, to fill a vacancy existing in that grade on that date.

Paymaster Samuel McGowan to be a pay inspector in the Navy from the 11th day of May, 1906, vice Pay Inspector Leeds C. Kerr, promoted.

Boatswain Paul Hennig to be a chief boatswain in the Navy from the 25th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

CALIFORNIA.

Reuben A. Edmonds to be postmaster at Bakersfield, in the county of Kern and State of California, in place of Reuben A. Edmonds. Incumbent's commission expires June 7, 1906.

CONNECTICUT.

Charles K. Bailey to be postmaster at Bethel, in the county of Fairfield and State of Connecticut, in place of Charles K. Bailey. Incumbent's commission expires June 30, 1906.

ILLINOIS.

John Clark to be postmaster at Moweaqua, in the county of Shelby and State of Illinois, in place of James E. Gregory. Incumbent's commission expired February 10, 1906.

Charles F. Hacker to be postmaster at Lacon, in the county of Marshall and State of Illinois, in place of Robert B. Thomas, resigned.

James W. Patterson to be postmaster at Braidwood, in the county of Will and State of Illinois, in place of William H. Steen. Incumbent's commission expires June 27, 1906.

Jacob W. Stauffer to be postmaster at Pittsfield, in the county of Pike and State of Illinois, in place of Jacob W. Stauffer. Incumbent's commission expires May 22, 1906.

INDIAN TERRITORY.

J. M. De Lozier to be postmaster at Sapulpa, in district 8, Indian Territory, in place of John W. Bayless, resigned.

Logan G. Hysmith, to be postmaster at Wilburton, in district 15, Indian Territory, in place of Logan G. Hysmith. Incumbent's commission expires June 10, 1906.

Roy W. Lovett to be postmaster at Bristow, in district 8, Indian Territory, in place of John E. Bruin, resigned.

INDIANA.

Albert J. Frost to be postmaster at Portland, in the county of Jay and State of Indiana, in place of James S. Culbert. Incumbent's commission expired December 12, 1905.

Charles C. Lyons to be postmaster at Fairmount, in the county of Grant and State of Indiana, in place of Clarkson D. Overman. Incumbent's commission expired March 4, 1906.

James G. Stanley, to be postmaster at Ridgeville, in the county of Randolph and State of Indiana, in place of William E. Ward. Incumbent's commission expired March 31, 1906.

Samuel H. Teeple to be postmaster at Geneva, in the county of Adams and State of Indiana, in place of Marshall F. Aspy. Incumbent's commission expired April 22, 1906.

IOWA.

Alonzo C. Boyle to be postmaster at McGregor, in the county of Clayton and State of Iowa, in place of Homer N. Boyle, resigned.

KANSAS.

H. J. Muth to be postmaster at La Cygne, in the county of Linn and State of Kansas, in place of Bruce Dennis. Incumbent's commission expired April 2, 1906.

Richard Waring to be postmaster at Abilene, in the county of Dickinson and State of Kansas, in place of Richard Waring. Incumbent's commission expired May 19, 1906.

MAINE.

Thomas G. Herbert to be postmaster at Richmond, in the county of Sagadahoc and State of Maine, in place of Thomas G. Herbert. Incumbent's commission expires May 26, 1906.

MARYLAND.

Marion A. Humphreys to be postmaster at Salisbury, in the county of Wicomico and State of Maryland, in place of Marion A. Humphreys. Incumbent's commission expires June 30, 1906.

MASSACHUSETTS.

Daniel Bearse to be postmaster at Hyannis, in the county of Barnstable and State of Massachusetts, in place of Frank P. Goss, resigned.

MISSOURI.

Edmond L. Schofield to be postmaster at Bolivar, in the county of Polk and State of Missouri, in place of Henry C. McCracken. Incumbent's commission expired April 17, 1906.

NEBRASKA.

John H. Tower to be postmaster at Sutton, in the county of Clay and State of Nebraska, in place of John H. Tower. Incumbent's commission expires May 27, 1906.

NEW MEXICO.

Fred O. Blood to be postmaster at East Las Vegas (late Las Vegas), in the county of San Miguel and Territory of New Mexico, in place of Fred O. Blood, to change name of office.

NEW YORK.

Henry C. Getter to be postmaster at Middleburg, in the county of Schoharie and State of New York, in place of Charles A. Snyder. Incumbent's commission expires June 10, 1906.

James T. Larmonth to be postmaster at Jamestown, in the county of Chautauqua and State of New York, in place of James T. Larmonth. Incumbent's commission expired March 14, 1906.

Joseph D. Senn to be postmaster at Morrisville, in the county of Madison and State of New York, in place of Joseph D. Senn. Incumbent's commission expired April 30, 1906.

NORTH CAROLINA.

James F. Parrott to be postmaster at Kington, in the county of Lenoir and State of North Carolina, in place of Ada Hunter. Incumbent's commission expired April 2, 1906.

James H. Ramsay to be postmaster at Salisbury, in the county of Rowan and State of North Carolina, in place of James H. Ramsay. Incumbent's commission expired February 18, 1906.

OHIO.

Frank H. Farr to be postmaster at Waynesville, in the county of Warren and State of Ohio, in place of James Stoops, resigned.

PENNSYLVANIA.

William Angle to be postmaster at Milford, in the county of Pike and State of Pennsylvania, in place of Charles Lattimore. Incumbent's commission expires June 27, 1906.

SOUTH DAKOTA.

William A. Lyons to be postmaster at Geddes, in the county of Charles Mix and State of South Dakota, in place of John C. Stoughton. Incumbent's commission expired April 2, 1906.

TENNESSEE.

D. A. Tate to be postmaster at South Pittsburg, in the county of Marion and State of Tennessee, in place of Robert A. Patton. Incumbent's commission expired March 13, 1906.

TEXAS.

Richard B. Harrison to be postmaster at New Boston, in the county of Bowie and State of Texas, in place of Richard B. Harrison. Incumbent's commission expired May 19, 1906.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 22, 1906.

Thomas H. Fox to be postmaster at Ashland, in the State of Virginia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1906.

INDIAN AGENT.

John T. Frater, of Brainerd, Minn., to be agent for the Indians of the Leech Lake Agency in Minnesota.

PROMOTIONS IN THE ARMY—ARTILLERY CORPS.

To be captains.

First Lieut. Ernest A. Greenough, Artillery Corps, from March 16, 1906.

First Lieut. Alexander Greig, jr., Artillery Corps, from March 26, 1906.

First Lieut. Solomon Avery, jr., Artillery Corps, from April 1, 1906.

First Lieut. James A. Ruggles, Artillery Corps, from April 5, 1906.

First Lieut. Fred T. Austin, Artillery Corps, from April 14, 1906.

To be first lieutenants.

Second Lieut. William S. Bowen, Artillery Corps, from February 24, 1906.

Second Lieut. Norton E. Wood, Artillery Corps, from March 3, 1906.

Second Lieut. Marion S. Battle, Artillery Corps, from March 3, 1906.

Second Lieut. Frank T. Thornton, Artillery Corps, from March 9, 1906.

Second Lieut. Ernest S. Wheeler, Artillery Corps, from March 16, 1906.

Second Lieut. Stanley S. Ross, Artillery Corps, from March 26, 1906.

Second Lieut. Graham Parker, Artillery Corps, from April 1, 1906.

Second Lieut. Albert S. Fuger, Artillery Corps, from April 5, 1906.

Second Lieut. Edward Gottlieb, Artillery Corps, from April 14, 1906.

POSTMASTERS.

ARIZONA.

D. L. Robinson to be postmaster at Jerome, in the county of Yavapai and Territory of Arizona.

INDIAN TERRITORY.

Hanson P. Warfield to be postmaster at Tishomingo, in district 22, Ind. T.

KANSAS.

Joseph A. Schmitt to be postmaster at Ellsworth, in the county of Ellsworth and State of Kansas.

LOUISIANA.

Robert E. Rosenberger to be postmaster at Garyville, in the parish of St. John the Baptist and State of Louisiana.

NEBRASKA.

Jacob Fisher to be postmaster at Hastings, in the county of Adams and State of Nebraska.

NEW JERSEY.

Abram W. Boss to be postmaster at Flemington, in the county of Hunterdon and State of New Jersey.

James P. Van Schoick to be postmaster at Manasquan, in the county of Monmouth and State of New Jersey.

NEW YORK.

Alton C. Bates to be postmaster at Springville, in the county of Erie and State of New York.

Albert E. Bonesteel to be postmaster at Troy, in the county of Rensselaer and State of New York.

NORTH DAKOTA.

Albert F. Hill to be postmaster at Cando, in the county of Towner and State of North Dakota.

PENNSYLVANIA.

George W. Wright to be postmaster at Elizabeth, in the county of Allegheny and State of Pennsylvania.

TEXAS.

Theodore Ray to be postmaster at Midland, in the county of Midland and State of Texas.

VIRGINIA.

John M. Sloan to be postmaster at Chase City, in the county of Mecklenburg and State of Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 22, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The question was taken; and the motion was agreed to.

CHANGE OF REFERENCE.

Mr. STEVENS of Minnesota. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move a re-reference of the bill H. R. 17138 to the Committe on Rivers and Harbors.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 17138) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River going over the dams between St. Paul and Minneapolis, Minn.

The SPEAKER. By direction of the Committee on Interstate and Foreign Commerce, the gentleman from Minnesota moves a change of reference from that committee to the Committee on Rivers and Harbors of the bill the title of which has been read.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 17842. An act granting a pension to Josephine V. Sparks;

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 15869. An act granting an increase of pension to Wilson H. McCune;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 12135. An act granting an increase of pension to William Landahn;

H. R. 18032. An act granting an increase of pension to Mary H. Scott;

H. R. 17890. An act granting an increase of pension to J. T. Bandy;

H. R. 17072. An act granting an increase of pension to Joseph French; and

H. R. 13917. An act to remove the charge of desertion from the military record of Robert W. Liggett.

The message also announced that the Vice-President had appointed Mr. PETTUS and Mr. GALLINGER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments" for the disposition of useless papers in the Interior Department.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5803. An act granting an increase of pension to William H. Meadows;

S. 5758. An act granting an increase of pension to Joshua J. Clark;

S. 3750. An act granting an increase of pension to Wilbur F. Flint;

S. 5085. An act granting an increase of pension to Ellen Donovan;

S. 5046. An act granting a pension to George Amerine;
S. 1855. An act granting an increase of pension to J. J. Brown;
S. 5731. An act granting an increase of pension to James McTwiggin;
S. 5158. An act granting an increase of pension to Andrew J. Fosdick;
S. 1224. An act granting an increase of pension to William A. Bowles;
S. 4458. An act granting an increase of pension to Andrea P. Quist;
S. 5537. An act granting a pension to Henry C. Cloan;
S. 764. An act granting an increase of pension to Robert Carney;
S. 5143. An act granting an increase of pension to Eugene V. McKnight;
S. 5539. An act granting an increase of pension to Ann H. Crofton;
S. 5969. An act granting an increase of pension to Franklin Burdick;
S. 4372. An act granting an increase of pension to Emily P. Hubbard;
S. 4719. An act granting an increase of pension to John Joines;
S. 3256. An act for the relief of William Persons;
S. 1584. An act to correct the military record of Alexander Everhart;
S. 6063. An act granting an increase of pension to F. A. Sullivan;
S. 6039. An act granting an increase of pension to George Gardner;
S. 6027. An act granting a pension to Hattie S. Carruth;
S. 5808. An act granting an increase of pension to Washington Brockman;
S. 453. An act granting an increase of pension to George K. Green;
S. 4379. An act granting an increase of pension to Roy E. Knight;
S. 3261. An act granting an increase of pension to Charles B. Town;
S. 4171. An act granting an increase of pension to Joseph Bovee;
S. 6. An act granting an increase of pension to Ella N. Harvey;
S. 5728. An act granting an increase of pension to Emery Wyman;
S. 4550. An act granting an increase of pension to Henry Moody;
S. 1428. An act granting an increase of pension to Daniel Lamprey;
S. 1664. An act granting an increase of pension to Elizabeth L. W. Bailey;
S. 4790. An act granting an increase of pension to Edward W. Smith;
S. 3697. An act granting an increase of pension to Sarah A. Petherbridge;
S. 2728. An act granting an increase of pension to Louisa Carr;
S. 4811. An act granting an increase of pension to Mae Spaulding;
S. 6024. An act granting an increase of pension to Franklin B. Beach;
S. 1510. An act granting an increase of pension to Bryon K. May;
S. 4784. An act granting an increase of pension to Lemuel Cross;
S. 2791. An act granting an increase of pension to John Lindt;
S. 4770. An act granting an increase of pension to Edward Hart;
S. 668. An act granting an increase of pension to John C. Rassback;
S. 5809. An act granting an increase of pension to Hannah C. Church;
S. 1849. An act granting an increase of pension to David T. Pettie;
S. 2852. An act granting an increase of pension to Bridget Manahan;
S. 911. An act granting an increase of pension to Julius A. Davis;
S. 1264. An act granting an increase of pension to Joseph Shiney;
S. 5834. An act granting an increase of pension to Charles F. Sheldon;
S. 5583. An act granting an increase of pension to Foster L. Banister;
S. 2294. An act granting a pension to Michael Reynolds;
S. 3904. An act granting a pension to George J. Thomas;
S. 5784. An act granting an increase of pension to Mahala F. Campbell;
S. 5785. An act granting an increase of pension to Joseph W. Doughty;
S. 5501. An act granting an increase of pension to Jacob L. Kline;
S. 4497. An act granting an increase of pension to Augustus McDowell;
S. 3684. An act granting an increase of pension to George W. Hyde;
S. 2429. An act granting an increase of pension to James Devor;
S. 2619. An act granting an increase of pension to William H. Willie;
S. 5842. An act granting a pension to Marie G. Lauer;
S. 5791. An act granting an increase of pension to Margaret Simpson;
S. 5786. An act granting an increase of pension to Mary J. Ivey;
S. 5775. An act granting an increase of pension to Harvey M. Traver;
S. 5326. An act granting an increase of pension to Annie A. West;
S. 5801. An act granting an increase of pension to Andrew Jackson Parris;
S. 5800. An act granting an increase of pension to James N. Davis;
S. 5742. An act granting an increase of pension to James A. Bryant;
S. 4887. An act granting an increase of pension to Calvin C. Hussey;
S. 1174. An act granting an increase of pension to Edwin Morgan;
S. 215. An act granting a pension to Elias Phelps;
S. 4133. An act granting an increase of pension to George Brewster;
S. 1215. An act to correct the military record of William Fleming;
S. 4964. An act for the relief of Thomas F. Walter;
S. 4937. An act granting an increase of pension to John Reece;
S. 5256. An act granting an increase of pension to John Johnson;
S. 4879. An act granting an increase of pension to Nellie Baker;
S. 722. An act restoring to the pension roll the name of Annis Bailey, widow of Abram R. Ward;
S. 3629. An act granting an increase of pension to William Hibbs;
S. 5928. An act granting an increase of pension to Patrick Gaffney;
S. 5442. An act granting a pension to Frances E. Taylor;
S. 5790. An act granting an increase of pension to Jehial P. Hammond;
S. 3486. An act granting an increase of pension to Edwin D. Wescott;
S. 5022. An act granting an increase of pension to Henry S. Olney;
S. 4346. An act granting an increase of pension to William E. Holloway;
S. 1443. An act granting an increase of pension to Hiram C. Clark;
S. 5983. An act granting a pension to Florence H. Godfrey;
S. 586. An act granting an increase of pension to Corydon W. Sanborn;
S. 6034. An act granting an increase of pension to William H. Hopper;
S. 3814. An act granting a pension to John Giffin;
S. 4585. An act granting an increase of pension to Mary A. Counts;
S. 5152. An act granting an increase of pension to Holoway W. Kinney;
S. 5169. An act granting an increase of pension to James A. Price;
S. 5902. An act granting an increase of pension to George W. Webster;
S. 6146. An act to authorize the Back River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore;
S. 4092. An act granting an increase of pension to John Smith;
S. 6038. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the

Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes;

S. 3728. An act granting a pension to William H. Winans;

S. 2179. An act granting an increase of pension to S. Annie Gregg;

S. 3270. An act granting an increase of pension to William H. Richardson;

S. 3649. An act granting a pension to Sarah Agnes Sullivan;

S. 3487. An act granting an increase of pension to Joseph Fuller;

S. 5949. An act granting an increase of pension to George F. White;

S. 2032. An act granting an increase of pension to Thomas F. Stevens;

S. 5966. An act granting an increase of pension to C. C. Davis;

S. 5708. An act granting an increase of pension to Nathalia Boepple;

S. 5032. An act granting a pension to Daisy Crowninshield Stuyvesant;

S. 5948. An act granting an increase of pension to Samuel B. Rice;

S. 4492. An act granting an increase of pension to George W. Fletcher;

S. 225. An act granting a pension to Thomas R. Smith;

S. 5932. An act granting an increase of pension to E. R. Merriman;

S. 5056. An act granting a pension to Alexander Plotts;

S. 2008. An act granting a pension to Virginia A. McKnight;

S. 5844. An act granting an increase of pension to John Keys;

S. 4205. An act granting an increase of pension to George Warner;

S. 1256. An act granting an increase of pension to Lewis D. Moore;

S. 1865. An act granting an increase of pension to Solomon H. Baker;

S. 20. An act granting an increase of pension to Edward Higgins;

S. 3553. An act granting an increase of pension to William Oliver;

S. 5290. An act granting an increase of pension to James Ramsey;

S. 5855. An act granting an increase of pension to Blanche B. Badger;

S. 4608. An act granting a pension to George W. Walter;

S. 4173. An act granting an increase of pension to Catharine E. Smith;

S. 5767. An act granting an increase of pension to Thomas D. Welch;

S. 5700. An act granting an increase of pension to Stacy B. Warford;

S. 5765. An act granting an increase of pension to Theodore F. Montgomery; and

S. 4910. An act granting an increase of pension to William Wright.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired;

H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana;

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland;

H. R. 18056. An act granting an increase of pension to Moses Davis;

H. R. 17165. An act granting an increase of pension to Sophie Pohlers;

H. R. 17650. An act granting an increase of pension to Hugh F. Ames;

H. R. 5842. An act to correct the military record of Charles F. Deisch;

H. R. 16714. An act granting a pension to Abbie E. Barr;

H. R. 13493. An act granting an increase of pension to Elizabeth J. Meek;

H. R. 13024. An act granting a pension to William J. Beach;

H. R. 14200. An act granting an increase of pension to John K. Dalzell;

H. R. 14198. An act granting an increase of pension to William Stewart;

H. R. 12813. An act granting an increase of pension to Reese Moore;

H. R. 12480. An act granting an increase of pension to James McKenna;

H. R. 12304. An act granting an increase of pension to John McDonough;

H. R. 13236. An act granting an increase of pension to William Haines;

H. R. 13421. An act granting a pension to John W. Wabrass;

H. R. 13326. An act granting an increase of pension to Augustus McDaniel;

H. R. 14996. An act granting an increase of pension to John F. Smith;

H. R. 14955. An act granting an increase of pension to Eliza Moore;

H. R. 14839. An act granting an increase of pension to James McManis;

H. R. 14827. An act granting an increase of pension to William K. Stewart;

H. R. 14545. An act granting an increase of pension to Eliza L. Nixon;

H. R. 13923. An act granting an increase of pension to Martin Dayhuff;

H. R. 12842. An act granting an increase of pension to William J. Drake;

H. R. 13689. An act granting an increase of pension to William S. Newman;

H. R. 13622. An act granting a pension to Mary Cochran;

H. R. 14470. An act granting an increase of pension to William A. Braselton;

H. R. 14328. An act granting an increase of pension to Charles M. Mears;

H. R. 13704. An act granting a pension to Ann Dewier;

H. R. 13465. An act granting an increase of pension to Eleanor Gregory;

H. R. 13111. An act granting an increase of pension to Lewis S. Perkins;

H. R. 12734. An act granting an increase of pension to Abram Van Riper;

H. R. 12664. An act granting an increase of pension to William E. Wallace;

H. R. 13469. An act granting an increase of pension to Michael Davy, alias James Byron;

H. R. 12279. An act granting an increase of pension to James S. Topping;

H. R. 14072. An act granting an increase of pension to George W. Reeder;

H. R. 13060. An act granting an increase of pension to Henry De Graff;

H. R. 13030. An act granting an increase of pension to John C. Heney;

H. R. 14106. An act granting an increase of pension to John S. Melton;

H. R. 13882. An act granting an increase of pension to Levi L. Price;

H. R. 13713. An act granting a pension to Allison W. Pollard;

H. R. 12733. An act granting an increase of pension to Charles W. Kelsey;

H. R. 13535. An act granting an increase of pension to William Kelly;

H. R. 12010. An act granting an increase of pension to Lewis Hoffman;

H. R. 13506. An act granting an increase of pension to Julia A. Bachus;

H. R. 14854. An act granting an increase of pension to Harriet Howard;

H. R. 14736. An act granting an increase of pension to Isaac C. Smallwood;

H. R. 14539. An act granting an increase of pension to Louis C. Robinson;

H. R. 11424. An act granting an increase of pension to Stephen W. Neal;

H. R. 9276. An act granting a pension to Mary E. O'Hare;

H. R. 9375. An act granting an increase of pension to Charles H. McKenney;

H. R. 8091. An act granting an increase of pension to John Coughlin;

H. R. 6776. An act granting an increase of pension to Stephen C. Smith;

H. R. 6112. An act granting an increase of pension to Edmund Fish;

H. R. 10774. An act granting an increase of pension to James D. Leach;

H. R. 10318. An act granting an increase of pension to James F. Hollett;
H. R. 6111. An act granting an increase of pension to Edwin R. Steenrod;
H. R. 15972. An act granting an increase of pension to Thomas J. Smith;
H. R. 4595. An act granting an increase of pension to Thomas H. Tallant;
H. R. 4594. An act granting an increase of pension to Joshua S. Ditto;
H. R. 15178. An act granting an increase of pension to Matilda Morrison;
H. R. 15180. An act granting an increase of pension to Amanda Pitman;
H. R. 1547. An act granting an increase of pension to William A. Olmsted;
H. R. 15854. An act granting an increase of pension to Phillip Schloesser;
H. R. 15867. An act granting an increase of pension to Annie M. Stevens;
H. R. 16274. An act granting an increase of pension to David Lindsey;
H. R. 14493. An act granting an increase of pension to Henry Gentles, alias Henry Hopner;
H. R. 13679. An act granting an increase of pension to Joseph Nobinger;
H. R. 12561. An act granting a pension to Francis M. McClendon;
H. R. 13507. An act granting an increase of pension to Thomas Crowley;
H. R. 14861. An act granting an increase of pension to Dennis W. Ray;
H. R. 14745. An act granting an increase of pension to Frederick B. Walton;
H. R. 13233. An act granting an increase of pension to Jesse A. B. Thorne;
H. R. 13232. An act granting an increase of pension to Penina Owens;
H. R. 13229. An act granting an increase of pension to Sarah E. Holland;
H. R. 13228. An act granting an increase of pension to Augustus Hathaway;
H. R. 13227. An act granting an increase of pension to Robert Blancett;
H. R. 13577. An act granting an increase of pension to Ellen M. Van Brunt;
H. R. 14504. An act granting an increase of pension to Aaron P. Seeley;
H. R. 12372. An act granting an increase of pension to J. Morgan Seabury;
H. R. 13575. An act granting a pension to Frances Bell;
H. R. 13140. An act granting an increase of pension to Jesse W. Howe;
H. R. 12588. An act granting an increase of pension to Joseph B. Dickinson;
H. R. 12180. An act granting an increase of pension to Charles H. Dunning;
H. R. 12160. An act granting an increase of pension to Josephine D. McNary;
H. R. 16174. An act granting an increase of pension to John Williamson;
H. R. 15355. An act granting an increase of pension to George M. Dailey;
H. R. 15495. An act granting an increase of pension to Job B. Sanderson;
H. R. 16606. An act granting an increase of pension to James A. Duff;
H. R. 16806. An act granting an increase of pension to Henry Brenizer;
H. R. 16547. An act granting an increase of pension to John Rutter;
H. R. 16165. An act granting an increase of pension to Morris Smith;
H. R. 15943. An act granting an increase of pension to William D. Jones;
H. R. 15925. An act granting an increase of pension to Abraham Walker;
H. R. 14660. An act granting an increase of pension to Daniel M. Philbrook;
H. R. 12653. An act granting a pension to Sarah Adams;
H. R. 15932. An act granting an increase of pension to Hartley B. Cox;
H. R. 15233. An act granting an increase of pension to William G. Westover;
H. R. 15418. An act granting an increase of pension to Samuel P. Sargent;
H. R. 16887. An act granting an increase of pension to Darwin Johnson;
H. R. 16996. An act granting an increase of pension to Joseph Delisle;
H. R. 16173. An act granting a pension to Sarah Smith;
H. R. 16765. An act granting an increase of pension to Angus Campbell;
H. R. 16681. An act granting a pension to Gustave Bergen;
H. R. 16627. An act granting a pension to Delilah Moore;
H. R. 16622. An act granting an increase of pension to James Webb;
H. R. 16516. An act granting an increase of pension to James B. Fairchild;
H. R. 16491. An act granting an increase of pension to Lewis Denson;
H. R. 16429. An act granting an increase of pension to Caroline M. Pierce;
H. R. 15147. An act granting an increase of pension to Joseph B. Teas;
H. R. 16335. An act granting an increase of pension to John A. Bryan;
H. R. 16279. An act granting an increase of pension to Edward E. Elliott;
H. R. 15566. An act granting an increase of pension to Andrew F. Kreger;
H. R. 15539. An act granting an increase of pension to John McConnell;
H. R. 15490. An act granting a pension to Mary E. Darcy;
H. R. 15459. An act granting an increase of pension to Drucilla A. Massey;
H. R. 15229. An act granting an increase of pension to Edwin Howes;
H. R. 15762. An act granting an increase of pension to Harmon Freeman, alias Harmon Storme;
H. R. 16390. An act granting a pension to Katherine Partridge;
H. R. 16400. An act granting an increase of pension to James McCracken;
H. R. 16427. An act granting an increase of pension to William W. Carter;
H. R. 16535. An act granting an increase of pension to Jonathan I. Wright;
H. R. 16536. An act granting an increase of pension to Cyrus S. Case;
H. R. 16991. An act granting an increase of pension to Stephen Vaught;
H. R. 15614. An act granting an increase of pension to Clark Cornett;
H. R. 15641. An act granting an increase of pension to Eli Woodbury;
H. R. 6578. An act granting an increase of pension to James B. McWhorter;
H. R. 15102. An act granting an increase of pension to William H. Ryckman;
H. R. 15592. An act granting an increase of pension to Levi H. Townsend;
H. R. 15761. An act granting an increase of pension to Lafayette North;
H. R. 14142. An act granting an increase of pension to James A. Scrutchfield;
H. R. 14980. An act granting an increase of pension to Matthew H. Bellamy;
H. R. 15201. An act granting an increase of pension to Edward O'Shea;
H. R. 15588. An act granting a pension to Hester Hyatt;
H. R. 15632. An act granting an increase of pension to Joseph B. Sanders;
H. R. 15675. An act granting an increase of pension to Harley Mowrey;
H. R. 15682. An act granting an increase of pension to Hannah M. Hayes;
H. R. 15807. An act granting a pension to Catherine Arnold;
H. R. 16372. An act granting an increase of pension to Andrew Dorn;
H. R. 16724. An act granting an increase of pension to James S. Burgess;
H. R. 16902. An act granting an increase of pension to Dennis Winn;
H. R. 15149. An act granting an increase of pension to William W. Ferguson;
H. R. 15855. An act granting an increase of pension to Will E. Kayser;

Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes;

S. 3728. An act granting a pension to William H. Winans;

S. 2179. An act granting an increase of pension to S. Annie Gregg;

S. 3270. An act granting an increase of pension to William H. Richardson;

S. 3649. An act granting a pension to Sarah Agnes Sullivan;

S. 3487. An act granting an increase of pension to Joseph Fuller;

S. 5949. An act granting an increase of pension to George F. White;

S. 2032. An act granting an increase of pension to Thomas F. Stevens;

S. 5966. An act granting an increase of pension to C. C. Davis;

S. 5708. An act granting an increase of pension to Nathalia Boepple;

S. 5032. An act granting a pension to Daisy Crowninshield Stuyvesant;

S. 5948. An act granting an increase of pension to Samuel B. Rice;

S. 4492. An act granting an increase of pension to George W. Fletcher;

S. 225. An act granting a pension to Thomas R. Smith;

S. 5932. An act granting an increase of pension to E. R. Merriman;

S. 5056. An act granting a pension to Alexander Plotts;

S. 2008. An act granting a pension to Virginia A. McKnight;

S. 5844. An act granting an increase of pension to John Keys;

S. 4205. An act granting an increase of pension to George Warner;

S. 1256. An act granting an increase of pension to Lewis D. Moore;

S. 1865. An act granting an increase of pension to Solomon H. Baker;

S. 20. An act granting an increase of pension to Edward Higgins;

S. 3553. An act granting an increase of pension to William Oliver;

S. 5290. An act granting an increase of pension to James Ramsey;

S. 5855. An act granting an increase of pension to Blanche B. Badger;

S. 4608. An act granting a pension to George W. Walter;

S. 4173. An act granting an increase of pension to Catharine E. Smith;

S. 5767. An act granting an increase of pension to Thomas D. Welch;

S. 5700. An act granting an increase of pension to Stacy B. Warford;

S. 5765. An act granting an increase of pension to Theodore F. Montgomery; and

S. 4910. An act granting an increase of pension to William Wright.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired;

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H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana;

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland;

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H. R. 17650. An act granting an increase of pension to Hugh F. Ames;

H. R. 5842. An act to correct the military record of Charles F. Deisch;

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H. R. 13689. An act granting an increase of pension to William S. Newman;

H. R. 13622. An act granting a pension to Mary Cochran;

H. R. 14470. An act granting an increase of pension to William A. Braselton;

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H. R. 13704. An act granting a pension to Ann Dewier;

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H. R. 14106. An act granting an increase of pension to John S. Melton;

H. R. 13882. An act granting an increase of pension to Levi L. Price;

H. R. 13713. An act granting a pension to Allison W. Pollard;

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H. R. 12010. An act granting an increase of pension to Lewis Hoffman;

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H. R. 14854. An act granting an increase of pension to Harriet Howard;

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H. R. 14504. An act granting an increase of pension to Aaron P. Seeley;
H. R. 12372. An act granting an increase of pension to J. Morgan Seabury;
H. R. 13575. An act granting a pension to Frances Bell;
H. R. 13140. An act granting an increase of pension to Jesse W. Howe;
H. R. 12588. An act granting an increase of pension to Joseph B. Dickinson;
H. R. 12180. An act granting an increase of pension to Charles H. Dunning;
H. R. 12160. An act granting an increase of pension to Josephine D. McNary;
H. R. 16174. An act granting an increase of pension to John Williamson;
H. R. 15355. An act granting an increase of pension to George M. Dailey;
H. R. 15495. An act granting an increase of pension to Job B. Sanderson;
H. R. 16606. An act granting an increase of pension to James A. Duff;
H. R. 16806. An act granting an increase of pension to Henry Brenizer;
H. R. 16547. An act granting an increase of pension to John Rutter;
H. R. 16165. An act granting an increase of pension to Morris Smith;
H. R. 15943. An act granting an increase of pension to William D. Jones;
H. R. 15925. An act granting an increase of pension to Abraham Walker;
H. R. 14660. An act granting an increase of pension to Daniel M. Philbrook;
H. R. 12653. An act granting a pension to Sarah Adams;
H. R. 15932. An act granting an increase of pension to Hartley B. Cox;
H. R. 15233. An act granting an increase of pension to William G. Westover;
H. R. 15418. An act granting an increase of pension to Samuel P. Sargent;
H. R. 16887. An act granting an increase of pension to Darwin Johnson;
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H. R. 15490. An act granting a pension to Mary E. Darcy;
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H. R. 15229. An act granting an increase of pension to Edwin Howes;
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H. R. 16390. An act granting a pension to Katherine Partridge;
H. R. 16400. An act granting an increase of pension to James McCracken;
H. R. 16427. An act granting an increase of pension to William W. Carter;
H. R. 16535. An act granting an increase of pension to Jonathan I. Wright;
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H. R. 16991. An act granting an increase of pension to Stephen Vaught;
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H. R. 14142. An act granting an increase of pension to James A. Scrutchfield;
H. R. 14980. An act granting an increase of pension to Matthew H. Bellamy;
H. R. 15201. An act granting an increase of pension to Edward O'Shea;
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H. R. 15632. An act granting an increase of pension to Joseph B. Sanders;
H. R. 15675. An act granting an increase of pension to Harley Mowrey;
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H. R. 15807. An act granting a pension to Catherine Arnold;
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H. R. 16902. An act granting an increase of pension to Dennis Winn;
H. R. 15149. An act granting an increase of pension to William W. Ferguson;
H. R. 15855. An act granting an increase of pension to Will E. Kayser;

H. R. 9812. An act granting an increase of pension to Joseph B. Newberry;
H. R. 11466. An act granting an increase of pension to Benjamin F. Heald;
H. R. 12331. An act granting an increase of pension to Daniel J. Miller;
H. R. 15064. An act granting an increase of pension to Jacob Wagenknecht;
H. R. 15272. An act granting an increase of pension to Patrick Mooney;
H. R. 15783. An act granting an increase of pension to George W. Sutton;
H. R. 16098. An act granting an increase of pension to Fredcrick Fenz;
H. R. 16220. An act granting an increase of pension to George C. Powell;
H. R. 16522. An act granting an increase of pension to Charles Meyer;
H. R. 16632. An act granting an increase of pension to Louis Lepine;
H. R. 16884. An act granting an increase of pension to William D. Woodcock;
H. R. 3227. An act granting an increase of pension to Isaac Tuttle;
H. R. 4222. An act granting a pension to Otto Boesewetter;
H. R. 4743. An act granting an increase of pension to Hiram N. Goodell;
H. R. 4745. An act granting an increase of pension to Henry D. Stiehl;
H. R. 6490. An act granting an increase of pension to William H. Gilbert;
H. R. 6912. An act granting an increase of pension to Charles H. Weaver;
H. R. 7419. An act granting an increase of pension to James Scott;
H. R. 7495. An act granting a pension to Susie M. Gerth;
H. R. 7498. An act granting an increase of pension to Mary Hanson;
H. R. 7500. An act granting an increase of pension to John McCandless;
H. R. 7876. An act granting an increase of pension to Julius Beier;
H. R. 8138. An act granting an increase of pension to Similde E. Forbes;
H. R. 8144. An act granting a pension to Ada J. Lasswell.
H. R. 8662. An act granting an increase of pension to Edward F. Paramore;
H. R. 12194. An act granting a pension to Minnie Irwin;
H. R. 13861. An act granting an increase of pension to Wilhelm Dickhoff;
H. R. 15002. An act granting an increase of pension to George E. Wood;
H. R. 14994. An act granting an increase of pension to Daniel C. Joslyn;
H. R. 15499. An act granting an increase of pension to Elias Andrew;
H. R. 15500. An act granting an increase of pension to John W. Thomas;
H. R. 16319. An act granting an increase of pension to Orrin D. Nichols;
H. R. 16828. An act granting an increase of pension to Georgia A. Hughs;
H. R. 16541. An act granting an increase of pension to Ambrose Y. Teague;
H. R. 16540. An act granting an increase of pension to Sarah M. Evans;
H. R. 15058. An act granting an increase of pension to Enoch Rector;
H. R. 16530. An act granting an increase of pension to William H. Gautier;
H. R. 16529. An act granting an increase of pension to James M. Sikes;
H. R. 16527. An act granting an increase of pension to William Martin;
H. R. 16526. An act granting an increase of pension to James R. Hilliard;
H. R. 16224. An act granting an increase of pension to Francis M. Crawford;
H. R. 16717. An act granting an increase of pension to Sterling Hughes;
H. R. 16941. An act granting an increase of pension to Thomas H. Hogan;
H. R. 11303. An act granting a pension to Joseph Matthews;
H. R. 16992. An act granting an increase of pension to John R. Baldwin;
H. R. 16993. An act granting an increase of pension to Melroe Tarter;
H. R. 15243. An act granting a pension to Artemesia T. Husbrook;
H. R. 15501. An act granting an increase of pension to Elizabeth Parks;
H. R. 16576. An act granting an increase of pension to Silas P. Conway;
H. R. 16577. An act granting an increase of pension to Joseph M. Pound;
H. R. 16602. An act granting an increase of pension to Christopher C. Reeves;
H. R. 16603. An act granting an increase of pension to Pleasant W. Cook;
H. R. 16881. An act granting an increase of pension to Joel R. Youngkin;
H. R. 16931. An act granting a pension to Cornelia Mitchell;
H. R. 16936. An act granting an increase of pension to Sherwood F. Culberson;
H. R. 16486. An act granting an increase of pension to Thomas Bosworth;
H. R. 16466. An act granting an increase of pension to Asenith Woodall;
H. R. 8650. An act granting an increase of pension to Sewell F. Graves;
H. R. 9034. An act granting an increase of pension to Mary F. McCauley;
H. R. 12792. An act granting an increase of pension to William Wiley;
H. R.13047. An act granting an increase of pension to Walter Saunders;
H. R. 13877. An act granting an increase of pension to Juan Canasco;
H. R. 15977. An act granting an increase of pension to Mary E. Ramsey;
H. R. 16186. An act granting an increase of pension to William T. A. H. Boles;
H. R. 16271. An act granting an increase of pension to Edwin Elliott;
H. R. 17083. An act granting an increase of pension to John Hoch;
H. R. 17671. An act granting a pension to Sarah A. Thompson;
H. R. 17308. An act granting a pension to Margaret E. Eveland;
H. R. 17202. An act granting an increase of pension to Benjamin H. Cool;
H. R. 17003. An act granting an increase of pension to Eleazer C. Harmon;
H. R. 17384. An act granting an increase of pension to William Warnes;
H. R. 17238. An act granting an increase of pension to John G. Vassar;
H. R. 17014. An act granting an increase of pension to Jackson D. Thornton;
H. R. 17006. An act granting an increase of pension to Fountain M. Fain;
H. R. 17144. An act granting an increase of pension to Jesse Wiley;
H. R. 17781. An act granting an increase of pension to Frank M. Parker;
H. R. 17690. An act granting a pension to Ellen E. Leary;
H. R. 17597. An act granting an increase of pension to Charles Lee;
H. R. 17422. An act granting an increase of pension to Orlando Hand;
H. R. 17430. An act granting an increase of pension to John A. Mather;
H. R. 17174. An act granting an increase of pension to Nathaniel C. Sawyer;
H. R. 17205. An act granting a pension to Alice Garvey;
H. R. 17108. An act granting a pension to Edith F. Morrison;
H. R. 17012. An act granting an increase of pension to Mary Thackara;
H. R. 17004. An act granting an increase of pension to Willard F. Sessions;
H. R. 15768. An act granting an increase of pension to Mary J. Halbert;
H. R. 17684. An act granting an increase of pension to Joseph M. Hays;
H. R. 17591. An act granting an increase of pension to William Hall;
H. R. 17244. An act granting an increase of pension to James Crandol;
H. R. 17344. An act granting an increase of pension to John L. Fuhrman;

H. R. 17055. An act granting an increase of pension to George Fankell;
H. R. 17638. An act granting an increase of pension to York A. Woodward;
H. R. 17613. An act granting an increase of pension to Susan E. Nash;
H. R. 17372. An act granting an increase of pension to Arethusa M. Pettit;
H. R. 17310. An act granting an increase of pension to Francis A. Hite;
H. R. 17143. An act granting an increase of pension to William Taylor;
H. R. 17067. An act granting an increase of pension to Simeon Pierce;
H. R. 17070. An act granting an increase of pension to Thomas Blakney;
H. R. 17069. An act granting an increase of pension to William L. Wilcher;
H. R. 17854. An act granting an increase of pension to John Eubank;
H. R. 17761. An act granting an increase of pension to Thomas J. Mackey;
H. R. 17644. An act granting an increase of pension to Henry C. Eastler;
H. R. 17619. An act granting an increase of pension to Davia D. Spain;
H. R. 17558. An act granting a pension to Lizzie H. Prout;
H. R. 17406. An act granting an increase of pension to William B. McAllister;
H. R. 17402. An act granting an increase of pension to Isaiah H. Hazlitt;
H. R. 17342. An act granting an increase of pension to Wesley G. Cox;
H. R. 17278. An act granting an increase of pension to Mary E. Patterson;
H. R. 17231. An act granting an increase of pension to Rachel Allen;
H. R. 17586. An act granting a pension to Harriet A. Morton;
H. R. 17085. An act granting an increase of pension to George W. Olis;
H. R. 17036. An act granting an increase of pension to Josephine L. Jordan;
H. R. 17303. An act granting an increase of pension to William H. Hester;
H. R. 17700. An act granting an increase of pension to Andrew T. Mitchell;
H. R. 17385. An act granting an increase of pension to James S. Ruby;
H. R. 17120. An act granting a pension to Rhoda Munsil;
H. R. 4867. An act granting a pension to Louisa Gregg;
H. R. 16320. An act granting a pension to Esther M. Noah;
H. R. 4965. An act granting an increase of pension to Samuel P. Holland;
H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;
H. R. 7584. An act granting an increase of pension to James H. Kemp;
H. R. 11917. An act granting an increase of pension to Davis Preston;
H. R. 13026. An act granting an increase of pension to J. Bailey Orem;
H. R. 12135. An act granting an increase of pension to William Laudahn;
H. R. 549. An act granting an increase of pension to Charles W. Storr, jr.;
H. R. 1482. An act granting an increase of pension to Philip Cook;
H. R. 6061. An act granting an increase of pension to William H. Chapman;
H. R. 6546. An act granting an increase of pension to Samuel A. White;
H. R. 6865. An act granting an increase of pension to Charles F. Voss;
H. R. 15274. An act granting an increase of pension to Edward W. Bell;
H. R. 15523. An act granting a pension to Jose N. Lucero, alias Nasario Lucero;
H. R. 11151. An act granting an increase of pension to John Sirmyer;
H. R. 11552. An act granting an increase of pension to Abraham G. Leiser;
H. R. 13979. An act granting an increase of pension to Emeline A. Stewart;
H. R. 15634. An act granting an increase of pension to Samuel M. Reese;
H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;
H. R. 1192. An act granting an increase of pension to George B. Hess;
H. R. 2816. An act granting an increase of pension to James C. Town;
H. R. 2168. An act granting an increase of pension to William Bridges;
H. R. 2226. An act granting an increase of pension to George F. Long;
H. R. 2234. An act granting an increase of pension to Jacob W. Gersteneker;
H. R. 10029. An act granting an increase of pension to Abram Higbie;
H. R. 10257. An act granting an increase of pension to Samuel Deems;
H. R. 10922. An act granting an increase of pension to John McDonald;
H. R. 10561. An act granting an increase of pension to Joseph N. Piersell;
H. R. 11822. An act granting an increase of pension to Lawyer Sugs;
H. R. 12810. An act granting an increase of pension to Edward Ross;
H. R. 14801. An act granting an increase of pension to Thomas Armstrong;
H. R. 1719. An act granting an increase of pension to William N. Whitlock;
H. R. 18237. An act granting an increase of pension to Rachel Egeness;
H. R. 5571. An act granting an increase of pension to William Cary;
H. R. 8716. An act granting an increase of pension to John L. Coffey;
H. R. 14118. An act granting an increase of pension to Edward Delaney;
H. R. 17118. An act granting an increase of pension to John Burke;
H. R. 11989. An act granting an increase of pension to Francis M. Hinds;
H. R. 11510. An act granting an increase of pension to Joseph S. Larrance;
H. R. 9138. An act granting an increase of pension to Aaron L. Rockwood;
H. R. 9135. An act granting a pension to August Crome;
H. R. 10766. An act granting a pension to Rachel L. Bartlett;
H. R. 9529. An act granting an increase of pension to William Gibson;
H. R. 11062. An act granting an increase of pension to Samuel W. Harlan;
H. R. 11365. An act granting an increase of pension to Robert D. Williamson;
H. R. 15316. An act granting an increase of pension to James McKelvy;
H. R. 15819. An act granting an increase of pension to William T. Burgess;
H. R. 17387. An act granting an increase of pension to David F. Eakin;
H. R. 17806. An act granting an increase of pension to Enoch Boyle;
H. R. 8954. An act granting a pension to George Cunningham;
H. R. 10008. An act granting an increase of pension to James W. Dorman;
H. R. 12762. An act granting an increase of pension to Jesse H. Brandt;
H. R. 13337. An act granting an increase of pension to Joseph W. Harsh;
H. R. 14982. An act granting an increase of pension to Isaac N. Long;
H. R. 735. An act granting an increase of pension to Frank L. Fornshell;
H. R. 1557. An act granting an increase of pension to Frank J. Oatley;
H. R. 1946. An act granting an increase of pension to James A. Sproul;
H. R. 2791. An act granting an increase of pension to Mary E. Adams;
H. R. 3694. An act granting an increase of pension to Joseph D. Emory;
H. R. 4240. An act granting an increase of pension to James F. Chipman;
H. R. 4244. An act granting an increase of pension to John Spaulding;
H. R. 3686. An act granting an increase of pension to Henry R. Cowan;

H. R. 5222. An act granting an increase of pension to Lewis R. Stegman;
H. R. 8737. An act granting an increase of pension to Horace A. Manley;
H. R. 8771. An act granting an increase of pension to Florence Sullivan;
H. R. 8833. An act granting a pension to Edna M. Johnson;
H. R. 12238. An act granting an increase of pension to Helen S. Brown;
H. R. 14391. An act granting an increase of pension to Franklin Cooley;
H. R. 15305. An act granting an increase of pension to Ezra H. Brown;
H. R. 1413. An act granting an increase of pension to John Crawford;
H. R. 1768. An act granting an increase of pension to George W. Childers;
H. R. 3345. An act granting an increase of pension to Christina White;
H. R. 5048. An act granting an increase of pension to William A. Failer;
H. R. 6498. An act granting an increase of pension to Isaac C. France;
H. R. 9023. An act granting an increase of pension to Joseph J. Mishler;
H. R. 10993. An act granting an increase of pension to Samuel Jones;
H. R. 12727. An act granting an increase of pension to Benjamin D. Bogia;
H. R. 14169. An act granting an increase of pension to Bettie Stern;
H. R. 14731. An act granting an increase of pension to Ezra H. Wiggins;
H. R. 15003. An act granting an increase of pension to James Gray;
H. R. 15695. An act granting a pension to John T. Wagoner;
H. R. 15748. An act granting an increase of pension to Jacob R. Deckard;
H. R. 718. An act granting an increase of pension to Hamilton D. Brown;
H. R. 18005. An act granting a pension to Emily Compton;
H. R. 18006. An act granting an increase of pension to Martha J. Bass;
H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;
H. R. 4388. An act granting a pension to Laura Hilgeman;
H. R. 4625. An act granting an increase of pension to Anderson J. Smith;
H. R. 10246. An act granting an increase of pension to John Harrison;
H. R. 12088. An act granting an increase of pension to Louisa Spielman;
H. R. 15152. An act granting an increase of pension to Mary T. Corns;
H. R. 15886. An act granting an increase of pension to John Misner;
H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;
H. R. 4406. An act granting a pension to Albert M. Ryan;
H. R. 5732. An act granting an increase of pension to Elias C. Kitchin;
H. R. 8547. An act granting an increase of pension to John W. Madison;
H. R. 2155. An act granting an increase of pension to William H. Smith;
H. R. 10525. An act granting an increase of pension to Artemas D. Many;
H. R. 10524. An act granting an increase of pension to Ebenezer W. Akerley;
H. R. 13809. An act granting an increase of pension to James P. Tucker;
H. R. 14237. An act granting an increase of pension to Isaac Kindle;
H. R. 15206. An act granting an increase of pension to Peter G. Thompson;
H. R. 15565. An act granting an increase of pension to Josias R. King;
H. R. 17635. An act granting an increase of pension to George Willy;
H. R. 10319. An act granting an increase of pension to Harvey Deal;
H. R. 14490. An act granting an increase of pension to Martha A. Kenney;
H. R. 15275. An act granting an increase of pension to John Martin;
H. R. 15450. An act granting an increase of pension to Virginia J. D. Holmes;
H. R. 16193. An act granting an increase of pension to Daniel Shrader;
H. R. 10177. An act granting a pension to Elizabeth Kohler;
H. R. 16566. An act granting an increase of pension to Whitman V. White;
H. R. 16648. An act granting an increase of pension to Henry B. Teetor;
H. R. 16699. An act granting an increase of pension to Lewis P. Chandler;
H. R. 16749. An act granting an increase of pension to Henry A. Jones;
H. R. 17654. An act granting an increase of pension to Hannah J. K. Thomas;
H. R. 17933. An act granting an increase of pension to Harriet E. Vandine;
H. R. 17950. An act granting an increase of pension to James W. Hager;
H. R. 18175. An act granting an increase of pension to Jeremiah Van Riper;
H. R. 17971. An act granting an increase of pension to James G. Wall;
H. R. 12807. An act granting a pension to Nancy Ann Gee;
H. R. 13991. An act granting an increase of pension to Wiley H. Dixon;
H. R. 16255. An act granting an increase of pension to James S. Brand;
H. R. 17035. An act granting an increase of pension to Samuel Smith;
H. R. 17373. An act granting an increase of pension to William T. Stott;
H. R. 18158. An act granting a pension to Isaac Cope;
H. R. 18188. An act granting an increase of pension to David B. Guthrie;
H. R. 17843. An act granting an increase of pension to Samuel Watkins;
H. R. 17771. An act granting an increase of pension to Deloss Williams;
H. R. 17711. An act granting an increase of pension to John Dietz;
H. R. 16783. An act granting an increase of pension to David W. Kirkpatrick;
H. R. 16423. An act granting an increase of pension to Andrew J. Roe;
H. R. 16398. An act granting an increase of pension to David Ross;
H. R. 15032. An act granting a pension to Milton Diehl;
H. R. 16295. An act granting an increase of pension to Laurence Foley;
H. R. 16704. An act granting a pension to Lucy C. Strout;
H. R. 17175. An act granting an increase of pension to Andrew E. Kinney;
H. R. 17548. An act granting a pension to David J. Bentley;
H. R. 17736. An act granting an increase of pension to Josephine B. Phelon;
H. R. 17797. An act granting an increase of pension to Wilbur F. Lane;
H. R. 17939. An act granting an increase of pension to Robert A. Seaver;
H. R. 18075. An act granting an increase of pension to Anna E. Kingston;
H. R. 18149. An act granting an increase of pension to S. Horace Perry;
H. R. 1133. An act granting a pension to Mary Lockard;
H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;
H. R. 16751. An act granting an increase of pension to Samuel Hough;
H. R. 17361. An act granting an increase of pension to Margaret McGiffin;
H. R. 17480. An act granting an increase of pension to Charles P. Lord;
H. R. 17788. An act granting a pension to Charles E. Benson;
H. R. 17830. An act granting an increase of pension to William R. Snell;
H. R. 18054. An act granting an increase of pension to Stewart J. Donnelly;
H. R. 18094. An act granting an increase of pension to William G. Melick;
H. R. 18325. An act granting an increase of pension to John W. Schofield;
H. R. 13077. An act granting an increase of pension to James S. Prose;

H. R. 16586. An act granting an increase of pension to William Mattison;
H. R. 16629. An act granting an increase of pension to Louis Stoeckig;
H. R. 16630. An act granting an increase of pension to Philip Dumont;
H. R. 17268. An act granting an increase of pension to Charles L. Westfall;
H. R. 17333. An act granting an increase of pension to Esek W. Hoff;
H. R. 17996. An act granting an increase of pension to Alonzo Wells;
H. R. 18393. An act granting an increase of pension to David F. Crouch;
H. R. 16824. An act granting an increase of pension to James Waskom;
H. R. 15486. An act granting a pension to William H. M. Carpenter;
H. R. 16285. An act granting an increase of pension to Henry Johnson;
H. R. 17592. An act granting an increase of pension to Margaret Haynes;
H. R. 18147. An act granting an increase of pension to Perry F. Belden;
H. R. 18169. An act granting a pension to Margaret Stevens;
H. R. 17162. An act granting an increase of pension to Scott Ruddick;
H. R. 17173. An act granting an increase of pension to Thomas J. Davis;
H. R. 17826. An act granting a pension to Wincy A. Lindsey;
H. R. 18157. An act granting a pension to James J. Winkler;
H. R. 12874. An act granting a pension to Sarah Ellen Dickens;
H. R. 16408. An act granting an increase of pension to William Hendricks;
H. R. 16994. An act granting an increase of pension to Harriet Payne;
H. R. 17229. An act granting an increase of pension to Derias Thomas Jean;
H. R. 17514. An act granting an increase of pension to Virginia C. Moore;
H. R. 17515. An act granting an increase of pension to John J. Elliott;
H. R. 17747. An act granting an increase of pension to Abraham I. Canary;
H. R. 17796. An act granting an increase of pension to Thomas C. Alexander;
H. R. 17892. An act granting an increase of pension to Abraham K. Smith;
H. R. 18067. An act granting an increase of pension to Joseph Guiott;
H. R. 18465. An act granting an increase of pension to Abby B. Cloud;
H. R. 16267. An act granting a pension to Catherine Piper;
H. R. 16471. An act granting an increase of pension to North Ann Dorman;
H. R. 16528. An act granting an increase of pension to Catharine Price;
H. R. 17557. An act granting an increase of pension to John W. Marshall;
H. R. 17782. An act granting an increase of pension to Aaron K. Clark;
H. R. 17855. An act granting an increase of pension to Harriett E. Miller;
H. R. 17951. An act granting an increase of pension to Elizabeth A. Hodges;
H. R. 17989. An act granting an increase of pension to Elizabeth Hodges;
H. R. 18143. An act granting an increase of pension to James F. Brown;
H. R. 18406. An act granting an increase of pension to Andrew Jackson;
H. R. 18506. An act granting an increase of pension to Mahala Jones;
H. R. 11686. An act granting a pension to William C. Berghahn;
H. R. 16044. An act granting an increase of pension to John C. Linsday;
H. R. 16253. An act granting an increase of pension to Margaret A. Hope;
H. R. 16810. An act granting an increase of pension to Henry C. Jackson;
H. R. 17209. An act granting an increase of pension to Alva D. Smith;
H. R. 17395. An act granting an increase of pension to Thaddeus C. S. Brown;
H. R. 17526. An act granting an increase of pension to Richard Dunlap;
H. R. 17584. An act granting an increase of pension to James White;
H. R. 17913. An act granting an increase of pension to Philo Green;
H. R. 17921. An act granting an increase of pension to James Reppeto; and
H. R. 18019. An act granting an increase of pension to Milton A. Griffeth.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I am directed by the Committee on Appropriations to report a bill making an appropriation for urgent deficiencies.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 19572) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent for the consideration of this urgent deficiency bill in the House as in the Committee of the Whole.

Mr. WILLIAMS. Mr. Speaker, I will have to object.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this urgent deficiency bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 111, noes 33.

Mr. WILLIAMS. Mr. Speaker, it appears there is no quorum present, and I suggest in the interim a call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 13, answered "present" 24, not voting 149, as follows:

YEAS—195.

Adams, Pa.	Dwight	Landis, Chas. B.	Rixey
Aiken	Edwards	Landis, Frederick	Robertson, La.
Allen, Me.	Esch	Lee	Rucker
Babcock	Fassett	Lewis	Ryan
Bannon	Floyd	Lilley, Pa.	Samuel
Bartholdt	Foster, Vt.	Littauer	Scott
Bates	French	Livingston	Shackleford
Beidler	Gardner, Mass.	Lloyd	Sherley
Bell, Ga.	Gardner, Mich.	Longworth	Sims
Bennett, Ky.	Garrett	Loud	Slayden
Bingham	Gilbert, Ind.	Loudenslager	Slemp
Bonynge	Gill	Lovering	Smith, Ill.
Boutell	Gillett, Cal.	McCall	Smith, Md.
Bowers	Gillett, Mass.	McCarthy	Smith, Samuel W.
Bowersock	Graff	McGavin	Smyser
Brantley	Graham	McKinlay, Cal.	Snapp
Brick	Granger	McKinley, Ill.	Southard
Broocks, Tex.	Gregg	McKinney	Southwick
Brooks, Colo.	Grosvenor	McNary	Sperry
Brown	Hale	Macon	Spight
Brownlow	Hamilton	Madden	Stafford
Brundidge	Haugen	Mahon	Steenerson
Buckman	Hay	Mann	Stephens, Tex.
Burke, Pa.	Hayes	Marshall	Stevens, Minn.
Byrd	Hedge	Miller	Sullivan, Mass.
Campbell, Kans.	Heflin	Minor	Sulloway
Campbell, Ohio	Henry, Conn.	Moon, Pa.	Talbott
Candler	Hepburn	Moon, Tenn.	Tawney
Capron	Hermann	Mouser	Taylor, Ohio
Cassel	Higgins	Mudd	Thomas, N. C.
Chaney	Hill, Conn.	Murdock	Thomas, Ohio
Chapman	Hinshaw	Murphy	Tirrell
Clark, Fla.	Hoar	Needham	Townsend
Cooper, Pa.	Hogg	Nevin	Underwood
Cooper, Wis.	Holliday	Norris	Volstead
Cousins	Hopkins	Olcott	Wachter
Cromer	Howell, N. J.	Otjen	Waldo
Crumpacker	Howell, Utah	Padgett	Wallace
Curtis	Hull	Parker	Watkins
Cushman	Humphrey, Wash.	Patterson, S. C.	Watson
Dalzell	Jones, Wash.	Payne	Weeks
Darragh	Keifer	Perkins	Weems
Davis, Minn.	Keliher	Pollard	Wiley, Ala.
Dawes	Kennedy, Nebr.	Pou	Wiley, N. J.
Dawson	Kennedy, Ohio	Prince	Williams
De Armond	Kinkaid	Reeder	Wood, N. J.
Deemer	Klepper	Rhinock	Young
Denby	Knowland	Rhodes	Zenor
Dixon, Ind.	Lafean	Richardson, Ala.	

NAYS—13.

Beall, Tex.	Garner	Kline	Smith, Tex.
Burleson	Gillespie	Randell, Tex.	
Clark, Mo.	Henry, Tex.	Robinson, Ark.	
Flood	Kitchin, Claude	Russell	

ANSWERED "PRESENT"—24.

Bartlett	Fuller	Lamb	Sherman
Clayton	Goldfogle	Lever	Smith, Iowa
Dale	Goulden	Lilley, Conn.	Towne
Driscoll	Hill, Miss.	Maynard	Wanger
Finley	Jenkins	Parsons	Wilson
Fulkerson	Johnson	Sheppard	Wood, Mo.

NOT VOTING—149.

Acheson	Draper	Ketcham	Reid
Adams, Wis.	Dresser	Kitchin, Wm. W.	Reynolds
Adamson	Dunwell	Knapp	Richardson, Ky.
Alexander	Ellerbe	Knopf	Rives
Allen, N. J.	Ellis	Lacey	Roberts
Ames	Field	Lamar	Rodenberg
Andrus	Fitzgerald	Law	Ruppert
Bankhead	Flack	Lawrence	Schneebeli
Barchfeld	Fletcher	Le Fevre	Scroggy
Bede	Fordney	Legare	Shartel
Bennet, N. Y.	Foss	Lester	Sibley
Birdsall	Foster, Ind.	Lindsay	Small
Bishop	Fowler	Little	Smith, Cal.
Blackburn	Gaines, Tenn.	Littlefield	Smith, Ky.
Bowie	Gaines, W. Va.	Lorimer	Smith, Wm. Alden
Bradley	Garber	McCleary, Minn.	Smith, Pa.
Broussard	Gardner, N. J.	McCreary, Pa.	Southall
Burgess	Gilbert, Ky.	McDermott	Sparkman
Burke, S. Dak.	Glass	McLachlan	Stanley
Burleigh	Goebel	McLain	Sterling
Burnett	Greene	McMorran	Sullivan, N. Y.
Burton, Del.	Griggs	Martin	Sulzer
Burton, Ohio	Gronna	Meyer	Taylor, Ala.
Butler, Pa.	Gudger	Michalek	Trimble
Butler, Tenn.	Hardwick	Mondell	Tyndall
Calder	Haskins	Moore	Van Duzer
Calderhead	Hearst	Morrell	Van Winkle
Cockran	Hitt	Olmsted	Vreeland
Cocks	Houston	Overstreet	Wadsworth
Cole	Howard	Page	Webb
Conner	Hubbard	Palmer	Webber
Currier	Huff	Patterson, N. C.	Weisse
Davey, La.	Hughes	Patterson, Tenn.	Welborn
Davidson	Humphreys, Miss.	Pearre	Wharton
Davis, W. Va.	Hunt	Powers	Woodyard
Dickson, Ill.	James	Pujo	
Dixon, Mont.	Jones, Va.	Rainey	
Dovener	Kahn	Ransdell, La.	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

Mr. FOSS with Mr. MEYER.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. SHERMAN with Mr. RUPPERT.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. WELBORN with Mr. GUDGER.

Mr. DRAPER with Mr. FIELD.

Mr. COLE with Mr. GARBER.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. REYNOLDS with Mr. MCDERMOTT.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. LILLEY of Connecticut with Mr. REID.

Mr. HITT with Mr. LEGARE.

Mr. KNOPF with Mr. WEISSE.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. DOVENER with Mr. SPARKMAN.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. BUTLER of Pennsylvania with Mr. BARTLETT.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. DALE with Mr. BOWIE.

Mr. SHARTEL with Mr. LITTLE.

Mr. WOODYARD with Mr. MAYNARD.

Mr. FULKERSON with Mr. CLAUDE KITCHIN.

Mr. HASKINS with Mr. LEVER.

Until May 24, 1906:

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Until Wednesday, May 23, 1906:

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

For the day:

Mr. DIXON of Montana with Mr. PAGE.

Mr. PEARRE with Mr. TRIMBLE.

Mr. ROBERTS with Mr. SOUTHALL.

Mr. STERLING with Mr. VAN DUZER.

Mr. MCMORRAN with Mr. PUJO.

Mr. MCCREARY of Pennsylvania with Mr. TAYLOR of Alabama.

Mr. LORIMER with Mr. LINDSAY.

Mr. DUNWELL with Mr. HOUSTON.

Mr. GRONNA with Mr. HUMPHREYS of Mississippi.

Mr. KAHN with Mr. JAMES.

Mr. KNAPP with Mr. MCLAIN.

Mr. LACEY with Mr. PATTERSON of Tennessee.

Mr. BURLEIGH with Mr. GILBERT of Kentucky.

Mr. CALDERHEAD with Mr. GLASS.

Mr. DAVIDSON with Mr. HEARST.

Mr. ANDRUS with Mr. BURNETT.

Mr. VREELAND with Mr. BUTLER of Tennessee.

Mr. ADAMS of Wisconsin with Mr. BROUSSARD.

Mr. SMITH of Iowa with Mr. HARDWICK.

Mr. RIVES with Mr. MOORE.

Mr. KETCHAM with Mr. RAINEY.

Mr. MCCLEARY of Minnesota with Mr. JONES of Virginia.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BLACKBURN with Mr. SMALL.

For this vote:

Mr. OLMSTED with Mr. STANLEY.

Mr. LE FEVRE with Mr. LESTER.

Mr. LAWRENCE with Mr. LAMAR.

Mr. CONNER with Mr. HUNT.

Mr. BIRDSALL with Mr. FITZGERALD.

Mr. BARCHFELD with Mr. DAVIS of West Virginia.

Mr. ALEXANDER with Mr. BURGESS.

Mr. RODENBERG with Mr. HILL of Mississippi.

Mr. WILSON with Mr. COCKRAN.

Mr. LITTLEFIELD with Mr. CLAYTON.

Mr. FOSTER of Indiana with Mr. HOWARD.

Mr. BENNET of New York with Mr. ELLERBE.

Mr. SIBLEY with Mr. WEBB.

Mr. ACHESON with Mr. BANKHEAD.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19572—an urgent deficiency bill—with Mr. HOAR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year 1906, and for other purposes.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the first formal reading of the bill be dispensed with.

The CHAIRMAN. Unanimous consent is asked that the first formal reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTAUER. Mr. Chairman, the necessity for this urgent deficiency bill arises from the fact that the appropriations for the current year for the fees of witnesses and the fees of jurors in the United States courts are now practically exhausted, and unless this provision be immediately made important judicial business will have to be postponed, to the detriment of the service and actual increased expense to the Government. If United States marshals are without money courts may have to be adjourned, or it may give rise to the very undesirable sale of witness certificates. We find a large balance unused of the appropriation for the year 1905, and in consequence, rather than make a direct appropriation, this bill proposes the transfer of $60,000 from the appropriation for 1905–6 for witnesses and $30,000 for jurors.

The deficiency is one that could not have been anticipated. Expenses of this kind are contingent upon the business of the courts. This year there has been an extraordinary amount of business because of the large number of land-fraud cases in the western districts and cases for using the mails to defraud, in which many witnesses were necessary.

The other item of the bill is an appropriation of $25,000 made necessary to meet the expenses of opening to entry and settlement two reservations now ready to be opened under the law. It is the purpose of the Commissioner of the General Land Office to open the Crow Reservation in Montana, now ready, about the 15th of June, and the Shoshone Reservation, in Wyoming, about the 15th of August. In order to provide for the clerical force and have them on the ground at these dates an appropriation must be made immediately, and particularly that settlers may erect houses and get the land under cultivation before winter sets in; and this bill submits an appropriation of $25,000——

Mr. TAWNEY. Which is reimbursable.

Mr. LITTAUER. The expenses pertaining to the opening of each reservation are to be reimbursed to the United States from the sale of lands under the law. Now, Mr. Chairman, unless some one wants to ask some questions, I will ask that the bill be read.

Mr. WILLIAMS. How much general debate is there to be on the bill?

Mr. LITTAUER. I did not suggest any time.

Mr. WILLIAMS. You want to proceed at once with the reading of the bill?

Mr. LITTAUER. I want to proceed at once with the reading of the bill.

Mr. WILLIAMS. Then there would be no general debate. I want fifteen minutes.

Mr. TAWNEY. The gentleman from Georgia [Mr. LIVINGSTON], who is the ranking minority member of the committee,

stated that there was no request for general debate on this bill. Now, there are very urgent items in the bill, which can be passed in a very few moments if there is no objection.

Mr. WILLIAMS. I think I can get through in fifteen minutes.

Mr. LITTAUER. I will yield fifteen minutes to the gentleman from Mississippi.

Mr. TAWNEY. The Department of Justice is very desirous for this appropriation to be made available at the earliest possible moment. Some courts are in session now that will in a few days be compelled to close or adjourn unless the appropriation for jury fees and witness fees, especially, is made available. It simply transfers a balance.

Mr. WILLIAMS. The gentleman can yield to me for fifteen minutes?

Mr. LITTAUER. Mr. Chairman, I move that general debate on this bill close in fifteen minutes, and I will yield the gentleman from Mississippi that time.

The CHAIRMAN. The gentleman from New York asks unanimous consent——

Mr. WILLIAMS. Unanimous consent is not necessary. I ask the gentleman to yield me fifteen minutes; we are in Committee of the Whole House on the state of the Union.

Mr. GARDNER of Massachusetts. I raise the point of order against the motion of the gentleman. General debate can not be closed except by motion in the House or unanimous consent.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LITTAUER. I yield fifteen minutes to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, I wish to address myself to the defense of the House and of the Speaker, made, in my opinion, necessary by an article that appears in the Washington Post of this morning, from which it is very evident that the Post and the country are taking a very erroneous view of the motives and conduct of the Speaker of this House and the motives and conduct of the House itself. This article is headed:

CANNON gets quorum—How "Uncle Joe" puts WILLIAMS's tactics to rout.

Now, I want to read a part of it. It is headed "Speaker CANNON finds quorum." "Finds," not counts, in the significant word used.

"The Chair will count," said the Speaker, after one of Mr. WILLIAMS's points, and hastily glancing over the Chamber, the Speaker continued: "The Chair has counted up to 193 and has not finished the count."

SPEAKER CANNON FINDS QUORUM.

Everybody laughed, including JOHN SHARP WILLIAMS, who retorted: "There's no telling what the Speaker would have found had he finished." This brought forth renewed laughter.

At another time Mr. CANNON found a quorum almost instantly, and Mr. BEALL of Texas asked by what arithmetical process the Speaker reached his conclusion. Instantly the Speaker replied: "The Chair counted in blocks of ten, and there is a quorum present," which reply again convulsed the House with laughter, the Democrats enjoying it as much as did the Republicans.

From this it is evident, Mr. Chairman, that the press of the country, or a part of it at any rate, has conceived the notion that our innocent jokes upon the floor of the House about counting a quorum have gone to the point of making us condone in the Speaker what, of course, the Speaker has never done and what the Speaker would never do, to wit, dishonestly count a quorum when there was not a quorum present. There has not been a time when the Speaker has counted a quorum when I have not been aware of the fact that there was a quorum in the House at some time of the procedure of the count. I do not want the idea to go abroad, in justice to myself, that if the Speaker undertook to count a quorum when there was none present that it would strike me as a humorous procedure. Nor do I want the idea to go abroad that a man who has served the country so long and so faithfully and so honestly would undertake to count a quorum if it were not present, thereby putting an untruth into the RECORD. We have our laughs and our jokes about counting quorums, and we especially have our laugh about the manner in which the Speaker jerks his gavel while he is doing it; but I do not believe for one moment, and I hope that nobody else believes for one moment, that he would violate the sacred fundamental requirement of truth and the constitutional requirement of the manner in which we must legislate, to wit, with a quorum, or that he would regard that violation as a matter of humor, and I want nobody to believe that he would.

Section 5 of Article I of the Constitution says that "a majority of each House shall constitute a quorum to do business." Of course, the Speaker, like everybody else, is upon honor that when a quorum is demanded there shall be a quorum to do business. The only question that has ever arisen between the two parties has been as to how you should arrive at the fact of a quorum, whether by an answer on a roll call or by counting those present. That point has been decided in favor of counting those actually present in order to constitute a quorum. But the last man in the United States who would undertake to count a quorum when there was none present would be the Speaker of this House. [Applause.] The Constitution then, as a part of that same section, recites, "and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal."

So that there are just two things that the rules themselves can not touch. They can not dispense with the requirement of a quorum to do business and they can not dispense with the constitutional right of a Member to demand that a quorum shall be present to do business. They can not dispense with the right of one-fifth of those present to call for the yeas and nays, under any pretense whatsoever, nor can they dispense with a yea-and-nay vote when one-fifth of those present do rise for the purpose of getting the membership enrolled.

Now, Mr. Chairman, I am glad that the article read by me was published, because I am glad of the opportunity that presents itself to me as the floor leader of the minority to defend not only myself from the charge—or rather it is not a charge exactly, but from the supposition—that I could be so flippant as to regard as a joke a pretended or false ascertainment of a quorum of the House of Representatives by requirement of the Constitution, which is the master and creator of the House and of its rules, and in accordance with which all rules must have their life, and in nonaccordance with which any rule must have its death. I also welcome it as an opportunity to defend the Speaker against this assumption that he would treat this grave constitutional right as merely a matter of humor.

We have our fun in the House, and we ought to have it. We are grown-up boys, as all men are. Sometimes I am reminded when the Speaker counts a quorum in his characteristic way of doing it, but who arrives, as I always believe, at an honest belief in the actual presence of a quorum, of a story I heard not long ago about a lady, a man with a watch, and a small child. In calling for a count I am afraid sometimes I am actuated pretty much by the same motive as was this lady who continued to ask the time of day. She had a child with her who was crying, and there was in the station a man with a watch. She wanted to know the time of day, and asked the man if he could tell her. It happened that this man had a spasmodic, convulsive sort of way of moving his countenance, and the moment that the child saw it the child ceased crying, got into perfectly good humor, and began to laugh. The lady had discovered a method of keeping the child quiet. In a few moments the child was again crying, and the lady went back to the man and said: "Mister, I beg your pardon, but will you tell me the time again?" Being a courteous man, he told her again. The third time she came to him, and then a fourth, with short intervals elapsing. The fifth time the man said: "Madam, it seems to me that you ought to remember the time five minutes. I do not object to telling you, but why are you so anxious to get the time every five or ten minutes?" She said: "Mister, I am not asking because I want to know the time, but the movements of your countenance amuse my baby so that it is about the only thing that keeps him quiet." [Laughter.] So sometimes I expect that I want a quorum counted because the movements of the Speaker's gavel amuse us so that they keep the House quiet and put everybody in a good humor. [Laughter.]

But I want the country to understand that there is nobody in the House of Representatives that is laughing at or making a joke of the requirements of any part of the fundamental law of the Republic of the United States. [Applause.]

Mr. LITTAUER. Mr. Chairman, I now yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, this bill will be out of the way probably in a few minutes, and the motion will be made to go into Committee of the Whole House on the state of the Union to discuss the consular and diplomatic bill. I rise to ask the House to vote down that motion so that we can get at the immigration bill.

Now, Mr. Chairman, the session is getting close to an end, and to go into Committee of the Whole House on the state of the Union to discuss that bill and devote two days to making campaign speeches should not be permitted. Here is everybody saying that we want to adjourn quickly. We can not adjourn until we get the diplomatic bill out of the way, and there is a distinct movement to get us to adjourn before the immigration bill is out of the way. Now, I want to read you a list of important bills, which are privileged, that are coming up here, and see whether I am not just in asking action on the immigration bill. Here is the consular and diplomatic bill coming, the sundry civil bill coming, the general deficiency bill coming. If you

want to have campaign debates for two or three days put it on the general deficiency bill, after we have got rid of the main business, and not interject it in the middle of the session. Then comes immigration, child labor, naturalization, public buildings, and pure food; every one of them highly privileged, every one of them going to take time. Then there is the conference on the rate bill, the conference on the statehood bill, I hope, a conference on the Philippine tariff bill, and all that is going to take a long time, and they are going to try to beat the immigration bill out by not letting it come up.

Therefore I say, Mr. Chairman, the way to treat this matter is to vote down motions to go into Committee of the Whole to consider this appropriation bill, because we know that we will have to pass it later, whereas if we pass these bills we can not get away without passing this important legislation. I do not want to oppose any older or wiser man on the floor of this House, but I wish to point out to you that the pure-food bill has been through the Senate and is practically sure of action in this House if pressed. The immigration bill has not been through the Senate, and the sooner we can get action on it the better for us all. As for the appropriation bills, carrying as they do two or three days of general political debate, they can wait. They are bound to pass anyway, and then the general debate can be had on the last of them.

Therefore, Mr. Chairman, I hope that this House, when the vote comes as to whether or not it will go into Committee of the Whole House on the state of the Union to consider the diplomatic and consular appropriation bill, will vote "no." We will have that bill up later to a certainty, but may never have as good a chance again to get up the immigration bill.

Mr. LITTAUER. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, in reply to the gentleman from Massachusetts [Mr. GARDNER], I want to say to the House that the immigration bill has been made a privileged bill, and the only way that I can see how it can possibly escape consideration at this session is for us to go into a fight every time a bill is brought up, especially an appropriation bill, and try to defeat the motion in order to get at some of these other privileged bills. I think if the House goes on in the usual ordinary parliamentary way, with the preference that the House has already given the immigration bill, the gentleman will not have much trouble.

Mr. GARDNER of Massachusetts. Mr. Chairman, I will ask the gentleman from New York to yield me sufficient time in which to answer his colleague.

Mr. LITTAUER. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Chairman, the rules of the House give higher privilege, I know very well, to the diplomatic and consular appropriation bill, but it does not make any difference if it gives it the very highest privilege. If we want to get up the immigration bill we can vote down the motion to go into Committee of the Whole House on the state of the Union to consider the diplomatic bill, and no harm is done even if it has the highest privilege on the face of the globe. It is always subject to the question of consideration. I say vote that down and we will get to the immigration bill.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. LITTAUER. Yes.

Mr. FITZGERALD. I desire to know how this bill comes into the House.

Mr. LITTAUER. By recommendation of a majority of the Committee on Appropriations.

Mr. FITZGERALD. Did the committee ever consider this bill?

Mr. LITTAUER. Informally, this morning.

Mr. FITZGERALD. Is there such haste about this bill that it is necessary to report it without the committee meeting to consider it or being informed of it?

Mr. LITTAUER. The two items covered by the bill were of such a simple nature that the members of the committee who did consider it thought it could be reported to the House without a formal meeting of the committee by asking the assent of all those members of the committee who were in the neighborhood—a majority.

Mr. FITZGERALD. I would like to inquire of the gentleman what authority there is for reporting a bill that is not considered by the committee?

Mr. LITTAUER. The procedure has been followed a number of times before, where a bill of the simple, urgent nature of this bill was reported to the House with a favorable recommendation by a majority of the committee without holding a formal meeting of the committee. If the gentleman had been in the neighborhood of the committee room his assent would have been asked, and I believe without doubt given. This is a deficiency bill.

Mr. FITZGERALD. I know that in the case of the emergency appropriation bill for the relief of the people of San Francisco the bill was called up here without being considered by a committee, because of its great urgency. So far as I am concerned, however, no matter how simple a bill may be, I believe the best results in legislation are obtained by having bills submitted properly at a meeting of the committee that has jurisdiction of them.

Mr. LITTAUER. And the gentleman well knows that that is frequently done with bills of this character by the Committee on Appropriations; so frequently, in fact, that the practice is justified by custom.

Mr. FITZGERALD. Well, I am not so sure of the advisability of the practice, and it is not a practice that I shall approve, however prevalent it may have been in the past. Here is a bill reported, not printed in a way that any Member can obtain a copy of it, and called up for action. But for the fact that I and several other members of the committee with whom I have consulted happened to be here, the bill would have been passed, upon the theory that it had been acted upon by the committee, whereas, as a matter of fact, it was never submitted to the committee. I simply wish to say that, so far as I am concerned, if I happen to be present when a bill is brought into the House, apparently reported by a committee, but not as a matter of fact, I shall interpose a point of order against the consideration of the bill. I say that now so that hereafter notice at least will be given to members of the committee, so that they shall have an opportunity to know what the committee is supposed to be doing. Otherwise there will be very little advantage or benefit derived from the presence of some members on the committees of the House.

Mr. LITTAUER. Mr. Chairman, unless there be desire for further debate or amendment to this bill, I move that the committee do now rise and report the bill with a favorable recommendation to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOAR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17359) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes, and had directed him to report the same back to the House with a recommendation that the bill do pass.

Mr. LITTAUER. Mr. Speaker——

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry——

Mr. LITTAUER. I move the previous question on the bill to its passage.

The SPEAKER. The gentleman from Alabama will state his parliamentary inquiry.

Mr. UNDERWOOD. Mr. Speaker, I desire to find out—I have no objection to this bill, I think it is all right—but I desire to inquire how this bill got before the House.

The SPEAKER. It was reported by the gentleman from New York.

Mr. UNDERWOOD. I understood the gentleman a moment ago to say in answer to his colleague that this bill had not been reported by the Committee on Appropriations.

Mr. LITTAUER. The bill has been reported with the assent of a majority of the Committee on Appropriations; a formal meeting of the committee was not held.

Mr. UNDERWOOD. Then I do not suppose it was reported. If a majority of the committee can meet without notice to the minority, without official action, I certainly do not think that is a proper report, and I do not think, Mr. Speaker——

Mr. KEIFER. Regular order!

Mr. UNDERWOOD. Well, I am making a point of order, which is the regular order.

The SPEAKER. What is the gentleman's point of order?

Mr. UNDERWOOD. The point of order is this, that this bill, according to the statement of the gentleman from New York, has not been reported to the House by the committee. It has not been printed, either, for the House after being reported from the committee.

Mr. TAWNEY. Mr. Speaker, I make the point of order that the point of order comes too late. This bill is now before the House with a formal report from the Committee of the Whole House on the state of the Union. The time for making the point of order, if there was any, was when the bill was up in the committee.

The SPEAKER. The Chair is prepared to rule, and over-

rules the point of order which the gentleman from Alabama makes. Turning to page 635 of the Manual and Digest the Chair finds the following decision: "The House having voted to consider a report it is too late to question whether or not the report has been made properly." Now, not only——

Mr. UNDERWOOD. But, Mr. Speaker——

The SPEAKER. One moment. Not only the House has actually considered it by referring it to the Committee of the Whole House on the state of the Union, but that committee has reported it; the big committee consisting of all the members of the House has reported it back to the House with the recommendation that it do pass, and the Chair could not under the precedents, and the principle if there were no precedents, nullify by a ruling the action of the great committee and of the House in referring the bill to that committee for consideration.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will bear with me on that point for a minute, I want to state this on the point of order. There is nothing the matter with the bill; I have no objection to it, but——

Mr. TAWNEY. I make the point of order there is nothing before the House except the previous question.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. TAWNEY. The point of order has been decided.

Mr. UNDERWOOD. But the Chair can hear me if he desires to do so.

The SPEAKER. The Chair has discretion to hear the gentleman, very briefly indeed.

Mr. UNDERWOOD. I only ask for a few minutes, Mr. Speaker, and I wish to say this because it is of importance to the minority. The gentleman from New York states to the House that he reported the bill to the House and the House presumed that he did report it from the committee——

The SPEAKER. The Chair does not desire to hear the gentleman upon that point.

Mr. UNDERWOOD. But that is what I want to say——

The SPEAKER. That is in the nature of debate and criticism as to the propriety of action.

Mr. UNDERWOOD. No——

The SPEAKER. The House has acted.

Mr. UNDERWOOD. And I am making a point on that. Now, why did the House act? Because the House was not informed and was not informed until it got into the Committee of the Whole House on the state of the Union as to the status of the case, and therefore I say it is not in line with the decision——

The SPEAKER. That might have been an argument or may be an argument for the rejection of the bill, but the gentleman from New York demands the previous question, and the Chair only deals with the point of order. What the ruling of the Chair would have been if it had been made in time is not necessary to say and the Chair is not advised, but the Chair can say to the gentleman that the House referred this bill to the Committee of the Whole and that committee reported it back after consideration with the recommendation that it do pass, and it is clearly too late——

Mr. UNDERWOOD. Mr. Speaker, with all due respect to the Chair, I respectfully appeal from the ruling of the Chair on the question, and I wish to say for this reason——

Mr. PAYNE. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from New York moves to lay the appeal on the table.

Mr. UNDERWOOD. Well, Mr. Speaker, I would ask the gentleman from New York to allow me——

Mr. PAYNE. Oh, the gentleman has been indulged——

Mr. UNDERWOOD. I have not had an uninterrupted chance to state the reason why I do not think this procedure should take place, and I ask unanimous consent to proceed for five minutes.

Mr. PAYNE. Will the gentleman withdraw his appeal?

Mr. UNDERWOOD. If I could speak to the bill I would not make an appeal.

Mr. PAYNE. If the gentleman gets unanimous consent to speak for five minutes on this question, will he withdraw his appeal?

Mr. UNDERWOOD. If the gentleman will withdraw his motion, I will withdraw my appeal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Alabama [Mr. UNDERWOOD] is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I want to say there is no objection to this bill. It is a meritorious one, but I do say it is a serious proposition to take up a bill that has not been reported and concerning which the minority members of the committee have not been informed that it was going to be brought before this House, taken up contrary to the rules of the House, not printed, no information given concerning it, and then put on its passage in this way. I do not think that the House ought to accept that proposition. It is not fair to the minority side of the House nor is it fair to the individual Members of the House. The rules are established in the House of Representatives for the protection of the minority and for the protection of the individual Members of the House, and if you establish a precedent that a gentleman can present a bill on this floor, stating that it is reported by a committee and then afterwards it turns out that it is merely a private consultation of the majority members of the committee, as I understand my friend from New York [Mr. LITTAUER] says it was, and the minority members not informed——

Mr. LITTAUER. Will the gentleman permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. LITTAUER. The gentleman was formerly a member of the Committee on Appropriations. In his experience has not this same procedure been held before?

Mr. UNDERWOOD. But when it has come it has come by the unanimous consent of the House.

Mr. LITTAUER. Of the House?

Mr. UNDERWOOD. When a bill has been brought here, an urgent deficiency bill that has not been considered by the committee universally, unanimous consent has been asked for its consideration, and it has no right to be considered under the rules of this House unless it has first gone to a committee, as the gentleman from New York [Mr. LITTAUER] well knows, and unless the unanimous consent of this House is obtained. I repeat that it is not treating the minority fairly, and it is not treating the individual membership of this House fairly, to bring a bill here, no matter how meritorious it is, without complying with the rules of the House or receiving unanimous consent to violate them.

Mr. LITTAUER. Mr. Speaker, I renew my motion.

The SPEAKER. The gentleman from New York [Mr. LITTAUER] moves the previous question.

The question was taken; and the Chair announced that the "noes" seemed to have it.

Mr. LITTAUER. Division, Mr. Speaker.

The House divided, and there were—yeas 101, nays 55.

Mr. WILLIAMS. No quorum present, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-five Members are present—a quorum.

So the previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. WILLIAMS. Mr. Speaker, let us have the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER (after counting). Thirty-nine Members have arisen—not a sufficient number——

Mr. WILLIAMS. The other side, Mr. Speaker.

The other side was taken.

The SPEAKER (after counting). Upon this demand the yeas are 39, and nays 140—a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 159, nays 49, answered "present" 25, not voting 148, as follows:

YEAS—159.

Adams, Pa.	Cromer	Graham	Lawrence
Allen, Me.	Crumpacker	Granger	Le Fevre
Bannon	Curtis	Grosvenor	Lilley, Pa.
Barchfeld	Cushman	Hale	Littauer
Bartholdt	Dalzell	Hamilton	Lloyd
Bates	Darragh	Hayes	Longworth
Beidler	Davis, Minn.	Hedge	Loud
Bennet, N. Y.	Dawes	Henry, Conn.	Loudenslager
Bennett, Ky.	Dawson	Hermann	Lovering
Bingham	De Armond	Higgins	McCall
Birdsall	Deemer	Hill, Conn.	McCarthy
Blackburn	Denby	Hinshaw	McGavin
Bonynge	Dunwell	Hoar	McKinlay, Cal.
Boutell	Dwight	Holliday	McKinley, Ill.
Bowersock	Edwards	Hopkins	McKinney
Brick	Ellis	Howell, N. J.	McLachlan
Brooks, Colo.	Esch	Howell, Utah	Madden
Brownlow	Fassett	Hubbard	Mahon
Buckman	Fitzgerald	Hull	Marshall
Burke, Pa.	Foster, Ind.	Humphrey, Wash.	Miller
Campbell, Kans.	Foster, Vt.	Hunt	Mondell
Campbell, Ohio	Fowler	Jones, Wash.	Moon, Tenn.
Capron	French	Keifer	Mouser
Cassel	Gardner, Mass.	Kennedy, Nebr.	Murdock
Chaney	Gardner, Mich.	Kennedy, Ohio	Murphy
Chapman	Gardner, N. J.	Kinkaid	Needham
Cocks	Gill	Klepper	Nevin
Conner	Gillett, Cal.	Knowland	Norris
Cooper, Pa.	Gillett, Mass.	Lafean	Olcott
Cooper, Wis.	Goldfogle	Landis, Chas. B.	Overstreet
Cousins	Graff	Landis, Frederick	Padgett

Payne	Scott	Stafford	Wachter
Perkins	Sibley	Steenerson	Watson
Pollard	Slemp	Stevens, Minn.	Weeks
Rhodes	Smith, Cal.	Sulloway	Weems
Richardson, Ala.	Smith, Md.	Tawney	Wiley, N. J.
Rodenberg	Smith, Samuel W.	Thomas, Ohio	Wood, N. J.
Ryan	Smyser	Tirrell	Young
Samuel	Southwick	Townsend	Zenor
Schneebeli	Sperry	Volstead	

NAYS—49.

Aiken	Garrett	Macon	Smith, Tex.
Bankhead	Gillespie	Moore	Spight
Beall, Tex.	Glass	Patterson, S. C.	Stanley
Bell, Ga.	Gregg	Pou	Stephens, Tex.
Bowers	Hay	Randell, Tex.	Talbott
Brantley	Heflin	Rhinock	Thomas, N. C.
Broocks, Tex.	Henry, Tex.	Rixey	Underwood
Burgess	Houston	Robertson, La.	Wallace
Candler	Howard	Robinson, Ark.	Watkins
Clark, Mo.	Humphreys, Miss.	Russell	Williams
Dixon, Ind.	Kitchin, Claude	Sherley	
Flood	Kline	Sims	
Floyd	Lee	Slayden	

ANSWERED "PRESENT"—25.

Bartlett	Fulkerson	Lever	Towne
Brundidge	Fuller	Lilley, Conn.	Wanger
Clayton	Goulden	Maynard	Welborn
Dale	Hardwick	Powers	Wood, Mo.
Davey, La.	Jenkins	Rucker	
Driscoll	Johnson	Sheppard	
Finley	Lamb	Sherman	

NOT VOTING—148.

Acheson	Field	Lester	Richardson, Ky.
Adams, Wis.	Flack	Lewis	Rives
Adamson	Fletcher	Lindsay	Roberts
Alexander	Fordney	Little	Ruppert
Allen, N. J.	Foss	Littlefield	Scroggy
Ames	Gaines, Tenn.	Livingston	Shackleford
Andrus	Gaines, W. Va.	Lorimer	Shartel
Babcock	Garber	McCleary, Minn.	Small
Bede	Garner	McCreary, Pa.	Smith, Ill.
Bishop	Gilbert, Ind.	McDermott	Smith, Iowa
Bowie	Gilbert, Ky.	McLain	Smith, Ky.
Bradley	Goebel	McMorran	Smith, Wm. Alden
Broussard	Greene	McNary	Smith, Pa.
Brown	Griggs	Mann	Snapp
Burke, S. Dak.	Gronna	Martin	Southall
Burleigh	Gudger	Meyer	Southard
Burleson	Haskins	Michalek	Sparkman
Burnett	Haugen	Minor	Sterling
Burton, Del.	Hearst	Moon, Pa.	Sullivan, Mass.
Burton, Ohio	Hepburn	Morrell	Sullivan, N. Y.
Butler, Pa.	Hill, Miss.	Mudd	Sulzer
Butler, Tenn.	Hitt	Olmsted	Taylor, Ala.
Byrd	Hogg	Otjen	Taylor, Ohio
Calder	Huff	Page	Trimble
Calderhead	Hughes	Palmer	Tyndall
Clark, Fla.	James	Parker	Van Duzer
Cockran	Jones, Va.	Parsons	Van Winkle
Cole	Kahn	Patterson, N. C.	Vreeland
Currier	Keliher	Patterson, Tenn.	Wadsworth
Davidson	Ketcham	Pearre	Waldo
Davis, W. Va.	Kitchin, Wm. W.	Prince	Webb
Dickson, Ill.	Knapp	Pujo	Webber
Dixon, Mont.	Knopf	Rainey	Weisse
Dovener	Lacey	Ransdell, La.	Wharton
Draper	Lamar	Reeder	Wiley, Ala.
Dresser	Law	Reid	Wilson
Ellerbe	Legare	Reynolds	Woodyard

So the bill was ordered to be engrossed for a third reading, and read the third time.

The following additional pairs were announced:

Balance of the day:

Mr. LORIMER with Mr. LAMAR.

On this vote:

Mr. OLMSTED with Mr. SULLIVAN of Massachusetts.

Mr. PRINCE with Mr. MCNARY.

Mr. PALMER with Mr. LEWIS.

Mr. RIVES with Mr. LIVINGSTON.

Mr. MANN with Mr. LESTER.

Mr. CALDER with Mr. KELIHER.

Mr. HEPBURN with Mr. HILL of Mississippi.

Mr. HAUGEN with Mr. ELLERBE.

Mr. FLETCHER with Mr. CLARK of Florida.

Mr. BABCOCK with Mr. BURLESON.

Mr. WILSON with Mr. COCKRAN.

Mr. ALEXANDER with Mr. SHACKLEFORD.

Mr. LITTLEFIELD with Mr. CLAYTON.

Mr. STANLEY. Mr. Speaker, how am I recorded as voting?

The SPEAKER pro tempore (Mr. CURTIS). The gentleman is not recorded.

Mr. STANLEY. I would like to have my name recorded.

The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called?

Mr. STANLEY. I was not here when my name was called.

The SPEAKER pro tempore. The gentleman's name can not be called.

Mr. BURLESON. How is my name recorded?

The SPEAKER pro tempore. The gentleman's name is not recorded.

Mr. BURLESON. In order that there may be no doubt about a quorum being present, I desire to vote "present."

The SPEAKER pro tempore. There is a quorum present.

Mr. MANN. How am I recorded?

The SPEAKER pro tempore. The gentleman is not recorded.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. LITTAUER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907; and, Mr. Speaker, pending that motion, I would like to ask the gentleman from Virginia, whom I believe is in charge of the bill on the other side, how much time he desires for general debate?

Mr. BURLESON. The gentleman is not present, but I know there is a request for forty-five minutes.

Mr. GARDNER of Massachusetts. I raise the point of order that we can not set the time for general debate now.

The SPEAKER pro tempore. The House will be in order.

Mr. GARDNER of Massachusetts. I rise to a question of order.

The SPEAKER pro tempore. The gentleman will state his question of order.

Mr. GARDNER of Massachusetts. I raise the question of order that they can not settle debate on going into Committee of the Whole when there has been no debate.

The SPEAKER. Only by unanimous consent. Is there objection?

Mr. GARDNER of Massachusetts. I object.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I have moved that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and on that I move the previous question.

Mr. GARDNER of Massachusetts. I rise to a parliamentary inquiry.

The SPEAKER. One moment. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Would it be in order for me to amend the motion of the gentleman by substituting——

The SPEAKER. The gentleman demands the previous question.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the previous question is not in order on a motion to go into Committee of the Whole to consider a particular bill.

The SPEAKER. This motion, the Chair finds, after consulting one who knows the precedents, is not amendable and is not debatable.

Mr. GARDNER of Massachusetts. Then I hope it will be voted down, to get at the immigration bill. [Cries of "Regular order!"]

The question was taken on the motion to go into Committee of the Whole; and the Speaker announced that the ayes seemed to have it.

Mr. GARDNER of Massachusetts. Division, Mr. Speaker.

The House divided; and there were—ayes 101, noes 27.

Mr. WILLIAMS. Mr. Speaker, there happens to be no quorum present, as disclosed by the vote.

The SPEAKER. The roll call has just disclosed the presence of a quorum.

Mr. WILLIAMS. But I think that, as the Speaker well knows, is no evidence of the fact that a quorum is in the Hall now.

The SPEAKER. Under the practice——

Mr. WILLIAMS. If the Speaker will count the House at this time he will discover no quorum.

The SPEAKER. Under the practice, a vote having just been taken by the yeas and nays, the most accurate way of taking it, disclosed a quorum——

Mr. WILLIAMS. But, Mr. Speaker, I make the point of order that whether a quorum was disclosed at that time or not there is not a quorum in the Hall now.

The SPEAKER. The Chair overrules the point. There is a quorum present. The ayes have it, and the House determines to go into Committee of the Whole——

Mr. GARDNER of Massachusetts. A parliamentary inquiry.

The SPEAKER (continuing). And the gentleman from Kansas will take the chair.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The CHAIRMAN. All gentlemen will be seated.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The CHAIRMAN. The committee will be in order.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Chairman.

Mr. ADAMS of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill.

Mr. GARDNER of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER of Massachusetts. I was on my feet awaiting recognition for a verification of the vote by which the House went into Committee of the Whole. As soon as the gentleman from Mississippi had finished——

The CHAIRMAN. The Chair is ready to answer the question. The present occupant of the chair was not in the chair in the House and knows nothing of what occurred then. We are now in Committee of the Whole House on the state of the Union.

Mr. GARDNER of Massachusetts. Then, Mr. Chairman, I move that the committee do now rise for the purpose of ascertaining the correctness of the vote by which the House went into Committee of the Whole.

Mr. ADAMS of Pennsylvania. Mr. Chairman——

Mr. GROSVENOR. The gentleman has no right to take the gentleman from Pennsylvania off his feet to make that motion.

Mr. ADAMS of Pennsylvania. Mr. Chairman, the House is in Committee of the Whole House on the state of the Union for the consideration——

Mr. WILLIAMS. A point of order, Mr. Chairman.

Mr. ADAMS of Pennsylvania (continuing). Of the diplomatic and consular appropriation bill, and I move that the first reading of the bill be dispensed with.

The CHAIRMAN. The committee will be in order before any business is transacted, and every gentleman will take his seat.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry. The gentleman from Massachusetts [Mr. GARDNER] has moved that the committee do now rise. To that motion the Chair has thus far given no recognition. I submit that the gentleman was perfectly within his right and in order when he made that motion.

Mr. GARDNER of Massachusetts. Mr. Chairman, I claim the floor, having made the motion.

The CHAIRMAN. The Chair recognizes the right of the gentleman from Massachusetts to move that the committee do now rise, and will submit the question to the committee for its action.

Mr. ADAMS of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts that the committee do now rise.

The question being taken, on a division (demanded by Mr. GARDNER of Massachusetts) there were—ayes 43, noes 85.

Accordingly the motion was rejected.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. WILLIAMS. To that I am compelled to object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will read the bill.

The Clerk read the bill in full.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in submitting the diplomatic and consular appropriation bill for the coming fiscal year I would state that owing to the permanency of the service there is not very much change from year to year in the items as submitted for the consideration of the House. This is more than usually true of the present bill, owing to the passage at this session of the bill for the reorganization of the consular service, in which we fixed the salaries of all the consular officers; so that really your committee, in the consideration of this bill, took no account of those items in that bill.

The principal changes in the bill are, first, the raising of the salaries of some of the ambassadors to the same amount—$17,500—as the others. This was done, first, at the recommendation of the State Department, and, second, because the elevation of the office carries with it naturally increased expenses. But there was another reason which I think will appeal strongly to the common sense of this House, and that is that it will create several ambassadorships at posts where the salary will be adequate, so that a man without large means can accept the honor at the hands of his country and represent it abroad, though his pocket be not filled with millions.

In the choosing of our representatives abroad it is one of the disadvantages that the pecuniary question has to enter so largely, for at the present salaries allowed by the Congress of the United States it is impossible for our ambassadors at any of the leading posts to go there and live in a way that is in keeping with the dignity of this country without expending more money than the amount of the salary. Nay, more, the ambassador is not in a position to return the hospitality of his colleagues, a dilemma in which, I think, no American would like to find himself.

Your committee, while recognizing the estimates handed in by the State Department, have tried very hard to exercise that conservative spirit to meet the judgment of the House, and we have only allowed increases where, after careful scrutiny and examination, we have felt that it was absolutely necessary. For the information of the House in a general way I will state that the estimates amounted to $3,760,117.17, an increase of more than $1,500,000 over the bill of last year. This bill which we submit to you provides for a total sum of $2,744,969.17, only an increase of $260,962.45 over the existing law, and a decrease of $1,000,000 from the estimates as submitted by the Department. Such careful revision as that I feel sure will meet the approval of the House.

With the other items there is an increase of $5,000 for the extension of chargé d'affaires ad interim. Clerks at embassies, $32,000; but when I tell you that in the deficiency bill brought in this year there was a deficiency last year of $30,000, you will see that there is scarcely any increase. For six students at the embassy of Japan under similar terms as that existing in China to-day, we have allowed $6,000. This was strongly urged not only by the State Department, but by the business interests of the country, because with the new era and the new plan established to open up the trade relations with Japan, as our people are not familiar as a rule with the language of that country, it was deemed essential that these students should acquire and learn the language of Japan, so as to become interpreters at the consulships and aid the advertising of the trade of the country.

Two additional clerks at the embassy at London are allowed for, at a moderate salary, and for the reason which I will explain more at length when we come to the item of the new scheme proposed by the Secretary of State for the improvement and gathering of news and spreading it among our diplomatic agents abroad so that each one at every post may be thoroughly conversant with what is going on at the post where his colleagues are established.

There is a small item of $5,070.41 for the rerection of a consulate that was destroyed in Tahiti by a cyclone. The contingent fund has been increased by a small amount, but much less than that asked for by the Department. For the last year the contingent fund of the diplomatic service was $190,000. The Department asked for $340,000, and we have given them $225,000—an increase of $35,000. When I tell you that the expenses of our Department grows from year to year, this is moderate.

In the consular service the need was more pressing. To-day the contingent fund in the Department is entirely exhausted, and consuls are compelled to pay their own postage and other expenses out of their own pockets or the service would come to a standstill.

Mr. BATES. Would it disturb the gentleman if I asked him a question?

Mr. ADAMS of Pennsylvania. I would rather answer the question when we come to the items in the bill.

Mr. BATES. I would like to ask the gentleman at this point if there is any provision in this bill for the employment of what are now called "consular inspectors," who, under the direction of the State Department, visit the field and call upon the consuls with special reference to their reporting trade statistics and the chances for the extension of commerce in their field?

Mr. ADAMS of Pennsylvania. I will state that in the act passed at the beginning of this session there was a provision for the establishment of five inspectors to visit the consuls and inspect them and pass upon their efficiency. It was a new

feature and introduced at the urgent request of the Secretary of State, and it is hoped it will aid materially in the efficiency of the service in the future.

Mr. BATES. Does not that feature really add to the duties of all the consuls in the field a new function that they never have performed before—that is, to be the eyes and ears of the Government in the way of trade development?

Mr. ADAMS of Pennsylvania. I can not state that, because these functions have always been supposed to adhere to the consular service before. The difference between the diplomatic and consular service lies especially in the fact that the consular service is the business branch of the Government, while the diplomatic service has entirely different functions. The consuls are supposed to represent the business interests of our country; they are supposed to inquire into the needs of the countries, gather statistics, and report them to the State Department. In reply to the gentleman from Pennsylvania, I will say that the duties of these new inspectors are not new, because the consuls have frequently instituted those inquiries before. The object of these inspectors is principally to visit and inspect and see that the consuls live up to and report the practical information for our merchant and business men. The total compensation provided in the bill for consuls-general and consular inspectors is $1,058,000. That is appropriated in a lump sum and was made necessary by the bill which I have already adverted to, which was passed at this session of Congress.

Mr. JOHNSON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. Yes.

Mr. JOHNSON. I would like to inquire whether the amount follows strictly the amount as fixed in the bill that passed about thirty or forty days ago?

Mr. ADAMS of Pennsylvania. To the penny.

Mr. JOHNSON. There are no increases from that bill?

Mr. ADAMS of Pennsylvania. Not a penny.

Mr. JOHNSON. I would like to ask the gentleman another question. Are there increases in the salaries of the ambassadors or the clerks over the rates fixed by the existing law?

Mr. ADAMS of Pennsylvania. There are increases in the salaries of some in the diplomatic service and also in the salaries of some of the clerks, which will appear when we get to the items of the bill. As I have already said, the salaries of the four new ambassadors have been raised to conform to the salaries of the other ambassadors, namely, $17,500.

Mr. JOHNSON. What is the salary now? Is it a raise from $12,000 to $17,500?

Mr. ADAMS of Pennsylvania. Yes.

Mr. FLOOD. It is a raise from $12,000.

Mr. ADAMS of Pennsylvania. I would state further to the gentleman that some of them have been recently created, and in that case the salary had not been fixed at all. The office was formerly occupied by ministers.

Mr. JOHNSON. Does not the gentleman think a mistake has been made in equalizing the salaries paid at the smaller courts with those paid at such a court as the Court of St. James and other places of greater importance?

Mr. ADAMS of Pennsylvania. If the gentleman listened to what I said a moment ago——

Mr. JOHNSON. I am very sorry to state that I was not in the room at the time the gentleman spoke.

Mr. ADAMS of Pennsylvania. I rather congratulated the House on this provision, and for this reason, that heretofore the expense of our embassies has been so great that really nobody could take the office except a wealthy man, but in the creation of the office, for instance at Tokyo, at Brazil, at Vienna, a man of moderate means could go there and live on the salary of $17,500 as the representative of our country should live. I think this provision opens the door for the promotion of men distinguished in public life through their brains and not through their pocketbooks, and makes it possible for them to accept this distinction at the hands of their country to represent it and be paid a salary commensurate with the office and its dignity.

Mr. JOHNSON. That is a very patriotic speech.

Mr. ADAMS of Pennsylvania. Well, Mr. Chairman, I am but representing the views of the committee, or at least trying to.

In conclusion, I would say that in the debate, when we come to consider the bill item by item, there will be various things which, I think, will appeal to the judgment of the House; but there is one in particular, which comes under a general head, to which I wish to refer now. Our present Secretary of State has a proposition which, I think, will add very materially to the practical side of our diplomatic service. It has been necessary heretofore, when we wish to send out information to our representatives abroad, that separate cables should be sent from the State Department, at great expense, in order that they might know what was going on. The Secretary proposes a scheme something like this: That the embassy at London should be made, if you will, a clearing house for news, that a general cable instruction, for instance, be sent to London, and from there within twenty-four hours mailed to nearly all of the neighboring embassies, so that they can all be informed of what is going on at home and at the embassies in their immediate neighborhood. So, too, reports would be gathered from all of the different embassies and legations and mailed to London, and from there may be transmitted to America at the expense of one cable. It is not, however, so much a matter of money as it is of obtaining complete information, for this plan will give to each ambassador and minister at the several posts information of what is going on, so that they will know at their respective posts the exact situation of affairs. It often chances that, in ignorance of that information, something may be going on and taking place at a post, and the ambassador or minister there is not cognizant of it at all, or does not know what is going on at the other posts, and so is not in a position to take in the full significance of what is transpiring under his observation. I consider this is one of the best schemes which have been devised for some time.

I reserve the balance of my time, Mr. Chairman, and I now yield to the gentleman from Virginia [Mr. FLOOD].

The CHAIRMAN. The Chair would like to state that there has been no agreement with reference to time, and unless some other agreement is entered into by unanimous consent the Chair will recognize the gentleman from Virginia.

Mr. FLOOD. Mr. Chairman, I desire to submit a few remarks upon the bill, but as some of my colleagues desire to speak to-day, not being able to be here to-morrow, I now yield thirty minutes to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Chairman, this session of Congress is supposed to be drawing near its close. The Members on this side and the people of this country had until recently hoped for some remedial legislation against the flagrant and open abuses prevalent at this time in all departments of the Federal Government and in all parts of the Union.

REPUBLICAN PROMISES.

The Republican party leaders in the last campaign stoutly asserted that all needed reforms would be made if the Republican party were continued in power. The result of the election again intrusted to the Republicans every branch of the Government. They have absolutely full control and plenary power. They have not only a working majority, but an overwhelming majority in both Houses of Congress. Their failure to enact needed legislation is without the shadow of excuse. Such failure can be accounted for only on one of two propositions:

First, their inability to perform the task, or,

Second, their determination not to do it.

In either event they have shown themselves to be unworthy of the trust confided to them, and should be dismissed from power. With a flourish of trumpets these Republican leaders said, among other things, that the great railroad corporations and common carriers should be regulated by law, and that the tariff should be "revised by its friends."

URGENT REASONS WHY PLEDGE SHOULD BE KEPT.

There are abundant reasons why this pledge should be fulfilled. The transportation companies have in their grip the business interests of the whole country and are controlling to their own advantage the price of labor and the selling price of nearly every commodity. The producer and the consumer are alike their victims. They are engaged in different lines of business, outside of transportation as carriers, affecting practically all the necessaries of life. They are combining and merging all they can *by* law and all they please *without* law. There seems to be no statute so close but they can find a loophole through it. They are doing their own will without let or hindrance.

The last general tariff law, commonly known as the "Dingley Act," was passed by Congress nearly ten years ago. It is known as a high protective tariff. Many of its most important schedules were admittedly too high, and were secured in the bill on the specious pretense tnat they would assist in procuring favorable reciprocity treaties, and would thereby be reduced to a proper rate. The bill stands to-day the same as it was enacted, with a few unimportant exceptions.

"REPUBLICAN MACHINE" HYPOCRITICAL PRETENSE.

What has been done by the leaders who constitute and run the "Republican machine" in this Congress? Unqualifiedly, nothing, except to make a hypocritical pretense as to some

things and to unblushingly advocate the "stand-pat" doctrine in other things.

Making a pretense of regulating the railroads, a bill was framed satisfactory to the chairman of the Interstate Commerce Committee and rushed through this House. The Democrats were compelled to take it as dictated by the "machine," or have no part in framing it. Yielding to patriotic desire to do the best that was possible under the circumstances, they got some small concessions and voted for the bill, hoping to get some further relief by amendments in the Senate, where debate was allowed and some real opportunity afforded to better the measure. But the country should not overlook the miserable condition of affairs in the House of Representatives, where a few men in power, with iron hand, dictate all legislative action. Were it not so serious it would be a joke on representative government. The Interstate and Foreign Commerce Committee is not constituted to give relief from railroad mismanagement; and all the great committees of the House have been organized to do the bidding of the political machine controlling Congressional action.

The result of all this will be a weak railroad rate bill calculated to give little or no real relief. I do not wish to speak from the standpoint of a scold nor to unjustly find fault, but it is time that the real status of affairs be understood by the people. There is ample intelligence in this Congress to rightly frame legislation on any subject before it. It is not a lack of ability; it is a determination to stand by the corporations who furnish the campaign funds and keep the party in power.

THE PEOPLE'S RIGHTS TRADED BY THE "MACHINE."

It is a statement generally asserted and believed that the "stand-pat" machine in the House, which is opposed to tariff revision, had some sort of an agreement with the Administration by which the tariff issue should be sidetracked and a pretense be made to pass a satisfactory railroad rate bill. That certainly seems to be the fact. It is all pretense, nothing real. The trusts are safe; wealth, produced by the toiling masses, is still constantly pouring into the coffers of the great incorporated and legalized monopolies. The consequent concentration of wealth, so great in amount as to stagger the comprehension of human intellect, is a greater menace to free government than all the armed hosts of its enemies.

The completeness with which the Republican party has deserted the people's interests is apparent in its treatment of every vital question before Congress.

THE RIGHT OF LOCAL SELF-GOVERNMENT DESPISED.

The right of local self-government is a hated Democratic doctrine, as are also individualism and personal liberty. In order to stand with the liquor dealers, the mask of hypocrisy has been used to deceive the people while denying them just relief from the abuses of the interstate liquor traffic. The "Hepburn-Dolliver bill," as it is called, has been held out as a bait to catch the votes of localities and States where prohibitive liquor laws have been enacted; but *what has been done?* The Republicans have had full power to act for many years, yet they have done nothing. This bill was once reported to the House with a "personal-use" clause, and then permitted to die on the Calendar. The change in the law sought by those really favoring that bill was to prevent liquor dealers, under the protection of the interstate-commerce law, overriding local prohibitive laws. It has not been passed, and will not be as long as the people do not resent the substitution of pretense and hypocrisy for honest action.

"C. O. D." SHIPMENT OF LIQUORS.

A bill, introduced in this Congress by the gentleman from Mississippi, the Democratic leader, which prohibits interstate C. O. D. packages of spirituous liquors being sent into prohibition or "local-option" territory is, I fear, hopelessly "pigeonholed" in the Judiciary Committee.

In a town or country, when local option has been adopted by the people, liquor can thus be shipped to "boot leggers" and law-breaking idlers, who, after the liquor has arrived, induce those who wish to debauch themselves with drink (often wild and thoughtless boys in their teens) to furnish the money to take the liquor from the express office, thus making really a sale in the locality where it is prohibited by law, in effect nullifying the local law made by the people. Our local rights are thus infringed, express offices become liquor shops, law is disregarded, drunkenness is encouraged, public and private morals are debased, and our youth corrupted. Yet this party "machine" cares not, and will not either offend or injure the liquor interests.

DEPARTMENT RULING SHIELDS UNLAWFUL LIQUOR SELLING.

Under the law as made by the Republican party, a tax for liquor selling is collected from any person wishing to engage in the business anywhere, whether or not the sale is prohibited by local law.

Receipts are given for such payments of tax. Some States, as Texas, have made the possession of such receipt prima facie evidence against a party charged with a violation of the law. But the Republican Administration keeps secret the names of the parties paying this tax. The Department rules that they be kept secret! A bill prohibiting the granting of such tax receipts in localities where the sale is unlawful and, also, one requiring that the names of those paying the tax as liquor dealers should be disclosed when applied for have been introduced in the House. The former has not been reported, and, after long effort, the latter has passed the House. Whether it ever becomes a law will depend upon the amount of pressure which accompanies the demand for its passage. There was really no reason for such a bill, except for the regulation of the Republican Secretary of the Treasury keeping secret the names of liquor sellers in "dry" States and localities in the interest of the liquor trade. And yet the Republican party and its "machine" leaders have no doubt received much support from the moral element, who have been blinded by false professions as to temperance legislation.

Mr. STAFFORD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. RANDELL of Texas. Certainly.

Mr. STAFFORD. Is it not a fact that the law requires the collectors of internal revenue to post the name of every person who pays a tax for the sale of liquor, whether it is malt or spiritous?

Mr. RANDELL of Texas. Post what?

Mr. STAFFORD. To post a list of all those persons paying the tax.

Mr. RANDELL of Texas. On the contrary, the rule of the Department has been, as I am creditably informed and believe, that the revenue collectors will not furnish the names to parties applying for them, and a bill has just passed this House a few days ago requiring them to do so. It has not yet passed the Senate, but it has been driven through this House, and I will speak of that presently.

Mr. STAFFORD. I beg your pardon, because the law, as it now is, requires the collectors of internal revenue, in posting, to furnish the public the names of all persons who pay the tax. The scope of the bill passed under suspension of the rules two weeks ago provided there should be a certificate furnished to any applicant, upon the payment of a small fee, which could be used as prima facie evidence, as the gentleman states in his State, in any prosecution that might be brought for the sale of liquor.

Mr. RANDELL of Texas. I yield to the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON. The law is as the gentleman from Wisconsin states it, that they are required to post the names of those who pay the license in their place of business in their office; but the Secretary of the Treasury, by his regulation, prohibits internal-revenue officers from furnishing certified certificates or appearing in court as a witness against a person who——

Mr. GROSVENOR. Not from appearing as a witness; not that. The State courts would compel him to come into court and testify; but, if the gentleman will allow me a little further interruption——

Mr. RANDELL of Texas. Mr. Chairman, I desire to be correct in this matter, but as my time is limited I would not like too much of it to be taken up.

Mr. GROSVENOR. Just a word. In many of the States of the Union—there is no reason why it should not be so in all States of the Union—the holding of the certificate——

Mr. RANDELL of Texas. I did not yield for a statement. I am talking about the United States law.

Mr. GROSVENOR. The United States law furnishing a certificate under the State law is prima facie evidence.

Mr. RANDELL of Texas. That is the law in Texas. The fact of the matter is that under the law as it now stands and under the ruling of the Department by a Republican Administration the names of parties engaged in liquor selling in Texas and in other States that have local-option districts and counties in them were kept from the people and from the officers, who desired those names for the purpose of obtaining evidence against the parties violating the law; and a bill, the sole purpose of which was to accomplish that result, has been, after long delay, driven through this House. Whether it ever becomes a law I know not, and that depends upon the pressure behind it in the Senate.

THE RIGHT TO STATEHOOD TRIFLED WITH AND DENIED.

The attitude of the Republican party toward the Territories is another proof that it is unworthy to rule. When for its own

benefit new States are needed it makes them in any number it desires, regardless of the interests of the country or the rights of the people concerned. But when four Territories having a population of more than 2,000,000 citizens, ready for and capable of statehood, apply for admission into the Union they are wantonly denied the privilege purely for party reasons.

Arizona, New Mexico, Oklahoma, and Indian Territory ought to become States—either three or four, as their people may desire—so that they may have local self-government, equal rights with the other citizens of the United States, and work out their own destiny. The balance of power in the Government would then be more equal; and the grand Union of States, reaching from the Atlantic to the Pacific, would, with mutual love and confidence, build by united effort the greatest constitutional government on earth. These considerations, like the framing of the Constitution, should be above and beyond mere party considerations. They appeal alike to every patriotic heart. But here we find them considered as so much stock in trade, to be exploited by the dominant party for its own selfish purposes.

Thousands of children must be without the advantages of education; business interests paralyzed; the laws remain inadequate; carpetbaggers kept in office; corporations devouring the natural resources; railroads paying no taxes; the future clouded in uncertainty and well-grounded distrust; the people, by hope long deferred, made sick at heart; all this that the Republican party may carefully feel its way to the exploitation of these Territories and their vast resources for its own benefit and the profit of its corporation allies!

The sisterhood of States should make common cause in rebuking this cruel and outrageous crime. Impelled by fear, the "machine" may yet admit one State; but the people will understand the motive and should not stay the hand of retribution.

INTERESTS OF LABOR DISREGARDED.

The cause of labor has been treated with like insincerity and delay. Our wage-earners—working in competition with the pauper labor of Europe, brought here by Republican syndicates, under Republican laws; toiling at their own risk in hazardous places and working with dangerous machinery; unprotected by adequate legal remedy against injury at fault of employers; bound down and imprisoned, browbeaten and enslaved by "government by injunction"—look in vain to this Republican Congress for justice and relief. The "liability bill," a truly good measure, has, indeed, after much travail and waiting, passed the House. That it may become a law (which is doubtful) is the hope of every good citizen.

But, I fear, no further relief can be expected. The corporations and the courts, the power of money and the Administration, will strive to continue the wage-earners in the position of mere "hewers of wood and drawers of water." The greatly increased cost of living more than offsets what little increase they may have had in wages. The cause of the laborer is the cause of humanity. It is only by labor that we are entitled to bread. It has been truly said that "genius is work, work, work!"

If the interests of labor are awake, the lessons learned will not be in vain. When the cause of the laborer fails industrial servitude follows. Is not that deplorable condition fast approaching, or at least dangerously imminent?

CORPORATION INFLUENCE ON CONGRESS.

The influence of incorporated wealth on the lawmaking power is as well known as it is monstrous. Its methods and plans are less understood. When capital objects to any reform the door of opportunity is closed.

The corporations hold out to the Members of Congress valuable and tempting gifts, passes, franks, and privileges, and God only knows to what extent. These tempting baits are seized with avidity by many intrusted as servants of the people, and the fish are caught on the corporation hook. A bill has been introduced by me making criminal these indirect bribes, but it is held fast in committee by the "machine" and can not be considered on this floor. Were it reported and submitted to this House on an aye-and-no vote the evident justice and necessity of the measure, backed by the popular demand, would insure its passage through the House at least. If you dispute this proposition, don't mouth about it, try it. Try it, if you dare.

TARIFF REVISION SMOTHERED BY THE MACHINE.

No greater evidence of this influence need be wanted than the conduct of the Republican party as to promised revision of the tariff. The pledges to justly revise the tariff schedules, which have been so often repeated in public prints, on the hustings, on the floor of Congress, and its party platform, are too plain and positive to be denied; and they have so frequently been quoted I will not again cumber the RECORD by their repetition.

When the public becomes aroused on the subject, you on the Republican side quickly claim that corrections shall be made, but that it can be safely attempted only "by its friends"—*you* being the friends!

As soon as the election is over, however, you try to engage the attention of the country on other matters, and immediately resume your "stand-pat" policy on the tariff. You claim that the Dingley bill is in the interest of labor, when you know it has been used to enslave labor, and we all know that the just interests of labor are identical with the interests of the whole people. [Applause on Democratic side.] The hand of labor laid the corner stone and has builded the structure of this Government. Labor and respectability go hand in hand.

You claim that the Dingley bill protects American industries when everyone knows it assists the combinations of capital to crush all competition and absorb or ruin the smaller independent enterprises. You say it promotes commerce when you know it lessens our foreign trade and delivers over our home market to the tender mercies of insatiable greed. You say it is a blessing to the country, and you know that many of the most useful and necessary articles are thereby supplied to Europe and South America more than 25 per cent cheaper than the prices our own people are compelled to pay for like goods.

A government should protect its own people, not rob them. Robbery under the name of "protection" is more vicious than if it were open, for if open to the understanding of the whole people it could not be defended and would be prevented or punished. If the American people are robbed and swindled by shrewd and powerful combinations in trade, the Government should not be a party to it. Fraud and corruption are poisons which will, in time, surely bring to any nation decay and death. If we would honor our forefathers, let it not be by vociferous acclaim only, but by the emulation of their virtues, consecration to duty, and devotion to our beloved country.

It is a trite saying that "the tariff is the mother of trusts." It is also certain that many schedules, heavily taxing articles of everyday use in ordinary business and necessaries of life, are desired by no one except the great corporations whose profits they increase. Many articles heavily taxed bring no revenue at all, because the tax is prohibitive and such articles are not imported. Yet these unjust rates must continue, say the "stand-pat" statesmen, when their only effect is to permit prices to be raised in the home market, thereby levying tribute on the whole country, taking the fruits of toil without compensation. Will an intelligent citizenship longer wait for redress?

The plea has been made that there should be "protection" (tariff) equal to the difference between the price of labor in America and in other countries. How weak that sounds, when we know that the tariff on many necessary commodities is more than the whole value of the finished product. How can the difference in price of labor be more than the whole labor cost of production plus the cost of material? That such arguments should have ever passed as sound in any enlightened country is one of the political paradoxes of modern times.

Our tariff system is intricate, requiring much study to unravel and point out its injustice. A careful study of it, however, reveals a network of unprecedented class legislation.

There are 168 trusts directly protected by the tariff; many more combines with partial protection. But few people understand or appreciate how the protective tariff has fostered trusts and combines which control the price of the commodities they manufacture. Of the 287 principal combines and associations formed to advance and keep up prices, 168 are directly protected by the tariff, although there are 206 trusts more or less protected, with a capitalization of $5,571,616,153, or 74 per cent of the total capital of the principal trusts and associations or combines.

As an example, take this list, which contains twenty articles used for building purposes that are directly protected by the tariff, which are controlled by trusts and combines, with the tariff duty on each article:

Article.	Price controlled by—	Tariff duty, specific and ad valorem.
Angles, steel	United States Steel Co.	¼ cent per pound.
Brick	Local combines	25 per cent.
Bar iron	Bar Association	⅛ cent per pound.
Lead carbonate	National Lead Co.	2½ cents per pound.
Doorknobs	Association	45 per cent.
Glass, window	American Window Glass Co.	1¼ cents per pound and up.
Lumber	Association	$2 per M feet.
Locks	do	45 per cent.
Nails, wire	United States Steel Co.	¼ cent per pound.
Nails, cut	Association	⅛ cent per pound.
Plate glass	Pittsburg Plate Glass Co.	8 to 35 cents per square foot.

Article.	Price controlled by—	Tariff duty, specific and ad valorem.
Pipe, lead	National Lead Co	2½ cents per pound.
Putty	Association	1 cent per pound.
Red lead	National Lead Co	2½ cents per pound.
Steel sheets	United States Steel Co	1/5 cent per pound and up.
Steel billets	do	1/5 cent per pound.
Steel beams	Association	1/5 cent per pound.
Steel bars	do	1/5 cent per pound.
Shingles	Association, local	50 cents per M.
Wire-cloth screen	Association	1½ cents per pound and 40 per cent.

An examination of the list just read will show that persons wishing to construct residences, barns, business houses, or any other buildings must pay to the trusts from one-fourth to double the value of the material they use.

The list I will now read contains fourteen articles necessary for general use on farms and in shops and in everyday business:

Article.	Price controlled by—	Tariff duty, specific and ad valorem.
Axes	American Ax and Tool Co.	45 per cent.
Barb wire	United States Steel Co	1.90 cents per pound.
Chains	Union Steel and Chain Co.	3 cents per pound.
Files	Association	$1 per dozen.
Glue	American Glue Co	35 per cent.
Horse nails	Association	2½ cents per pound.
Jute rope	Standard Rope and Twine Co.	45 per cent.
Leather	United States Leather Co.	Do.
Linen shoe thread	Association	Do.
Rope, cotton	Standard Rope and Twine Co.	Do
Manila rope	do	Do.
Saws	National Saw Co	30 per cent.
Shovels	Ames Shovel Co	45 per cent.
Sisal rope	Standard Rope and Twine Co.	Do.

Here is a list which contains twenty-three articles of general necessity:

Article.	Price controlled by.	Tariff duty, specific and ad valorem.
Borax	World trust	5 cents per pound.
Broadcloths	Woolen trust	44 cents per pound and 55 per cent.
Cotton thread	American Thread Co	6 cents per dozen.
Cotton yarns	Association	6 cents per pound and up.
Carpets, Brussels	American Carpet Co	44 cents a yard and 40 per cent.
Coffins	National Casket Co	35 per cent.
Earthenware	Trenton Pottery Co	55 per cent.
Flannels	American Woolen trust	22 cents per pound and 30 per cent.
Lard	Packers' combine	2 cents per pound.
Meat, beef	do	Do.
Meat, salt pork, etc	do	25 per cent.
Meat, hams, etc	do	5 cents per pound.
Overcoatings	American Woolen Co	44 cents per pound and 50 per cent.
Paper, wrapping	Union Bag and Paper Co	25 per cent.
Paper, writing	Two combine	2 cents per pound and 10 per cent.
Powder	Association	6 cents per pound.
Raisins	do	2½ cents per pound.
Shot	do	45 per cent.
Starch	National Starch Co	1½ cents per pound.
Suitings	American Woolen Co	44 cents per pound and 55 per cent.
Sadirons	Association	45 per cent.
Tin plates	United States Steel Co	1½ cents per pound.
Trouserings	American Woolen Co	44 cents per pound and 55 per cent.

These lists show a few only of the articles necessary for use in everyday life. They are mere samples of tariff injustice as the law stands to-day. The revenue derived is nominal, because the tax is practically prohibitive, and the imports amount to nothing in comparison with the volume of these articles consumed in this country. The tax, therefore, serves as a wall to shut out foreign competition. The home market is thus in the grip of monopolistic combines which add the amount of the tariff to the fair market price of such commodities, and the consumers are compelled to pay it. The difference between the aggregate so forced from the people and the amount of a normal market price runs up into the billions each year. The real facts are almost inconceivable. Huge corporations have in the past few years grown to such proportions that they own nearly all our manufactories, our transportation lines, our coal mines, our oil fields, our forests, our iron deposits, our marble, granite, and other building stone, our copper, silver, gold, lead, and zinc mines; in fact, they are fast acquiring all our vast natural wealth, which, when fully possessed and protected by law, will perpetuate a class of moneyed barons never dreamed of previous to this generation. Such a condition means the impoverishment and slavery of the masses. This, of course, would not be tolerated; revolution would follow and this continent be drenched in blood. History teaches us that this conclusion is no chimerical fancy; it is a natural result. Mankind can be enslaved only for a time. Freedom is the natural condition and will always reassert itself.

Why permit the continuance of this iniquitous and ruinous system? The Republican party has deceived the people and enacted the present laws. It refuses to correct the existing evils. It has full power. It can pass any law or repeal any law it chooses. There is no hindrance. The people must accept and approve present conditions or reject them by driving the Republican party from power. If the farmer, the mechanic, the miner, the railroad man, the wage-earner, the average *unprotected* citizen, votes for the Republican party, and especially for the "machine" leaders, what can he expect other than a continuation of existing injustice, greater in scope and more terrible in effect? Remember the Republicans have no excuse. They have full power, and flatly refuse to give relief. They belong to the trusts and fear to offend them.

These "machine" leaders have been and are deceiving the great mass of voters who put them in power. The rank and file of the Republican party want justice, and if only they would examine the record of their Representatives the avenging hand of an outraged constituency would strike down these "stand-pat" statesmen and have a *new* deal as well as a "square" one. [Applause on the Democratic side.]

Our revolution should be a bloodless one—at the ballot box. It is all in the hands of the people. They should elect true men, real servants, who will represent them, and them only. The attorneys and agents of the great corporations, asking for special privileges, have no rightful place in the Congress. The districts and States which send to the Congress attorneys, agents, representatives, or shareholders of corporate monopoly do a wrong to the whole nation. The minions of power and feeders on graft will never willingly depart. They must be *scourged* from the temple. [Applause on the Democratic side.]

Elect honest and capable men, and we will have honest and efficient laws. A tree is known by its fruits. "A corrupt tree can not bring forth good fruit." Let "every tree that bringeth not forth good fruit be hewn down and cast into the fire." [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, with amendments, the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes; in which the concurrence of the House of Representatives was requested.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I yield to the gentleman from Iowa [Mr. COUSINS].

Mr. COUSINS. Mr. Chairman, at the time the so-called consular reform bill passed this body there was little or no time or opportunity for the discussion of that measure. It was my intention at the time to make some observations in relation to the measure and its development, and I will, without objection, print some matter on this subject, and for the present I reserve the balance of my time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to print some remarks on the consular reform bill. Is there objection? [After a pause.] The Chair hears none. The gentleman also reserves the balance of his time.

[Mr. COUSINS addressed the committee. See Appendix.]

Mr. ADAMS of Pennsylvania. I yield thirty minutes to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, I am led to make some observations on the so-called "rate bill," in view of what has transpired since its passage by this House. When it left the House it met with popular approval and fairly satisfied the demand for rate legislation. Several questions growing out of it have been fully discussed, and I am going to say something in a general way in answer to two propositions that have been advanced, said by some to have never been thought of, while the bill was in the House, and therefore never considered by the House, and never would have been thought of had it not been for debates outside this House. This House needs no defense for its share of the work. It promptly passed a measure answering

the demand of the people and giving to them a measure of relief. It is not a question of procorporation or anticorporation, but an important legal question, affecting as an important a matter as was ever presented to Congress. Two mighty elements are in conflict. The people are determined to have rate legislation. The corporations created by the people to advance their interests do not take kindly to the proposition and are opposed to governmental interference. The question must be met. It can not be avoided. It must be legally done. What is the law of the case?

I am not going to discuss the merits of the question or the bill generally, but content myself by saying the House act, in my opinion, is not obnoxious to the objection that it is unconstitutional because it fails to contain a provision for court review. I am not going to answer the objections to the House act directly and in detail, but indirectly, by proving its constitutionality on the two propositions by the Constitution itself, and thereby prove the fallaciousness of the objections raised which, to the credit of the House, were not even suggested here. I would not discuss the question at this time were it not for the fact that I desire to suggest a line of argument that I believe correct, one that I believe should be considered. I appreciate that I stand out against a number of distinguished gentlemen who have come pretty near making the railroad interests of the country believe they are right, but notwithstanding the large number of gentlemen who have so openly and extensively argued to the contrary, I am going to argue that the House act is constitutional without a provision for court review to determine the reasonableness of the rate, and that such a provision is not necessary; that to attach to it a provision for such review will absolutely destroy the act and will afford the people no relief, and all I ask is for those interested to examine the question for themselves and they will have no trouble in concurring with me. Believing as I do as to court review, there is no necessity for discussing the other question involved, as to the power of Congress to prevent a court using injunctional power, but as so much has been said in regard to it I will, before I conclude, have something to say on this point. As the question of court review is a constitutional one, it will be necessary to ascertain what the Constitution says and means. Article I, section 8, subdivision 3:

> To regulate commerce with foreign nations and among the several States and with the Indian tribes.

And subdivision 18:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

It seems to be universally conceded that these enumerated powers authorize Congress to fix rates. There can be no question about it. Otherwise the carrier, and not Congress, would be regulating commerce between the States. The Supreme Court has always held that Congress can prevent any person, corporation, or State from regulating or imposing any restraint upon interstate commerce. Congress, not the carrier, must be the master. Under its power Congress can fix the rate to prevent regulation or restraint. This contention finds support in the decisions of the Supreme Court:

> There are three obvious and dissimilar courses open for consideration:
> 1. Congress might itself prescribe the rates.
> 2. Congress might commit to some subordinate tribunal this duty.
> 3. Congress might leave with the companies the right to fix rates subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable. (Interstate Commerce Commission *v.* Railway Company, 167 U. S., 479–494.)

It is now settled that Congress can fix rates, but we are met with the contention that some great men have startled the country with, the statement that Congress can not exercise a constitutional power without making a provision in the law that an interested party may have the right, before Congress can exercise the power, to go into court and stay proceedings and ascertain if the power has been reasonably exercised. In other words, as I understand them, Congress can only fix a reasonable rate, and that must be by act of Congress, open to review by the courts. Great lawyers, in desperate cases, take positions that they themselves do not believe in, that never convince the court; but the general public sometimes call it greatness. If a young and inexperienced lawyer did it he would be laughed out of court and condemned by the public.

Now, I challenge any person to produce an authority of court or text writer to the effect that before Congress can exercise a power a provision must be made that any person claiming to be injured can go into court and have his rights adjudicated. In other words, express authority for court review. Now, I insist that Congress can exercise its powers without providing for court review, and if Congress exceeds its power, the party wronged has his day in court without any provision for court review.

The argument made against the House bill compels this discussion to be academic and elementary. It must be remembered that the right to fix rates is given Congress by the Constitution and a court has no right to interfere without the permission of Congress, unless Congress exceeds its power, to the injury of some person. The opponents of the bill seem alarmed about the constitutionality of the measure, unless a provision is made for court review. This is the song of the spider to the fly. The power and limitation, if any, are to be found in the Constitution, and this same Constitution protects the citizen in his rights without any express legislative provision. Suppose, to illustrate, that Congress, in the plenitude of its power, saw fit to levy a tax sufficient to pay the entire public debt at once and leave a large surplus in the Treasury, there would be no necessity for providing that if anyone was hurt by the tax he should have his day in the court. Or, in other words, there would be no need of making a provision for court review. This is an illustration of due process of law, for all will concede that the Government could levy taxes even if it amounted to confiscation to a million people, causing a forced payment, without providing for a single citizen coming into court. There was no provision in the income tax case for court review. It was claimed that the Congress had exceeded its power, but parties found their way into court and the law was held to be unconstitutional. This is a question arising under the Constitution and laws of the United States. If a person's constitutional right is invaded, a court is open to him without any express provision. And his constitutional right is invaded if any government, State or Federal, interferes with his person or property when it has no authority or power to perform the act complained of, and the moment Congress steps beyond the bounds of its authority to the injury of a person, that person has a right of action by court review, as old as civilization itself. The Constitution provides for court review. For Article III of the Constitution says: "The judicial power of the United States shall be vested in the courts named in the Constitution." This judicial power is the authority to hear and determine the right of the carrier. The carrier complains that the Congress has exceeded its authority and is by its legislation depriving the carrier of its property. The right of the carrier is a constitutional one. The Constitution protects the carrier in the enjoyment of its property, and the power of Congress to interfere with the property of the carrier must be found in this same Constitution. The right is one arising under the Constitution, where we find, in section 2 of Article III, that this authority of the court to hear and determine the right of the carrier extends to all cases in law and equity, hence includes the case of the carrier. The question is, Has the carrier a right of action? If so, a court is open to redress the wrong. Has Congress, in fixing rates, gone beyond its power? For that is the only question to be tried. Every action depends upon the right of one party and the duty of the other, without express provision for court review. When an act of Congress is challenged in court, inquiry is limited to the question of power.

The Supreme Court, in Angle *v.* Chicago, St. Paul, Minneapolis and Omaha Railway Company (151 U. S., 1–18), says:

> The rule upon which this decision rests has been followed in many cases and has become a settled rule of our jurisprudence. The rule, briefly stated, is that whenever an act of the legislature is challenged in court, the inquiry is limited to the question of power, and does not extend to the matter of expediency, the motives of the legislators, or the reasons which were spread before them to induce the passage of the act. This principle rests upon the independence of the legislature as one of the coordinate departments of the Government.

The carrier has a right to the enjoyment of its property, subject to the power of Congress to fix its charges, and if Congress does not exceed its authority no right of action exists. But if Congress exceeds its authority to the injury of the carrier, it has a right of action given by the Constitution, and it does not require an act of Congress to exercise that right. The right of the carrier and the wrong of the Congress constitute the right of action, enforceable without an act of Congress. Whether an act of Congress is within the limits of its delegated power or is not, is a judicial question to be decided by the courts, the Constitution having in express terms declared that the judicial power shall extend to all cases arising under this Constitution. As said by Story in his valuable work on the Constitution, commencing section 1645:

> It is observable that the language is that the judicial power shall extend to all cases in law and equity arising under the Constitution, laws, and treaties of the United States.
> Section 1646. Another inquiry may be, What constitutes a case within the meaning of this clause? It is clear that the judicial department is authorized to exercise jurisdiction to the full extent of the Constitution, laws, and treaties of the United States whenever any question respecting them shall assume such a form that the judicial

power is capable of acting upon it. When it has assumed such a form it then becomes a case, and then, and not till then, the judicial power attaches to it. A case, then, in the sense of this clause of the Constitution, arises when some subject touching the Constitution, laws, or treaties of the United States is submitted to the courts by a party who asserts his rights in the form prescribed by law.

The learned jurist does not suggest anywhere that if the case he speaks of arises there must be legislative permission for court review to protect the rights of the citizen.

Smyth *v.* Ames (169 U. S., 466) is an instructive case on this point. The legislature of the State of Nebraska passed an act to regulate railroads, classify freights, and fix reasonable maximum rates, and gave the carrier the right to bring an action in the State court to test the reasonableness of the rate. The carrier brought an action in equity in the Federal court (p. 515). The court said it was contended that the plaintiffs had an adequate remedy at law and that the circuit court of the United States, sitting in equity, was therefore without jurisdiction (p. 516). "The adequacy or inadequacy of a remedy at law for the protection of the rights of one entitled upon any ground to invoke the powers of a court is one to be conclusively determined by the statutes of the particular State in which suit may be brought. One who is entitled to sue in the Federal court may invoke its jurisdiction and equity whenever the established principles and rules of equity permit such a suit in that court, and he can not be deprived of that right by reason of his being allowed to sue at law in a State court on the same cause of action. If the case in its essence be one cognizable in equity, the plaintiff, the required value being in dispute, may invoke the equity powers of the proper circuit court of the United States whenever jurisdiction attaches by reason of diverse citizenship or upon any other ground of Federal jurisdiction." It will be observed that the Federal court taking jurisdiction held the legislation unconstitutional and granted the relief prayed for without any provision for court review by the Federal court.

As was aptly said by the Supreme Court in Smith *v.* Adams (130 U. S., 167, p. 173)—

> Whenever the claim or contention of a party takes such a form that the judicial power is capable of acting upon it, then it has become a case or controversy. Thus, in Osborn *v.* Bank of the United States (9 Wheat., 738–819), this court, speaking by Chief Justice Marshall, after quoting the third article of the Constitution declaring the extent of the judicial power of the United States, said: "This clause enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws, and treaties of the United States. When any question respecting them shall assume such a form that the judicial power is capable of acting on it that power is capable of acting only when the subject is submitted to it by a party who asserts his rights in the form prescribed by law. It then becomes a case, and the Constitution declares that the judicial power shall extend to all cases arising under the Constitution, laws, and treaties of the United States."

When Congress fixes the rate it is but the exercise of a power conferred on Congress by the Constitution, and there is no instance of a legislative right to protect anyone injured by the exercise by the Government of a power conferred upon it by the Constitution. The Constitution is the protection, and the court opens to the carrier as soon as the wrong is done. The Supreme Court has many times pointed out the remedy.

Mr. Justice Miller, concurring in Chicago, Milwaukee and St. Paul Railway Company *v.* Minnesota (134 U. S., 418), said, on page 460:

> That the proper, if not the only, mode of judicial relief against the tariff of rates established by the legislature or by its commission is by a bill in chancery asserting its unreasonable character and its conflict with the Constitution of the United States and asking a decree of court forbidding the corporation from exacting such fare as excessive or establishing its right to collect the rates as being within the limits of a just compensation for the service rendered; that until this is done it is not competent for each individual having dealings with the carrying corporation or for the corporation with regard to each individual, who demands its services to raise a contest in the courts over the questions which ought to be settled in this general and conclusive method.

In Reagan *v.* Farmers' Loan and Trust Company (154 U. S., 362–395) the court said:

> So that if in any case there should be any mistake in action on part of a State or its commission injurious to the rights of the railroad corporation, any citizen of another State interested directly therein can find in the Federal court all the relief which a court of equity is justified in giving.

The same rule would apply in case the rate is fixed by Congress. (See also Smyth *v.* Ames, 169 U. S., p. 516–517.)

Instead of making the bill constitutional by including court review, it will make it absolutely valueless to confer upon the court the power to pass upon the reasonableness of the rate. [Applause.] My contention is, Congress has the right to fix the rate, and I think the better argument is that the judicial power can not interfere unless Congress so wills it; but I am willing to concede for the sake of the argument that the fifth amendment limits the power of Congress. There is a vast difference between Congress exercising its constitutional power to the limit of confiscation and fixing a reasonable rate and permitting the carrier to litigate in court the reasonableness of the rate. In other words, confiscation is one thing and, as the people will find out, the reasonableness of the rate an entirely different proposition.

If Congress exercises its power and fixes the rate without any provision for court review, the carrier can go into court in defense of its right, but can not have the aid of an injunction without alleging under oath such state of facts as tend to prove confiscation, and can not have final judgment without proving confiscation, something that can not be proven; therefore their case will fail. Congress will never be guilty of fixing a confiscatory rate, therefore the carrier will never have any relief in court; and, no matter how low the rate, confiscation can never be proven. The burden of proof—the burden, the cost, and loss—will fall upon the carrier. The carrier will not dispute but what it would be more than satisfactory to defeat the House act. Realizing this can not be done, the next best thing in order is to secure an amendment to the House act permitting court review as to the reasonableness of the rate, which is equivalent to defeating the act. If successful, the carrier will be as well satisfied as if the act was beaten, for now the tables will be turned. Reasonableness is an elastic relative term; the carrier initiates the rate. The dissatisfied shipper appeals to the Commission; the Commission fixes the rate; the dissatisfied carrier appeals to the court. Exclude the question of cost and delay, both important to the shipper, and the absolute worthlessness of the legislation will appear, when the people discover that interstate rates can not be fixed upon a reasonable basis subject to court review. The shippers will not be able to unite, and not one of them can tire the carriers out. The conflicting interests of the shippers will cause them to disunite, and the carriers will be left alone in their glory. Here it may be well to issue a note of warning to the carrier, and advise a reading of the history of Missouri Compromise. The people are not going to be quieted or abate their interest in this matter. They are thoroughly aroused and in earnest. They demand of their representatives the exercise of a constitutional power only; they are determined that rates shall be regulated by law and not at the will of the carrier. It may take time, but the will of the people will prevail. It is simple justice only. The servant of the people who fails or refuses to do his duty and come to the relief of the people will be lost in the current of disapproval, and will never be found or again return. [Applause.] I deny that demagogues have brought about this condition of affairs; the carrier alone is responsible; absolute defiance of law, selfishness, and utter disregard of the rights of the people have marked their course.

I helped the gentleman from Iowa [Mr. HEPBURN] to write in the statute book legislation which would save the carrier and satisfy the people, had the carrier conformed to the law. In the conference it was suggested that the troublesome question was then settled and there would be peace between the carrier and the people. "Yes," I answered, "if the carrier would but obey the law, but there is too much selfishness in human nature for that." Violation of the law marks the daily course of the carrier, confiscating the money and rights of the people at every step. Is it any wonder the American people have become aroused? It is to their credit they have. Had they not, they would not be entitled to the name and rights of American citizenship. The carrier will never have any cause for complaint. They control the situation to-day. They want the right to go into court to find out whether the rate is a reasonable one. This is a right without express provision for court review, as old as the existence of common carriers, in favor of both carrier and shipper. (See 167 U. S., p. 494, already cited.) Hence why this talk, noise, and legislation to do what can and always has been done? First legislate for a reasonable and remunerative rate and then expressly provide that the carrier can go into court to ascertain whether the rate fixed by the Commission is reasonable and remunerative. Let them go to work at once and establish reasonable rates with reference to themselves and the rights of the people, obey the law, pay taxes, stop rebates and discriminations, be honest, and there will be no attempt to interfere with them or their property. [Applause.] The true friend of the carrier is the people, not the men who are assisting them to defy the law and the people. [Applause.] The people will befriend every interest that will be just and conform to the law. As so much has been said about the due process of law, it may be well in this connection to briefly refer to it. According to my theory, the doctrine of due process of law will be enforced and respected when Congress makes the rate without provision for court review. Congress has the power to make rate legislation and the courts are open to the carrier. Due process of law does not necessarily require the interference of judicial power.

As said by Story, section 1941:

The meaning of the phrase "due process of law," it has been said, is in effect to affirm the right of trial according to the process and proceedings of the common law. Without doubt, it does affirm this in very many cases, but certainly not in all. There are many cases in which it is admissible to take property without giving any trial in the courts and by a mode somewhat arbitrary. And there are also cases in which persons may be deprived of liberty and even of life by other process than that of the common-law courts and which, nevertheless, is due process for the special cases and under the special circumstances.

In McMillan *v.* Anderson (95 U. S. 37), in a case coming up from the State of Louisiana, the court held that it was not necessary to have a trial. The only question under the Constitution is, Was it lawfully done? That is, as applied to this case. Does Congress have the power to fix the rate? And in Public Clearing House *v.* Coyne (194 U. S., 497, 508) the court said:

That due process of law does not necessarily require the interference of the judicial power is laid down in many cases and by many eminent writers upon the subject of constitutional limitations. (Murray's Lessee *v.* Hoboken Co., 18 How., 272, 280; Bushnell *v.* Leland, 164 U. S., 684.) As was said by Judge Cooley, in Weimer *v.* Bunbury (30 Michigan, 201):

"There is nothing in these words ('due process of law'), however, that necessarily implies that due process of law must be judicial process. Much of the process by means of which the Government is carried on and the order of society maintained is purely executive or administrative. Temporary deprivations of liberty or property must often take place through the action of ministerial or executive officers or functionaries, or even of private parties, where it has never been supposed that the common law would afford redress. If the ordinary daily transactions of the Departments, which involve an interference with private rights, were required to be submitted to the courts before action was finally taken, the result would entail practically a suspension of some of the most important functions of the Government."

As I have indicated, it is doubtful in my mind whether there is any limitation upon the power of Congress. It is agreed by all that the fourteenth amendment is not, as that is a limitation upon the power of the States only. If the Constitution places any limitations upon the power of Congress to fix rates, it is to be found in the fifth amendment:

[ARTICLE V.]

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Here, if at all, is the only limitation upon the power of Congress—that no person shall be deprived of property without due process of law. And, as argued, it is due process of law for Congress to provide for rate legislation. Accordingly the question is, Is Congress proceeding according to the Constitution? Due process of law varies with particular cases. A person charged with stealing an apple has the benefit of a trial by jury, and, if convicted, might be fined as low as $1 and costs or one or two days in jail. A person who intentionally insults a judge in open court will be tried without a jury and may be sentenced to prison for one year—due process of law in both cases. In one case the Constitution requires a jury and in the other it does not. Rate legislation is just exactly the same as the question of taxation. Where there is no constitutional limitations or prohibition, the legislative will is final and conclusive, and legislative will is due process of law.

In other words, the Constitution says Congress shall not deprive a person of his property without proceeding according to law, whatever law that is. Assuming there is power to make the law, the law itself must be followed and obeyed, otherwise it is not due process of law. In this case the Commission can not fix rates without direction from Congress and must comply with the law; otherwise this would be depriving the carrier of its property without due process of law. But it is entirely different, and it is due process of law, when Congress authorizes the rate—that is, directly itself or indirectly through a commission; and that is, as said, due process of law, and nothing further is required. This is assuming that the court is open to the carrier, but there will be nothing to try because Congress has proceeded according to the Constitution.

Under the fourteenth amendment the power of the States is further limited by preventing them denying to any person within their jurisdiction the equal protection of the laws. While it is agreed that the fourteenth amendment applies to and includes and protects corporations, it is going to be a difficult piece of work to say as much under the fifth amendment, for the Supreme Court has held that corporations are not citizens within the meaning of article 4 section 2. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

In Blake *v.* McClung (172 U. S., 239, p. 259) it is said:

It has long been settled that for purposes of suit by or against it, in the courts of the United States, the members of a corporation are to be conclusively presumed to be citizens of the State, creating such corporation. And therefore it has been said: "A corporation is to be deemed for such purposes as citizens of the State under whose laws it was organized. But it is equally well settled and we now hold that a corporation is not a citizen within the meaning of the constitutional provision that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

However, a corporation is a person within the meaning of the fourteenth amendment, in order to give the courts jurisdiction of suits by or against them.

In Barrow Steamship Company *v.* Kane (170 U. S., 100) Kane brought action against defendant company, a corporation organized under the laws of Great Britain. The company resisted on the ground that, being a foreign corporation, it was not within the judiciary act of 1789, not within the words "citizens or aliens." The court held corporations were included, saying:

The constant tendency of judicial decisions in modern times has been in the direction of putting corporations upon the same footing as natural persons in regard to the jurisdiction of suits by or against them. Originally the jurisdiction of the circuit courts of suits between a citizen of one State and a corporation of another State has been maintained upon the theory that the persons composing the corporations were suing or being sued, and upon the presumption that all these persons were citizens of the State by which the corporation was created, but this presumption could be rebutted; but earlier cases were overruled, and it is now the settled law of the court that for the purposes of suing and being sued a corporation is to be considered as a citizen of the State where created, and the conclusive presumption of the law is that the persons composing the corporation are citizens of the same State with the corporation.

This case would suggest that a corporation is held to be a person for the purpose of giving courts jurisdiction.

This feature of the argument may be of interest to the carrier and it may be well worth their while to examine it with care. To-day the people are in the mood to be reasonable, but if the carrier forces the question to the Supreme Court and that tribunal holds that there is no limitation upon the power of Congress to fix rates it may be difficult to restrain the people. The attitude of the carrier to-day is going to drive many good, conservative men from public life, whose place will be filled by demagogues of the first water, whose presence here may not be beneficial to the country at large. Let it be again stated that the only limitation, if any, on the power of Congress is to be found in the fifth amendment, and if it applies it only prevents Congress from fixing rates without due process of law, so it is certainly not a limit on the rate. The only question is whether proceedings to fix the rate are legal—and all will agree that the fixing of a rate is purely a legislative power, and the question as to whether Congress has exceeded its power or not is a judicial one for the courts.

This all will agree to; and let us, for the sake of the argument and in the interest of common justice, concede that the fifth amendment is a limitation upon the power of Congress that only prohibits Congress from fixing a rate that will deprive the carrier of its property without due process of law. In the first place, Congress is not going to deprive the carrier of its property without due process of law. Congress has the right to fix the rates and leave the courts open to the carrier to ascertain if Congress in fixing the rate has exceeded its constitutional power. The question is not has Congress fixed the rate too low, but has Congress in fixing the rate deprived the carrier of its property without due process of law? And, as said, due process of law does not necessarily require the interference of the judicial power. All the talk about a reasonable rate, court review, and due process of law comes from State legislation, as will be seen in the examination of many cases in the Supreme Court, notably in the oft-quoted case of the Railway Company *v.* Minnesota (134 U. S., 458) and Smyth *v.* Ames (169 U. S., 466). In the Minnesota case, in short, the legislature of Minnesota created a railroad commission with power to fix reasonable rates and then made the rate so fixed final and conclusive and denied the carrier access to the courts. A rate was fixed which the carrier said was unreasonable, and a mandamus was brought to compel compliance with the law. The company was denied the right to appear and prove its defense. The Supreme Court, under the fourteenth amendment, reversed the decree. Many similar cases can be found, all growing out of State legislation—a vast difference between the limited power given a railroad commission by State legislations, with the limitations of the fourteenth amendment applying, and the power of Congress without any limitation or no further limitation than is to be found in the fifth amendment.

Further, Congress is not going to prevent a carrier from going into court, and, besides that, Congress is not going to exceed its powers in any event. Covington and Lexington Turnpike Road Company *v.* Sanford (164 U. S., 578) is an instructive

case. The question arose under a State law as affected by the fourteenth amendment. Plaintiff was incorporated by the laws of the State of Kentucky to construct and maintain a turnpike and by its charter permitted to collect certain tolls. The legislature reduced the tolls by an amendment to the charter, and plaintiff sought to show that the new tariff or rates was unjust and unreasonable and prevented the plaintiff company out of its receipts from maintaining its road in proper condition for public use or from earning any dividends whatever for stockholders. These facts were admitted by a demurrer to the complaint. The State courts held the legislation valid. The Supreme Court of the United States reversed the State court, saying, on page 592:

Upon the authority of previous decisions there is a remedy in the courts for relief against legislation establishing a tariff of rates which is so unreasonable as to practically destroy the value of the property of companies engaged in the carrying business and that specially made the courts of the United States treat such a question as a judicial one and hold such acts of legislation to be in conflict with the Constitution of the United States, as depriving the companies of their property without due process of law and as depriving them of the equal protection of the laws.

It will be noted that there is no suggestion of court review, but the Supreme Court boldly says that the carrier has a remedy in the courts.

I disagree with those learned gentlemen who insist that the Supreme Court has decided that the carrier has a constitutional right to just compensation. This question is very fully discussed in the case of Covington and Lexington Turnpike Road Company *v.* Sanford (164 U. S., 578, pp. 596 and 597), where the court said:

It can not be said that a corporation is entitled as of right and without reference to the interests of the public to realize a given per cent upon its capital stock when the question arises whether the legislature has exceeded its constitutional power in prescribing rates to be charged by a corporation controlling a public highway. Stockholders are not the only persons whose rights or interests are to be considered. The rights of the public are not to be ignored. It is alleged here that the rates prescribed are unreasonable and unjust to the company and its stockholders, but that involves an inquiry as to what is reasonable and just for the public.

This language is cited by the court with approval in Smyth *v.* Ames (169 U. S., 445–466).

It is very clear that those opposed to rate legislation are anxious to have Congress abdicate its functions, and instead of fixing a rate within its power to so legislate that the shipper will be forced into court to prove the reasonableness of the rate, as said, an absolute impossibility. This burden should not be thrown upon the shipper. Without any reference in the bill to court review, the burden would rest upon the carrier to prove that Congress had exceeded its powers, something that the carrier can never do, and, as said, Congress will not exceed its power in fixing the rate.

The House act is much more just and favorable to the carrier than the circumstances and the Constitution require. The bill was evidently drawn so as to settle the question of the power of Congress, and yet do exact and equal justice to both carrier and shipper. Instead of meeting with opposition, it should have not only met with the approval of the carrier, but it should have been warmly welcomed. No provisions should have been made for reasonable and remunerative rates, but it should have simply provided for the fixing of the rate, for Congress is under no obligations to fix a reasonable or remunerative rate.

There is no question but what, from the authorities, so much of the legislation as attempts to prevent the carrier from defending any proceedings brought to enforce compliance with the order of the Commission is unconstitutional; that, however, would not in any manner affect the bill, for that could be stricken out by the court without injury to the bill. Defense of unconstitutionality could be raised in criminal proceedings and in any proceedings brought to enforce the orders of the Commission, and a court of equity would certainly disregard such a provision. The question of parties defendant would be presented when attempts were made to enforce the orders. Those who were active in enforcing the orders would be the parties liable. Therefore no embarrassment would arise if Congress fixed the rate, leaving to the Commission the duty of bringing about the legislation pointed out and provided for, without limitations as to reasonableness or remuneration. [Applause.]

The other question involved is, How far can Congress go in depriving the courts of judicial power conferred by the Constitution?

To a proper understanding of this question it will be necessary to ascertain the extent of the power of the courts of the United States and the power of Congress over these courts. This will have to be learned from the Constitution. Believing as I do that Congress can not erect a court of equity and then deprive it of its judicial power, I shall at the outset invite attention to some cases holding that Congress can require notice to be given on an application for an injunction.

The question first arose in the case of the State of New York *v.* State of Connecticut (4 Dallas, 1). The case was decided at the August term, 1799.

First Statutes at Large, chapter 22, page 333, approved March 2, 1793, section 5, provided that no writ of injunction shall be granted in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving for the same. And the court held an injunction will neither be granted by the court nor a single judge without reasonable notice to the adverse party or his attorney.

The same ruling was made in Mowrey *v.* Indianapolis and Chicago Railroad Company, 4 Biss., 78, 17 Federal Cases, No. 9891, page 930, where the court said:

The injunction ordered on the 28th of May was decreed without much consideration on my part. I followed a practice which has long prevailed in the courts of the State of Indiana. But, on further reflection, I think my order for a temporary injunction was premature. Equity would seem to demand that, in cases of emergency, where irreparable injury would follow unless an immediate injunction were ordered, the national courts should have power to grant temporary injunctions without notice of the application for them to the party enjoined. But the act of Congress of March 2, 1793, forbids that any writ of injunction shall "be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same." (1 Stat., 335.)

In view of this act, as well as of the fifty-fifth rule in equity of the Supreme Court, it should seem that no special injunction can be granted by this court but on due notice. And in the case of New York *v.* Connecticut, 4 Dall. (4 U. S.), 1, the Supreme Court has decided that an injunction can neither be granted by the United States courts nor any judge thereof without due notice to the adverse party or his attorney. I, therefore, dissolve the injunction ordered on the 28th of May.

The same ruling was made by Mr. Justice Daniel, when holding court in the State of Arkansas in 1855, in the case of Wynn *v.* Wilson Hempst (698, 30 Federal Cases, No. 18116, p. 751).

The constitutional question now involved was not raised, therefore not considered in these cases.

The material provisions of the Constitution are as follows:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Article I, section 1.)

The Congress shall have power to constitute tribunals inferior to the Supreme Court. (Article I, section 8, subdivision 9.)

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. * * * (Article III, section 1.)

The judicial power shall extend to all cases in law and equity arising under this Constitution, laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make. (Article III, section 2.)

It will be important and necessary to understand what is meant by the words "judicial power." Much has been written in defining the meaning of the same. Many writers agree that it is authority to hear and determine rights between persons, and the State and persons.

Mr. Justice Miller, very carefully considering this subject in his valuable work on the Constitution, page 314, in part said:

It will not do to answer that it is the power exercised by the courts, because one of the very things to be determined is what power they may exercise. It is indeed very difficult to find any exact definition made to hand.

But he comes to this conclusion:

It is the power of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision.

The entire constitutional provision on this subject might just as well be considered together. Mr. Justice Story said:

That the enumerated power found in Article I, section 8, subdivision 9, is but a repetition of what is contained in Article III. The framers of the Constitution not only provided a judiciary, but declared that

the national judiciary ought to possess powers coextensive with those of the legislative department. (Journal of Convention, 69, 98, 121, 137, 186, 188, 189, 212; Federalist, Nos. 77, 78; 2 Elliot's Debates, 380, 394, 404.)

This branch of the subject can be better understood by referring to the leading case of Martin *v.* Hunter (1 Wheat., 304), in an opinion rendered by Mr. Justice Story in 1816. After discussing the constitutional provisions herein cited, the learned jurist said:

> Such is the language of the article creating and defining the judicial power of the United States. It is the voice of the whole American people, solemnly declared in establishing one great department of that Government which was in many respects national and in all supreme. It is a part of the very same instrument which was to act, not merely upon individuals, but upon States; and to deprive them altogether of the exercise of some powers of sovereignty and to restrain and regulate them in the exercise of others.

Let this article be carefully weighed and considered. The language of the article throughout is manifestly designed to be mandatory upon the legislature. Its obligatory force is so imperative that Congress could not, without violation of its duty, have refused to carry it into operation. The judicial power of the United States shall be vested (not "may be vested") in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish. Could Congress have lawfully refused to create a Supreme Court, or to vest in it the constitutional jurisdiction? "The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office." Could Congress create or limit any other tenure of the judicial office? Could they refuse to pay, at stated times, the stipulated salary, or diminish it during the continuance in office? But one answer can be given to these questions. It must be in the negative. The object of the Constitution was to establish three great departments of government—the legislative, the executive, and the judicial departments. The first was to pass laws, the second to approve and execute them, and the third to expound and enforce them. Without the latter it would be impossible to carry into effect some of the express provisions of the Constitution. How, otherwise, could crimes against the United States be tried and punished? How could causes between two States be heard and determined? The judicial power must therefore be vested in some court by Congress, and to suppose that it was not an obligation binding on them, but might, at their pleasure, be omitted or declined, is to suppose that under the sanction of the Constitution they might defeat the Constitution itself. A construction which would lead to such a result can not be sound.

The same expression "shall be vested" occurs in other parts of the Constitution, in defining the powers of the other coordinate branches of the Government. The first article declares that "all legislative powers herein granted shall be vested in a Congress of the United States." Will it be contended that the legislative power is not absolutely vested? That the words merely refer to some future act, and mean only that the legislative power may hereafter be vested? The second article declares that "the executive power shall be vested in a President of the United States of America." Could Congress vest it in any other person, or is it to await their good pleasure, whether it is to vest at all? It is apparent that such a construction, in either case, would be utterly inadmissable. Why, then, is it entitled to a better support in reference to the judicial department?

If, then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language, if imperative as to one part, is imperative as to all. If it were otherwise, this anomaly would exist, that Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution, and thereby defeat the jurisdiction as to all, for the Constitution has not singled out any class on which Congress are bound to act in preference to others.

The next consideration is as to the courts in which the judicial power shall be vested. It is manifest that a supreme court must be established; but whether it be equally obligatory to establish inferior courts is a question of some difficulty. If Congress may lawfully omit to establish inferior courts it might follow that in some of the enumerated cases the judicial power could nowhere exist. The Supreme Court can have original jurisdiction in two classes only, viz, in cases affecting ambassadors, other public ministers, and consuls, and in cases in which a State is a party. Congress can not vest any portion of the judicial power of the United States except in courts ordained and established by itself, and if in any of the cases enumerated in the Constitution the State courts did not then possess jurisdiction, the appellate jurisdiction of the Supreme Court—admitting that it could act on State courts—could not reach those cases, and consequently the injunction of the Constitution that the judicial power "shall be vested" would be disobeyed. It would seem, therefore, to follow that Congress are bound to create some inferior courts in which to vest all that jurisdiction which, under the Constitution, is exclusively vested in the United States and of which the Supreme Court can not take original cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts from time to time at their own pleasure, but the whole judicial power of the United States should be, at all times, vested, either in an original or appellate form, in some courts created under its authority.

This construction will be fortified by an attentive examination of the second section of the third article. The words are, "The judicial power shall extend," etc. Much minute and elaborate criticism has been employed upon these words. It has been argued that they are equivalent to the words "may extend," and that "extend" means to widen to new cases not before within the scope of the power. For the reasons which have been already stated, we are of opinion that the words are used in an imperative sense; they import an absolute grant of judicial power. They can not have a relative signification applicable to powers already granted, for the American people had not made any previous grant. The Constitution was for a new government, organized with new substantive powers, and not a mere supplementary charter to a government already existing. The confederation was a compact between States; and its structure and powers were wholly unlike those of the National Government. The Constitution was an act of the people of the United States to supersede the confederation, and not to be ingrafted on it, as a stock through which it was to receive life and nourishment.

If, indeed, the relative signification could be fixed upon the term "extend" it could not (as we shall hereafter see) subserve the purposes of the argument in support of which it has been adduced. This imperative sense of the words "shall extend" is strengthened by the context. It is declared that "in all cases affecting ambassadors, etc., the Supreme Court shall have original jurisdiction." Could Congress withhold original jurisdiction in these cases from the Supreme Court? The clause proceeds: "In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make." The very exception here shows that the framers of the Constitution used the words in an imperative sense. What necessity could there exist for this exception if the preceding words were not used in that sense? Without such exception Congress would, by the preceding words, have possessed a complete power to regulate the appellate jurisdiction, if the language were only equivalent to the words "may have" appellate jurisdiction. It is apparent, then, that the exception was intended as a limitation upon the preceding words to enable Congress to regulate and restrain the appellate power as the public interests might from time to time require.

Other clauses in the Constitution might be brought in aid of this construction, but a minute examination of them can not be necessary, and would occupy too much time. It will be found that whenever a particular object is to be effected the language of the Constitution is always imperative and can not be disregarded without violating the first principles of public duty. On the other hand, the legislative powers are given in language which implies discretion, as from the nature of legislative power such a discretion must ever be exercised.

It being, then, established that the language of this clause is imperative, the question is as to the cases to which it shall apply. The answer is found in the Constitution itself. The judicial power shall extend to all the cases enumerated in the Constitution. As the mode is not limited, it may extend to all such cases, in any form in which judicial power may be exercised. It may therefore extend to them in the shape of original or appellate jurisdiction, or both, for there is nothing in the nature of the cases which binds to the exercises of the one in preference to the other.

In what cases, if any, is this judicial power exclusive, or exclusive at the election of Congress? It will be observed that there are two classes of cases enumerated in the Constitution, between which a distinction seems to be drawn. The first class includes cases arising under the Constitution, laws, and treaties of the United States; cases affecting ambassadors, other public ministers and consuls, and cases of admiralty and maritime jurisdiction. In this class the expression is that the judicial power shall extend to all cases; but in the subsequent part of the clause, which embraces all the other cases of national cognizance, and forms the second class, the word "all" is dropped, seemingly ex industria. Here the judicial authority is to ex-

tend to controversies (not to all controversies) to which the United States shall be a party, etc. From this difference of phraseology, perhaps, a difference of constitutional intention may with propriety be inferred. It is hardly to be presumed that the variation in the language could have been accidental. It must have been the result of some determinate reason; and it is not very difficult to find a reason sufficient to support the apparent change of intention. In respect to the first class, it may well have been the intention of the framers of the Constitution imperatively to extend the judicial power, either in an original or appellate form, to all cases; and in the latter class to leave it to Congress to qualify the jurisdiction, original or appellate, in such manner as public policy might dictate.

It is useless to spend time trying to establish a line of demarcation between jurisdiction and judicial power. The Constitution calls it judicial power and says:

This authority to hear and determine rights between persons and between persons and their governments shall be vested in one Supreme Court and such inferior courts as Congress may ordain and establish, and shall extend to all cases in law and equity arising under the Constitution.

It will simplify matters to state a few unanswerable propositions. The Supreme Court is created by the Constitution; the inferior courts by Congress, by authority of the Constitution, with a limitation and a duty. It is the duty of Congress to create a court or courts with powers coextensive with those of the legislative department, in which every person can have any legal or equitable right arising under the Constitution protected.

If more than one court is ordained and established, it is for Congress to say what causes, case, subject-matter, or rights each inferior court shall take cognizance to decide and determine. In other words, what is commonly known as and called "jurisdiction of the cause." But when the particular court is given jurisdiction of the particular cause, the court can exercise over this cause full judicial power at law or in equity, and it would be not only unconstitutional, but revolutionary for Congress to attempt to deprive the particular court of judicial power over the cause it has been given jurisdiction over; that is, one court may have judicial power over all cases at law; another may have judicial power over all cases in equity; another may have judicial power over all criminal cases; another judicial power over all cases in bankruptcy, and anything short of this would be a denial by Congress of rights the people are entitled to, provided for in the Constitution. As the Constitution could not erect the inferior courts and provide judicial power for each, the authority for it was given to Congress with the expectation that it would be exercised; and when the inferior court is ordained and established there is vested in it by the Constitution judicial power at law or in equity without any limitation, and there is not a line or word in the Constitution that will justify the thought that Congress can take from a court any judicial power at law or in equity over any cause placed by Congress within its judicial power.

In other words, Congress names the subject over which the court shall exercise judicial power, but the Constitution fixes the extent of the judicial power, and Congress can not limit or impair it. If Congress could in one particular, it could in more or in all, and we would have an equitable case confided to a court that could not, by an act of Congress, exercise equitable power and try and determine the case according to equitable rules. It would be revolutionary in Congress to fail or refuse to ordain and establish a court or courts to exercise all judicial power conferred by the Constitution. And when the court or courts have been ordained and established and the subjects separated and assigned to each court, Congress can not interfere and limit the judicial power of the courts, for, as Justice Story said, "It is the duty of Congress to vest the whole judicial power." Take away the power of the court to issue a writ of injunction when the moving papers disclose a case of absolute emergency and it may prevent a complainant from recovering what he is legally and equitably entitled to, and the whole judicial power would not be vested in the courts. If a court can be prevented from issuing a writ of injunction without previous notice—ten days' notice may be required—and the court may be prevented from issuing an injunction in any case. A right to an injunction in a proper case is a constitutional right, and it is a constitutional right that it should issue whenever it is made to appear that irreparable injury will follow a failure to have an immediate injunction.

The right to issue an injunction in a proper case is a part of the judicial power of the United States. All legislative power is not conferred upon Congress; only such legislative power as is granted in the Constitution—that is, if there is a legislative power in the Constitution it must be exercised by Congress—and as far as this judicial question is concerned the only legislative power is to ordain and establish a court or courts that can exercise all judicial power of the United States and not to take from the courts a power to exercise judicial power over a case confided to it.

In Riggs *v.* Johnson County (6 Wall., 166) the court said:

Process subsequent to judgment is as essential to jurisdiction as process antecedent to judgment, else the judicial power would be incomplete and entirely inadequate to the purposes for which it was conferred by the Constitution.

And in the same case the court further said:

Authority of the circuit courts to issue process of any kind which is necessary to the exercise of jurisdiction and agreeable to the principles and usages of law is beyond question.

In other words, Congress can not deprive a court of judicial power over a subject or case if the subject or case is placed within the judicial power of the court by Congress, as in cases removed by act of Congress from State courts to Federal courts. Congress, in the discharge of its constitutional duty, has provided for the removal of a certain class of cases, and, when removed, Congress can not prevent the court from exercising all judicial power, except by abolishing the court.

If Congress can prevent the issuing of an injunction in a proper case without notice, Congress can prevent the issuing of an injunction in any case. A citizen of a State may derive his right from a State law and may attempt to enforce his right in a State court. It may be a proper case for removal to the Federal court, and either party may find it necessary, in order to protect their rights, to have an injunction. It certainly would be unjust to any litigant to deprive him of the right to an injunction in the Federal court.

To advocate taking away power from courts of equity and preventing a person from obtaining certain rights from the court is to concede that same person has a right to the protection of such power, and it is a step toward anarchy to suggest that a person shall be denied his constitutional rights in a court created by the Constitution to aid him to obtain his constitutional rights.

As far as Congress can operate through and by the Commission in fixing rates, we will probably all agree that Congress can not delegate legislative power; but, on the other hand, it is held, when a statute acts on a subject as far as practicable and only leaves to executive officers the duty of bringing about the legislation pointed out and provided for, it is not unconstitutional, as vesting executive officials with legislative power. (Field *v.* Clark, 143 U. S., 649; Buttfield *v.* Stranahan, 192 U. S., 470.) [Applause.]

Mr. ADAMS of Pennsylvania. I yield to the gentleman from Ohio [Mr. BANNON].

Mr. BANNON. Mr. Chairman, a great deal has been said in the House on the subject of the removal of the duty now imposed upon the hides of cattle both by the advocates of such removal and those opposing it. Those speaking on the subject so far have spoken largely in a general way, and inasmuch as I have collected some special figures and facts concerning this question, I take this occasion of presenting them, in the hope that I may be able to add something, at least, to the information and knowledge desired both by the Members of this House and the country at large upon this important subject.

THE CRY FOR "FREE HIDES" IS MISLEADING.

The term "free hides" is misleading in itself, because the only raw hides which may be used in the manufacture of shoes, harness, saddlery, and other leather articles that are dutiable are the hides of cattle. Many other raw hides are used largely in the manufacture of shoes, such as horsehides and goat, sheep, kangaroo, and calf skins. These are now admitted free of duty. A calfskin is distinguished from cattle hide by its weight, all green salted weighing 25 pounds or less and all dry weighing 12 pounds or less being designated as calfskins, and all over as cattle hides. Paragraph 437 of the Dingley law reads as follows:

Hides of cattle, raw or uncured, whether dry, salted, or pickled, 15 per cent ad valorem: *Provided*, That upon all leather exported, made from imported hides, there shall be allowed a drawback equal to the amount of duty paid on such hides.

It will thus be seen at the outset of this discussion that we do not have to deal with the question of free hides generally, but simply with the question of the raw hides of cattle.

The following table gives the imports of hides for the year ending with December, 1905:

Article.	Quantities.	Values.
Hides and skins, other than fur skins:	*Pounds.*	
Goatskins.....free..	102,940,811	$28,506,937
Hides of cattle.....dutiable..	137,612,360	18,384,650
All other.....free..	141,587,241	26,505,831
Total.....	382,140,412	73,397,418

These statistics show that the total value of all hides and skins, other than fur skins, imported during the year ending December 31, 1905, was $73,397,418, and that the value of hides of cattle imported in 1905 was $18,384,650, and, consequently, the value of hides imported free of duty for 1905 amounted to $55,012,768, so that approximately in value three-fourths of the hides now imported are admitted free of duty.

The common impression prevailing is that all raw hides imported into this country bear a tariff of 15 per cent ad valorem, and this impression has undoubtedly been created by the expression "free hides," so often used in discussing this subject and in the public press.

HISTORY OF TARIFF ON HIDES.

The first tariff imposed on raw hides was in 1842, when a tariff of 5 per cent was levied. This was reduced in 1857 to 4 per cent, but again raised in March, 1861, to 5 per cent. In December, 1861, this tariff on hides was again increased to 10 per cent, and remained at this figure until 1873, at which time the duty on hides was entirely removed and they were admitted free until the enactment of the Dingley bill in 1897, by the terms of which, as we have seen, the tariff upon certain hides was fixed at 15 per cent.

Mr. SHACKLEFORD. Can the gentleman inform the committee why it is that only hides of the larger weight are made dutiable and the others are admitted free of duty?

Mr. BANNON. I do not see how that is germane to the question. I might say for the benefit of the gentleman, however, that it is largely due to the agricultural and industrial conditions existing in this country. Here we have good opportunities for the grazing of cattle, and we do not have to sell calves when they are young, but having a large aren of grazing lands we can let our cattle graze on these lands and grow into money. That is due to the agricultural conditions. Our principal product in this line is the cattle and not the calves. In the next place, the Republican policy of protection has given a market to the farmer that is surpassed by no market in the world. His great market consists of the wage-earners in our industries. The farmer can get good prices for what he raises on his farm because our labor is employed, and he does not have to sell his calves when they are young, but he can afford to keep them and get the additional profit.

Mr. SHACKLEFORD. Is it not true in that connection that stock that are slaughtered by farmers themselves are usually of the lighter weights, and that the hides of the greater weight come from the cattle that are sold to the beef trust and packing houses?

Mr. BANNON. I think not. But I will come to that question later on.

THE TARIFF ON CATTLE HIDES NOT THE CAUSE OF HIGH PRICE OF LEATHER.

Some of the shoe manufacturers are now complaining of this duty, and inasmuch as they are objecting to it, the reason of their complaint must be found in the fact that the price of leather has been to some extent, in their opinion, increased by virtue of this tariff. The hides of cattle are the most valuable by-product of such animals, and if the price of hides is increased by virtue of this tariff, then, of course, the value of this important by-product of these animals has been affected by it.

In 1890 there were in the United States 52,801,907 head of cattle. In 1900 there were in the United States but 43,902,414 head of cattle. The reason of this decrease is readily accounted for by the fact that during the financial and industrial depression existing from 1893 to 1897 labor in this country was generally unemployed and was without the means to purchase largely of meat, which necessarily limited the demand for cattle, causing a consequent limiting of the supply. In 1905, after nine years of Republican administration (during which time the industries of this country have again been opened to our people, thereby creating a demand for the products from the farm, which was necessarily followed by an increase in the supply of cattle), we find that there are in this country 61,241,907 head of cattle; and if the tariff does increase the price of raw hides, then the value of each one of these head of cattle has been increased and the farmers of this country owning them have received the benefit.

The duty on hides not only adds value to the cattle owned by the farmers, but it also produces a large sum of revenue for the support of the General Government, the amount of the duties collected on such hides for the year 1905 being $2,757,697.

When we examine this question further, we find that raw hides are divided into two classes, one being known as the dry hides and the other as the green hides, and that it is the dry hides principally that are imported, and consequently it is with such hides that we must now deal in computing how much the tariff would amount to in a pair of shoes, acting upon the assumption that the tariff of 15 per cent adds that much in value to all the leather produced in this country. Personally, I do not think the duty of 15 per cent on imported raw cattle hides affects appreciably the price of leather. It may affect the price of hides, but not to a greater extent than 15 per cent, and the price of hides has increased much more than this. It is true that at the present time the price of leather is extraordinarily high, but this is due to the unprecedented demand caused by the wonderful increase in its use. Leather is being now more generally used than ever before.

The extensive construction of automobiles alone furnishes an example, for in each of the thousands of these machines now in use from two to three hides were used in the leather fittings. During the last few years a greater variety and number of articles are being made from leather than formerly, and the demand for these articles has been phenomenal. In 1900 the saddlery and harness products of this country increased in value 18.2 per cent over those manufactured in 1890; pocketbooks, trunks, and valises, 43 per cent; leather belting and hose, 23 per cent; and leather, tanned, curried, and finished, 18.5 per cent. Naturally this extraordinary increase in the manufacture of leather goods has caused a greater demand for leather, thereby increasing both the price of leather and hides. The supply of hides and the demand for them regulate the price and cause it to fluctuate. While the price of hides is now double what it was in 1894, yet between the latter half of 1902 and the first half of 1904 the reduction was 18½ per cent. That the 15 per cent duty on raw cattle hides is not the cause of the present high price of leather and hides is proven conclusively by the fact that the price of calfskins, which are on the free list, has also increased proportionately with those of cattle.

In considering this question there is another fact that should not be overlooked, and that is the heavy exports of hides. The quantity exported for 1904 was two and one-half times greater than the quantity exported in 1903. Our annual export of hides is as follows:

Export of hides.

Year.	Pounds.	Value.
1905	10,268,722	$1,051,641
1904	32,727,643	3,246,887
1903	12,859,949	1,224,409
1902	9,372,947	906,504
1901	11,161,749	1,064,952
1900	7,486,256	804,674
1899	10,140,840	929,117
1898	11,536,073	1,015,022
1897	31,119,166	2,338,530
1896	39,545,324	3,858,946
1895	36,002,859	2,310,923

Such a heavy demand for our hides from foreign countries during the past two years will admit of two deductions: First, the prices here are not unreasonable when compared with prices in foreign markets. Were it otherwise these hides would not be sold to the foreign trade. Second, this extraordinary demand, created in a large measure by the Russo-Japanese war, is one of the controlling factors fixing the present price. It is far more logical to attribute the high price to this cause and the others I have enumerated rather than the 15 per cent duty, but it is the combination of all these causes that has produced present prices. The demand is great and the supply not adequate. The same causes exist in free-trade England. Consul Hamm, of Hull, in the Daily Consular and Trade Reports for March 31, 1906, says:

> The advance in cost of hides and leather in England, it is asserted, was caused by the heavy war demands. The South African war and the Russo-Japanese war are said to have created a famine in hides and leather of all descriptions. Reserves of leather throughout the world have been nearly exhausted, and the tanneries, many of which were out of operation, will need a long time to regain business.

Mr. SIMS. May I ask the gentleman a question?

Mr. BANNON. Certainly.

Mr. SIMS. It is the gentleman's contention then that the tariff on these hides enhances the price of the hides?

Mr. BANNON. Not to a greater extent than 15 per cent.

Mr. SIMS. Did I not understand the gentleman to say that the smaller hides, the calf hides, had advanced just as much as the others?

Mr. BANNON. Yes; proportionately.

Mr. SIMS. Then how does the gentleman conclude that the tariff on the heavier hides makes them advance, whereas the others, without the tariff, advance as much?

Mr. BANNON. The price of calfskins has not advanced exactly to a cent as much as other hides. I said proportionately. Approximately might have been better.

Mr. SIMS. I understood the gentleman to say it was the same.

Mr. BANNON. The gentleman is confusing the difference between leather and hides. I do not think the tariff on hides increases appreciably the price of leather.

In the same report he also says:

As the high price of hides prevails in free-trade England, as well as in protection America, there must be some other cause than the tariff that produces these high prices. The manufacture of boots and shoes is also prosperous in America, while in England it is depressed.

This is evidence of the highest character that present prices are not due to the tariff.

Leicester is the great center of boot and shoe manufacture in England, as Brockton and Lynn are in Massachusetts. A correspondent of the Yorkshire Post sums up the situation in that city as follows:

The great scarcity of all descriptions of leather suitable for boot and shoe manufacture has brought about an acute crisis in the trade, and very heavy losses have been suffered. Manufacturers who had booked large orders for delivery in March and April now find that it is impossible to secure adequate supplies of leather, and what they do secure can only be purchased at a great advance in prices. It is impossible to meet the contracts placed except at a very heavy loss, and the position has become so bad that large manufacturers declare that nothing like it has been experienced for fifty years. Manufacturers are compelled to appeal to buyers to revise prices and to pay enhanced rates on the orders already placed. Where this is done manufacturers will be able to tide over their difficulties, but where buyers insist upon deliveries in accordance with the terms of their contracts enormous losses will be suffered.

Surely the tariff levied by the United States on imported cattle hides can not be said to be the cause of the scarcity of leather in Leicester, for it is well known that England levies no such tariff, yet the conditions are more acute there than here.

The following table shows the average wholesale prices of sole leather and hides from 1890 to 1905:

Average annual wholesale prices of leather and hides, 1890 to 1905.

Year.	Leather.		Green salted, packers' heavy native steer hides (price per pound in Chicago).
	Sole, hemlock, Buenos Ayres, middle weights, first quality (price per pound).	Sole, oak, scoured backs, heavy (price per pound).	
1890	$0.1921	$0.3771	$0.0933
1891	.1858	.3679	.0951
1892	.1727	.3421	.0870
1893	.1706	.3483	.0749
1894	.1715	.3279	.0641
1895	.2073	.3421	.1028
1896	.1881	.2925	.0811
1897	.2033	.3079	.0996
1898	.2129	.3213	.1151
1899	.2254	.3358	.1235
1900	.2490	.3608	.1194
1901	.2475	.3525	.1237
1902	.2367	.3800	.1338
1903	.2267	.3742	.1169
1904	.2258	.3450	.1166
1905	.2220	.3663	.1430

The figures disclosed by this table are interesting. The price of green salted hides in 1890 is shown to be $0.0933, while the average price of oak sole leather for the same year is $0.3771. In 1905, with the price of hides about 5 cents per pound more than they were in 1890, we find the price of oak sole leather to be about 1 cent per pound less than it was in 1890. The average price of green salted hides in 1894 touched the lowest point, while the price of oak soles was lowest in 1896. In other words, the price of oak soles does not seem to bear any fixed proportion or ratio to the price of hides. Because hides slightly increase in price it does not necessarily follow that leather increases in price; and this being the case, it can not be said that the small duty of 15 per cent on hides affects the prices of leather, although, as I have said, it may increase the value of the hide to that extent.

AMOUNT OF TARIFF IN LEATHER MADE FROM CATTLE HIDES.

The method of computing the amount of the tariff on raw hides used in the manufacture of leather is as follows: One hundred pounds of dry hides will produce from 150 to 185 pounds of leather, and we can safely put it at an average of 175 pounds. At the present high prices of dry hides they are worth 20 cents per pound, and if the duty has increased the price 15 per cent such increase would be 3 cents per pound, or for the 100 pounds the duty would amount to $3. This quantity of raw hide will produce 175 pounds of leather, and the duty in this quantity will, of course, be $3. If the duty on 175 pounds of leather is $3, in 1 pound of leather it is 1⅞ of a cent. At normal prices this small amount is greatly reduced. When we apply this to any particular pair of boots or shoes we find that the tariff represented therein must necessarily be very small indeed. Take, for instance, the shoes of women and children. They are not made from cattle hides, but the leather in the uppers is made from sheepskin, goatskin, and, occasionally, calfskin. The only portions of their shoes that contain any cattle hide whatever are the soles and heels, and inasmuch as the weight of these is very light, because such soles are quite thin, it will be seen that the duty represented in these soles and heels is not appreciable.

In all the higher grades of men's and boy's shoes worn in this country—and they are the ones now commonly worn—the leather in the soles and heels is also the only portion bearing any tariff, because the uppers of this grade of shoes are made of kid, calf, kangaroo, or goat skins, or horse hides; and the way to determine the amount of the tariff in such shoes is simply to take the weight of the soles and heels and multiply that by the amount of 1⅞ cents, and you have the result. It will readily be seen that it is so small it can not affect the retail price of shoes, because in no case does it exceed 2 cents per pair. The only boots and shoes made altogether from cattle hides are worn principally by the farmers, and in order to determine the amount of the tariff thereon multiply the weight of a pair of such boots or shoes by 1⅞ cents. Even in this case the amount is too small to affect the retail price; but granting that it does, the farmer raises the cattle from which the hides are taken, and when he sells them he gets the advantage of the increased price. The shoe known as "Little's brogan" is worn largely by the farmer. It is made from cattle hides, and the weight of a pair of these shoes is 3 pounds; so the tariff represented in them can not exceed 5 cents. Different grades of these shoes retail at $1.50, $1.75, and $2 per pair. It is folly to argue that the removal of this tariff will result in these shoes being sold for $1.45, $1.70, and $1.95 per pair to the wearer. Heavy boots are no longer worn to the extent that was formerly the case, and the better grade of the brogan has largely taken their place. I am informed by extensive dealers in such boots that where twenty-five cases were sold formerly but one is sold now.

The leather required to make a double set of farm harness is about 30 pounds. The duty in it approximates 50 cents. This will not affect the retail price, but if it does, who pays it? The farmer, and he is the one who sold the hides and received the benefit.

THE FARMERS ARE PROTECTED BY THIS DUTY.

In 1902–3 the average net value of hides per head fluctuated between $6.93 and $5.79, so it will be safe to roughly estimate the average value of each hide at $6, although to-day they are worth more. This would make the hides on the 61,241,907 cattle in this country worth $367,051,442; and if removing the duty of 15 per cent from these hides reduces the price to that extent we find a loss to the farmers of this country of $45,057,716.

Last year there were slaughtered in this country 12,500,000 head of cattle, and the hides of these animals were worth at least $75,000,000. If 15 per cent of the value of these hides is to be taken away from the farmer this means an annual loss to him of at least $11,250,000.

Mr. SIMS. Right in that connection, how can it have that effect? Unless all the hides are heavy hides, they can not be affected by free trade.

Mr. BANNON. I do not think the duty affects all hides; but the manufacturers who come here asking for the removal of the duty—and they are backed in their desires by the minority—claim that the 15 per cent duty does affect all hides.

Mr. SIMS. Because you made your calculation upon that is the reason I asked the question.

Mr. BANNON. I am taking their argument and trying to answer it. If the duty increases the value of hides, removing it will decrease their value.

The tanneries in this country are protected by the levying of a tariff on all tanned or finished leather imported into this country. The shoe manufacturers of America are protected by a tariff on foreign-made shoes. The manufacturers of harness and saddles receive the benefit of a protective tariff. So do the manufacturers of leather trunks and valises. These industries have grown wonderfully in America, the total production of leather manufactures having increased from $109,734,643 in 1850 to $615,720,395 in 1890, or about sixfold, our population during the same period of time having increased about three and one-quarter fold. The average number of wage-earners employed daily in 1900 in these industries was 251,920, to whom was paid during that year $105,571,000 in wages. This magnificent showing is a result of the Republican policy of protection to these industries; and, having prospered as they have, complaint should not now be made by them because the American farmer, who is the greatest and best consumer of these products, likewise enjoys the benefit of a protective tariff upon the hides

of the cattle raised by his labor, thrift, and economy. The Republican party enacted the law which afforded this protection to the farmer and its Representatives in Congress are entitled to their support. [Applause.]

There can be no question but that the farmer gets the benefit of this protection. Advocates of free raw cattle hides maintain that he does not get this benefit, but that the so-called "beef trust" does. Their contention gives little credit to the intelligence of the farmer. To come to this conclusion they are forced to assume that the hides of cattle are such an unimportant by-product and of such little value that they are not taken into consideration in fixing the price of cattle.

Let us see about that. On September 13, 1905, Swift & Co. made a test of the cost, expense of handling, dressing, and selling an average lot of eighteen steers. These animals weighed 23,080 pounds, and cost, at $3.60 per hundredweight, $830.88. The hides taken from them weighed 1,288 pounds, and were sold for $172.10. The value of the hides was equal to one-fifth of the cost of the cattle. This is almost invariably the case. The farmer knows that. He knows that the hide is one-fifth of the value of his animal; and if that hide is protected by a duty of 15 per cent he gets the benefit. If that duty is removed, upon him must fall the loss, and there will be no resulting benefit to the retail buyer of shoes, harness, and other leather articles.

MASSACHUSETTS HAS NO CAUSE TO COMPLAIN.

The State of Massachusetts by the census of 1900 is reported to be the first in rank in every item relating to shoe manufacture, having produced 44.9 per cent of the total output of boots and shoes for the entire country during that year, and, consequently, some of the Representatives in Congress from that State have been industrious and persistent in their advocacy for the removal of the duty from raw hides of cattle.

During the decade between 1890 and 1900 the State of Ohio, which I have the honor to represent in part, made a notable advance in the production of shoes, passing from the seventh rank to that of fourth; and the prosperous city of Portsmouth, in which I reside, advanced in the manufacture of shoes from a rank so apparently unimportant in 1890 that it was not reported at all by the Census Bureau to that of eighteenth in the cities and towns of the United States; and the manufacture of shoes in that city is conducted upon such a sound financial basis and by such careful, considerate, and able employers and faithful, capable, and industrious employees that I believe the next decade will see the position of that city again materially advanced.

With reference to Massachusetts, the United States Bureau of the Census on April 16, 1906, issued a preliminary summary of the census of manufactures of Massachusetts for 1905, and the following is a table showing a comparison of the boot and shoe industry and the leather industry of that State for the years 1900 and 1905:

Industry.	Year.	Number of establishments.	Capital.	Salaried officials, clerks, etc.	
				Number	Salaries.
Boots and shoes	1905	502	$49,529,728	3,400	$3,245,029
	1900	640	37,577,630	2,546	2,487,013
Leather, tanned, curried, and finished.	1905	132	27,070,206	526	686,334
	1900	119	15,317,940	355	405,648

Industry.	Year.	Wage-earners.		Miscellaneous expenses.	Cost of materials used.	Value of products, including custom work and repairing.
		Average number.	Wages.			
Boots and shoes	1905	62,633	$33,160,667	$8,340,835	$88,493,009	$144,291,426
	1900	58,645	27,745,820	4,826,896	75,751,964	117,115,243
Leather, tanned, curried, and finished.	1905	9,074	4,556,827	1,942,733	23,040,897	33,352,999
	1900	7,010	3,379,698	662,553	19,793,757	26,067,714

From an examination of this table it will be seen that the amount of capital invested, the number of salaried officials, the number of wage-earners, the amount of wages, and the value of the products have increased very materially between 1900 and 1905. It would thus seem that this industry is in a most prosperous condition, and that a steady and marked advance is being made by the manufacturers of that State in the production of leather and boots and shoes. Certainly the men of Massachusetts owning these industries are not doing business at a loss. If they are the novelty of it has appealed to them so that they are increasing the output on which they lose. It can not be said from this record that the tariff on raw cattle hides has had a depressing effect on this industry in Massachusetts.

INCREASE OF OUR FOREIGN TRADE.

Our domestic trade in leather and leather goods has not only steadily increased, but our foreign trade as well. The following table shows the exports of boots and shoes since 1891, and that such exports are steadily increasing:

Exports of boots and shoes.

Year.	Pairs.	Value.
1905	5,315,699	$8,057,097
1904	4,642,531	7,398,940
1903	4,197,566	6,065,017
1902	3,966,766	6,182,098
1901	3,494,041	5,525,290
1900	3,016,720	4,726,656
1899	1,934,277	2,711,385
1898	1,307,031	1,816,538
1897	1,224,484	1,708,224
1896	1,036,235	1,436,686
1895	822,412	1,010,228
1894	647,318	777,354
1893	493,027	590,754
1892	745,112	914,974
1891	551,735	651,343

Under the Wilson and McKinley bills, which left cattle hides on the free list, our exports of boots and shoes were in value, during the best year, less than one and three-quarter millions of dollars, while under the Dingley bill, with a tariff of 15 per cent ad valorem on such hides, our exports of these commodities have reached the annual value of more than $8,000,000. Certainly this tariff has not hurt our foreign trade in boots and shoes.

Our exports of leather and its manufactures have also increased, as the following table will show:

Exports of leather and manufactures of leather.

1905	$37,936,745
1904	33,980,615
1903	31,617,389
1902	29,798,323
1901	27,923,653
1900	27,293,010
1899	23,466,985
1898	21,113,640
1897	19,161,446
1896	20,242,756
1895	15,615,407
1894	14,283,492
1893	11,912,154
1892	12,084,781
1891	13,278,847

That this duty has not injuriously affected these exports is shown by the fact that they have doubled in value under the protective tariff on cattle hides, having increased from $19,000,000 in 1897 under free hides to almost $38,000,000 in 1905 under protection to cattle hides. The increase for 1905 over 1904 will compare favorably with that of any successive years in both of these industries.

Bradstreet's for March 3, 1906, says:

Foreign buying of grains, satins, and split leather is active in Boston. Hides are firmer. Foreign buyers have bought freely of salted domestic buff hides, and have paid prices declared by American tanners to be too high.

This statement naturally prompts the inquiry as to why foreigners are here buying our hides and leather and shoes if our duty of 15 per cent on a few hides increases the price of all of our supply of hides and leather to that extent, and the inquiry is a complete answer to the proposition. Great Britain admits free of duty hides and leather and the manufactures of leather. In the present condition of our foreign shipping Great Britain's facilities for importing hides are far better than ours, yet she took from us last year sole leather valued at $4,449,410, and other leather valued at $11,072,078; of boots and shoes we sent to the United Kingdom $1,943,845 worth. If this duty is adding to the price appreciably, how can we sell abroad?

Those who are contending for the removal of the duty from the raw hides of cattle tell the manufacturer of leather goods that such action will give him increased profits on the output of his factory. That is done to interest him in the project, and it usually has the desired effect. They then tell the wage-earner employed in the same factory that if this tariff is removed the price of the raw material necessary to make the finished product will be decreased and the result will be that he will get an increase in his wages. Naturally that interests him. But they do not stop there; they go to the retail dealer in leather goods and tell him that his profits as a retailer will be increased if the duty is removed from raw cattle hides. But that is not all. They take another step down the line, and they tell the consumer of these commodities that he will be able to

buy them at a largely reduced price if this small duty is removed. I have shown you that this duty is so small that it can not appreciably affect the retail price of commodities that are manufactured from leather. Suppose it is 5 cents per pair on brogans, this small amount can not be given to the wage-earner and the manufacturer and the retail dealer and the consumer. If you give it to one of them manifestly you can not give it to the other three; and if it is to be divided among these four classes it becomes a matter so trivial that it is not worthy of consideration, it becomes absolutely nothing to them. The inconsistency of the position of these agitators on this subject is so apparent in this regard it is not worth while to continue the discussion of it further. [Loud applause on the Republican side.]

THE DEMOCRATIC DOCTRINE A MENACE TO THE FARMERS, MANUFACTURERS, AND WAGE-EARNERS.

The position of the Democratic party on this question was stated by the gentleman from Missouri [Mr. CLARK] on January 5, in a speech that is strong and instructive, reflecting, as it does, the research and ability of this able man. I quote from his remarks appearing at page 769 of the RECORD:

What do the Massachusetts Republicans want in the way of tariff reform? They want free hides, free coal, free lumber, free raw materials for their factories; but the Massachusetts tariff reformers need not conclude suddenly and prematurely that all the rest of the tariff reformers in this country are idiots. They can get free hides provided they will cut down the tariff on boots and shoes and harness and leather sufficiently, but they will not get free hides unless they do that. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Massachusetts?

Mr. CLARK of Missouri. Yes; with pleasure.

Mr. GARDNER of Massachusetts. Will the gentleman from Missouri support a proposition for free hides coupled with a proposition to take the duty off the products of leather?

Mr. CLARK of Missouri. So quick that it would make your head swim. [Laughter.]

Mr. GARDNER of Massachusetts. At all events, then, we have a valuable ally.

Mr. CLARK of Missouri. You have got me right now on that. Senator LODGE, as I understand it, advocates repealing the tariff on hides, because "it is such a little one," two million and something. Now, if they will go the whole hog up there and remove the tariff on boots, shoes, and leather, we can come to an agreement and pass it through this House.

The price which the manufacturers of commodities made out of leather must pay for the removal of the duty from the raw hides of cattle is the removal of the tariff on boots, shoes, and leather. That is what the Democratic party offers them. Since that day ample time has elapsed to permit those engaged in the manufacture of leather goods to petition for the removal of the duty now levied to protect their industries.

The fact that they have not generally responded to this invitation is significant. They don't care to make the trade. In 1900 there was invested in the manufacture of leather in this country $173,977,421. The value of the product for the year was $204,038,127. The sum of $22,591,091 was paid for wages. In the same year there was invested in the boot and shoe industry $101,795,233. The value of the product was $261,028,580, and the amount of the wages paid was $59,175,883. To get free raw cattle hides we must bring these industries and the men employed in them into competition with the industrial conditions prevailing in foreign countries.

The proposition is to compel our labor to compete with foreign labor inadequately paid and denied the equal opportunities enjoyed by the American mechanic. It is not the creed of the Republican party to do that, and this position of the Democratic party only furnishes an additional reason why districts in which there are industries engaged in manufacturing leather or the articles made therefrom should return Republican representatives to the Sixtieth Congress. [Applause.] The policies of the Democratic party would destroy the protection thus afforded to the farmer, to the manufacturer of all articles made from leather, and to the tens of thousands of American wage-earners now employed in these industries. The policies of the Republican party will continue to protect them against the cheap labor of foreign countries and will maintain the prosperity now so generally enjoyed by our people. [Loud applause on the Republican side.]

Mr. FLOOD. I yield to the gentleman from New York.

Mr. GOULDEN. Mr. Chairman, on the 25th of April the House had the pleasure of listening to the distinguished gentleman from Ohio [Mr. GROSVENOR].

His splendid rhetorical effort on the merchant marine appeared May 4, and occupied thirty-six pages of the RECORD.

The gentleman has been giving much of his time for many years to the question of ship subsidy, and so far as the advocacy of this species of class legislation is concerned he is perhaps the best authority to-day in Congress. Aside from this, he is noted as an adroit debater and an able advocate, so that what he says on any subject, and particularly on this much-discussed question, is entitled to consideration. As the chairman of the Committee on Merchant Marine of Congress and a prominent member of the Merchant Marine Commission, appointed early in 1904, that took testimony in eighteen of the leading cities of the country, his views demand more than ordinary attention from the Members of this House. He is very frank in his opening, and I shall give the paragraph entire, so that you may realize just what he proposes in this matter:

Mr. Chairman, I propose to address the House this morning on the topic of the ship-subsidy bill, a topic that is usually discussed with a great deal of interest pending campaigns before the country, and about which very little interest is manifested after the election. The language that is used ordinarily by the candidate for President, the party platform, the campaign speakers, and the candidates for Congress who are running before the people is to announce that they are in favor of "encouraging" the building of ships. I embrace this opportunity to announce that the time for "encouragement" has passed and the time for assistance is now here. It will not answer in the future for any political party or any candidate for any office to mislead his hearers by the use of the word "encourage."

Encouragement is a dead letter, and the American people who favor some action in behalf of this great measure now demand that the friends of the measure shall cooperate to assist, and "encouragement" will be hereafter ruled out in party platforms and in inaugural addresses and in messages to Congress and in solicitation for support by industrial forces of the United States.

You will notice that he calls it a *subsidy* and drops the usual word "encourage," and boldly asks for assistance for this infant industry, now more than one hundred years old in this country. He begins his argument when the more diplomatic advocates for a ship subsidy end their pleas for assistance. [Applause.]

The money of the country is too profitably employed now to enter the field of shipbuilding.

When every argument of the ship-subsidy advocates is destroyed they bob up with their last and greatest, that we must have an auxiliary fleet and that ships under American registry can only supply this need. I like the statement of the Merchants' Association of New York, and I shall quote an extract of the reply sent March 5, 1906, by George L. Duval, chairman of the ship subsidies and shipping committee, to the inquiries from my friend the gentleman from Pennsylvania [Mr. WANGER]:

Whatever aid is accorded by the Government to the development of the shipbuilding industry should be in the nature of a tax upon the entire body politic, because the subsidy proposed can not be defended as an aid to commerce, but only as assistant to a necessary adjunct in the national defense.

If ever an admission against a special interest was well stated, it is found in the above paragraph.

It is not our duty to build ships which may be used as an aid to war vessels, and to claim that they can be used as freighters. A ship to be a good freighter must have a maximum amount of hold, with a minimum waste for storage of coal. In other words, it is bound to be a slow ship. In battle a ship must be able to strike quickly, get away quickly, maneuver quickly, and be ready to strike again.

I read from Doctor Meeker's work, an expert authority on this subject, pages 215–216:

The policy of giving extra admiralty subventions to vessels convertible into cruisers in case of war is followed by England. The results are not satisfactory. Vessels built after admiralty plans are neither good merchant vessels in peace nor good cruisers in war. The coal bunkers and machinery take up too much room for a merchant steamer. They are too slow to run away from the very swift vessels built solely for cruising and too light to fight. The British board of admiralty reported in 1902 that the amounts already spent in admiralty subventions were practically wasted and recommended that these payments be discontinued. War vessels are so highly specialized now that a merchant vessel can not economically be made over into a naval auxiliary. Fast steamers built solely for commercial purposes make far better transport ships than do the convertible cruisers. The use of the vessels of the American Line as cruisers during the Spanish-American war did not furnish any evidence tending to modify these views. To expend large sums of money in creating a fleet of inferior merchant vessels capable of being converted into fourth-rate cruisers is neither economical nor politic. It is better, then, to have the mail steamers built solely for commercial ends. In any case the postal and admiralty subventions have no connection with building up the general merchant marine.

The necessity for subsidizing our ocean-going tonnage in order to train up recruits for our Navy is not pressing. The people interested in subsidy measures overlook the fact that the United States ranks next to Great Britain in tonnage of shipping to-day, and has ranked second from the beginning of the nineteenth century. In ocean tonnage engaged in foreign trade we rank third, close after Germany. It is asserted that subsidies to our fisheries are especially desirable, as most of the marines and sailors employed on our naval vessels come from the fishing vessels. If this is really the fact, perhaps the fishing bounties are justifiable. But, so far as technical skill is concerned, a fisherman is no better instructed in the kind of labor required on board a war vessel than is a canal boatman. The idea that a large ocean-going marine is needed to strengthen our Navy in time of war is utterly fallacious. A large merchant marine is in time of war a source of weakness, not of strength. Nobody takes seriously the provisions of the treaty of Paris declaring the shipping of an enemy to be neutral in time of war. Merchant vessels must be protected against the cruisers of an enemy, thus subtracting from the available force of the fighting navy.

Unless the argument as freight carriers is thrown aside, the ships proposed to be built from public funds can not have speed

and carrying capacity combined. The two ideas are incompatible. In the case of passenger steamers there is some plausible pretext permissible; but the advocates of this bill have thought it wise not to ask the taxpayers of the country to give up their money in order to make passengers go to Europe quickly, and it is inconceivable to believe that we want to import laborers at reduced rates of passage to compete with our workingmen, so that we can drop the argument for passenger steamers, and freight steamers are useless as auxiliary to our naval force, or even as transports, which should be swift-going vessels. The lesson of the Russian defeat is not lost on us. Among the many causes that brought it about, the lack of homogenity of the Russian ships was not the least. The slowest ship sets the pace for the squadron, and in any battle a weak ship is the opening for a clever attack, so that the proposed ship-subsidy advocates, if successful to force our freighters on our men-of-war, would be aiding and abetting the enemies of our country in its hour of need, for these ships would be neither fish nor fowl nor good red herring.

My opposition to any form of ship subsidies is based on the Golden Rule, on the teachings of the Sermon on the Mount, as well as on the modern enunciation of this cardinal truth of "Equal rights to all, special privileges to none," in Jefferson's words, so tersely restated by our great President, who proclaims himself in favor of "A square deal to every man; no more, no less."

How can "a square deal" be reconciled to a bounty wrung from the public; paid for by every man, woman, and child in the country? A bounty is a tax levied on the public to accomplish some uneconomic need. In its ultimate analysis it is another attempt to raise ourselves by our bootstraps if successful, and in the meantime to tax the whole community for the benefit of a few. We start out by paying a few millions a year to help the shipping business by taking "the money from the Treasury not otherwise provided for," yet we know that this is wrung from the people by indirect taxation of the most severe and relentless kind. Every time some poor woman in my district buys cloth for a dress, or a man buys a hat or smokes a pipe, some portion of their earnings have been diverted by devious means of indirect taxation to swell the funds of the public not needed for the expenses of the Government. This has been going on at so monstrous a rate that formerly we had a surplus in which every trust and every protected industry tried to stick its nose and partake of the Government pap.

How shallow and maladroit, how insincere is its belated appeal to moral ideas in this ship bounty business when it wants to spend other people's money on the pretext, mind you, for it is only a pretext, that our flag should fly at the main truck of our sea-borne commerce. In a few moments I shall take up the argument of the contradiction involved in paying other people's money to encourage ship building and show how incompatible it is with the claim for a ship subsidy to further ocean carrying. I shall read a clever exposition of the fundamentals from Doctor Meeker's history of shipping subsidies, in his testimony before the Industrial Commission in 1899:

> Experience has shown that if a new country possesses superior advantages capital from outside is ever likely to be attracted there in order to take advantage of the opportunities offered rather than to attempt the destruction of newly founded industries by destructive competition from a distance. These considerations make it advisable to avoid granting bounties, even were it possible to show that, if properly administered, a net gain would result.
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> The critical objections of the free trader, though having an economic bearing, are primarily political and ethical in character. They come up like the lean kine in Pharaoh's dream and devour the fat, sleek, prosperity-promising kine of the protectionist. Nevertheless, there remains the theoretical possibility that state aid to young industries may, under certain conditions and with right direction, accelerate the increase in national wealth. Given these economic conditions, which are said to exist very often, and the only assumption necessary is a government by men of knowledge, honesty, and power.
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> But if the political and ethical evils of protection were not sufficient to condemn it, there are good reasons for thinking that the shipbuilding industry in the United States does not conform to the conditions of an infant industry. For several years steel plates, beams, and angles have been produced in the United States more cheaply than anywhere else, so that a bounty is scarcely needed to develop our infant steel industry. It does not necessarily follow from this that ships can be built in the United States more cheaply than in England or Germany. According to the commissioner of navigation, the steel and other material going into a steel steamship constitute only about one-fourth of the entire cost. The costs of assembling and finishing are then by far the more important elements in the final cost of a ship.
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> We must not be too hasty in accepting these statements, however, for they come from an ardent devotee of the subsidy policy. The present commissioner was formerly very much opposed to subsidies and furnished statistics in 1894 proving conclusively that steel ships could be built as cheaply in the United States as in England. Since 1898 he has been engaged in figuring out the exact amount of subsidy necessary to overcome the higher costs of construction and navigation under the American flag. The estimates of these differences in costs have diminished in amount so enormously and so capriciously since the original estimate of 1898 that their accuracy is very doubtful. The first estimate must have been much too high; and what is to insure us that the present estimates are not equally incorrect?
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> The comparisons of wages in different countries made by the commissioner are worthless, and the conclusions drawn from them are silly. No idea is given by these comparative tables regarding the varying conditions of employment, methods of payment, or efficiency of the workmen. We are gravely informed that day wages of workmen in shipbuilding are 50 to 100 per cent higher in America than in England, and from 40 to 60 per cent higher in England than in Germany. If these figures really proved what they are supposed to prove (i. e., higher labor cost in the United States), they would show the utter impossibility of England building ships. If there was any such enormous difference in real wages for laborers of like efficiency, to attempt the equalizing of the differences by a bounty would be absurd. The fact that steel and iron construction of other kinds is done in America more cheaply, as a rule, than in other countries shows that the efficiency of the American workman in the steel industry more than makes up the difference in his wages. The higher cost of ship construction in this country is not due to the higher cost of labor per unit of product, except in those cases where employment is unsteady and the labor force must be maintained on less than full-time work.
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> It is thought by many that these higher costs do not really exist. Our shipbuilders have constructed several war vessels at prices below the bids made by the strongest English firms, and it is generally recognized that in the building of first-class yachts and torpedo boats American builders lead the world. This, however, does not prove our ability to construct merchant steamers as cheaply as the English.
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> The commissioner of navigation in 1900 estimated the difference in favor of the English builder at 28 per cent. The estimates vary a good deal, but it is admitted, except by the most partisan antisubsidy agitators, that the English do build ships for the ocean transport more cheaply than we can. It would be strange if this were not the case. The American capitalist requires a higher rate of interest on his capital than that prevailing in England. This is, of course, due to the fact that capital is more productive in America. But in shipbuilding, conditions of the productivity of capital are reversed. Where an American shipyard turns out one steel vessel an English yard turns out a dozen, many of them on the same model. The English builder is able to use many identical parts, while the American builder is fortunate if he can use duplicate parts. It costs no more to superintend the building of a dozen ships than to superintend the building of one. Expensive machinery and highly paid skilled labor are constantly employed in English yards, while until recently the American yards experienced long periods of idleness, during which interest on capital, depreciation of plant, and wages of the necessary labor force consumed profits. The economies in the cost of building and of superintendence, due to organization of the industry on a large scale, give England its great advantage over the United States and all other rivals. In the building of single war vessels these economies vanish, for few duplicate parts can be used, the materials are of a special character, and the superintendence more costly. Some American yards have made a specialty of constructing the finest yachts, and therefore lead the world.

I do not believe that by the popular mandate this body has acquired, collectively, superior wisdom than its individual Members would have outside this Chamber. Why, then, should we, by spending other people's money, say to the capitalist shipbuilding is a good thing, and we'll guarantee you against losses? If shipbuilding on a large scale were a paying proposition, as I think it would be if we had no steel trust; if our coal and iron were not in the hands of our so-called "common carriers;" if the railroads had not parceled out the country and made impossible domestic free trade, which Chief Justice Marshall dreamed of for this American Empire, then this would become a reality. But domestic and foreign capital, which built our railroads and their betterments, will not invest in shipbuilding under the chaotic conditions of commercial lawlessness brought about by your tariff system of protection. It refuses to have anything to do with shipbuilding on a large scale. Capital will not invest in the attempt to grow citrus fruits, oranges, and lemons in Minnesota, New York, or Vermont, and for the same reason it will not recklessly embark in shipbuilding, which would at first, at least, not give it an adequate return.

At this point our collective wisdom is invoked to take from the necessities of the people, from the breakfast table, from their clothing, from the package of tobacco, and bread and butter of the people, and guarantee against loss a group of gentlemen who shall build ships. Would not every argument against ship subsidies apply to every other scheme of graft, to every scheme of dubious commercial stability? Does not the same argument apply in favor of every oil well, gold and silver mine, and every industrial and fraternal insurance without a proper reserve that finds it hard to compete with solvent concerns—solvent because by good management, careful selection, they have acquired wealth for their policy holders. [Applause.]

So much for the general views. If the majority insists on disguising its diversion of public moneys by the specious pretext that we should build our own ships, let us at least understand what that means. In other words, you are willing to spend public moneys in private shipyards, not to get ships, but to get work done. If you wish to spend public money on public work, it were a thousand times more beneficial to the entire country to build good roads, and begin right here, within the sight of the Dome of this Capitol, and all through the backward sections of this country. That this is not done is because our farmers have no lobbies, do not stand together, and can not deliver the vote of their workmen.

If the object were to own American ships, if it were really the intention of the advocates of this bounty business to carry our commerce in American-owned ships, you would not have

this insistent, recurrent, and organized demand of a well-regulated and all-pervasive lobby. But the claim of using the ships, of showing our flag in the harbors of the world, is but a pretext. If we want to own ships under our own flag, let us permit those American citizens who have purchased foreign ships to register them here, under such regulations as to ownership as Congress may enact. This is what is done in other commercial business interests. But that the shipbuilders don't want. They want us to build ships, not to use them. A ship must, by its very nature, bring return freights, and in this the comparison between an American-built house and an American-built ship falls to the ground. An edifice becomes part of our national domain, fixed and permanent, built by Americans and for Americans, whereas a ship must depend for its livelihood and earning power on its return freights. A ship, in other words, by its nature and being, is of an international use. Unless, therefore, you are protection mad you can see that the argument for a foreign-built ship is a totally different thing from a foreign-built house, engine, or dynamo, which savor of the realty.

The interests of the shipowner are to purchase ships as cheaply as possible. The advocates of this bill know this quite as well as we do, and this bill does nothing to further that end. The interests of the shipbuilder are diametrically opposed to the shipowner, and normally these conflicting interests would be antagonizing one another were it not that the chance of getting enough graft from the Public Treasury by this proposed bill had unified conflicting interests. The labor unions and the farmers' organizations, through the American Federation of Labor and the National Grange, Patrons of Husbandry, have spoken against this proposition.

If you are so truly anxious to put the flag on American ships, why don't you permit the shipping owned by American capital to come under our registry? The freight that these ships now under foreign registry earn comes into our pockets anyhow, and to a certain extent this disposes of the artificial horror and counterfeited frenzy which every well-educated advocate of shipping bounties utters when on the subject of our paying millions a year to foreigners for carrying our freight. The answer to this argument is terse, and, if unparliamentary, must be pardoned because of its point, "The boy lied."

Quoting again from Doctor Meeker, who says:

> Why should we remove capital and labor from other pursuits and take over the carrying trade? In order to keep this alleged one hundred and ten or three hundred million dollars at home? But why should we work to keep this particular sum at home rather than the amount we pay for English worsteds or French laces? To name the enormous amounts we might save by doing our own transportation does not prove our economic degredation. It must be shown how many millions we must pay out in order to save these $300,000,000 per annum before we can estimate the wisdom of engaging in the international freighting business.
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> Let us suppose that we pay foreign shipowners $150,000,000 per annum for carrying our freights. If we decide to dispense with the services of foreign ships and do our own freighting with American-built ships, owned by American capital and manned by American citizens as it is proposed, it means that we must divert capital from other lines of industry to the amount of at least a billion and a half of dollars and invest it in shipping. If this capital invested in other enterprises would earn $180,000,000 per annum, plainly the change to the shipping industry would result in a direct and immediate annual loss of $30,000,000 in the total social product, owing to the decreased productivity of capital and labor. This direct loss does not by any means measure the whole economic loss of such a change in industry. Capital and labor will not engage in the carrying trade unless they receive remuneration equal to what they receive in other industries in our country. They must offer services at least as cheaply as foreign rivals. Under the assumed conditions, the only possible way to save the amount paid to foreigners in freights is by means of a bounty of $30,000,000 per annum. The loss would be augmented by the cost of collecting the tax and administering the bounty, besides the losses due to the disturbance of other industries by the tax and the rapid and wasteful change to another industry. Of course the change could not take place immediately; but if the relative productivity of capital and labor in the United States and in foreign countries remained unchanged during the transition the reasoning would still hold good.
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> It may be objected that the conditions imposed are contrary to fact. It is true that the figures are not "statistical," but I have rather underrated than overrated the difference in producitivity of capital and labor engaged in international shipping compared with their productivity in American industries, up to very recent times at least.
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> In any case there is no sense whatever in the hysterical demand that we must own the ships that carry our commerce in order to keep the amount we pay in freights within our own national boundaries. The mystery and romance of the sea seem to have a most confusing effect upon the rational faculties of some statesmen. They associate the money earned by a steamship with the fabulous wealth of the Spanish Main. There is nothing extraordinarily attractive or remunerative about the sea freighting business. It would be very uneconomical to lure or drive capital and labor into this business if they are earning as much or more in other lines. If Mr. Blaine had been advised to cut down his household expenses by discharging his janitor and employing his own energies in the lucrative industries of carrying coal, cleaning the furnace, sweeping the cellar, etc., thus saving the relatively large sum of $400 in gold every year, and at the same time building up a flourishing home industry, he would have been amazed—perhaps displeased. Yet such a suggestion is scarcely more ridiculous than the eloquent appeal for a merchant marine made by Mr. Blaine in 1881.
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> It has been stated above that the extension of our commerce by means of a bounty is possible only in case the bounty acts so as to reduce freight rates. The advocates of ship subsidies do not usually mention the possibility of a diminution of freight rates. They rely upon the flag to extend commerce. "Trade follows the flag" is at once watchword and argument with them. Statistical support for this assertion is furnished in copious abundance, but, like all the statistics thus far examined, the figures are meaningless. It is shown, for instance, that the commerce of Germany with the Far East has increased since the North German Lloyd contract with the Government was made. It is complacently assumed that the increase is due to the subvention and that the proposed subsidies will act in the same way. The fact that German commerce increased just as rapidly before as after the granting of the subvention is not mentioned.
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> The subsidy agitators see in every foreign shipowner or master a deadly enemy, who is seeking to promote the commerce of his own native land at the expense of every other land. Now, it is a fact of no small economic importance that a foreign shipowner is always willing to carry American goods for a consideration, no matter how heartily he may hate Americans. Sea transportation is a business and not a religious or sentimental activity. Obviously this whole argument for national ships becomes a reductio ad absurdum; for how shall maritime nations promote their commerce without at the same time promoting the commerce of those countries with which they trade? It may be asserted that the nation without a merchant marine is excluded from intercourse with undeveloped and colonial countries.
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> But the undertakers of all nations are watching keenly for every opportunity to do profitable business. Our commerce with the Levant has increased so greatly in recent years that the Hamburg-American Line has found it advantageous to found a regular freight line between New York City and the ports of the eastern Mediterranean. Our commerce with the English colonies in South Africa has increased more rapidly than that of either England or Germany, though the two latter countries have their regular postal lines to South African ports. American agricultural implements have practically displaced German farm machinery in the Transvaal, because they are better, lighter, and cheaper. No case has yet come on record of a German shipmaster refusing to carry American goods on the grounds that it might injure German trade.
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> The complaints that American shippers can not find transportation for their goods are heard in the halls of Congress, but not in the boards of trade. Our commerce with China is carried on mostly by American ships, but Japanese, English, and German ships compete with our own for a share in this carrying trade, as also in the trade with Australia, India, and other parts of the world. On the margin of indifference it is probable that patriotism would decide the direction of commerce. For example, if a German sailing master had collected cargo in Chinese waters which he could take to Hamburg or New York with equal chances of making profits, he would probably go to Hamburg. But such cases are not numerous enough to make it worth while to pay nine or ten million dollars yearly in bounties to regular American postal lines on the chance of catching this trade.
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> It may be said that the captain of a regular liner has no choice but to take his cargo home, so that national trade is bound to be increased. It must be remembered, however, that subventioned steamers carry an insignificant part of the world's commerce. About 2 per cent of the British merchant marine receives subvention from the Government and are bound by contract to sail over prescribed routes within certain time limits. A somewhat larger portion of the German marine is so situated—6 per cent would be a most liberal estimate. French sailors and steamers receiving the general subsidy are under no compulsion to increase French trade, and, as a matter of fact, choose the longest routes between foreign countries for their activities, so as to earn the largest possible bounties. National commerce is a very secondary matter with them. In fact, the disadvantage of being compelled to sail regularly over the same definite course is urged as one of the chief reasons for the payment of subsidy to the postal lines. At the same time it is urged that regular communications are very much superior to an arrangement of voyages according to the needs of commerce. France has taken infinite pains to establish regular mail lines and to encourage French shipping so as to promote her commerce, but her exports and imports have remained practically stationary. The United States has done almost nothing in these directions, and her commerce has increased enormously. The history of the world's commerce seems to show conclusively that the nationality of shipowners is quite a secondary matter in the development of trade.

But a long course of wasting public moneys on private enterprises has hardened us. To take the money paid by all the people for the benefit of a favored few is unfortunately no longer astounding, but none the less unrighteous. In consequence of this we ship steel plates to Antwerp and thence to Belfast, and help the Irish compete with the English shipbuilders. Instead of cutting down the steel schedule and trying the experiment whether American labor, in a free market, can not by reason of its great efficiency defeat the poorly paid mechanic of Belfast and Birkenhead, we cap the absurdity by taxing the American laborer, in all fields of endeavor, to permit his master to build ships here, while steel plates are being dumped at the doors of the Belfast plants by the steel trust as low or lower than in our own shipyards.

So much for the shipbuilding argument. If we are to build ships, paradoxical as it may seem, we can not have ships, and if it is not to help the American shipyards, why not let American capital bring what it has purchased, wherever they can be bought cheapest, and register them under our flag? The two greatest maritime nations, England and Germany, practice this policy successfully.

WHY OUR MERCHANT MARINE HAS DECLINED.

The statement has been made that it costs from 20 to 40 per cent more to build an American ship than a foreign ship of that

class and it costs from 20 to 40 per cent more to operate an American ship than a foreign ship.

This seems to me about as good a reason as could be advanced why the Government should not allure capitalists to invest in an industry that it seems can not be made to pay. These are not temporary disadvantages we are now suffering from, but are bound to increase year by year as the standard of living and the high wages obtained in the paying extractive industries affect the wages of mechanics and gradually raise the standard of living of the workmen in the protected industries. The entering wedge of this bounty system will soon make of this intrenched wrong a vested right, which will claim with some degree of plausibility a right to continuance at your hands after having been called into being by you. It can not be limited as to time. Like the infant industries of forty years ago, they have become our masters.

Doctor Meeker, on this subject, says:

> We have had at least one notorious instance in our history of actual bribery by a steamship company to secure a larger bonus from the Government. Our experience with subsidized railroads and industries protected by the tariffs should have taught us to distrust the whole principle of protection. Every aid given to private enterprises makes them the greater beggars, while it increases their ability first to ask, then to bribe, and finally to demand alms from the people.
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> If a subsidy policy is once begun, it may not be so easy to stop. Even though it could be shown that a proper subsidy, judiciously administered, would be economically beneficial, the impossibility of freeing the legislature from the corrupting influence of interested lobbyists would condemn the theory in practice.

I have endeavored to show that without the handicap of a trust-breeding tariff we could build ships as cheaply as foreigners, but our seamen are right in demanding legislation against the extortionate rapacity of the owners, and therefore demand a higher standard of life and of good wages. Not only do I not blame them for this demand, but I am proud of it. The effect of universal and unrestricted free trade among 88,000,000 people have made that demand not only possible, but effective. And, consequently, you can not sail these ships in competition with the crews living under a lower standard than that demanded by Americans.

Think of it! Here you have daily before your eyes and peculiarly within your own knowledge the results of what absolute and unrestricted domestic free trade has done for 80,000,000 people—all alike patriotic and all alike desirous of making the most of life—and you have the effrontery to claim that the tariff and its abomination of protected parasites brought this about, and that the wages and standards of living of the wage-earners of this country are determined by such industries, which, according to your own showing, could not exist except through diversion of public revenues.

That is assuming the sincerity in your protestation on behalf of the wage-earner. As a matter of fact, you are not sincere in this. And seamen on bounty-fed ships, which could not exist but for the bounty, would soon be in the same position, as regards wages and conditions of life, as existed in the anthracite coal fields. United action on the part of laboring men in this country alone keeps up wages. Although we have by the bounty of the Almighty an unlimited supply of perfect coal, the conditions revealed by the Commission after the great strike showed that behind your tariff barrier, administered by men who blasphemously claimed the exercise of a God-given attribute, in an industry where, if ever, your claims of raising the standards of life should have shown itself in a living wage for the miners, your beneficiaries ground the faces of the poor and mocked the sufferings of the women and children. The protective tariff, where it does exclude foreign products in quantities, does not raise the wages—nay, it depresses them below those obtainable in open industries, which, after all, set the standard of wages. Iowa, Kansas, and California set this pace, and not Pennsylvania and Massachusetts. And so it is that I dread the artificial stimulation of this proposed new infant industry. [Applause.]

Quite recently we heard extracts from the writings of Henry Clay and Jackson as to their expectations of the tariff. Sixty years and more have passed, and, like Tories and Bourbons, you cling to the antiquated forms of exploiting the people. That you do not have a corn tax to supplement your other iniquitous extortions is due to the fact that the extractive industries, like corn, wheat, and cotton raising and lumber, set the standard of wages. Instead of addressing yourselves to stopping this waste you want to increase it by adding another protected hobo to the list of those who are to be fed and supported by the public; because, if an industry does not pay and can exist only by reason of public contributions, it is like any other eleemosynary system—of an educative value, but of no more economic use than an almshouse.

What sensible arguments have you brought forth that can seriously hold water? The statistics of the decline of our wooden tonnage is coincident with the increase of our greatest material growth, and it is just as fair to argue that the protective tariff caused a decline of shipping as that it built up our country. Americans earn more on shore than they could on the freighter on the ocean, and American capital is invested in foreign shipping because no false pretense was required to permit the owner to exploit the ships, the officers, the men, and their stokers. You first prevent the registry or purchase of foreign ships, and then complain that our flag is not shown in every port, while you force American capital to embark in foreign ships, because you are justly afraid of the labor vote, which would object to your practices differing so widely from your preachings. And this brings me to the next pet argument of the bounty grabbers—

THAT THE FOREIGNERS CONTROL OUR COMMERCE.

The great laws of demand and supply govern the price of staples, whether at New York, Liverpool, Chicago, or Antwerp, Detroit, or Alexandria, and the seaway being open to all in the long run, this ocean carrying trade regulates itself to meet increased demand. Why, then, when foreign ships do our carrying for us, should we care who does the work so long as it is done cheaply and well? To hear those in the interests of the ship-bounty lobby one would think that the ocean trade was something supremely beautiful and romantic, and that ocean freighting had a peculiar glamour derived from the buccaneer days. You may not remember that Kidd was one of the first products of a bounty-fed shipping. England and the colony of New York both share in the responsibility of equipping and starting his bounty-fed commerce, and when it failed to pay (the laws of demand and supply being the same as it is now) Kidd ran amuck. That was because he could not join, consolidate, and Morganize, if you will permit me, the carrying trade and prey on it within the statute law.

Far be it from me to resort to the argument ad hominem or ad navem. My case does not require any such aid.

The trust or combination of all shipowners against American trade is a pet scare to lure other people's money into the maw of the shipping trust, and yet the shipping trust would undoubtedly be the chief beneficiary of any such diversion of public money as this bill contemplates. Do we really believe that ships are changed in their character as traders because one flag or another flies at the main truck? Don't you know that ships, whether they are Norwegian, Japanese, English, or German, must get a return cargo or go out of business? How, then, is it possible to expect grown men to believe that a combination of shipowners can monopolize the ocean carrying trade? Does not the mere statement carry its own refutation?

If such a combination were possible among the carriers on the North Atlantic, don't you know that the grain and the cotton would flow to Galveston, New Orleans, and Savannah, and that every ocean tramp would flock to these ports? If you really fear the combination of ocean carriers, why not try to regulate them by subjecting their freights to the rate-making power of the Government and give the Interstate Commerce Commission control over the ocean rates as well as over the land-borne commerce of the country? That ocean rates can be regulated by a Federal commission or by any agency you choose to create is not a question of power, but of expediency. I am greatly in favor of trying some plan of this character before we embark in expensive bounties wrung from the common people through the United States Treasury. We have to-day the greatest merchant marine in the world in our coastwise, lake, and river carrying trade. All of this great fleet must be built and repaired in American shipyards.

We are told, however, that a war between great European nations might cause our products to rot in our fields, and this in the same breath with the statement that every other nation is turning out bounty-fed ships.

Yet is it conceivable for us, who have lived forty or fifty years, to believe that a case can arise in which all maritime nations are engaged at once, in which no ships are available as carriers? Is it not a fact that the great waste entailed by modern war must ultimately be borne by all commercial nations? Our staples will be carried, war or no war. People must be fed and clothed, and that carrying trade will go on. The falling off of dispensable commodities would not affect the value of our staples. If we had a bounty-fed shipping depending on a bounty for an existence the inevitable falling off of high-class freight would at once furnish an additional reason for a clamorous appeal and recourse to public funds.

It is eminently characteristic of the advocate of subsidies to state, in the same breath, that the free purchase of foreign-built ships would not solve the problem and then to state that millions of American money is invested in foreign ships. Plausible as their argument may be, in its last analysis it is

simply an attempt to get a sum sufficient to perform double work to guarantee the shipbuilder and then the shipowner. I have shown above how irreconcilable this conflict of interests is bound to be. It has been claimed by trained observers that we are a nation of boys, whose general characteristic is a dislike of expert opinion. A nation that will not learn from the experience of others, that must burn its fingers in each generation, must inevitably fall into every financial, economic, and industrial quagmire in order to learn its lesson. Not so many years ago a Member of Congress exclaimed, "What can Europe teach us?" Our position as a world power should have taught us that efficiency by a legislature can only be done when we husband our energies to accomplish feasible things. What is feasible may be learned by the hard-bought experience of foreigners much more easily than by again and again trying the feat of raising ourselves by our boot straps.

What has been Europe's experience with ship subsidies? A candid answer would compel every student of the subject to admit that subsidies have been a great failure, a vast and wanton waste of public funds. [Applause.]

France and Austria by bounties may have built up shipping, but that was accomplished by sapping the vitality and soul of domestic industries and leaving a giant infant industry whose weakness increases with its growth and age. Furthermore, the amount of governmental supervision and paternal coddling, the huge army of officials, fattening on this as on every enterprise in Austria and France which have the faintest connection with the Government, should certainly deter us from following their footsteps.

The history of German ship subsidies is well stated by Doctor Meeker, but I can insert only his conclusion:

A certain class of people in England, and especially in the United States, read the evidences of Germany's progress in shipping, and, by means of a process which it would be flattery to call reasoning, they conclude that this progress is due to enormous subsidies paid by Germany. There is only one sufficient answer to this assertion. It is absolutely false. First, as we have seen, Germany does not pay large subsidies. Though the contracts are not let at public auction, the Government takes good care of its end of the bargain, and requires good service for moderate pay. In relation to miles traveled the German service is cheaper than the English, though in relation to the quantity of mails it is considerably dearer. Secondly, no possible connection between the postal subventions and the growth of the marine can be established. The North German Lloyd and the Hamburg-Amerika Line owe their great success to the emigrant movement to the United States. It is scarcely necessary to mention the great industrial revolution in Germany since 1880 to prove that the growth of German shipping is entirely independent of official tinkering. As to the indirect bounties, their influence can hardly account for any considerable part of the rapid development of German shipping and commerce. As was shown above, the intent of the Government was undoubtedly to aid shipping and encourage trade. If this motherly hovering has produced good results, it has been because of its inadequacy.

Doctor Meeker shows that Great Britain has never granted general navigation bounties, and, with the exception of the bounty of 5 shillings per ton for vessels above a certain tonnage, granted in the reign of Elizabeth, no general construction bounties have ever been granted by the British Government. When mention is made of British shipping subsidies, the postal subventions are invariably meant. And from Great Britain let us shift our view to Japan. Here is what happened, as described by the same writer:

Shipping grew as rapidly before the law of 1896 as after, in spite of the monopolistic power of the Nippon Yusen Kaisha. Since 1868 Japan has experienced an economic revolution even more astounding than its political revolution. The methods and machinery of production were changed with incredible rapidity. In a few years the nation rushed from barbarism into civilization through the power of its imitative genius. But the progress was not swift enough to satisfy the leaders and they imitated the protective methods used in western lands to stimulate progress. The first experiment with state-aided steamship navigation created a monopoly that exploited both Government and people. The attempt to fight the devil with fire by creating another state-supported steamship company to compete with the first led to a "community of interests" arrangement that must excite the admiration of the king of Wall street promoters. But the ambitious Japanese leaders were determined to have immediately all the institutions possessed by European nations, and accordingly long-distance postal lines were established by the law of 1896. There is no doubt that the lines established by this law are now running profitably. It is equally certain that the law was in part responsible for the subsequent stagnation in trade and industry which led the Government to modify this extravagant measure. The laws of 1899 and 1900 provide for very large expenditures in proportion to the resources of the country and the value of money in relation to commodities and services, but the expenditures are held within limits so there can not be a repetition of the too rapid multiplication of ships. Whether these payments are purely subventions for postal service or partly subsidies, they have attracted capital into shipping, and the economic development of Japan, her geographical situation, resources, and the character of her population made the development permanent. Shipping would have developed anyhow—in fact, was developing with great rapidity. The Government merely gave form to the maritime undertakings of the capitalists. It will always be a question if the Government gave the best direction, whether the development would not have been sounder, though less rapid, had the capitalists been left to decide for themselves what lines to establish.

The German steamship companies have made a profitable business of the emigrant trade, and the Government never diverted capital into new channels; the traders preceded the shipping. When we have a sufficiently large export trade, Americans will build ships, bounty or no bounty; but let us not forget that the Germans wanted ships, not bounties, for work done, and that shipbuilding material was imported free of duty. The testimony of the general manager of the American-Hawaiian Steamship Company, the first week in April, before the Committee on Merchant Marine, was that his company were building six new steamers for the Pacific Ocean and the Caribbean Sea trade. The customs tariff of Germany exempted from duty all materials of construction and equipment of seagoing vessels, and after the Government controlled the railways they granted to the German industries exceptionally low rates on shipbuilding material and on coal and on steel. They admitted the unfairness of the protective-tariff principle by virtually making all the interests affected sharers in this diversion of public funds. The rates granted by the state railways and by the bounty-fed shipping help exports and are not fettered by illogical and self-contradictory systems of railroad rates violating the principle of protection to domestic industries. The Germans know full well that you can not export unless you import, and in spite of the illogical conditions have made a partial success of bounty-fed shipping under strict state control. But we should not forget that the Germans have a tiny ocean front and an immense surplus population, and that their neighbors have all tried in vain to increase the national well-being by mutual taxation.

In order to make the German example a valid application here similar conditions must prevail, and until then Germany's example is misleading.

The example of England shows that ship subsidies are of no earthly use to progressive and paying concerns, that they only insure dividends and retard development, and that the free ships force the pace of the subsidy beggars. Examples of this are not wanting. Listen to the following from Doctor Meeker's work:

The statistics of the commerce and shipping of France, Italy, and Austria, quoted by the opposition to show the harmfulness of bounties, are by no means so worthless, for they show that, at least in some cases, bounties do not lead to an expansion in commerce and shipping. But to conclude that a bounty to shipping in the United States would act like a bounty to shipping in France is the reverse of reasonable. It is quite probable that this country would increase its shipping by means of bounties; but, as has been repeatedly pointed out, the enlarging of an industry by government aid does not mean an economic gain, much less an ethical gain.

Although the popular arguments for bounties are based on meaningless statistics, and are rather oratorical than logical, it seems necessary to consider some of the assertions most frequently made and most likely to mislead.

Saving of freight charges.—The subsidy advocates assert that the vast sums paid to foreign shipowners as freight charges will be saved to the country as a result of the bounties. This they regard as their most telling "economic" argument for the subsidies. Mr. Charles H. Cramp, of the Cramp shipbuilding firm, has used this argument with peculiar enthusiasm and energy. He informs us that we must pay the freights both ways, if we employ foreign shipowners to carry our exports and imports. Continuing, he says: "No fine-spun theory of cloistered or collegiate doctrinaire can wipe out these facts." We can not but feel a passing qualm of pity for the miserable doctrinaire, culpable though he may be. It seems needlessly harsh to crush him so remorselessly with such very wonderful facts. The only possible criticism of these facts is that they are not true.

What are the grounds for asserting that we must pay the freights both ways as a penalty for our inability to run ships under the American flag? The comprehension of this subtle theory is strictly limited to those men in the shipping industry and some few "practical statesmen." There is not even the most superficial excuse for such a statement. If our merchants were the only merchants in the world, then it might be said that they must, in the first instance, pay all freights. The absurdity of assuming that we must deduct freights from the value of our exports and add freights to the cost of our imports is too evident to need discussion. Professor Cairnes shows that of two countries carrying on exchanges, the one that has the greater natural resources exchanges at an advantage because of the greater productivity of its labor and capital. The cost (meaning the subjective cost) of 1,000 units of value is less in the United States than the cost of a like number of units of value in England.

He argues, therefore, that the United States derives the greater benefit from exchanging. Taking this view, we may reasonably say that England in reality pays the freights both ways, or at least the greater part of them. Whoever pays the freights, the mere fact that commerce between the United States and Great Britain is carried on and is steadily increasing shows, beyond the possibility of contradiction, that the commerce is profitable to both countries. If the statements of Mr. Cramp and Mr. Blaine really required refutation the statistics of commerce would furnish a sufficient rejoinder.

It must be evident to anyone who understands the first elementary principles of international trade that we pay no more than our proper share of freight charges. But Mr. Blaine and his followers tell us the amount we do pay goes into the hands of foreigners and is "diverted from our commerce." It is forever lost to us unless we borrow it back on bonds.

Here, again, the vacuity of the argument baffles the economist. Furthermore, it is not and never has been true that the entire amount paid to foreign steamship lines in freights goes out of the country. A large percentage of the tonnage carrying our foreign commerce is owned by American capital, though sailing under foreign flags. The profits and dividends on capital remain in this country, which fact should soothe the sorrow of those who mourn for the gold that flows out of our coffers.

The argument of the ship-subsidy people that by spending public money on ships we will keep at home the freight now

paid to the ocean carriers has been refuted, first, by their own showing that American capital is invested in foreign ships because it pays better, and, second, because it is based on the fallacy that a ship need not earn return freight.

In the course of my speech I have referred to the attitude of the American Federation of Labor, a splendid organization with a membership of nearly 2,000,000 workingmen of America. The following from its president, Mr. Samuel Gompers, explains the position of that body:

OFFICE OF THE AMERICAN FEDERATION OF LABOR,
423 G Street, Washington, D. C., February 13, 1906.

Hon. WILLIAM B. ALLISON,
United States Senate.

DEAR SIR: The Senate of the United States has before it and under consideration S. 529, commonly known as the "subsidy bill." Bills of a similar character before previous Congresses have been given considerable attention by the working people of our country, and their views expressed thereon, and particularly is this so in reference to the principle involved as well as certain features of the bill in the third session of the last Congress, being H. R. 17098. Comparison and perusal of this bill with S. 529 shows a marked similarity in purpose, method, and principle, and it is both the presentation to you and through you to the Senate of the United States that I am compelled to address this letter to you.

October, 1905, Mr. Daniel J. Keefe, president of the International Longshoremen's Association and vice-president of the American Federation of Labor, requested an opinion from me upon the subsidy bill H. R. 17098, and because a perusal of my reply to him and because I am convinced that in effect the reply applies equally to the present subsidy bill, S. 529, I quote that letter herein. It is as follows:

WASHINGTON, D. C., *October 17, 1905.*

Mr. DANIEL J. KEEFE,
President International Longshoremen's Association,
Elks' Temple Building, Detroit, Mich.

DEAR SIR AND BROTHER: Thus far I have been unable to write one word of my reports, the other work requiring so much of my attention. In spite of being overwhelmingly busy I have tried to comply with the request contained in your favor of October 12 in regard to the Grosvenor bill—H. R. 17098, of the Fifty-eighth Congress, third session—being a bill on the merchant marine and fisheries, commonly known as the "subsidy bill."

I have also read the report of the committee—Report No. 4136, Fifty-eighth Congress, third session, House of Representatives, and which accompanied H. R. 17098. Of course, I do not pretend to say that I have thoroughly digested the provisions of the bill and report. To make any such claim would be futile, because it would require thorough study to entitle one to reach conclusions upon which one can so definitely assert.

However, from a casual reading and a fair conception of their purport, as well as some experience with measures of this character, I submit to you the following tentative conclusions which were forced upon my mind; or, rather, I submit the following for your consideration in connection with this subject:

In connection therewith I need not, however, mention the fact that the American Federation of Labor has repeatedly and almost unanimously declared against the ship subsidy bills that have been introduced in the various Federal Congresses. I only need briefly call your attention to the few points to which I shall refer.

You will observe on page 5 of the bill, from line 13 to 16, inclusive, there is a provision that if one-sixth of the crew are American citizens of the United States, or men who have declared their intention to become citizens, that the vessel shall be entitled to subvention. In other words, five-sixths of the crew may not only be aliens, but could be Asiatics, and in view of the fact that the tendency of the ship companies, like other employers, is toward a desire to get the cheapest possible labor, it is not difficult to understand that the shipping companies receiving this subsidy would hire as many of the aliens as possible—that is, five-sixths of the crew—at a low wage, and through this means endeavor to force down the wages of the one-sixth of the crew necessary to be employed to entitle it to the subsidy.

On page 6 of the bill you will find a provision that a vessel shall not be entitled to the subsidy, unless the members of the crew shall be enrolled as naval volunteers, and on page 2 of the bill it provides that they shall be "enrolled for a period of three years, during which they shall be subject to render service on call of the President in time of war."

One can readily see that the shipping masters will make the enrollment into the naval volunteer service a condition precedent to employment, and that the failure or refusal of a seaman to enroll as a volunteer in the Navy, and subject to a call in time of war, will be sufficient cause for shipping masters to refuse to give these men employment at all.

Of course every American must feel and should feel that in time of need Americans should readily respond to the call for troops on land or sea, to defend the interests and honor of our country, but I believe you will agree with me that when a man's employment in times of peace depends upon his enlistment in either the Army or the Navy, that such a provision is tantamount to compulsory enlistment, and practically constitutes conscription.

Then, again, on pages 11 and 12 you will find that a tax or duty is imposed upon foreign vessels carrying products to the United States, or from 8 to 16 cents tonnage per year. It is not difficult to discern that every cent of such taxation will be placed upon the products which the people of the United States will have to pay on every article they consume, at any rate during the period from the enactment of the bill until every article brought from a foreign country is brought in ships flying our flag. And surely between such period and the entire carrying of foreign trade by American vessels a considerable time will elapse.

In the entire bill there is not one provision that makes one solitary gain for the men who make their living by going down to the sea in ships.

In the report of the committee a pious wish is expressed that other committees of Congress should take this matter into consideration, but these perfunctory declarations mean little or nothing. If the committee had any idea for the improvement of the condition of the seamen, they certainly could have drafted it in the bill they had under consideration.

I regret that I have not any more time to devote to the consideration of this matter, but the above is submitted to your careful consideration as the conclusions reached at the first flush after reading and noting the contents of the bill and the report of the committee. You will, of course, understand that I am not an expert in maritime affairs. I speak from the standpoint of the layman who has had some little experience in dealing with matters of this character, and in that spirit and understanding I ask you to accept it for what it is worth.

Omit from this quoted letter the word "Volunteer" and substitute the words of the present bill, "Naval Reserve," and the applicability will thus be obvious.

It may not be amiss to call attention to the fact that on page 4, lines 6 to 9, in accordance with the provisions therein stated, the seamen coming under the operation of the bill, if it were enacted into law, would, while employed by private concerns, still be subject to such orders and regulations as the Government, through its Secretary of the Navy, may prescribe. Again, making conscription practically absolute as a condition for the employment of a seaman on a private vessel.

On page 5, lines 3 to 11, the following language occurs:

"Such retainer shall be paid at the end of each year of service on certificate, by an officer to be designated by the Secretary of the Navy, that the member of the naval reserve has satisfactorily complied with the regulations, and on certificates by the Commissioner of Navigation that such member has served satisfactorily for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries."

In other words, this provision of the bill makes the seaman who has entered in the naval reserve dependent upon the whim and fancy, favoritism and displeasure of his private employer before even the seaman may receive the Government's largess.

Without discussing further the general principles of the bill, it appeals to me with irresistible force that the particular features of the bill, to which I have addressed myself, should commend themselves sufficiently strong to you so that they may act as a protest against their enactment into law.

The workmen of America love our country, and there are no more loyal in all the masses of the people than are those who are enrolled in the membership of the trade unions of our country. It is in their name that I address you, and suggest further that wisdom and foresight and patriotism, as well as economy, should suggest a definite method by which men, American by birth, citizenship, or sympathy, may be recruited from the merchant marine of America for the naval strength of our country in times of stress and war as well as in peace.

Very respectfully, yours,

SAML. GOMPERS,
President American Federation of Labor.

The Patrons of Husbandry, an organization of American farmers, 1,000,000 strong, speak in no uncertain language on the subject in the following letter:

NATIONAL GRANGE, PATRONS OF HUSBANDRY,
OFFICE OF LEGISLATIVE COMMITTEE,
April 6, 1906.

To the Committee on Merchant Marine and Fisheries of the House of Representatives, Fifty-ninth Congress:

In behalf of the National Grange we desire to submit our objection to Senate bill 529, known as the "ship subsidy bill."

We understand the present bill differs from its predecessors in that its authors have tried to cover up the ugly word "subsidy" and "bounty" by the use of the term "subvention." Instead of providing for the payment of bounties to shipbuilders or owners of steam or sailing vessels the bill provides for the payment of "subventions" in amounts proportionate to the size of the vessels, the nature of the trade in which they are engaged, etc. A subsidy by any other name smells as rank, and the National Grange protests as earnestly against the use of public revenues for subvention to a few persons as against bounties or subsidies to the same class of citizens.

The language of the bill is obscure, perhaps intentionally so, but it is clear that under it there would be taken during the next ten years from the money raised by taxing the people of the whole country about $50,000,000, which would be given to a small number of persons building or owning steam of sailing vessels. In return for this immense amount of money what are the taxpayers of the country, and especially the farmers, to receive?

It is claimed that as the result of this system of bounties the number of vessels built or owned by our citizens engaged in the foreign trade will be largely increased; that this will cause a reduction in freight rates, and that this saving in freight, in so far as it affects the exportation of farm products, would go largely to the American farmer. There is absolutely no proof of this contention, but on the contrary all past experience has shown that it is the foreign purchaser who gets the benefit of lower freight rates. Lower ocean rates mean lower rates from Canada, the Argentine Republic, Russia, India, Australia, and other competing countries, and as it is the competition of the products of those countries that fixes prices in the foreign market a reduction in freight charges would simply mean lower prices to the foreign consumer.

In fact, it can be shown that the result of the subsidy policy would be to encourage foreign competition with our farm products in neutral markets. If the effect of this legislation would be, as its advocates claim, to increase the number of vessels owned by citizens of the United States engaged in the foreign trade, it is evident that such vessels would displace a certain number of foreign vessels which are now carrying our farm products to foreign ports. These displaced freight vessels would have to seek freight elsewhere, and their owners would naturally try to increase the export trade in farm products of competing nations by carrying such products as cheaply as possible. The result would be to stimulate competition with our surplus farm products in the neutral markets in which they are now sold. It would seem that there is no good reason why the American farmer should tax himself in order that foreigners can buy our farm products at a lower price.

When challenged to show how the "subvention" scheme will benefit the farmers, its advocates fall back on vague generalities as to trade following the flag and the increase in exports which they claim would result from having our goods shipped in vessels owned by our own citizens; but they have never been able to show that foreigners would buy more of our goods merely because they were shipped on American vessels instead of foreign vessels. Foreigners are very much like Americans in one respect—they want to buy things as cheaply as possible, and they will buy American goods when they are as good and as cheap as those of other countries. If our goods can be sold cheap enough, the foreigner will buy them. If our products can not compete in price in neutral markets with those of other countries, we can not expect the

foreigner to be so foolish as to pay more for the goods he wants just because they may be sent to him on an American-owned vessel. The subsidy advocates complain that the foreign vessel carries freight so cheaply that American ships can not compete. This means that American producers get their goods carried to other countries on foreign vessels cheaper than they can be carried on American vessels, and there is no ground for believing that the foreign buyer will take any more of our goods shipped on an American vessel than on a foreign ship.

It is urged by the subsidy hunters that the cost of building vessels in this country is so much greater than in foreign countries that a Government bounty is necessary in order to equalize conditions. As a matter of fact, the chief item of additional cost of American vessels is the high price of the steel plates, frames, bolts, etc., that enter into the construction of a vessel. It is notorious that the United States Steel Company sells steel plates, etc., to foreign shipbuilders at prices far below those charged American shipbuilders, thus directly aiding to encourage foreign competition and discourage shipbuilding in this country. If the believers in bounties will aid in getting legislation under which the steel trust will have to sell its products in the United States as cheaply as it does to foreign countries, our shipbuilders will soon be able to compete successfully with their foreign rivals.

By the National Grange:

NAHUM J. BACHELDER, *Concord, N. H.,*
ELLIOTT B. NORRIS, *Sodus, N. Y.,*
AARON JONES, *South Bend, Ind.,*
Legislative Committee.

The first name to the foregoing letter is that of the national lecturer, ex-Governor Bachelder, of New Hampshire, well and favorably known throughout the country.

The Lake Seamen's Union, through Capt. Andrew Furuseth, of San Francisco, president of the Pacific Seamen's Union, presented the following resolution:

Lake Seamen's Union.

RESOLUTION.

Whereas the United States Senate is about to vote upon the subsidy bill: Therefore, be it

Resolved by the Lake Seamen's Union in meeting assembled, That we respectfully but earnestly protest against the bill in its present form and appeal to the Senate to strike out subsections 3 and 6 of section 3, for the following reasons:

First. Subsection 3 appears to give some advantage to the seaman, but in reality lowers the standard of efficiency by authorizing the vessel to go to sea with but half of the crew able seamen. They have done so in the past, but in violation of the spirit, if not the letter, of the law.

Second. Subsection 6 provides that the owner must have a certain number of naval reserves to get the subsidy. This means that the seamen must be in the reserves in order to get employment. This is conscription pure and simple, and we protest against being selected for this while other men may under ordinary conditions choose whether they will enlist or not until the nation needs all its men.

Third. It would compel us to be in the military service from 21 to 47 or quit the sea.

Fourth. Under such conditions we would rather quit the sea, since it would be a notice to us that we must, as seamen, give up any hope of improvement in our life. We have asked for laws in accord with American ideas, and we are getting more servitude and more discriminations against us.

Fifth. The discrimination is coupled with a bonus, which places us in the position of receiving, while in health, money which we have not earned and which is, therefore, in the eyes of honest men, dishonorable.

Sixth. The striking out of these two sections leaves it to each seaman to choose for himself whether he will accept the bonus or not, and this we respectfully suggest is a privilege granted to all other servants. As workingmen we ask to be permitted to retain so much of the respect of our fellows and ourselves as our present status has made it possible for us to keep.

On behalf of the Lake Seamen's Union:

F. A. HANSON,
Chairman.
V. A. OLANDER,
Assistant Secretary.

CHICAGO, ILL., *February 9, 1906.*

Captain Furuseth, in his testimony before the committee last month, used the following language:

From my own practical experience, and from my knowledge, and from the investigations that I have been able to make, I propose to dispute those four fundamental facts, and to say that this bill, if enacted into law, will not increase the number of seamen under the American flag subject to draft into the Navy under certain conditions. It will, on the very contrary, cause a large number of men now under the American flag—and who, by the way, are citizens of the United States—to seek some other place to get a living except at sea. If they can not find it on shore in the United States, they will probably find it in some other part of the world, where the conscription runs from one to three years instead of here where, under this bill, it will run from the time a man is 18 until he is 45.

I shall add as a part of my speech an editorial from that sterling stand-pat Republican daily paper, the New York Press, of the date February 16, 1906, which speaks for itself:

THE SENATE SHIPPING PIRACY.

The ship-subsidy bill passed by the Senate ought not to receive even the courtesy of debate in the House. Divested of its sham virtues of naval reserves and fixed percentages of American seamen in the service, it is nothing but naked piracy against the United States Treasury to turn money into the hands of individuals already holding investments in shipping, but not satisfied with their financial returns.

The Senate piracy is not a bill to restore, enlarge, and maintain a flourishing shipping; it is a bill to fatten those already in the business without creating a new merchant marine.

The people of this country do want a merchant navy. They realize that it must be built. They would favor any plan which embraced the creation of more shipping. From the Senate they would get nothing of the sort. They would, for the most part, only pay money into the hands of those owning existing shipping. This Senate scheme is not one to restore the merchant marine; it is one to enrich a few individuals, with absolutely no benefits following to the nation.

There is one way to assure enormous merchant fleets plying across the seas as successful and complete as the fleets on the lakes and in the coastwise trade. There is no coastwise shipping anywhere else in the world to compare with ours. No subsidies have been called for by it. There is no whine for subventions; no lobbying for mail contracts. The powerful industry has grown and continues to grow because it exists under a policy which provides business for it.

If there were a policy that provided business for transoceanic ships, as for the coastwise vessels, capital would build and operate shipping for the oceans as for the lakes and the coastwise traffic, and it would never ask nor want for subsidies, and the fleets springing into being would make money—they would flourish and increase. The American bottoms would regain the supremacy which they held on the oceans for half a century, when the shipping policy of the nation provided business for American ships.

If the House is to make an effort to restore American shipping and to provide that it shall be maintained as a self-supporting institution, it will waste no time on the Senate measure. It will insist on something that will provide business for American bottoms. A tonnage tax discriminating against foreign vessels engaged in the traffic with this country will do this; a discriminating tariff duty in favor of the vessel which sails into our ports under the Stars and Stripes will do it. Subsidy without business never will.

The gentleman from Ohio [Mr. GROSVENOR], in concluding his remarks, suggests that a resolution be passed "saying in plain terms that the American Congress will subsidize everything else." It is this fact that we have gone too far with this matter of favoring the classes at the expense of the people that has caused a halt to be called.

The various subsidies, under the guise of a protective tariff, have at least this virtue, that they are necessary to enable the Government to pay the expenses of administration. They do not, as would be the case if this vicious legislation became law, dip their unhallowed hands into the Treasury of the United States to help support a special interest that is certainly old enough to stand alone.

If the shipbuilding lobby, a thoroughly organized body, that has for years laid siege to Congress for assistance, would turn its attention and energies in the right direction and go to work it would not be necessary to spend its money and time in trying to get *something for nothing* from the American people.

With the coastwise, river, and lake carrying trade belonging solely and exclusively to ships built (and repaired) in American shipyards, with a tonnage the largest in the world except Great Britain, there is no need of assistance to the shipbuilding industry.

Mr. Lewis Nixon, a famous naval architect and shipbuilder of New York, in his testimony before the Commission in May, 1904, on page 73, volume 1, said, among other things:

In regard to the first cost of ships, a comparison by a percentage statement as to the cost of ships here and in England is very liable to be misleading. To say that a ship costs 50 per cent more here than in England naturally must be misleading, from the fact that we are probably not taking into account any of the conditions at all in making that comparison. In England to-day, if we consider the cost of ships, you will find a very great distress in shipbuilding industry and ships are low.

The producer in this country—the farmer, the mechanic, and the laboring man—upon whom the burden of this proposed subsidy falls, is the one who opposes its enactment. These classes receive but little or no substantial benefit from the tariff, and are therefore opposed to its extension. The Republican party, while standing pat on the trust-building protection ideas, dare not further aggravate the masses. Hence the strong language of the gentleman from Ohio whose potent influence will not be felt in the next Congress.

An important Congressional election is approaching, and the astute leaders of that party see the handwriting on the wall. They see a vision of a Congress again controlled by the grand old Democratic party, the party that built up this great and prosperous nation in its most trying days. They see the people again in the full enjoyment of all the privileges inherent under our glorious free Government.

The order has gone forth—no extension of the system of bounties, the robbery of the many to enrich the few, and a promise to revise the iniquitous tariff schedules, if the people are good and continue to vote the Republican ticket.

The Democratic party, the party of the people, standing on that rock of equal rights for all, special privileges to none, look to the ides of next November for a glorious victory for the common people. [Loud applause.]

Mr. FLOOD. I yield to my colleague [Mr. MAYNARD].

Mr. MAYNARD. Mr. Chairman, I shall not attempt to deal with the historical and romantic settlement at Jamestown, the heroic struggle of that band of hardy souls who in their three little ships came to anchor in Powhatan's river May 13, 1607, or the pregnant influences that had their beginning three hundred years ago at that spot, and developed us into the world power of to-day and influenced the history of the world. There is a phase of the subject, however, that I desire to bring to the attention of the House.

On March 3, 1905, there was passed and approved an act which authorized the holding of a Naval, Marine, and Military

Exposition on and near the waters of Hampton Roads, in the State of Virginia, and directing the President to make proclamation of said celebration, and authorizing him to invite foreign nations to participate by sending naval vessels and representatives of their armies, and in furtherance of that object provided $125,000 for their entertainment. And to further commemorate the settlement of Jamestown Island made an appropriation of $50,000 for a monument to be erected on the site of the settlement; $15,000 for permanent moorings for use of vessels participating in said celebration, and $10,000 for exhibiting on the scene of the engagement between the *Monitor* and the *Merrimac* one or more of the old monitors of that period, in order to illustrate the progress of naval construction; $50,000 to be spent by the Commission created by this act, not therein specifically provided for, in preparing for and conducting said celebration, including expenses of said Commission; $250,000 to celebrate the birthday of the nation at the place of its birth.

The President in due time made proclamation to the world as follows:

Whereas the Congress of the United States has passed an act approved March 3, 1905, and entitled "An act to provide for celebrating the birth of the American nation, the first permanent settlement of English-speaking people on the Western Hemisphere, by the holding of an international naval, marine, and military celebration in the vicinity of Jamestown, on the waters of Hampton Roads, in the State of Virginia; to provide for a suitable and permanent commemoration of said event, and to authorize an appropriation in aid thereof, and for other purposes;"

And whereas section 3 of the said act reads as follows:

"SEC. 3. The President of the United States is hereby authorized to make proclamation of said celebration, setting forth the event to be commemorated, inviting foreign nations to participate by the sending of their naval vessels and such representation of their military organizations as may be practicable:" * * *

Now, therefore, I Theodore Roosevelt, President of the United States, by virtue of the authority vested in me by the said act, do hereby declare and proclaim that there shall be inaugurated, in the year 1907, on and near the waters of Hampton Roads, in the State of Virginia, an international naval, marine, and military celebration, beginning May 13, and ending not later than November 1, 1907, for the purpose of commemorating, in a fitting and appropriate manner, the birth of the American nation, the first permanent settlement of English-speaking people on the American Continent, made at Jamestown, Va., on the 13th day of May, 1607, and in order that the great events of American history which have resulted therefrom may be accentuated to the present and future generations of American citizens. And in the name of the Government and of the people of the United States, I do hereby invite all the nations of the earth to take part in the commemoration of an event which has had a far-reaching effect upon the course of human history, by sending their naval vessels to the said celebration and by making such representations of their military organizations as may be practicable.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 29th day of March, 1905, and of the Independence of the United States the one hundred and twenty-ninth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
ALVEY A. ADEE,
Acting Secretary of State.

And the Department of State forwarded to the foreign countries the invitation of the United States in the following language:

DEPARTMENT OF STATE,
Washington, November 7, 1905.

To the diplomatic officers of the United States.

GENTLEMEN: I transmit herewith copies of the proclamation issued by the President on the 29th of March last, inviting, in the name of the Government and people of the United States, the Government to which you are accredited to take part in an international naval, marine, and military celebration in 1907, at and near the waters of Hampton Roads, in the State of Virginia, in commemoration of the birth of the American nation, the first permanent settlement of English-speaking people on the American Continent, made at Jamestown, Va., on the 13th day of May, 1607.

I also inclose copies of the act of Congress in pursuance of which the proclamation was issued, by which you will see that the sum of $125,000 is appropriated for the entertainment of foreign naval and military representatives.

While the event to be celebrated was one with which the people of England alone were connected, the President, the Congress, and the people of the United States are not unmindful of the recognition due to the courageous and hardy navigators and colonists of other nations who laid the foundations of permanent settlements in America; and it is most fitting that the act of Congress and the proclamation of the President should include all the nations of the earth who have yielded so many of their sons to make prosperity the destiny of the United States.

In communicating the invitation you will make known the great pleasure with which the President will learn of the intention of the Government to which you are accredited to participate in the celebration by the sending of its naval vessels and such representation of its military organizations as it may deem proper.

Cotemporaneously with this celebration authorized by the Government of the United States, there will be held an international exposition on the shores of the great harbor under the auspices of the Jamestown Exposition Company, the interests of which I shall be pleased to have you promote by lending your assistance in all proper ways to its duly accredited representatives who may present themselves to you.

I inclose some literature which the company has supplied for your information.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

The nations of the earth, recognizing the importance of the settlement at Jamestown and its influence on the destiny of the world, and wishing to show the development of their arms and commerce and to do honor to the invitation of this Government, have accepted beyond our expectations. The following governments have notified the State Department of their intention to participate: Great Britain, France, Russia, Mexico, Belgium, Cuba, Argentine Republic, Costa Rica, Dominican Republic, Guatemala, Haiti, and Chile. Others have signified that the invitation would be accepted later, when necessary forms had been complied with. In fact, only one country on the globe has declined the invitation—that of Siam, stating it was not in position to take part in the celebration.

The act that was passed March 3, 1905, was not what the friends of the bill thought was necessary, wise, or befitting the dignity of the occasion, the importance of the event, or creditable to the hospitality of the nation. This was an unwilling compromise forced on the exposition company by the powers that controlled recognition and permission to call up the bill. But, Mr. Chairman, the event once authorized, the ball once put in motion, the wide acceptance of our invitation by foreign nations, the necessity of meeting the question of the proper entertainment of our guests, the interest manifested by the people of the United States, the intention of so large a number of States to participate—their legislatures having made appropriaions to that end, the States' appropriations being something like one million and a half, about the same amount we are asking the Government to appropriate—has brought the necessity for further legislation providing for Government participation in carrying out the law of March 3, 1905, and to that end I have introduced H. R. 12610, which was referred to the Committee on Industrial Arts and Expositions, which committee, after having numerous hearings and taking the testimony of the Secretary of the Treasury, of War, of the Navy, and other competent witnesses, reported it back with an amendment in the nature of a substitute, which substitute is now on the Calendar.

As the Secretary of State said in his invitation to foreign powers, contemporaneously with this celebration authorized by the Government of the United States, there will be held an international exposition on the shores of the great harbor under the auspices of the Jamestown Exposition Company, a company chartered by the State of Virginia for the purpose of holding an exposition for celebrating this greatest event in American history. Accident of location placed upon the people of Virginia the duty of inaugurating this celebration. They took up the burden of the responsibility as a sacred duty, not because it was alone their beginning; it was the beginning of the nation. From Jamestown grew Virginia, from Virginia grew the nation. Each State ought to feel the same sense of duty, each Representative the same feeling of responsibility as the Representatives from the Old Dominion. Virginia, with her share of the responsibility and because the place of celebration was within her borders, took up the work, and the old State, out of her limited means, has appropriated the sum of $300,000, and her citizens, among whom there are few rich, subscribed one million and a quarter. Is it asking too much that this great nation, sprung from the small beginning at Jamestown, should in its turn pay a part of the expense of celebrating this event in a proper way?

The bill of last winter provided that the navies of the world should be invited to rendezvous in Hampton Roads during the time of this exposition. That foreign governments should be invited to send representatives of their armies, and to have such portions of our Army and Navy assembled there as was not incompatible with the public service. Mr. Chairman, the soldiers will be there; the ships, with their officers and sailors, will be there, and our invited guests will expect entertainment in its fullest sense—conveniences, amusement, and instruction. The people of the United States will insist that the celebration be held in such a manner as will reflect the greatest credit on the country, and that the entertainment should be such as to make American hospitality proverbial.

It is a condition that confronts us. We, as representatives of the nation, invited the world to be our guests to view and participate with us in this birthday party. We have made them the guests of the nation. It is too late to talk of economy. We must do one of two things: We must repeal the bill of last winter; we must withdraw our invitations, already accepted, and explain that we were too niggardly or too poor to take care of them. To let them come and not properly provide for them would be to prove unworthy of the patriotic people we represent; would be to be neglectful of the dignity and credit of the country. If we do not repeal the bill of last winter and cancel our invitations, then we must pass a bill to carry into effect the intent of the law of last winter, and in doing this

the committee have reported a bill which may be divided into two parts—Government participation and Government aid to the exposition. The Government has decided to participate; the only question then is, How far shall this participation go? There are some things in the line of participation that are absolutely necessary and authorized by existing law. First, the bill provides that to the end that communication between the ships and the shore may be free and ready and that there may be a safe landing place for the small craft used to convey the soldiers and exposition visitors from the grounds to the fleet and to convey the officers and men from the ships to the shore there shall be constructed two piers extending from the exposition grounds out into the waters of Hampton Roads, thus forming a basin or harbor which will accommodate boats drawing 10 feet of water. The Secretaries of War and the Navy both testified that this was a necessity; that without it there would be great danger and inconvenience in landing and embarking. These piers are to be surmounted by two towers and connected with an arch, the towers to be used, if practicable, for exhibiting the Light-House Service and wireless telegraphy, the piers and towers to be illumined by the exposition company. At Buffalo the electric tower, at St. Louis the water tower, so at Jamestown the piers and towers will be made things of special attractiveness and beauty. Out on Hampton Roads, in front of the exposition grounds, will ride the battle ships of all nations met in friendly rivalry. Could we afford to make these piers cheap and unsightly? The law of 1905, assembling the fleets and the people, is incomplete, ineffective, unless these piers are built and an appropriation for the purpose is authorized. The amount proposed is the estimate made by the Engineering Department of the Army, the Department of Yards and Docks of the Navy, and the engineer of the Jamestown Exposition Company.

The assembling of the soldiers and sailors of our own and foreign nations will bring together a great number of men of both services, and the appropriation provided in the bill of last winter is insufficient to properly entertain our guests. Entertainment does not mean alone dinners and receptions. We would deserve the criticism that would be ours if we stopped at that to truly carry out the signification of the term; there must be feasting and music; there must be social and fraternal communing and commingling; there must be comfort, convenience, amusement, and instruction; there must be a place for the meeting and commingling of the two branches of the services, for the soldiers and sailors of our Government to meet and fraternize with the men of the nations that have accepted our invitation. Further, the appropriation in the bill passed last session provides for the entertainment of the commissioned officers only. Did Congress intend that? What of the men behind the guns? Is not the man on the forecastle, the warrant and petty officers a part of the naval representation of foreign governments? Was it not the intent of Congress in passing the bill of March 3 to offer entertainment to all our naval and military guests?

Therefore, to carry out the intent of the bill already passed, it is necessary, in the opinion of the committee, to provide further entertainment for our guests, and to that end they have provided that a clubhouse or rendezvous to cost $75,000 be erected for the use of the enlisted men, and a similar building to cost $50,000 be erected for the use of the officers.

The committee was of the further opinion that to properly carry out the existing law and offer instruction as a part of the entertainment, it should be provided that the Government shall, from its executive department, exhibit such articles and material as illustrate the functions and administrative faculty of the Government in time of peace, and its resources as a war power. Such Government exhibits shall include the Life-Saving Service, the Revenue-Cutter Service, the Army and Navy, the Light-House Service, the wireless-telegraph service, and the Bureau of Fisheries. The Tercentennial Commission, created by act of March 3, 1905, composed of the Secretaries of the Treasury, War, and Navy, shall have charge of the selection, purchase transportation, safe keeping and return of said Government exhibit, and for this purpose $200,000 is provided. This was regarded so clearly as a part of the necessary entertainment of our guests at an exposition, and authorized by the existing law, that in addition to the exhibit, they made an appropriation of $250,000 to erect the necessary buildings to house and display the said exhibit. These two items are clearly and properly connected with the entertainment of our guests, but even if this were not true, would it be just to deny to this celebration what you have heretofore extended to *all* the expositions held in this country?

The bill heretofore passed provided for the commemoration of this event by appropriating $50,000 for the erection of a monument on the site of the settlement of Jamestown Island. To provide a means of landing the workmen and material and that the public may have free and ready access to the island, $15,000 was provided to build a wharf on land to be donated by the Society for the Preservation of Virginia Antiquities. To afford proper conveniences for the visitors to the island the sum of $10,000 is appropriated for retiring rooms, drinking water, policing, benches, and other accommodations, to be expended under the direction of the Secretary of War. The act authorizing the assembling of such portions of our Army for participation in the celebration as was not incompatible with the public service failed to provide any fund for the transportation of the necessary arms and men, making it absolutely necessary to provide for it in this bill. The Secretary of War testified that $200,000 was required for the purpose. The committee recommended that an appropriation of $100,000 be made. A military exposition without the military would be an absurdity.

Mr. Chairman, this bill provides for a direct appropriation in aid of the Jamestown Exposition Company, as has been made by Congress for all of the international expositions. There seemed to the committee strong reasons why this aid should be extended. The naval and military features suggested by the Government and ratified by the Congress of the United States, while welcomed by the exposition company as one of the most attractive of its features, will entail upon it very large expenses. The foreign vessels and military contingent which come will be technically the guests of the nation, yet they will share equally with our people on the grounds of the exposition company in the comforts and conveniences which will arise from the preparation of the grounds, in the laying out of the streets, in the sewerage and water plants, and in the enjoyment of all those pleasures and conveniences which will come from the erection of the light, heat, and motor plants, which will entail enormous expense upon the exposition company, and if the nation's guests are to enjoy in common with others the advantages and conveniences which the company shall inaugurate, it is not improper, but just, that the Government which has invited them should share a portion of this burden. To this end your committee have recommended an appropriation of $250,000 directly to the Jamestown Tercentennial Exposition Company. This appropriation is so necessary to properly help entertain the guests of the nation for the reasons I have above stated that it can very properly be considered as carrying out the law of March 3, 1905, and therefore authorized by it.

One hundred thousand dollars is appropriated in aid of the Negro Development and Exposition of the United States of America, to enable it to make a showing of the progress of the negro race in this country at said exposition, and provision is made for the proper and safe mode of the expenditure of said sum. The bill provides also that no liability of the power of the United States Government shall exist for any debt or obligation incurred by any of the boards of commission or any person or persons whatsoever in excess of appropriations by this act authorized.

The United States Government is exempted by the bill from all liability for any of the acts, doings, or representations of the Jamestown Exposition Company, its officers, employees, etc.

The Jamestown Tercentennial Commission are required at the close of the exposition to make a complete report of their actions, and a complete statement of all expenditures for the purposes herein specified, to the President of the United States for transmission to Congress.

Mr. Chairman, divested even of the sentimental and patriotic reasons for the celebration by this nation of the first permanent settlement of English-speaking people in America, there are other potent reasons why a liberal appropriation for participation in and in aid of this exposition should be made by Congress.

A great many bills have been introduced in this Congress looking to the upbuilding of the merchant marine and the commerce of this country. What better object lesson could there be—what better chance to draw comparisons—than to have the merchant marine of the nations of the world participating in this celebration?

The bill just passed by the House provides for an increase of the Navy. Every session of Congress we vote large sums of money for this purpose and for the maintenance of the Navy. Here at this exposition, where will be gathered the navies of the world in a great peace congress, the people who foot the bill will have an opportunity to be informed and to judge for themselves, and be put in a position to impress upon their Representatives their opinion of what should be the policy of the United States on the question of a large navy. I believe it will result in great good to the Navy to have the people of the country better informed on this subject.

The objection has been raised that this celebration comes too soon after the one held at St. Louis.

Mr. Chairman, we live in a wonderful age of inventive genius and advancement in the mechanical arts. So fast does one marvel of invention follow another that if yearly expositions were held in some city of this country each succeeding year would bring its own new and useful inventions to help enrich the world. No longer than this week the Superintendent of the Life-Saving Service told me that his department had several new inventions that they would exhibit for the first time at this exposition. So fast has history moved that even before this event can be celebrated the relative importance as a world power of some of the nations participating may be changed. Since the celebration at St. Louis, the last international exposition, the United States has begun a great international work that makes for the prosperity and welfare of the commerce of all nations. If we have become a great world power, we have also become a great world benefactor, and it seems to me a proper time to hold a great international celebration and a proper time for the navy and the merchant marine of other nations to come and do us honor. I believe some recognition of this event should and will be made in the celebration about to be held. Expositions are great industrial, historical, and commercial universities, in which the humblest citizen may have a chance to receive enlightenment and instruction in the progress and upbuilding of his country, and to obtain that knowledge and attainment in the arts, in science, commercial and industrial development which creates that incentive and opportunity for genius to create and perpetuate the industrial and commercial ascendency of America over the nations of the earth.

There are still stronger reasons why this bill should pass. The President of the United States, inspired by patriotic sentiment, recommended in his message to Congress that a proper celebration of this event should be held, and in response to that recommendation and the sentiment that inspired it, Congress passed the act of March 3, 1905, and authorized him to issue the invitation on behalf of the nation, which he did, through the Department of State. When Congress assembled this winter, recognizing that the compromise bill which was passed the last day of the previous session was inadequate, did not provide the means of carrying out its own provisions, his message to the present Congress called attention of Congress to the necessity of further legislation, and recommended in his vigorous style that the needed help be given. I quote in part:

> I earnestly hope that this celebration, already indorsed by the Congress of the United States, and by the legislatures of sixteen States since the action of Congress, will receive such additional aid at your hands as will make it worthy of the great event it is intended to celebrate, and thereby enable the Government of the United States to make provision for the exhibition of its own resources, and likewise enable our people who have undertaken the work of such a celebration to provide suitable and proper entertainment and instruction in the historic events of our country for all who may visit the exposition and to whom we have tendered our hospitality.

Thus showing by his language that the present law in his opinion fell short of affording that sort of entertainment, which, as host, it was our duty to offer our guests.

The report of your Committee on Industrial Arts and Expositions shows conclusively, in their opinion, the necessity of further legislation. The five gentlemen who have signed the minority report used this significant language:

> One argument brought forward produced an effect in the minds of the minority, namely, the suggestion that the act of March 3, 1905, provided inadequately for the entertainment and diversion of the foreign visitors invited by the President in conformity with the will of Congress.

And to show that they, too, are convinced that more legislation is necessary, they say it over their signatures that the entertainment provided is not full and complete, and further say:

> If it appears that foreign nations are to send representatives to such a number as to tax our resources for their entertainment or diversion aboard ship or on shore, ample time will exist to remedy this circumstance by action in the next session of Congress. The minority, however, was by no means convinced that such an exigency is likely to arise.

Mr. Chairman, any unbiased investigation will convince the most skeptical that the acceptances already received meet the suggestion made by them. There will not be time after the next session of Congress for legislation then enacted to be effective. The items proposed in this bill which your committee recommended as necessary could not be completed by April 26, 1907, the day the exposition opens its doors to the world.

No one can plead that the bill of last winter was the end of legislation on the subject. We all know that it takes not thousands but millions to hold an exposition, and the language of the former bill shows that the appropriation to carry out the object authorized was partial and not complete.

No one can charge bad faith because, when urged to accept an amendment agreeing not to come to this Congress for further appropriations, with the assurance that in that event opposition would be withdrawn, the proposition was declined. At that time the gentleman from Maine who was opposing the bill stated that without that amendment the camel would have his head in the tent and at the next session his body would follow.

There is an almost unanimous sentiment among the people for this appropriation. The States whose legislatures have met since the authorization by Congress have, almost without exception, made appropriations for participation. The papers and magazines all over the country have urged it, and I believe if an opportunity is given this House to vote upon it, that the majority for the bill will be large and decisive.

And now, Mr. Chairman, for the final reason. Can we, in honor and with credit, turn down this bill? The Congress of the United States, by the act of March 3, 1905, invited the nations of the world to participate with us in this celebration to be held near and in the waters of Hampton Roads, in the State of Virginia. We can not now evade the responsibility of our own act. The powers will be our guests. If they are coming in greater numbers than we expected, then we must enlarge our table and provide in greater abundance. Whether we intended to do more, when the act of last winter was passed, is not now the question. The invitations have been sent and accepted. The guests are almost on the way. Shall we repeal the former law, withdraw the invitations, throw discredit upon our hospitality, or shall we meet the occasion with that spirit of liberality and greatness which is truly American?

I have no fears of what will be the verdict of the Representatives of the American people if given a chance to vote on this measure. It will be a hearty response and notice that America, in hospitality as well as greatness of achievement, leads the world. [Loud applause.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the diplomatic and consular appropriation bill, and had come to no resolution thereon.

DAM ACROSS THE PEND D'OREILLE RIVER, WASHINGTON.

The SPEAKER laid before the House, from the Speaker's table, the bill (S. 6038) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes, a similar House bill being on the Calendar.

The bill was read, as follows:

A bill (S. 6038) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

Be it enacted, etc., That the consent of Congress is hereby granted to, and it shall be lawful for, the Pend d'Oreille Development Company, a corporation duly incorporated under the laws of the State of Washington, its successors or assigns, to construct and maintain a dam across the Pend d'Oreille River at a point at or about the Big Falls (sometimes known as Metaline Falls) on the Pend d'Oreille River, in the county of Stevens, State of Washington, such point to be selected by the Pend d'Oreille Development Company, its successors or assigns, at said falls, or within 1,000 feet above or below the same, for the purpose of erecting, operating, and maintaining a power station, and to maintain inlet and outlet races or canals, and to make such other improvements as may be necessary for the development of water power, electrical power, and the transmission of the same, subject always to the provisions and requirements of this act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States: *Provided*, That such dam and works shall not be built or commenced until after the plans and specifications for their construction, together with such drawings of the proposed construction and such map of the proposed locations as may be required for a full understanding of the subject, have been submitted to the Secretary of War for his approval, or until after he shall have approved such plan and specifications and the location of such dams and accessory works; when the plans for any dam to be constructed under the provisions of this act have been approved by the Secretary of War it shall not be lawful to deviate from such plans, either before or after the completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary of War.

SEC. 2. That the Government of the United States reserves the right at any time that the improvement of the navigation of the Pend d'Oreille River demands it to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the Pend d'Oreille Development Company, its successors or assigns, owning and controlling such dam or other structures, shall convey to the United States, under such terms as Congress shall prescribe, titles to such lands as may be required for such lock and approaches, and in addition thereto shall grant to the United States free of cost the free use of water power for building and operating such constructions: *Provided*, That the Pend d'Oreille Development Company, its successors or assigns, building, maintaining, or operating

any dam or other structures under the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, in a court of competent jurisdiction. The Pend d'Oreille Development Company, its successors or assigns, owning or operating any such dam, shall maintain at their own expense such lights and other signals thereon and such fishways and such ways for the free passage of saw logs as the Secretary of Commerce and Labor shall prescribe.

SEC. 3. That this act shall be null and void unless the dam herein authorized shall be commenced within two years and completed within five years from the date of the approval hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. JONES of Washington. Mr. Speaker, I move the passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JONES of Washington. Mr. Speaker, I move that the bill H. R. 18963, being a similar House bill, lie on the table.

The motion was agreed to.

MARY H. SCOTT.

The SPEAKER also laid before the House the bill (H. R. 18032) granting an increase of pension to Mary H. Scott, with a Senate amendment, which was read.

Mr. BARTLETT. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired;

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland; and

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue; and

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.

J. T. BANDY.

The SPEAKER also laid before the House the bill (H. R. 17890) granting an increase of pension to J. T. Bandy, with Senate amendments, which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

JOSEPHINE V. SPARKS.

The SPEAKER also laid before the House the bill (H. R. 17842) granting a pension to Josephine V. Sparks, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. I move to nonconcur in the Senate amendment, and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama as conferees.

PERSONAL REQUESTS.

Mr. CALDERHEAD requested leave of absence for one day, on account of sickness.

Mr. STEVENS of Minnesota asked leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 11796, for diversion of water from the Sacramento River, etc., Fifty-ninth Congress, no adverse report having been made thereon.

Mr. VREELAND asked leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mary E. and J. A. Callahan, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. PAYNE. I move that the requests be granted.

The motion was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of D. M. Carman, of Manila, P. I.—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the finding filed by the court in the case of David H. Hilderbrand against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WADSWORTH, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 19573) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively, reported the same, accompanied by a report (No. 4399); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19351) granting an increase of pension to William C. Mankin, reported the same with amendment, accompanied by a report (No. 4346); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19305) granting an increase of pension to Almus Harrington, reported the same with amendment, accompaned by a report (No. 4347); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18829) granting an increase of pension to William Fox, reported the same without amendment, accompanied by a report (No. 4348); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19220) granting an increase of pension to Calvin Corsine, reported the same with amendment, accompanied by a report (No. 4349); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19495) granting an increase of pension to A. P. Glaspie, reported the same with amendment, accompanied by a report (No. 4350); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18587) granting an increase of pension to Catherine Bausman, reported the same with amendment, accompanied by a report (No. 4351); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19255) granting an increase of pension to John Bradford, reported the same without amendment, accompanied by a report (No. 4352); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19221) granting an increase of pension to Emma Byles, reported the same with amendment, accompanied by a report (No. 4353); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19262) granting an increase of pension to John Wickline, reported the same with amendment, accompanied by a report (No. 4354); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18428) granting an increase of pension to James L. Gamble, reported the same

with amendment, accompanied by a report (No. 4355); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19249) granting an increase of pension to Lorenzo W. Shedd, reported the same with amendment, accompanied by a report (No. 4356); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19408) granting an increase of pension to Elisha Brown, reported the same without amendment, accompanied by a report (No. 4357); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18451) granting an increase of pension to Alexander B. Wilson, reported the same with amendment, accompanied by a report (No. 4358); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19279) granting an increase of pension to Peter Cramer, reported the same with amendment, accompanied by a report (No. 4359); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19457) granting an increase of pension to Charles Prince, reported the same with amendment, accompanied by a report (No. 4360); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19009) granting an increase of pension to Lafayette H. McClung, reported the same with amendment, accompanied by a report (No. 4361); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19120) granting a pension to Eliza E. Whitley, reported the same with amendment, accompanied by a report (No. 4362); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19364) granting an increase of pension to Anna Ring, reported the same with amendment, accompanied by a report (No. 4363); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15547) granting an increase of pension to Henry D. Duffield, reported the same without amendment, accompanied by a report (No. 4364); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14774) granting an increase of pension to Levi M. Hall, reported the same with amendment, accompanied by a report (No. 4365); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14544) granting an increase of pension to William A. Carroll, reported the same with amendment, accompanied by a report (No. 4366); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14798) granting a pension to Lucinda Brady, reported the same with amendment, accompanied by a report (No. 4367); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14930) granting a pension to Mary Whistler, reported the same with amendment, accompanied by a report (No. 4368); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14345) granting an increase of pension to Peter Noblet, reported the same without amendment, accompanied by a report (No. 4369); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15502) granting an increase of pension to Harman Hank, reported the same with amendment, accompanied by a report (No. 4370); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16371) granting an increase of pension to Peter Eberts, reported the same with amendment, accompanied by a report (No. 4371); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16836) granting an increase of pension to David C. Winebrener, reported the same with amendment, accompanied by a report (No. 4372); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16620) granting an increase of pension to Jackson Adkins, reported the same with amendment, accompanied by a report (No. 4373); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13058) granting an increase of pension to Thomas J. Baum, reported the same without amendment, accompanied by a report (No. 4374); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12531) granting a pension to Charles Collins, reported the same with amendment, accompanied by a report (No. 4375); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12400) granting an increase of pension to Charles H. Sweeney, reported the same with amendment, accompanied by a report (No. 4376); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11780) granting an increase of pension to Charles Stair, reported the same with amendment, accompanied by a report (No. 4377); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11422) granting an increase of pension to George B. True, reported the same with amendment, accompanied by a report (No. 4378); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11100) granting an increase of pension to John Browne, reported the same with amendment, accompanied by a report (No. 4379); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11072) granting an increase of pension to William T. Hosley, reported the same without amendment, accompanied by a report (No. 4380); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11217) granting an increase of pension to Jordan H. Banks, reported the same with amendment, accompanied by a report (No. 4381); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12013) granting a pension to Emma Fox, reported the same with amendment, accompanied by a report (No. 4382); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7763) granting a pension to J. Stebbins King, reported the same with amendment, accompanied by a report (No. 4383); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8934) granting an increase of pension to Wesley A. J. Mavity, reported the same with amendment, accompanied by a report (No. 4384); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8903) granting an increase of pension to John W. Dawes, reported the same with amendment, accompanied by a report (No. 4385); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10282) granting a pension to Emma E. Goodwin, reported the same with amendment, accompanied by a report (No. 4386); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9876) granting an increase of pension to William H. H. Mallalieu, reported the same with amendment, accompanied by a report (No. 4387); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6423) granting an increase of pension to Levi A. Canfield, reported the same with amendment, accompanied by a report (No. 4388); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 5834) granting an increase of pension to Ethan Allen Willey, reported the same with amendment, accompanied by a report (No. 4389); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5707) granting an increase of pension to John P. Veach, reported the same with amendment, accompanied by a report (No. 4390); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1689) granting an increase of pension to William A. Bailor, reported the same with amendment, accompanied by a report (No. 4391); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 609) granting an increase of pension to Horace H. Sickles, reported the same with amendment, accompanied by a report (No. 4392); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3369) granting an increase of pension to Albert Sriver, reported the same with amendment, accompanied by a report (No. 4393); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2223) granting an increase of pension to John A. Blanton, reported the same with amendment, accompanied by a report (No. 4394); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6510) granting an increase of pension to Richard A. Roberts, reported the same with amendment, accompanied by a report (No. 4395); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14919) granting a pension to Maria C. Shepperd, reported the same with amendment, accompanied by a report (No. 4397); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8405) to correct the military record of John Sanspree, reported the same adversely, accompanied by a report (No. 4398); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GRAHAM: A bill (H. R. 19566) to authorize the Coraopolis and Osborne Bridge Company to construct a bridge across the Ohio River—to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Nebraska: A bill (H. R. 19567) to regulate the issuing of licenses to plumbers, gas fitters, and fixture hangers in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: A bill (H. R. 19568) vacating Alexander place and Poplar street, in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: A bill (H. R. 19569) to provide for the inspection, examination, and supervision of live cattle, sheep, swine, and goats, and the carcasses and food products thereof, which are the subjects of interstate or foreign commerce, and for other purposes—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: A bill (H. R. 19570) to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and for other purposes—to the Committee on Insular Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 19571) to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 19573) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively—to the Union Calendar.

By Mr. MAYNARD (by request): A bill (H. R. 19574) providing for the sale of Craney Island, in the harbor of Norfolk, and for other purposes—to the Committee on Naval Affairs.

By Mr. MONDELL: A bill (H. R. 19575) granting 10 per cent of the gross receipts from forest reserves to the counties in which the same are situated—to the Committee on the Public Lands.

By Mr. GARRETT: A joint resolution (H. J. Res. 160) authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 161) to create a commission to examine into the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. HEPBURN: A resolution (H. Res. 537) providing for the appointment of conferees on the bill H. R. 12987, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 19576) for the relief of J. C. Lankford—to the Committee on War Claims.

Also, a bill (H. R. 19577) granting an increase of pension to Mary L. Patton—to the Committee on Pensions.

Also, a bill (H. R. 19578) granting an increase of pension to Mary A. Rogers—to the Committee on Pensions.

Also, a bill (H. R. 19579) granting an increase of pension to Robert Mayfield—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 19580) granting an increase of pension to Jane Williamson—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 19581) granting an increase of pension to Mary E. Bookhammer—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 19582) granting an increase of pension to Thomas Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19583) granting an increase of pension to John B. Smith—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 19584) granting an increase of pension to Joseph B. Pettey—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 19585) granting an increase of pension to Robert B. Love—to the Committee on Pensions.

Also, a bill (H. R. 19586) granting an increase of pension to Nancy Ann Butler—to the Committee on Pensions.

Also, a bill (H. R. 19587) granting an increase of pension to Martha Ann Jones—to the Committee on Pensions.

By Mr. GROSVENOR: A bill (H. R. 19588) granting a pension to Mary L. McLean—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 19589) granting a pension to Aaron Davis—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 19590) granting a pension to Rahl Rufus—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 19591) granting a pension to Sarah E. Creighton—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 19592) granting an increase of pension to W. B. Corley—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 19593) granting an increase of pension to Richard H. Shopland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19594) granting an increase of pension to Hosea Hudson—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19595) granting an increase of pension to James R. Neal—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 19596) to correct the military record of Theodore W. Reeder—to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 19597) for the relief of Maria McMurdie—to the Committee on Claims.

By Mr. MAYNARD: A bill (H. R. 19598) for the relief of Charles H. Oehm and Charles W. Oehm—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 19599) granting an increase of pension to William J. Large—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19600) for the relief of Philip Cole and the estates of John D. Cole and Stephen W. Cole, deceased—to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 19601) granting an increase of pension to John E. Kingsbury—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19602) granting an increase of pension to Samuel Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19603) granting an increase of pension to Jacob Farner—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 19604) granting an increase of pension to Beverley McK. Lacey—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 19605) granting a pension to Anna A. Foster—to the Committee on Pensions.

By Mr. WALDO: A bill (H. R. 19606) to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States—to the Committee on Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 19547) for the relief of Martha Howard—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 5735) granting a pension to Eliza A. Camp—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of S. Purple, secretary of the Order of Railway Conductors, of Meadville, Pa., against the Culberson amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: Papers to accompany bills for relief of Mary A. Rogers and Mary L. Patton—to the Committee on Pensions.

Also, paper to accompany bill for relief of James B. Barry—to the Committee on Invalid Pensions.

By Mr. BROWN: Petitions of the Methodist churches of Chelsea and Westboro, Wis., and the Methodist Episcopal and other Christian churches of Red Lake, Wis., against Sunday opening of the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of John J. Voemastek, for an amendment to the postal laws making all paid subscriptions legitimate—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKMAN: Petition of the Leader, of Long Prairie, Minn., and the Tribune, of Waverly, Minn., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CRUMPACKER: Petition of citizens of Earl Park, Benton County, Ind., for Federal aid in enforcement of State liquor laws—to the Committee on Alcoholic Liquor Traffic.

By Mr. GARRETT: Paper to accompany bill for relief of Sarah Jane Dougherty (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HAMILTON: Petition of citizens of Tama and Toledo, Iowa, in support of the bill granting increase of pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the San Francisco Labor Council, against bill S. 27 and for the amendment now contained in bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. KLINE: Petition of Mountainville Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of the village of Graysville, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Sarah M. Roach—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martha Howard—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: Petition of the city council of Chicago, for sole control by the Federal Government of the outflow of Lake Michigan water into the Chicago city canal—to the Committee on Rivers and Harbors.

By Mr. SHACKLEFORD: Petition of the Kansas Antigrafters, for a graduated license tax on corporations and an additional and larger tax on them when they combine as trusts, as provided by the Daniels bill (H. R. 5756, first session Fifty-sixth Congress)—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Petition of Charles Webster, of East New Market, Md.; William P. Andrews & Co., of Crapo, Md., and James T. Wilson & Co., of Delmar, Del., for an amendment to the pure-food bill to protect canners—to the Committee on Interstate and Foreign Commerce.

By Mr. SPIGHT: Paper to accompany bill for relief of McKay Lacey—to the Committee on Pensions.

Also, paper to accompany bill for relief of Alfred McFadgen (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. TYNDALL: Petition of citizens of Missouri, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *May 23, 1906.*

Prayer by Rev. ROBERT M. MOORE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Alfred W. Kent *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of the Iroquois Club, of San Francisco, Cal., praying for the enactment of legislation providing for drawbacks on structural material imported for the construction of buildings in that city; which was referred to the Committee on Finance.

Mr. DICK presented petitions of sundry citizens of Dayton and Milford, in the State of Ohio, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Clearing House Association of Youngstown, Ohio, praying for the enactment of legislation permitting national banks to loan 10 per cent of the capital and surplus to individual borrowers; which was referred to the Select Committee on National Banks.

He also presented petitions of the Erie County Humane Society, of Sandusky, and of C. V. Hoke, of Van Wert, in the State of Ohio, and of S. H. Cowan, of Washington, D. C., praying for the enactment of legislation relative to the extension of time in the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens and manufacturing companies of Kings Mills, Harshman, Cleveland, Tiffin, Bellevue, Middletown, Toledo, Warren, Fremont, Upper Sandusky, Mantua, Beidler, Ashland, Salem, New Carlisle, Ashville, Mansfield, Dayton, Portsmouth, Grove City, Columbus, Cincinnati, Springfield, Rome, Canton, Akron, Oberlin, Findlay, Defiance, Massillon, Roxabell, and Chandlersville, all in the State of Ohio, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented memorials of sundry business associations of Dayton, Urbana, Chillicothe, Oxford, Cleveland, Marion, Louisville, Ashley, Waynesfield, Akron, Columbus, and Xenia, all in the State of Ohio, remonstrating against the passage of the so-called "parcels post and post check bills;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Canton, East Liverpool, Good Hope, Mansfield, Galion, Ravenna, Perry, Salineville, Attica, Cincinnati, Girard, Bellaire, Marietta, Gallipolis, Palestine, Columbus, Circleville, Troy, Fidelity, Toledo, West Chester, Springfield, Newtown, South Lebanon, Perry, and Newport, all in the State of Ohio, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented petitions of sundry women's clubs of Toledo, London, and Warren, all in the State of Ohio, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry church organizations of Milan, Oxford, Springfield, Portsmouth, Reiley, Marion, and Barnesville, all in the State of Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the legislative committee of the American Federation of Labor, of Washington, D. C., praying for the enactment of legislation granting relief to the shipkeepers at the Mare Island Navy-Yard, Cal.; which was referred to the Committee on Naval Affairs.

Mr. McCREARY. I present a number of petitions signed by over 6,000 persons residing in the cities of Louisville, Covington, Lexington, and other parts of Kentucky, praying for the restriction of immigration. I ask unanimous consent that the heading of one petition may be read, with the accompanying letter, which is very short.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

RESTRICTION OF IMMIGRATION.

Whereas the daily press reports show that large hordes of undesirable immigrants are landing upon our shores, and that the number is increasing to an alarming extent, and that they are no longer of the class that have made our beloved country, but of such who are not congenial to our ideas of free American government.

Believing that our fair southland is ever ready to extend a welcome to all desirable immigrants and that it has already racial problems of such gravity that to extend open doors to the scum of the European countries would prove a great detriment; believing that proper safeguards should be placed around the reception of the undesirable class, we, the undersigned, having the welfare of the country, especially of the State of Kentucky and the South, at heart, hereby issue this petition for signatures, and all parties thus designated may consider themselves authorized, under this call, to aid in the furtherance of this object, to protect our State, the South, and the country from undesirable immigration, and ask that all those in authority may assist us in making necessary laws that will restrict immigration to those who will prove a blessing and not a curse.

Respectfully,

COMMITTEE OF RESTRICTION OF IMMIGRATION IN KENTUCKY.

LOUISVILLE, KY., *October 2½, 1905.*

Know all men by these presents that the following signatures to the above petition have been received, and of which these names are a copy and on file at the office of John H. Duesing, secretary of the committee on restriction of immigration of the State council of the Junior Order of United American Mechanics, 1526 Maple street, Louisville, Ky.

These signatures have been secured through the efforts of the members of the order in the State, which alone has a membership of over 8,000. These names are not altogether composed of the membership, but hundreds of others, who believe as they do.

Hoping you will give this matter your earnest attention and assist in securing the proper legislation to quarantine the landing on our shores of a class of people who will prove a detriment and not a help to our American institutions,

JOHN H. DUESING, *Secretary.*

Witness, attest, and seal.

[SEAL.] CHARLES HOEFFLIN.

The VICE-PRESIDENT. The petitions will lie on the table.

Mr. PLATT presented a memorial of the congregation of the Clyde Baptist Church, of New York City, N. Y., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of New York City, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of New York City, Brooklyn, White Plains, Riverdale, Fredonia, New Rochelle, Irvington, and Pleasantville; of Local Union No. 803, Brotherhood of Painters, Decorators and Paper Hangers of America, of New York City; of Cato Grange, No. 1044, Patrons of Husbandry, of Cato, and of the Chamber of Commerce of Syracuse, all in the State of New York, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. DRYDEN presented petitions of sundry citizens of Montclair, Upper Montclair, and Glen Ridge, all in the State of New Jersey, praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which were referred to the Committee on Education and Labor.

He also presented a petition of the Municipal Art League of East Orange, N. J., praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White Mountains; which was ordered to lie on the table.

He also presented a memorial of the State board of health of New Jersey, remonstrating against the enactment of legislation to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Burlington County, Paterson, Orange, South Orange, Florham Park, and West Orange, all in the State of New Jersey; of the National Association of Automobile Manufacturers, of New York City, and of the Chardonnet Artificial Silk Company, of New York City, in the State of New York, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented petitions of Bride & Tinckler, of Newark; of the Jones & Woodland Company, of Newark, and of Kent & Woodland, of Newark, all in the State of New Jersey, praying for the enactment of legislation to prohibit the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold and silver, or their alloys; which were ordered to lie on the table.

Mr. SCOTT presented a petition of Parkersburg Chapter, No. 385, United Daughters of the Confederacy, of Parkersburg, W. Va., praying for the enactment of legislation to prohibit the opening on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. NELSON presented a petition of the Twenty-five Thousand Commercial Club, of Crookston, Minn., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. WARNER submitted sundry papers to accompany the bill (S. 3450) for the relief of James N. Bowles; which were referred to the Committee on Claims.

Mr. STONE presented petitions of sundry citizens of Barry County; of sundry citizens of Dixon; of Charles E. and N. Nelson, of Bell Air; of the Produce Men's Business Club, of Kansas City; of the Commercial Club of Cape Girardeau; of sundry citizens of Lithium; of the Business Men's Association of Sedalia; of Makin Brothers, of Grand View, and of the John Deere Plow Company, of Kansas City, all in the State of Missouri, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Kansas City Millers' Club, of Kansas City, Mo., praying that an appropriation be made to enable the Department of Agriculture to conduct investigations as to nutrition in food; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Joplin, Mo., praying that an investigation be made into the arrest of Charles H. Moyer, William L. Haywood, and George C. Pettibone, officers of the Western Federation of Miners; which was referred to the Committee on Education and Labor.

Mr. ELKINS presented a petition of Tonoloway Council, No. 102, Junior Order United American Mechanics, of Great Cacapon, W. Va., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

DISTRICT STREET RAILWAYS.

Mr. HANSBROUGH. I am authorized by the Committee on the District of Columbia to report back with amendments the bill (S. 43) to extend the lines of the Capital Traction Company, and I submit a report thereon. I ask that the bill be placed on the Calendar.

I desire to give notice that, owing to the immediate pressing necessity for the passage of the bill at an early date, I shall undertake to call it up in the Senate on Friday or Saturday of this week if I can get the right of way.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GALLINGER subsequently said: Mr. President, the Senator from North Dakota [Mr. HANSBROUGH], I understand, this morning reported a bill from the Committee on the District of Columbia relating to the extension of street railway lines to the Union Station. I want to state that the bill is not a unanimous report, but the report of a bare majority of that committee. I wish further to state, Mr. President, that as interests which are entitled to consideration have asked for a hearing on the bill, which they have not had, I shall move to-morrow to recommit the bill to the Committee on the District of Columbia for further consideration.

REPORTS OF COMMITTEES.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 2668) to regulate the retirement of certain veterans of the civil war, reported it with an amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 10th instant, proposing to appropriate $1,000,000 for the purchase of ground and the erection of buildings for consular offices in China, Korea, and Japan, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. KNOX on the 22d instant, proposing to increase the salary of the envoy extraordinary and min-

ister plenipotentiary from the United States to Turkey from $10,000 to $17,500 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. LONG, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. BURKETT on the 26th ultimo, proposing to appropriate $100,000 for improving Massachusetts avenue from a point adjacent to the Naval Observatory to the District of Columbia line northwest, intended to be proposed to the District of Columbia appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 6229) to authorize the sale of public lands for cemetery purposes, reported it with an amendment.

PANAMA CANAL.

Mr. MILLARD. From the Committee on Interoceanic Canals I ask that an order be made for reprinting 500 copies of Senate bill 6191 and the accompanying report.

There being no objection, the order was agreed to, as follows:

Ordered, That 500 additional copies of S. 6191 to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and of the Report No. 3626 on said bill, be printed for the use of the Senate document room.

BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 6250) granting a pension to Alice G. Clark; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6251) to authorize the Court of Claims to admit as evidence affidavits in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. OVERMAN introduced a bill (S. 6252) to provide for the holding of United States district and circuit courts at Durham, N. C.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MARTIN introduced a bill (S. 6253) authorizing the Secretary of the Navy to enter into contract with J. W. Hicks and H. D. Chapman for the use of friction hand wheels in the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. NEWLANDS introduced a bill (S. 6254) to authorize the circuit courts of appeals, or the senior judge thereof, to designate a district or circuit judge to try criminal cases in the district or circuit courts, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLAPP introduced a bill (S. 6255) to amend section 4 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HANSBROUGH introduced a bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ELKINS introduced a bill (S. 6257) granting an increase of pension to Jonas M. Sees; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6258) granting an increase of pension to John S. Saunders; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6259) granting an increase of pension to Oakley Randall; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6260) for the relief of the estate of George W. Bromley, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GEARIN submitted an amendment proposing to appropriate $250,000 to adjust the claims of the settlers commonly called the "Sherman County settlers" on the lands situated in Sherman and adjacent counties in the State of Oregon, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. DICK submitted an amendment relative to the pay and allowances of chaplains in the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PLATT submitted an amendment proposing to appropriate $6,880, to be paid by the Commissioners of the District of Columbia from the appropriation for the water department, District of Columbia, extension of the high-service system, to the Holly Manufacturing Company, of Buffalo, N. Y., intended to be proposed by him to the District of Columbia appropriation bill.

Mr. PLATT. I ask that the amendment be referred to the Committee on the District of Columbia.

Mr. GALLINGER. I suggest to the Senator, as the bill is now being considered by a subcommittee of the Committee on Appropriations, it had better go direct to the Committee on Appropriations.

Mr. PLATT. Very well.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Appropriations.

Mr. McCUMBER submitted an amendment proposing to appropriate $35,000 for the reclamation of that portion of the naval station at Honolulu, Hawaii, known as the "Reef," etc., intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. MARTIN submitted an amendment proposing to appropriate $25,000 for the maintenance of the naval training station at St. Helena, Va., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $140,000 for the construction of a new brass and iron foundry at the navy-yard, Washington, D. C., intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. ELKINS submitted an amendment proposing to appropriate $261,075 for the construction of a brass and iron foundry at the New York Navy-Yard, N. Y., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

AIDS TO NAVIGATION.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment; which was referred to the Committee on Commerce, and ordered to be printed.

ESTATE OF JOSEPH SIERRA.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 350) for the relief of the heirs of Joseph Sierra, deceased.

Mr. ALDRICH. Has the morning business closed?

The VICE-PRESIDENT. It has closed, but the Chair will receive further morning business.

MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

Mr. ALDRICH. From the Committee on Finance, I report a joint resolution with reference to the purchase of material and equipment for use in the construction of the Panama Canal, and in view of the importance of the subject I will ask for its present consideration.

It is in answer to a message of the President in regard to the purchase of two steel dredges for the canal. It announces what the committee thinks should be the policy of the Government in this regard, and it is important in view of public interests that it should be acted upon as promptly as possible. I ask that the joint resolution be read, and then I will ask for its present consideration.

The joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

Mr. HOPKINS. I should like to have the joint resolution read again.

The joint resolution was again read.

Mr. MORGAN. Is this a report from a committee?

The VICE-PRESIDENT. It is a report from the Committee on Finance.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

Mr. PATTERSON. Mr. President, I do not want to object,

but I think the chairman of the committee ought to state to the Senate the occasion for this somewhat unusual bill and why the haste.

Mr. ALDRICH. The President of the United States, in a message sent to the Senate three or four days ago, called attention to the fact that there was in contemplation the purchase of two steel dredges, for which bids have been received from manufacturers in this country and in Scotland, and the question as to the policy of the Government in this connection was a matter which he submitted to Congress. The Committee on Finance are of opinion that this purchase should be made in the United States where the bids or tenders are not unreasonable or extortionate, and it is important that the executive department should know at once what is the opinion and desire of Congress in the matter.

Mr. PATTERSON. Can the Senator from Rhode Island inform the Senate what the difference is in the bids for these dredges?

Mr. GALLINGER. If the Senator from Rhode Island will permit me, I will answer that question in this way: While our tariff duties would impose from 40 to 50 per cent on imported articles of this kind, the difference in the bids between the Maryland Steel Company and the foreign corporation was about 10 per cent.

Mr. PATTERSON. That is, the foreign product after paying the tariff duty.

Mr. GALLINGER. No; they are not required to pay tariff duty.

Mr. PATTERSON. They are not required to pay tariff duty?

Mr. GALLINGER. Not at all.

Mr. PATTERSON. And the bid from the foreign country is 10 per cent lower than the American.

Mr. GALLINGER. About 10 per cent lower than the bid of the Maryland Steel Company.

Mr. PATTERSON. Is there any competition in the United States for the particular article that is in controversy?

Mr. GALLINGER. I confess I can not answer that; but it was open to all bidders. I do not know how many bids were received. I know the Maryland Steel Company was the lowest bidder.

Mr. ALDRICH. I have here a statement of the bids actually made.

Mr. GALLINGER. I think there were several bids.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Illinois?

Mr. ALDRICH. I was about to ask the Senator from Colorado if he desires to have the actual figures read?

Mr. TELLER. Mr. President, I do not see why the joint resolution should not be printed and go over until to-morrow. There is no great haste about it, is there?

Mr. ALDRICH. There is this haste about it: The Department have to decide very promptly as to these steel dredges in order that they may be ordered and constructed. They are very important in the prosecution of the work. If the senior Senator from Colorado desires, I have no objection to the joint resolution going over until to-morrow.

Mr. TELLER. I think it had better go over. Some Senators around me say that they would like to look at it.

Mr. CULBERSON. I should like to ask the Senator from Rhode Island if this is a unanimous report from the Committee on Finance?

Mr. ALDRICH. The Senator from Texas [Mr. BAILEY] and the Senator from Colorado [Mr. TELLER] were present when the matter was discussed generally. When the form of the resolution was agreed upon neither of those Senators was present. The Senator from Texas expressed himself that if we were going to provide that citizens of the United States should pay duties upon imported material, he thought the Government ought not to treat themselves any better than they treat citizens. I do not know what the opinion of the Senator from Colorado is on that point.

Mr. TELLER. I was not present this morning at the meeting of the Committee on Finance because I was engaged on another committee. I understand that the difference between the American bid, which is made by some Baltimore or Maryland people, and the bid made by the foreigners, Scotchmen, I think, and the whole of this matter is shown in a message which the President sent to us some days ago; and if Senators will care to do so, by to-morrow morning they can acquaint themselves with the facts.

Mr. HALE. Let it all go over.

Mr. TELLER. Seventy thousand dollars is the difference, as I recollect.

Mr. ALDRICH. The foreign bid was $654,000 and the bid of the Maryland Steel Company was $724,000. There was another bid, a Dutch bid, of $852,000, about $100,000 more.

Mr. TELLER. Our bid is considerably less, but then, when you add the amount of things that had to be added, it makes the difference somewhere between $70,000 and $100,000.

Mr. ALDRICH. A difference of about $70,000.

Mr. TELLER. On these two steel dredges.

Mr. ALDRICH. There are some other considerations affecting the question aside from the price. The main consideration was the price, and the difference was about $70,000, or about 10 per cent of the entire contract.

Mr. TELLER. If the joint resolution goes over until to-morrow, I think Senators can be prepared, by getting the President's message, to consider it.

I simply wish to say for myself now that whenever the American tariff raises the price of goods to all American citizens, in my judgment, it would be a very singular spectacle when the Government of the United States wanted to use it to insist upon buying in a foreign country to escape the difference between the American price and the foreign price, which is probably the result of the American tariff.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. LODGE. Before we pass from this subject, I wish to state one question which I think it is important to bring out.

There were two foreign bids, one from Scotland, which amounted in round numbers to $654,000; there was the Maryland bid, which was about $724,000; and there was a Dutch bid, from Holland, of $850,000. I think it is important to show, and it should be understood, that the American bid was a fair, average bid, and it was $100,000 below one of the foreign bids.

Mr. HOPKINS. Mr. President——

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The Senator from Florida rose to ask unanimous consent for the present consideration of a bill.

Mr. MORGAN subsequently said: I offer an amendment by way of a substitute for the joint resolution reported by the Senator from Rhode Island [Mr. ALDRICH] this morning from the Committee on Finance. I ask that it be printed and lie on the table.

The VICE-PRESIDENT. Without objection, that order will be made.

ESTATE OF JOSEPH SIERRA.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 350) for the relief of the heirs of Joseph Sierra, deceased.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to J. W. Hargis, Mary Hargis, Mrs. Belle McConnoughy, Mrs. Kate Anderson, Modeste Hargis, Mrs. Virginia Craig, Petronilla Leonard, Steven Leonard, and Joseph Sierra, heirs of Joseph Sierra, deceased, late collector of customs at Pensacola, Fla., $3,679.19.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

Several Senators addressed the Chair.

Mr. DILLINGHAM. Before yielding to Senators for the consideration of private bills, I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens in the United States," approved March 3, 1903.

Mr. DILLINGHAM. I yield to the Senator from Michigan [Mr. ALGER].

MAJ. SEYMOUR HOWELL.

Mr. ALGER. I ask unanimous consent for the present consideration of the bill (S. 5675) for the relief of Maj. Seymour Howell, United States Army, retired.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Seymour Howell, from any money in the Treasury not otherwise appropriated, the sum of $2,000, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Manila, P. I., caused by robbery committed in March, 1900, by some person or people unknown while he was in the field paying five regiments of infantry, two troops of cavalry, thirty-eight detachments, and sick men in various hospitals scattered over the island of Luzon.

Mr. SPOONER. What committee is the bill reported from?

The VICE-PRESIDENT. It is reported from the Committee on Claims.

Mr. SPOONER. Is it accompanied by a written report?

The VICE-PRESIDENT. It is accompanied by a written report made by the Senator from Oregon [Mr. FULTON].

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WESTERN JUDICIAL DISTRICT OF ARKANSAS.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 18328) to regulate the practice in certain civil and criminal cases in the western district of Arkansas, to report it favorably without amendment.

Mr. BERRY. I ask unanimous consent that the bill just reported by the Senator from Texas be put on its passage. It relates to a local matter in Arkansas, and I should like very much to have it passed at this time.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, it was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MASONIC MUTUAL RELIEF ASSOCIATION.

Mr. BURNHAM. I ask for the present consideration of the bill (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association, of the District of Columbia,'" approved February 5, 1901.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SONS OF THE AMERICAN REVOLUTION.

Mr. FRYE. I ask for the present consideration of the bill (H. R. 15332) to incorporate the National Society of the Sons of the American Revolution.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BACON. I suggest to the Senator from Maine that he strike out the words "to be located." They are not necessary; they are not usual, and they may lead to a misconstruction. It is sufficient to say a corporation in the District of Columbia. That shows that it is a corporation the home of which is in the District.

Mr. FRYE. This is a House bill. Is it worth while to make the amendment?

Mr. BACON. I suppose there will be no trouble about concurrence, and really this matter of corporations ought to be very carefully guarded to see that they are kept within proper limits. It is outside of our ordinary function anyhow.

Mr. FRYE. What does the Senator propose?

Mr. BACON. To strike out the words "to be located," on page 3, line 2. I would not suggest it, but I think it is better that we should have uniformity in these matters of incorporation.

Mr. FRYE. I do not see any objection to it.

Mr. BACON. I think it better that it should be done.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 2, strike out the words "to be located."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LYDIA A. JOHNSON.

Mr. GALLINGER. I ask for the consideration of a pension bill which was inadvertently laid aside months ago. It is the bill (S. 1570) granting an increase of pension to Lydia A. Johnson.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Johnson, widow of William L. Johnson, late of Company G, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

Mr. SIMMONS. I send to the desk an amendment which I propose to the bill.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposed by the Senator from North Carolina is not now in order under the unanimous-consent agreement, as the pending amendment is section 26, reported by the Committee on Immigration.

Mr. SIMMONS. Very well.

The VICE-PRESIDENT. After that is disposed of the Chair will recognize the Senator from North Carolina. The question is on agreeing to the amendment reported by the Committee on Immigration as section 26 as amended.

Mr. LODGE. I suggest to the chairman that that amendment ought to have some limitation in it. It now provides:

The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistants as may be necessary.

It seems to me that there ought to be some limitation. As it now stands the whole fund could be expended for clerks and on this division for making exhibits, and it appears to me that we ought to have the amendment strictly limiting it as to the amount of money. I suggest an addition at the end.

Mr. GALLINGER. Pending the discussion, I should like to hear the amendment read. I was not present when it was offered.

The VICE-PRESIDENT. The Senator from New Hampshire requests that the amendment be read.

Mr. LODGE. It is the last amendment to the bill.

The SECRETARY. Add a new section at the end of the bill on page 18——

Mr. GALLINGER. It is not necessary to read it. I find it in the bill.

Mr. LODGE. At the end of the section on page 20, line 15, after the words "the expense of carrying the provisions of this section into effect shall be paid out of the immigrant fund," I move to add the words "but shall not exceed $20,000 per year."

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. Certainly.

Mr. SPOONER. The Senator must have forgotten what is to be done by this division. This division is to "gather from all available sources"——

Mr. LODGE. I know.

Mr. KEAN. I am responsible for the suggestion of the Senator from Massachusetts that the sum shall not exceed $20,000 per year. I thought that was enough to begin with.

Mr. SPOONER. But the magnitude of this enterprise has not yet dawned on the Senator from New Jersey, or he would not have the temerity to suggest such a limitation.

Mr. HALE. What is the necessity for it at all?

Mr. SPOONER. That is a question I did not rise to answer.

Mr. HALE. The Senator can answer almost any question that is put to him. It is an enormous scheme that we are asked without any consideration to involve ourselves in.

Mr. SPOONER. See what this division is to do. I call the attention of the Senator to it. It is to—

Gather from all available sources useful information regarding the resources, products, and physical characteristics of each State—

I want the attention of the Senator from Maine, because he is interested in this—

and physical characteristics of each State and Territory, the character of the climate and soil, the prices of land, the routes of travel and cost of transportation, the opportunities of employment in skilled and unskilled occupations, the prevailing rates of wages—

That is, in each State and Territory—

the costs of living, and all other information that may tend to aid aliens in selecting a place of residence, and shall publish such information in different languages—

The Senator from New Jersey and the Senator from Massachusetts ought to realize that they can not do all that with $20,000. It will cost that to gather this information—

and shall publish such information in different languages and distribute the same among all admitted aliens at the immigrant stations of the United States, and to such other persons and societies as may desire the same.

Now, there is a provision here to which there could be no objection, I think:

When any State or Territory appoints and maintains at its own expense an agent to represent it at any of the immigrant stations of the United States—

the agent shall have the necessary and proper facilities for making known to immigrants the benefits to be obtained by

settlement in the State represented by that agent. The States have their immigration bureaus and the States ought to advertise themselves, and if they have not energy enough to do it there ought not to be a bureau or division created for that purpose in one of the Departments at Washington, in my opinion.

Mr. GALLINGER. Before the Senator from Wisconsin made his closing suggestion I was about to suggest the same thing, that if we should strike out the amendment down to the word "same," in line 22, page 19, and say that "When any State or Territory appoints and maintains at its own expense an agent to represent it," etc. I think that would be a very wise provision.

Mr. McCREARY. Mr. President——

Mr. GALLINGER. If the Senator will excuse me, I have an impression that there are many States—I think there are New England States—that would be glad to have the privilege of having an agent to represent the interests of the State, without expense to the Government, to exhibit to aliens who come here the benefits that might result from their going to those particular States. It is a scheme, it seems to me, that would tend to prevent their concentration in the great cities, which, after all, to my mind, is the most important thing to be accomplished so far as the army of immigrants are concerned who come to our shores. I should hope that that part of the amendment at least should be retained in the bill.

Mr. HALE. Does the Senator move to strike out all that portion of the amendment before the word "when," in line 22, page 19?

Mr. GALLINGER. I will make that motion, Mr. President.

Mr. HALE. If the Senator does not make that motion it will be made by some other Senator.

Mr. GALLINGER. I will make it and I will also move to strike out the closing sentence:

> The expense of carrying the provisions of this section into effect shall be paid out of the immigrant fund.

I would leave the States to pay whatever expense there may be in connection with the matter.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The SECRETARY. Strike out all of section 26 down to and including the word "same," line 22, and at the end of the proposed amendment strike out the words "The expense of carrying the provisions of this section into effect shall be paid out of the immigrant fund."

Mr. McCREARY. Mr. President, I am in favor of the amendment proposed by the Senator from Massachusetts [Mr. LODGE]. I understood that he proposed to amend the amendment by limiting the amount to $20,000.

Mr. LODGE. I withdraw the amendment I offered.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts [Mr. LODGE] is withdrawn.

Mr. LODGE. I withdraw it because my amendment would have no meaning if the amendment which has been proposed by the Senator from New Hampshire [Mr. GALLINGER] should prevail.

Mr. McCREARY. Mr. President, I understood that the amendment offered by the Senator from Massachusetts was the first amendment offered, and I supposed it would be in order, as there has been no action taken on the other amendment. I renew the amendment offered by the Senator from Massachusetts.

Mr. GALLINGER. I suggest that the amendment is not now in order, there being an amendment to an amendment pending.

Mr. McCREARY. I simply renew the amendment so that I may have it before the Senate.

Mr. President, I am opposed to the motion that has been made to strike out the best part of the amendment which was reported unanimously by the Committee on Immigration. As I understand it, a motion is made to strike out these words:

> Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration. The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistants as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, the character of the climate and soil, the prices of land, the routes of travel and cost of transportation, the opportunities of employment in skilled and unskilled occupations, the prevailing rates of wages, the costs of living, and all other information that may tend to aid aliens in selecting a place of residence, and shall publish such information in different languages and distribute the same.

Mr. President, it would not cost much for the Commissioner-General of Immigration to acquire this information, and it is information which is much needed. Immigrants now come to a few ports. Perhaps half of them came last year, aggregating nearly half a million, through Ellis Island at the city of New York. The object of this amendment is to bring before the minds of the immigrants the attractions of the various States and Territories; to gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, the character of the climate and soil, the prices of land, the routes of travel and cost of transportation, the opportunities of employment in skilled and unskilled occupations, the prevailing rates of wages, the costs of living, etc.

This is just the character of information that should be given to the immigrants who come to this country. We saw last year 285,000 immigrants locating in the State of New York, while but 684 located in Kentucky, and a less number in Georgia and Florida. The Southern States need desirable immigrants; they want desirable immigrants; and the object of this amendment, which was reported unanimously from the Committee on Immigration, is to lay before immigrants when they come to this country the attractions of the various States and Territories, so that they may not be collected in the cities and in a few States.

Another object of the amendment is to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories which desire immigrants. It is not proposed to send immigrants to States that do not want them; it is not proposed to use any undue influence with immigrants; it is only proposed to lay before them the attractions of the various States and Territories, to show them how they may get there, what it will cost to get there, and how they can make an honest living after they have arrived in the various States and Territories.

Mr. President, when we look at the Congressional Directory and see the list of the names of the commissioners who are now engaged in assisting the Commissioner-General of Immigration at various points, what do we find? We find that to-day there is a commissioner of immigration at Ellis Island, New York, one at Boston, one at Philadelphia, one at Baltimore, one at San Francisco, and, so far as the Congressional Directory shows, there is not one on the southern coast.

How do we propose to bring before the immigrants who come to this country the attractions, the desire for labor, and the wages they may obtain unless we adopt the plan set forth in this amendment? Steamships that have been bringing immigrants to our country have been bringing them to the ports which I have named, and there seems to have been no effort whatever to bring immigrants to the Southern States. The object of the amendment is to distribute immigrants. When the cost is so small, when the number of immigrants coming to this country is so rapidly increasing, when we see, as I said before, 285,000 immigrants locating in New York and only 684 locating in Kentucky, and a less number in some of the other Southern States, it seems to me the immigration law ought to be so broadened as to bring before the minds of immigrants when they come to this country the fact that there are other States besides New York, Pennsylvania, Massachusetts, and New Jersey. I say that the time has come when there ought to be one commissioner of immigration, at least, in the Southern States, for, if the list in the Congressional Directory is correct, there is not to-day a solitary commissioner of immigration at any southern port. They are all at northern ports.

Therefore, Mr. President, I hope that this amendment will not be mutilated in the way which is proposed, by striking out that part of it which directs the Commissioner-General to get the information which is so much needed by immigrants when they come here, information which is valuable to them and valuable to the people of the South, because it will help to attract immigrants to the Southern States.

I can not see why we should deny this small sum, which can be so beneficially used for the Southern States; and yet I have understood some Senator would make a motion to strike out the two last lines of the amendment, which read:

> The expense of carrying the provisions of this section into effect shall be paid out of the immigrant fund.

What is the "immigrant fund" for, if it is not to be used for the purpose of paying expenses connected with immigration? We have an immigration fund, I understand, of between three and four million dollars. I have been told that last year there was collected at least $2,000,000 on the 1,226,000 immigrants who came to this country. At $2 a head that would amount to over $2,000,000, and this pending bill proposes—and I am for it—to increase the head tax from $2 to $5, which will give us $5,000,000 in one year if we have the same number of immigrants come to this country next year as came last year, and the Com-

missioner-General of Immigration says he believes there will be an increase.

What is that immigrant fund to be used for, unless it is to be used for the purpose of making it easier for the immigrants who arrive here, to give them a better place to go when they first get here, to give them better treatment, and furnish them better facilities to find the best place to go? We do not take the money out of the Treasury; we simply take part of the immigrant fund to do this.

Mr. SPOONER. Mr. President, I have not a word to say in reply to the sectional suggestion made by the Senator from Kentucky [Mr. MCCREARY]. He must know, I think, that I would not think of that for a moment in any suggestion I have to make upon this amendment, nor do I think there is a member of this body who would. The Commissioner-General of Immigration, as I understand, recommends the portion of this amendment which begins in line 22, on page 19, which involves the maintenance of display stations and representatives and agents of the States desiring to promote immigration within their borders and every possible facility to acquaint immigrants with the advantages that are to be derived; but I believe the amendment proposed by the Senator from Kentucky, and especially advocated by him, is absolutely impracticable. I hardly think the Department should be turned into an immigration agent for any State in the Union. Almost inevitably, Mr. President, the documents indicated in this amendment which would embody the information from the different States and Territories of the United States, and to be distributed among the immigrants, being all compiled and drawn up here in one of the bureaus, would be entirely unsatisfactory to a great many of the States. The States know how to advertise their own resources better than any official in Washington does.

Mr. MCCREARY. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. MCCREARY. I do not understand that this amendment proposes to make the Commissioner-General of Immigration any more an immigration agent than he now is.

Mr. SPOONER. He is an immigration agent for the purpose of administering the immigration law and protecting, by rigid inspection and thorough administration of the laws of the United States, this country from undesirable immigrants. He is not, however, a State immigration agent.

Mr. MCCREARY. It seems to me that to properly carry out his duties he should be authorized by law to present to immigrants, when they come here, the attractions of the various States, and to present to them also what it will cost to go to the various States, what the climate is, what the rate of wages may be, etc. That will not cost much.

Mr. SPOONER. There is not a man living who could write an article on the attractions of Kentucky in all of the aspects mentioned in this amendment, other than a Kentuckian, which would be at all satisfactory to explain the beauties and advantages of Kentucky.

Mr. MCCREARY. If the Senator will permit me, the amendment says:

> Correspondence shall be had with the proper officials of the States and Territories—

in order to obtain this information, and the States will furnish the information to the Commissioner-General of Immigration. That is what the amendment provides. He does not have to go to collect it himself, but he corresponds with the proper officials of the States and Territories, and gathers from them descriptions of those attractions to which I have referred.

Mr. SPOONER. I do not so read the bill. The bill makes it the duty of the Commissioner-General to—

> Gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, the character of the climate and soil, the prices of land, the routes of travel and cost of transportation, the opportunities of employment in skilled and unskilled occupations, the prevailing rates of wages, the costs of living, and all other information that may tend to aid aliens in selecting a place of residence, and shall publish such information in different languages and distribute the same among all admitted aliens at the immigrant stations of the United States, and to such other persons and societies as may desire the same.

Mr. MCCREARY. But, if the Senator will permit me, he overlooks the earlier part of the clause beginning in line 9, which reads:

> Correspondence shall be had with the proper officials of the States and Territories, etc.

Mr. SPOONER. That is one.

Mr. MCCREARY. It continues—

> and such division shall gather from all available sources useful information, etc.

I can come to no other conclusion, except that the Commissioner-General is to correspond with the proper officials of the States and Territories and gather this information.

Mr. SPOONER. Mr. President, that is not the only limit. This duty, in very general language, is imposed upon the division; and it is a very great work if honestly and properly done. Of course, we ought not to begin the publication of these papers until they have completed the work; otherwise they would be advertising one State or two States or three States, instead of all the States and Territories.

Mr. President, 97½ per cent of the immigrants who arrived at Ellis Island last year, we were told yesterday, came here with definite addresses, and 65 per cent of them with transportation. They knew when they started from home what their destination in the United States was to be. What does this provision mean that the United States shall have an agent at the immigrant stations, whose duty it shall be to distribute this information? Suppose that is all done. He meets the immigrants—men, women, and children—as they come off the ship, or as they come off of the island, and distributes the circulars. He must do it impartially to each one of them—forty-seven or forty-eight circulars, adequately advertising each State and Territory—so as thereby to induce immigration to the State which, after reading all these documents, the immigrant shall deem to be the most attractive. It seems altogether impracticable.

Mr. MCCREARY. Will the Senator let me ask him just one question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. SPOONER. I am always glad to yield to the Senator from Kentucky.

Mr. MCCREARY. Would it satisfy the Senator from Wisconsin to say that correspondence shall be had with proper officials of the States and Territories, and they shall furnish such information with regard to the advantages of their State as they may deem proper?

Mr. SPOONER. That does not do away with the objection. The agent of the Department, of course, must distribute impartially the information. There are forty-five States, and I guess each State thinks it is a little bit better than any other State for desirable immigrants. There are several Territories, and so, as I said before, this agent of the Department will distribute in French and Spanish and all the languages represented by immigrants forty-eight pamphlets written by the authorities of the States, advertising the advantages of the States. Would that tend to promote immigration to the States? It would be utterly bewildering. If the States want to promote immigration they should have an agent constantly at those display stations; they should be represented at the stations which the Commissioner-General of Immigration recommends, and have object lessons there, and have some one there to explain orally, to answer questions, and to furnish information about the routes and represent adequately the advantages, each man of his own State or Territory.

Mr. President, I say again that while I believe these display stations may very well and wisely be erected and maintained, and while I believe that the representatives of the States, properly accredited, should be given every possible facility for the presentation to arriving immigrants of the advantages of climate, market for labor, cost of living, and everything in that way of the State which each represents, yet, if the State does not care enough for immigration to avail itself of the provision of this bill, which is unobjectionable and which is recommended by the Department, to have some one there to promote immigration within its borders, it has no right to complain that immigrants go elsewhere.

It is another little piece of paternalism, with which, really, the Government has nothing to do. It is no part of the business of a Government Department to be directing immigrants to this State or that State or the other. It is their business to see to it that the immigration laws are enforced and that undesirable people are not admitted to this country to remain.

Mr. BACON. I should like to ask the Senator——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Yes.

Mr. BACON. I should like to ask the Senator if he would recognize that that provision could be enlarged in some degree to meet the condition which I will speak of——

Mr. SPOONER. You mean the last one?

Mr. BACON. Yes. I do not wish to take the Senator off the floor.

Mr. SPOONER. No; I am glad to hear the Senator.

Mr. BACON. We have in the Southern States movements on the part of large railroad systems to promote immigration. They do it for the purpose of developing the country through which their lines run, with the idea that in such development there will be increased business for their railroads. For in-

stance, I know that the Southern Railroad and several other railroads have distinctively immigration bureaus, with their agents. They operate in the Northern States now, and to a large extent in the Northwestern States, which bring colonies of immigrants to settle up different localities. They have several considerable towns in my own State, one of them between five and ten thousand inhabitants, made up almost exclusively of immigrants who have been brought in through the agency of these railroad immigration bureaus.

It is more than probable that a more practical result is to be anticipated from an enterprise of that kind than there is from State action; and it is with a view of that that I suggest to the Senator that possibly—pretermitting for the present the question as to the elimination of the first part of the provision and limiting the consideration to the part which the Senator now approves—I want to suggest the propriety and advisability of enlarging that authority, so as not only to embrace agents of the States, but agents of immigration societies, whether they be the agents of corporations or of individual localities.

Mr. SPOONER. If that is limited so as to make it subject to regulations prescribed by the Department, so as to prevent interference with the Government business, I have not the slightest objection.

Mr. BACON. The reason I made the suggestion rather than offering an amendment is that I realize the fact that it ought to be carefully guarded, of course, if it is enlarged; and I would suggest to the Senator from Vermont [Mr. DILLINGHAM], if he approves of that, that there shall be incorporated some such provision, which, I think, is more important really, so far as my immediate locality is concerned, than a State agent would be.

Mr. ALDRICH. I ask the Senator from Wisconsin to yield to me to make a report out of order.

Mr. SPOONER. Certainly.

ALCOHOL IN THE ARTS.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials, to report it with amendments.

The bill is an important one, and I ask that it be read as amended by the committee, and I also ask that the letter of the Commissioner of Internal Revenue accompanying it may be read.

The VICE-PRESIDENT. The Secretary will read the bill as proposed to be amended.

The Secretary read the bill as proposed to be amended by the Committee on Finance, as follows:

Be it enacted, etc., That from and after January 1, 1907, domestic alcohol of such degree of proof as may be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, may be withdrawn from bond without the payment of internal-revenue tax, for use in the arts and industries, and for fuel, light, and power, provided said alcohol shall have been mixed in the presence and under the direction of an authorized Government officer, after withdrawal from the distillery warehouse, with methyl alcohol or other denaturing material or materials, or admixture of the same, suitable to the use for which the alcohol is withdrawn, but which destroys its character as a beverage and renders it unfit for liquid medicinal purposes; such denaturing to be done in a denaturing bonded warehouse specially designed or set aside for denaturing purposes only, and under conditions prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

The character and quantity of the said denaturing material and the conditions upon which said alcohol may be withdrawn free of tax shall be prescribed by the Commissioner of Internal Revenue, who shall, with the approval of the Secretary of the Treasury, make all necessary regulations for carrying into effect the provisions of this act.

Distillers, manufacturers, dealers, and all other persons furnishing, handling, or using alcohol withdrawn from bond under the provisions of this act shall keep such books and records, execute such bonds, and render such returns as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. Such books and records shall be open at all times to the inspection of any internal-revenue officer or agent.

SEC. 2. That any person who withdraws alcohol free of tax under the provisions of this act and regulations made in pursuance thereof, and who removes or conceals same, or is concerned in removing, depositing, or concealing same, for the purpose of preventing the same from being denatured under governmental supervision, and any person who uses alcohol withdrawn from bond under the provisions of section 1 of this act for manufacturing any beverage or liquid medicinal preparation, or knowingly sells any beverage or liquid medicinal preparation made in whole or in part from such alcohol, or knowingly violates any of the provisions of this act, or who shall recover or attempt to recover by redistillation or by any other process or means, any alcohol rendered unfit for beverage or liquid medicinal purposes under the provisions of this act, or who knowingly uses, sells, conceals, or otherwise disposes of alcohol so recovered or redistilled, shall on conviction of each offense be fined not more than $5,000 or be imprisoned not more than five years, or both, and shall, in addition, forfeit to the United States all personal property used in connection with his business, together with the buildings and lots or parcels of ground constituting the premises on which said unlawful acts are performed or permitted to be performed: *Provided*, That manufacturers employing processes in which alcohol, used free of tax under the provisions of this act, is expressed or evaporated from the articles manufactured, shall be permitted to recover such alcohol and to have such alcohol restored to a condition suitable solely for reuse in manufacturing processes under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

SEC. 3. That for the employment of such additional force of chemists, internal-revenue agents, inspectors, deputy collectors, clerks, laborers, and other assistants as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem proper and necessary to the prompt and efficient operation and enforcement of this law, and for the purchase of locks, seals, weighing beams, gauging instruments, and for all necessary expenses incident to the proper execution of this law, the sum of $250,000, or so much thereof as may be required, is hereby appropriated out of any money in the Treasury not otherwise appropriated, said appropriation to be immediately available.

For a period of two years from and after the passage of this act the force authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereof, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury.

SEC. 4. That the Secretary of the Treasury shall make full report to Congress at its next session of all appointments made under the provisions of this act and the compensation paid thereunder, and of all regulations prescribed under the provisions hereof, and shall further report what, if any, additional legislation is necessary, in his opinion, to fully safeguard the revenue and to secure a proper enforcement of this act.

The VICE-PRESIDENT. The Secretary will read the letter sent to the desk by the Senator from Rhode Island.

The Secretary read as follows:

TREASURY DEPARTMENT,
BUREAU OF INTERNAL REVENUE,
Washington, May 22, 1906.

Hon. NELSON W. ALDRICH,
Chairman Committee on Finance,
United States Senate.

SIR: Replying to your question whether, if the Senate should substantially adopt the free-alcohol bill passed by the House of Representatives, in which bill the burden of prescribing all the rules and regulations under which the law shall become effective is placed upon the Treasury Department, it would be possible by the 1st of January, 1907, for the Department to be prepared to put the provisions of the bill into effect and operation, I have the honor to say that in my opinion the Department can make all the necessary rules and regulations, employ the needed additional force, and arrange for the necessary buildings for the conduct of the work by that date.

The reasons why I fixed the 1st of January, 1907, in the bill which I presented to the House committee were stated by me in the printed hearings before your committee.

Very respectfully, JOHN W. YERKES, *Commissioner.*

Mr. ALDRICH. I desire to give notice that at the earliest possible moment I shall ask the Senate to consider the bill. I ask that the bill may be printed specially, as there is a great demand for copies, and in order that it may be ready for distribution as early as possible.

Mr. GALLINGER. Would the Senator from Rhode Island be willing to state very briefly the changes made in the bill as it passed the House?

Mr. ALDRICH. I can do that to-morrow morning or I can do it now. The changes are very few.

Mr. GALLINGER. There is great interest manifested throughout the country in this proposed legislation, and I think if the Senator would do it briefly now it would be better.

Mr. ALDRICH. The only substantial changes are as to the time when the act shall go into effect and with reference to preventing frauds in its enforcement. There are no other changes.

The VICE-PRESIDENT. The bill will be specially printed, as requested by the Senator from Rhode Island, and be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6038) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 17890. An act granting an increase of pension to J. T. Bandy; and

H. R. 18032. An act granting an increase of pension to Mary H. Scott.

The message further announced that the House had passed a bill (H. R. 19572) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 17842) granting a pension to Josephine V. Sparks, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired;

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana; and

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland.

URGENT DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 19572) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes, which was read the first time by its title.

Mr. HALE. Mr. President, this is a bill only providing for certain emergencies, and needs to be passed at once without reference. I have consulted with members of the Committee on Appropriations, and I ask that it may be placed on its passage now. Let it be read.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to transfer to the credit of the appropriation "Fees of witnesses, United States courts, 1906," $60,000 of the unexpended balance of the appropriation "Fees of witnesses, United States courts, 1905," and to the credit of the appropriation "Fees of jurors, United States courts, 1906," $30,000 of the unexpended balance of the appropriation "Fees of jurors, United States courts, 1905."

To meet the expenses of opening to entry and settlement during the fiscal years 1906 and 1907 the ceded lands of the Flathead Indian Reservation in the State of Montana, under act of April 23, 1904; the Crow Indian Reservation in the State of Montana, under act of April 27, 1904; the Yakima Indian Reservation in the State of Washington, under act of December 21, 1904; the Shoshone Indian Reservation in the State of Wyoming, under act of March 3, 1905, and such other Indian reservations that may be open to entry and settlement during the fiscal year 1907, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to continue available during the fiscal year 1907: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively: *Provided further*, That clerks detailed to assist in the opening of said reservations, while on such duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $3 per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

Mr. NELSON. Mr. President, without intending to delay the passage of this measure in the least, I desire to say a few words in reference to the amendment under consideration. I regard it as one of the most important features of the bill. We are not only interested in having the proper class of immigrants admitted to this country, but we are also interested in having these immigrants properly distributed so that the country may digest them, assimilate them, and Americanize them as quickly as possible.

During the earlier stages of immigration, and until we got this large influx from southern Europe, the immigrants were, as a rule, disposed not to remain in the big cities of the seaboard, but to go into the interior and to secure homes for themselves and become independent. But if you follow and study the figures of immigration in recent years, especially since this large influx from Europe, you will find a great disposition among them to locate in the large centers on the seaboard, and the result is that in those cities population becomes congested, and especially among the working and laboring elements.

These immigrants who thus huddle and gather together in large colonies in our large cities fail to become Americanized as swiftly and to become as prosperous and in as good condition as those who go to the West. I never realized the beneficent effects of the result of distributing our immigrants and sending them out into the country for the purpose of becoming farmers and agricultural laborers so much as I did a few years ago when I visited the city of New York. I went to the east side, as it is called in that city, and I saw there huddled together a class of immigrants who were in a condition like which we had nothing anywhere in the Northwest country.

I have had some knowledge and experience with this subject. I have been, as it were, a pioneer in two great States of the Northwest—the State of Wisconsin, where I spent my childhood and youth, and the State of Minnesota, which is now my home. I have noticed what a great blessing and advantage it has been to the immigrants to be distributed among rural communities and among the farmers of this country. First of all, they become good agricultural laborers. In the next place, their surroundings are such that they aim, at as early a day as practicable, to secure little farms of their own. Again, these people who are thus distributed throughout the country in small squads here and there mingle with the best of the population of this country and become more swiftly Americanized, become more swiftly accustomed to the language and customs of this country, and sooner become part of our population and serve to make our country homogeneous, as it ought to be.

Therefore, Mr. President, I think it is of vital importance that when these immigrants come from the Old World in such masses as they do to-day, instead of allowing them to huddle in the large cities on the seaboard where they land and the large manufacturing centers, to take steps to scatter and distribute them throughout the country.

Mr. KEAN. Will the Senator from Minnesota yield to me for a moment?

Mr. NELSON. Certainly.

Mr. KEAN. I wish to call the Senator's attention to a statement made by the Senator from Vermont [Mr. DILLINGHAM] yesterday, when he said:

> In the year 1905 we admitted through the Ellis Island station 754,334 immigrants. Seven hundred and fifty-one thousand five hundred and ten, or 97.5 per cent of the whole number, had definite addresses and knew precisely where they were going. Out of that vast number only 2,824 were without a definite purpose in this regard. This is a very significant fact, and one that should have a strong influence upon us as we consider the causes which operate in bringing this vast wave of immigration to our shores.

That was the statement made yesterday by the Senator from Vermont.

Mr. NELSON. I recognize the force of that statement in part, but it comes from the fact that the relatives of these people in the large manufacturing centers and the large commercial cities of the seaboard have sent for their friends and relatives abroad, and they are anxious to locate them where they are. Although that may be true, I do not think it is for the good of these large cities or for the good of the immigrants themselves that they should be huddled in these large cities and great manufacturing centers.

I think that next to securing as good a class of immigrants as possible, it is most important to see that the immigrants are properly distributed throughout the length and breadth of the land. That is not only for the interest of the immigrants, but it is for the good of the people of the United States, because in that way they can more swiftly become Americanized and of advantage to the country.

So, without taking up further time on this subject, I must say I am heartily in favor of the spirit of the amendment, and I think it is one of the most beneficent provisions in the bill.

Mr. HALE. Mr. President, the simple reading of this amendment shows how vast is its range, and we are asked to vote for it now, not only without any time to examine fully into the provisions and extent and scope of the amendment, but without any information from the Immigration Bureau which would tend to show that this measure is at all practicable or feasible. If it passes, it would amount, Mr. President—one can see from reading it, so immense, so vast is its range—to a practical absorption or confiscation for this purpose of the entire immigrant fund. Of course, it must be conjecture as to what so vast a scheme, when it is put in operation, will cost; but nobody can deny that with all of its provisions, the extensive things required, the gathering of statistics in almost every form, the money it will cost will be something immense.

What I should desire, and what I think the Senate ought to be satisfied with, is the provision as left by the amendment offered by the Senator from New Hampshire. That, Mr. President, Congress can afford to do, and it can afford to do it because it will give light, and the report of the operations under the amendment as left, with the rest stricken out, for the coming year will be some basis to guide us as to what, if anything, should be done in the future.

If it is so important to the States as the Senator from Minnesota [Mr. NELSON] has indicated, let the amendment be confined——

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. Certainly.

Mr. NELSON. I desire to say to the Senator from Maine that I did not put it on the ground of being important to the States. I said it was important to the country and to the well-being of the immigrants themselves, not to the States.

Mr. HALE. Everything that is of importance to the country is of importance to the States, because the States make up the country. We have not quite yet obliterated all the lines and have not declared that the Federal Government shall take possession of every department and every industry and that it shall be a matter of the paternal Government of the United States ousting the States from their jurisdiction. I say if any State is interested enough in this matter—and I can admit that it is; I do not seek to belittle the proposition—for its population to appoint an agent, who shall for a year to come, in cooperation with the Immigration Bureau, consider all these questions, consider how feasible it is to divert or distribute this vast tide of immigration to the different States, let it do so, and then Congress would have some information, some knowledge as to what it ought to do. But I appeal to Senators—careful Senators, conservative Senators—whether we should now, knowing no more than we do, embark in this entire scheme and absorb and confiscate practically, with no limitation upon it, the entire fund.

You do not meet it, Mr. President, by passing the enormous amendment and then limiting it to $20,000, because you might as well pass a bill for the running of an entire Department and say that you will give but $10,000. That does not meet the case. Our method in the Senate is to make appropriations in consonance with the magnitude of the work appropriated for, and it is not good legislation to embark on a proposition that will cost hundreds of thousands of dollars and then say that only $20,000 shall be appropriated for it. It is not our way of legislating.

Mr. President, if the amendment of the Senator from New Hampshire shall prevail, it is not unfriendly to this scheme:

When any State or Territory appoints and maintains at its own expense—

Let the State do that for a year—

an agent to represent it at any of the immigrant stations of the United States such agent shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory—

The amendment itself recognizes the division into States and Territories—

for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein—

Where? In such State or Territory, the State which is interested, which has an agent for the purpose of making known the desirability of a particular State represented by a special and particular commissioner—

and the Commissioner-General of Immigration may, when practicable—

This is all meant to help forward the project—

may, when practicable, provide space at the various immigrant stations for displays by such agents of the resources and products of their respective States and Territories.

That can all be attended to by the agent.

While on duty at any immigrant station such agent shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any of such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

Mr. President, if the Senate launches this year this scheme as provided in the latter part of the amendment I have just read, it certainly is as far as we ought to go now, and one result will be that when, in accordance with the management of the Immigration Bureau, these agents have put in their work, have seen what they can of the immigrants, have made known the desirability of their States as places of home and residence, at the end of the year not only will they report to their States, but the Commissioner of Immigration will report to Congress the result of this feature that has been adopted by Congress of working in connection with him, and the Senate then will be in some position to know how far it should go in this greater, wider, greatly more expensive feature provided by the whole amendment. I certainly hope that the advocates of this measure will be content to take the amendment as left by the amnedment of the Senator from New Hampshire.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. I intended to ask the Senator from New Hampshire to modify his amendment, but as the Senator from Maine is giving this matter his careful consideration I want to ask him if he does not think possibly the suggestion which I will subsequently make to the Senator from New Hampshire may be a good one? It is so to modify the amendment as to confine it to striking out, from line 9 to the word "same," line 22, leaving in line 25, on page 18, the first eight lines on page 19 that simply provide for the appointment——

Mr. HALE. Will the Senator from Georgia state that again?

Mr. BACON. I was going to ask the Senator from New Hampshire, and I will ask his attention now—he has the bill before him—whether he will not so modify the amendment as to confine it to a motion to strike out, after line 8, down to and including the word "same" in line 22, so as to leave the preceding part of that section, which would be as follows:

SEC. 26. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration. The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistants as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration.

Then, going down to line 22, there would be added the part the Senator has just read, providing for the special agents for the States.

The idea in my mind is this: If all the agents contemplated by the latter part of this amendment are appointed, there certainly ought to be some particular division of the Bureau of Immigration devoted to the particular work that these many agents will have in hand. It will be necessary, it seems to me, for the Commissioner-General to make some such provision for them even in the absence of legislation, but there ought to be some such legislation as will enable him to make that provision conveniently, and for the necessary money with which to do it. Otherwise, as it now stands, if the amendment were limited as now proposed by the Senator from New Hampshire, these agents would go there without any particular department of the Immigration Bureau to which they would make their special applications, and which would have charge of the particular interests they were seeking to promote.

It would eliminate from the amendment the part which has excited the principal criticism of the Senators who have opposed it, in that which requires that the Bureau should gather information through the States and publish it in different languages and all that. All that would be eliminated, and the only effect would be to create a division in the Bureau of Immigration which would have special consideration of this matter of distribution and the work at last would be done through the State agents. It seems to me that possibly might be a convenient solution of the difficulties with which we are now confronted.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Would the Senator from Georgia agree to leave in the words down to the word "Immigration," in line 3, and then commence at line 6, and include lines 6, 7, and 8, so as to eliminate this chief and such clerical assistants as may be necessary? In other words, avoid the creation of another division, with an unlimited number of assistants.

Mr. BACON. I am not on the committee, as the Senator knows, and I have no authority to accept anything. I simply make the suggestion as feeling a particular interest in this matter.

Mr. GALLINGER. So that it would then read:

Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. When any State or Territory appoints and maintains, etc.

Mr. BACON. I have no authority to accept anything, but I would furthermore desire an amendment to come in on the twenty-second line, after the word "Territory," so as to introduce these words. The present language of the amendment is:

When any State or Territory appoints——

Mr. McCREARY. What line?

Mr. BACON. Line 22, after the word "Territory."

Mr. McCREARY. On page 19?

Mr. BACON. Page 19, line 22, after the word "Territory." The language of the present amendment is:

When any State or Territory appoints and maintains at its own expense an agent to represent it, etc.

At the proper time—I suppose I am not in order to do so

now—I am going to move to amend by inserting these words after the word "Territory:"

Or any corporation or association maintaining an immigration bureau in any State or Territory.

The purpose of that is to accomplish what I suggested when the Senator from Wisconsin was upon the floor—to give the opportunity to large railroad systems which are now maintaining immigration bureaus for the development of the territory along their lines of railway. I will say with that amendment and with the language left in which is now suggested by the Senator from New Hampshire, so far as I am concerned, it would be entirely satisfactory, at best, for a beginning.

Mr. McCREARY. I did not understand the Senator from New Hampshire. I will ask him to state again the amendment proposed by him.

Mr. GALLINGER. If the Senator from Maine will permit me——

Mr. HALE. Certainly.

Mr. GALLINGER. It would eliminate the provision in the amendment that creates a chief of the division and such clerical assistance as may be necessary. It would establish the bureau, and it would probably be put in charge of a competent clerk now in the service. Later on we could ascertain whether more assistance was necessary.

Mr. McCREARY. Does the Senator from New Hampshire propose to leave in the first four lines?

Mr. GALLINGER. The first four lines.

Mr. McCREARY. Very well. Now, what does the Senator propose to strike out?

Mr. GALLINGER. I propose to strike out, after "Immigration," the words:

The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistance as may be necessary.

Then I propose to leave in the following clause:

It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration.

Then I strike out from line 9 to line 22, including the word "same," in line 22. And then I shall be very glad to have the amendment suggested by the Senator from Georgia incorporated, because I think it is a very wise and proper provision.

Mr. HALE. Mr. President, it seems to me there is great force in what the Senator from New Hampshire proposes. It goes rather farther than I should have been willing to go, but I think we could this year provide that the Commissioner shall have authority to establish what is called "a division." Undoubtedly the operation of that would be that one or possibly two competent clerks would be put in charge of it. Then its duty is defined as being "to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration." And then what gives life to it is added, that "when any State or Territory appoints and maintains at its own expense an agent to represent it," they shall be given office room and facilities for commending their States as good places for residence, it all being in conjunction with the work of the Commissioner of Immigration.

The result would be, as I have stated before, that with this joint and harmonious action for a year to come we would then get a report, and the States would get their reports, of the operation of the law, and then we could enlarge it to such an extent as we might deem wise. We might then think we knew enough about it to endow the Commissioner with a larger force and amplify what would be a limited division. We could then also consider, under the reports of the Commissioner and information furnished by the reports of the State agents, the further question of enlarging the range of the division.

I think the Senator from Georgia and the Senator from Kentucky, who are both of them conservative, careful Senators, will see the force of that. I should hope that the chairman of the committee, who has given great study and thought to this subject and who certainly helped largely to educate me on the subject by his speech yesterday, might feel it wise to accept this suggestion. Then the whole machinery can be set going.

Mr. McCREARY. Will the Senator from Maine yield to me for a moment?

Mr. HALE. Certainly.

Mr. McCREARY. I desire to state that the amendment suggested by the Senator from New Hampshire and the suggestion made by the Senator from Maine are satisfactory to me, speaking only for myself. There is left in the amendment nearly all that we ask for. The authority is given the Commissioner-General of Immigration "to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration."

It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration.

Those are two important matters.

Then the further statement is made that—

When any State or Territory appoints and maintains at its own expense an agent to represent it at any of the immigrant stations of the United States such agent shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein, and the Commissioner-General of Immigration may, when practicable, provide space at the various immigrant stations for displays by such agents of the resources and products of their respective States and Territories. While on duty at any immigrant station such agent shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any of such regulations, deny to the agent guilty of such violation any of the privileges herein granted. The expense of carrying the provisions of this section into effect shall be paid out of the immigrant fund.

That contains all of the amendment except that part of it which refers to gathering from available sources information that can be furnished by the States. The amendment as proposed by the Senator from New Hampshire is a good start in the direction I wish to go. I am satisfied with it.

Mr. HALE. I am glad the Senator is satisfied. I hope——

Mr. DILLINGHAM. Mr. President——

Mr. HALE. I will yield to the Senator from Vermont. I hope the Senator from Georgia will not complicate the matter until after we finish the portion we have now been considering, and that we will establish what shall be put in before he introduces the question of corporations, because that is a distinctive matter upon which Senators will divide in sentiment. I think we can agree upon the other matter.

Mr. BACON. The Senator appeals to me, I suppose. He will remember the fact that I stated I simply gave notice that I intended to offer it after this amendment is disposed of. I believe I myself suggested the very amendment which the Senator from New Hampshire now proposes, and so I must be in favor of it. It is not necessary to appeal to me to agree to that.

Mr. HALE. I yield to the Senator from Vermont, the chairman of the committee.

Mr. DILLINGHAM. Mr. President, I think I should state, in justice to the committee, that when this amendment was drafted we had in mind two classes of aliens—those who are passing through our immigrant stations day by day, who will be provided for if the amendment of the Senator from New Hampshire is adopted, and also that other class, a large number of whom have centered in the large cities of the country. The leading periodicals of the country have often called attention to their condition and to the necessity of relieving the congestion existing in many of the cities by promoting the distribution of that class of aliens and inducing them to go into the country districts. Quite a large number of charitable organizations have been formed for this purpose and are working in this direction.

I may say at this point that one of the very best works these associations are doing is to take the immigrants who come to the large cities and make an attempt to secure their distribution before they become fully settled in the cities. I am told that out of the comparatively small number of immigrants who are admitted and who have no definite address, and therefore go into New York City, as much as 60 per cent are being diverted and sent to points outside of that city within sixty days after they arrive. I make this statement upon the authority of a gentleman who has been in consultation with the class of associations which I have mentioned and who secured information upon which the statement was based.

But I see from the debate that a portion of this amendment is drawn in such a way as to fail of the approbation, apparently, of the Senate; and I do not wish to stand in the way of any amendment which will leave so much of the proposed amendment as will inaugurate the work along the lines which have been suggested by the various Senators who have discussed this question.

I am in entire sympathy with what has been said by the Senator from Minnesota [Mr. NELSON]. I believe that with a properly drawn provision we can make a decided impress upon the congested districts of our large cities, and that we can benefit that class of our residents and benefit the country as well by promoting a distribution of them. But I do not know that it is possible at this late hour to draft an amendment to the bill which will meet that condition. I shall therefore not oppose the amendment which has been offered.

Mr. GALLINGER. I withdraw the amendment I offered and

now move to amend the amendment by striking out, in lines 3, 4, and 5, on page 19, the words, "The Secretary of Commerce and Labor shall appoint a chief of such division and such clerical assistance as may be necessary."

The amendment to the amendment was agreed to.

Mr. GALLINGER. I now move to strike out from line 9 to line 22, including the word "same," in line 22.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Now, the Senator from Georgia might with propriety offer his amendment.

Mr. BACON. I offer the amendment which I send to the desk.

The SECRETARY. On page 19, line 22, after the word "Territory," insert:

Or any corporation or association maintaining an immigration bureau in any State or Territory.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I move to strike out the last sentence in the amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the proposed amendment strike out the words:

The expense of carrying the provisions of this section into effect shall be paid out of the immigrant fund.

Mr. LODGE. I think we need a substitute there, because as we have left it it will involve expense. I suggest that we strike out the words proposed to be stricken out by the Senator from New Hampshire and insert:

Twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the immigrant fund to carry the provisions of this section into effect.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 20 at the end of the proposed amendment strike out the following words:

The expense of carrying the provisions of this section into effect shall be paid out of the immigrant fund.

And insert:

Twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the immigrant fund to carry the provisions of this section into effect.

Mr. GALLINGER. I accept the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. LODGE. From the Committee on Immigration I propose an amendment which is a redraft of section 22 of the act of 1903, to come in as a new section.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Add at the end of the bill the following:

That section 22 of the act of March 3, 1903, be amended to read as follows——

Mr. HALE. The Senator's amendment is to come in at the end of the bill. Will the Senator withhold it for a moment until I can make certain inquiries of the Senator in charge of the bill in reference to matters as we go along?

Mr. LODGE. The other committee amendments have been disposed of. This is merely a formal amendment, and it will not take a moment, if the Senator will allow it to go in.

The VICE-PRESIDENT. The Senator from Massachusetts, on behalf of the Committee on Immigration, offers an amendment, which will be read.

The SECRETARY. Add at the end of the bill:

That section 22 of the act of March 3, 1903, be amended to read as follows:

"SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction and with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers and also surgeons, in accordance with the provisions of section 17, for service in foreign countries."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts on behalf of the committee.

The amendment was agreed to.

Mr. McCREARY obtained the floor.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Maine?

Mr. HALE. I yielded the floor to the Senator from Massachusetts [Mr. LODGE] in order that he might put in his amendment. I supposed that I held the floor. I will have no question with the Senator from Kentucky.

The VICE-PRESIDENT. The Chair supposed the Senator from Maine had yielded the floor.

Mr. HALE. I did not; but I raise no question with the Senator from Kentucky.

Mr. McCREARY. I yield to the Senator from Maine if necessary.

Mr. HALE. Oh, no; let the Senator go on.

Mr. McCREARY. Mr. President, in the remarks I made I referred to the fact that there is no commissioner of immigration, so far as I was informed and so far as I find in the Congressional Directory, on the southern coast. The commissioners of immigration are put down in this book as follows:

Robert Watchorn, Ellis Island, New York Harbor; George B. Billings, Long Wharf, Boston, Mass.; John J. S. Rodgers, Delaware Insurance Building, Philadelphia, Pa.; Louis T. Weis, Knickerbocker Building, Baltimore, Md.; Hart H. North, San Francisco, Cal.; John H. Clarke, Montreal, Province of Quebec; Graham L. Rice, San Juan, P. R.

I desire to offer an amendment providing for a commissioner of immigration at New Orleans. If there is any reason why it should not be done I would be very glad to have the chairman of the Committee on Immigration, in whom I have great confidence, make the proper explanation.

Mr. DILLINGHAM. I do not know that I understand what the Senator's proposition is.

Mr. McCREARY. I have read the list of commissioners of immigration.

Mr. DILLINGHAM. I heard that.

Mr. McCREARY. I find that there is no commissioner of immigration on the southern coast, at any southern port.

Mr. DILLINGHAM. Is it not a matter of discretion with the Commissioner-General where they shall be stationed?

Mr. McCREARY. It may be, but he has had that discretion for a number of years and there does not seem to be any at New Orleans.

Mr. DILLINGHAM. What is the Senator's proposition?

Mr. McCREARY. My proposition is to offer an amendment to the bill providing that—

The Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall appoint a commissioner of immigration to discharge at New Orleans, La., the duties now required of other immigration commissioners at their respective posts.

Mr. DILLINGHAM. I think with the word "shall" stricken out and the word "may" written in, there will be no objection to that amendment.

Mr. McCREARY. I will make that change. I am willing to do that.

Mr. GALLINGER. Let the pending amendment be read.

The VICE-PRESIDENT. The amendment of the Senator from Kentucky will be stated.

The Secretary read as follows:

The Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge at New Orleans, La., the duties now required of other immigration commissioners at their respective posts.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. McCREARY].

The amendment was agreed to.

Mr. HALE. Now, Mr. President, I wish to carry the attention of the Senator from Vermont [Mr. DILLINGHAM], in charge of the bill, back to section 12 and the provisions of section 13. What I am afraid of is that perhaps inadvertently we may pass a bill that practically removes all the inspection and examination and weeding out of improper and unsatisfactory immigrants from the other side of the Atlantic and substitute the examinations here. Let me read that the Senator may hear, on page 10, line 16:

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing, or other vessel having said alien on board, to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel.

There was some suggestion made yesterday, and some little debate arose as to what this manifest covered; but, looking at this section as I have read it, it only requires that the manifest shall cover the immigrant on board the vessel.

Now, if you will go to page 12, line 18, you will find that the provision is not in relation to examination and discrimination and selection abroad, but on this side:

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups—

That is on this side. Then below, not reading all the others, in line 25 it is provided that:

Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the——

Mr. LODGE. That is the existing law.

Mr. HALE. The Senator from Massachusetts says that is the existing law, but, so far as I can see, this is intended as a complete bill for the guidance of officers in the application of the law on this great question to immigration.

Now, taking the two provisions I have read, I do not see that any provision is made anywhere for the examination that is so essential on the other side. It is all upon this side.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. Certainly; I am seeking information.

Mr. GALLINGER. If the Senator will read section 9, line 10, he will there find a provision that would seem to apply. It may not be comprehensive enough. In referring to the excluded classes, it says:

And if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time—

I think that assumes that there is an examination made at the time of embarkation on foreign sail. I suppose, probably, that could not be compelled.

Mr. HALE. What thought has the Senator in mind when he says it could not be compelled?

Mr. LODGE. If the Senator will allow me, I will explain it to the Senator from Maine.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. I yield to the Senator.

Mr. LODGE. We can not compel. We can not say that a vessel flying a foreign flag, belonging to a foreign country, shall not be cleared from a foreign port unless it has conformed to certain provisions of our laws. We have no power to do that whatsoever.

Mr. HALE. Undoubtedly.

Mr. LODGE. All we can do is to impose upon the steamship companies the penalty of $100 and the expense of carrying back each immigrant they bring contrary to our existing laws. We have no power to prevent their taking unlawfully an immigrant and clearing with him from Naples or Hamburg if they choose to do it. But, as a matter of fact, our consuls look over the manifests. We ought to have a medical examination there, and I shall offer an amendment presently for that purpose. We ought to have a medical examiner or physician at the great ports of embarkation who shall look over the immigrants and manifests and make proper report to the steamship companies there. That is all we can do.

Mr. HALE. Mr. President, that is in line with what my inquiry is leading to. I do not think we should let the bill pass and in any way relax whatever provisions we may consistently adopt providing for examination upon the other side, so that it is not all left for examination here. That examination, fortified by the amendment indicated by the Senator from Massachusetts, instead of being lessened or destroyed, I should say would be improved and increased, as it ought.

In every possible way we ought to endow our consular force abroad with the authority, with the material, with the proper funds, and with the proper help for the examination and certification of these immigrants, so that when they come here they will have been subject to that inspection, and if the steamship companies are as responsible as the Senator from Vermont [Mr. DILLINGHAM] believes they are, and as he indicated very clearly and very cogently in his speech yesterday, there will be no difficulty in the application of an examination abroad that shall practically be a weeding-out process. I hope the committee in charge of this matter will see to it that the bill does not pass in any way so as to strike down the examination upon the other side.

Mr. LODGE. Mr. President——

Mr. CARMACK. Will the Senator from Massachusetts yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. As to steamship companies transporting immigrants to the United States, why can we not, in any regulation which we may make, provide that immigrants shall not be landed in the United States unless they have previously undergone an inspection by one of our officers?

Mr. LODGE. We can at the port of arrival.

Mr. CARMACK. Why not at any port?

Mr. LODGE. We can not do so as to a foreign port, of course. We have no power to clear a vessel at a foreign port.

Mr. CARMACK. I know that.

Mr. LODGE. We can not prevent a steamship sailing from any port she chooses, if the laws of the country permit.

Mr. CARMACK. We can prevent the landing of immigrants here unless the steamship companies comply with any regulation we may make as to their inspection.

Mr. LODGE. Yes; but no country would permit, as a matter of right, such an inspection by our officers at their ports.

Mr. HALE. Mr. President, it seems to me that we in this country are the parties most interested. We receive these immigrants in our harborage; we make them a part of our population, and I think we have the power to declare, in any form, not only a restriction upon steamship companies landing immigrants, but a prohibition against landing immigrants unless certain conditions are observed by them in their sailing. I think we have that right. I do not feel that I know enough about it now to say in what form I should put that; but I think the suggestion made by the Senator from Tennessee [Mr. CARMACK] is a good one, for the Committee on Immigration, either now or at some other time, will be obliged to come to that and to consider the extent and range of the power we have if we choose to exercise it.

Mr. CARMACK. Might we not require every vessel engaged in transporting immigrants to the United States to carry on board inspectors?

Mr. HALE. That we can do.

Mr. CARMACK. And that it shall submit to an examination and inspection of immigrants at the port of embarkation, and, unless the owners of such vessel will submit to that regulation, that it shall not engage in transporting immigrants to the United States? Why can we not do that?

Mr. HALE. I think we can.

Mr. LODGE. We could, of course, require that they should carry an inspector; but it seems to me very obvious that we can not impose on any vessel in a foreign port any condition as to her clearance from that port.

Mr. HALE. Has the Senator from Massachusetts any doubt that we could say, in two lines, "that from and after the 1st day of July next no immigrant shall be landed by any steamship at any port of the United States?" Has the Senator any doubt that we could do that?

Mr. LODGE. None whatever.

Mr. HALE. Then, clearly, if we can do that, that ends it.

Mr. LODGE. If the Senator will allow me——

Mr. LATIMER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly; but I should like to answer the Senator from Maine [Mr. HALE] first.

Mr. LATIMER. Very well.

Mr. LODGE. The proposition the Senator from Maine states is a very different one. We can say to the world that they shall not bring immigrants to the United States, but we can not say that an officer of the United States shall go aboard a foreign vessel in a foreign port and examine her cargo and her passengers. That we can not do; and we would never permit such a thing for one moment in our own ports. Suppose, for instance, that Italy should say that no Italian who had immigrated here or Germany should say that no German who had immigrated here should be returned, that they would have an officer go on board an American ship at New York, and that that ship should not sail unless it submitted to an examination by a German or an Italian officer. Of course we would not submit to that for one moment. We could not allow officers of another government to examine our ships. They would not allow us to examine theirs; but as a matter of comity they do allow it to be done.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. I do not take that position at all; but we could make a provision that no immigrant should be landed in the United States unless he first had a certificate from a consular officer, a special agent, or some one else abroad, that he had been examined and had received a proper certificate.

Mr. LODGE. We considered the question of consular examination and consular inspection very thoroughly some years ago. In more than one country in Europe we were informed that they would not permit it; that they would not allow consuls to inspect and certify as to immigrants coming to this country; that that was something they could not possibly permit.

There are other objections to consular inspection, which it is not necessary for me to go into; but we could wisely appoint medical examiners and inspectors at the different ports, and, of course, the steamship companies would comply with what we desired in that respect, because we could make it uncomfortable for them at the port of arrival if they did not do so, but we could not provide by absolute law as to what should be done at the point of departure.

Mr. LATIMER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly, I yield.

Mr. LATIMER. Mr. President, the point that has been troubling me in regard to the immigration question has been the anxiety on the part of the steamship companies to bring as many immigrants as possible to the United States, so that they might collect the transportation fee. If the report of the Commissioner-General of Immigration is correct, they have distributed circulars throughout Europe and have had men traveling all over the various countries who were getting commissions for selling tickets and encouraging immigrants to come to the United States. Now you propose to put an examiner on board the vessel. He makes an examination, and diseased people, who are prevented under sections 2 and 9 from coming to the United States, escape the examiner and land in the United States. We have a penalty in section 9 of $100 imposed upon steamship companies for bringing dangerous contagious diseased aliens to the United States who could have been detected by proper medical examination at the time of foreign embarkation. These persons are prohibited from coming here under section 2. Suppose under this examination by a medical officer they escape and they get into the United States. Then what do you propose to do in regard to them? Do you propose to make the steamship companies take these immigrants back to the country from which they came and exempt the steamship company from all liability by reason of the medical examination made by our surgeons; and if not, what do we accomplish by making this examination?

Mr. LODGE. Certainly; I would not alter the existing law in that respect.

Mr. LATIMER. Upon what ground of fairness and justice would you fine a steamship company $100 for each person brought here when he had been passed as physically sound by our examiners and physicians?

Mr. LODGE. I do not think they should be fined if our medical examiners should pass improper persons.

Mr. LATIMER. The proposition now is to put an examiner on each of these vessels to examine immigrants before they land here. If they have been examined, have received a certificate, and have come here, and prove, after they reach here, to be improper persons, who are forbidden, under sections 2 and 9, from landing in the United States, I say the penalty in section 9 of $100 against the steamship company from bringing them to the United States——

Mr. LODGE. The Senator is under a misapprehension. There is no law of that character whatever that I know of, and certainly no such amendment is going to be proposed by me.

Mr. LATIMER. I refer to the present law.

Mr. LODGE. There is no such provision that a man who has been given a certificate there shall be again examined here.

Mr. LATIMER. I said the proposition made by the Senator from Maine [Mr. HALE] was that we would have a physician on board the vessel to make examinations; and I suggested that in case an examination was made, and the diseased persons should escape the physician and they should come here, as about 1,600 came here last year who were diseased and had to be sent back after they had been brought to our ports, and who were prohibited under section 2 from coming here—what would you do in regard to that?

Mr. LODGE. It is not proposed, as I understand, by anyone that an examiner at the point of embarkation should certify. I do not understand that that is the case. The purpose of having examiners there is to prevent, so far as possible, the immigrants from starting. We should say to the steamship companies: "These people are obnoxious to the law, and you ought not to take them." That saves the infliction of a hardship on the immigrant, and the steamship company then takes them at its own obvious risk.

Mr. President, it is an additional precaution to have the inspection officers over there; but I would not give them the power to certify any immigrant, for the reason stated by the Senator from South Carolina [Mr. LATIMER], but would simply provide them as a means of increasing the inspection and preventing the bringing in of undesirable people.

It might as well be understood, Mr. President, that the steamship companies will bring in here just as many people and just as bad people, without reference to anything but their own pockets, as the law will permit. They do not want to stop immigration. They will bring anything that the law will let them bring; and we are dealing with that situation.

Mr. LATIMER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. LATIMER. I want to say to the Senator, in connection with the statement he has just made, that I think I have an amendment to section 9 that will remedy the situation.

Mr. LODGE. I hope the Senator has such an amendment. I shall be very glad to vote for it if he has.

Mr. LATIMER. I think every Senator present will admit that the evil connected with this whole question is the profit which the steamship companies get in bringing immigrants to the United States. If you could take the profit out of bringing aliens of the excluded classes, there would not be a steamship line, in my judgment, that would encourage these people to come here.

Mr. HALE. Before the Senator from South Carolina offers his amendment, I want to ask the Senator from Massachusetts [Mr. LODGE] whether he does not think that by having the consular officers strengthened, as is proposed by an amendment which he will offer, that that, while not carrying certification, is practically a part of the weeding-out process, and applies at the other end as well as at this?

Mr. LODGE. I thoroughly agree with the Senator from Maine.

Mr. HALE. That is all I seek to accomplish.

Mr. LODGE. The section which I have just offered, and which has been adopted, provides one of the changes of the law. It reads:

> That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers and also surgeons, in accordance with the provisions of section 17—

Which requires their being taken from the Marine-Hospital Service—

> for service in foreign countries.

I propose to offer, and I shall offer when the committee amendments shall have been completed, on page 3, beginning on line 12, the following words to be inserted:

> Medical examiners or physicians to be attached to consulates at ports of embarkation.

Mr. HALE. Where does that come in?

Mr. LODGE. On page 3, at the beginning of line 12, specifying them as persons who shall be paid from the immigrant fund.

Mr. LATIMER. Mr. President, if the Senator will allow me, I want to say that I am heartily in favor of that amendment. It is in line with the amendment I offered. I want to take every precaution possible at foreign ports to prevent persons who are objectionable from coming into the United States.

Mr. HALE. We want to prevent their starting.

Mr. LATIMER. We want to prevent their starting; therefore an examination at the place of starting is very important. Then, the next thing is to take the incentive from the steamship companies, which causes them to advertise and to get these people started to come here; so that in section 9 I desire to offer an amendment.

The VICE-PRESIDENT. The Chair would ask the Senator from South Carolina to withhold his amendment for the present. There is one amendment already pending, offered by the Senator from Massachusetts [Mr. LODGE], which will be stated.

Mr. LODGE. I propose an amendment, and I wish to say one word further in regard to it before the vote is taken.

The VICE-PRESIDENT. Will the Senator allow the amendment to be first stated?

Mr. LODGE. Certainly.

The SECRETARY. Before the word "and," at the beginning of line 12, on page 3, it is proposed to insert the following:

Medical examiners or physicians to be attached to consulates at ports of embarkation.

Mr. LODGE. Mr. President, I merely wish to say a word in explanation of what I said in regard to the steamship companies. Their business is to make money, and the more immigrants they can bring the more money they can make. Therefore, unless they are regulated by law, they will bring any kind of an immigrant into this country. It is human nature. I am not blaming them for it. The same is true of the railroads. They do not look to see what the effect of this immigration will be on the country. They are engaged in making money by the transportation of human beings as well as of freight. Our first purpose—and that is the main purpose of this proposed law—is to keep out the diseased, the criminal, the insane, and the imbecile. We want to make the law to keep them out just as tight as possible, and I think we are doing so.

Mr. DILLINGHAM. Mr. President, in consultation with the officers of the Department on various occasions regarding this general subject, it never has been suggested, and I am sure it never has been thought of, that anything excepting the final examination at our ports of entrance should prevail or that anything should be substituted for that. But, as has been suggested by others here, it is desirable that no diseased person shall come on board the ship; first, because if afflicted with any contagious disease or loathsome disease, the whole multitude on that ship—and they are very closely confined—are exposed to the contagion, and they may come here and be admitted as healthy persons and the contagion may not take effect until after they have landed.

Mr. HALE. They would be infected.

Mr. DILLINGHAM. They would be infected. Then, a further reason has been suggested very forcibly by the Senator from Massachusets [Mr. LODGE], to wit: That it is a great injustice to this class of aliens to be permitted to go on board a vessel and come to America simply on arriving here to be debarred from entering the country.

The fine which we place upon steamship companies for bringing over diseased persons is to compel them to cooperate with us in our desire to prevent these evils, and in section 19 a committee amendment has already been adopted that is somewhat in line with the thought of the Senator from South Carolina [Mr. LATIMER].

Mr. SCOTT. In what section is that?

Mr. DILLINGHAM. Section 19.

Mr. HALE. What page?

Mr. SCOTT. I think the Senator must be mistaken. There is no amendment that I can see in section 19.

Mr. LATIMER. Yes; it is in section 19.

Mr. DILLINGHAM. It is on page 14, line 24. The amendment was not printed in italics in the bill because it was a part of the bill as introduced. The language is this:

Or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land.

Now, the amendment provided by the bill is:

Or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge.

Mr. HALE. That is not an amendment, but a new feature.

Mr. DILLINGHAM. That was in the bill as it was introduced, but it is a new feature of the immigration law. It seemed to me that it met the point suggested by the Senator from South Carolina [Mr. LATIMER]. Perhaps it is not so drastic.

Mr. HALE. It proposes to impose an additional burden upon the steamship owner—that is, the burden of returning the immigrant and paying his way.

Mr. DILLINGHAM. It has been said that it was a habit of steamship companies in some instances to bring over aliens whom they knew were diseased, but before doing so they required a deposit from them, out of which the charge for the return voyage should be taken if they were rejected on this side. To avoid that, they sometimes took obligations. This amendment was put in the pending bill at the suggestion of some one of the immigration officers; I do not remember who.

Mr. HALE. So that it not only forbids the steamship companies charging for the return of any such person, but forbids them exacting a fund from which they can reimburse themselves?

Mr. DILLINGHAM. Exactly.

Mr. HALE. And provides that the steamship companies shall take rejected immigrants back at their own expense, charging it to nobody and retaining no fund from anybody in cases where deportation results by operation of law?

Mr. DILLINGHAM. And that beyond that they shall not take any security for the deportation of any such person.

Mr. HALE. Yes; that is the same thing.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

The amendment was agreed to.

Mr. LATIMER. On page 9, line 21, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 9, page 9, line 21, after the word "section," it is proposed to insert the following:

And such person, transportation corporation, or transportation company, or the master, agent, owner, or consignee of any such vessel shall also pay to the collector of customs double the amount collected or caused to be collected from said alien, directly or indirectly, as a deposit or indemnity to cover the expenses of carrying back such alien in case of his or her exclusion from the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Carolina.

Mr. LATIMER. Mr. President, I am satisfied, as I said a few moments ago, that the trouble with this whole matter is the desire on the part of the steamship companies to profit by the bringing of immigrants into the United States. I am in favor of the amendment offered by the Senator from Massachusetts [Mr. LODGE], for the reason that it helps to relieve the steamship companies from the responsibility put upon them to examine immigrants and to pass upon their fitness to come to the United States before embarking. I think it is putting a hardship upon the steamship companies to compel them to find out before an immigrant boards a ship coming to the United States that he is absolutely sound in body and mind and qualified to earn a living when he reaches the United States. I can see how, with the closest scrutiny, possibly some immigrant might slip through the line under their inspection and be detected on this side by our immigrant inspectors and have to be deported at the expense of the steamship company. Therefore I am in favor of any action on the part of the United States Government that will aid the steamship lines in every way possible in making this examination.

The trouble as I see it is the desire on the part of the steamship companies to make money, which causes them to induce immigrants to come to the United States. I think this abuse ought to be surrounded with all the restrictions which the Government can throw around the examination, and then, in case immigrants of an undesirable class are brought here, a penalty ought to be provided, not only a fine of $100 upon the steamship companies, but such a penalty as will destroy the profit-making incentive for bringing such people to the United States.

Suppose you fine the steamship companies $100 for each immigrant rejected under section 2 whom they seek to bring into the United States? A steamship company can easily collect $150 from the immigrant, take $100 to pay the fine, and still have a profit. But if you fine the companies twice the amount they have received from the immigrant, there is nothing left to the steamship companies to cause them to encourage immigrants of this class to come to the United States, because you have taken all the profit out of that class of traffic.

Mr. SCOTT. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. LATIMER. Yes, sir.

Mr. SCOTT. How would the Senator provide for finding out the amount which the immigrant paid the steamship company?

Mr. LATIMER. The steamship companies would be required to put in their manifests the amount collected for bringing each immigrant to the United States. The steamship companies would be compelled to state the amount received from each immigrant.

Mr. SCOTT. There is no such provision in the bill as yet.

Mr. LATIMER. I believe it ought to be put in the bill; and if this amendment prevails I shall move to insert it in the bill.

Mr. HALE. Let me call the Senator's attention——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. LATIMER. Certainly.

Mr. HALE. I do not want to be too critical, but there is an inconsistency between the Senator's proposition and the proposition that is already incorporated in the bill as a new feature, which the Senator from Vermont [Mr. DILLINGHAM], the chairman of the committee, has explained. That inconsistency is this: It is provided in that new feature that the taking of money from the immigrant to pay his passage back, or the taking of security, or in any way providing for any fund that

the immigrant shall come and return on is prohibited. That provision has already been agreed to. The Senator from South Carolina has a more drastic and more largely penal provision, which recognizes that the steamship companies will do what they are prohibited from doing by the provision referred to. Does the Senator quite want to do that? First, can we provide that there shall be no fund, either saved or secured or deposited, and afterwards provide a double penalty? If that is the effect of his amendment, the Senator, I think, will see the inconsistency of it.

Mr. LATIMER. I am in favor of striking out the amendment the Senator proposed for the reason that a steamship company can very easily, under the proposed law, require the deposit of an indemnity to cover the $100 fine and all the expense of taking the immigrant back, and in that way technically evade the proposed provision of the Senator from Vermont [Mr. DILLINGHAM] and make a profit out of the transaction.

Mr. HALE. The Senator then makes his amendment consistent if he does not embody first the provision that there shall be no fund, no security, and then applies double the penalty. That can be done if the other provision is not left in the bill.

Mr. LATIMER. I do not understand the Senator.

Mr. HALE. The provision of the Senator from Vermont——

Mr. LATIMER. If that were out of the bill, and you make the penalty twice the amount collected——

Mr. HALE. The Senator makes it consistent if he strikes that out of the bill.

Mr. LATIMER. That is my proposition.

Mr. HALE. Undoubtedly.

Mr. PETTUS. I ask that the amendment be reported with the context, so that we can see what it means.

The VICE-PRESIDENT. The Secretary will read the amendment in connection with the context, as requested by the Senator from Alabama.

The SECRETARY. It is proposed to insert, after the word "section," in line 21, page 9, the following:

And such person, transportation corporation, or transportation company, or the master, agent, owner, or consignee of any such vessel shall also pay to the collector of customs double the amount collected or caused to be collected from said alien, directly or indirectly, as a deposit or indemnity to cover the expenses of carrying back such alien in case of his or her exclusion from the United States.

Mr. PETTUS. That is merely the amendment. I want the context read also, so as to know what it means.

The SECRETARY. Beginning on page 9, line 10:

And if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of the provisions of this section; and such person, transportation corporation, or transportation company, or the master, agent, owner, or consignee of any such vessel shall also pay to the collector of customs double the amount collected or caused to be collected from said alien, either directly or indirectly, as a deposit of indemnity to cover the expense of carrying back such alien in case of his or her exclusion from the United States.

Mr. GALLINGER. Mr. President, I feel a good deal of diffidence in undertaking to make the least criticism of this bill, because it is a matter to which I have not given very careful attention. But it does seem to me that we would better not pile up fines and penalties that are not reasonable, even if they are aimed at foreign steamship companies which are bringing to this country immigrants such as they ought not to bring. I may be wrong in the view I take upon a casual reading of sections 8 and 9, but it strikes me they are somewhat inconsistent. Section 8 provides:

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not less than one hundred nor more than one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

There is a very severe penalty; very likely a very proper penalty. We come to section 9.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any aliens subject to any of the following disabilities: Idiots, imbeciles, feeble-minded persons, insane persons, epileptics, or persons afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of the provisions of this section.

In section 8, landing any person not lawfully entitled to enter the United States is declared to be a misdemeanor, punishable by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term of not less than three months nor more than two years, or by both such fine and imprisonment, while section 9, which deals with the classes we propose to exclude, imposes a fine of $100. I presume the Senator from Vermont can explain what strikes me as being an inconsistency.

Mr. DILLINGHAM. There is nothing in the pending bill that changes existing law in respect of that matter. The Senator will notice that section 8 is aimed at those who, with a criminal intent to avoid the law, bring in or land in the United States any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States. It is to punish the criminal purpose to avoid the law and bring in a person who could not be brought in through any of our immigrant stations. Section 9 relates entirely to the classes who are to be debarred from entering the United States.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. I yield to the Senator from Minnesota.

Mr. NELSON. I desire to call the attention of the Senator from New Hampshire as well as the Senator from Vermont to an inconsistency between the amendment offered by the Senator from South Carolina and a part of the provisions found in section 19, at the foot of page 14 and top of page 15. It reads as follows, referring to the owner or master:

Or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make—

Here is the material part—the material language—

or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, etc.

That is made a criminal offense. The amendment offered by the Senator from South Carolina indirectly recognizes that that act can be done, if I understand correctly his amendment. This makes it a criminal offense for him either to take any money or any security for the return of the immigrant who is found unfit to enter. The Senator will see it by reading the last portion on page 14 and the top of page 15.

Mr. GALLINGER. As I suggested a moment ago, it strikes me that we are piling up pains and penalties without giving them very serious consideration. There is a very severe penalty in section 8 and a less severe penalty in section 9, and now the Senator from South Carolina proposes to add a penalty to the penalty that is embraced in that section.

I want to ask the Senator from Vermont, in this connection, if the term "idiots, imbeciles, feeble-minded persons, insane persons, epileptics" are in the present law?

Mr. DILLINGHAM. The word "idiots" is in the present law.

Mr. GALLINGER. The word "idiots."

Mr. President, I have no sympathy for steamship companies, especially foreign steamship companies. If we had some American ships, I might have a little sympathy with them, but we have not any. So we are dealing with foreign steamship companies, and I confess that my sympathy does not go out to them in a tumultuous way; and yet I want to deal fairly even with foreign steamship companies.

"Idiots, imbeciles, feeble-minded persons, insane persons, epileptics." A steamship company is required to show that by medical examination those physical disabilities could not have been detected. I do not know whether, if they produced a certificate or an affidavit from a physician, taken at the port of departure, our vigilant and oftentimes superserviceable inspectors on this side would agree that it was sufficient. But even if they did, who is going to say what a feeble-minded person is? I have sometimes thought that some members of other legislative bodies were feeble-minded. Who is going to say what an epileptic is? A man may have what we call an epileptic fit today, and may not have a recurrence of it for two years, or it may never recur. He may have had one attack in Germany, France, or Norway five years ago, and it is not discernible or of possible discovery by medical examination. He is brought to this country, and he may have an attack of epilepsy when he walks down the gang plank at New York. Yet the steamship company is to be fined, it is compelled to return that man; and the Senator from South Carolina proposes not only to fine it once, but to fine it twice, to pile up the fines.

Mr. DILLINGHAM. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. DILLINGHAM. If the Senator will look a little further along in that section, he will find this:

> And if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, etc.

That leaves the burden on the Government officials to show——

Mr. GALLINGER. Does that mean that if the steamship company should produce a medical certificate, given by some foreign physician or surgeon, stating that in the judgment of that person a particular immigrant was sound, it would save the steamship company from the pains and penalties?

Mr. DILLINGHAM. As I understand, it means that we lay an obligation on the steamship company to make or cause to be made such an examination of all taking passage at a foreign port as will enable the steamship company to take the risk of bringing them here. In other words, if they take a person who is disabled in any of the ways mentioned and whose condition might have been discovered by competent medical examination, they bring them at their own risk.

Mr. GALLINGER. But what I am trying to get at is how the steamship company protects itself.

Mr. DILLINGHAM. They will take such measures as they see fit.

Mr. GALLINGER. What evidence is competent?

Mr. DILLINGHAM. The bill provides for no evidence. The steamship company takes such method as it sees fit.

Mr. GALLINGER. And yet an inspector at the port of New York, who may have no particular competency for his job, determines, in his discretion, that the steamship company did not exercise proper care, when the steamship company may have submitted the immigrant to a medical examination.

Mr. DILLINGHAM. Not at all. If it shall appear to the satisfaction of the Secretary of Commerce and Labor, upon a showing that it might have been discovered, then the fine is imposed, and only then.

Mr. HALE. If the Senator will allow me, there is more than that.

Mr. GALLINGER. There is more than that.

Mr. HALE. If the Senator will go back to section 8, he will find this:

> That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector.

That means the immigrant inspector on this side, and if the steamship company brings any person here who does not pass the examination of the immigrant inspector, then it is subject to the provision.

Mr. DILLINGHAM. Oh, no. I do not think so.

Mr. HALE. It clearly must mean that.

Mr. DILLINGHAM. No.

Mr. GALLINGER. Or else the inspector abroad.

Mr. HALE. We do not have any immigrant inspectors abroad. The way I construe that is that the steamship proprietor takes the risk if he lands here any immigrant who can not pass and who is not duly admitted by an immigrant inspector. Then he is subject to the penalty. He takes that risk.

Mr. DILLINGHAM. I do not think that is the proper construction.

Mr. HALE. Then what is the force of that language?

Mr. DILLINGHAM. Take section 8 and begin with the beginning—

> That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector——

Mr. HALE. What is the force of that?

Mr. DILLINGHAM (reading)—

> or not lawfully entitled to enter the United States.

The general provision of the law compels all persons coming from abroad in that way to be taken to an immigrant station. This section, as I understand, simply makes it a misdemeanor for any person to violate the law and attempt to bring in an immigrant in any other way than through the regular method.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from West Virginia?

Mr. GALLINGER. Certainly.

Mr. SCOTT. I take it that this applies to cases where the steamship company has already had knowledge that the immigrant is not entitled to land in this country and yet persists in landing him.

Mr. DILLINGHAM. It simply makes it a misdemeanor to avoid the law.

Mr. HALE. What is the force of the words "not duly admitted by an immigrant inspector?"

Mr. DILLINGHAM. I understand that phrase to cover the ordinary course of the law, which requires all aliens to come through the immigrant stations and be examined there.

Mr. HALE. Exactly. And if they are examined and not accepted, do not pass the immigrant inspector, then the steamship company has to pay the fine.

Mr. DILLINGHAM. It does not bear that construction.

Mr. HALE. Then there is no force in those words.

Mr. GALLINGER. Mr. President, just a further observation in a few words. I simply have called attention to the fact, and I would repeat that this is a tremendous burden which is placed upon the steamship companies, to determine who are feeble-minded, who are epileptics, or who are insane; not that they should not determine and could not readily determine a case of present insanity, but that they could determine that a man who was insane at some previous period of his history might have an attack of insanity again after he landed here is to my mind next to impossible. The same applies to epileptics.

But what I was more particularly anxious to find out was what protection the transportation company had. This bill says if "the existence of such disease or disability might have been detected by means of a competent medical examination"——

Mr. CLAY. What page?

Mr. GALLINGER. Page 9, section 9. That, I take it, means at the point of embarkation; and it does seem to me that if the steamship companies should produce a certificate saying that the man had been examined and was found not to belong to any of these classes, it ought to be some degree of protection. The Senator from Vermont thinks it would not.

Mr. CARMACK. It employs the language, "by means of a competent medical examination."

Mr. GALLINGER. Yes; but I understand that after the immigrants are landed an inspector of the United States may say who is not competent, and immediately fine the shipmaster; and if the Senator from South Carolina gets his amendment in this bill, he will pile up a double penalty on them and compel them to deport the immigrant.

Mr. LATIMER. I want to say to the Senator from New Hampshire that I think he has imagined a heavier penalty to exist in the proposition I offered than really does exist, for this reason: We have a penalty imposed on steamship companies by section 9 of this bill of a hundred dollars for bringing to this country aliens in violation of section 2.

Mr. GALLINGER. And in the preceding section we have put a penalty of a thousand dollars and imprisonment for two years.

Mr. LATIMER. Provided he has been slipped or, rather, smuggled ashore in violation of all our immigration laws.

Mr. GALLINGER. Yes.

Mr. LATIMER. But the point I want to make to the Senator is that the average charge for bringing an immigrant to the United States is from fifteen to forty dollars, as I understand. The incentive for bringing immigrants is to get the passage money. If you impose upon steamship companies a penalty double the amount of all money collected from the excluded immigrant, whether as passage money, deposit, indemnity, or other money, you will take all the profit out of the transaction, and hence destroy the incentive for bringing such undesirable immigrant.

Mr. GALLINGER. But the Senator does not propose to take out the hundred-dollar penalty.

Mr. LATIMER. I think we would accomplish more if we would make it double the amount of all moneys received. Then there is no profit left. But if we collect a hundred-dollar fine and let the steamship company collect a hundred and fifty dollars—they have $100 to pay the fine, $50 to pay expenses of deportation, and hence make a profit. The point I am making to the Senate is that if you take the profit out of this transaction, there will not be the temptation to violate the law. Suppose the steamship company knowingly brought a contagiously diseased immigrant to the United States for $25. Now, if you impose a penalty of $50, or double the amount collected, for bringing him, and the steamship company has received only $25, there is a loss of $25, and no incentive to repeat the transaction. But if you impose merely a penalty of $100, as is proposed here, and the steamship companies can collect $150 from the immi-

grant, they are willing to take the chance, because they make a profit even though they pay the $100 fine. That is the condition as I see it in this bill. You provide a hundred dollars penalty here, and then the steamship company can charge the immigrant what it pleases. There is a circular of instructions issued to pursers by certain steamship companies—it has been published in the 1904 report of the Commissioner-General—in which pursers are instructed to receive on board dangerous contagiously diseased persons upon the deposit of $150—$100 to indemnify against the fine and $50 to cover the expenses of deportation.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. I yield.

Mr. NELSON. I desire to call the attention of the Senator from South Carolina to one point. This matter seems to be covered by the provisions at the bottom of page 14.

Mr. LATIMER. I want to move to strike out those words, commencing in line 18.

Mr. NELSON. Let me read:

> Or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than $300 for each and every such offense.

Mr. LATIMER. That does not prohibit the steamship company from collecting in the first place a sufficient amount to make a profit out of it. It says it shall not charge for the return. There is nothing in this bill that prevents a heavy charge when the immigrant is brought to the United States. There is where the difficulty lies.

The immigrant boards the steamship in a foreign country, and the steamship company can collect the amount necessary to bring him here and pay the hundred-dollar fine, expenses of deportation, and then take him back at a profit.

Mr. SCOTT. This a fine of $300.

Mr. LATIMER. That is for a violation of this provision. It is not a violation of the provision to collect a hundred and fifty dollars when the immigrant boards the steamship in a foreign country, before he has been adjudged prohibited under section 2 of the law from landing in this country.

Mr. GALLINGER. Mr. President, I will now resume for a moment. I would ask if there is in the hands of the Secretary the amendment that was agreed to, offered by the Senator from Massachusetts? If so, I should like to have it read. I call the attention of the Senator from South Carolina to an amendment which has already gone into the bill.

Mr. LATIMER. It does not affect this at all. That provides for inspection.

Mr. GALLINGER. It may be read.

Mr. SCOTT. To what page and what section is the amendment?

The SECRETARY. The last amendment adopted was at the beginning of line 12, page 3, to insert the following:

> Medical examiners or physicians to be attached to consulates at ports of embarkation.

Mr. GALLINGER. That is not the amendment to which I had reference. I think there is another amendment.

Mr. LATIMER. I make the motion——

Mr. GALLINGER. The Senator can not make the motion just now.

The VICE-PRESIDENT. The Senator from New Hampshire has the floor.

Mr. GALLINGER. I will give the Senator an opportunity in just one minute.

Mr. President, I have said about all I care to say; in fact, all I care to say. I have an impression, and it is the impression of a layman, that if this bill is passed precisely as it is, unless the foreign steamship companies are less aggressive than it is thought they are, we will have a good many lawsuits on our hands concerning these excluded classes. In view of the provisions of this bill that if a competent medical examination has been made and is ignored—as I am told it will be—the steamship companies are compelled to pay fines and penalties, there ought to be some medium of redress. I do not know where they will find it, but I think they will endeavor to discover it.

Mr. CARMACK. What does the Senator mean by saying "the competent medical examination will be ignored?"

Mr. GALLINGER. That is substantially what I am told, and I think the Senator from Vermont has practically suggested that.

Mr. DILLINGHAM. Not at all. I beg the Senator's pardon. I think it would not be ignored. I do not know that I understand what the Senator means by that remark.

Mr. GALLINGER. A little time ago I asked the Senator whether, if a steamship company should present a certificate from a physician at the point of embarkation, our officials here would recognize it as sufficient protection to the steamship company for having brought an alien who perhaps ought not to come in.

Mr. CARMACK. That is true under the very language of the bill.

Mr. GALLINGER. As I remember, the Senator from Vermont thought it would not be a sufficient protection.

Mr. LATIMER. I do not think there is any provision in this bill for foreign inspection by American physicians. The steamship company can make any examination it desires.

Mr. DILLINGHAM. Mr. President, may I inquire what is the pending question?

The VICE-PRESIDENT. The pending question is on agreeing to the amendment proposed by the Senator from South Carolina.

Mr. GALLINGER. And I have been addressing myself to that, with a view of getting information which would enable me to vote intelligently upon it.

Mr. LATIMER. I desire now to offer the amendment in proper form.

Mr. GALLINGER. The Senator can not offer it in my time.

The VICE-PRESIDENT. The Senator from New Hampshire has the floor.

Mr. GALLINGER. Mr. President, as I said a moment ago, I have said all I care to say on this matter. I think there are contradictions in sections 8 and 9, and I think there are difficulties in section 9 that will be troublesome in the administration of this law. Now, the Senator from South Carolina can offer his amendment.

Mr. LATIMER. I move to strike out——

The VICE-PRESIDENT. Does the Senator desire to modify the amendment he has heretofore proposed?

Mr. LATIMER. No. I want to strike out the provisions in the bill that conflict with or seem to repeat the amendment I desire to offer.

Mr. SCOTT. His amendment has not yet been adopted.

Mr. KEAN. Has not the Senator from South Carolina an amendment pending?

Mr. LATIMER. Then I move the adoption of my amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

Mr. CLAY. Let it be reported.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, line 21, after the word "section," it is proposed to insert:

> And such person, transportation corporation, or transportation company, or the master, agent, owner, or consignee of any such vessel, shall also pay to the collector of customs double the amount collected, or caused to be collected, from said alien directly or indirectly, as a deposit or indemnity to cover the expenses of carrying back such alien in case of his or her exclusion from the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. LATIMER].

The amendment was rejected.

Mr. SIMMONS. I desire to offer an amendment, which I send to the desk and ask to have read.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. On page 5, line 6, after the word "officials," insert the words—

> adult males who can not read and write either in the language of their nationality or in some other language, and who have not at the time of landing at least $25, and in addition thereto $10 for each female member of his family and for every male member thereof not 21 years of age.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

Mr. GALLINGER. I suggest to the Senator from North Carolina, if he will permit me, that the senior Senator from Massachusetts [Mr. LODGE] left the Chamber a moment ago. I have asked that he may be found, if possible. He said to me that he had a substitute he would desire to offer to the Senator's amendment before it was acted on finally.

Mr. DILLINGHAM. I understand the Senator from North Carolina wants to make some remarks upon the amendment.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. SIMMONS. If it does not take time.

Mr. CARTER. I supposed the Senator would withhold his amendment, possibly, for the time being, pending the arrival of the Senator from Massachusetts.

Mr. GALLINGER. I think the Senator from North Carolina wants to speak on his amendment.

Mr. CARTER. Very well. I took the floor on another matter.

Mr. SIMMONS. Mr. President, the propositions contained in the amendment just read are not new propositions, and especially the first proposition, which provides an educational test for immigrants. When we reach a vote I shall ask to divide the question and vote upon each proposition separately.

The proposition to require an educational test for immigrants has heretofore received discussion and indorsement from both Houses of Congress, from President McKinley, President Roosevelt, and more than once from the Commissioner of Immigration. In the Fifty-fourth Congress a proposition to apply the educational test to immigrants was passed by both Houses. In the House the vote in favor of that bill was 195 to 20. In the Senate it was passed by the decisive vote of 52 to 10. That bill did not become a law by reason of the veto of President Cleveland. It was passed in the House over his veto by a vote of 193 to 37, but failing to receive the requisite two-thirds vote in the Senate, it did not become a law.

Again, in the Fifty-fifth Congress a bill embodying an educational test passed the Senate by a vote of 45 to 28; and, again, in the Fifty-seventh Congress a bill applying an educational test in the form of an amendment to House bill 12191 was adopted by a vote of 87 to 7.

It can not therefore be said that this amendment proposes a new principle in legislation, it having four times received the emphatic indorsement of one or the other branches of Congress. The Republican national platform for the year 1896 declared in positive and emphatic terms in favor of excluding immigrants who could not read and write. I read from that platform:

For the protection of the quality of our American citizenship and of the wages of our workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced, and so extended as to exclude from entrance to the United States those who can not *read nor write*.

Not only that, Mr. President, but President McKinley, who was elected upon that platform, in his inaugural address delivered March 4, 1897, recognized and indorsed, in the broadest and most comprehensive terms, the principle involved in this amendment. I quote from that address:

Our naturalization and immigration laws should be further improved to the constant promotion of a safe, a better, and a higher citizenship. A grave peril to the Republic would be a citizenship too ignorant to understand or too vicious to appreciate the great value and beneficence of our institutions and laws, and against all who come here to war upon them our gates must be promptly and tightly closed.

Not only President McKinley, but our present Chief Executive, Mr. Roosevelt, in his message to Congress December 3, 1901, indorsed the educational test proposed in my amendment in the most positive language. Here is what he says upon this subject:

Our present immigration laws are unsatisfactory. We need every honest and efficient immigrant fitted to become an American citizen—every immigrant who comes here to stay, who brings here a strong body, a stout heart, a good head, and a resolute purpose to do his duty well in every way and to bring up his children as law-abiding and God-fearing members of the community. But there should be a comprehensive law enacted, with the object of working a threefold improvement over our present system.

* * * * * * * *

The second object—

Says President Roosevelt in this message—

of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens.

This would not keep out all anarchists, for many of them belong to the intelligent criminal classes. But it would do what is also in point—that is, tend to decrease the sum of ignorance, so potent in producing the envy, suspicion, malignant passion, and hatred of order, out of which anarchistic sentiment mentally springs.

Again, during the same Congress, in a second message, sent to the Senate December 2, 1902, President Roosevelt reiterated the recommendation made by him in his message of December 3, 1901. In this message the President said:

I again call your attention to the need of passing a proper immigration law, covering the points outlined in my message to you at the first session of the present Congress.

Continuing, the President says:

Substantially such a bill has already passed the House.

I have here the bill referred to by the President. The President calls it a "bill" in his message, but, as a matter of fact, it was an amendment to the immigration bill which passed the House at that session of Congress, introduced by one of the Representatives from Alabama, Mr. UNDERWOOD, and it is in substance and effect almost identical with the amendment which I have offered. I will read the amendment thus specifically recommended and indorsed by President Roosevelt. It is in these words:

That in addition to the persons excluded under the foregoing section, admission into the United States shall be denied to all persons over 15 years of age and physically capable of reading who can not read the English language or some other language.

The bill with this amendment incorporated passed the House of Representatives on the 27th day of May, 1902, but on account of the failure in the Senate did not become a law.

This amendment thus specifically approved by President Roosevelt goes further than my amendment, in that it requires that every immigrant over 15 years of age shall be required as a condition to entrance to be able to read and write. That, of course, would subject women and children of both sexes to the test prescribed. My amendment is not quite so drastic. It merely excludes adult males who can not read or write, exempting the wife and children of the alien from the test.

Again, Mr. President, the Commissioner-General of Immigration has repeatedly recommended this legislation as the only adequate means of efficiently restricting immigration and keeping out the undesirable elements of European and Asiatic immigration, which is to-day flooding the country. I will read what the Commissioner-General said in his report of June 30, 1905:

As a means of preventing a further increase of alien immigration, it will be necessary, if such a policy is deemed expedient, either to enlarge the prohibited classes by adding thereto those who are illiterate; those whom age or feebleness renders incapable of self-support, if at all, but temporarily and under the most favorable conditions; those who have not brought a sufficient sum of money to enable them to maintain themselves for a reasonable time in the event of sickness or temporary lack of employment; or else to adopt adequate means, enforced by sufficient penalties, to compel steamship companies engaged in the passenger business to observe in good faith the law which forbids them to encourage or solicit immigration to the United States.

The alternative of the Commissioner's proposition our experience, I think, proves to be an illusion. No prohibition or penalties against a steamship company engaged in bringing immigrants to this country has or will prove effective to exclude these undesirable classes. So the recommendation of the Commissioner-General would be, so far as practical results are concerned, reduced to his first proposition, to wit, a law *excluding illiterates*.

Mr. President, there has been a very marked change in the character of the immigration to this country during the last thirty years.

In 1869, 73.8 per cent, and as late as 1880 64.5 per cent, of the entire immigration to this country came from northern and western Europe. They came chiefly from England, Scotland, Ireland, Germany, Norway, Sweden, and Denmark.

They were an intelligent, sturdy, industrious, and thrifty people. The rate of illiteracy among them was less than that which to-day obtains in this country. They represented the best and the hardiest element of the nationalities from which they came. They were not adventurers, but men who sought better conditions and higher opportunities under more liberal institutions and laws. They were in large part descendants of the people who originally settled this country, and who, since the close of the civil war, have conquered the wildernesses of the great West and Northwest and made that section of our country so great and powerful and rich.

The governments under which they had been reared, while monarchical in form, were in substance in the main representative.

By heredity and training they understood the principles of freedom and of government by the people. They were fitted to become good citizens of the Republic. Those of them who did not speak our language quickly learned to speak it. They came with the purpose of finding and making a permanent home for themselves and their children. They readily adjusted themselves to our habits and customs, threw off and dismissed forever all thought of their old allegiance, came under our flag, fell in love with our institutions, mingled and intermarried with our people, and were rapidly assimilated and Americanized.

In 1869, of the entire immigration to this country only nine-tenths of 1 per cent came from southern and eastern Europe. In the year 1880 only 8.5 per cent of the entire immigration to this country came from southern and eastern Europe.

The few who came during this period from southern and eastern Europe were representatives of the best element of their nationalities. They came as bona fide citizens, with the purpose of becoming permanent citizens of the Republic, and soon became Americanized in habits and customs, thought, and aspirations.

Mr. President, this situation has changed, and the change has brought us face to face with a danger which we can not afford

longer to ignore, and which calls for prompt and efficient attention on the part of Congress. Let us compare the present immigration situation with that which I have just discussed.

In 1901 only 22.5 per cent and in 1900 only 25.3 per cent of all the immigrants landed upon our shores came from northern or western Europe, while in 1901 68.6 per cent and in 1900 66.7 per cent of this immigration came from eastern and southern Europe.

I have not been able to get the exact figures for the last four years, but the proportion of immigrants representing the hardy races of northern and western Europe has been gradually decreasing, while the proportion of immigrants representing the eastern and southern races of Europe has been rapidly increasing.

The broad fact, then, is that about two-thirds of all the immigration to this country to-day and during recent years has come from southern and eastern Europe, made up largely of Greeks, Poles, Hungarians, Italians, Portuguese, Syrians, Magyars, etc. They are a different people from those who are to-day in the forefront of world progress. They belong, in the main, to a different civilization from that represented by the Anglo-Saxon race. Their surroundings, in the main, have not been calculated to train or fit them for the standard of citizenship which obtained in this country, and which we must maintain if we are to safeguard and perpetuate our free institutions. In the main they are unfitted not only by heredity and training for the high duties and responsibilities of American citizenship, but the majority of them are so ignorant, not to say sinister, as to preclude the hope of their becoming good and desirable citizens in the future.

I wish to direct the attention of the Senate briefly to the startling percentage of illiteracy among that part of the immigration to this country from the countries of southern and eastern Europe. Out of 1,026,000 immigrants who came to this country last year, 230,882 could neither read nor write. I have not the statistics showing the relative percentage of ignorance between immigrants from northern and western Europe and immigrants from southern and eastern Europe for the year 1905, but I have a table here, which I have found in the very valuable book on immigration recently published by Mr. Prescott F. Hall, showing the illiteracy of immigrants of the different races contributing more than 2,000 immigrants each during years 1902, 1903, and 1904.

The average illiteracy, as shown by this table, among these groups taken from southern and eastern Europe was in 1904 42.6 per cent, but taking the immigrants from the countries of the sections of Europe from which the bulk of immigration came the rate of illiteracy is much higher than this general average. One hundred and eighty-six thousand of them came from southern Italy, 102,000 were Poles, 14,000 Ruthenians, 46,000 Magyars, 12,000 Greeks, etc. The rate of illiteracy of immigrants from southern Italy in 1904 was 58.8 per cent; of Polish immigrants, 36.1; of Greek immigrants, 23.6; of Ruthenian immigrants, 58.8. Without going further, Mr. President, it will appear from these statistics that the greater part of the immense mass of ignorance which is being annually dumped into this country is represented by immigration of a few nationalities, coming chiefly from eastern Europe.

The percentage of illiteracy in these groups of immigrants from northern and western Europe in 1902 was 4.4 per cent; in 1903, 3.9 per cent; in 1904, 4 per cent, while the percentage of illiteracy of those from southern and eastern Europe in 1902 was 44.3; in 1903, 39.7 per cent; in 1904, 42.6 per cent.

I have a table here showing the number of illiterates among the Italians, Poles, Syrians, and Ruthenians which arrived in New York during the year 1901. It appears from this table, taken from the book by Hall, to which I have before referred, that of the southern Italians 62 per cent of the males and 74 per cent of the females who arrived in that city in that year did not know a letter in the book; of the Poles so arriving that 36 per cent of the males and 48 per cent of the females were illiterate; of the Lithuanians it was found that 66 per cent of the males and 78 per cent of the females were utterly uneducated, and of the Syrians 55 per cent of the males and 81 per cent of the females could not read and write.

Mr. President, this is the character of immigrants who are coming to our country at this time, or at least 66⅔ per cent of the immigration that is flowing into this country to-day is made up of this class of people.

Mr. President, I do not want to be understood as meaning that an uneducated man—an unlettered man—may not, under certain circumstances and conditions, make a good citizen; that he may not make, in some cases, among the best of citizens. I know, as a matter of fact coming within my own knowledge and experience, that some of the best citizens in this country, certainly some of the best in my State, some of the thriftiest, some of the most honest, some of the most intelligent, if you please, are men who do not know a letter in the book. It is not true of an American that because he happens to be unlettered he is ignorant. Happily under our system of government, with our churches open to all, with our courts, with our hustings discussions and debates, with the absence of class distinctions, bringing the unlettered man in constant contact and association with the best intelligence of his community, by association and absorption, the American citizen, without being educated, without school advantages, becomes an intelligent citizen, not only capable of the highest thrift, but capable of understanding the duties and responsibilities and of exercising the privileges of citizenship in a country where the people govern.

But, Mr. President, these illiterates coming to us from southern Italy, from Poland, and parts of Austria-Hungary, these ignorant Syrians, Poles, and Armenians that are pouring in upon us year after year, have been brought up under no such environments, with no such advantages. From the beginning of their lives up to the time they come to these shores their associations have been those of ignorance; their surroundings have been such that they could not by association and absorption acquire sufficient knowledge or understanding to become in virtue of character and intelligence good and competent citizens of a republic where every man is a sovereign. Coming to us, as they do, steeped in ignorance, without any conception of the principles of liberty or of freedom, without any knowledge of the principles of self-government, in many instances with their beclouded minds and depraved hearts filled with hatred toward all law and government, they gain nothing by way of absorption in that knowledge which goes toward making good and useful citizenship. They gain nothing after arriving by association and contact with our people, because they do not, like the immigrants from northern and western Europe, distribute themselves among our people, but huddled together in mining or railroad camps or in the slums of the great cities, and working, when engaged in regular employment, under the padrone system, they seldom learn to understand or speak our language, or only so far as may be necessary to communicate their wants or as may be indispensable in the business employment or traffic in which they may be engaged. I repeat, living after they arrive here largely in the slums of the great cities, or working in the railroad camps, or huddled together in the great factories generally under the padrone system, they remain to the end of their lives, if they remain here that long, in a state of dense ignorance, the fires of hatred toward law and order kindled in the wretched environment of their old home is never extinguished and they form the nucleus under the leadership and incitement of a wicked but higher intelligence of the disorders and riots, which are becoming a disgrace to our civilization and a handicap to our industrial progress and development.

Mr. President, in this connection I want to read a short extract that appeared a few days ago in an editorial in the Washington Post on this subject. It was an editorial intended to warn the South, in their eagerness to secure labor to supply the demand which at present exists in that section, against the class of immigration which I have just been discussing and feebly attempting to describe. It is as follows:

> There is no better agricultural laboring class in the world than the real Latin peasantry of Italy and Spain, but they are not greatly given to emigration, and we see very few of them in the United States. The great bulk of the so-called "Italians" who come over here to cut throats, throw dynamite, and conduct labor riots and assassination fraternities are nothing more than the degenerate progeny of the Asiatic hoards which, long centuries ago, overran the shores of the Mediterranean and were the pirates, the spoliators, and the mercenaries of those bloody ages. They have taken the language of the countries upon whose seaboards they swarm, but they are as different in nature, in principles, in ideals—in all essential qualities—from the real people as black is from white, or as wickedness is from virtue. Here and there, in certain localities, one finds a colony of genuine Italians and is impressed with their industry, their thrift, their law-abiding tendencies, and their amiable disposition. These, however, constitute but a drop in the stream of the immigration we receive in the name of Italy. They are a class not prone to leave their homes. Nine-tenths of the riff raff army that descends upon these shores are the spawn of the Phœnician curse, expedited fervently by our great and good friends of the Quirinal, who are only too anxious to be rid of them.

The Post further says it "is not especially concerned in the troubles of the great northern corporations that deliberately encourage this sinister and vicious immigration merely in order to speed their fight against organized labor," but from the South, in whose welfare it is profoundly interested, it would, if possible avert this blight. The Post continues:

> It is not only that we know the negro to be the best, the most faithful, and desirable laborer for the South; it is also that we would keep the section free from the turmoil, the anarchy, and the social disaster which will surely follow huge accumulations of the human garbage shipped from southern Europe and dumped in that as yet unpoisoned air. The South is the appointed stronghold of the free

institutions for which our forefathers shed their blood. Let us nurse and shield it against the hour of tribulation.

Again, I have here a statement coming from one of our officials, Mr. Braun, who was sent abroad by our own Government a short time ago to investigate questions growing out of immigration to this country and to report the conditions in foreign countries with reference to emigration to America, to aid us in the enactment of suitable and wise laws and regulations, to the effect that—

In several of the European countries it is the custom to promise convicted criminals immunity from punishment if they will immigrate to this country or if their relatives will send them there.

I know the Senator from Vermont [Mr. DILLINGHAM], who has this bill in charge, cited statistics yesterday to show that a large per cent—something over 90 per cent, I believe—of the immigration that comes here comes with a definite location in view. That may be true, Mr. President, but if you take the statistics you will find that 65.3 per cent of them last year came here with the definite purpose of settling in the State of New York, which meant to them the city of New York, or in the State of Pennsylvania, which meant to them the cities of Pittsburg or Philadelphia; or in Massachusetts, which meant to them the city of Boston; or Illinois, which meant to them Chicago; for the ignorant portion of these immigrants, and many of them not altogether ignorant, come here without having heard of any part of the United States except a few of its great cities. When they land and are asked as to their destination, having heard only of New York where friends who have preceded them are, they answer giving their destination as New York, or those who have only heard of Boston through their friends or kinspeople say they are going to Boston; those whose friends are in Philadelphia say they are going to Philadelphia. That is all that it means, Mr. President. In most instances they have heard of no other places except the places where some of their people have gone and are residing.

In connection with the present immigration to this country as compared with that of twenty and thirty years ago, two facts are specially noticeable: First, the disposition of that part of this immigration coming from northern and western Europe to distribute themselves throughout the country.

These sturdy and enterprising immigrants when they arrive in this country act just like their predecessors have done from the beginning of the settlement of this country. They come, as I said before, to become citizens of this country; they come to stay and to raise their children here, and as soon as they land upon our shores they begin to distribute themselves throughout this country. Some of them go into manufacturing; some of them into mining; some of them into farming; but they distribute themselves. But that is not true, Mr. President, with respect to the population coming here from southern and eastern Europe, especially the Italian, the Pole, and the Hungarian. As statistics will show, those people have, as a general thing, confined themselves largely to the Atlantic seaboard, and to a very few cities upon the Atlantic seaboard at that. The second specially noticeable fact with reference to this immigration is the strong tendency of immigrants from southern and eastern Europe to congregate in the cities. And this characteristic is stronger in the illiterate portion than the more intelligent portion of these newcomers.

The per cent of the total immigration destined for the four States of Illinois, Massachusetts, New York, and Pennsylvania in the year 1905 was 65 per cent of the total immigration to this country in that year, and they settled chiefly in the great cities which are located in these States.

I find a very pertinent comment on this immigration in the book to which I have before referred, edited by Mr. Prescott F. Hall. Mr. Hall says:

The local congestion of the nationalities coming to us in the largest numbers in recent years is another significant feature of immigration distribution. That this congestion is increasing is shown by the following table of the increase of natives of certain nationalities from 1890 to 1900 in the several geographical divisions:

	North Atlantic.	South Atlantic.	North Central.	South Central.	Western.
Hungary	73.0	1.2	22.9	1.2	1.7
Italy	77.4	1.9	11.0	4.6	5.1
Poland	59.1	1.7	37.3	1.2	.7

From this table it appears that the North Atlantic States thus received approximately three-fourths of the increase of Hungarians and Italians, as well as nearly three-fifths of the Poles, and most of these located in New York City, Philadelphia, Brooklyn, Boston, and Baltimore.

These races, Mr. President, as I said before, do not distribute themselves. They do not go to the farms of the South or the farms of the West. I know, as a matter of fact, that some of the Southern States, acting, in my judgment, upon a false and misguided notion with reference to the fitness of these people to become agricultural laborers and ultimately good citizens, have made an earnest effort to secure Italian immigration; but with the exception possibly of Louisiana—and that State has one of the great cities of the country, one of the two or three only great cities we have in the South—and, to a limited extent, Texas, the South has been unsuccessful in its efforts to induce these people to go and enter into the agricultural pursuits of that section of the country.

I have here another very significant table, which I wish to read. It is a table showing that in 1890 out of 147,740 persons in this country born in Poland about 9,000 were living in the cities of New York and Brooklyn and about 9,000 in the city of Buffalo, out of a total Polish population in the State of New York of 22,718. So that the whole of the Polish population of that State, with the exception of a little over 4,000, lived in the cities of New York, Brooklyn, and Buffalo.

There were in the same year, Mr. President, in the State of Illinois 28,878 persons of Polish birth. Of that number 25,336 lived in the city of Chicago. It shows that the same was true of the Polish population of Pennsylvania, of Wisconsin, and of Michigan, and that more than 80 per cent of all persons of Polish birth in those great States live in their big cities.

"In 1890 there were 182,580 Italians in this country. Of these there were in Massachusetts 8,066, and 4,799 in Suffolk County (Boston). In New York, 64,141, of which 39,951 were in New York County (city of New York); Kings County (Brooklyn), 9,789. In Pennsylvania, 24,662, of which 6,799 were in Philadelphia County; Allegheny County (Pittsburg), 3,498. In New Jersey, 12,989, of which 3,598 were in Essex County; Hudson County (Jersey City), 3,039. In Illinois, 8,935, of which 5,734 were in Cook County (Chicago). In Louisiana, 7,767, of which 3,622 were in Orleans County (New Orleans). In California, 15,495, of which 5,212 were in San Francisco."

This element of the nationalities of which I am now speaking not only gravitates to the great cities of which I have spoken and a few others, but they make up largely what is known as the slum population of these cities.

I have here the Seventh Special Report of the United States Commissioner of Labor, for 1894, in which the statement is made:

"That the proportion of those of foreign birth or parentage to the total population in the slums of Baltimore was 77 per cent, in Chicago 90 per cent, in New York 95 per cent, and in Philadelphia 91 per cent. The figures for the foreign born alone are correspondingly striking. It appears from the same report (pp. 160–163) that of every 100 aliens 40 were illiterate in the slums of Baltimore, 47 in Chicago, 59 in New York, and 51 in Philadelphia, and that of every 100 of these illiterate aliens there were 67 males of voting age in Baltimore, 77 in Chicago, 78 in New York, and 85 in Philadelphia.

"The proportion in which the literate and illiterate nationalities contribute to the slum population is shown by the following tables."

I now read that part of these tables referring to the immigrants from Austria-Hungary, Italy, Poland, and Russia, the illiterates of which races I contend ought to be excluded from this country, because as a rule they can not become good citizens of the Republic; can not attain to the measure and standard of citizenship under a self-governing system like ours:

	Per cent of total population.	Per cent of slum population.
Baltimore	1.97	12.72
Chicago	6.41	44.44
New York	9.45	51.11
Philadelphia	1.95	50.28

I now read from the same tables part referring to immigrants from the United Kingdom, France, Germany, and Scandinavia:

	Per cent of total population.	Per cent of slum population.
Baltimore	13.52	27.29
Chicago	30.70	10.64
New York	30.73	8.64
Philadelphia	22.95	8.44

So that it will be seen, Mr. President, from these tables that "southeastern Europe furnishes three times as many inhabitants as northwestern Europe to the slums of Baltimore, nineteen times as many to the slums of New York, twenty times as many to the slums of Chicago, and seventy-one times as many to the slums of Philadelphia."

Mr. President, I submit that an element so largely ignorant as that represented by Russian, Italian, Polish, and Austro-Hungarian immigration, that an element which, when it comes to this country, seeks not the open air and the open country,

but the cities and drifts into the slums and constitutes chiefly that too often vicious and dangerous element of every great American city, is not a proper element for us to invite and to encourage to come to our shores and to enter into our body politic.

I am going to detain the Senate but a moment longer. I recognize the fact that we have been now for two days upon this bill and that the Senate is impatient to have a vote, but before I conclude I want to say just a few words about this question in connection with conditions which exist to-day in the South. It has been said, and said truthfully, that throughout the South to-day there is great scarcity of labor. In my own State—and I think conditions there are typical of conditions in nearly every other State in the South—there is what I might properly term a "labor famine." That has been brought about by the phenomenal development which has taken place in that State during the last twenty-five years.

Twenty-five yaers ago North Carolina was a distinctively agricultural State. Nearly her entire population were engaged in agriculture. At that period, with an area of 52,000 square miles, we had a population of only about 1,400,000, manifestly an inadequate population for so large an area, even when nearly all the people were engaged in agriculture. To-day there are in North Carolina something over 7,500 separate and distinct manufacturing establishments, giving employment to over 100,000 laborers, which represents a population of between 300,000 and 400,000. Nearly all of this army of employees representing, as I say, a population of about 400,000, came from the farms, while there has been practically no accessions to this population to supply this drain except that of natural increase.

We have had no foreign immigration in North Carolina. Less than one-half of 1 per cent of the people of that State are of foreign extraction. There went to North Carolina last year only 183 foreigners, and the average of the last twenty-five years is a much smaller number. Nor have we had, except to a very slight degree, immigration from other parts of this country. So that practically the whole number of these 100,000 laborers, representing 300,000 or 400,000 people that have gone into the factories, have been drawn from the farms; while there have been, as I have said before, no accessions from the outside to replenish this drain. Manifestly, Mr. President, from these conditions there has grown up a scarcity of labor not only on the farm, but in the factory. As a result we have a depleted country population on the one hand, and on the other hand our factories have about exhausted the source from which they have heretofore drawn their supply. This has brought about a labor scramble between the farmer and the manufacturer, and the resulting condition is that neither one of these great occupations can continue much longer to enlarge and expand its operations without proportionately contracting the operations of the other.

We need more labor in the South. We need more labor in North Carolina, and I want to say here to-day that the doors of North Carolina are open to any intelligent and honest citizen of this country who may wish to go there and cast his lot with our people. They are wide open to any foreigner of the white race who may desire to go there, just so he brings with him a good character and sufficient intelligence and conscience to discharge well the duties of citizenship; just so he is willing when he comes to become one of our people and to make that his home, adopt our customs and habits, and be assimilated into our population. Let him come with sufficient intelligence and character and disposition to understand and comprehend the principles of our government and to make a good citizen, and our doors will be opened to him.

But, Mr. President, I think I know the people of my State well enough to say that they would rather move along handicapped as they are in the development of their great resources by inadequate labor than to see injected into our population the element that I have described and who constitute to-day such a large per cent of the slum population of the great cities of the country and foment trouble and discord wherever they go.

I have canvassed this thing thoroughly with the people of my State. During the last eighteen months I have agitated in North Carolina in favor of immigration to the State. With this end in view, I introduced a bill in the last Congress almost identical with the provisions which are incorporated in the present bill, providing for a bureau of display and information at Ellis Island, with a view to give the agents of the States access to the immigrants as they land at that island. I have gone before the people of my State, and I have said, "You have to supply this demand for more labor from outside of the State. There is difficulty in getting it here in the United States. The main chance and the best chance is across the water. Let us go after them." Whenever I have said it and wherever I have said it, I have been met with the answer, "That is all right, provided there is due discrimination in the selection between the immigrants from northern and western and those from southern and eastern Europe who are coming to this country; but we do not want the ignorant and vicious and undesirable, the scum and riffraff of Europe, dumped upon us." I know they do not want and will not have, if they can prevent it, the Poles, Hungarians, Syrians, and that class of Italians which constitute so large a part of the immigration to this country to-day.

Mr. President, I distinguish between the southern Italian and the northern Italian, and so do the people of my State. The northern Italian is largely of a different race. He is generally of pure Latin extraction. He is docile; he is law-abiding; he is industrious; he is thrifty. The southern Italians, while they bear the name Italian, are really, except in rare instances, of different extraction. They represent largely a different race, a different nationality. They represent races that overran that country ages ago and settled on its seaboard. They have acquired the language of the country and taken its name, but they are, in the main, sprung from races that have never attained to the highest *Italian standards*.

Again, Mr. President, I distinguish between the representative southern Italian and the riffraff being recruited by greedy steamship lines and certain other surreptitious influences both in this country and in Italy and brought across the seas and dumped upon us, and so do the people of my State. They do not represent the best element of southern Italy. They are largely the undesirables—many of them the scum of that unhappy and unfortunate country. The real peasant farmers of southern Italy possess many excellent traits, and they would not, in the main, be undesirable. But these do not come here. They remain in their own country.

It is the ignorant element, the undesirable element, the scum element, not only of southern Italy, but of all southern and eastern Europe, that I seek by this amendment to exclude.

Mr. President, we have to have some standard to exclude these elements. We use the standard of literacy as a device—we use it as a device based, however, on principles fundamental in the affairs of men and governments to accomplish a specific end and a good purpose.

I do not believe that anybody is interested in bringing this ignorant horde here except the great corporations, who want cheap labor, and oftentimes are indifferent as to where they get it, and the steamship companies, who want the profits accruing from their transportation and do not care what are the consequences to this country. These are largely responsible for their coming. Profit is the motive on their part for bringing them. The motives of the average immigrant of the nationalities I have referred to in coming here are not the motives that prompted the men who settled and have helped to make this country great and rich and powerful. Their motive in coming is not to become citizens. They come with the fixed purpose and the reservation of going back. They come for sordid gain. They come for the purpose of competition with American labor, and the competition which follows their coming is a competition which tends to reduce the scale of American wages and the standard of American living.

I trust, Mr. President, the Senate will see this matter as I see it, and that this amendment may be adopted.

Mr. LODGE. Mr. President, I am heartily in favor of the illiteracy test. It is something for which I have contended for many years, ever since I have been in Congress, in both Houses. I sympathize very strongly with that portion of the Senator's amendment.

I think it better, however, not to couple it with the money provision, and I also think the illiteracy test requires to be much more guarded than it is in the Senator's amendment. I therefore offer as a substitute——

Mr. SIMMONS. I will explain to the Senator from Massachusetts that in the amendment which I have sent up I have added "read and write in the language of their own nationality or any other."

Mr. LODGE. That improves the amendment, of course, but it needs to be much more guarded, and what I offer as a substitute is what I introduced as a bill. It embodies the illiteracy test in a form which has passed the Senate a half a dozen times, has been subjected to the closest discussion, both in committee and in the Senate, and is therefore drawn with extreme care, and I think covers everything, including the method by which the test shall be applied.

I do not desire to discuss it. I am extremely anxious that we should get a vote upon the bill as soon as possible. The question of the illiteracy test has been discussed a good many times,

very ably by the Senator from North Carolina [Mr. SIMMONS] this afternoon. I do not think another word need be said. I simply move this as a substitute for the pending amendment.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment in the nature of a substitute, which will be stated.

The SECRETARY. On page 5, line 6, after the word "officials," it is proposed to insert:

That in addition to the persons excluded under the act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," admission into the United States shall be denied to: All persons over 16 years of age and physically capable of reading who can not read the English language or some other language; but an admissible immigrant or a person now in or hereafter admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

That for the purpose of testing the ability of the immigrant to read, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. Each immigrant may designate the language in which he prefers the test shall be made, and shall be required to read the words printed on a slip in such language. No two immigrants listed on the same manifest shall be tested with the same slip. An immigrant failing to read as above provided shall not be admitted, but shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him: *Provided*, That all persons, whether able to read the English language or some other language or not able to do so, who shall enter the United States except at the seaports thereof, or at such other place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as by law provided.

Mr. PETTUS. Mr. President, the amendment offered by the Senator from Massachusetts [Mr. LODGE] has one very decided advantage over the one offered by the Senator from North Carolina [Mr. SIMMONS], in this: Many of us desire to vote on the question of the educational test by itself and without mixing it up with the money qualification for the immigrant, and we desire to have the educational qualification tested by a vote of the Senate on it.

Mr. BACON. Mr. President, I do not wish to take the time of the Senate——

Mr. SIMMONS. Will the Senator from Georgia pardon me for just a moment?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. BACON. Certainly.

Mr. SIMMONS. Mr. President, I recognize that probably some of the provisions contained in the substitute offered by the Senator from Massachusetts ought to be incorporated, if this amendment of mine should be adopted, and as it embodies the same principle and provides for these conditions that necessarily would arise, which I have not contemplated and provided for, I will, if I may, accept the substitute.

The VICE-PRESIDENT. The Senator has that right.

Mr. BACON. Mr. President, I do not wish to say anything upon the particular question discussed by the Senator from North Carolina [Mr. SIMMONS] on the matter of illiteracy, nor on the general question, nor shall I detain the Senate more than two or three minutes. I do think, however, that something should be said in reply to what the Senator from North Carolina has said about the character of the people of southern Italy. I am sure the Senator from North Carolina has based his criticisms upon what he considers to be good information.

Mr. SIMMONS. If the Senator from Georgia will pardon me, he misunderstood me. I did not mean to characterize the people of Italy as a whole.

Mr. BACON. The Senator said southern Italy.

Mr. SIMMONS. I mean southern Italy as a whole. I only meant to characterize that part who come here as immigrants, because I do not think it representative of the best element in southern Italy by any means.

Mr. BACON. I understood the Senator from North Carolina to draw the line between the people of southern Italy and those of northern Italy, and to pretty severely criticise those of southern Italy. It is true, I presume, that the laboring population of northern Italy is, in some respects, superior to that of southern Italy, but I think it is a great mistake to say that the people of southern Italy belong to a different race from those of northern Italy. They are all of them, in the main, Latin, and so far as physical appearances go are people of identically the same race.

This is a very high forum for discussion, and what we say here goes a long ways, and it is due to that people to say, from an opportunity for partial personal observation, I think the criticisms of the Senator from North Carolina are not well founded. With the limited opportunity I have had I have made very close observation personally of that people, not only in northern Italy, but in southern Italy, and my observation was that they are an extremely orderly and an extremely industrious people; a frugal people; and a people, it is true, having to deal with very hard conditions, and out of those hard conditions doubtless it comes that many are not what they would be under better conditions. And I presume it is also true that those who suffer most from those conditions are less elevated than others, and that among those suffering from those hard conditions are those who naturally seek to better their fortunes by emigration.

But as a whole, I think they are what I have said of them. They are engaged in all sorts of pursuits. They are the growers of the vine and of the citrus fruits, besides being engaged in other kinds of labor, and they are people who, under proper conditions, will be a valuable people to any community. I will add that I myself have one of them now in my employment from the south of Italy who is in all respects one of the best laborers I have ever known anywhere, and it would be a very great advantage to the people of my State if they had a great many more like him.

Mr. SIMMONS. Mr. President, I should like to make one observation. The Senator misunderstood me entirely if he understood me to characterize the entire Italian people resident in southern Italy. I was characterizing that part who came here as immigrants. I do not think, as I said a minute ago, that the Italian immigrants coming to this country now at all represent the best element in the Italian people living in southern Italy. I think it is a very rare thing for an Italian peasant, such as the Senator has just spoken about and properly described as industrious, frugal, thrifty, to come to this country.

Mr. BACON. I do not desire to go into any discussion, but I thought it was due that that much should be said rather than that what I understood the Senator to say should go without reply.

Mr. MALLORY. Mr. President, I desire to add my testimony to that of the Senator from Georgia on that point. I will go a little bit further than the Senator from Georgia. I have encountered a good many immigrants from southern Italy coming to my part of this country, and taking them all in all I think they compare favorably with almost any immigrants who come here except, perhaps, the Germans and the Scandinavians. They are frugal, they are sober, and they are industrious. That has been the experience I have had, and for my part I am perfectly willing for as many immigrants from southern Italy to come to this country as we can induce to do so.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. SIMMONS] as modified.

The amendment as modified was agreed to.

Mr. NELSON. I desire to offer certain amendments. I have indicated them on my copy of the bill. I have submitted the amendments to the chairman of the committee and the Senator from Massachusetts [Mr. LODGE], and I think they have no objection to them.

Mr. LODGE. I think they are all suitable amendments.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 6, line 1, after the word "sisters," insert "or uncles or aunts;" and in line 2, after the word "them," insert "and will furnish proper security therefor;" so as to read:

All children under 17 years of age unaccompanied by their parents, unless coming to join parents already in this country who are able to support them or unless in the case of death of both parents, they are coming to join brothers or sisters or uncles or aunts already in the United States who are willing and able to support them and will furnish proper security therefor, etc.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 6, line 8, after the word "children," insert "grandchildren;" and in the same line, after the word "sisters," insert "or children of deceased brothers and sisters;" so as to read:

But this section shall not be held to prevent citizens of the United States, or persons living in the United States who have declared their intention to become citizens of the United States, or women who have acquired a domicile in the United States, from sending for parents, wife, husband, children, grandchildren, brothers, or sisters, or children of deceased brothers or sisters, who are not of the foregoing excluded classes.

The amendment was agreed to.

Mr. TELLER obtained the floor.

Mr. ANKENY. I should like to offer an amendment.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. TELLER. Certainly.

Mr. ANKENY. On page 4, line 15, I move to strike out the words "within five years previous."

Mr. LODGE. That amendment is a modification of existing law which has worked very well, and I think it would be a misfortune to make a change.

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 4, line 15, after the word "insane," strike out the words "within five years previous."

The amendment was rejected.

Mr. TELLER. Mr. President, I shall not delay the passage of this bill, but I do not like to give my support to a bill that contains a principle which I think is absolutely absurd for the Senate to enunciate. I am not going into any lengthy discussion of it. Section 3 contains some very good provisions and very proper provisions against the importation of prostitutes, but I think it is perfectly absurd to provide that any woman coming into this country, being a perfectly chaste woman, who at any time within three years shall be found to be an inmate of a house of prostitution, shall be deported by the Government of the United States. When she has passed the inspection, unless there has been some fraud—that is, unless she came here in violation of the law—when the inspector says "now you go in," and she goes and she is here without any violation of the law, the Government has not any more control over her from that time than it has over any native-born woman. It is perfectly absurd that the United States should attempt to exercise what is a well-recognized police power over a citizen simply because she has come here from a foreign country. That is all I want to say. I do not want to vote against this bill, but I do not want to vote for any bill that contains so absurd a proposition.

Mr. DILLINGHAM. Mr. President, I am in receipt of a letter from the Senator from Idaho [Mr. HEYBURN] in which he announces his illness and his detention from the Senate, and adds:

While I regret very much not being able to be present to urge this amendment—

Referring to an amendment which he heretofore had printed—

and realize that the Senate can not await my recovery, although I expect to be able to be out next week, I would not like the bill to be disposed of without this amendment being called to the attention of the Senate.

In deference to him, I send the amendment to the desk to be read, but I will say that the committee has examined it and it is an amendment which we can not accept, because many of its features are already in the bill and it contains others which we think would not be practicable.

The VICE-PRESIDENT. The Senator from Vermont, on behalf of the junior Senator from Idaho, proposes an amendment, will be stated by the Secretary.

The SECRETARY. On page 6, line 19, after the word "servants," insert:

That any person immigrating to the United States from any foreign country, with a view to permanent settlement in the United States, shall, upon entering the United States, make and file with the collector of the port of entry or chief officer on duty at said port a sworn statement as to the name, date, place of birth, and occupation of the said immigrant, together with a statement as to the occupation in which the said immigrant has been engaged prior to coming to the United States, and the place where so engaged, and the names and addresses of at least three persons resident at or near the place in the foreign country from which the said immigrant has come, and setting forth that said immigrant has always borne the reputation of being a law-abiding and orderly citizen; that he has been self-sustaining, if an adult, and has not at any time been convicted of any crime against the laws of the country in which he has lived. And said immigrant shall furnish to the said officer of the port two photographs of such immigrant, taken at or about the time of leaving the foreign country in which the said immigrant has last resided or after arriving in the United States; such photographs to be attached to and accompany the sworn statement of said immigrant as hereinbefore provided. Said sworn statement to be made in duplicate and a copy of the said photograph attached to each of said duplicates, one copy thereof to be forwarded to the Secretary of the Department of Commerce and Labor at the city of Washington, D. C., to be there placed and kept on file, subject to be used in any legal proceedings where the use of such document may be required, either by original or certified copy; the duplicate to be retained at the port of entry where such immigrant first enters the country, to be subject to use in the same manner as the duplicate filed with the Secretary of Commerce and Labor. That each of the said sets of papers so filed as aforesaid shall bear an official number, and shall be kept in such manner as to be readily accessible, and a proper index thereof shall be prepared and kept at the said port of entry and in the said Department of Commerce and Labor. That no person not shown by the statement so required as aforesaid to have been a law-abiding, upright, and honest citizen of the country from which the said person came, or who shall fail or refuse to comply with the foregoing provisions, shall be permitted to land as an immigrant.

That where the immigrant is a minor under the age of 16 years the requirements of this section as to making and filing of statements, such statement, and any verification thereof, may be made by a parent, adult brother, sister, or other person having personal knowledge of the facts required to be made in such statement for and on behalf of such minor.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was rejected.

Mr. BACON. I wish to offer an amendment to the bill on the line of what I had to say yesterday to the Senate upon the subject of contract labor. On page 6, line 18, I move to amend by inserting, after the word "persons," in that line, the words "to be employed strictly as agricultural laborers or persons."

Mr. GALLINGER. Does the Senator strike out the words after "persons" now in the bill?

Mr. BACON. No; I do not strike out. It would then read in this way. This is the proviso, beginning at line 13. The proviso, if amended as proposed by me, would read as follows:

And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons to be employed strictly as agricultural laborers, or persons employed strictly as personal or domestic servants.

Mr. GALLINGER. It is an addition?

Mr. BACON. Yes; I propose to insert it among the exceptions. The law now permits all those enumerated to be contracted for, and the amendment proposes to add to those who may be contracted for those who are to be employed strictly as agricultural laborers.

Mr. President, I endeavored on yesterday to call the attention of the Senate to the discrimination which there now is in the law in favor of mechanical enterprises, where in the preceding proviso foreign skilled laborers may be contracted for practically wherever they are needed by mechanical enterprises in this country. It is true the law says "provided that skilled labor may be imported if labor of like kind unemployed can not be found in this country."

Why in the case of skilled labor these industrial enterprises should be allowed to go abroad and contract for labor, and at the same time the agricultural interests of the country should not be permitted, when it needs increased labor, to go abroad and contract for labor. I am not able to see.

I will not detain the Senate, Mr. President, but I merely want to call attention to this particular feature. Of course there is nothing here which enlarges in any manner the class of those who can come to this country. Any contract of that kind would be under the same restrictions that are provided in the bill for immigrants generally.

If it was the policy of the country to exclude all foreign immigration, then I could understand why as one part of that policy those who need labor should be denied the privilege of going abroad and contracting for it to be brought here for this purpose. But that is not the policy of the country. The policy of the country, on the contrary, is to admit foreign immigration, and it is only restricted to the extent of excluding those who will be dangerous to the community by reason of their unfitness.

As I said yesterday, there is no system which will more effectually carry out the purpose which we have in thus excluding the undesirable element of foreign immigration than a system which will have these immigrants selected by those who desire to employ them to labor, because any man who went abroad for the purpose of making a contract for labor would necessarily choose that which he would consider to be desirable labor. He would necessarily exclude from those with whom he would contract people who were diseased or immoral or in any wise incapacitated by reason of mental or physical defects to be first-class in the performance of the contracts into which they were about to enter.

There is in this no opening of flood gates, as the common expression is. It is simply the opportunity to secure labor which may be desired. If they do not desire the labor there is no bringing of them here by any operation of the amendment. If they do desire the labor I can see no reason why, when those are allowed to come voluntarily, and these may have the same qualifications of those who come voluntarily, there should not be a similar right or privilege given to those who desire to select and secure them to bring them into this country.

There ought to be, as suggested by the Senator from Colorado yesterday, one of two things done. Either this ought to be a privilege granted to the agricultural interests, or it ought to be denied to the industrial enterprises of the country of a mechanical character, which industries now have the privilege under existing law.

Mr. DILLINGHAM. Mr. President, I hope this amendment will not be adopted. Should it be adopted it would work absolute destruction to what are known as the "contract-labor laws." We might as well wipe every provision of those laws off from the statute book as to adopt this amendment.

Very nearly one-half of the entire number of aliens who came into this country last year were either farm laborers, farmers, or laborers. That class of immigrants are here in abundance. If they can do as well in seeking agricultural labor as in other

branches of employment they will seek it. Otherwise they will seek some other employment.

I need not add anything to what I have said, except that this will destroy the policy of all the laws we have relating to contract labor.

Mr. BACON. I should like to ask the Senator from Vermont a question before he takes his seat. Upon what principle does he recognize the propriety of permitting those who engage in mechanical and industrial enterprises to contract for the introduction of skilled labor and at the same time deny to the agricultural classes the right to introduce unskilled labor?

Mr. DILLINGHAM. The provision of the present law, to which the Senator refers, reads as follows:

That skilled labor may be imported if labor of like kind unemployed can not be found in this country.

That is all there is to it.

Mr. BACON. That is all that it needs.

Mr. LODGE. In the first place, that exception applies to all skilled labor, whether agricultural or otherwise, and it is so worded that it is practically without effect whatever, because the contractor has got to demonstrate that there can be found no labor of that kind in this country unemployed. It is practically a dead letter. The other exceptions, as anyone can see, apply to different employments, professions, and callings, where one person or two or three come in, where it is impossible to bring in large bodies under contract. The object of the contract-labor law is to shut out the importation of large bodies of cheap labor from being brought here under a contract made in a foreign country.

I would rather see every exception wiped from the statute book, although all these exceptions have been many years upon the statute book, and have been tested and are found to do no harm. The contract-labor laws to-day are ineffective enough. They are the most valuable part of the existing laws, in my judgment, but they are sadly ineffective, owing to the difficulty of finding evidence and carrying on prosecutions. But if we should except agricultural laborers, we might as well abolish the contract laws altogether, in my judgment. I do not wish to detain the Senate. I hope that we shall vote on the bill before we adjourn.

Mr. TELLER. Mr. President, the objectionable words "skilled labor," that the Senator from Georgia [Mr. BACON] referred to, are in the present bill, and it is the law now. If that is objectionable, then I think it is objectionable to grant the relief the Senator seems to wish. For myself I would not vote for the bill if it contained his amendment.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Georgia.

The SECRETARY. On page 6, line 18, after the word "persons," insert the words "to be employed strictly as agricultural laborers or persons."

The amendment was rejected.

Mr. BACON. I move to strike out from the bill the first proviso on page 6. If the contract-labor law is to be enforced, let us enforce it strictly and make it impartial. I move to strike out from the bill the proviso beginning in line 11 and ending in line 13, on page 6.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 6, line 11, it is proposed to strike out the following words:

And provided further, That skilled labor may be imported if labor of like kind unemployed can not be found in this country.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been read.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. CLAY]. I transfer that pair to the Senator from New York [Mr. PLATT], and vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. McLAURIN (when his name was called). My colleague [Mr. MONEY] is paired with the Senator from Wyoming [Mr. WARREN].

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. If he were present, I should vote "nay." I withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO's name was called). My colleague [Mr. TALIAFERRO] is absent from the Senate. He has a general pair with the Senator from West Virginia [Mr. SCOTT].

The roll call was concluded.

Mr. PERKINS (after having voted in the negative). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I will transfer my pair, that he may be protected, to the Senator from Pennsylvania [Mr. PENROSE], and permit my vote to stand as recorded.

Mr. DILLINGHAM (after having voted in the negative). I voted not noticing the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, but I have arranged to transfer that pair to the Senator from Michigan [Mr. ALGER], and will let my vote stand.

Mr. SPOONER. I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I ask with whom the Senator from Florida [Mr. MALLORY] is paired?

Mr. MALLORY. I am paired with the Senator from Vermont [Mr. PROCTOR].

Mr. SPOONER. Then I transfer my pair to the Senator from Vermont [Mr. PROCTOR], so that he will stand paired with the Senator from Tennessee [Mr. CARMACK], and the Senator from Florida and I can vote.

Mr. MALLORY. That will be agreeable to me.

Mr. SPOONER. I vote "nay."

Mr. MALLORY. I vote "yea."

Mr. LONG. I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. I transfer my pair to the junior Senator from Illinois [Mr. HOPKINS], and will vote. I vote "nay."

Mr. STONE. Is my vote necessary to make a quorum?

The VICE-PRESIDENT. It is.

Mr. STONE. I will transfer my pair with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Oregon [Mr. GEARIN], and vote "yea."

Mr. MORGAN. If it is necessary to make a quorum, I will vote. I vote "yea."

The result was announced—yeas 15, nays 30, as follows:

YEAS—15.

Bacon	McCreary	Martin	Simmons
Berry	McEnery	Morgan	Stone
Blackburn	McLaurin	Pettus	Teller
Foster	Mallory	Rayner	

NAYS—30.

Aldrich	Crane	Foraker	Long
Allee	Cullom	Frye	Nelson
Ankeny	Dick	Fulton	Perkins
Beveridge	Dillingham	Gallinger	Smoot
Burkett	Dolliver	Hansbrough	Spooner
Burnham	Dryden	Kean	Warner
Carter	Elkins	Latimer	
Clapp	Flint	Lodge	

NOT VOTING—44.

Alger	Clay	Heyburn	Patterson
Allison	Culberson	Hopkins	Penrose
Bailey	Daniel	Kittredge	Piles
Brandegee	Depew	Knox	Platt
Bulkeley	Dubois	La Follette	Proctor
Burrows	Frazier	McCumber	Scott
Burton	Gamble	Millard	Sutherland
Carmack	Gearin	Money	Taliaferro
Clark, Mont.	Gorman	Newlands	Tillman
Clark, Wyo.	Hale	Nixon	Warren
Clarke, Ark.	Hemenway	Overman	Wetmore

So Mr. BACON's amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CARTER. I wish to offer an amendment. In line 19, page 4, after the word "disease," I move to insert the words "including tuberculosis."

The amendment was agreed to.

Mr. CARTER. On page 4, section 2, line 19, after the word "disease," I move to insert "including tuberculosis."

The amendment was agreed to.

Mr. CARTER. On page 9, section 2, line 10, after the word "disease," I move to insert "including tuberculosis."

The amendment was agreed to.

Mr. LODGE. Mr. President, the amendment of the Senator from North Carolina [Mr. SIMMONS], for which he accepted my substitute, was wrongly placed as offered. The amendment should come in at the end of the bill as a new section. I ask unanimous consent that that transposition be made.

The VICE-PRESIDENT. Without objection, it will be so inserted.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAWAIIAN PUBLIC WORKS FUND.

Mr. FORAKER. I ask unanimous consent to be permitted to make a report at this time.

The VICE-PRESIDENT. Without objection, the report will be received.

Mr. FORAKER. I am directed by the Committee on Pacific Islands and Porto Rico, to whom the subject was referred, to report an original bill, which I send to the desk, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill (S. 6261) to establish a fund for public works in the Territory of Hawaii, and for other purposes, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That 75 per cent of the customs and internal revenues collected each year within the Territory of Hawaii, for a period of five years from July 1, 1906, shall be segregated and held apart in a separate fund by the Secretary of the Treasury, to be designated the Hawaiian fund and to be expended, with the approval of the Secretary of War, only for public works, including educational and other public buildings, harbor improvements, and military and naval defenses within the Territory of Hawaii as the Congress may from time to time specifically authorize and appropriate: *Provided*, That all expenditures for naval defenses shall be subject to the approval of the Secretary of the Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WEIR'S CHAPEL, TIPPAH COUNTY, MISS.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. McLAURIN. I ask the Senator to withhold the motion for a moment in order that I may secure the consideration of a bill.

The VICE-PRESIDENT. Does the Senator from New Jersey yield?

Mr. KEAN. I yield for a moment.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (H. R. 8952) for the relief of the trustees of Weir's chapel, Tippah County, Miss.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $400 to James B. Jefferies, Robert Mitchell, and W. F. Duncan, trustees of Weir's chapel, a Methodist Church in Tippah County, Miss., or to their successors in office, in full satisfaction of any and all demands against the Government of the United States, for the use of the church building for military purposes by the Federal Army during the civil war.

Mr. FULTON. Mr. President, I should like to hear that bill again read.

Mr. KEAN. If the bill is going to create any discussion, I shall not yield further.

Mr. FULTON. From what committee does the bill come?

Mr. KEAN. It has been reported by the Committee on Claims, as I understand.

Mr. McLAURIN. It was reported from the Committee on Claims by the Senator from Virginia [Mr. MARTIN].

Mr. FULTON. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF TREES ON PUBLIC LANDS.

Mr. McENERY. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 16672) to punish the cutting, chipping, or boxing of trees on the public lands, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just reported?

Mr. KEAN. Does the Senator from Louisiana ask for its present consideration?

The VICE-PRESIDENT. The Senator from Louisiana has asked for the present consideration of the bill.

Mr. KEAN. If it is not a long bill, I shall not object.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That every person who shall cut, chip, chop, or box any tree on any lands belonging to the United States or on any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance; and every person who shall knowingly encourage, cause, procure, or aid any such tree to be so cut, or who shall buy, trade for, or in any manner acquire any pitch, turpentine, or other substance, or any article or commodity made from any pitch, turpentine, or other substance, when he has knowledge that the same has been so unlawfully obtained from such trees, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than $500 or by imprisonment not exceeding twelve months, or by both such fine and imprisonment.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN ABANDONED FORT SHAW MILITARY RESERVATION.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (H. R. 17114) to provide for the disposition under the public land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Montana?

Mr. KEAN. Only for a moment, provided the bill does not lead to debate.

Mr. CARTER. I do not think it will. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to dispose of the lands in the abandoned Fort Shaw Military Reservation, in Montana, under the provisions of the public land laws, and extends the public land surveys over the lands therein; but he may reserve for Indian school purposes the following-described lands in township 20 north, range 2 west, Montana principal meridian, as determined by the extension of the public surveys: That portion of section 2 lying south of Sun River, all of sections 11, 14, and 23, and that portion of section 26 lying within the present reservation boundary; and before opening the reservation to entry the Secretary of the Interior may withdraw any other lands therein needed in connection with an irrigation project under the provisions of the act of June 17, 1902, known as the reclamation act, for use or disposition thereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECORDER OF DEEDS IN OSAGE INDIAN RESERVATION.

Mr. LONG. I ask unanimous consent for the consideration at this time of the bill (H. R. 17220) providing for a recorder of deeds, etc., in the Osage Indian Reservation, in Oklahoma Territory.

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kansas?

Mr. KEAN. That is a bill for another recording district in Oklahoma Territory. I think there are about fifty of them created in the statehood bill, and when we get back to the statehood bill they will all be considered.

The VICE-PRESIDENT. Objection is made.

EXECUTIVE SESSION.

Mr. KEAN. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 24, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 23, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move the approval of the Journal.

The question being taken, the Journal was approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill (H. R. 19264).

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 192, noes 3.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, the Speaker announced 35 Members (not a sufficient number) voting to sustain the demand.

Mr. WILLIAMS. The other side, Mr. Speaker.

The SPEAKER. We have just this minute ascertained 195——

Mr. WILLIAMS. Mr. Speaker, I ask for the other side.

The SPEAKER. It requires one-fifth of those present to order the yeas and nays, and the House has just divided and been counted.

Mr. WILLIAMS. Mr. Speaker, I protest that the Speaker has no right, when the other side is called upon the demand for a yea-and-nay vote, to refuse to give it.

The SPEAKER. All the Speaker has to find out, in the preservation of this constitutional right, is whether one-fifth of those present have demanded the yeas and nays. One-fifth have not demanded the yeas and nays.

Mr. WILLIAMS. Mr. Speaker, it is true that all the Speaker has to do is to ascertain the constitutional fact whether or not one-fifth have arisen to demand the yeas and nays. But it is also true that the rules provide the manner in which the Speaker shall do that; and amongst other things the rule provides that when the other side is called for, the Chair shall count the other side.

The SPEAKER. The Chair begs the gentleman's pardon. The rule is silent. The Constitution alone speaks, and it requires one-fifth of those present.

Mr. HENRY of Texas. A parliamentary inquiry——

The SPEAKER. The ayes have it, and the House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Kansas [Mr. CURTIS] will take the chair. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker——

Mr. HENRY of Texas. A parliamentary inquiry.

Mr. WILLIAMS. One moment, Mr. Speaker, before you leave the chair. You may huzza in mad partisan rage, but the fact can not be concealed from the country. If you want to convert the House of Representatives into a howling beer garden, do it.

Mr. MANN. We do not. It looks as though you did.

The CHAIRMAN (Mr. CURTIS). The committee will please be in order, and all gentlemen will take their seats. The Chair dislikes to call anyone by name, but will do so unless all gentlemen take their seats. There will be no business done until they do. [After a pause.] The House is in Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill, and the gentleman from Pennsylvania [Mr. ADAMS], chairman of the Committee on Foreign Affairs, is recognized.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I yield one hour and a half to the gentleman from Indiana [Mr. CHARLES B. LANDIS].

The CHAIRMAN. Under the rule, the gentleman from Indiana [Mr. CHARLES B. LANDIS] is recognized in his own right for one hour. [Applause.]

Mr. CHARLES B. LANDIS. Mr. Chairman, I was not at all perturbed yesterday when the gentlemen on the other side of the Chamber renewed their assaults upon the protected tariff. Indeed, I thought it peculiarly appropriate that when the diplomatic and consular appropriation bill, reported by the Committee on Foreign Affairs, was up for consideration the theories of Democracy with reference to free trade should be brought forth and expounded in this presence. For those theories, when put to a practical test, have direct relation with foreign affairs. It is in the interest of the foreign merchant—this free-trade theory and this free-trade policy. It is in the interest of the foreign manufacturer—this free-trade theory and this free-trade policy. It is in the interest of the foreign laborer, working in the foreign factory—this free-trade theory and this free-trade policy. I was prepared for a renewal of the assault yesterday.

Indeed I was rather expecting a renewal of the assault, for we were informed some time ago that there was to be little cessation, that the fighting was to be forced, and that the country was to be informed of the true condition of affairs. I am not afraid of the country. I doubt, however, if the country relies implicitly on any statements gentlemen on the other side of this Chamber may make. I am inclined to think that the country knows more about the real conditions that exist than do the gentlemen on the other side. [Applause on the Republican side.] And so the next campaign is to be fought on the tariff. I rejoice in that assurance. I welcome a contest on the question of the tariff. I challenge the gentlemen on the other side of this House to come into Indiana during this next campaign and contest with us for supremacy and victory on the proposition of the tariff. A unique situation will present itself when that campaign opens—unique in this, that the evidence on both sides will be presented by the Democratic party. You presented our evidence from 1893 to 1897. [Applause on the Republican side.] You may present your evidence in this campaign, and all we will have to do will be to address the jury made up of the American people, calling their attention to the evidence. My impression is that it will be easy. I feel as though it would be like purloining confections from a nursery. [Laughter.] I recently attended a Republican State convention in Indiana, made up of the representatives of the party from all parts of our splendid Commonwealth. There was a spirit of pride, there was a spirit of confidence, and everyone felt as though victory were coming. I say to you gentlemen that victory is coming in Indiana in the next campaign. [Applause on the Republican side.] We are going to carry that State by from 40,000 to 60,000 plurality. [Applause on the Republican side.] And I invite all the exponents of free trade to come to Indiana and talk from every stump in that State, and in proportion as you expound your doctrines so in proportion will be the increased Republican majority. [Applause on the Republican side.]

Out in Indiana our convention extended over two days—one day dedicated to oratory and the other day to business. The Democrats are going to hold their convention in one day; no day dedicated to oratory. They think, evidently, that the least said about it the better. Out in Indiana, Republican as she is, prosperous as she is, there is a basis for eloquence, there is a basis for oratory. We Republicans, not only in Indiana but in the country at large, have been having our own way about it for nearly ten years. That means a decade. That is a long time, but it doesn't seem as long under Republican administration as it would seem under a Democratic administration. [Laughter and applause on the Republican side.] But ten years is a long time. It has been a long enough time for us to rebuild the industrial temple. It has been long enough time for us to set up two separate and independent republics. It has been long enough time for us to expel a foreign nation from the Western Hemisphere. It has been long enough time for us to take under our protection a group of islands over in the eastern sea and to teach the people that the schoolbook and not the bolo is the true badge of twentieth century existence. [Applause on the Republican side.] It has been long enough time for us to lay the foundation for the construction of the Panama Canal, and to do a whole lot of other things, any one of which would constitute a sufficient asset for any ordinary party and entitle it to ask for a continued lease of power.

Two classes of problems confronted the Republican party when it came into power in 1897. There were the problems that grew out of adversity and the problems that grew out of prosperity. The problems of adversity were bequeathed to us by the Democratic party. We are ourselves responsible for the problems of prosperity. We have solved the problem of the Democratic adversity, and we are now solving the problems of Republican prosperity, and I believe that the people of this country are in sympathy with us in their solution.

I am a Republican. I am an advocate of a high protective tariff. [Applause on the Republican side.] I am what might be known in the nomenclature of the day as a stand-patter [applause], and responsive to the benignant smile of my friend from Massachusetts [Mr. MCCALL], I will say that I am one of those who believe in letting well enough alone. I still have faith and confidence in the Dingley law. There may be some sentiment about it, gentlemen, for this Dingley law was the first law for which I cast my vote.

You remember the situation that confronted us when that bill came up for consideration, for many of you were here. Our Democratic friends had been in power for four years, and they had made a mess of it. The country was in a condition of insolvency. Our National Treasury was empty and our industries were idle. Tramping had become a profession and idleness a fad. One-third of the railroads of the country were in the hands of receivers. Everybody agreed that everything was wrong. We were called in special session by William McKinley, President of the United States, the very day he took the oath of office. [Applause on the Republican side.] He told us that it was necessary to pass a law that would do two things, bring money into the National Treasury and revive the activity of our industries. The Dingley bill was presented. Nelson Dingley said that that bill would do the business. He was the greatest practical political economist of his day. [Applause.] Thomas B. Reed, the greatest Speaker that this House of Representatives ever had, said that that bill would do the business. [Applause.] William McKinley, the greatest advocate of the policy of protection the country has ever known, said that that bill would do the business. [Applause.] The Republican Members of this House and of the Senate said that that bill would do the business. That bill was enacted into law, and I leave it to you, has not that bill done the business? [Applause on the Republican side.]

Five weeks ago I went to Indianapolis to attend the State convention. The night before I left, two men from Indiana came to my hotel and asked if I could secure them lodging here in Washington. They told me that they had been to New York the day before and had walked the streets of New York until after midnight, unable to get beds in which to sleep. I went to

the five leading hotels of Washington and sought lodging for them in vain. At last I found accommodations for them in a private boarding house. The hotels in New York, the hotels in Washington, the hotels in Chicago, the hotels in all the cities of the Republic are packed with guests. Who are these guests? They are not plutocrats. Those hotels were not all taken by John Rockefeller at that time, because he was not in evidence. [Laughter.] They were and are to-day filled by men from the small towns and the country. What are they doing in the cities? Buying goods. Why are they buying goods? Because there is a demand back home for goods. Why is there a demand back home for goods? Because the people have money. Why do the people have money? Because the people are busy, because the people are prosperous, because throughout the length and breadth of this Republic there is one continuous hum of industry and one continuous market for the products of the farm.

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CHARLES B. LANDIS. Yes.

Mr. SHACKLEFORD. Those people from the country, who were crowding the hotels at Washington, came here to buy what character of goods?

Mr. CHARLES B. LANDIS. Ah, those people who were in Washington on their way home from New York, where they had been to buy goods, came to Washington to see such curiosities as the gentleman from Missouri [Mr. SHACKLEFORD]. [Prolonged laughter and applause on the Republican side].

When I went to the Republican State convention in Indiana I took a Chesapeake and Ohio Railway train for Cincinnati. In the dining car I fell into conversation with the superintendent of the dining-car service. I asked him how business was in the dining-car service. He said excellent. He asked me if I knew where he could get a half dozen good conductors to take charge of dining cars—good, capable men. I asked him what he would pay. He said $100 a month, with board and lodging. I asked "Can you not get all the men you want at that price?" He said he had been searching for capable men in vain. At Cincinnati I changed cars, and in doing so went across the city. Within one square of the union station I came upon the People's Employment Office, at 335 Central avenue. There, displayed in large letters, was a sign which read:

"ALL KINDS OF WORK FOR ALL KINDS OF MEN."

"All kinds of work for all kinds of men!" I want to say to the gentleman from Missouri [Mr. SHACKLEFORD] that if a single sign of that character had been displayed anywhere in this Republic during the free-trade Administration of Grover Cleveland it would have been set to music and sung from every hilltop in the Republic. [Applause and laughter on the Republican side.] At that time there was this difference, that there was not any kind of work for any kind of a man. I would suggest to the gentleman from Illinois [Mr. RAINEY], who is given to making pictures, who traveled to New York City to take a picture of a pawnbroking establishment, that I would advise him to take his camera and go to Cincinnati, to 335 Central avenue, and take some pictures. Here is another sign I secured from that agency:

Wanted—twenty-five men for foundry work; $1.50 per day. No cash to pay. I will pay car fare to works. The company will stand good for the board. American or foreigner, white or black, union or non-union. All I want is a square deal. Now, will you work?

[Applause on the Republican side.]

That sounds like prosperity, does it not? That does not sound as though there was much wrong with the tariff or anything else, does it?

Here is another sign I would like to have the gentleman from Illinois center his camera upon:

Have work in Ohio, Kentucky, Indiana, and Tennessee. We want Americans, Irishmen, Germans, Armenians, Bulgarians, Italians, Danes, Swedes. Wages, $1.50, $1.60, $1.75. Shanty rent, $1 per month.

That sounds as though there was all kinds of work for all nationalities of men, does it not? And this notwithstanding what our Democratic friends call the iniquitous protective tariff.

Here is another sign:

Teamsters for railroad work; $1.75 if you work a month; $1.50 a day for less than a month; $2 a day if you stay all season.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CHARLES B. LANDIS. I do.

Mr. RAINEY. I would like to ask the gentleman if he has any photographs of the bread line at any one of the Cincinnati bakeries?

Mr. CHARLES B. LANDIS. I would say to the gentleman that if there is a bread line in Cincinnati or any other city in this Republic, that bread line is not made up of men who can not get work if they want it. [Applause on the Republican side.] And the gentleman knows this to be true, and so does every other gentleman on that side of the Chamber know it to be true. I contend that signs like these displayed in the cities of this Republic indicate good times. They indicate that our people are employed, that they have work and are getting good wages. The Republican party can boast, after ten years of uninterrupted power, that there are "all kinds of work for all kinds of men." And, sir, I contend that that is the proudest boast that can ever be made by any party in any country. When there is work for everybody there is prosperity in the nation.

And I challenge the gentleman from Illinois [Mr. RAINEY] to give me the name of a single man in his district, with which he is familiar, who can not get work at good wages if he wants work. If you will give me the name of any such man, I will go home and get him thirty jobs inside of twenty-four hours. [Applause on the Republican side.]

Mr. Chairman, a real, genuine, serious proposition was put up to the Republican party in 1897. The Republican party found itself in control of both branches of Congress, with a man of their faith in the White House. There was but one cry in the land, and that was for such legislation as would bring back good times. There was but one issue and that was a return of prosperity. Mr. BAILEY, your leader, put it very happily, when the Dingley bill was pending, when he said:

Mr. Speaker, there is just one question in the minds of the American people and that one question is prosperity. The party that brings prosperity can have a vote of confidence. The party that fails to bring prosperity is certain to encounter a vote of want of confidence. That is the supreme issue—prosperity. If you bring it, the country will credit you for your good service. If you fail to bring it, the country will dismiss you from its service. If you demonstrate, as demonstrate you will, that a high protective tariff under the gold standard will not bring prosperity, I will stake my political fortune on the proposition that the American people will then vote to restore bimetallism as the only means of restoring prosperity to this country.

Remember, Mr. Chairman, that at that critical time the Democrates defined the issue—told us exactly what was demanded. That was just before the final vote on the Dingley law. [Applause on the Republican side.] I call the attention of gentlemen on the other side of the House to those words of their leader, Mr. BAILEY, and to the issue, prosperity. Your leader challenged us on the issue of prosperity. We accepted the challenge, and now we come back to you with the signs displayed in the sky all over this broad land, "all kinds of work for all kinds of men." [Applause on the Republican side.] I shall never forget, Mr. Chairman, the day the Dingley law was passed. That was a dramatic occasion. On that day two men matched prophesies; your leader and ours. Your leader was Mr. BAILEY of Texas; our leader was Mr. Dingley of Maine. This is what Mr. BAILEY said:

You must put your principles to a practical test. If you are right, your task is an easy one; if you are wrong, it is an impossible one. As for my part, I was never more confident of any event in the future than I am that your bill will disappoint its promoters and the people. You promised to make the times better for all the people, and you must redeem that promise or be driven from the high places which you occupy. Four years of the taxation proposed in this bill will prove a severe strain upon the energies of our people and the resources of our country, but if they demonstrate, as I believe they will, the vicious error of the protective system, the lesson, though costly, will be worth its price.

That was the prophecy of Mr. BAILEY, your leader. When he made that prophecy he was magnificently audacious; when he made that prophecy he was bold; when he made that prophecy he was dramatic. He was always splendid in his presence on this floor. [Applause on the Democratic side.] Modestly Mr. Dingley made his prophecy. This is what he said:

There is not, from one end of this bill to the other, any duty which, so far as shown by the evidence before the committee, exceeds the difference in the cost of production and the distribution in this country and abroad, arising mainly from our higher wages of labor, or what ought to be the higher wages of our labor. Our belief, then, is it is essential for the restoration of prosperity of this country that we should make here what we can make without natural disadvantages instead of having it made abroad, because labor receives less compensation there than here. Hence in this bill we have endeavored to restore our industries, to restore opportunities for labor to people who are now out of work. When those people get to work again, when the producing capacity of our people shall be raised by having all of them at work for good wages, then there will be an increased demand for products; then prices will rise; then prosperity will set in, and then will come again those favorable conditions which were the envy and admiration of the world up to 1892.

[Applause on the Republican side.]

Mr. Chairman, I can see those two leaders yet as they solemnly went on record. They had agreed that the issue was prosperity, but they differed as to the methods of bringing it about. They stood in this Chamber and matched prophecies on

what would follow in the wake of our proposed solution of the problem.

We are face to face to-day with what has accumulated since those prophecies were made. Which man was the prophet in 1897, your leader or ours? Which man gave evidence of profound statesmanship in 1897, your leader or ours? Your leader now ornaments a place on the other side of this Capitol, and I have often wondered if he recalls his prophecy. I have often wondered if he recollects that day. I sincerely trust that he will turn back the leaves of the CONGRESSIONAL RECORD and read the story of the passage of the Dingley law in 1897. The man who led us has gone away. We are told that the arduous task of framing that bill overtaxed his energy. His body lies in Maine, and, I am told, in a grave that is unmarked. I sincerely trust that is true, for it would seem inconsistent to place a stone of cold marble or bronze over the grave of Nelson Dingley. Let him sleep in a grave unmarked, with no monument other than the joy and happiness and comfort and prosperity of eighty millions of his countrymen. [Loud applause on the Republican side.]

We agree that the issue was prosperity. Now, let us see further if we have it, and, if we have it, whether it is local or national.

One of the greatest tariff-revision papers in this country is the New York Herald. It cries for tariff revision seven days in the week. Its owner and proprietor makes his money in this country and spends it in Europe. Here is a copy of the New York Herald of Saturday, April 15, 1906, and I would say to the gentleman from Mississippi [Mr. WILLIAMS] and to the other gentlemen who are going to expound the free-trade gospel in this next compaign that if you come into Indiana you will probably see thousands and tens of thousands of copies of the New York Herald of April 15, 1906. The real news on the telegraph page does not agree with the sentiments expressed in the editorial columns. The telegraph page gives the fact while the editorial page presents the theory. Here are some of the headlines on the telegraph page. One of them, running across the entire page, is as follows:

THE NATION IS HAVING ITS GREATEST REAL-ESTATE BOOM—IN THE WEST AND NORTHWEST FARM LANDS ARE DOUBLING IN VALUE, AND MONEY FOR THEIR PURCHASE IS EVER FORTHCOMING.

Then it states this on the general situation:

This country's prosperity has brought about a shortage of money. Paradoxical as this statement seems, it is nevertheless true, and the great real estate boom spreading over the entire West and through most of the large cities of the East is responsible for it. Wall street bankers, hunting for the reason why so little money comes into the big money centers, have discovered that the people are putting their dollars in farms, lots, houses, hotels, apartments, and sky scrapers, and that in consequence one of the greatest booms the nation has ever seen is on. There have been booms before, many of them, but they were confined to separate sections. This seems general. New York City starts with glowing reports of big deals, big buildings, big transportation problems solved, and big returns on investments. Pittsburg sends stories of money made in speculation that sounds like the days of forty-nine in California. Baltimore, emerging from its ashes; Portland, Seattle, San Francisco, and Butte follow suit, and St. Louis tells of great deals in the building line. Throughout the farm lands of the West there is speculation approximating a craze. The third-rail trolley, connecting small cities, the extension of northern business into the South with their factories, the rush of immigrants for homes everywhere, have made everyone with money anxious to buy real estate and sell it at a profit, and they are doing it, as the long list of reports from cities throughout the Union that follow indicate.

[Applause.]

Now, let me call the attention of the gentleman on the other side of this Chamber to the headlines over the separate dispatches. The first is from Buffalo, and these are the headlines:

Buffalo grows fast, but there's no boom. Rents much higher than in exposition year, caused by new factories.

Cleveland.—Building activity in Cleveland. No boom in real estate, but residence districts fill up very rapidly.

Philadelphia.—Thirty per cent advance in Philadelphia. Elevated railway construction has boomed real estate sales, with trade prosperous.

Pittsburg.—Pittsburg dreams of real estate. Everybody speculating there and fortunes are being made in a day.

Cincinnati.—Cincinnati's growth steady; no boom. Demand for better housing of well-paid workingmen continues, however.

Baltimore.—Baltimore is spending one hundred million. Fifteen hundred buildings destroyed in fire replaced by larger and better structures.

When did that fire occur? That fire occurred about two years ago, yet during these desperate protective-tariff-ridden times, concerning which you speak, Baltimore, almost within the sound of my voice, devastated by fire, has put over a hundred million dollars in buildings in order to take up the waste places to give her people opportunities again for trade. [Applause on the Republican side.]

The next is Missouri. [Applause on the Republican side.] Where is my friend from Missouri? [Laughter.] Missouri has to be shown, and I want to show Missouri. Oh, Mr. Chairman, Missouri shows the whole country. Missouri does not have to be shown. Missouri shows the whole country an average of two sky scrapers a month in St. Louis, and the whole State jumps in business. Listen. In the body of the article it states:

Reports from all over the State bear out the prosperity of St. Louis, and Kansas City and St. Joseph are feeling the effects of a healthy growth. Chaffee, in the southeastern part of the State, and Branson, in the southwest, are two of the newest cities, being founded less than a year ago and both show a good growth. Chaffee is 10 miles west of the Thebes Bridge and is to be a division headquarters for the Frisco and other railroads centering there. The demand for agricultural land in Missouri is heavy, and many men are seeking the farm and leaving the cities.

In Missouri! No wonder Missouri deserted her idol in 1904 and went for Theodore Roosevelt by 20,000 majority. [Loud applause on the Republican side.]

Here is a telegram from Chicago; these are some more headlines:

ILLINOIS FARM LANDS JUMP 30 PER CENT.

Here are the headlines on a telegram from Memphis, Tenn., the home of my friend. [Laughter.]

TENNESSEE VALUES HAVE INCREASED; MUCH SPECULATION IN REAL ESTATE, AND FARMERS AND BANKS HAVE MONEY.

Farmers and banks have money! Why, Mr. Chairman, I received the other day a statement of a country bank in my district, in a town of about 1,200 inhabitants, with not a factory in the town, not one, which had on deposit a little less than $300,000. Whose money was that? Not the money of plutocrats; not the money of trust bondholders nor of trust organizers, but the money of farmers and the people living in that little town. And in the city of 2,000 population where I live there is over $1,000,000 in deposits in the banks. [Loud applause.] I venture that that same thing is true, relatively, in Yazoo City, Miss. [laughter], the home of the distinguished leader of the minority, Mr. WILLIAMS, who is now shouting that something must be done.

Here is a wire from New Orleans. I am still reading from the telegraph page of the New York Herald, and I am reading the headlines. Listen:

Prices well up in New Orleans. Throughout Louisiana values have been steadily increasing in value since last spring.

Now we come to Alabama. And Alabama has a right to speak, for she has a distinguished son on the Ways and Means Committee. The telegram is from Birmingham, and these are the headlines:

Great buildings for Birmingham; $3,000,000 value of new buildings in one of the new cities of the new South.

That certainly sounds fairly well for tariff-burdened Birmingham. [Laughter.] Now for the headlines on the St. Paul, Minn., dispatch:

Northwest is booming like 1880; St. Paul leader of Minnesota cities, in activity with many large buildings.

Now, here is one to which I call special attention. It sounds like inspiration. Richmond has been captured again—captured by Republican prosperity. Here is the telegram from Richmond—the headlines:

Outside capital floods Virginia; Old Dominion cities enter upon an era of great prosperity in building and buying.

Then in the body of the telegram we extract this choice information, which shows that Virginia has managed to stagger along under what our Democratic friends denominate as the burden, the robbery, the loot, and the plunder of the protective tariff. Now, listen and see how the Old Dominion has suffered, has sacrificed, has been bled, and is dying. [Laughter.] As I said before, the telegram is from Richmond:

The activity in real estate in Virginia tends to show the steady growth of the Commonwealth along the lines of commercial endeavor. This activity can not be described as in the nature of a boom. The activity in real estate holdings in Virginia means that the various cities of the Commonwealth are increasing rapidly in values and that the impetus of outside capital invested in business has launched the State upon a tide of commercial prosperity heretofore unprecedented.

Probably the principal centers of this activity are Richmond and Norfolk. In the capital city real estate values have increased rapidly within the last twelve months. Many modern and costly structures are being erected in the business section, while desirable residential sites are hard to obtain at easy figures. Owners of real estate are themselves speculating in houses for renting purposes, and many of these are taken before they have been completed. Every day sees changes in ownership of desirable property.

Values in real estate are steadily increasing in Norfolk, Lynchburg, and Roanoke. Danville, Petersburg, and Charlottesville also report activity along these lines. Roanoke is building at the present time at a faster rate than at any time since the great boom days in the Southwest, when that town sprang into existence in a night, like a mushroom, thereby receiving the name of the Magic City. The growth at Danville and Lynchburg is steady. In the former city the erection recently of a two million dollar additional cotton mill and the employment of thousands of extra operators have caused real values to take rapid strides upward.

Here is a voice from the Golden Gate, announced in these headlines:

SAN FRANCISCO ECLIPSES ALL RECORDS.—FIFTEEN MILLION DOLLARS INCREASE FOR MARCH, 1906, OVER REALTY DEALS IN THE SAME MONTH IN 1905.

That was before the terrible calamity. And in this connection I would call the attention of this House to the fact that a robbed and plundered and outraged nation, according to Democratic allegations, has sent nearly $300,000,000 to stricken San Francisco. [Applause.]

Here is what the big type over a telegram from Portland, Oreg., says:

BIG EXPOSITION HELPED OREGON.—DEMANDS FOR REALTY IN THE STATE ARE GREATER THAN EVER BEFORE IN ITS HISTORY.

The telegram from Portland gives these particulars:

Demand for real estate in Oregon, and especially in the western portion of the State, shows an excess over any former period. There has been no boom and boom prices do not prevail at present, but there has been a steady and rapid increase in values for several years past, most noticeably since the close of the Lewis and Clark Exposition. The fair was a prominent factor in the present condition, as it attracted investors and permanent settlers to the State by thousands.

More remote districts of the State are only beginning to feel the benefit resultant from the present influx of settlers, but Portland has experienced a great growth during the last winter and property values of business and residence holdings have almost doubled in the last year, and in some cases they have increased three or four fold. The encouraging feature of the market is that about four-fifths of the purchases are made as permanent investments rather than on a speculative basis. Real estate transfers in Portland for the month of March amounted to $2,554,000, establishing a new record. For the corresponding month last year the total was $750,000.

The Lewis and Clark fair grounds have been purchased for factory purposes, and great sums of money will be invested there.

And a telegram from Butte says:

Montana farms and mines leap.

[Applause.]

And one from the State of Washington says:

Fortunes in a day made in Seattle.

I would call all the tariff revisionists' attention to these headlines over the report from Des Moines, Iowa. That is where the boss tariff revisionist lives. Listen to the story of the heavy type:

Interurban trolleys make Iowa's boom.

Des Moines blocks have twice doubled in value, and farm lands are up.

I feel as though I should give you the entire telegram. It shows what little excuse there is for the tariff-revision wail from Iowa. Can our Democratic friends see any robbery in this? I will read slowly so you can catch it all. Listen:

DES MOINES, IOWA, *Saturday*.

Despite the remarkable advances in value of real estate in Iowa the State is now on the verge of a boom which promises to boost realty valuations within the next ten years.

The height of the farmer's realization—to sell farm land at $100 an acre—has hardly more than been reached in the fertile valley of the Nishnabotany, which is the greatest corn-producing spot in the world, when a new feature enters. The rapid building of interurban railways has sent values soaring, and land which hitherto could be bought for $80 an acre along interurban rights of way is now held as high as $500 and $600 an acre. This same fact is held largely responsible for the increase in city property.

Some of the largest blocks in Des Moines have twice doubled in value in the last ten years and are considered worthy of an increase, as there is not a vacant business block to be found in the city. The increase of farm land has been so great that in order to make a fair investment out of it in raising corn every scientific method must be resorted to. The hit-and-miss farmer is to-day losing money by not selling his land and loaning it at 3 per cent. This fact has driven many owning land near cities to truck gardening, and the advance surrounding Des Moines has brought so many garden workers that the city is destined to become a truck market.

Now, we will hear from the Platte River region. This next one is from Nebraska. Nebraska is the home of the peerless leader. He has told us how we are being robbed by the protective tariff. Is his contention sustained by this report from his State? I give you the telegram, headlines and all:

$100,000,000 ADDED NEBRASKA FARMS—GREAT JUMP IN VALUE WHERE PRICES PER ACRE HAVE MORE THAN DOUBLED.

OMAHA, NEBR., *Saturday*.

Not since the great western movement of the late eighties has Omaha and Nebraska real estate been on such a boom as to-day reaches every section of the State, and which has within the last five years added $100,000,000 to the value of Nebraska farms. If anything, the present boom is greater in western Nebraska, in the so-called "short-grass" country, than in the splendid farming lands of eastern Nebraska, which is already highly cultivated. Five years ago eastern Nebraska lands were selling at $35 per acre. To-day they are worth from $60 to $100. Five years ago western Nebraska range lands were selling at 50 cents to $1.25 an acre. To-day they are worth $8 to $15.

Omaha real estate has advanced wonderfully on the present boom, and business property especially is reaching prices never known here before. For instance, two years ago the First Christian Church paid $18,000 for a building site. Last week the church sold the site for $48,000. Other property in the semibusiness district has advanced proportionately. Last year Omaha's building permits exceeded those of 1904 by 75 per cent, and the first three months of this year exceeds the same period of last year by 50 per cent.

That is from the telegraphic column; it is not from the editorial column. The editorial column is theoretical; the telegraphic column is fact. [Applause.] This splendid development and growth and wealth and glory is what is seen by everybody who has eyes in every part of the Republic; but there are none so blind as those who will not see. [Applause.]

I have no dispatch here from Mississippi, but night before last, at the hotel, I met one of the leading citizens of Mississippi. I asked him if there was much tariff-revision sentiment in Mississippi. He replied that the only time they heard of tariff revision was when they read one of the speeches of the distinguished leader on the other side of this Chamber. [Laughter and applause on the Republican side.] He told me that there was not a man in Mississippi who did not have something of some kind that was valuable. He said some of them have it in stock, some have it in bonds, some of them have it in houses and lots, some of them have it in farms, some of them have it in money in the bank or loaned out, all of them who wanted it had it in opportunities to labor. He told me the price of pine lumber lands in Mississippi had gone up from $5 an acre to $50 an acre. He said they were offering down there on the railroads $1.50 a day, with board and lodging, to negroes to work on the tracks, and said they could not get enough laborers to keep the tracks in repair. He told me that the 1st of June last they started to build an electric line from Biloxi to Christiana, I think a distance of 28 miles, and the work dragged along and dragged along, and was all but abandoned two or three times because they could not get the men to do the work. This was in Mississippi, the State which is the home of the gentleman who leads the free traders, the alleged tariff revisionists, on the other side of this Chamber. [Applause on the Republican side.]

Yazoo City, Miss., the home of the minority leader, was recently visited by a conflagration. I am told that the business part of the city was almost wiped out. I have never heard from Yazoo City since, but I will venture to say she is rebuilding, notwithstanding what he calls this withering, blasting, blistering policy of protection. I will venture to say that Yazoo City is seeing a new life, in the face of the fact, as the gentleman alleges, that the protective tariff plunderer is in the saddle. I am told that those people in Mississippi who have been holding land in thousand-acre tracts are cutting it up into 160-acre tracts, and that the German, the Swede, and the Norwegian people on the other side of the ocean who are worthy are coming to Mississippi and making that State their home. Ah, this is but indicative of the prosperity we see in the whole South, in that splendid cordon of States along the Gulf of Mexico and the Atlantic Ocean. I am glad of it. I rejoice in that prosperity. That section was visited by an awful scourge almost a half century ago, but it is recovering, it is leaping and bounding under this policy of protection which Democrats slander and defame, as are the other sections of this country. I say that Mississippi speaks for the whole South, and the South is singing a new song. [Applause.]

A song of the South in new glory,
Fronting the days that are bright;
The shadows fall back from her forehead,
She stands in the light, in the light!

[Applause.]

She stands with fair faith for her helmet,
In the strength of high purpose and trust;
Dead hopes to the dead past forever,
And the red sword of hate to the rust!

[Applause.]

Then, forward to highest endeavor,
Queen of the sisterly States!
Forward and faltering never—
The world at your welcoming gates!

[Applause.]

Forward in grace and in glory,
Veiling the past with its scars;
Forward, till splendid its story
Is writ in the roll of the stars!

[Loud applause.]

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Mississippi?

Mr. CHARLES B. LANDIS. I will.

Mr. WILLIAMS. Does the gentleman from Indiana remember the name of the gentleman from Missis[illegible]pi whom he has been quoting?

Mr. CHARLES B. LANDIS. I do.

Mr. WILLIAMS. Would the gentleman mind giving it to me?

Mr. CHARLES B. LANDIS. I will not.

Mr. WILLIAMS. Do you mean you will not mind giving it to me or that you will not give it to me?

Mr. CHARLES B. LANDIS. I have no doubt that the gentleman would give it to you himself, but I will not give it to you, for reasons of my own.

Mr. WILLIAMS. Why, it is not a secret or private matter?

Mr. CHARLES B. LANDIS. Do you deny the facts?

Mr. WILLIAMS. Do I deny that the prosperity of Mississippi is due to the Dingley bill?

Mr. CHARLES B. LANDIS. Oh, no——

Mr. WILLIAMS. Why, there is not a fool in Mississippi who thinks that it is. [Applause on the Democratic side.]

Mr. McCLEARY of Minnesota. Do you deny that it is prosperous?

Mr. CHARLES B. LANDIS. The gentleman from Mississippi is not answering the question I asked him.

Mr. WILLIAMS. The gentleman worded his question right ingeniously. Now, the gentleman asks me the question whether I deny that Mississippi is prosperous. That question I answer with perfect frankness—yes, it is; it is almost as prosperous as that part of Canada to which your "prosperous" Iowa farmers are now going. [Applause on the Democratic side.]

Mr. CHARLES B. LANDIS. Now, before the gentleman takes his seat will he not answer me this question: Did you not say, did not your leader say, in 1896 that neither Mississippi nor any other part of this country could ever be prosperous unless it got free silver?

Mr. WILLIAMS. Mr. Chairman, I can not conceive precisely where——

Mr. CHARLES B. LANDIS. Now, we did not say that the protective tariff and the gold standard were the only things that would bring prosperity, but we said that they would bring prosperity. You said, and your leader, Mr. BAILEY, went on record, as I have shown, that they would not bring prosperity, and that we could never have it unless we had free silver.

Mr. WILLIAMS. The gentleman has asked me a question. I was about to say that I could not conceive what motive prompted him to ask me what the gentleman from Texas [Mr. BAILEY], now an honored Senator, said in a speech upon this floor, when the gentleman has himself just read exactly what Mr. BAILEY did say. The gentleman has read accurately what Mr. BAILEY said, I take it.

Mr. CHARLES B. LANDIS. I would say that I know that the gentleman knew what Mr. BAILEY said, because he applauded that speech when it was made. [Applause on the Republican side.]

Mr. WILLIAMS. The gentleman's recollection naturally enough—anyone can see that, judging by our contrasted appearances—goes back with regard to most things further than mine. I do not remember whether I did or not, but I was so in the habit of applauding JOE BAILEY that I reckon I did. [Applause on the Democratic side.]

Mr. CHARLES B. LANDIS. Yes; I would say that the gentleman's mental machinery seems to be working a little sluggishly this morning. [Laughter on the Republican side.]

Mr. WILLIAMS. I do not know about that.

Mr. CHARLES B. LANDIS. Speaking of prosperity and the evidence with which we come in daily contact, I would impress upon the minds of all that there is nothing theoretical about them. We are after facts. The issue being put down as prosperity in 1897 by your leader, the evidences of that prosperity are what we are seeking. I want to speak of another evidence of prosperity. The piano manufacturers of the United States held their convention in Washington last week and the week before. It was the largest attendance they ever had. I circulated among these piano manufacturers and talked to them about business. They said that business had never been so good in the piano line as it was at the present time. I thought that was of peculiar significance, because people do not want to play the piano when they are hungry. A gnawing stomach is not conducive to song. [Laughter and applause on the Republican side.] Ornithologists tell us that a bird with a broken wing never sings.

These piano men told me that prior to this last year the best year they ever had in the piano business was in 1892. That was our year. [Applause.] 1892! That was the Republican party's year. That was Benjamin Harrison's year. [Applause on the Republican side.] They said that the worst year they ever had in business was in 1893. That was your year. That was the Democratic year; that was the Grover Cleveland year; that was the year you were getting ready to slap the country with the Wilson-Gorman tariff law; and these piano men said the country never caught up in the piano business until 1898. That was our year, and the piano business continued to get better every year, and the manufacturers said that it would be better this year than it had ever been before. I asked them where they sold the most pianos, and they said in recent years the largest increase in the percentage of the sales of pianos was in the Southern States. [Applause.] They are singing songs down in Mississippi. [Laughter and applause on the Republican side.] He said that since 1897 there had been such activity, such development, such wealth in the South that they are buying luxuries, and buying them, too, when they choose, on credit. I asked one of these manufacturers who bought the pianos, chiefly—rich people? And he said "No; they go to the farmers and to the laborers and to the people in the ordinary walks of life." I asked him how much they usually paid for a piano, and he said from $150 to $400 each; and he said, further, that the dealers would sell more to the people this year, after ten years of what Democrats call the "iniquitous Dingley law," than they had bought in any twelve months of our history. [Applause on the Republican side.]

Ah, Mr. Chairman, I could go on by the hour and give these evidences of prosperity. Every man in this House can point to evidences of prosperity, evidences more eloquent than words. Factories speak for themselves; wages speak for themselves; homes speak for themselves; comforts and luxuries within reach of more people than ever before speak for themselves; well-dressed men and women and little children speak for themselves. There are more laboring men in the protected city of Philadelphia owning their own homes than in all Great Britain and Ireland put together. [Applause on the Republican side.]

Mr. Chairman, I still have faith in the Dingley law. Sentiment aside, I still have faith in the Dingley law. Selfishness and unselfishness aside, I still have faith in the Dingley law. [Applause.] I have faith in it as a Member of Congress because I see it sending a continuous stream of revenue into the National Treasury, because it has made our people prosperous and happy. I have faith in it as a country newspaper man, because I see my job presses busy and my subscribers paying in advance. [Applause.] I have faith in it as a borrower of money, because I have seen it restore and maintain a condition that has called money from its hiding place and enabled me to borrow it at a lower rate of interest than ever before known among men. I would have faith in it if I were an unskilled day laborer, because I would know that it had placed a premium upon my daily toil. I would have faith in it if I were a contractor, because never since the building of Solomon's Temple or the construction of the Pyramids have there been so many busy trowels and industrious levels and active plumb lines in public and private work in every nook and corner of this Republic. [Applause.]

If I were a carpenter, or a stone mason, or a bricklayer, or a painter, I would still have faith in the Dingley law, because employers would be bidding from 40 cents to 80 cents an hour for my skill and effort. If I were a farmer—and I am—[laughter] I would still have faith in the Dingley law, because I would have seen my farm double in value under its beneficent sway and because I know that there is not a thing that walks or grows that I can not, on moment's notice, turn into cash. If I were a manufacturer, I would still have faith in the Dingley law, because I would know that I was running night and day, paying good wages, and that I was from three months to a year and a half behind in my orders. Ah, I would say to my friend from Mississippi [Mr. WILLIAMS], that if I were a Southerner, I would have faith in the Dingley law, because I would know that it had lifted my section from the slough of despondency and enabled me, both in agriculture and manufacturing, to become a rival boaster of the Yankee. Why, if I were a Democrat, I would have faith in it—the faith of blind fate, if nothing else. [Applause.] If I were a poor, God-forsaken immigrant, driven from the land of my birth by hunger and nakedness, crossing the ocean in the steerage, standing at Ellis Island surrounded by my wife and children, with not sufficient money to sustain us one month, I would have faith in the Dingley law, because I would know that I could, within an hour, be directed to places where I could have the choice of a dozen jobs. [Applause.] If I were an importer or an exporter, I would have faith in the Dingley law, because I would know that my country's foreign commerce had passed the $3,000,000,000 mark during the past year. As an American I have faith in it because I have seen our domestic commerce—our trade among ourselves—leap beyond the stupendous aggregate of $26,000,000,000. [Applause on the Republican side.]

You would hearken to the voice of free-trade Democrats, would you. You would give ear to free traders masquerading in the guise of reciprocity champions and tariff revisionists, and that too at a time when the tide of hope and ambition and prosperity and glory was higher than ever before recorded in the books of civilization? Well, I would not! I want it known that I appreciate the present progress and wealth and development and achievement, that I believe that Senator Hanna's advice is still good, and I am willing to let well enough alone. [Loud applause.]

The conditions we see about us followed the enactment of the Dingley law, the law that Democrats denounce as plunder, this law that Democrats denounce as robbery, this law which is built upon the same principle as every other revenue law, which has brought prosperity and wealth and glory to this

Republic. I say to you that the chief virtue in the policy of protection is not so much in the schedule as it is in the principle. [Loud applause.]

Mr. BROOCKS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. CHARLES B. LANDIS. I do.

Mr. BROOCKS of Texas. I want to ask the gentleman a question, as he has referred to the prophecy made in 1896, which he has just quoted. Is it not a fact that the contention of the advocates of free silver was that we needed more money for final redemption?

Mr. CHARLES B. LANDIS. No.

Mr. BROOCKS of Texas. Has not that prophecy been in a measure fulfilled by the increased production of gold? Has not that had to do with the prosperity of the country?

Mr. CHARLES B. LANDIS. Mr. Chairman, I am unable to hear exactly what the gentleman says.

Mr. BROOCKS of Texas. The theory, as I understand, upon which the silver men based their belief was that we wanted more money for final redemption in this country, and although we did not get free silver we have had an immense increase in the production of gold in this country. Now, I want to know if the gentleman is not of the opinion that that has been a large factor in the prosperity of the country? [Applause on the Democratic side.]

Mr. CHARLES B. LANDIS. I would recall the words of Mr. Bryan at this time—very opportune—and I would remind the gentlemen on the floor of this House that it was not the demand for more money of redemption for which they contended, and which alone they said would bring prosperity in this country. Occasionally we heard that mentioned, but very rarely. What you did contend for was for free silver and the abolition of the gold standard. You wanted a cheaper dollar. You wanted a balloon dollar. [Laughter on the Republican side.] And, above all things, you warned the country against the gold standard. The one thing you contended against was the gold standard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman may be allowed to conclude his remarks.

Mr. ADAMS of Pennsylvania. Mr. Chairman, the understanding is that we would alternate on each side of the House.

Mr. CHARLES B. LANDIS. I will not take up very much more time.

Mr. ADAMS of Pennsylvania. I would yield a half hour to the gentleman.

Mr. HULL. But there is no limit, Mr. Chairman.

Mr. ADAMS of Pennsylvania. I yield the gentleman one-half hour.

The CHAIRMAN. The request of the gentleman from Pennsylvania [Mr. DALZELL] is that the gentleman from Indiana be given unlimited time. Is there objection?

Mr. FLOOD. Mr. Chairman, I do not like to object to that, but he can be yielded time by the gentleman from Pennsylvania [Mr. ADAMS], and what is the difference?

Mr. CHARLES B. LANDIS. I trust the gentleman from Pennsylvania [Mr. ADAMS]——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ADAMS] has no time to yield.

Mr. DALZELL. The other side will have as much time as this side.

Mr. CAPRON. Mr. Chairman, having one hour in my own right, I yield that hour to the gentleman from Indiana [Mr. CHARLES B. LANDIS.] [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. WILLIAMS. Why, Mr. Chairman, if the gentleman from Indiana [Mr. CHARLES B. LANDIS] will pardon me, it is totally unnecessary that this injustice should be done to the gentleman from Rhode Island [Mr. CAPRON]. The gentleman from Pennsylvania [Mr. ADAMS] had yielded the gentleman from Indiana a half hour.

The CHAIRMAN. But the gentleman from Pennsylvania has no time to yield.

Mr. WILLIAMS. But the gentleman from Pennsylvania [Mr. DALZELL] had asked unanimous consent, and of course the House will understand that as much time as is consumed by one side can be consumed by the other.

Mr. HULL. Why, certainly.

Mr. WILLIAMS. There is no need in the gentleman from Rhode Island sacrificing his time at all.

Mr. ADAMS of Pennsylvania. Mr. Chairman, just one minute in explanation to the House. I admit that the parliamentary situation is that we have not control of the time, but the time consumed in the passage of this bill——

Mr. CHARLES B. LANDIS. Do I understand that the gentleman from Pennsylvania [Mr. ADAMS] objects to my continuing?

Mr. ADAMS of Pennsylvania. Not in the slightest.

Mr. CHARLES B. LANDIS. Then why not yield?

Mr. ADAMS of Pennsylvania. I am only saying——

The CHAIRMAN. The gentleman from Indiana is recognized for one hour, the time yielded to him by the gentleman from Rhode Island.

Mr. WILLIAMS. Oh, well, Mr. Chairman, unanimous consent was asked.

The CHAIRMAN. But unanimous consent was not given.

Mr. WILLIAMS. The request was not put to the committee, was it?

The CHAIRMAN. I beg the gentleman's pardon. The request for unanimous consent was put.

Mr. GRAHAM. Mr. Chairman, I raise the point of order that it is not necessary to have unanimous consent in the Committee of the Whole. A motion to grant time is agreed to without unanimous consent.

Mr. WILLIAMS. But there has been no objection made to the granting of unanimous consent.

The CHAIRMAN. The rule of the House prevails, and the gentleman from Indiana is recognized for one hour.

Mr. CHARLES B. LANDIS. I regret there should be any disposition on the part of my colleague of the Committee on Foreign Affairs to curtail my time. I have sat under the droppings of his eloquent and melodious voice very often and have never yet objected.

Mr. ADAMS of Pennsylvania. I think the gentleman is doing me a great injustice. He asked for an hour and a half, and I told him so far as it was in my power he could have it, and I yielded that time to him in the beginning.

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. CHARLES B. LANDIS. Mr. Chairman——

Mr. ADAMS of Pennsylvania. Surely my colleague——

The CHAIRMAN. Does the gentleman yield?

Mr. CHARLES B. LANDIS. I do not yield to the gentleman from Pennsylvania.

Mr. ADAMS of Pennsylvania. I simply wanted to inform the House. I gave the gentleman an hour and a half, and that is all the gentleman asked of me.

Mr. CHARLES B. LANDIS. Mr. Chairman, replying to the interrogatory propounded by the gentleman from Texas [Mr. BROOCKS], I would say that the Democratic convention in 1896 was not so much in favor of a currency of redemption. I do not recall now that I heard that expression once. It was an organized assault all along the line against the gold standard. They prophesied what would happen if we fastened the gold standard upon the people of this country. Here is what Mr. Bryan said in that celebrated speech of his in 1896, and I would have the gentlemen on the other side of this Chamber give ear to it:

> The gold standard means dearer money; dearer money means cheaper property; cheaper property means harder times; harder times means more people out of work; more people out of work means more people destitute; more people destitute means more people desperate; more people desperate means more crime.

According to your party and your leader that was what the gold standard meant. It was against the gold standard that you contended. It was against the gold standard that William Jennings Bryan contended. That song was sung from every stump in this Republic, and that warning was hurled from every stump in this Republic.

Mr. HARDWICK. Did the Republican party ever protest against the gold standard?

Mr. CHARLES B. LANDIS. Not that I recall.

Mr. HARDWICK. Let me——

Mr. CHARLES B. LANDIS. Oh, no.

Mr. HARDWICK. Will the gentleman tell me whether or not——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. CHARLES B. LANDIS. Mr. Chairman, I refuse to be interrupted by the gentleman. [Cries of "Ah!" "Ah!" on the Democratic side.]

Mr. POU. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from North Carolina?

Mr. CHARLES B. LANDIS. No; I will not yield at the present time.

Mr. POU. Will not the gentleman do me the courtesy——

Mr. CHARLES B. LANDIS. Very well.

Mr. POU. I say, will not the gentleman be fair enough to admit that in 1888 the Republican national convention denounced the Democratic Administration for demonetizing silver?

Mr. CHARLES B. LANDIS. In reply to that I will say to the gentleman that I have had work of more importance to do than sitting down and memorizing Democratic platforms.

Mr. POU. That is your own platform.

Mr. FLOOD. That is the Republican platform.

Mr. CHARLES B. LANDIS. I did not understand.

Mr. POU (reading)—

The Republican party is in favor of the use of both gold and silver as money, and denounces the policy of the Democratic Administration in its efforts to demonetize silver.

Mr. CHARLES B. LANDIS. I will say to the gentleman that that is ancient history; come down to modern times.

Mr. BURLESON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Texas?

Mr. CHARLES B. LANDIS. No; not now.

Mr. BURLESON. I want to ask the gentleman a short question.

Mr. CHARLES B. LANDIS. Well.

Mr. BURLESON. Is it not a fact that the basis of objection to the gold standard in 1896 urged by Democrats was that it did not afford a sufficient volume of basic or standard money?

Mr CHARLES B. LANDIS. I do not remember all the contentions that you made.

Mr. BURLESON. That was the only objection to it.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Texas that your whole proposition was summed up in the declaration of Mr. Bryan, which I have just read.

Mr. BURLESON. Certainly, upon the proposition that the gold standard would not furnish, and was not furnished, a sufficient volume of money to meet the commercial necessities of the world.

Mr. CHARLES B. LANDIS. But it has; it has. [Applause on the Republican side.]

Mr. BURLESON. Did you know at that time that it was going to do it? No intelligent man contended that it would and no one knew that there was going to be this phenomenal increase in the volume of gold.

Mr. CHARLES B. LANDIS. Mr. Chairman, I do not care to be interrupted unless the gentlemen on the other side of this Chamber can make themselves clear. I will say that we would have had this same prosperity if there had not been what the gentleman is pleased to call a "phenomenal increase in the volume of gold." We did not want an increase in the volume of gold as much as we wanted an increase in the volume of confidence.

Mr. BURLESON. I am sorry the gentleman can not understand the force of the suggestions I have made. I am not responsible for the fact that he does not.

Mr. CHARLES B. LANDIS. What was contended by Mr. Bryan and other gentlemen in 1896 was that there could not be any prosperity——

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Georgia?

Mr. CHARLES B. LANDIS. No; I do not want to yield now. I want to say that the entire Democratic contention was wrapped up in that statement which I have just read, made by Mr. Bryan, and there has never been any kind of a vindication of the truth of any feature of that statement. There might have been Democratic contention that we did not have enough gold in this country, enough money to redeem other money, but I contend that what has transpired since has shown that claim to be fallacious.

Mr. Chairman, in this connection——

Mr. RAINEY rose.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CHARLES B. LANDIS. I do not; and I ask the protection of the Chair. Mr. Chairman, the answer that I just made to the gentleman from Texas [Mr. BURLESON] that we have prosperity, that prosperity is a fact and that everybody knows it to be a fact, reminds me of the impression made upon my mind in the older, and in some respects, the better days. When I was a child we had in our home readings from the Holy Scriptures. There was nothing that made so great an impression on my mind as did the story of Christ's healing the blind man. You will recall that when the man from Nazareth came out of the temple he saw a man who had been blind from his birth. And he was asked who had sinned—the blind man or his parents? The good man replied that neither of them had sinned. And he gathered clay and annointed the man's eyes and told him to go wash in the Pool of Siloam. And he did as directed, and he came back seeing. And the neighbors and they that before had seen him that was blind said, "Is not this he that sat and begged?" Some said, "This is he," others said, "He is like him," but he said, "I am he."

And they brought to the Pharisees him that aforesaid was blind, and the Pharisees asked him how he had received his sight, and he said: "He put clay upon my eyes, and I washed, and I do see."

But the Jews would not believe that he had been blind and had received his sight, and they went to the parents of him that had received his sight. And they asked them: "Is this your son who you say was born blind? How then doth he now see?"

And his parents replied: "We know that this is our son and that he was born blind. But by what means he now seeth we know not, or who hath opened his eyes we know not; he is of age, ask him. He shall speak for himself." These words spoke the parents because they feared the Jews, for the Jews had agreed already that if any man confessed Him, the Christ, he should be put out of the synagogue. Therefore, said his parents, "He is of age, ask him."

Then again they called the man that was blind and said unto him, "Give God the praise. We know that this man is a sinner," referring to Christ.

The blind man answered and said: "Whether he be a sinner or no, I know not. One thing I know, that whereas I was blind, I now see." [Applause.]

Mr. Chairman, one thing I know, and that is that under the Democratic party and its free-trade theories we have been poor and idle and wretched and our national Treasury empty, while under the Republican policy of protection we have employed capital and labor, our people have been happy, and our national Treasury has been filled to overflowing. [Applause on Republican side.] And as neither the blind man nor his parents had sinned, possibly neither the Democratic party nor their theory of revenue sinned. The condition of the blind man gave the Son of Man the opportunity to demonstrate his supernatural power, and who knows but what everything combined from 1893 to 1897 to bring about a condition of affairs that would give opportunity for the splendid policy of protection to demonstrate its virtue and strength and power? One thing we do know, and that is that whereas we were blind we now see. [Loud applause on the Republican side.] And against that one supreme fact you will not be able to contend with your theories in this next campaign. [Applause on the Republican side.]

I would say to the gentleman from Illinois [Mr. RAINEY]—the picture maker—that I have some pictures here that I wish he would investigate. They are pictures which were taken under the Democratic Administration in 1894 by Harper's Weekly and scattered throughout the length and breadth of this land as an index to the conditions that then existed as a result of the threatened policy for which you now contend. Here is a picture of General Coxey and his army marching to Washington to demand $500,000,000 to be expended on the public roads. I would call the attention of the gentleman from Illinois [Mr. RAINEY] to this: That they did not want that $500,000,000 given to them in cold cash; they wanted it expended on the public roads. They did not want it for nothing; they wanted an opportunity to work for it. [Applause on the Republican side.]

They came down here and surrounded this Capitol. They were photographed by the Harper's Weekly artist. They begged on bended knee that you give them some relief. The mere anticipation of your legislation had been sufficient to warn business to trim sail to meet the coming storm.

Here is another picture that I would call the gentleman's attention to. It is called "At Work in a Woodyard." How would the gentleman from Illinois like to add that to his collection? [Laughter.]

Underneath is this legend:

Four thousand four hundred and eighty-seven married men took advantage of this opportunity to earn 50 cents.

Under the good old Democratic Administration of Grover Cleveland, the only Democratic Administration, thank God, we have had in fifty years. [Applause on the Republican side.]

Here is another picture, and it is labeled "Unemployed in Boston."

Twelve thousand unemployed workingmen march to Boston statehouse and demand employment.

I will say to the gentleman from Illinois these men did not go to the Boston statehouse as beggars. They went to the Boston statehouse and asked for work. They were willing to toil. There was naught for them to do.

I have traveled all over New England with the gentleman from Missouri [Mr. CLARK] during the last three years. I

want to say to you that New England is to-day one continuous hive of industry. Work for everybody. "All kinds of work for all kinds of men." They have added to their mills; they have added to their factories during the last ten years. Millions have come out in additional production during the last ten years. [Applause on the Republican side.]

New England comes down here, represented by whom? The Democratic ex-governor and a Democratic capitalist by the name of Whitney. And they whine around these corridors, because there is an infinitesimal duty on hides that they allege increases the price of manufacturing a pair of shoes a fraction of a cent. Shame on New England! Whitney and Douglas and men of that character do not represent the real business sentiment of New England. They want the tariff taken off coal and iron ore. I am told that Mr. Whitney owns coal lands and iron lands in Nova Scotia, and he wants to bring in his coal free of duty and he wants to bring in his iron ore free of duty, and when he does that he gives a preference to Nova Scotian labor over American labor, and the Republican party will not permit that. [Loud applause.]

Here is another picture. It is labeled "Charity in Boston." And then follow these words:

The short and simple annals of the poor have never been perused so closely, and the men who apply are men that have been industrious and men with families.

And so I might go on; and I will say to the gentleman from Mississippi that these pictures to which I have just called attention represent your policy. [Applause.]

Mr. WILLIAMS. Would the gentleman give me the exact date of those pictures?

Mr. CHARLES B. LANDIS. I will give you the pictures.

Mr. WILLIAMS. I am not asking for the pictures, but the dates.

Mr. CHARLES B. LANDIS. I have another copy, and I am going to have copies of these pictures made by the hundred, and present one to every Democrat on the floor of this House. [Applause on the Republican side.]

Mr. WILLIAMS. I have not asked the gentleman for the pictures. I have no doubt they are very gruesome. I remember something of that kind. I have asked the gentleman to give me the dates.

Mr. CHARLES B. LANDIS. The dates are on the pictures. Now, I would say to the gentleman from Mississippi that these pictures show what would be the daily workings of your policy, as you definitely stated it on the floor of this House a few days ago.

Mr. WILLIAMS. If the gentleman will permit me just one further question. I have not had time to examine these, but the first one is a picture of General Coxey and his army here, and a first-rate picture, too, because I saw it here myself. [Laughter.] It is dated May 12, 1894. Now, will the gentleman mind telling me his recollection as to what tariff act was in effect at that time?

Mr. CHARLES B. LANDIS. I do not recollect; I do not care.

Mr. WILLIAMS. Well, I do. I recollect that it was the McKinley Act, and the Wilson-Gorman Act had not yet been passed. [Applause on the Democratic side.]

Mr. CHARLES B. LANDIS. In other words, as I understand the gentleman from Mississippi, you had not done anything.

Mr. WILLIAMS. We had not done anything on the tariff; but God knows you had done a plenty [applause on the Democratic side], and the people were reaping the full harvest at that moment.

Mr. CHARLES B. LANDIS. Yes.

Mr. WILLIAMS. And we happened to come in before the full fruits were dissipated.

Mr CHARLES B. LANDIS. Mr. Chairman, in reply to the inquiry of the gentleman from Mississippi, I would say it makes no difference whether the Democratic tariff bill had passed at that time or whether it had not; the people knew what was coming. The Democratic party had served notice on the factories of this country about what they should expect, and they were getting ready for the destructive work. [Applause on the Republican side.]

Mr. WILLIAMS. Now, then, the gentleman will pardon me a question further.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Mississippi that the effect of your coming into power, the fact that you were coming into power——

Mr. WILLIAMS. I understand the gentleman perfectly.

Mr. CHARLES B. LANDIS (continuing). Was sufficient to throw the country into a condition of demoralization.

You had served notice that you were going to make war on the "protected factory lord," as you called the manufacturer; that you were going to cut down the tariff. Some of you had said that you were going to absolutely destroy the custom-houses. This meant but one thing to the manufacturer, and that was that he would in all probability have to meet the European manufacturer in the American market on the basis of a product manufactured by cheap labor without any tariff to represent the difference between American labor and European labor.

The man who owned and operated the American factory knew he could not pay twice or three times the wages paid by the man who owned and operated the European factory and compete with him. So the American manufacturer decided to wait and see what the Democratic tariff regulators were going to do, and he closed his factory; and when he closed his factory he threw his employees out of work; and when these people were thrown out of work they did not have any money; and when they did not have any money they could not pay their taxes, and thousands of them lost their homes; and they could not pay their rent and tens of thousands of them had to tramp; and they could not buy the products of the farm, as they did when the factory was running, and that made it hard for the farmer; and they could not build or improve their homes and that hurt the bricklayer and carpenter and stone mason and painter and paper hanger and plumber; they could not buy shoes and clothing, and that crippled the shoe dealer and the merchant; and they could not buy groceries, and that bankrupted the grocer; neither did they have money for the preacher nor the doctor nor the music teacher, and that made it bad all around—hard times, hard times, hard times. It all came from the closed factory, and the factory was closed by the Democratic threat to cut the throat of the protective tariff.

I say that panic commenced taking form the day after the election, because for years you had asserted that if you ever got in power you would dig up and destroy the last root of protection. You had condemned them in your platforms and on the stump, and when you secured control of Congress and the Presidency they knew you were in position to pass sentence, and they commenced to prepare for the day of execution. You pleadingly cry, "Why, the panic came before we did anything." Yes, but you had announced what you intended doing the moment you got in. You might as well contend that a man sentenced to death should be light-hearted and gay during the weeks preceding the hanging on the theory that nothing had yet been done to him. [Laughter.]

Mr. WILLIAMS. I understand the gentleman's contention——

Mr. CHARLES B. LANDIS. Because you had threatened that the minute you got into power you would put the knife to the throat of business.

Mr. WILLIAMS. I understand the gentleman's contention perfectly, namely, that the mere expectation of Democratic government caused the panic.

Mr. CHARLES B. LANDIS. That is it exactly.

Mr. WILLIAMS. I understand that contention perfectly. Now, I want to ask the gentleman these two short questions, and I will couple them.

Mr. CHARLES B. LANDIS. I trust the gentleman will be expeditious.

Mr. WILLIAMS. Oh, I am not going to take any great length of time.

Mr. CHARLES B. LANDIS. Well, go on.

Mr. WILLIAMS. One question is this, What caused the panic at that same time and immediately preceding it in Canada, Australia, Austria, and Great Britain? and the next is whether that was the apprehension of Democratic success in those parts of the world? and the next question is whether it was the apprehension of Democratic success in 1890 and 1891 and 1892 which had deprived the corn farmers of this country and the cotton farmers of this country of any price for their production at which they could get out of debt or make a living?

Mr. CHARLES B. LANDIS. I would say to the gentleman, in answer to those questions, that I do not know anything about the price of cotton at that time, but I do know about the price of corn. The gentleman stated on the floor of this House a short time ago that in 1890 and 1891 and 1892 the farmers of the West burned their corn for fuel. They did not do anything of the kind in those years.

Mr. WILLIAMS. Oh, they did in 1890.

Mr. RICHARDSON of Alabama. In 1891.

Mr. WILLIAMS. In 1891 they were burning their corn for fuel, it was so cheap; and that is not only true, but General Weaver, representing the agrarian and populistic spirit of this country, had gathered his audiences, not by the thousands but

by the acres, in such absolute desperation were they, catching at straws for salvation, and the whole South, rock ribbed in its Democracy, came very near going to populism out of pure destitution.

Mr. CHARLES B. LANDIS. I would say, in reply to the gentleman from Mississippi, that he can make any statement he pleases about cotton, but I assert now that his statement with reference to corn in 1890, 1891, and 1892 is not true.

Mr. WILLIAMS. I did not say in 1890 and 1891 and 1892, all during the entire time——

Mr. CHARLES B. LANDIS. I wish the gentleman would not take up all my time.

Mr. WILLIAMS. Well, the gentleman has challenged my statement, and of course he wants to get my statement accurately.

Mr. CHARLES B. LANDIS. You say it is true, and I have denied it. Now you produce your evidence.

Mr. WILLIAMS. What I say is that at that time corn was so cheap and wheat was so cheap that the people were not making a dollar upon the farm, and were getting worse and worse in debt, and that during that period, either in the latter part of 1890 or during the year 1891, the farmers of Kansas were burning corn.

Now, the gentleman asks me to produce the evidence upon the spot. Of course he knows I can not, except my recollection of the facts, but I will leave it, whether that is true or not, to any Representative from the State of Kansas, and let him deny it and go to his people as a man of honor with a denial of the statement upon his lips.

Mr. HINSHAW. Will the gentleman permit me?

Mr. CHARLES B. LANDIS. I will.

Mr. HINSHAW. I did not have the fortune to live in Kansas, but I lived just across the line in Nebraska in 1890, and I know that the statement the gentleman makes is not true. [Applause on the Republican side.]

Mr. HILL of Connecticut. I, like the gentleman from Mississippi, stood on the steps of the Senate and saw Coxey's army march up here, and he states that the date was May 12, 1894.

Mr. WILLIAMS. I say that is the date at which this photograph says it was taken.

Mr. HILL of Connecticut. Very well. I say that the Wilson bill had passed the House of Representatives on February 1, 1894, and so far as the Democratic policy had been expressed, it had been in operation three months and twelve days. [Applause on the Republican side.]

Here is a copy of the bill, and I will show the gentleman the bill he voted for, which is entirely different from the bill which was ultimately passed.

Mr. WILLIAMS. The gentleman must not make me appear to have made a statement which I did not make. I did not undertake to give the date. I merely undertook to give the date of this photograph, and I presumed it was correct. If not, I am not to blame.

Mr. REEDER. If the gentleman from Indiana will allow me, I should like to state that I am from Kansas and have lived in the corn belt of Kansas for many years, and that during the years mentioned by the gentleman from Mississippi no corn was burned to my knowledge in any part of Kansas.

Mr. CHARLES B. LANDIS. The gentleman from Mississippi is mistaken in his dates. No corn was burned for fuel, by sane people, until the Democratic party came into power and made it so cheap that it was not worth hauling to market. And at the same time they made wheat so cheap that it was fed to hogs. I insist that an investigation of market reports will bear out my contention.

If the gentleman from Mississippi will scan the Democratic newspapers back in the nineties he will discover that we had good times up to the very date of the election in 1892. The Indianapolis Sentinel was the Democratic organ in Indiana. Under a Washington date line we find the following dispatch in that Democratic paper under date of July 28, 1891:

The Bureau of Statistics of the Treasury Department has to-day issued a summary statement and review of the foreign commerce and immigration of the United States during the fiscal year ended June 30, 1891. The statement says that the total value of the commerce of the past fiscal year was the greatest in the history of the Government and exceeded the total value of the commerce of 1890 by the sum of $82,191,803. The commerce of 1890 was the largest for any year in the history of the Government up to that time, exceeding the commerce of the prior year by the sum of $159,606,063. Our total commerce during the past fiscal year amounted to $1,729,330,898.

And in that same Democratic paper, on January 1, 1892, are the following headlines to a voluminous report on the business of the last year:

A GLORIOUS YEAR HAS BEEN EXPERIENCED BY INDIANAPOLIS—SHE HAS BEEN PROSPEROUS AND REASONABLY HAPPY—HER BUSINESS HAS GROWN IN ALL DIRECTIONS AND ALL HER INTERESTS HAVE THRIVED.

And the same date, January 1, 1892, we find the following editorial in this same Democratic newspaper:

Looking back over the field of commercial and industrial effort in this great bustling capital city of the Hoosier Commonwealth during the past twelve months, every citizen of Indianapolis and the State at large may reasonably feel gratified at the present healthful condition of business in general and the substantial progress which has been made in almost every avenue of effort where the hand of enterprise has been at work. One has only to refer to the reports of the commercial agencies to learn that the business operations here have been generally attended during the year 1891 with results, which in the light of comparison with those of the twelve months preceding, show a most satisfactory increase, the same being true of the returns from invested capital in every direction.

And coming on down to within thirty days of that fatal election, October 1, 1892, we find this same Democratic newspaper publishing from the report of R. G. Dun & Co. as follows:

Business continues larger than ever at this time of the year. The commercial sky is without a cloud. Money is everywhere in ample supply, and collections have rarely been more generally satisfactory.

Ah, gentlemen, you are mistaken in the date. Times were good until your threat wrecked them.

Mr. TALBOTT. Will the gentleman from Indiana yield to me for one minute?

Mr. CHARLES B. LANDIS. No; I can not yield now.

Mr. TALBOTT. I will get the gentleman's time extended.

Mr. CHARLES B. LANDIS. I would say, Mr. Chairman, that after I conclude my address I will yield to any or all of the gentlemen on the other side of this Chamber, to an unlimited extent, to ask any questions that may be asked along the line they are proceeding.

As I was saying when I was interrupted by the gentleman from Mississippi, the pictures to which I called the attention of this House are the pictures which are the logical conclusion of the policy which you definitely declared was your policy in preference to this policy under which we are now operating just a few days ago when you used these words. And while I do not presume the country will pay the attention to me that it would to the gentleman on the other side of the Chamber who so frequently calls its attention, yet owing to the conspicuous position which the gentleman from Mississippi occupies in the Democratic party I sincerely trust that these words will be sent all over this broad land in order that the country may know what to expect in case the Democratic party comes into power.

Mr. WILLIAMS. Now, then——

Mr. CHARLES B. LANDIS. I decline to yield.

[Mr. WILLIAMS continued to address the gentleman from Indiana and the Chairman.]

Mr. HEPBURN. Mr. Chairman, I rise to a point of order, that when the gentleman is called to order it is his place to take his seat, and I demand that the gentleman from Mississippi take his seat.

Mr. PAYNE. Mr. Chairman, I make the further point that the Chair should order the stenographer to leave out the remarks made by the gentleman from Mississippi after the gentleman from Indiana declined to yield.

The CHAIRMAN. The Reporter will leave out of the report any remarks made by the gentleman from Mississippi after the gentleman from Indiana declined to yield.

Mr. CHARLES B. LANDIS. As I was saying, Mr. Chairman, I was calling the attention of the country to the specific statement made by the gentleman from Mississippi in a speech which he delivered on the floor of the House a few days ago, when he said:

Now, Mr. Chairman, I have written what follows for a few sentences, because I have wanted to measure my words right here when I say I would rather live in a country that taxes my property directly—houses and lands and cattle and poll—and pays out the proceeds directly once a week from the subtreasuries to all needy laborers working at less than a given wage—supposed to be a living wage—than to live under the present system. I would rather do it for two reasons: First, because I would know exactly how much I was paying, and now I do not; and, secondly, because I would know exactly who was getting what I paid in, and now I do not. [Applause on the Democratic side.] I know quite well who does not get overmuch of it—the laborer—the pretended beneficiary.

Mr. Chairman, I venture to say that a bolder statement was never made on the floor of this House in a tariff discussion than that. The gentleman, leader of the minority, speaking for the Democracy, comes out boldly and says that in preference to the present prosperous condition of this country, as we now have it, he would prefer a system that would give us organized national mendicancy all over the Union. Every Saturday night, if the gentleman from Mississippi had his way about it, people who are underpaid would walk to Democratic box offices, where charity would be doled out to them and to their children for the seven days and nights that followed. In Great Britain and Ireland it is said there are 13,000,000 underpaid men, women,

and children. There would be, under the same system, more than that number in this country—30,000,000 underpaid men, women, and children walking to Democratic charity offices every Saturday night and getting their weekly stipend! That is a party indorsement of national mendicancy; that is a party indorsement of national beggary; that is a welcome party recognition of national want and despair; that is Democracy as we knew it under the last Democratic Administration. [Applause on the Republican side.]

You had it in 1894 and 1895 and 1896 just that way. We had it in Indianapolis; we were taxed in Indiana to pay underpaid and illy-fed men and women and children; we were taxed directly and they were paid by the million all over this land. I want to say to you that we prefer to have this money go into the hands of the people through the factories and into the national treasury through the custom-houses of this Republic. [Applause on the Republican side.] The factory is a Republican institution. You can adopt the almshouse as a Democratic institution if you like. [Applause on the Republican side.] We prefer that these people earn the money with which they buy their food, and that they subsist, not at the hands of national charity. If a Democrat is elected President of the United States in 1908, which God forbid, I shall advocate that there be established in accordance with the gentleman's plan a new department of Government to be known as the Department of Beggary and Want, and I shall circulate a petition asking the Democratic President to honor the gentleman from Mississippi [Mr. WILLIAMS] with the first appointment to that new department. [Applause on the Republican side.] He would then be at liberty to proceed to organize his division of bankruptcy and his bureaus of idleness, destitution, and despair.

We have always had these hard-times bureaus under low-tariff administrations. Why have we had them? Because our labor would not work at the wage given foreign labor. The work hence went abroad, our labor went into idleness, and our money went abroad to pay for manufactured goods.

Abraham Lincoln made the best tariff speech ever recorded when he said:

> I do not know much about the tariff, but I know this much, when we buy manufactured goods abroad we get the goods and the foreigner gets the money. When we buy the manufactured goods at home we get both the goods and the money.

That is the whole protective theory in a nutshell. Up to the enactment of the McKinley law we sent $20,000,000 abroad each year for tin plate. We got the tin plate and Great Britain got the $20,000,000.

Last year, and indeed for several years, we made in our own factories all the tin plate we consumed. In other words, under our policy, Lincoln's policy and McKinley's policy, we got both the tin plate and the money—the American consumer got the tin plate and the American laborer and American manufacturer got the money. And the price of tin plate did not advance.

The draining of this country of money, which is the case under low-tariff laws, is what makes it poor and weak. The gold and silver of a nation is its lifeblood. Take it away by the million to pay for goods manufactured abroad and you sap our nation's strength, just as you sap an individual's strength if you tap an artery. Under a low Democratic tariff we send away our money—our blood. Under a Republican protective tariff we are getting new blood all the time, because, as a rule, the balance of trade is in our favor. Read the messages of our Presidents back in the fifties and you will see that they tell how, under the low Walker tariff, the millions of gold mined in California went in one ceaseless current abroad to pay for manufactured goods. We are now keeping that gold, the nation's lifeblood, at home where it belongs.

In speaking of having both the tin plate and the money that went into its manufacture under the policy of protection, I called attention to the fact that the price of tin plate was, at the same time, no higher to the consumer. American inventive skill and genius and competition always come to the rescue when the American manufacturer and American laborer are given a chance by the protective tariff. The gentleman from Mississippi [Mr. WILLIAMS] contends that the price of the article that is manufactured, if protected by the tariff, is always higher. This assertion is absolutely without foundation. Inventive genius and competition almost invariably reduce the price. Our experience with wire nails shows how it works and explodes absolutely Mr. WILLIAMS's theory. In 1883 there were no wire nails produced in this country. They were then selling at $6 a keg. We manufactured that year 50,000 kegs, when a tariff of $4 a keg was placed upon wire nails. In 1884 we manufactured 75,000 kegs, and the price dropped to $5 a keg. In 1885 we manufactured 200,000 kegs, and the price dropped to $4 a keg, which was exactly the tariff duty. In 1886 we manufactured 500,000 kegs, and the price dropped to $3.40 a keg. In 1887 we manufactured 700,000 kegs, and the price dropped to $3.30 a keg. In 1888 we manufactured 2,000,000 kegs, and the price dropped to $2.60 a keg. In 1889 we made over 2,500,000 kegs, and the price dropped to $2.10 a keg. And all this time the duty was $4 per keg. The average price in 1902, the last available report, was $2.15.

That is an excellent illustration of the way Republican protection works. It is exactly the same as the working of the McKinley tariff on tin plate, which built up the tin-plate industry from nothing to an aggregate value of $20,000,000 a year.

Republican protection not only protects, it builds up. It gives employ to American workmen. It secures to Americans the control of the markets of their own country. It affords to American labor a standard of wages far above the wages of any other people under the sun.

But, you ask, why keep the tariff on if wire nails are selling for less than the tariff?

I answer you that we must keep the tariff on to protect this country from being made a dumping ground for the surplus products of the nail mills of all the other countries on earth.

We needed the protective tariff, first, to enable us to build the factory. Now that we have the factory running, we need a protective tariff to protect the American market and the laborer who is working in this American factory; and we will continue to need it until the American laborer is willing to work for the low wages paid the foreign laborer. To my mind nothing is clearer.

Now, Mr. Chairman, I want to give attention to this contention of Democracy that goods are sold abroad by American manufacturers cheaper than they are sold at home. They think that they have discovered a gold mine, a party gold mine, and they think that they are going to throw the American people into a condition of hysteria by going among them and shouting that the American manufacturer is a plunderer and a robber because he is selling his goods abroad cheaper than he is selling them at home—a condition of hysteria similar to that into which they threw the country in 1892, which brought upon us that visitation of Democratic rinderpest thirteen years ago. [Laughter.] American manufacturers selling abroad cheaper than at home, the Democrats say! How does that harmonize with their prophecy made in 1897, that if the Dingley bill became a law it would build a stone wall around this country and absolutely destroy our export trade? They admit now that notwithstanding that bill became a law our manufactured exports have increased beyond any former period, and they shout to the country, "Why, they are selling abroad cheaper than they are selling at home."

Mr. Chairman, I say to you that that contention, which I do not deny, is to my mind the highest tribute that can be paid to the Dingley law. [Applause on the Republican side.] Under this Dingley law, which started all the factories that Democracy closed, we have builded thousands and tens of thousands of additional factories, and we have put them all into commission. We are consuming 92 per cent of all the products that they manufacture, and in addition to that we are meeting in the open market of the world all the manufacturers of Christendom, and we are underselling them—glory be it to the American name and to the Dingley law. [Applause on the Republican side.]

I want the gentleman from Mississippi, and the Democratic party generally, to get a little light on our trade relations and how it has been possible to make the conquests we have made. The gentleman from Mississippi read from the report of the Industrial Commission recently, but he read only that part of the report as suited his argument. I commend these words from that Commission to him, found on page 626 of volume 19:

> One of the gratifying conditions of the last few years is the very rapid increase in the export trade of the United States. This increase is a matter of congratulation, not merely because of the evidence that it furnishes of the increasing industrial strength and prosperity of the country, but because it furnishes the means for keeping the country well supplied with the gold needed as a part and basis of our currency and a ready means of settling our indebtedness abroad. Though nearly 65 per cent of our exports are agricultural products, which the combinations affect only slightly, the increase in the exports of manufacturers has doubtless been promoted by the great industrial combinations. With plenty of capital at hand, they have been better able than small concerns to send agents into foreign countries to study conditions, to open up branch factories tributary to the home factories, and in other ways to extend their trade. In many instances such trade could not have been secured by smaller establishments whose strength had to be expended in competition at home.

And, after the gentleman from Mississippi gets through digest-

ing those words, I would respectfully call his attention to the following, on the same page, in the same volume:

In order to gain and hold foreign trade it has occasionally been necessary for both combinations and individual exporters to make low prices to foreign purchasers. It is in evidence before the Commission that even within this country the more distant markets receive concessions in price. In about 20 per cent of the cases covered by the Commission's returns the export prices have ruled lower than those charged to home consumers. Sometimes merely surplus stocks have been unloaded upon the foreign markets. At other times, when the home demand has slackened somewhat, it has been possible to keep manufacturing establishments employed to their full capacity and most productive efficiency only by finding a foreign market for a part of the product, and that could be done best by cutting prices.

Among the reasons given by manufacturers in their admission that prices of their goods in the foreign markets are made lower than in the domestic market, are these: To meet foreign competition; to work off surplus product; to secure a permanent foreign market; taking a less price for cash as against credit transactions at home; to offset foreign duties and foreign transportation charges, which the buyer has to pay; to allow for rebates in duties which foreign material has to pay, and to match the more stable conditions of foreign markets as against the fluctuations of the home market.

The practice is quite common in all countries, and on the part of the separate establishments as well as of combinations. Were this plan not adopted, it would often be necessary to run the plant only part of the time, which would not merely throw a portion of the laborers out of employment, but would also add materially to the cost of production of the remaining product. It is probable, therefore, that when the export prices have been at cost, the result has been, by keeping the plant fully employed, to hold the prices to American consumers lower than would have been possible otherwise.

Could anything be plainer than that? Why did not the gentleman from Mississippi read these words when he read from this volume a few days ago? Simply because they destroyed his theory.

Selling abroad cheaper than at home! That is a principle of business that is followed by every business man in the United States and every manufacturing nation on earth. Come with me to Indianapolis and I will show you advertisements in the daily newspapers that show that the business men in that city have organized and have a regular office, where they pay a sum of money covering the railroad fare of all people living within a certain distance of Indianapolis, if they will only come to Indianapolis and buy goods to a certain amount. [Applause on the Republican side.] In other words, the business men of Indianapolis are selling abroad in Indiana cheaper than they are selling at home. It is a principle of business, and the gentlemen on the other side of this House would understand it if they knew anything about business. [Laughter and applause on the Republican side.] I say now that there is not a manufacturing nation on earth that does not pursue this policy.

Mr. BURLESON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CHARLES B. LANDIS. No. I regret to decline, but I have not the time.

The CHAIRMAN. The gentleman declines to yield.

Mr. CHARLES B. LANDIS. I want to say to the gentleman from Mississippi [Mr. WILLIAMS], who bears down so strongly on this one proposition, that it has been established by investigation that Germany, Great Britain, Belgium, France, Australia, and every other manufacturing country on earth has two prices, one the home price and the other the export price, and the home price is from $5 to $7 higher on steel rails, for instance, than is the export price; and in some cases, notably in Germany, on goods for export the Government gives a freight rate of 66⅔ per cent off; and in addition to that, on some of those goods the German Government gives a bounty. [Applause on the Republican side.]

Take steel rails: Great Britain's home price is $31.50 per ton, while her export price is $25 per ton. Germany's home price is $30 and her export price $24. France's home price is $31 and her export price $25.50. Austria-Hungary's home price is $31 and her export price is $25.50. Belgium's home price is $30 and her export price is $24. United States home price is $28 and her export price from $25 to $26. The Democratic party has been longing for the markets of the world for many years. The Dingley law has placed us in a condition where they confess that we are capturing the markets of the world. We can not capture the markets of the world without selling as good goods and at as cheap a price as are offered by other manufacturing nations. By the Democratic policy we will not only be unable to enter the markets of the world, but we would surrender our home market by lowering the tariff wall, and that would convert New England into a tramp yard, empty the National Treasury, and bring again a condition of individual and national insolvency such as we experienced in 1894. [Applause.]

I would respectfully call attention to this table, which tells its own story. It is a comparison of present f. o. b. mill prices, domestic and export, on iron and steel in the principal producing countries:

Country.	Rails.		Billets.		Structural, including shapes, plates, bars, angles, and tees.	
	Home price.	Export price.	Home price.	Export price.	Home price.	Export price.
Great Britain	$31.50	$25.00	$24.00	.....	$1.60	$1.35
Germany	30.00	24.00	27.00	$20.00	1.50	1.25
France	31.00	25.50	27.00	20.50	1.65	1.45
Austria-Hungary	31.00	25.50	27.00	22.00	1.50	1.35
Belgium	30.00	24.00	27.00	19.50	1.55	1.35 to 1.40
United States	28.00	25.00 to 26.00	24.00 to 27.00	21.00	1.60 to 1.70	1.40 to 1.50

I would say to the gentleman from Mississippi [Mr. WILLIAMS] that, as compared with other nations from the standpoint of home price and export price, our home price is always smaller and our export price is as large or larger than any other manufacturing nation on earth. [Applause on the Republican side.] Selling manufactured products abroad cheaper than at home! Why, does not the gentleman know that the Treasury Department every day of its existence has trouble at the New York and Philadelphia custom-houses because of the invoices presented there, those invoices being so far below the price prevailing in the countries where these goods are bought? The importers of New York City and Philadelphia have a regular force of clerks whose business it is to attend the custom-house and revise invoices in order to bring them up from the actual price paid for the foreign goods to the domestic price that prevails in the country where they are purchased; and the gentlemen on the other side of this House, if they knew anything about the business of running the Government, would know that.

Mr. Chairman, two years ago I received a letter from a steel mill in my district asking me to go to the Secretary of the Treasury and see if I could not have refunded about $30,000 which they claimed was excesss duty paid on an importation of steel billets from Germany. I went to the Treasury Department. They refused to do it on the ground that my constituent had purchased his goods in Germany cheaper than the German manufacturer sold the same goods to the German customer. The duty was collected upon the basis of the price prevailing in Germany, not on the actual price paid. The proprietor of that Indiana mill told me that he bought that consignment of steel billets in Germany, had it freighted across the ocean and then one-third across the continent to Indiana, and laid down at the door of his factory cheaper than the German manufacturer of steel billets would sell them to his own customers in Germany.

That is what Germany does to get into Indiana. That is what all manufacturing nations are doing to get into the United States. That is an answer to your cry that we are selling abroad cheaper than at home. Every other manufacturing nation on earth does it to get into a foreign market and to get a dumping ground for its surplus. Some of them are able to do it to a greater extent than others, because there is often a rebate on raw material imported and then exported in the manufactured product. And if every other country on earth that manufactures is encouraged in this work, why should we object to our manufacturers doing the same thing? I am told that only 30 cents in every $1,000 worth of products exported represents the goods that are sold abroad cheaper than at home. Our manufactured product last year amounted to $14,000,000,000. What a dignified, what a mighty, contention!

Why, Mr. Chairman, when I was at Waterloo, Iowa, two years ago I saw a heating system by which gasoline was converted into gas and conducted into burners and grates and into the cooking stoves. They manufactured the plant in that town, and I went to the establishment and looked it over and asked the man what he would charge to come to Delphi, Ind., and install a plant in my house. He had put a plant in the home of the gentleman who accompanied me to the factory and charged him $150. I told him my house had the same number of rooms. He told me he would come to Indiana, pay his own expenses, and put in the same plant for $125, "because," said he, "I want to extend my business to Indiana."

My Waterloo companion said: "That is business." He did not run out and get hold of the rope to the fire bell and ring it and summon the citizens of Waterloo. [Laughter on the Republican side.] He did not say: "Burn down this factory; drive this man out of this community. He is selling abroad cheaper than he is selling at home." He mildly said: "That is business." He knew that that meant more orders for the fac-

tory, and he knew that more orders meant more labor in the factory, and he knew that more labor in the factory meant more money paid out in Waterloo, and he was anxious to get that business just as every loyal, patriotic American ought to be anxious to get the business of the world. [Applause on the Republican side.]

Mr. Chairman, we have an advantage of these other manufacturing nations in the personnel of the people who work in the factories and in the mines. Our people are quicker, they are keener, they are more alert, theirs is the genius of initiative, and I confess to you, Mr. Chairman, that there are victories in peace and triumphs in commerce that excite my pride and admiration just as much as conquests in time of war. I shall never forget how my heart throbbed and how my soul leaped when a few years ago I saw that an American bridge company had put up a structure across a chasm in India under circumstances and conditions that attracted the attention of the civilized world. The work had to be done in a few months. Lord Curzon cabled to Great Britain, told them what had to be done, and asked them if they could do it. The British manufacturers dropped their hands and gasped, "Impossible, impossible." Lord Curzon cabled to Germany, and the German bridge builders dropped their hands and gasped, "Impossible, impossible." Then he cabled to a bridge company in the United States and in an incredibly short space of time a cablegram was sent back: "Yes; we will build your bridge and give bond for its completion on time." [Applause on the Republican side.]

The bridge was built; the bridge was completed on time, and it stands over there in far India a monument to American genius, a monument to American skill, and a triumph of American industry. Those locomotives and cars that go from St. Petersburg to distant Manchuria—they are American locomotives and they are American cars. Great God, do you suppose that they were sold abroad cheaper than they were sold at home! I know not. It is enough for me to know that they wear the imperial stamp of the United States. [Applause on the Republican side.] That locomotive that pulls the Japanese Imperial Express at the rate of 60 miles an hour out of Tokyo—do you suppose it was sold abroad cheaper than at home? I know not; neither do I care. It is enough for me to know that it came from an American shop. Take those drills that go a mile deep down into the mountains in East Africa—do you suppose they were sold abroad cheaper than at home? I know not; neither do I care. It is enough for me to know that they were made in Pittsburg and the labor was paid for by good American money. [Applause on the Republican side.]

And I confess to you, Mr. Chairman, that I look with contempt—I would, if I did not look with pity—upon those men who would put detectives and spies upon the tracks of every American manufacturer. I am proud of bridge building triumphs and locomotive building triumphs in the markets of the world. I hail with joy and pride that spirit that leads an American manufacturer to wrest a prize from competitors. It is the same spirit that filled John Paul Jones when, commanded to surrender his ship by the officer on the *Scrapis*, replied, "I will not surrender; I have just begun to fight." [Applause.] And he went into port on the vessel of the enemy. This ambitious manufacturing spirit is the same spirit in commerce that filled the breast of Dewey eight years ago when he went into the harbor of Manila. I admire that spirit in commerce as I admire it in war, and I am for the American manufacturer who can capture the foreign market, and I do not care whether he sells his goods abroad cheaper than at home; I do not care if he gives his goods away to the foreigner in order to get the market and extend our trade. [Applause on the Republican side.]

Mr. Chairman, I have imposed upon this House too long; but with your kind indulgence, I will say that the best evidence of American prosperity is the tribute that is paid this nation by the people of other nations who come here year after year to make this country of ours their home. The gentleman from New York [Mr. COCKRAN]—I regret that he is not here—denounces this policy of protection as a "policy of public plunder," and recently he stated that it was "the fountain source of all corruption," and that it had resulted in "the total demoralization of the American Republic." I deny that allegation. There is not a poor but ambitious emigrant who has landed in this country in the last ten years that will not refute that allegation. More than 1,000,000 of them came to us last year.

Mr. Chairman, I think that one of the most impressive sights I ever witnessed was in Chicago three years ago. I was standing at the iron gate about to go to my train when the conductor came to me and told me to stand and observe. I did as he requested, and soon there commenced passing by a stream of humanity. Two trains had come from New York bearing immigrants. As I stood there, they passed by. There were old people, some of them so old that they had to be helped along by those they loved. There were married people, with troops of little children, each one of them bearing a bundle. Then there were young men and women whom I could tell were alone, carrying in their hands purses that represented the contributions of their families, and in their hearts the hopes and ambitions of generations of those who had gone before. Not one of them could speak the English language—not one. They were from northern Sweden; they were from northern Germany, fair-haired and blue-eyed.

After the last of them had passed, the conductor came to me and asked me what I thought of it. I could not tell him, for while I had been watching I had been thinking, and something had come up into my throat that robbed me of the power of speech. This thought came to me: Here are twelve hundred people, not one of whom has ever had a chance. For generations they and those before them have been hewers of wood and subscribers to the theory that the "king rules by divine right." But deep down in their hearts was implanted the ambition to better their condition. They studied, they inquired, they investigated. I pictured them taking the globe that represents the map of the world and turning it until it came to the United States. And then they put a finger down and said, "That is the place; that is the country; that is the United States. That is where our boy has gone; that is the country to which our daughter has gone; that is the country where everybody has a chance; that is the country to which we will go." [Loud applause.]

I thought of them the night before they left their native land, going to the window and looking out on the mountains that represented the traditions and legends of generations, and on the cemetery that held the dust of their beloved dead, and then kneeling and praying for strength—and then coming, coming to the United States, coming to your country and to mine. I had seen twelve hundred of them who had come, and when they came, it seems to me, they said to the whole world that your country and mine is the best country on earth in which to build a home and rear a family. [Loud applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Vermont. Mr. Chairman, I move that the gentleman be given five minutes more.

The CHAIRMAN. The gentleman from Vermont [Mr. FOSTER] moves that the gentleman be permitted to continue for five minutes longer. Is there objection?

There was no objection.

Mr. CHARLES B. LANDIS. I contend, Mr. Chairman, that a million people from other countries coming here during the last twelve months is a refutation of that allegation made by the gentleman from New York [Mr. COCKRAN]. I brand it as a slander; I denounce it as a calumny. [Applause.] This is the best country on earth, and not the worst country on earth [applause]; and if I thought about it as the gentleman from New York, I would resign my seat in this House, sell out my belongings, and move to some other country that was nearer in harmony with my political notions. [Loud applause on the Republican side.]

Mr. Chairman, three years ago I was invited to a city in southern Ohio to deliver an address on Memorial Day. Soon after I had arrived there a gentleman came to me and handed me an envelope in which there was a letter. It was faded and worn, but I recognized on the envelope the handwriting of my father. I noticed the badly worn postmark, "Murfreesboro, Tenn.," and the date, as I remember it, 1863. I opened the letter and read it. It was written just after the battle of Stone River. It was written by my father to my Uncle Jacob, who up to that time had lost three sons in the Union Army. This letter told him of the finding of the body of his fourth son on the battlefield the day after the fight. He offered him sympathy as best he could, and closed with these words:

> Uncle Jacob, this will be a severe shock to you, this being the fourth boy that you have given to your country; but in your sorrow you have this consolation: He died fighting for the best country on which the sun has ever shone.

[Applause.]

These words, Mr. Chairman, were words that came from the battlefield. They were the balm that kinship affectionately offered to the heart torn with grief; and, Mr. Chairman, they were true words. This was then the best country upon which the sun had ever shone, although it was being torn with hate and passion. This is now the best country upon which the sun has ever shone.

Those words were true in 1863; they are true in 1906. They have been true every hour since Independence Hall. [Applause.] This country of ours, in its matchless fame, its wealth and its greatness, owes more to the policy of protection championed by Hamilton, and Clay, and Jackson, and Harrison, and McKinley, and Theodore Roosevelt than to all other policies of government combined. [Loud applause.] I renew my faith in that policy to-day, at a time when there are "all kinds of work for all kinds of men;" at a time when there is no laborer out of employment, when there is no American who is without hope; at a time when the glory and the majesty of the American Republic is recognized as never before in every nook and corner of Christendom. [Loud and prolonged applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 19572. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes; and

H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution; and

H. R. 14604. An act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5561. An act to amend an act entitled "An act to amend 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901;

S. 1476. An act granting certain lands to the town of Tincup, Colo., for cemetery purposes; and

S. 5772. An act granting an increase of pension to Thomas M. Harris.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. FLOYD. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. WILLIAMS]. [Applause.]

Mr. WILLIAMS. Mr. Chairman, it is my misfortune, concerning which, however, I make no complaint, to be forced to follow carefully prepared speeches impromptu, speaking upon the spur of the moment, and under the impulse of the moment, which is not always the wisest counselor that a man can have. I have, however, this consolation, Mr. Chairman, never yet in any argument made by me upon any public question have I consciously been guilty of any unfairness of statement or consciously committed any error about a fact. I have also the consciousness of an abiding conviction in the truth of the things in which I believe, and in the absolute fallacy of the things which I am politically opposing.

If I had needed encouragement upon that question, I would have received it when I heard the gentleman from Indiana, "fair face, with the flowing hair" and an eloquent tongue, devoting himself fanciedly to both sides of the proposition on this question. He said the Republican convention in Indiana will have "a day set apart for oratory and a day set apart for debate," because there was in the Republican field "a basis for oratory and a basis for reasoning both." It seemed to me that he dwelt fondly upon the day set apart as a basis for oratory, and immediately proceeded to illustrate his preference for that day by proving that, if what he says in his speech is anything of an illustration of what is going to occur at the Indiana State Republican convention, it will be a basis for nothing but oratory. [Applause on the Democratic side.]

And then I felt encouraged, too, when I saw the magnificent reception which an endless concatenation of periods, proving nothing and touching nothing practical or up to present date, met with on the other side of the Chamber, when the gentleman from Indiana took his seat. You would have thought that he had made an argument.

There is not one new thing which he uttered. At that, however, I do not quarrel, because new things generally are not true things. But there is not one true thing which was said formerly by anybody which he has repeated.

Now, Mr. Chairman, I say that in the cooler moments, when that speech is read cold-bloodedly by a man with an intellect, it will be found to be but a repetition of the old, old Republican slogan, "We have prosperity and we have a protective tariff," two propositions which nobody under the sun with ordinary reason and ordinary appreciation of facts either denies or has denied. We have prosperity and we have an earthquake in San Francisco. We have prosperity and we have a bad apple crop. We have prosperity and we have lots of pulmonary afflictions, and the pulmonary affliction and the earthquake and the tariff are about equally shown to be the cause of our prosperity. I compliment the gentleman especially upon two things: First, that he emphasizes the fact that the position which he is going to hold and the proposition which he is going to repeat in the next campaign is this old everlasting fallacy of *post hoc ergo propter hoc;* that he is going to repeat again, and again, and again, and again, "We have prosperity and we have a protective tariff."

I compliment him because it shows that he is rather a shrewd judge of human nature. There are more suckers caught with that bait, there are more fools whose alleged intellects, through their ears, are tickled with that alleged argument than with any other fallacy in the entire gamut of fallacies and sophisms by which the human race has been victimized. It will be idle with many of them to reply, "Yes, and you had distress and panic, and you had a protective tariff, too, in 1873 and in 1867." It will be idle even to say to many of them—such fools are they—that the panic to which you refer as having come under a Democratic protective tariff came under a Republican protective tariff before the Democratic tariff was enacted, before it came into being, before it could have been the cause of anything, and had reached its worst and passed its acute stage before the Democratic tariff had the opportunity to influence business. A lie forever repeated answers in many respects the purpose and has often the influence on men of truth. There is no doubt about that. But, thank God, as the days roll on, as the lie is repeated more and more and more, its impression becomes weaker and weaker.

The gentleman showed his pictures of Coxey's army and all of those other scenes in that period of distress which we all so well remember—the distress of 1893 and the winter, spring, and early summer of 1894 under the McKinley bill—a period of distress brought on in the minds of all intelligent people in the two then existing schools of thought by one or two things or by both, either by the Republican legislation upon the tariff question in existence and unrepealed when the panic came and until it was virtually over, and in existence and unrepealed during the three or four years preceding the panic, when the agricultural and industrial forces were losing their strength little by little, and when the forces of distress were gathering strength and overwhelming the people. One school of thought taught that it was due to the protective legislation put upon the statute book by the Republican party. Another school of thought, popular with the Republican party when they were fighting Bryan, taught that it was brought on by "lack of confidence" in our money, engendered by the Sherman silver bill, which forced the coinage of 4,000,000 silver dollars a month, and thus led the country, according to them, to lose confidence in the stability of its financial system, and later on in the stability of its industrial system—all leading to panic. A Democratic President who agreed with you on that question, taught in a school pupiled by you and by the great financiers of this country in New York, Boston, Philadelphia, and Chicago. You Republicans and they took that view of it. The President called a special session of the Fifty-third Congress to repeal the purchasing clause of the Sherman silver bill in order first to avert and then to stop the panic. I was here, and you stood across that aisle, and you joined forces with him, and you pled day by day that if we would but repeal one short clause in an American legislative act we would put an end to the panic which was ravaging not only America, but Australia, Austria, Canada, and Great Britain.

I said it was the natural result of overspeculation and was the bursting of industrial and commercial bubbles. I said then of that act as I say now of this, that an American act of legislation can not produce universal prosperity nor universal panic—neither the one nor the other—whether it is an American act concerning a financial question or an American act concerning a tariff question. It may produce an effect confined to America, but not an effect nearly world-wide. And coming to that part of his speech the gentleman showed his pictures, and I asked him if he would give me the date. He sent some of them over. The first one—a picture of "General Coxey and His Army"—was taken May 12, 1894. I presume these pictures were actually taken, and, if so, the dates are correct. "Kelley's Industrial Army," May 5, 1894, and "Work in the Wood Yard," the scene

upon which he dwelt so fondly, May 5, 1894. "Unemployed in Boston," March 10, 1894. "Charity in Boston," March 3, 1894; "Out of Work," September 2, 1893, the last nearly a twelve month before the passage of the Wilson-Gorman bill. And then the gentleman from Connecticut [Mr. HILL] sprang to the rescue of the gentleman from Indiana, and when I had said that these pictures were taken before the Wilson-Gorman Act had become a law—and before it was enacted—and therefore before it could be the cause of anything, he sprang to the front and read the date upon a pamphlet which he held triumphantly in his hand while he read its date. It was the Wilson-Gorman tariff law, and I thought, of course, he was reading the date of the enactment of the law. I went over later and got it from him, and he was reading the date when the original Wilson bill passed the House of Representatives.

Mr. HILL of Connecticut. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS. If the gentleman will allow me to finish my statement. Although the abundant courtesy which I received from that side of the Chamber this morning would teach me to refuse to yield, and thus to return it in kind, my experience with Republicans is such that I think more is to be gained by permitting them to interrupt than there is to be lost by it. [Applause on the Democratic side.]

The CHAIRMAN. Does the gentleman yield to the gentleman from Connecticut?

Mr. WILLIAMS. Yes; I yield.

Mr. HILL of Connecticut. The gentleman is quite mistaken in his conclusion. I will repeat my remarks, as they have just come to me from the Official Reporter, without any change in the slightest degree by myself:

> Mr. HILL of Connecticut. I, like the gentleman from Connecticut, stood on the steps of the Senate and saw Coxey's army march up here, and he states that the date was May 12, 1894.
> Mr. WILLIAMS. I say that is the date at which this photograph says it (the photograph) was taken.
> Mr. HILL of Connecticut. Very well. I say that the Wilson bill had passed the House of Representatives on February 1, 1894, and so far as the Democratic policy had been expressed, it had been in operation three months and twelve days. Here is a copy of the bill, and I will show the gentleman the bill he voted for, which is entirely different from the bill which was ultimately passed.

Now, there can be no misconception. I presented to the gentleman from Mississippi only the bill as it passed the House of Representatives and was pending in the Senate, and that transaction—the passage of the bill in the House—had occurred three months and twelve days, according to his own statement of the date, before the marching of Coxey's army.

Mr. WILLIAMS. Now, if the gentleman is through. Mr. Chairman, the gentleman rose to his feet; he held in his hand what I thought was an act of Congress, and he doubtless repeated all that he has just read. I have no doubt of it; but in the confusion of the House, with this in his hand, he went on, and the House caught, and I caught, the language, that "so far as Democratic policies were concerned, they had been in operation"—for the time which he gave, whatever it was—"three months." There is not a man within the sound of my voice who does not know that it made the impression upon this House that when I had said that these pictures were taken before the Wilson-Gorman bill became a law, that I had committed an error and a misstatement of facts. Then I begged the gentleman from Indiana [Mr. CHARLES B. LANDIS] to let me interrupt him, just to explain that, and he would not do it; and then the leader upon the majority side sprang to his feet to protect him, that it might not be done, and then "the sledge hammer of debate," the gentleman from Iowa [Mr. HEPBURN], expounded the rules of order that it might not be done. Now, the actual fact is as I have stated it. These photographs were taken in May and some of them in March of 1894 and in September of 1893, and the McKinley bill was upon the statute books and in operation and customs duties were being collected under it, and the Wilson-Gorman bill did not become a law until months afterwards—if I remember right, about the middle of August.

Mr. HILL of Connecticut. The 27th of August.

Mr. WILLIAMS. Maybe so; all the better for my statement. The latest of these photographs in point of date then was three months before the McKinley Republican tariff was repealed and three months before the hybrid Republican-Democratic Wilson-Gorman Act was passed. This is a chronological fact. Let no man who is both rational and intelligent ever again deny it. When I made the statement that Coxey's army was here in Washington before the Democratic tariff bill was upon the statute books, I made it not merely from recollection of records, but I made it from the fact that I had walked through Coxey's army, and at that very time the Democratic tariff bill was being discussed in the Senate of the United States and had not been passed. [Applause on the Democratic side.]

I am not in the habit of making a misstatement of fact, even by error, upon this floor, and I do not like it when I am put in the appearance before the House of having made one, to be deprived of the poor boon of explaining the character of the apparent dispute with me, when really there was no dispute, if all of the words of the gentleman from Connecticut had been heard, as he himself now confesses.

Mr. HILL of Connecticut rose.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Connecticut?

Mr. HILL of Connecticut. Now that the gentleman has made the qualification I do not desire to ask the question. If he did not hear what I said all those about me heard it, and I will ask him now if it was not a fact——

Mr. WILLIAMS. But the gentleman used this language, that "so far as the Democratic policies upon this question were concerned, they had been *in operation* three months," and they did not go into operation until three months afterwards. A law can not "operate" until it is passed. "Policies" can not "operate" except when molded into law, much less when opposite policies are most strenuously expressed in law and are operating every day in every business transaction.

Mr. HILL of Connecticut. The gentleman is entirely mistaken again. I used no such language.

Mr. WILLIAMS. There is the gentleman's language [handing it up].

Mr. HILL of Connecticut. I said so far as the policy had been expressed. I distinctly called the gentleman's attention to the fact, showing him the bill, that the bill as finally passed was not the bill I referred to, but that so far as the policy of the Democratic party had been expressed it had been done three months and twelve days before.

Mr. WILLIAMS. Ah, Mr. Chairman, that was not the language of the gentleman from Connecticut [Mr. HILL]. His language, and it is there, for he has read it himself, was this, literally, that so far as the policies of the Democratic party had been expressed they had been "in operation" for three months. [Applause on the Democratic side.] Now, an unenacted law is never "in operation" for three minutes, much less three months, and "policies" never "operate" except by law and administration. What was the gentleman's object in using that language, except to make it appear to the country and to the world that I had made a misstatement as to dates?

I feel a bit encouraged, Mr. Chairman, with the general appearance of things. The debaters of the Republican party have found it necessary to fly to the rescue of this threatened system of protectionism. We hear that there is "no demand for tariff revision." Why so many voices raised against it, then? Again, why shoot buckshot at sparrows? The gentleman from Illinois [Mr. BOUTELL], the chaste and terse and eloquent essayist of the Republican party, has flown to the assistance of the system, which they say nobody wants to change. The humorist of the party, the gentleman from Washington [Mr. CUSHMAN], also found it necessary to fly to the assistance of this crumbling system. He was so earnest about it that he became somewhat blasphemous in his defense of it, and yet from my standpoint it was not so blasphemous as it appeared when his utterance first shocked his hearers, when he quoted that part of the Scripture which says, "Jesus Christ, the same yesterday, to-day, and forever," and applied it, with an exclamation mark after our Saviour's name, to boarding-house butter and to Democratic arguments upon the tariff question, for he was nearer right, if he had made the comparison and left off the exclamation point, than he dreamed of. [Applause on the Democratic side.] The truth is, Democratic truth on this question is like Jesus Christ in this respect—and without blasphemy I may say of it, as of all truth, that it is "the same yesterday, to-day, and forever." [Applause on the Democratic side.] It is only fallacy and sophism and pretense that kaleidoscopically change phase and face. We have a recent illustration of that. The other day the gentleman from Iowa [Mr. HEPBURN] was upon his feet challenging proof, standing like Ajax, as I said that day, defying the lightning, upon the proposition that American steel rail manufacturers sold abroad cheaper than at home; daring anybody to prove it; and in about two days thereafter he got it so sufficiently proven, not only by me, but by the press of the entire country, that with kaleidoscopic effect to-day the gentleman from Indiana [Mr. CHARLES B. LANDIS] springs booted and spurred into the arena and says that the gentleman from Iowa [Mr. HEPBURN] didn't know what in the dickens he was talking about. [Applause and laughter on the Democratic side.] He says that not only are our manufacturers "doing it all the time," but "everybody is doing it" all over the world. How cunningly, how shrewdly, at any rate, did he fail to furnish the evidence of the fact that

there was an export price and a domestic price amongst British manufacturers or in any other free-trade country on articles having no import duties levied upon them!

I am curious to see the RECORD with the information which he says he will place in it. He did prove that Germany, a highly protected country, had one export price and another domestic price, and the other day I admitted that not only Germany had it, but that every other country with a high protective tariff had it, and as one of the vicious results of a vicious system must have it, that the system of protective duties and of bounties always in the long run led to that result, but that it could not exist for any length of time as a habit of trade in countries where imports are free to enter. Now, mark you, I use the words "as a habit of trade," because the gentleman from Indiana [Mr. CHARLES B. LANDIS] this morning says that this thing of selling cheaper abroad than at home is with us "a principle of business"—that is to say, a habit of trade. It can not exist in any free country as a principle of business or a habit of trade, for the very simplest reason in the world, to wit, the moment that the home manufacturer would raise his home price above what other manufacturers in other countries could sell at, that moment, or in the time thereafter within which it would take a cablegram to go, the factory to get the goods to the seaside, stevedores to load a ship, the ship to get to Great Britain, a railroad to land the goods from the seashore in the place where this process was going on—within this sum of times, the leviathans of the deep flying from every port of the world to a free market with no gate athwart it to prevent ingress, would be laying down the competing, lower-priced goods at the feet of the would-be extortioner. It could not be kept up for any considerable time. It could not become a "habit of trade." It could not become a "principle" on which to base successful or sane "business." As I said the other day, doubtless proof can be shown that, in particular instances or for a short period, that process has gone on anywhere. I can imagine, for example, a time when there might be a shortage of bagging in the Liverpool market, and when the Liverpool sellers of bagging knew it and knew that it would take a certain length of time to get the jute from the jute fields and have it manufactured into bagging, or to import any bagging from any foreign country where any was in stock, and I can see how, during that time, they would take advantage of the situation and sell to the home market higher than they would sell any stock they might hold abroad, because there was no bagging in the home market or but very little, and there would be perhaps plenty in America or France or Germany. In other words, there would be a temporary scarcity at home. They could take advantage of the situation as long as it lasted, a temporary situation in the home market, but could not take advantage of it in the other markets, because it did not exist. For how long? Until foreign bagging could reach their customers. But that could not be made a "principle of business." It could not go on day by day and hour by hour and night by night and month by month and year by year, as it does in Germany and as it does in the United States, and after a sufficient length of time in all tariff-sheltered and monopolized or partially monopolized markets.

The gentleman very properly says that sometimes it is owing to the fact that a rebate is granted. That is true. Wherever a rebate is granted upon a raw article imported and then afterwards exported as part of a finished product of course the man who gets the rebate can sell just in the amount of the rebate that much cheaper abroad than he can at home. But no free-trade country has the rebate system. There is nothing in the shape of a duty to rebate from. Now, then, it may happen that in Great Britain you will find tobacco sold cheaper abroad than at home, because there is a high tariff on it. You may find that various other things with a high tariff put upon them, and there are some even in England—tobacco is not the only one—will be able to be sold in that way, but you can not take possession of a market open to the world and monopolize it at a sheltered price, for the very simple reason that there is no shelter. The other fellow's goods from the other country meet yours, not handicapped, but in equal race.

Now, let me go on. The gentleman says free trade is in the interest of the foreigner. I shall not stop to run over the everlasting difference between free trade and a tariff for revenue. If there is anybody who has so little sense that he does not understand the distinction, I can not make it plain to him, because I have already used my lungs and my brains to the very utmost stretch of which they are capable in the attempt to make it so plain that a child who was running might read the lesson. But using his words and taking him upon his own ground, he seems to think that the freer the trade is the more it is in the interest of the foreigner. Of course it is in the interest of the foreigner that trade should be free, or even when not absolutely free, freer; and if that were all, the gentleman might appeal to the narrow spirit of chauvinism that taught men in the Middle Ages that whatever was good for the foreigner was necessarily bad for them; that taught the sturdy Briton at home that whenever anything benefited "the frog-eating Frenchman" it must necessarily be a curse to Great Britain, and taught the Frenchmen across the border, facing the chalky cliffs of "perfidious Albion," that anything that could be good for Great Britain must necessarily be bad for France. But if freer trade is good for the foreigner, it is good for him because it removes somewhat the restriction on trade. If it be good for the man at one end of the line to remove the restriction on trade, it is good for the man at the other end of the line to remove the restriction on trade. It is good for the foreigner, but it is also good for us. If free trade were bad and a curse, it is a curse for both parties to the trade. If free trade is a blessing, it is a blessing for both. It blesses him who buys and him who sells—the former buys cheaper, and in consequence the latter sells more. Now, I say that the freer trade can be made in the United States consistently with the need of furnishing an effective government with sufficient revenue the more encouragement there is to commerce to buyer and to seller; the more encouragement there is to selling the more encouragement there is to the man who buys, because he profits by the transaction; the more encouragement there is to buying the more encouragement there is to the man who sells, because he profits by the transaction.

You can not conceive of a sustained system of commercial exchange in the world, unless it be that one of the parties to it is habitually victimized and is a constant, continually rich fool, that is not a benefit to both sides. There is nothing more absurd in the world than to contend that it is the seller alone who makes money by going into business. The buyer also makes money, whether he buys to sell again at a profit or whether he buys something which is cheaper than he can himself make it for his own use; something which he would have to use anyhow, and which, if he did not buy it, would cost him more to make than to buy. When he buys for consumption he buys with the proceeds of something he has made for somebody else's consumption.

Why, the gentleman goes on then and he says that the evidence from 1893 to 1897 was "our evidence"—that is, Democratic evidence. That I have gone into to some extent. We were reaping the awaiting results of Republican legislation. He dwells then upon the last ten years, and he tells us that "ten years is a short period," but "it was time enough for us" to do this and "time enough for us" to do that and "for us" to do the other thing; and while I all the time was thinking he was indulging in a somewhat florid but rather eloquent flight of oratory in praise of the American people for their boundless energy, their patriotic impulses, their courage upon the field of battle, and their enterprise upon the fields of peace, never dreaming that his "us" and his "we" were not appellations applied to America and our people, but when he got through he said: "Surely this is enough for any one political party in any one campaign." What a "pent-up Utica" bounds his thought! And among those party achievements was the war with Cuba, and, oh, everything else that has taken place. I do not know why he left out the yellow-fever epidemic, the insurance rottenness, or the San Francisco earthquake and the Yazoo City fire, both of which occurred during the same time; but there is not much use in going into that. It is all so puerile.

Next he says that "the people have money." Yes; the people have money. The people have more money per capita now in America than they ever had in the history of the Republic, and that is one reason why they are prosperous, too. They have more money in Canada to-day than they ever had in the history of the Dominion. That is one reason why Canada is more prosperous than ever in her history, too. The silver-using countries of the world have more money now than they ever had before. That is one reason why they are more than ordinarily prosperous, too. Moreover, the people have more money in their pockets, which is the important thing—more important than a per capita statement. Now, why have they more money in their pockets? Is it because between the producer of an article and the consumer of an article something of the value of the article has, by the process of tariff taxation, been subtracted therefrom?

Do men grow rich by subtraction of value? Do men grow rich by diminution? Do men grow rich by scarcity? What is wealth? It is abundance. How does abundance come about? By profitable production, by the profitable application of labor to raw material, or half-finished, in making and in transforming things. Transforming is better, because in the true sense,

of course, nothing is made except what God makes through the instrumentalities of water, air, and light.

The gentleman read from the New York Herald of April 15 a roseate picture of our well-being, and he made much out of it in his rhetorical way. "Farms double in value." This is one of the headlines in the Herald. Why are farms increasing in value in the United States? Is there an intelligent man or an honest man, like the one that is looking me in the face now [Mr. CAMPBELL of Kansas], who will say that farms have grown in value because of the protective tariff alone or chiefly? What makes anything grow in value? The diminishing supply of it and increasing demand for it—one, or sometimes both. Here are a people growing in the last ten years by an increase of eight or ten millions in population, every man of them either wanting land or constituting a potential demand for land. And what has happened in this same decade upon the other side of the proposition? Why, for the first time in the history of the American Republic all the fertile, arable land that can be worked without irrigation within the public domain is nearly exhausted, and we are now devoting money out of the public Treasury to irrigate land in order that it may be made tillable. So that the demand for land has increased by leaps and bounds, and the supply of land has decreased seriously. Oh, gentlemen, why come into this sacred arena—and it ought to be sacred to the American people; it ought, at least, to be sacred to us who do not share the contempt for it that so many of the people do, especially that part of the people engaged in publishing yellow journals and yellow magazines—why come into an arena like this and destroy all intellectual integrity by contending that the value of cotton lands in Mississippi or corn lands in Iowa has increased because of the Dingley tariff bill? Where was there a period from the time that the first Englishman set his foot on our soil at Jamestown down to now when the value of farming land was not increasing? Not always in a direct flow like the current of a river, because that is not the way industrial affairs grow, but always growing, sometimes lapping back a little, but growing forward a step farther, a step farther, a step farther, every decade, every half decade, and every generation.

The gentleman talks about the wealth of Mississippi amongst other prosperous places. He quoted something from the Herald about that, and seemed to think it would hurt my feelings! Yes; Mississippi is prosperous. Why? Partially because the world is prosperous and Mississippi is sharing it—not only the United States, but the world—mainly because, owing to the decreased value of money on account of the increased supply of money, the price of other things as measured in money has gone up and is continuing to go up, and the process finally affected cotton amongst other things, and all the other produce that is raised upon the farm. Partially also for the same reason that the rest of America is more prosperous than other countries, because of the peculiar character of her white population—bone of bone and sinew of sinew and blood of blood with the balance of the American people—descended from sires of the bravest and boldest, though sometimes the most reckless sort of their times, who were willing to leave kith and kindred and home, old associates and accustomed scenes, and break into the wilderness amongst the savages and still more savage nature and build for themselves, standing upon their own feet, independent of the world, homes and a career. The sons who have descended from them are of the same sort of people their fathers were.

Mississippi has prospered for another reason. I do not want to indulge in partisanship now; but this other reason is that she has had stability of industrial conditions for a long time, owing to the fact that the everlasting volcano of the race problem—now in eruption and now not in eruption, but always threatening to erupt—has been quiet longer than ever before since the Missouri Compromise bill was first agitated, so that men have been able to turn their thought, which had been fevered and excited to the point of blood heat, to the tame but profitable pursuit of making money. And the old southern blood, that has never yet met its superior on the field of battle, in legislative arena, upon the farm, upon the bench, or anywhere else, when it got its opportunity to direct its attention, undisturbed by menace to social life or race supremacy, to making money, has not met its superior there either. It has profited by its opportunity. If wise, it will continue to profit by it, while surrendering no noble tradition, nor high purpose, nor vitalizing southern or race ideal.

Now, let me see what the protective tariff has had to do with the prosperity of Mississippi. Nine-tenths of the wealth of Mississippi depends upon agriculture, mainly the cotton crop, with some cotton factories. Let me dispose of the cotton factories first. If there was not a dollar of protective tariff upon coarse cotton goods made in Mississippi it would not do the Mississippi manufacturer a particle of harm, except that perhaps for the small amount of his product that he sells in the United States he might get some less money; but as a matter of fact, he ships his cotton goods to China and Manchuria and all over the world; some of them have been shipped to Great Britain itself. The protective tariff, so far as foreign competition is concerned, is absolutely useless. The cotton manufacturer will not tell you so always, though some of them have been frank enough to tell me so. Why? Although he knows he is in no danger upon that class of cotton goods—and I am referring to that class of goods—from foreign competition, he fears that if foreign goods had free access to the American market he could not sell that part of his output sold here quite as well as he now sells in the United States, i. e., at a higher profit than he sells abroad, though he sells them well abroad.

Mr. BOUTELL. Will the gentleman yield to me a moment?

Mr. WILLIAMS. Yes.

Mr. BOUTELL. Then if he should transport any of that cheaper grade of cotton goods from the southern factories which sell in many places in the Orient cheaper than in this country, the tariff would have nothing to do with it?

Mr. WILLIAMS. Not a thing under the sun. I do not see how that question could be answered differently, because Great Britain is closer to China and Manchuria, through the Suez Canal, than we are, and freight rates are against us, and whether we take it round Cape Horn, through Suez, or across the continent and by the Pacific route, we have got to meet English, German, French, and Spanish cotton goods there, and if we are selling against them there it is because we are selling goods cheaper or else better goods at the same price. Our manufacturers in Mississippi will not admit they are fools enough to be habitually selling their goods at a loss or doing anything of that sort, and they are not.

Mr. BOUTELL. I am not certain that the gentleman understood me. Very likely he did. Then, as I understand it, there is nothing reprehensible in selling cheaper abroad than here, provided the tariff does not have anything to do with it?

Mr. WILLIAMS. The reprehensibility consists in selling higher here than abroad. We are not complaining when men sell cheap abroad. Where the shoe pinches is not the low price abroad, but the high price at home. I do believe the tariff does. If the manufacturer sells goods higher at home, it is, of course, not the tariff that does enable him to underbid the foreigner in Manchuria and China. But equally, of course, the tariff is the only thing that enables him to get a higher price here than abroad, because if the Englishman or German could meet him in the American market with goods, why, he would compete with them and undersell them just exactly as he does in Manchuria. He would have the same competition here, and the price that would be fixed here by that competition would be the same, as the same price is fixed in Manchuria or China by the same competition there.

Now, gentlemen, I want to call your attention to something else. The gentleman from Indiana went on to talk about the immense amount of building that was going on. True; but does the tariff help the building trades? But, first, the gentleman's interruption made me forget to go on with the Mississippi situation. There is no protective tariff on cotton. Of course everybody knows that. The little cotton that enters is Egyptian cotton of the long staple variety. If there were a protective tariff on the ordinary cotton of 5 cents per pound or $5 per pound, it could not affect the price five-thousandths part of 1 cent, because the whole world, free to compete now, can not and does not send us one bale. It could affect the price of the long staple cotton. We have not a cent of protection at all. But how, if we had, would that affect the cotton planter, the lawyer, the dentist, the merchant, the menial servant, the carpenter, the blacksmith, or everybody else, who down in my part of Dixie live directly or indirectly out of the cotton crop? Our prosperity depends, so far as production is concerned, absolutely on cotton. If it declines in price, of course it adversely affects the prosperity of the man who raises the cotton and adversely, of course, therefore, the prosperity of the man whose prosperity is dependent upon the prosperity of the cotton raiser.

In short, the tariff does not help us get a higher price for what we sell. How does it affect what we buy? What do we buy? Clothing? We must pay a higher price for that on account of the tariff. Shoes? Our Mississippian must pay a higher price for those on account of the tariff. Hats, cravats, coffins, cradles? He must pay a higher price for them on account of the tariff. What else? Plows, mowing machines? He must pay a higher price for them on account of the tariff. Barbed wire, steel nails? He must pay a higher price for them on account of the tariff. Cotton gins? He must pay a higher

price for them on account of the tariff. Cotton-mill machinery? He must pay a higher price for that on account of the tariff. There is not a point of possible contact with the protective tariff where it does not hurt the Mississippian, and yet, as the gentleman says, Mississippi and the South are prosperous to-day, and what he quoted from the Herald is not all—not the half. He did not state it strongly enough.

We have increased the value of our land, the amount of our crops, the mileage of our railroads, the number of our looms, the number of our spindles, and every other possible thing that leads to wealth, in a larger percentage in the last ten years than any other part of the United States or any other part of the world. [Applause on the Democratic side.] We have done it because of the tariff, have we? We have done it in spite of the tariff and in the teeth of the tariff. [Applause.] Why, the gentleman dwelt upon the great prosperity of Iowa, and attributed it to the tariff. And yet the Iowa farmers are going, thousands strong, across the Canadian border. Why? It is a place where they can make more money, or think they can. That is the reason people move—to better their condition. And then I suppose, in order to be logical, he will have to prove that the Dingley tariff is operative in Canada. If he does not, then his entire argument falls to the ground. Why should the Iowan move out of Dingley tariff-prospered Iowa, leaving his household goods and his country's flag and all its blessed and tender associations to go to Canada—a land cursed by the lack of—the dearth of—a Dingley tariff?

What else does the Mississippi farmer need money for? What else does the Iowa farmer need money for? To build homes; and I am going to insert in the RECORD, and I ask permission now to do it, part of a speech made by Mr. Fred Cyrus Leubuscher, of New York City, to the United States Building and Loan Association League on July 27, 1905, showing how much the tariff increases the price of homes to the American people, and especially cheap homes for the American yeomanry—Americans of the middle class.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. WILLIAMS. I ask first to insert this matter to which I referred.

The CHAIRMAN. If there be no objection, it will be so ordered.

There was no objection.

Mr. WILLIAMS. Keep in mind as you read it this axiom: "The higher the price of building materials, the less building is done; the less building done the less employment for those in the building trades—carpenters, painters, glaziers, brick masons, stone cutters, plumbers, electricians, excavators, draymen and wagoners, contractors, architects, etc.; the less employment for those in the building trades the lower their wages.

The parts of the speech to which I call attention are as follows:

THE TARIFF TAX ON HOMES.

[By Fred. Cyrus Leubuscher, New York City.]

"You are quite presumptuous," wrote a famous political economist to whom I had applied for data, "to suppose that in the compass of a short paper, you can fully cover such a subject as the tariff tax on homes." He was correct in his criticism—from his standpoint—for he assumed that I meant to discuss not only the house but all of its contents—food, clothing, furniture, and bric-a-brac, as well as lumber, brick, stone, and iron. It would not only be presumptuous, but it would be impertinent as well for me, as a building association man in a convention of the United States League of Building Associations, to attempt to treat, save incidentally, of anything except the building itself and the materials which enter into the making of it.

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The expense of housing is, next to that of food, the principal item entering into the cost of living.

The July, 1904, report of the Bureau of Labor, based upon new estimates for 2,567 families, gives the per cent of expenditures for the principal items entering into the cost of living, as follows:

Food	42.54
Rent	12.95
Principal and interest on mortgages on homes	1.58
Fuel	4.19
Lighting	1.06
Clothing	14.04
Taxes	.75
Insurance	2.73
Labor and other organization fees	1.17
Religious purposes	.99
Charity	.31
Furniture and utensils	3.42
Books and newspapers	1.09
Amusement and vacation	1.60
Intoxicating liquors	1.62
Tobacco	1.42
Sickness and death	2.67
Other purposes	5.87
Total	100.00

If we lump the per cents of rent, interest on mortgages, and taxes, which legitimately belong together, we have a total of 15.28, making it the second largest item in the cost of living.

Rent and building materials should be considered together, because the tariff tax on rent is due to the tariff tax on building materials, which greatly increases the cost of building and repairing houses. Those who buy materials and build their own homes pay their tariff tribute on building materials direct to the scores of protected trusts that "guard our homes as a pack of wolves guard a flock of sheep." Those who rent homes pay their tariff tribute through the landlords, who add enough to the rent bills to cover the tariff cost of constructing the rented homes.

The population of this country probably increased in the year which ended July 1 by over 2,000,000 souls, half of them immigrants, the latter being adults in greater proportion than the native-born population. In order merely to supply shelter for this addition to the population, assigning five persons to a group or family, 400,000 dwellings would be required. At an average of only $1,000 for the cost of a dwelling place of five persons, the housing of the increased population would require 400,000 dwelling places at $1,000 each, or an expenditure of $400,000,000. In order to meet this demand on the men that must be occupied in cutting timber, on the men in the sawmills, in the carpenter shops, in the brickyards, in the stone quarries, in the nail factories, etc., and on the men engaged in assembling and putting up the dwellings, 800,000 men must be occupied for one year merely to house the increase of population of a single year. Half this number, at least, would be employed in the building trades—carpenters, masons, painters, plumbers, and the like. Notwithstanding these stupendous figures the manufacture of homes finds no place in the United States census, and there are no data by which the annual cost can be accurately computed. We must therefore get at our figures in another way.

Excluding the lumbermen, the men in the sawmills, in the brickyards, and in the stone quarries, and including only carpenters, masons, painters, plasterers, and plumbers occupied in the building trades, the number in 1900 exceeded 1,200,000, the largest single body occupied in one art outside of agriculture.

It is estimated that the average earnings of these classes is $2 a day for three hundred days in the year, or $600 a year. Wages are higher in the cities and lower in the country; but, taking a general average of $2 a day for 1,200,000 men, their earnings are over $700,000,000 annually.

As the cost of labor in putting up buildings may be computed in a rough and ready way at 30 per cent of the final cost, the annual value of manufactured buildings in the United States must exceed two thousand million dollars.

The manufacture of dwellings, in ratio to the population, is diminishing. The population of cities is becoming more and more congested. There is greater and greater difficulty in housing the increasing number. The cost of dwellings and the consequent increase of rent presses harder and harder every year upon persons of moderate and small incomes. There are several reasons for this; and one reason will be found in the taxation of building materials imposed under the present tariff. Nearly every article that enters into the construction of the dwelling house is heavily taxed at the expense of those who pay rent or who build their own dwellings for the sole benefit and profit of a very small number belonging to the privileged class who own the timber lands, stone quarries, marble quarries, and deposits of clay, and of the steel trust, window-glass trust, plate-glass trust, and other members of the privileged class who have perverted the power of public taxation to purposes of private gain. In the matter of timber, we are deprived of the abundance of Canada while we are denuding our own hills, thus not only taxing the dwellings, but destroying the protection of the water supplies of the country. Brick and stone, which we might derive in abundance from the neighboring Dominion, are heavily taxed. Marble is heavily taxed; one of the recipients of the bounty being a Senator of the United States. The makers of every kind of household hardware are taxed on their steel, on their tin plates, on their copper, on their zinc, on their lead. The makers of paint are taxed on the materials which form components parts, and so on throughout the list.

It would be almost beyond possibility to trace out the evil of these influences or to compute the increase of cost on each dwelling place. It can not be less than 20 per cent on the cost of every dwelling house, and is more likely to be in excess of 25 per cent than any other figure. In this way the poor are crowded or unhoused. Persons of small incomes are taxed more heavily than any other class in proportion to their income. The whole community is burdened by taxes from which the Government receives little or no revenue, but of which nearly all the proceeds are conveyed into the pockets of the privileged class at whose instance the power of public taxation is perverted to purposes of private gain.

From the most high protectionist standpoint, the tariff tax is unnecessary on the mass of building materials. In the United States duties are levied for two ostensible purposes: First, to raise revenue; second, to protect our manufacturers and wage workers against the lower prices of foreign countries, which would otherwise undersell them, and thus tend to drive them out of business. Are these two purposes subserved by levying the present tariff on building materials? Let us see. The 1900 census values the principal products that enter into the building of houses as follows:

Brick and tile	$51,270,476
Carpentering	316,101,758
Gas and lamp fixtures	12,577,806
Gas machines and meters	4,392,730
Glass	56,530,712
Iron and steel nails and spikes	14,777,290
Iron and steel pipe	21,292,043
Ironwork, architectural, etc	53,508,179
Lead, bar, pipe, and sheet	7,477,824
Lime and cement	28,689,135
Lumber, planing-mill products	168,343,003
Mantels, slate and marble	1,153,540
Marble and stone work	85,101,591
Masonry, brick and stone	203,593,634
Oil, linseed	27,184,331
Painting and paper hanging	88,396,852
Paints	50,874,995
Paper hangings	10,663,209
Plumbers' supplies	14,771,185
Plumbing, gas, etc., fittings	131,852,567
Pumps, not steam	1,341,713
Roofing and roofing materials	20,916,592
Steam fittings and heating apparatus	22,084,860
Tin and terne plate	31,892,011
Tinsmithing, sheet-iron working, etc	100,310,720
Varnish	18,687,240
Wood, turned and carved	14,338,503
Total	1,567,133,508

These figures were obtained from factories, and of course are wholesale prices. I think it is fair to state that at least one-third more is paid by the final consumer after the products have passed through the hands of various middlemen. This brings the figures up to about $2,100,000,000. Mr. Byron W. Holt, the well-known economist, has made careful estimates which show that to these figures should be added at least $200,000,000 for lumber other than planing-mill products, and $200,000,000 more as the cost of foundry, machine-shop, and blacksmithing products and of structural iron and steel. He also computed the cost of all other materials at $117,000,000. This makes a grand total of about $2,600,000,000 as the annual expense bill of the people of the United States for erecting and repairing buildings. Probably from 20 to 30 per cent of this sum is expended on business and public buildings, churches, etc. Making a liberal deduction for these, we find that Uncle Sam's nephews and nieces expend every year almost $2,000,000,000, or the wealth of two Rockefellers, with which to protect themselves from wind and weather.

The cost of building materials is now fully 50 per cent higher than it was eight years ago when the Dingley tariff bill became a law. This is only in slight measure due to higher wages; and it it estimated that the tariff is responsible for most of this increase. According to Moody's Manual most of the trusts have been formed since 1898, and it is only since that date that the lumber and other trusts have fully realized how the tariff enables them to raise prices. [Or rather have been enabled to consummate what they realized—J. S. W.] There can be no doubt that if the tariff on building material were abolished, the prices of lumber, paint, varnish, glass, tin plate, pipe, cement, nails, screws, lead, etc., would be lower than in 1897. If the tariff increases the cost of houses only one-fourth, it adds more than 10 per cent to rent, for the value of houses is on an average probably twice that of the lots on which they stand. Rents in cheap flat houses average annually about 10 per cent of the value of the house and lot. If a man pays $9 a month rent for an apartment, his part of the house is probably worth $800, and of the lot on which it stands, $300; total, $1,100. Without a tariff, he would pay rent on property worth only $900 ($600 for his part of the house and $300 for his part of the lot) instead of $1,100, and his rent would not average more than $8 a month. *The low cost of building materials is largely responsible for the very low rents in England.*

A large proportion of the rent for homes goes to cover the cost of repairs. These consist largely of lumber, paint, glass, cement, nails, screws, and roofing materials, the cost of nearly all of which is increased 40 or 50 per cent, or more, by the tariff. If the materials for repairs on the average house cost $15 a year the tariff is responsible for about $4 or $5 of this amount. I have, therefore, estimated the tariff cost of those who own and of those who rent homes together. In either case it is the occupants of homes who pay the so-called protective tariff tax of constructing and repairing the homes of this country—unprotected from the protected tariff trusts.

It requires a great deal of calculation to arrive at the average rate of duty under the tariff act of 1897. On some products the duty is imposed according to weight or quantity, on others according to the value, and on still others according to both quantity or weight and value. On Portland cement, for instance, the rate is 8 cents per 100 pounds, and on other cement 20 per cent ad valorem. I have, however, taken the report of the Bureau of Statistics of the Department of Commerce and Labor, and carefully calculated the ratio between the imports for the year ending June 30, 1904, and the duties collected thereon; and I find that the average percentage of duty on the principal materials entering into buildings is as follows:

	Per cent.
Brick and tile	32
Cement	25
Glass	68
Iron and steel nails	28
Iron and steel pipe	36
Lead	82
Lime	34
Lumber (planing-mill product)	15
Marble	55
Paints (white lead)	55
Paper hangings	25
Stone	50
Tin plates	33
Varnish	97

Now, what justification is there for thus handicapping the poor man in his struggle for a home? Is it revenue? In 1903 less than $12,000,000 was collected in the custom-houses from duties on building materials; and in making up the list, in order to be perfectly fair, I included materials that are not used in the average building, such as asphaltum, coal tar, oxide of cobalt, iron beams and girders, marble, and onyx. So that less than 2 per cent of the Federal revenue is derived from this source—surely not enough to warrant the Government in discouraging the building of homes.

Take the item of cement. I venture to prophesy that *the exterior of the humble home of the future will consist of stucco of cement*—that is, if the price is cheapened. Buildings constructed of this material not only present a pleasing appearance, but are practically indestructible. During the past ten years the manufacture of cement has increased at the rate of about 25 per cent per annum. The tariff on the various kinds of cement averages 25 per cent ad valorem, and it is evident that were it not for this extra charge of one-fourth added to the price the sales would be largely increased. According to the census bulletin, the United States in 1901 manufactured 20,068,000 barrels of cement, valued at $15,786,000, or at the rate of 75 cents a barrel. During the same year we imported only 939,330 barrels, valued at $704,000. The duty paid on this was only about $175,000. Will 80,000,000 Americans continue to limit their supply of this most necessary building material for the sake of a beggarly $175,000 of revenue? The hardheadedness of the average Yankee will soon impel him to answer an emphatic "No!" to that question.

Even the most hidebound protectionist must now admit that unless the apologists for a tariff tax on building materials can show that it tends not only to keep men employed who without it would be obliged to seek another livelihood, but also to increase their wages, it should be repealed by the next Congress. Remember that we are not now considering manufactured articles, such as cotton goods, shoes, etc., but what are practically raw materials, for all things used for the building of a house are in relation to it raw materials. If the tariff on these were necessary in order to keep men employed at living wages, the majority of the American people would bear it patiently, for they seem wedded to the protectionist idea. The prices they pay, however, should be greater than the European prices for similar goods only in proportion as American wages are greater than the European. As a matter of fact, the prices charged their fellow-countrymen by the trusts which control the principal building materials are many times greater than the difference in wages.

Besides that, if the tariff is necessary in order to maintain what the trusts call the American standard of wages in competition with the pauper wages of Europe, why is it that these same trusts are able to export to those poverty-stricken countries, and at a profit, too? Window glass is heavily taxed, and the census bulletin of July 3, 1902, states (at p. 42) that exports of this most necessary building material are "steadily increasing."

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I have thus far shown that the only two reasons that justify a tariff, viz, revenue and protection, do not apply to building materials. The hypocritical pretenses of the building-material trusts having been proven, I will now show that they have taken advantage of the situation by not only getting all they can out of their fellow-countrymen, but are actually enabled to undersell foreigners on their own territory. They export large quantities of their products, and sell them abroad at competitive free-trade prices. This is the fact with the tin-plate trust and the lead trust, but is more strikingly illustrated with the steel trust than with the others. Most kinds of iron and steel sell here for from 50 to 100 per cent above foreign prices.

Careful estimates of the tariff profits of the United States Steel Corporation indicate that they amount to $162,000,000 for the years 1902 and 1903, the total net profits being $242,000,000. These estimates were based mainly on the difference between the export and home prices of steel products and goods, the difference being multiplied by the quantity of each kind of product sold, as given in the annual report of this company for the year ending December 31, 1903. This $162,000,000 is clear tariff profit. That is, had there been no duties on these steel products, and had they been sold here at the same prices for which they were sold abroad, they would have cost our consumers $162,000,000 less than they did. As nearly all of these are unfinished products, it is evident that American manufacturers, to whom steel is a raw material, have to pay nearly $80,000,000 a year more for these materials to the United States Steel Company than is paid by their foreign competitors, *even though they buy steel of our steel trust.* The United States Steel Company manufactures only two-thirds of our steel; therefore, adding the tariff tax charged by the manufacturers of the other third, we find that Americans are annually charged for American steel $120,000,000 more than are Englishmen, Germans, Frenchmen, and Russians. This in itself is a great handicap upon our manufacturers, especially when attempting to sell goods in foreign markets. It is this discrimination in favor of foreign manufacturers, making it much cheaper to produce outside of than inside of our tariff wall, that is mainly responsible for the exodus of American capital into foreign countries. Scores of "branch" mills and factories, operated by Americans, have, during the past few years, been located abroad in order to escape from the "protection" that means dearer raw materials and higher cost of production. Had there been no unnecessary duties on raw materials the great amount of business now done in these American-owned foreign mills would be done in this country, to the great advantage of our own workingmen. Of course these manufacturers tack the extra charges on to the final consumers—the builders of homes.

On July 30, 1904, the New York Journal of Commerce and Commercial Bulletin contained the following:

"One of the most interesting features of the steel situation is an important sale of several thousand tons of steel plates for export, the price of £5 delivered at Newcastle-upon-Tyne netting the mills about 90 cents per net ton, f. o. b. Pittsburg. It should be remembered that sales are made in the English market by the gross ton. Allowing $3.50 freight rates and a slight allowance for insurance, this price would net the mills $20 gross, or $1.80 per ton net, or 90 cents per 100, against $1.60 per 100 for domestic business."

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It is only fair to state that the apologists for this tariff claim that the amounts thus exported are very small and constitute only what they term "surplus products." Secretary of the Treasury Shaw claims that for the fiscal year ending June 30, 1904, the total exports that were sold abroad at lower prices than in the United States amounted to only $4,000,000. How he obtained these figures he does not state, but they are easily disproved. Take iron and steel, for example. Our exports of iron and steel goods for the fiscal year ending June 30, 1904, were valued at $111,948,586. From these exports a half dozen items, each larger than $4,000,000, and some of them materials that enter into the building of homes, can be picked out, such as wire, $5,821,921; builders' hardware, $11,726,191; pipes and fittings, $6,310,551. If iron and steel alone furnish over a hundred millions, how stupendous must be the totals of all goods exported by the trusts for which they charge foreigners less than they do their fellow-citizens. "But," exclaim the apologists, "there is no proof that any appreciable part of these exports are sold for less than American prices." It is indeed difficult to get at the facts, because it is to the interest of the trust magnates to conceal them. In an unguarded moment, however, President Schwab, of the steel trust, testified before the Industrial Commission on May 11, 1901, as follows:

"Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home markets?—A. That is true; perfectly true."

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Only one refuge is left for our apologists, and they have all fled to it, and that is the claim that these foreign sales are made either at cost or at an actual loss. And why do these philanthropists, the trusts, sell goods at a loss? Simply in order to keep the workingmen busy, so that they will not lose their wages. The argument presupposes that the 80,000,000 inhabitants of this country are too poor to keep the mills and factories at work all the time, and that the trusts love the dear people so much that they take money out of their own pockets in order to give them steady work. The exports of the United States for the year ending June 30, 1904, are valued by the Government at $452,000,000. As all of these, according to Mr. Schwab, were sold at a lower price than the goods sold in the home market, the trusts would have the American people believe that they deliberately lost money on almost a half billion of exports solely for sweet charity's sake. A trust has been defined as an entity with neither a body to be kicked nor a soul to be damned. If, however, we are to believe these apologists, they are all soul and the sublimest personification of altruism this world has ever seen.

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Protectionists should therefore join forces with free traders in demanding the repeal of the tariff tax on building materials as not only utterly unnecessary from the protectionist standpoint, but as a handicap on Americans in their struggle for supremacy in the race of civilization. *Remove this tax and the demand for masons, carpenters, and housebuilders generally will be so great that wages will rise and thus enable the mechanics in their turn to become home owners.* Remove this tax and in a few years the number of homes will be doubled. Remove this tax and the pressure of population in the tenement-house districts will be lessened, while little cottages will multiply in the suburbs. Remove this tax and tens of thousands of little pallid children, instead of dying amid the stenches of the tenements, will grow to sturdy manhood and sweet womanhood in God's country.

"The American home, the safeguard of American liberty," the motto of the United States League of Local Building and Loan Associations, demands that we, above all, should join in the movement to strike the shackles from the home-building industries. Indeed, we should be the leaders, for it was to increase the number of American homes that building associations came into existence. Our cooperative thrift movement seeks to depopulate the tenements, those pestilential breeding spots that may some day hatch out the demons that will subvert our liberties.

The late Jay Gould testified before an investigating committee that he was a Republican in Republican counties, a Democrat in Democratic counties, but always an Erie man. I think that it will be profitable to take a leaf from the book of experience of the monopolists, for they are among the ablest men in the country. Why should we allow our political prejudices to stand in the way of accomplishing an object that is near to the hearts of all of us? Some of us are Republicans, some of us are Democrats, some are protectionists, some are free traders, but all of us are building-association men [and home builders or would-be home builders.—J. S. W.]. Let us forget that we are partisans of this party or that, but let us remember that we are partisans of a deep-seated purpose, and that that purpose is the upbuilding of the American home.

Now, I will yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. The gentleman from Mississippi asks why the Iowa farmer sells his lands and goes to Canada to buy land. I will say to the gentleman from Mississippi that the Iowa farmer sells his land in Iowa because he has been feeding more laboring people within the last ten years than he has ever fed in any like period before, and that explains the fact that the price of farms has gone up enormously. It also explains why those farmers are selling their land for from $125 to $175 per acre and going to Canada and buying land for from ten to fifteen and twenty dollars an acre.

Mr. WILLIAMS. Undoubtedly that is true, as it is also true that Canadian and Argentinian and British farmers have also been feeding more laboring men in the last ten years than in any other like period; but that is not the ultimate ratio; that is not the ultimate reason back of it all why Iowa farmers are selling these high and expensive lands in Iowa and going to Canada to buy cheap land. It is not merely because they want to exchange a certain number of dollars' worth of high-priced land for a certain number of dollars' worth of cheap land. It is because with the cheap land which they can buy with the money for which they sold the high-priced land they can make more money in Canada than they can make back in Iowa. In other words, the Iowa farmer is going to Canada for the very same reason that before the Revolution and since the Revolution and up to now the European farmer has been coming to America, because it is a country of cheaper lands, of freer opportunities, of better opportunities, where more money can be made. In other words, to bring it down to the very last point, the Iowa farmer is going to Canada to better his condition, and he must think it is an arena where conditions are superior to those in Iowa which he is leaving.

Mr. CAMPBELL of Kansas. Omitting the partisanship that might be dragged into the question and getting down to what the gentleman from Mississippi so often calls the "real logic of the situation and the good sense of it," the Iowa farmer is selling his land in Iowa and going to Canada because he wants to get more land for the large family of boys that he is raising.

Mr. WILLIAMS. Of course.

Mr. CAMPBELL of Kansas. That is the real reason.

Mr. WILLIAMS. To better his condition for himself and his family now and for the future, and the fact that Canada has no Dingley tariff does not stand in his way.

Now, this reminds me that the gentleman from Indiana [Mr. CHARLES B. LANDIS] drew a certain eloquent picture. I wish I had his eloquence of diction and gesticulation, with just a little bit more logic combined with it. I think then I could make a speech.

This picture he drew of "the immigrant," when he referred in criticism to my friend from New York [Mr. COCKRAN], who is now under the surgeon's knife or he would have been here. The picture which he drew of the immigrant was eloquent all over. He says, "They come, they come, they come." And then he told how they came. "Came to the best country in the world." "not the worst country in the world." "They come." Yes, they come, and they came in colonial days; they came before the Revolution; they came during the Revolution; they came after the Revolution; they came between that and the Mexican war; they came during the Mexican war; they came between that and the war between the States; they came during the war between the States, and they have come ever since. They have come in colonial days when we had no tariff of any sort, and were virtually restricted to trade with Great Britain; they came in the early days of the Republic, when we had a very low revenue tariff; they came later on under a higher, but not what we would now call a protective tariff, in 1816, and they continued to come after the tariff was reduced about 1826 or 1828. They continued to come when it was brought down to a revenue basis in 1842, and they continued to come when it was reduced still further in 1857; they have continued to come every year. There has been now and then a check during a panic period. There was a check about 1857, there was a check in 1873, there was a check in 1877, there was a check in 1892 and 1893 and 1894, and also about 1897 and 1898. I mean that the increase was less than the normal increase, but they continued to come.

Now, why? For the very same reason that the Iowa farmer is going to Canada—he can improve his condition. What makes him think he can improve his condition? In the first place he can get higher wages, and he could get higher wages here than in Europe in colonial times. There never was a time from the time the pilgrims landed on Plymouth Rock up to the adoption of the Constitution of the United States when wages for the blacksmith, for the carpenter, for the skilled artisan, and the unskilled laborer in the field were not about double what they were in Great Britain. No tariff, high tariff, low tariff, all sorts of tariff—it made no difference what the tariff on our statute books nor what foreign tariffs were, they came. The wages were double what they were in the countries with no tariff; double what they were in the countries with a high or low tariff; and why? Because in thickly settled countries land is hard to buy, high to buy, and high to rent. What is the touchstone of wages? It is the amount of comparatively free land. That question is worthy of study. You can not make any man an industrial slave who is in the neighborhood of cheap land—cheap to buy or cheap to rent. You can not make an industrial slave of a man who can come to me and go into partnership with me in my land, in my capital, and he get half of what we make, and I feed him in the meantime.

There never was a time in those days when you could not go into that share and share proposition all the way from Virginia to Maine, and all over the country. It is ceasing in a part of the country now; we are getting to the limits of cheap land. We have got to where we have to irrigate land, and after we irrigate it we have to sell it or rent it to settlers at a higher price on account of the cost of irrigation. The check which agriculture furnishes to industrial enslavement, the first step toward which is low standard of wage, will cease in America after a while. I hope that it will not be earlier than a hundred years from now, but it will come here as it has come everywhere else, unless the present industrial system shall be totally revolutionized. Labor, gold, wheat, everything in this world that has a money value, unlike water, seeks the place of the highest level. As long as there is a place of highest level it seeks it, and just as water, in pursuing the converse course, has a tendency, if it is checked anywhere, to come to an absolute level, so these commodities seek the point of highest ascendency, and if blocked and checked by this tendency itself, come to a dead level or an approximate level. So that the people going to a place where the wages are highest themselves automatically check the constant rising of wages in the country toward which they are going, while their leaving tends to raise wages in the countries whence they come.

And this is a part of the miserable inconsistency of the Republican party. They tell us in one breath that we are bound to have a tariff in America in order to make American wages higher than they are abroad, and in the very next breath they tell us that the reason for the tariff being in existence is that wages in America are already higher than they are abroad.

In one breath they tell us to shut out the products of pauper labor so that it may not decrease the wage of the American wage-earner, and yet being acquainted, if they have any sense, with this economic law which I have mentioned, knowing that the result of its operation will be to invite laborers from all the world to come to America where the highest wage price is, or to Canada, or New Zealand, or to Cape Colony or other countries with high-wage points, knowing that the effect will be to make them come here, they do not put any tariff on the labor itself. In other words, they are encouraging the free, automatic operation of the law which furnishes in itself finally the check, to a standstill, of the condition which created the flow of labor, of the condition of scarcity of labor which gave and gives us higher wages. As the labor continues to come, density of population here and in Europe will become equalized.

When density of population here is as great as it is in Great Britain the supply of labor will be immensely increased, and the demand for labor will not be in the same proportion increased. As they leave Europe they deplete the supply of labor there, while the demand for labor is not proportionately increased, and as a consequence their price of labor or wage rate goes up little by little and ours will come down little by little, and there is no sort of legislation under the sun except shutting out the laborer himself that can prevent or delay that.

Mr. GRAHAM. Does not the gentleman admit that in countries that have the highest protective tariff to-day there is the greatest amount of industrial growth and development and wealth?

Mr. WILLIAMS. No; I do not.

Mr. GRAHAM. In countries like Germany and America and other countries with a high protective tariff there is the largest amount of prosperity to-day, more so than in countries like Great Britain that have no tariff walls.

Mr. WILLIAMS. No; I do not admit anything of that sort. If the gentleman will pardon me a minute, Germany has not yet reached the stage of population density and of industrial stability that Great Britain has reached, or that Holland has reached, or that Belgium has reached, and there has been during the last years since the Franco-Prussian war, owing possibly to the stilling of a volcano there—the constantly apprehended war that was coming for the unification of the German people and the preservation of German nationality—owing partially to the stilling of that volcano and the feeling of confidence and stability flowing from peace, safety, and national unity, Germany has increased in much greater proportion during the last twenty years than in any other twenty years of her existence.

Now, let the gentleman take countries like we are; let him go, for comparison, to New Zealand, let him go to Cape Colony—a free-trade colony—let him go to Canada, with what we call "a very low revenue tariff," and he will find comparatively the same labor conditions. There are not quite as high wages in Canada as there are here. There are higher wages in Cape Colony than here for similar work. The reasons why the wages are not quite as high in Canada are that it is a cold, bleak, sterile country, and as a consequence it has not as great a proportion of pleasant, rich lands to live upon as we have had in the past, and then, too, it has not had altogether the same character of population. The French population and the early English population of Canada were assisted immigrants. They were not the sort of men who, whatever their vices may have been, whatever their faults may have been, were the boldest of their generation; and the man who is the boldest of his generation is apt to be the most enterprising, apt to be the most inventive, and he is apt, of course, just as horses and sheep are, to leave descendants behind him of his sort, and until new conditions of acquired density of population and new conditions of a fixed, industrial slavocracy, if I may call it so, shall sap his independence and manhood and courage, he will always be man for man the superior—not because he is of superior race, but because he is descended from the culled individuals of all these other races.

The gentleman from Indiana [Mr. CHARLES B. LANDIS] then dwelt upon our foreign commerce, and I call attention to what he said now as a cold matter of reason and not as a matter of oratory. He dwelt upon our foreign commerce, as I say, and then, of course, dwelt in the same breath upon the Dingley bill. Does a protective tariff increase exports? There is an argument that it decreases them, but I have never heard any human being argue that from the nature of the thing itself it could increase them. A great many people argue that in proportion as you cut off imports you cut off the purchasing power of the foreigner to purchase your exports, and decrease them. No human being has ever been brazen enough yet to argue that a protective tariff per se, or by natural consequence in any way, encouraged exports, increased the volume of exports, or increased the price of exports.

Mr. GRAHAM. But the increase of prosperity produces the wealth with which to purchase them.

Mr. WILLIAMS. Increased prosperity abroad will increase our exportation, because it adds to the purchasing power of the foreigner who wants our commodities, but our protective tariff can not increase it. Can the protective tariff increase our imports? All foreign commerce consists of imports and exports. All foreign trade consists of these two things—exports and imports.

Now, the very object of the protective tariff is to keep out the imports. Just in proportion as it succeeds in its aim, just in that proportion does it restrict imports. The gentleman says that Democrats said if we passed certain high protective laws, it would be like putting a stone wall around all the United States to keep out importations. Well, gentlemen, in just so far as the protective tariff is not a stone wall keeping out importations in that far exactly does it lack of being fully "protective," as you call it. The only absolute protective tariff is one that prohibits the entry of all foreign products of the character that are raised in your own country. Now, the actual as well as the intended effect of the protective tariff therefore is to prohibit or restrict or limit. That is its object. If it does not do that, it has failed of its object; in just that far has it fallen short of the mission of its maker Now, it can not increase exports. If it can not increase exports and if it is intended to decrease imports, how can it increase "our foreign trade?"

Mr. BATES. I would like to ask the gentleman from Mississippi how he explains the fact that last year America led the whole world in exports, our exports being over $15,000,000 more than England, which is not a protective-tariff nation. If a protective tariff has nothing to do with it, how does the gentleman explain the remarkable phenomenon that last year we became the leading export nation on the globe?

Mr. WILLIAMS. Well, we were the leading earthquake nation on the globe, too.

Mr. BATES. Does the gentleman say that was in spite of rather than on account of the protective tariff?

Mr. WILLIAMS. Yes; of course, that is what I was going to say.

Mr. BATES. I rather thought the gentleman would say that. I would like to ask him one other question——

Mr. WILLIAMS. Let me answer this one first, and then you can ask the other. Now, the gentleman asks how it is if a protective tariff does not cause increased exports we have increased our exports so that we are the largest export country in the word. That is the question?

Mr. BATES. That is the question.

Mr. WILLIAMS. That is so easily answered I am satisfied if my friend had thought a minute he would not have asked the question. Does the gentleman remember the number of emigrants who have arrived in the last ten years; what did they average?

Mr. BATES. Over a million last year.

Mr. WILLIAMS. Well, for the last ten years I will assume we have received seven or eight millions. Now, there are seven or eight million more workers making things to sell, and a good part of those things have to go abroad, and then again a great many of those workers went on the farms, or else enabled Americans to stay on the farms, raising cotton and wheat and hogs for export. The birth rate of the United States I do not remember, but our people who were just below the working age and who in that ten years have grown up to the working age probably amount to three or four times the number of immigrants who came in, or several times the number of immigrants who came in, and those people, too—our own people—have been at work. Now, let us take the character of the exports and see if the gentleman is right. The gentleman will not contend for one moment, I presume, that the tariff produces the cotton crop or the tariff had anything to do with the price of the cotton crop. The cotton crop has grown in value and the cotton crop has grown in price until last year we shipped abroad three hundred and fifty odd million dollars, I believe it was, although I have not a good memory about figures. This was in cotton alone, without counting other unprotected agricultural products, so that the entire so-called "balance of trade" in favor of the United States was made up, with the exception of about $21,000,000, out of cotton alone. During that year we shipped abroad, I do not remember how many hundred millions of dollars of wheat, I do not remember how much corn and corn products, I do not remember how much cotton-seed oil, but if the gentleman will take the things we shipped abroad he will find nine-tenths of them to be things not only unprotected, to use that word which is inaccurate, not only "untariffed," but if "tariffed," incapable of protection, because we make every year a surplus of them.

Now, then would it not be the most remarkable thing in the world that we should not have increased our exports, and would it not have been the most remarkable thing in the world that we should not have increased our imports, even in spite of the natural tendency of the tariff to restrict imports? We have done both by the industry of the people, by the increase in the birth rate, by the increase in the immigration rate; and the immigration, by the way, which comes to this country—a very large percentage, about two-thirds I believe—are men within the laboring age, men within the military age, which would mean they were within the laboring age at the same time. These men have gone into the mines, into the factories, on the farms,

into the shops everywhere in the country. They and our own people increasing rapidly have been doing things—making things—making and growing them in larger quantities than they could eat them up and wear them out, and hence selling them abroad in spite of the tariff, which forbids us from getting the good things that others raise and make in return for our own good things as cheaply and abundantly as we could if foreign trade were less restricted.

In spite of the tariff which cuts us off from the abundance of things we want to buy. Let us come back, if the gentleman please, to the definition of what is wealth. What is wealth? *Wealth is abundance produced by labor profitably employed.* Improve on that definition if you can. Wealth is never scarcity. Scarcity is the opposite of wealth. A high price growing out of scarcity may benefit a particular seller, but it always hurts a community. Any sort of restriction is a step toward scarcity, and a step toward scarcity is a step toward poverty. A step toward abundance in all of the things that men need to eat and drink and wear and see and hear in this world constitutes wealth.

Mr. BATES. The gentleman who is now addressing the committee is a cotton planter, I believe.

Mr. WILLIAMS. Yes.

Mr. BATES. And he has explained, as we all know, that there is no tariff on cotton. I take it, Mr. Chairman, that he rejoices that he is a Member of the House of Representatives, not of Mississippi, or the Yazoo district, but of the United States, and that he has an interest in the prosperity, not only of his State, but of the United States, of which that is only a small part.

Mr. WILLIAMS. I hope so.

Mr. BATES. I hope so, and I am sure that is true. The gentleman is in favor of a change in the tariff laws which would increase imports. Is it not beyond denial that to increase the imports into this country would close up mills and factories all over this land? Would not that decrease the purchasing power of the American people, so that the home market, which is now our best market, would be seriously impaired, and that we would be buying our goods in Leeds, in Manchester, and in Bristol, and the other cities of England and the continent, and they would be running their mills double time?

Mr. WILLIAMS. Now, does not the gentleman seriously think that if I undertook to answer that question fully I would not have to write a work on political economy?

Mr. BATES. I wished to direct the gentleman's attention——

Mr. WILLIAMS. That is the whole tariff question. I can not answer a question of that sort.

Mr. BATES. I wished to direct the gentleman's attention especially to whether he desires to have freer imports into this country?

Mr. WILLIAMS. Of course I do, if that is what you are up to. The decrease of a tariff duty, which is in its nature protective, to what ought to be its status—a revenue status—could not possibly cause the importation of any article into the United States except an article which it pays some American citizen to buy because it saves him money to buy it. There could not possibly be because of such a decrease of tariff rates an importation which would not be of benefit to the men who are buying the things imported, or else the man buying the thing imported would be a fool. I take it for granted he would not buy unless he wanted it; he would not buy it unless he needed it, and that he would buy it only because it paid him to buy it, in actual dollars and cents.

Now, that it might cut off some of the swollen profits of a few governmental favorites who have been hothoused into unnatural prosperity, at the expense of all others, by unnatural and abnormal profits in the home market—in a monopolistic or approximately monopolized market—I do not doubt; but where it hurts one man's pocketbook in that way—in a way of which he would have no just right to complain, because no man has a vested right in any existing wrong, however profitable it may be to him—it would aid 10,000 men's pocketbooks who had to have the shoes and the clothes and the agricultural implements and the barbed wire and the nails and the cotton gins and the cotton machinery. [Applause on the Democratic side.]

Mr. BATES. Just one more interruption. I will not interrupt the gentleman further. They say sometimes that it is the weakest link in the chain that tests its strength. Instead of what the gentleman calls the "governmental favorites" being injured by freer imports, would not they be the last to be affected rather than the first? Would not the struggling industry of to-day, the one that is becoming a healthy competitor of what he calls the "favorites" and combined interests, be the first to be winked out and leave those to which he refers in complete charge of the field?

Mr. WILLIAMS. Now, Mr. Chairman, "the struggling industry," as he calls it, is not protected or it would not be "struggling." That is the answer to that. It is the fellow that is not struggling, that is fully protected, that a rational reduction would damage, if it damaged anybody.

Now, I want to go back. The gentleman from Indiana [Mr. CHARLES B. LANDIS] talked about our foreign trade. I have shown that whatever increase we could make in our foreign trade was in no wise and could in no wise be an effect of, but was in spite of the tariff, but what I now want to call your attention to is this—and I can not too frequently repeat it, and I do not think that the friends of tariff reform and reduction can too frequently repeat it—even if it were granted that protective tariff increased our foreign trade (and it does not and can not, as its natural effect is to restrict international commerce, and as that is its object) what is the cause of our great trade prosperity, our great volume of trade? And what proportion of it is foreign and what proportion of it is domestic?

Mr. CAMPBELL of Kansas rose.

Mr. WILLIAMS. I ask this question: What is the percentage which our foreign commerce bears to our entire domestic commerce——

Mr. CAMPBELL of Kansas. A very small per cent.

Mr. WILLIAMS. A very small per cent. It is so very small that, although I do not remember the figures, I believe it is less than 1 per cent.

Mr. CAMPBELL of Kansas. About three, I understand.

Mr. WILLIAMS. My recollection is that it is less than 1 per cent, but I will adopt 3 per cent. Three per cent, then, I will say, of our entire volume of trade.

Mr. GROSVENOR. I am not disputing the gentleman, but I think our foreign trade is about 8 per cent. If the gentleman will allow me one word——

The CHAIRMAN. Will the gentleman from Mississippi [Mr. WILLIAMS] yield to the gentleman from Ohio [Mr. GROSVENOR]?

Mr. WILLIAMS. If the gentleman will let me finish this argument I will yield, but I want to get at this now. It depends upon what you call domestic commerce. You may adopt 8 per cent, if you please, or 3 per cent, but in the true definition of what constitutes the volume of our domestic trade, it has not been 1 per cent, and I will show you why. The number of things that are raised upon the farm and consumed upon the farm, eggs and chickens and wheat and corn and hogs, and all the balance of it—the number or value of things that are made upon the farm and consumed upon the farm—do not enter into the usual reckoning.

Now, then, the test of our prosperity, our industrial, our commercial, our trade prosperity is not our foreign commerce. It is our domestic commerce, and that domestic commerce, as reported, may be 5 or 8 per cent of the total volume of our entire trade. But as I protest it is not 1 per cent, because the number of things raised on the farm and consumed on the farm, or in the adjacent village, those things are not reported at all. There is no manner in which they can be. Yet it is plain to the student of economy that when I sell a thing to myself by eating it, instead of making something else and with the proceeds buying that thing from you, I have just as much sold the chicken that I eat as the chicken which I get money for. In other words, that chicken is just as much a part of the commerce of the country as the chicken which I raised which Mr. Scott ate, and which he paid for out of the proceeds that he earned with his day's labor running a plane over a piece of wood. So we take it together. Now, when you go to the market with exchangeable goods, being for trade in that sense, let us say our foreign trade is 6 or 8 per cent of our total trade—and I think upon examination we will find it is not near that. The gentleman from Kansas recollects 3 per cent. Which one of these two great commerces has grown most rapidly under the protective tariff, the foreign one or the domestic? The domestic commerce has grown more rapidly. Which one of those two commerces is touched by a protective tariff, and which one of them is a free-trade commerce, unblighted by protectionism? Our prosperity depends upon the volume of our trade, our total trade, our entire industrial life. And to say that a law which can touch only 5 or 8 per cent of it has caused the prosperity of the country, virtually dependent upon the other 95 or 92 per cent, is an utter absurdity.

Now, what has caused the prosperity of the American people more than any other one thing in the world has been that in spite of the fact that in their folly they have attempted by tariff laws to restrict and limit foreign trade, by throttling it all they could, by interfering with the trade of the country and its commercial arteries wherever they could. Thank God for the wisdom of our forefathers, Pennsylvania is not able to "protect herself" against Mississippi, nor is Mississippi able

to "protect herself" from New England, although I have seen the time when hatred was so rife that Mississippi would have cut her own throat, industrially, in order to hurt New England; and the consequence is that the world is unable to present a picture of prosperity and development comparable to ours, not even in the time of the Roman Empire. The British Empire does not present it, because the British Empire permits one part of it to "protect itself" against another part to a certain extent by protective tariffs.

So that the Empire of Great Britain, "upon which the sun does never set," has never had as many square miles, has never had as many farms, has never had as many mines, has never had as many manufactories, has never had as many enterprises of every sort freely competing with one another and letting things go as God intended they should go, abiding by the law of the survival of the industrially fit and the extinction of the industrially unfit, as the American people have. [Applause on the Democratic side.]

One other word. Now about the wages fact. In that connection you would think, then, if we had absolute free traffic and absolutely free travel, so that men could go where they pleased within our borders, and trade could go where it pleased, that wages would be the same all over the United States. There is, however, as much difference between the wages in the State of Washington and the State of Maryland up here toward the Atlantic Ocean as there is in the rate of wages in Maryland and in the poorest county of Great Britain. Why? Because there are more people in one place wanting work and less work to be done, and less people in the other place wanting work and more work to be done. Now I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. While the gentleman was on the question, I wanted to ask him if the people of this country who have found such a wholesome home market for their products could have had such a market under free trade? If the labor that created that market at home had been in foreign countries, is it not true that it would not have been so valuable a market?

Mr. WILLIAMS. We would have had a better market, taking the whole world over, than we have now, both for labor and for products. I will tell you why.

Mr. CAMPBELL of Kansas. That is what I want to know.

Mr. WILLIAMS. I will tell you why. We would have had a better labor fund, because every man in his necessary expenditures would have had to expend less, and would have had more money saved, and with that amount saved would have had more money with which to employ labor, to make, or raise, or do other things. In other words, the fund of free capital not required in order to pay necessary industrial and life expenses would have been greater, and that is the fund out of which labor is employed. The same rapid progress in certain of our industries and arts that have been the favorites of Government would not have taken place, but all the others would have thriven more and more healthfully, because not handicapped by the burden of supporting the favorites, the gentleman must understand. I am not saying that you can not create an industry. I am not saying that you can not bring an industry into life years before it naturally would come. I am merely saying that if you left things to their natural course, then when the consumer, when the people, when the nation could buy things more cheaply than they could make them, they would have just that much more money left over to hire labor to do something else with. It goes back, after all, to the fallacy that you can "create wealth." Nothing but labor operating profitably in the transformation of raw material can create wealth. You can create an industry, as I said the other day, but you can not create wealth. You can only transfer capital or induce its transfer, and induce the transfer of labor from one occupation to another.

The gentleman from Indiana [Mr. CHARLES B. LANDIS] mentioned this fact, which I suppose is true, because a newspaper says it, and he quoted the newspaper. He said that the population out in Missouri was seeking the farms and leaving the cities. Well, if that be true, what does it mean? It means that in our abundantly prosperous United States of America to-day the unprotected industries in the country are so much more prosperous and inviting than the protected industries, which are in the cities, that people are leaving the latter to go into the former. That I leave with him for further consideration. He says: "Farmers have money in Memphis banks." Then he said he "expected they had in Yazoo City." Why, bless your heart, Mr. Chairman, the beautiful little town of Yazoo, nestling down on the banks of the river of that name, with its magnolias, its liveoaks, and its myrtles, had every business house in it except three burned down a couple of years ago, and it had one-half of its residences burned down. While the town was burning there was no hysteria, not even among the women, and within thirteen months afterwards we rather inaccurately celebrated "the anniversary" of the fire on the completion of the rebuilding of the town, and there is not an industry in the town that has as much to do with the protective tariff, except to have the people engaged in it taxed by it, as my foot had to do with the last game of football between Harvard and Yale.

Mr. BATES. There is a good market outside of it, though, is there not?

Mr. WILLIAMS. Yes; and it is so far outside of it that it is nearly all in Great Britain.

Mr. BATES. The money finds its way into Yazoo City.

Mr. WILLIAMS. Yes; and more of it would find its way into Yazoo City if you did not take so much out by way of toll on the things we must buy. [Applause on the Democratic side.] There is not a thing in the world that Yazoo City buys that you do not tax. There is not a thing in the world that Yazoo City sells that you could aid by protectionism if you wanted to. But, by the way, I rather suspect that, being away down there in the benighted South, even if you could, you would not want to aid it very much by protection, unless you thought that you could bribe somebody down there by it to support a protective tariff and the Republican party. The worst thing about a protective tariff, as a friend said to me the other day, is that you can use it to bribe and to corrupt the friends of good government, even the opponents of the protective policy.

You can go into a community where protection has no friends, and you can get three or four fellows together, and you say, "You are making this, are you not?" "Yes." "Holland is competing with you, isn't she?" "Yes." "You are growing oranges, aren't you?" "Yes." "Spain is competing with you, isn't she?" "Yes." "Spain has a more constant sunshine and less frost than you have, hasn't she?" "Yes." "Let us protect you against the sunshine of God Almighty and keep God Almighty's frost from hurting you any."

The man you say these things to has been a friend of good government, been an honest man all his life, and yet being tempted he falls. What he has denounced in others he accepts for himself. That is the worst thing about it. The first thing you know you find a whole community bribed and in the ranks of the enemy. [Applause on the Democratic side.] A gentleman stood here the other day and tried to bribe me, or flung out a bait, rather, in a polite way, and asked if it were possible for me to get the bait, wouldn't I be bribed by it? [Laughter.] The worst thing about it is that protectionists with their corrupting propositions can come into the Democratic party and say, "Here, we will put you on the favored list; we will make your little affair one of 'the great American industries;' we will put a hothouse over you; you have been cussing because we put it over the other fellow; now we are going to put it over you;" and the man in about seven cases out of ten instead of saying, "Get thee behind me, Satan; what is wrong for another man is wrong for me," turns around and says, "All right; if you are going to let me in on the ground floor that is different." That is the worst thing about it all—the most disheartening thing for a man who loves principles rather than interests.

Now, my friend from Indiana had something to say about the "Democratic charity boxes," which he says I want to establish. I was nearly forgetting that. Now, gentlemen, in the speech referred to by him, I said that I would rather live under a system where a weekly stipend, collected by direct taxation upon my property, was paid out to the needy poor, than to live under a system where daily and nightly and hourly stipends were paid out to those already unduly rich, and the treasure obtained from me by indirect taxation. I also added that I was in favor of neither system. How ingenuous of my good personal friend from Indiana, upon whose personal friendship I have so long banked, to send to the country in pamphlet form, as I suppose he proposes to do, a speech in which he represents me before the country as being in favor of a system of which I said expressly that I would rather have it than the existing one, but that *I didn't want either*.

He calls it a "Democratic charity box." Yes; but even if it were adopted—this so-called "Democratic charity box"—it has this advantage over a Republican charity box, you know exactly how much you put into it, and that the recipient of your charity needs it. [Applause on the Democratic side.] The recipient of your Republican charity does not need it. If he were so poor as to need it, he would never have financial or political influence enough to get the charity rate out of you or out of this Congress, or of any other Congress, or any of its committees that ever sat in this country. [Laughter and applause on the Democratic side.]

I do not want any Democratic charity boxes; I do not want

any Republican charity boxes; I do not want any charity boxes of any sort. I want the people to learn the great lesson that it is the duty of the citizen to support the Government and not the duty of the Government to support, or to make prosperous, the citizen. And I repeat it now that, as between what the gentleman calls "Democratic charity boxes"—socialistic, agrarian, mad, foolish as it would be—going back to bread and circus days—I would take it in preference to a Republican charity box. I repeat again, that it may not be misunderstood, that I would rather pay taxes directly to give bread and circuses to the poor than to be taxed indirectly to give French opera and turtle soup to the enormously rich. [Laughter and applause.]

I never said I was in favor of either, and I expressly said that I was not; and I hope that when the gentleman from Indiana publishes his speech, either in the RECORD or in the pamphlet form, he will do me the justice to add that much to it.

The gentleman tells a story about a Mississippian he met at the hotel, and that the Mississippian told him that "nobody was talking about the tariff until JOHN WILLIAMS's speeches came down there." If JOHN WILLIAMS has set them to thinking about a good thing—a truth—"the same yesterday, to-day, and forever," he ought to be proud of it. That statement struck me so curiously that I asked the name of the Mississippian, and the gentleman from Indiana seemed to think that a communication of that sort was so confidential and private and sacred in its character that the name of the man could not be given. I am not in the habit of betting, like my good friend across the aisle, but I will wager a small amount that this man was one of a half score or so of Mississippi Republicans who has been up here hunting for a post-office or for an office of some sort [laughter], or else the gentleman must have been mistaken, for if there has been a time within the last ten years when Mississippi has not been thinking about the injury she is suffering hourly, weekly, monthly, and yearly under the tariff I do not remember the time.

I had intended to say something in reply to what the gentleman said about the attitude of the Democratic party in 1896, but I shall not go into that now at great length, for I have already abused the patience and the time of the House, except to say this, that the very sentence which he read from Mr. Bryan proved exactly what he denied—proved, namely, that what Mr. Bryan was asking at that time was "cheaper money." It is true, and a man would be mad to deny it, that Mr. Bryan at that time thought, that Mr. BAILEY thought, and that I thought, and that everybody else thought, that the only possible way of increasing the volume of metallic money was by restoring silver to its dignity as a standard money.

It is true that Mr. BAILEY said upon the floor that if you could restore prosperity to this country with a protective tariff *and* a gold standard, then it would be proof positive to the effect that we were wrong and that you were right. "And a gold standard." What did Mr. BAILEY mean? He had in mind the gold standard *as it then was*, as far as man could see it. What was that? An annual production of gold of about $119,000,000 about the time he made that statement. The entire production of silver at that time was $210,000,000, in round numbers, making a total of three hundred and twenty-nine millions. Now, the production of gold alone this year will top three hundred and fifty millions, so that you have not had the sort of gold standard that Mr. BAILEY was referring to, namely, a gold standard with an annual gold production of one hundred and nineteen millions. You have a gold standard with an annual gold production of two hundred and fifty millions, in round numbers.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes.

Mr. CAMPBELL of Kansas. Does the gentleman from Mississippi believe that there would have been such a production of gold in this country as we have had if we had resorted to the free coinage of silver in 1896?

Mr. WILLIAMS. I don't think there would have been—quite. There would have been a greater production of gold than there was in 1890 to 1896, however. Of course, just in proportion as demand for a thing is emphasized and strengthened the supply of it, if it is a thing that can be gotten out of the ground, is going to be increased. There would have been an increase in gold and there would have been an immense increase in silver, and the increase of the two taken together would have amounted to a great deal more than the increase of the gold now, immense as that is. But the protective tariff had nothing to do with that. It did not discover the cyanide process of treating gold ore. It did not discover the mines in the Klondike.

Mr. CAMPBELL of Kansas. But the contention is that the protective tariff had opened the idle factories and that prosperity would come to the country when it went on a sound financial basis.

Mr. WILLIAMS. Oh, that is going back to the question that I have already discussed, and I hope I have disposed of that. If I have not, I can not. The mills closed under a Republican tariff, and were nearly all open again before the so-called "Democratic tariff" that took its place was in its turn repealed. The protective tariff had nothing to do with the increase in the production of gold to where it now is, several millions more than all the gold and silver in the world was at the time Mr. BAILEY made that utterance. It did not discover the cyanide process; it did not discover the mines in the Klondike, and it did not discover the new mines in South Africa. It had nothing to do with it that I can conceive of. I myself made a stronger statement than Mr. BAILEY's, which the gentleman might have quoted if he wished. I said, "If this country is prosperous six years with a gold standard, then I will confess that every lesson I have ever learned must be unlearned; there can not be prosperity and a descending scale of prices with a gold standard except upon the impossible proposition of a hitherto unprecedented increase in the volume of gold production"—a thing that I no more expected than I expected to fly, and nobody else expected it. The great Austrian master of the mint, whose name I can not now recall, had made an examination of all the mines of the world, and had made a report to the effect that gold production would decrease rather than increase. The cyanide process was not then thought of, and I say now if you had had what JOE BAILEY and I and all of us thought you were going to have, the annual gold crop of the year of his statement which he expected you to have, and had a right to expect you to have and had no reason to expect otherwise, you could not have had an ascending scale of prices, you could not have had the resulting encouragement to productive enterprise, you could not have had the resulting discouragement to hoarding, and consequently you would not have had prosperity.

Mr. Chairman, I want to thank the House in sincerity for its attention, and I want to apologize for getting on my feet in a perfectly extemporaneous way to make, from notes hastily taken, an answer to a carefully prepared—not only carefully, but well prepared—speech made by a man who is a master of the art of making a speech; and if at the beginning of my address this evening I showed some little degree of vexation at what I thought was the discourtesy shown me before that time, I want to express my regret, because I hope that it all grew out of the confusion of the moment and that nobody intended deliberately to mislead me in any way. [Applause.]

Mr. LONGWORTH. Mr. Chairman, perhaps I should at the outset apologize to this committee because I am about to break the unwritten rule of general debate in that I intend to confine my remarks to certain features of the bill now before the committee. It seems to me, Mr. Chairman, that the first thing that would strike any Member of this House about the diplomatic and consular appropriation bill is the very small amount carried by it as an appropriation, compared with the very large amounts carried by other bills which have lately passed this House. If it can be said that Congress is extravagant in providing the appropriations that it does for keeping up our military and our naval establishment, certainly it can not be said that it is extravagant in this appropriation for the diplomatic and consular establishment. If we appropriate in round numbers $200,000,000 a year to prepare to be on terms of hostility with other countries, surely we can not be accused of being extravagant, when we appropriate as we do in this bill less than two and three quarter million dollars for the purpose of maintaining our friendly relations with them. If we are justified in spending amounts so enormous for our Army and our Navy to be prepared to war with our neighbors, surely we are justified, I think, in preparing to spend, or at least to consider the advisability of spending more than we do for the purpose of keeping at peace with our neighbors.

While I should be glad to see a larger amount appropriated, both for the consular and diplomatic features of this bill, I propose to speak about one section alone, that which provides salaries for our ambassadors and ministers. The total amount carried in this bill as salaries for all our ambassadors and ministers to foreign countries is $417,500. Certainly this does not seem a large amount. It is substantially less than the amount we heard estimated in the naval bill as the cost of maintaining a second-class cruiser for one year. But whether this be small or large, with reference to battle ships or anything else, I claim that this particular appropriation, which has been carried substantially in this bill for the last forty-five years, has been responsible for building up an office-holding class, a class most repugnant to our democratic institutions; a class of persons who, as a rule, owe their official position not

to learning or to ability or to integrity, but to wealth, and wealth alone, and the reason for this is that Congress only pays to most of our diplomatic envoys an amount substantially less than the American people demand that they shall pay out to properly maintain the dignity of their position.

I do not desire to weary this House with a long series of figures, but I will call the attention of the committee to some figures that are printed as an appendix to the report on H. R. 9959, which gives the salaries paid by other governments to all their ambassadors and some of their ministers. I will merely take, for the sake of comparison, the compensation received by the British ambassador at Paris and the compensation received by our ambassador at Paris, and, generally speaking, the same comparison will hold true with reference to the amount paid by us and by other nations in all the capitals of Europe and of the world where we have ambassadors and ministers. Before speaking of this, it might be well to say that our system is to compensate our diplomatic envoys in only one way—that is, directly by paying them a salary. All other nations compensate their ambassadors and ministers in a number of indirect ways, which I shall illustrate by the compensation of the British ambassador at Paris.

All other nations, substantially, in addition to the direct salary, compensate their representatives in various indirect ways, furnishing them in almost all instances with an official residence, which is kept up at government expense. Where they do not own or lease on long terms official residences, full allowance is always made for the rent of temporary quarters. In addition to this, an allowance is always made for keeping up the establishment of the diplomatic envoy. In many cases a special allowance is made for official entertaining, and in almost all countries a civil pension is provided for their representative after service for a certain number of years. The ambassador of the United States at Paris gets $17,500 a year as a salary and no allowance whatever. Upon this he is supposed to rent a suitable residence; to furnish it and keep it in order; to do a certain amount, not necessarily large, but a certain amount of official entertaining, and, above all, to be prepared at all times to receive properly American citizens residing in or passing through Paris. The British ambassador at Paris receives a salary of $45,000 a year. He is furnished with an official residence, and I am informed that the rent of the British embassy at Paris, or the rent of a building equivalent to the embassy, would be somewhere between thirty-five and forty thousand dollars a year at least. In addition to this, his establishment is kept up for him. He is provided with a certain number of servants; he is allowed a fund, as I am informed, though I can not be accurate upon this point, of about $6,000 a year for official entertaining, and at the close of twenty years' service he is pensioned at the rate of something like $10,000 a year for life. In other words, to use round figures, the compensation of the British ambassador at Paris is considerably over $100,000 a year.

Now, it is evident that one of these two systems must be wrong. Either the compensation of the British ambassador is grossly excessive or else the compensation of our ambassador is grossly inadequate. If the first be true, then many an English ambassador must have grown rich off his salary. Let us see whether this is a fact. Lord Dufferin, who was for many years the British ambassador at Paris and one of the most prominent statesmen in England, resigned, giving as his reason that he was unable to afford to keep up the position, not having a large private fortune. The same position was offered to two other English statesmen of prominence, who refused on the same ground. Now, if $100,000 a year is not sufficient to maintain the ambassador from Great Britain in a proper way, surely it is idle to contend that $17,500 is sufficient to maintain our ambassador. Does any man contend that he can keep up the position which the American people demand he shall keep up for anything less than many times that amount? Does not everybody know, who knows the facts, that the rent alone of a residence anywhere nearly suitable would be, at least, that amount? As a matter of fact, for many years our ambassador at Paris has paid somewhere between twenty and twenty-five thousand dollars a year in rent alone.

Now, where does the money come from that pays the difference between what the Congress allows our ambassador and the amount that it costs him, and must necessarily cost him, to live properly unless it comes out of his own pocket? If he can not afford to pay the difference himself, then he can not accept the position. In other words, no man who can not afford to pay from his own private fortune the difference between the amount that Congress pays him and the amount the people demand that he shall pay out can ever be an ambassador from this country to any great world power. Some men have tried this and have met with disaster.

And I desire now to recall a case which happened as long ago as the Administration of President Hayes, when our mission at Paris was a legation and not an embassy, with its largely increased responsibilities and expenses. President Hayes appointed as minister to Paris General Noyes, of Ohio. General Noyes, as many will recall, was a man of the highest ability and learning, a distinguished officer in the war, and afterwards governor of Ohio. He was worth, I am informed, in the neighborhood of $150,000 when he accepted the appointment. When he retired, after four years in Paris, where he lived in a very simple way, in a way certainly not less dignified than was proper, and returned to his home in Cincinnati, this fortune had entirely evaporated. He was for the rest of his life practically an object of charity.

I know it to be a fact, and I think the gentleman from Ohio [Mr. GROSVENOR] can testify to this, that his only means of support practically—he having spent most of his life in the service of his country and being unable to build up a law practice—was to take small cases that were referred to him by lawyers, and I think I am not wrong in saying, and if I am——

Mr. GROSVENOR. If the gentleman will allow me, General Noyes told me that after his return from Paris he had to borrow money in New York by telegraph with which to get home to Cincinnati. He had spent all of his money. I had met him before, and he did not live extravagantly. He no more than maintained the position we would have all insisted upon in his administration of the office.

Mr. LONGWORTH. And more, when he died his friends were compelled to take up a subscription to give him a decent burial. Of course, this lamentable——

Mr. KEIFER. He was a man of good habits, too, all his life.

Mr. LONGWORTH. Oh, unquestionably. Of course, this lamentable ending to a noble life would not have been had General Noyes refused the appointment as minister to France. Had he refused the call of the President and the call of duty he might have rounded out his life certainly in comfort, if not in comparative affluence. But he chose rather to do what he conceived was his duty to his country. He chose to be a patriot.

General Noyes had one failing as an American diplomat. He did not have the price, and he fell a victim to our diplomatic system. This is but one instance, for many other men far more wealthy than he have seriously impoverished themselves by undertaking to represent this country abroad; and these instances simply go to prove what is known to-day of all men, that no one but a very rich man, even as riches are counted nowadays, can be an ambassador of the United States in any European capital, and no man who is not at least comparatively wealthy, as we speak of comparative wealth in these days, can be a minister of the United States at any important diplomatic post. In other words, these offices, among the most dignified and important in the gift of the American people, are for rich men and rich men alone. This Republic, the greatest, the most democratic Republic which has ever existed, has to-day an office-holding aristocracy, an aristocracy more repugnant to our ideals of free institutions than any aristocracy even in Russia, an aristocracy purely and solely of the dollar.

Progressive as this country has been in many ways, in all other ways we have been, I think, the most backward of all great nations anywhere near approaching us in greatness in providing proper compensation for our high public officials. Our business men, our professional men, men of ability in all the walks of life and subordinate Government officials are paid higher salaries than the men of corresponding position in any other country; but our high officials, the men upon whom the great responsibilities of government rest, are paid much less compensation than men of like position in any other country. The salary of the President of the United States is but a fraction of the salary of the President of our great sister Republic—France—upon whom only a fraction of the responsibility rests. The salaries of our Supreme Court judges might well be described as beggarly when compared with the salaries of judges in other great countries.

The salaries of our Cabinet officers I am willing to describe as beggarly, compared with what this country can well afford and what it ought to pay them. But this fact is true, that no matter how inadequate the salaries that I have mentioned may be, the fact remains that the positions can be held and are held by poor men. But the office of ambassador, who, with the sole exception of the President, is the public official who is the representative of all the American people, can not be filled and never will be filled under our present system by any except a very rich man. I care not how able a man may be, how learned

in international law, how experienced in diplomacy, how celebrated in statesmanship, if with all these qualifications he does not possess the one absolutely necessary qualification of great wealth, he is not eligible for appointment to any great diplomatic post. So well has this fact become recognized that there have been of late many instances of men whose sole claim, frankly stated, was that of great wealth, who were serious applicants for appointment as ambassadors.

In speaking of these conditions in some remarks that I made last year upon this general subject I made use of the following language. I said:

> Should these conditions continue, it is not impossible to imagine that the day may come when training for diplomacy shall consist not in the study of history and international law, but a research into the methods of manufacturing steel, converting that noble animal the pig into food products and tooth brushes, or in refining oil.

I think subsequent developments have proved that I left out a very important qualification, and I now desire to amend by adding, after the words "refining oil," the words "or the life-insurance business." [Laughter and applause.]

Every day we hear on both sides of this Chamber that the most serious menace to this country is an aristocracy of wealth. The people are determined that the great public utilities, the great industries of this country, shall not become concentrated in the hands of a few men. Is it not more offensive to our ideals that our high offices should become so concentrated? This being the spirit of the people, shall we continue to support an office-holding class, a dollar class, the very ideal of the aristocracy of wealth? Shall the Congress continue to tie the hands of the President and circumscribe his choice in filling great diplomatic positions to men whose only qualification, absolutely necessary qualification, is that "they have the price?"

I do not mean to say that most of our present ambassadors are unfit men, or that they are not otherwise qualified than by the possession of great wealth for the posts they fill. This country is fortunate in having had at its command men of wealth who are also well qualified otherwise to represent this country abroad. But even in their case, is it fair to force them to spend largely from their private fortunes in keeping up the position that the people demand? It is too late now to allude to our diplomatic service as a luxury and not a necessity, to talk about Jeffersonian simplicity, to say that we got along perfectly well before we ever had ambassadors. The fact is that the House and Senate, by a unanimous vote, created the office of ambassador, and they created it in such a way that we could not now decrease the number of our ambassadors if we would. Far from the number diminishing, it will continue to increase.

Mr. GARRETT. I should like to ask the gentleman a question.

Mr. LONGWORTH. With great pleasure.

Mr. GARRETT. I should like to ask the gentleman if he thinks there are any embassies at which the salaries covered by this bill are sufficient?

Mr. LONGWORTH. I am going to take up that matter later. I would say, though, that undoubtedly our ambassador to Mexico can live on his salary as carried by this bill.

Mr. DALZELL. Mr. Chairman, I would ask the gentleman if he means that no other ambassador can live on the salary carried in this bill?

Mr. LONGWORTH. I think that is a fair statement.

It is getting more and more important, as this country continues to grow every day in importance as a world power, that we should be represented abroad by competent men; and if we desire to get those competent men we must change our system. There are two ways by which this might be brought about. We might increase the salaries, but, as I have endeavored to point out, to do that—to place our ambassador upon the same footing as his fellow-ambassadors from other countries—in a great many cases, would mean quadrupling the salaries carried by this bill. Another way, and the way in which I advocate that it be done, is indirectly. The salary system provided in this bill is absolutely illogical. We provide the same salaries for all ambassadors, utterly regardless of the different conditions prevailing at the different capitals to which they are accredited. It is utterly absurd to pay our ambassador to Mexico the same salary that we pay our ambassador to England. We provide the same salary to our ambassador to France that we do to our ambassador to Japan, utterly regardless of the fact that in Paris the cost of living is higher than anywhere else in the world, while in Japan it is comparatively reasonable, and utterly regardless of the fact also that at Tokyo we provide our ambassador with an official residence.

I might pause at this time to state what occurred at the embassy at Tokio, which was then a legation, shortly before the arrival of what was known as the "Taft party." It seems that two days before our arrival in Tokio the ceiling of the dining room fell down, and under our enlightened system there was no fund upon which our ambassador could draw to repair that ceiling, and he therefore had to pay the cost out of his own pocket. Think, gentlemen, had this occurred two days later! Conceive of that ceiling falling upon the honored head of the distinguished gentleman from Ohio [Mr. GROSVENOR], upon the head of the gentleman from New York [Mr. PAYNE], upon the head of the gentleman from Iowa [Mr. HEPBURN], or upon the head of the gentleman from Missouri [Mr. DE ARMOND].

Mr. SCOTT. I should like to ask the gentleman from Ohio if it is not also a fact that at the time he refers to the legation building was very much in need of paint; looked shabby and old and worn, and remained so for the reason he states—that the minister had no fund to draw upon to make the necessary repairs?

Mr. LONGWORTH. I so understand it.

Mr. GARRETT. I understand the gentleman to say that the United States owns the embassy at Tokio?

Mr. LONGWORTH. We have owned that property for some years.

Mr. GARRETT. How did we get it?

Mr. LONGWORTH. We bought it. Congress, in 1896, upon the recommendation of the minister then at Tokio, authorized an appropriation for the purchase of that property, and we bought it for $16,000, and I am informed now that it was worth an amount very largely in excess of that. But it seems to me that the true solution of this question lies not in increased salaries, but rather in another direction. I would have this Government acquire a suitable official residence in every important capital where we have envoys of at least the rank of minister plenipotentiary. While I do not claim that this would be a universal panacea for all of our ills, I do claim that it would solve many of the difficulties; that it would materially enlarge the field of qualifications for diplomatic service, and that it would bring it within the reach of men of moderate means.

I do not by any means advocate that the Government should acquire palaces or that our representatives should attempt to outstrip in luxury of living the representatives of any other country. I am utterly opposed to that, but I do advocate that this country should acquire dignified and proper residences for its representatives in foreign capitals.

Mr. SCOTT. Will the gentleman permit an interruption?

Mr. LONGWORTH. With great pleasure.

Mr. SCOTT. Has the gentleman introduced a bill to carry into effect the suggestion he has made?

Mr. LONGWORTH. I have.

Mr. SCOTT. Does that bill provide for an addition to the consular agents?

Mr. LONGWORTH. The bill that I have introduced and to which I shall call attention later has nothing whatever to do with the consular service.

Mr. SCOTT. Has the Committee on Foreign Affairs given any attention to the improving of the condition which exists, for example, at Hongkong, where I am advised that the American consulate has two commercial attachés, as compared with forty-five at the disposal of the English consul and 145 under the direction of the Japanese consul. I wondered if that committee had given any consideration to the question as to whether that condition ought not to be changed.

Mr. LONGWORTH. I am informed that there is a bill in Congress—I do not know by whom introduced—that provides an appropriation of a million dollars for consulates in the East, applying principally to Hongkong, Shanghai, Canton, and Yokohama. I might say that the consulate at Shanghai, upon which this Government now has a lease—when that lease runs out we can not acquire it for less than three times the amount we are now paying for it. If we had an appropriation which would be available to purchase the property now, we would save at least two-thirds of what it will cost us in the end.

Mr. ADAMS of Pennsylvania. Will the gentleman from Ohio allow me to answer the question of the gentleman from Kansas?

Mr. LONGWORTH. I will yield to the gentleman.

Mr. ADAMS of Pennsylvania. I will answer the question of the gentleman. There is a bill before the committee now, at the suggestion of the Secretary of State, which provides that a certain sum shall be set aside from the indemnity fund which we got as a result of the damages of the Boxers' insurrection in China and which is practically an unexpected gift to the nation—that a part of that fund shall be used for the erection of houses for our consulates in the Far East. That bill was in the hands of the subcommittee, was reported favorably to the main committee, and is held by the main committee

for more specific information from the State Department as to what they propose to do.

Mr. SCOTT. Mr. Chairman, with the premission of the gentleman from Ohio, I would like to say that while I have heard the statement of the gentleman from Pennsylvania with great satisfaction, yet it seems to me that this hardly reaches the point I had in my mind. We are reaching out after foreign trade, especially in the Orient, and it stands to reason that a nation which can go after that trade, with practically unlimited means in the way of commercial attachés and consulates can do vastly more in acquiring it than a nation which limits itself and attempts to do the work with wholly inadequate means. It seems absurd that the great nation of the United States should attempt to acquire the trade of China with two consular attachés at the greatest export port in the Empire, whereas the other countries have unlimited means.

Mr. LONGWORTH. I agree absolutely with the gentleman. I know the situation at our consulate at Yokohama, which is now, I believe, the second largest port of export with which we have commercial relations. In our consulate there we have not a telephone, we have not a typewriter, and we have only one clerk.

Every paper has to be written out in longhand, and we have not enough money out of the contingent fund to provide postage stamps for our invoices. While I appreciate the necessity for an appropriation for the purpose of increasing our consulate facilities, the point that I am trying to bring out is that while many of the salaries of our consuls are inadequate, nevertheless they can not be considered as being an office-holding class on account of their own private fortunes. For that reason I think that the necessity is greater to provide embassies and legations than it is to provide consulates, although, in my opinion, both are necessary.

Mr. FLOOD. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Does the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. FLOOD. I would state to the gentleman that a short time ago a bill was passed reorganizing the consular service, in which the salaries were increased considerably, and in this bill a considerable increase is made in the amount of money for hire of clerks.

Mr. GROSVENOR. It is fair to state, nevertheless, that while they have increased the salaries they have cut off certain fees that have heretofore been received, and the result is that there has been no practical increase.

Mr. FLOOD. The gentleman is mistaken about that, I think.

Mr. GROSVENOR. I have gone very carefully over a large number of the consulates and I find that the increase has just about met that which during the last two or three years was the average of the fees that came to the consul—that is, the unofficial fees.

Mr. FLOOD. In nearly every case there was an increase. Sometimes it was very slight, but in nearly every case there was an increase.

Mr. GROSVENOR. It was very slight; very slight, indeed.

Mr. LONGWORTH. As I said before, our ambassadors and ministers are the direct representatives of the whole American people. Is it not proper, then, that the American people should provide them with residences which will comport with the dignity of their high office? Then, at least, the wealth of the particular incumbent would not be apparent from external appearance, as it now always is. To-day the American embassy or legation is sometimes a flat, sometimes a boarding house, and sometimes a palace. There is nothing in the least degree official about the residences of our diplomatic envoys.

Mr. KEIFER. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. KEIFER. In what capitals of foreign countries have we residences, if any?

Mr. LONGWORTH. We have residences in Tokio, Japan; Pekin, China, and Seoul, Korea. We have consular residences in Tahiti; at Tangier, Morocco, and at Bangkok, in Siam.

Mr. SCOTT. And we have them there simply because it was absolutely necessary to erect them in order to afford a decent living place for the occupants.

Mr. LONGWORTH. Oh, in those countries where exterritoriality prevails it was a necessity. I desire at this point to refer to the bill which I have introduced upon this subject. It is very simple. It authorizes the Secretary of State to acquire by purchase, lease, or otherwise official buildings, which shall be used as embassies and legations and official residences by our ambassadors and ministers. It appropriates the sum of $5,000,000 therefor. This bill has had the unanimous approval of the Committee on Foreign Affairs and is now on the Calendar. I regret that I am not making this speech upon the consideration of that bill. I fear, however, that if I waited for its consideration the members of this committee might not have the inestimable privilege of hearing me upon it. Many other bills are before this House appropriating large sums of money. As to the necessity of these appropriations each Member of the House must judge for himself, and I fear that it may come to pass that this House in its wisdom may adjudge the necessity for other appropriations greater than for that provided for in House bill 9959.

In my opinion, however, there is no appropriation which can outweigh in importance one which will go far to remedy a condition so repugnant to the ideals of the American people, a condition under which certain offices are for the few, for a small class set apart from their fellows, not by reason of their ability, learning, or statesmanship, but on account of their private means. The expenditure of this amount would not create a large fixed charge upon the annual expenses of the Government. It is not an investment of money which would decrease in value as the years go by, but on the contrary an investment the value of which would increase and in all probability increase enormously. This has certainly been the case with those nations which years ago adopted the policy of owning their embassies and legations in foreign capitals. Take, for instance, the British embassy here in Washington. I am informed that the British Government paid for that property when it was purchased 40 cents a square foot. To-day the property is worth not less than $10 a square foot. The same thing is true of the experience of other nations, and it is true of our experience in those limited instances where we have adopted this policy.

Our legation property, now an embassy, at Tokyo cost $16,000 gold, and there is now on it an annual ground rental of $100 a year. That property to-day, I was told in Tokyo, was worth at least $50,000 gold. In Seoul, Korea, we bought our legation property, which is now used as our consulate, for the ridiculously small sum of $5,000. That property, I was informed when I was in Seoul last summer, was worth not less than $40,000. Our legation property in Peking, while I do not remember the figures, has undoubtedly largely increased in value. I venture to say that the expenditure of $5,000,000 in buying, or leasing upon long terms, real estate in these capitals at the end of twenty years would produce an investment at least double the original cost. But whether this be true or not, it certainly would bring about this result, that in every important capital there would be an official residence, a building over which the American flag would always float. Then the man appointed by the President of the United States to represent this country would not have to decide how much rent he could afford to pay. He would not have to be a house hunter for a large part of his term. It would not then be necessary to remove the archives and the great and important papers belonging to this Government from place to place, depending upon where the particular incumbent happened to live. Then the man of modest means, the man who most truly represents the bone and sinew of this Republic, would not be placed at a disadvantage as compared with another man who happens to have more money. Then, from all external appearances, the wealth or the poverty of the particular incumbent would not be apparent. Then we would not hear of cases of men impoverishing themselves, as in the case of Governor Noyes, nor, on the other hand, would we see that vulgar display of ostentatiousness in living which we have sometimes seen in the past. No longer, then, would a condition exist under which these offices of the highest responsibility and dignity could be given only to rich men, and no longer would there be a single office within the gift of the American people that would not be within the reach of any American citizen. [Loud applause.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and had directed him to report that it had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5758. An act granting an increase of pension to Joshua J. Clark—to the Committee on Invalid Pensions.

S. 3750. An act granting an increase of pension to Wilbur F. Flint—to the Committee on Invalid Pensions.

S. 5046. An act granting a pension to George Amerine—to the Committee on Pensions.

S. 1855. An act granting an increase of pension to J. J. Brown—to the Committee on Invalid Pensions.

S. 5731. An act granting an increase of pension to James McTwiggin—to the Committee on Invalid Pensions.

S. 5158. An act granting an increase of pension to Andrew J. Fosdick—to the Committee on Invalid Pensions.

S. 1224. An act granting an increase of pension to William A. Bowles—to the Committee on Invalid Pensions.

S. 4458. An act granting an increase of pension to Andrea P. Quist—to the Committee on Invalid Pensions.

S. 5557. An act granting a pension to Henry C. Sloan—to the Committee on Invalid Pensions.

S. 764. An act granting an increase of pension to Robert Carney—to the Committee on Invalid Pensions.

S. 5143. An act granting an increase of pension to Eugene V. McKnight—to the Committee on Invalid Pensions.

S. 5559. An act granting an increase of pension to Ann H. Crofton—to the Committee on Invalid Pensions.

S. 5969. An act granting an increase of pension to Franklin Burdick—to the Committee on Invalid Pensions.

S. 4372. An act granting an increase of pension to Emily P. Hubbard—to the Committee on Invalid Pensions.

S. 4719. An act granting an increase of pension to John Joines—to the Committee on Invalid Pensions.

S. 3256. An act for the relief of William Persons—to the Committee on Military Affairs.

S. 1584. An act to correct the military record of Alexander Everhart—to the Committee on Military Affairs.

S. 6063. An act granting an increase of pension to F. A. Sullivan—to the Committee on Invalid Pensions.

S. 6039. An act granting an increase of pension to George Gardner—to the Committee on Pensions.

S. 6027. An act granting a pension to Hattie S. Carruth—to the Committee on Pensions.

S. 5808. An act granting an increase of pension to Washington Brockman—to the Committee on Invalid Pensions.

S. 453. An act granting an increase of pension to George K. Green—to the Committee on Invalid Pensions.

S. 4379. An act granting an increase of pension to Roy E. Knight—to the Committee on Pensions.

S. 3261. An act granting an increase of pension to Charles B. Town—to the Committee on Invalid Pensions.

S. 4171. An act granting an increase of pension to Joseph Bovee—to the Committee on Invalid Pensions.

S. 6. An act granting an increase of pension to Ella N. Harvey—to the Committee on Invalid Pensions.

S. 5728. An act granting an increase of pension to Emery Wyman—to the Committee on Invalid Pensions.

S. 4550. An act granting an increase of pension to Henry Moody—to the Committee on Invalid Pensions.

S. 1428. An act granting an increase of pension to Daniel Lamprey—to the Committee on Invalid Pensions.

S. 1664. An act granting an increase of pension to Elizabeth L. W. Bailey—to the Committee on Invalid Pensions.

S. 4790. An act granting an increase of pension to Edward W. Smith—to the Committee on Invalid Pensions.

S. 3697. An act granting an increase of pension to Sarah A. Petherbridge—to the Committee on Invalid Pensions.

S. 2728. An act granting an increase of pension to Louisa Carr—to the Committee on Invalid Pensions.

S. 4811. An act granting an increase of pension to Mae Spaulding—to the Committee on Pensions.

S. 6024. An act granting an increase of pension to Franklin B. Beach—to the Committee on Invalid Pensions.

S. 1510. An act granting an increase of pension to Bryon K. May—to the Committee on Invalid Pensions.

S. 4784. An act granting an increase of pension to Lemuel Cross—to the Committee on Invalid Pensions.

S. 2791. An act granting an increase of pension to John Lindt—to the Committee on Invalid Pensions.

S. 4770. An act granting an increase of pension to Edward Hart—to the Committee on Invalid Pensions.

S. 668. An act granting an increase of pension to John C. Rassback—to the Committee on Invalid Pensions.

S. 5809. An act granting an increase of pension to Hannah C. Church—to the Committee on Invalid Pensions.

S. 1849. An act granting an increase of pension to David T. Pettie—to the Committee on Invalid Pensions.

S. 2852. An act granting an increase of pension to Bridget Manahan—to the Committee on Invalid Pensions.

S. 911. An act granting an increase of pension to Julius A. Davis—to the Committee on Invalid Pensions.

S. 1264. An act granting an increase of pension to Joseph Shiney—to the Committee on Invalid Pensions.

S. 5083. An act granting an increase of pension to William H. Meadows—to the Committee on Invalid Pensions.

S. 4092. An act granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

S. 5834. An act granting an increase of pension to Charles F. Sheldon—to the Committee on Invalid Pensions.

S. 5583. An act granting an increase of pension to Foster L. Banister—to the Committee on Invalid Pensions.

S. 2294. An act granting a pension to Michael Reynolds—to the Committee on Pensions.

S. 3904. An act granting a pension to George J. Thomas—to the Committee on Invalid Pensions.

S. 5784. An act granting an increase of pension to Mahala F. Campbell—to the Committee on Invalid Pensions.

S. 5785. An act granting an increase of pension to Joseph W. Doughty—to the Committee on Invalid Pensions.

S. 5501. An act granting an increase of pension to Jacob L. Kline—to the Committee on Invalid Pensions.

S. 4497. An act granting an increase of pension to Augustus McDowell—to the Committee on Invalid Pensions.

S. 3684. An act granting an increase of pension to George W. Hyde—to the Committee on Invalid Pensions.

S. 2429. An act granting an increase of pension to James Devor—to the Committee on Invalid Pensions.

S. 2619. An act granting an increase of pension to William H. Willie—to the Committee on Invalid Pensions.

S. 5842. An act granting a pension to Marie G. Lauer—to the Committee on Pensions.

S. 5791. An act granting an increase of pension to Margaret Simpson—to the Committee on Pensions.

S. 5786. An act granting an increase of pension to Mary J. Ivey—to the Committee on Pensions.

S. 5775. An act granting an increase of pension to Harvey M. Traver—to the Committee on Invalid Pensions.

S. 5326. An act granting an increase of pension to Annie A. West—to the Committee on Invalid Pensions.

S. 5801. An act granting an increase of pension to Andrew Jackson Parris—to the Committee on Invalid Pensions.

S. 5800. An act granting an increase of pension to James N. Davis—to the Committee on Invalid Pensions.

S. 5742. An act granting an increase of pension to James A. Bryant—to the Committee on Invalid Pensions.

S. 4887. An act granting an increase of pension to Calvin C. Hussey—to the Committee on Invalid Pensions.

S. 1174. An act granting an increase of pension to Edwin Morgan—to the Committee on Invalid Pensions.

S. 215. An act granting a pension to Elias Phelps—to the Committee on Invalid Pensions.

S. 4133. An act granting an increase of pension to George Brewster—to the Committee on Invalid Pensions.

S. 1215. An act to correct the military record of William Fleming—to the Committee on Military Affairs.

S. 4964. An act for the relief of Thomas F. Walter—to the Committee on Military Affairs.

S. 4937. An act granting an increase of pension to John Reece—to the Committee on Invalid Pensions.

S. 5256. An act granting an increase of pension to John Johnson—to the Committee on Invalid Pensions.

S. 4879. An act granting an increase of pension to Nellie Baker—to the Committee on Invalid Pensions.

S. 722. An act restoring to the pension roll the name of Annis Bailey, widow of Abram R. Ward—to the Committee on Invalid Pensions.

S. 3629. An act granting an increase of pension to William Hibbs—to the Committee on Invalid Pensions.

S. 5928. An act granting an increase of pension to Patrick Gaffney—to the Committee on Invalid Pensions.

S. 5442. An act granting a pension to Frances E. Taylor—to the Committee on Invalid Pensions.

S. 5790. An act granting an increase of pension to Jehial P. Mammond—to the Committee on Invalid Pensions.

S. 3486. An act granting an increase of pension to Edwin D. Wescott—to the Committee on Invalid Pensions.

S. 5022. An act granting an increase of pension to Henry S. Olney—to the Committee on Invalid Pensions.

S. 4346. An act granting an increase of pension to William E. Holloway—to the Committee on Invalid Pensions.

S. 1443. An act granting an increase of pension to Hiram C. Clark—to the Committee on Invalid Pensions.

S. 5983. An act granting a pension to Florence H. Godfrey—to the Committee on Pensions.

S. 586. An act granting an increase of pension to Corydon W. Sarborn—to the Committee on Invalid Pensions.

S. 6034. An act granting an increase of pension to William H. Hopper—to the Committee on Invalid Pensions.

S. 3814. An act granting a pension to John Giffin—to the Committee on Invalid Pensions.

S. 4585. An act granting an increase of pension to Mary A. Counts—to the Committee on Invalid Pensions.

S. 5152. An act granting an increase of pension to Holoway W. Kinney—to the Committee on Invalid Pensions.

S. 5169. An act granting an increase of pension to James A. Price—to the Committee on Invalid Pensions.

S. 5902. An act granting an increase of pension to George W. Webster—to the Committee on Invalid Pensions.

S. 3728. An act granting a pension to William H. Winans—to the Committee on Invalid Pensions.

S. 2179. An act granting an increase of pension to S. Annie Gregg—to the Committee on Invalid Pensions.

S. 3270. An act granting an increase of pension to William H. Richardson—to the Committee on Invalid Pensions.

S. 3649. An act granting a pension to Sarah Agnes Sullivan—to the Committee on Pensions.

S. 3487. An act granting an increase of pension to Joseph Fuller—to the Committee on Invalid Pensions.

S. 5949. An act granting an increase of pension to George F. White—to the Committee on Invalid Pensions.

S. 2032. An act granting an increase of pension to Thomas F. Stevens—to the Committee on Invalid Pensions.

S. 5966. An act granting an increase of pension to C. C. Davis—to the Committee on Invalid Pensions.

S. 5708. An act granting an increase of pension to Nathalia Boepple—to the Committee on Invalid Pensions.

S. 5032. An act granting a pension to Daisy Crowninshield Stuyvesant—to the Committee on Invalid Pensions.

S. 5948. An act granting an increase of pension to Samuel B. Rice—to the Committee on Invalid Pensions.

S. 4492. An act granting an increase of pension to George W. Fletcher—to the Committee on Invalid Pensions.

S. 225. An act granting a pension to Thomas R. Smith—to the Committee on Invalid Pensions.

S. 5932. An act granting an increase of pension to E. R. Merriman—to the Committee on Invalid Pensions.

S. 5056. An act granting a pension to Alexander Plotts—to the Committee on Pensions.

S. 2008. An act granting a pension to Virginia A. McKnight—to the Committee on Invalid Pensions.

S. 5844. An act granting an increase of pension to John Keys—to the Committee on Invalid Pensions.

S. 4205. An act granting an increase of pension to George Warner—to the Committee on Invalid Pensions.

S. 1256. An act granting an increase of pension to Lewis D. Moore—to the Committee on Invalid Pensions.

S. 1865. An act granting an increase of pension to Solomon H. Baker—to the Committee on Invalid Pensions.

S. 20. An act granting an increase of pension to Edward Higgins—to the Committee on Invalid Pensions.

S. 3553. An act granting an increase of pension to William Oliver—to the Committee on Invalid Pensions.

S. 5290. An act granting an increase of pension to James Ramsey—to the Committee on Invalid Pensions.

S. 5855. An act granting an increase of pension to Blanche B. Badger—to the Committee on Invalid Pensions.

S. 4608. An act granting a pension to George W. Walter—to the Committee on Pensions.

S. 4173. An act granting an increase of pension to Catharine E. Smith—to the Committee on Invalid Pensions.

S. 5767. An act granting an increase of pension to Thomas D. Welch—to the Committee on Invalid Pensions.

S. 5700. An act granting an increase of pension to Stacy B. Warford—to the Committee on Invalid Pensions.

S. 5765. An act granting an increase of pension to Theodore F. Montgomery—to the Committee on Invalid Pensions.

S. 4910. An act granting an increase of pension to William Wright—to the Committee on Invalid Pensions.

S. 5803. An act granting an increase of pension to William H. Meadows—to the Committee on Invalid Pensions.

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with Senate amendments—to the Committee on Appropriations.

PERSONAL REQUESTS.

The Clerk read the following personal requests:

Mr. KNAPP asks indefinite leave of absence, on account of sickness.

Mr. STERLING asks leave to withdraw from the files of the House, without leaving copies, the papers in the case of Vachtel Carmen, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. SMITH of Maryland asks leave to withdraw from the files of the House, without leaving copies, the papers in the case of William J. Bradshaw, bill H. R. 18397, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the requests be granted.

The motion was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned to meet at 12 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting, in response to the inquiry of the House, a report as to the enforcement of the Chinese-exclusion laws—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Richard D. Lamb, for himself and as administrator of estate of Ira M. Lamb, heirs of Ira M. Lamb, and Caroline, his wife, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. G. McDonald, administrator of estate of Robert H. Green, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case Abram Jones against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19516) to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes, reported the same without amendment, accompanied by a report (No. 4401); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9841) to correct the military record of James H. Davis, reported the same with amendment, accompanied by a report (No. 4400); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 19607) for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories—to the Committee on the Judiciary.

By Mr. LAW: A bill (H. R. 19608) directing the Secretary of War to cause an examination and survey to be made of Coney Island channel and other channels adjacent thereto—to the Committee on Rivers and Harbors.

By Mr. BELL of Georgia: A bill (H. R. 19609) to promote the construction of good roads and the efficiency of the postal service in the States and Territories of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL of Kansas: A bill (H. R. 19610) to pro-

vide a service pension for survivors of the late war of the rebellion, and for other purposes—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A resolution (H. Res. 538) requesting certain information from the Judiciary Committee respecting the preparation of an index to the Statutes at Large—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 19611) granting an increase of pension to Jacob Kinkerly—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 19612) granting an increase of pension to Thomas P. Madigan—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 19613) granting a pension to James A. Pryce—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 19614) granting an increase of pension to Felix M. Wheat—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19615) granting an increase of pension to Roxana Riley—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 19616) granting an increase of pension to Josiah Monroe—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 19617) granting an increase of pension to John T. Dieter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19618) granting an increase of pension to Jenkins J. Harris—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 19619) granting an increase of pension to Jane Spears—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 19620) granting an increase of pension to William R. Kidd—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 19621) granting an increase of pension to Johanna A. Bodeker—to the Committee on Pensions.

By Mr. HOLLIDAY: A bill (H. R. 19622) granting a pension to Thompson F. Frisbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19623) granting an increase of pension to John A. Cundiff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19624) granting an increase of pension to John T. Risler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19625) granting an increase of pension to James Noel—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 19626) granting a pension to Samuel Campbell—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 19627) granting an increase of pension to Elizabeth Beard—to the Committee on Pensions.

Also, a bill (H. R. 19628) granting an increase of pension to Elizabeth Mooney—to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 19629) granting an increase of pension to Oliver Morton—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 19630) granting an increase of pension to Hugh Stevens—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 19631) for the relief of the heirs of James Downs and Christine Downs, deceased—to the Committee on War Claims.

By Mr. MAYNARD: A bill (H. R. 19632) granting a pension to Louise H. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19633) for the relief of Willoughby L. Wilson, administrator of the estate of Willoughby Wilson, deceased—to the Committee on War Claims.

By Mr. POLLARD: A bill (H. R. 19634) granting an increase of pension to W. J. Wells—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 19635) granting a pension to Mary J. Stone—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 19636) granting an increase of pension to Marie J. Blaisdell—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 19637) granting an increase of pension to C. W. Carpenter—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 19638) for the relief of Ezekiel Golden, of Wit, Carteret County, N. C.—to the Committee on War Claims.

By Mr. TRIMBLE: A bill (H. R. 19639) granting a pension to Lucy A. Kephart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19640) granting a pension to M. Frank Cook—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 19641) for the relief of José Ramos—to the Committee on Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19589) granting a pension to Aaron Davis, and it was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerks' desk and referred as follows:

By Mr. BEALL of Texas: Paper to accompany bill for relief of James B. Barry—to the Committee on Indian Affairs.

By Mr. DUNWELL: Petition of the American Humane Association, against bill H. R. 47, relative to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of the city council of Chicago, for sole control of the outflow of Lake Michigan water into the Chicago city canal—to the Committee on Rivers and Harbors.

By Mr. ESCH: Petition of J. A. & C. J. Wells, of Tomah, Wis., and E. E. Gilbertson, of Melrose, Wis., for an amendment to the Postal Laws and Regulations making all paid subscriptions legal—to the Committee on the Post-Office and Post-Roads.

By Mr. FINLEY: Papers to accompany bill granting an increase of pension to Jane Spears—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of the city council of Chicago, for sole control by the Federal Government of the outflow of water of Lake Michigan into the Chicago city canal—to the Committee on Rivers and Harbors.

Also, petition of the Outdoor Art League, of California, for legislation giving 5 per cent of the sales of public lands in that State to California—to the Committee on the Public Lands.

By Mr. FLOYD: Paper to accompany bill for relief of Mary A. Bingamon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Nancy A. Smith—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Paper to accompany bill for relief of Mrs. Johanna Bodeker—to the Committee on Pensions.

By Mr. HAYES: Petition of the Los Angeles Credit Men's Association, against repeal of the national bankruptcy law—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of Middlesex County board of agriculture, of New Jersey, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KLINE: Petition of citizens of Pennsylvania, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LEE: Paper to accompany bill for relief of James R. Neal—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martha Howard (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. LINDSAY: Petition of Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Metal Trades Association, for bill S. 529 (the Gallinger merchant marine bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: Paper to accompany bill for relief of Oliver Morton—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Los Angeles Credit Men's Association, against repeal of the present bankruptcy law—to the Committee on the Judiciary.

By Mr. SOUTHARD: Petition of the Erie Press, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Ohio, for the Mann bill (H. R. 8102)—to the Committee on Patents.

By Mr. SPARKMAN: Petition of labor organizations of Pensacola, Fla., favoring any kind of an anti-injunction law that may come up for passage—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of E. Golden—to the Committee on War Claims.

By Mr. WHARTON: Petition of the trustees of the sanitary district of Chicago, for improvement of the navigation of the Chicago River from its mouth through the main and south branch to the beginning of the main drainage channel at Robey street—to the Committee on Rivers and Harbors.

SENATE.

THURSDAY, *May 24, 1906*

Prayer by Rev. ROBERT M. MOORE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PETITIONS AND MEMORIALS.

Mr. KEAN presented the petition of Mary M. Crawford, of Glenridge, N. J., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented a petition of the Municipal Art League, of East Orange, N. J., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Princeton, N. J., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was ordered to lie on the table.

Mr. PLATT presented petitions of sundry citizens of West Hebron, Belcher, Hartford, Argyle, and Salem, all in the State of New York, praying for the enactment of legislation to investigate the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Grange No. 610, of Fayetteville; of Oswego Grange, No. 175, of Oswego, Patrons of Husbandry, and of John P. Hines, of New York City, all in the State of New York, praying for the removal of the internal-revenue tax on denaturized alcohol; which were ordered to lie on the table.

Mr. BRANDEGEE presented a memorial of the Connecticut Library Association, of Meriden, Conn., remonstrating against any change in the existing law permitting the free importation of books, maps, music, photographs, etc.; which was referred to the Committee on Finance.

He also presented a petition of the Ypsilanti Civic Improvement Association, of the State of Michigan, praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White Mountains; which was ordered to lie on the table.

Mr. PILES presented the petition of James Hart and sundry other citizens of Auburn, Wash., and the petition of George Dysert and sundry other citizens of Centralia, Wash., praying for the removal of the internal-revenue tax on denaturized alcohol; which were ordered to lie on the table.

Mr. PENROSE presented a petition of sundry citizens of Mechanicsburg, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of Local Grange No. 1141, of Media; of Beaver Run Grange, No. 813, of Alderson; of East Lynn Grange, No. 1263, of Westchester; of Troups Creek Grange, No. 981, of Wellsboro, and of South Auburn Grange, No. 1188, of Skinners Eddy, Patrons of Husbandry, in the State of Pennsylvania, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

MISSISSIPPI RIVER COMMISSION.

Mr. BERRY. I report back favorably from the Committee on Commerce, without amendment, the bill (H. R. 16950) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River. It is a very short bill, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of the Passes and Cape Girardeau, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESERVATION OF AMERICAN ANTIQUITIES.

Mr. PATTERSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4698) for preservation of American antiquities, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Section 2 authorizes the President of the United States, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected, but when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects and that the gatherings shall be made for permanent preservation in public museums.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF BRASS CANNON.

Mr. FORAKER. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 98) authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J., to report it favorably without amendment. I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIPPINE COINAGE.

Mr. LODGE. From the Committee on the Philippines I report back favorably with amendments the bill (S. 6243) to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for coinage system in the Philippine Islands." I give notice that to-morrow I shall call up the bill for action, as immediate action is necessary upon the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HALE. Mr. President, I wish to call attention to what in some way has become a practice and which has no force under the rule. When a Senator simply says he will call up a bill if he can on a certain day, there is no reason why notice of that should be entered on any paper. The rules do not pro-

vide for anything of that kind. It does not give anyone any additional chance. I ask that hereafter no such notices be entered. They only encumber the record.

Mr. PATTERSON. I desire to ask the Senator from Massachusetts to briefly state what the bill is which he proposes to call up to-morrow. I simply want it for general information.

Mr. LODGE. The price of silver has risen so steadily of late, and seems likely to rise still more, that it will attain a point at which, under the ratio established by law in the Philippine Islands, the silver peso would become an undervalued coin, and would leave the islands, depriving them of their currency, as their only currency is silver currency. The purpose of the bill is to enable, under proper restrictions, a reduction in the weight and fineness of the Philippine silver peso, so as to check the movement of the coins out of the islands.

REPORTS OF COMMITTEES.

Mr. ALGER, from the Committee on Commerce, to whom was referred the bill (H. R. 18026) permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn., reported it without amendment.

Mr. PATTERSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 4546) ceding to the city of Canon City, Colo., certain lands for park purposes, reported it with amendments, and submitted a report thereon.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (H. R. 8410) to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek, in Berkeley County, in the State of South Carolina, reported it without amendment.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 19473) authorizing the use of the waters in Coosa River, at Lock No. 4, in Alabama, reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 19374) to prohibit shanghaiing in the United States, reported it without amendment.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 3702) for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. ALLEE, from the Committee on the District of Columbia, to whom was referred the bill (S. 5075) for acquiring by condemnation and dedicating as public parking certain triangles on Sixteenth street, in the city of Washington, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. NELSON. I am directed by the Committee on Commerce to report back favorably without amendment the bill (H. R. 17758) permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota. This is a little local bill, and I ask for its present consideration.

Mr. TELLER. I wish the Senator would withhold his request until we get through with morning business. I will not object to it then, but I am going to object to bills coming in during the morning business.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. TELLER. As far as I am concerned, the Senator can call it up immediately after the morning business is over.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 52) authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2987) to remove the charge of desertion from the military record of Nathan Mendenhall, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 13735) for the relief of John Purkapile, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 13245) to correct the military record of Henry Gude, reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Commerce, to whom was referred the bill (H. R. 17982) to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 45) authorizing a commission to examine the battlefields around Petersburg, Va., and report whether it is advisable to establish a battlefield park, reported it without amendment.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska, reported it with amendments, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 5149) to grant an honorable discharge to William C. Haskell, reported it with amendments, and submitted a report thereon.

DISTRICT STREET RAILWAYS.

Mr. GALLINGER. Mr. President, for the purpose of giving certain parties who feel that they have a right to be heard a hearing on the bill (S. 43) to extend the lines of the Capital Traction Company, and in accordance with a notice that I gave yesterday I move to recommit the bill to the Committee on the District of Columbia for further consideration.

The VICE-PRESIDENT. The Senator from New Hampshire moves to recommit to the District of Columbia Committee the bill (S. 43) to extend the lines of the Capital Traction Company.

Mr. HANSBROUGH. Mr. President, I have no disposition to oppose the fullest inquiry into the affairs of the public-service corporations of the District of Columbia. I had the misfortune some months ago to be named as the chairman of a subcommittee to go into this question, to consider certain bills that had been introduced in the Senate and referred to the Committee on the District of Columbia.

I have been under the impression for a long time that the public-service corporations of the District were not paying their just proportion of taxes in the District, and as I proceeded to investigate the question I became more thoroughly convinced that I was right on that question.

So, Mr. President, as the chairman of the subcommittee appointed to go into this matter, and having the sanction of at least a portion of the subcommittee, I reported to the full committee a bill containing a provision which would increase the taxes of these corporations.

It is true, as the honorable chairman of the committee said yesterday, that the full committee was not unanimous in reporting this bill to the Senate; but the majority of the committee who voted authorized the report. That report was made by me yesterday.

Now, on the question of hearings, I do not believe that the committee will succeed in getting information on the subject additional to that which already exists in documents which have been printed.

Without referring particularly to the report which I had the honor to make yesterday, I call the attention of the Senate to the fact that when the bills came to me as chairman of the subcommittee, I found that it was difficult to get full information on the subject. So I addressed a letter to the heads of the street railway corporations, inclosing a list of seventeen questions which I thought it was proper that they should answer. It took something like a month to get complete answers to those questions, and indeed I did not succeed even at the end of that time in getting satisfactory answers to some of them.

The answers that I did secure to the questions I had published in a document, which was printed and can be had by Senators. If we should have the most extended hearings on the part of the Committee on the District of Columbia, I doubt whether we would obtain any further information on the subject than is contained in the document to which I refer.

The answers to the questions are here set out in many instances at great length. Some of the managers of the railroad corporations have gone into the question of taxation fully. I doubt if they would be able to go into it any further if they were heard for a week than they have gone into it in the answers they have made to these questions.

I do not want to be considered as resisting the motion made by the Senator, but I do not believe that anything would be gained by recommitting the bill. There is on the desk of Senators this morning, or on the files, the report made on yesterday; and, as I said, this additional document containing the state-

ments of the railroads themselves can be had by Senators if they desire to send for it.

Mr. GALLINGER. Mr. President, I desire to say a word in reply to the Senator from South Dakota. Early in December last I introduced two bills to extend the lines of the two existing railroad corporations to the Union Station. That is all those bills contemplated. It is well known to every Senator that before long the traveling public are to be deposited in the new station. The Baltimore and Ohio Railroad informs me that because of certain changes which must be made in their tracks, and certain fills which are necessary, that road will be landing passengers there probably in September or October next.

I felt that it was the duty of Congress to pass those bills promptly, extending the lines of these railroads to the Union Station. The railroads are to get no benefit from it. They will not have a single passenger more from one station than they have from two, while it will cost them between $800,000 and $900,000 to extend their lines as contemplated.

There was one controverted question in one of those bills, and that was the proposed cross-town line on M street, which was fought over here last year. The Senator from North Dakota was chairman of a subcommittee last year to consider that bill, and I felt that inasmuch as that question was involved it was proper that these bills should be sent to the same subcommittee. They were referred to the subcommitte in January. On the 24th of March I addressed a letter to the chairman of the subcommittee, after he had had the bills two months, saying that it was very important that we should have legislation on this subject, and subsequently I addressed him another letter, urging the necessity for early action.

After four months the subcommittee made a report, substituting for the two bills committed to them a bill that not only deals with the question submitted, but which proposes to almost quadruple the taxes, not only upon the railroad corporations, but upon the gas company, the electric light company, and the telephone company of the District of Columbia. In other words, the subcommittee thought that in dealing with the question of extending the street railroad lines to the Union Station we should take up the question of taxation of the several public-utility corporations in the District of Columbia.

The subcommitte reported to the full committee a few days ago, and nine members of the committee voted, five in favor of reporting the bill and four against, and two members did not vote. Since then three members of the committee who either voted in favor of reporting the bill or did not vote at all have said to me that they acted under a misapprehension.

Now, Mr. President, I feel that these corporations have some rights. They were not given a hearing before the subcommittee. In fact, I think outside of the railroad corporations they had no knowledge that any such legislation as this was contemplated, and it is manifest that such a bill as that should not be enacted under such circumstances. If it is desirable to go into the question of taxation, a matter that the late Senator McMillan and some other members of the committee considered with great care when the present system was adopted, let a bill be introduced. I assure the Senate that no Senator will give it more careful attention than I will, with a view to doing exact justice between the corporations and the people of the District of Columbia.

Now, Mr. President, that is all there is to this matter. I submit that the bill should go back to the committee for further consideration.

Mr. HANSBROUGH. The Senator has spoken of the time which elapsed between the date when these bills were referred to the subcommittee and the date when the subcommitte reported. It is unnecessary, I think, to call the attention of the Senate to the fact that we have had a great deal of very strenuous work before the Senate. My own Committee on Public Lands, meeting every week, dealing with a variety of great questions, is enough for any one man to attend to. In addition to that the Finance Committee, of which I am a member, has had numerous meetings. The Agricultural Committee, handling a great appropriation bill, has been obliged to meet repeatedly. I have been under the necessity of attending the meetings of all these committees in addition to the weekly meetings of the District of Columbia Committee.

So in considering the railroad question I had but very little time to devote to it. I was under the necessity of taking the papers and documents to my home and working on them at night in order to accomplish what I have accomplished here. I say to the Senator, and I say to the Senate, that there has been no purpose of delay here on the part of the subcommittee.

Mr. President, it was the most difficult thing to secure a meeting of the subcommittee, in the first instance. The members of the subcommittee said to me, "Go on and perfect the bill; make your report, and we will support it." When I submitted the questions which I thought should be asked of these companies to the members of the subcommittee and to the Senator who is chairman of the full committee, they acquiesced in the idea that the questions should be asked and that answers should be had to them.

Mr. GALLINGER. Mr. President, the Senator does not quite correctly represent me. The Senator, of course, as a member of the subcommittee, could act independently and seek such information as he chose. He said to me he was going to ask certain questions of the corporations. I said to him that that was his privilege; but that I had anything to do with the matter beyond that certainly does not comport with the facts.

Mr. HANSBROUGH. Oh, no; I have not said that.

Mr. GALLINGER. And, if the Senator will permit me, he says he has been overworked. So have we all. The proposition involved in the bill that was submitted to the Senator, to extend the lines of these railroads to the Union Station, would not have taken very long to consider if the Senator had confined himself to the question which was submitted to him.

Mr. HANSBROUGH. That is very true. If we were to confine ourselves to precisely what the railroad companies want, and that is what was contained in these bills, of course we never would increase the taxes of these companies.

The present tax law, Mr. President, under which these companies pay was put into a bill incorporating one of these street railroad companies fifteen years ago, and it has never been changed. So I make the statement to show that there has been no undue delay, when we consider the amount of work that has been thrown upon all Senators and the extraordinary character of the measures that have been before the Senate—the railroad rate bill, for instance, which was here for more than sixty days.

Now, Mr. President, that is all I care to say about this question at the present time.

Mr. PATTERSON obtained the floor.

Mr. ALDRICH. What is the question before the Senate?

The VICE-PRESIDENT. It is on the motion of the Senator from New Hampshire to recommit to the Committee on the District of Columbia Senate bill 43, to extend the lines of the Capital Traction Company.

Mr. PATTERSON. Mr. President, I hope that the motion of the Senator from New Hampshire will not prevail. I think that the Senator from North Dakota [Mr. HANSBROUGH] and the subcommittee of which he is chairman have done the city of Washington and the Senate and the country a distinct good in making this report and incorporating the views of the subcommittee on the bill the passage of which the committee asks.

Mr. HANSBROUGH. Before the Senator proceeds——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. I desire to say in answer to the suggestion made by the Senator from New Hampshire that the bill proposes to quadruple the taxes of these corporations that the statement is far from being correct. I think the figures given in the report will convince Senators of that fact.

Mr. GALLINGER. On that point, the Senator knows that they pay 4 per cent on their gross earnings now, and he proposes to add 12 per cent on their net earnings. If he will figure it up, I think he will find I was not far out of the way.

Mr. HANSBROUGH. I have figured it very thoroughly. I call the attention of Senators to the report that I made yesterday.

Mr. GALLINGER. If the Senator from Colorado will permit me, the Senator from North Dakota claims accuracy. The Senator states that the market value of the outstanding securities of these companies is $70,000,000. On the 19th day of May I had a careful table prepared showing the par value and the market value of the securities on that day, only five days ago, and the market value was $45,000,000 on that day.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. With pleasure.

Mr. HANSBROUGH. The statement is made by the Senator that I have reported the market values of these securities at $70,000,000. In reply to that statement I will say that such a statement was made in a general way in the printed report of the subcommittee, which was laid before the full committee. It was, as I said, a general statement, and I am free to admit that it was considerably exaggerated. But I want to call the attention of the Senate to this fact: The Senator has stated that the par value——

Mr. GALLINGER. The market value.

Mr. HANSBROUGH. The Senator has stated that the market value of these securities is $45,000,000. In the statement to which he first referred the par value is given at $45,525,000. This statement is dated at the comptroller's office May 21, 1906. I do not know what comptroller that is. The Senator will explain what comptroller it is.

Mr. GALLINGER. I did not know that it was on the paper. I will ascertain.

Mr. HANSBROUGH. I do not know who made that statement.

But, Mr. President, from the sworn statements of these companies, made to Congress under the law for 1905, I find that their capital stock paid in was $31,044,990, and that their funded indebtedness at that date was $18,444,100, or, in other words, a total of $49,489,090, upon which dividends and interest were paid in 1905 of $2,067,200. The total receipts of these companies for that year were $3,711,745. The total taxes paid by them for that year were $148,000.

Mr. SCOTT. Will the Senator from Colorado allow me a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. PATTERSON. With pleasure.

Mr. SCOTT. Mr. President, I read the report of the Senator from North Dakota very carefully, and I came to the conclusion after reading it that the companies are not paying the tax that they should pay, and as a small stockholder in the Capital Traction Company I so made the statement in the committee. I was immediately waited upon the evening after my vote to assure me that my vote in that committee was injuring my own stock in that company. I want to say that if I should lose every dollar of my stock in the company I would vote for what I think to be right. I do not believe these companies are paying their just share of taxation in this city as compared with what the citizens are paying.

Mr. HANSBROUGH. In response, if the Senator from Colorado will allow me——

Mr. GALLINGER. Will the Senator from Colorado permit me just a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. When the discussion of taxation in this District comes up it seems to me that we will be able to show that, while the taxes perhaps ought to be increased somewhat, these companies are paying a pretty fair tax. But I do not think this is the time and place for it.

Mr. HANSBROUGH. Mr. President, in response to a question asked me by the Senator from Wisconsin [Mr. SPOONER], as to what the net receipts of these companies are, I will call his attention to page 2 of the report I made on yesterday, where it will appear that the net earnings of the Capital Traction Company in 1905 were $980,244; of the Washington Railway and Electric Company, $683,311; of the Anacostia and Potomac, $144,311; of the Brightwood Company, $833; of the City and Suburban Railway, $148,067; of the Georgetown and Tennallytown Railroad, $340; a total of $1,957,107.

Mr. SPOONER. Gross earnings?

Mr. HANSBROUGH. No; net earnings.

Mr. SPOONER. They are paying now on the gross earnings.

Mr. HANSBROUGH. They are paying on the gross earnings 4 per cent, under the law passed fifteen years ago. The amendment in the bill which I have reported provides for 12 per cent on the net earnings.

Mr. GALLINGER. In addition to 4 per cent on the gross earnings.

Mr. HANSBROUGH. In addition to the 4 per cent. Under that provision the railway companies will pay $234,000 more taxes than they are paying now. They pay now $151,000, and they would pay in addition $234,000. The other public-service corporations would pay, of course, in addition to what they pay now. The Washington Gaslight Company would pay $66,197 more annually, predicated upon their business for 1905. The Chesapeake and Potomac Telephone Company, with net receipts last year of about $32,000, would pay only $3,944 additional tax under a net-earnings tax scheme.

So, Mr. President, the public-service corporations in the District, with net earnings in 1905 of $2,541,627, would pay additional taxes to the amount of $304,995.

Mr. PATTERSON. Mr. President, an examination of the report made by the Senator from North Dakota shows that all of the information which can be of any substantial value to the Senate in passing upon this bill has been secured by him from the officers of the companies themselves.

Mr. GALLINGER. Will the Senator permit me?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. There are three very large corporations that I understand have never been interrogated at all and which had no knowledge of this proposed legislation.

Mr. PATTERSON. To which companies does the Senator refer?

Mr. GALLINGER. The gaslight company, the telephone company, and the electric-light company.

Mr. PATTERSON. Mr. President, this report shows a state of facts that ought to be pretty clearly understood. First, it shows that the bonded indebtedness of these several corporations amounts to about $18,000,000 and that the par value of the stock amounts to about $31,000,000. In this case, as in all such cases, especially where these corporations and utilities are in thrifty, growing cities, the stock and the bonded indebtedness represent the cost of construction. In these Washington corporations, then, if those who originally incorporated the companies yet own the stock, they would own $31,000,000 worth of stock which never cost them a dollar. Not a dollar of individual money outside of the money that is borrowed upon the bonds goes into investments of this character; and that is by reason of the immense value of the franchises, the possession of which enables them to construct and operate these utilties and enables them to go into the money market and secure such vast sums of money, secured practically by the revenues from these institutions.

It is only within the past ten or twelve years that the real value of these great municipal franchises has commenced to be understood at all. Until a very few years ago these franchises were given out to those who applied for them. There was such a halo of public benefactions created by the applicants that the cities seemed glad to turn them over to private corporations that they might have the benefit of the utilities the corporations would afford.

But, Mr. President, when the attention of thoughtful men was turned to this particular character of investment and this particular character of operation, it was discovered that in almost every instance when the value of the property that was to be determined by their revenue-bearing qualities—under investigation it was learned that the franchise end of it, which cost the original promoters nothing at all, constituted at least two-thirds of the real value. So in the case of these corporations in the District of Columbia, you have a bonded indebtedness of $18,000,000, which represents the present value of all the material and all the construction necessary for the operation of these roads, and $31,000,000 of stock, upon which dividends are being annually paid, that is clear profit—"velvet," in the language of the street—and that really should be the property of the District of Columbia, and the District of Columbia should be reaping the benefits from not only their ownership, but their possession.

Mr. President, the possession of these franchises by private corporations in American municipalities is the cause of 95 per cent of the municipal corruption that has made municipal government in the United States a stench in the nostrils of decent people. The reason of it is that the franchises are of such vast value and the people are in such profound ignorance as to their value that wealthy men and venturesome men enter into the political arena, first, for the purpose of corrupting the election of every town and city of any size in the country that they may elect city governments which will be mere tools at their command, and, next, for the purpose of corrupting the officers of the city governments themselves.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. Does the Senator from Colorado think that applies to the District of Columbia?

Mr. PATTERSON. Mr. President, the District of Columbia, from the nature of its government, is necessarily an exception; but I am justified in saying that, in view of the small returns that are being received by the people of the District of Columbia from these great franchises, the committee which has in charge the welfare of the District of Columbia has not the amount of information upon the subject—at least, so it seems to me—that they might have in order to do justice to the people of the District of Columbia and the Government of the United States, who own the streets and, therefore, own the franchises.

Mr. GALLINGER. I will say to the Senator from Colorado that the Committee on the District of Columbia is a reasonably diligent committee, doing work which is not very much appreciated at home, and trying to be just as between the corporations and the people of the District. The Senator, perhaps, has not stopped to think that in these other cities, between which

and Washington comparisons have been made, they have the overhead trolley system, which costs less than one-half the service which we have compelled these corporations to install in the city of Washington. The Senator perhaps has not stopped to reflect that one corporation in this city expended $400,000 for experiments on storage batteries. Perhaps he has not stopped to reflect that the companies installed a cable system, and, at the dictation of the Committee on the District of Columbia and of Congress, took that out and put in an underground system after the Budapest pattern. Possibly the Senator has not stopped to reflect, when he pays his 5-cent fare in his own city or in San Francisco, or in New York, or in Boston, or in Baltimore, that there is a great difference between a straight 5-cent fare and six tickets for 25 cents. Will the Senator venture to suggest how much he thinks is saved to the citizens of the District of Columbia annually in fare by getting six tickets for 25 cents, as between that and a straight 5-cent fare?

Mr. PATTERSON. Mr. President, the Senator is——

Mr. GALLINGER. I ask the Senator from Colorado the question whether he would venture to suggest the amount thus saved to the citizens of the District of Columbia?

Mr. PATTERSON. I am not a lightning calculator, Mr. President.

Mr. GALLINGER. Ah! I will tell the Senator. It is $556,000 a year.

Mr. PATTERSON. And may I give the Senator from New Hampshire a piece of information?

Mr. GALLINGER. Certainly. I like to be informed.

Mr. PATTERSON. And that is to be obtained by examining the late report issued by the Department of Commerce and Labor—namely, that the cost per fare in Great Britain over municipal-owned street railways is 1.1 cents.

Mr. GALLINGER. Why does not the Senator get that in Denver, his home city? Why does he not even get six tickets for 25 cents there?

Mr. PATTERSON. The reason we do not get it in Denver, and the reason we do not get it in New York, Philadelphia, Chicago, Boston, and other of the cities of the country, is because these utility corporations have corrupted every avenue to the ballot box. By reason of the tremendous value of these franchises they find it profitable to use large portions of the receipts from these street railway companies to control the executive committees of political parties in the cities and to expend large sums of money for the pollution of the ballot box, and the expenditure of large sums of money in the purchase and ownership of city councils, mayors, and other executive officers of the municipalities. That is the reason, Mr. President, that we can not have these public utilities, whether it be water, where the water is owned by a private corporation, or gas, or electric lights, where these plants are owned by private corporations, or street railway fares, where the railways are owned by private corporations, as cheaply as the people are entitled to have these utilities. It is for the reason that they own the franchises, and it is only by disposing of the franchises to private corporations that these corporations have any authority whatever in the streets and avenues of the cities.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. PATTERSON. With pleasure.

Mr. PETTUS. I desire to ask the Senator on what theory it is that he proposes to tax these street railways 12 per cent on their net income? What is the theory on which it is done as between them and other people?

Mr. PATTERSON. The theory upon which it is done, Mr. President, is very plain and simple. These municipal corporations now are in possession of franchises, for which they have paid not a dollar, that belong to the city or the District of Columbia, that are worth to-day over $31,000,000. That is the reason. If the stock that is owned, Mr. President, had originally been procured by the first holders by purchase upon the market, they paying its value, then the stock would represent an investment, and that investment should not be discriminated against in any way, shape, or manner.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. I should like to add to what the Senator has said in reply to the question propounded by the Senator from Alabama [Mr. PETTUS], that if this 12 per cent net-earnings taxation plan should be adopted these companies would not then pay as much as the private citizen pays to-day in the District of Columbia.

Mr. GALLINGER. Now, Mr. President, if the Senator from Colorado will permit me, I will assert that they would pay three times as much.

Mr. HANSBROUGH. Well, Mr. President, that is simply such an exaggeration of the facts that I will not respond to it at this time.

Mr. GALLINGER. That is all right, but it is a fact just the same.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. PATTERSON. Certainly.

Mr. CULBERSON. I understood the Senator from Colorado to state that the value of the property of these corporations is $31,000,000. Does that represent the total bonded indebtedness and the stock of the companies?

Mr. PATTERSON. No. Their bonded indebtedness is about $18,000,000; and upon that bonded indebtedness, I understand, 5 per cent is paid. In addition to the bonded indebtedness, there is stock amounting to $31,000,000, and upon that $31,000,000 dividends are paid.

Mr. CULBERSON. Well, the total, then, of the bonded indebtedness and the stock is about $49,000,000?

Mr. PATTERSON. In the neighborhood of $50,000,000.

Mr. CULBERSON. I will ask the Senator what is the total valuation for the purposes of taxation of the property of these companies as given in by themselves, if the Senator can tell me, as against the $49,000,000 upon which they are bonded?

Mr. PATTERSON. Mr. President, the total taxation paid by these street railway companies, as I understand, is 4 per cent upon their gross receipts. That has no relation whatever to the value of their property. Then, upon the real estate, pure and simple, owned by these corporations—and that real estate is a mere fraction of the total value of their assests——

Mr. CULBERSON. The information I desire from the Senator from Colorado is this: The total stock and bonded indebtedness of the companies amounts, as I understand, to $49,000,000, upon which they earn dividends. What I want to get at is the total value of the property of these companies as given in by themselves for the purposes of taxation in the District of Columbia.

Mr. PATTERSON. The total assessed value, as I understand it, is something over $3,000,000.

Mr. HANSBROUGH. If the Senator will allow me, I have the information here.

Mr. PATTERSON. I shall be very glad to have it.

Mr. HANSBROUGH. In the report which I made to the Senate yesterday, on page 7, will be found this statement:

> Perhaps the most equitable basis of assessment is the value of a corporation's interest and dividend paying securities. The sworn statements of the street-railway and electric-lighting companies of the District show that the securities upon which interest and dividends are being paid regularly aggregate $49,444,000.
>
> Last year they paid $2,067,200 in dividends and interest.
>
> So that if we apply to them the rule that prevails here of levying a tax upon two-thirds of the value of the property, these corporations under a 1½ per cent levy would pay approximately $500,000 a year. Should this bill become a law they would pay $385,000, which is $115,000 less than under the private individual rate.

That is, under existing law. I submit these facts to the Senate and ask careful consideration of them by the Senate.

Mr. PATTERSON. I can further answer the Senator from Texas [Mr. CULBERSON] by stating that the total property—and if I am wrong, I hope the Senator from New Hampshire [Mr. GALLINGER] will correct me—the total property outside the gross receipts upon which the District of Columbia corporations pay taxes is of the value of $3,702,422.57.

Mr. GALLINGER. Is that real estate?

Mr. PATTERSON. Real estate.

Mr. GALLINGER. Yes; I think so.

Mr. PATTERSON. I will ask the Senator from New Hampshire whether these corporations pay taxes upon anything else than their real estate?

Mr. GALLINGER. I will say to the Senator that the Committee on the District of Columbia, under the lead of the late Senator McMillan, who was a reasonably fair man, took this whole question up, and they thought it was the better way to compel these corporations to pay on their real estate, and then to pay a percentage on their gross receipts. That is the system. If the Senator wishes to be at war with that, that is one thing; but that is the system, and it was reached after very careful consideration and argument.

Mr. PATTERSON. Mr. President——

Mr. GALLINGER. If the Senator will permit me further——

Mr. PATTERSON. Certainly.

Mr. GALLINGER. I will say that I do not at all contend that the tax is as large as it ought to be on any of these cor-

porations; but let a bill be presented covering that point—and I am inclined to think it ought to originate in the House of Representatives; I just throw that out incidentally, however—let a bill be presented dealing with this question, and I think the Senator and I perhaps will be nearer together than we are to-day. But I am surprised that the Senator should think it wise legislation, when dealing with the question of accommodating the traveling public and getting these street railway lines extended to the Union Station, to involve all these corporations in this controversy.

I thank the Senator.

Mr. PATTERSON. I am not at war with the method of taxation suggested by the Senator from New Hampshire [Mr. GALLINGER]. On the contrary, I am in hearty accord with it. I think the true way upon which these utility corporations should pay the value of their property plus taxation is by a percentage of their gross receipts.

Mr. PETTUS. Mr. President, I desire to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. PATTERSON. Yes.

Mr. PETTUS. What has been for the last year the gross receipts of the street railways of Washington?

Mr. HANSBROUGH. Does the Senator ask for the amount of the gross receipts?

Mr. PETTUS. Yes.

Mr. HANSBROUGH. Last year they were $3,711,745.

Mr. GALLINGER. And, Mr. President, if I may trespass upon the good nature of the Senator from Colorado a moment, I want to correct one other misapprehension. Dividends are paid on $20,000,000, not on $30,000,000 or $40,000,000, as has been asserted. They are paid on the stock of the Capital Traction Company and the preferred stock of the Washington Railway and Electric Company. No dividends have ever been paid on the common stock of the latter company. Much of their stock was bought at par, and is now selling at less than 50 per cent on the dollar; and they are not paying running expenses. I want the Senator to keep that in mind. It is easy to get wrong on this question.

Mr. PATTERSON. There are only two street railway companies of any moment in the District of Columbia, and they are the Capital Traction Company and the Washington Railway and Electric Company.

Mr. GALLINGER. The Washington Railway and Electric Company does not pay any dividends on its common stock, and never has.

Mr. PATTERSON. They have gross receipts amounting to $1,206,143. But what I was going to suggest in connection with the question propounded by the Senator from Texas [Mr. CULBERSON] is this: That with between $40,000,000 and $50,000,000 of securities upon which interest and dividents are paid, so far as the tangible property of the corporations goes, they are taxed upon but $3,702,000, and that the only other tax they pay is the tax, in the case of the street railway companies, of 4 per cent of their gross receipts, and, in the case of the gas company, if I am not misinformed, 5 per cent of their gross receipts.

Mr. HANSBROUGH. Five per cent on their gross receipts?

Mr. PATTERSON. Yes; on their gross receipts.

Mr. HANSBROUGH. In that connection, Mr. President, let me say——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. Certainly.

Mr. HANSBROUGH. If a 12 per cent tax were to be levied on the net earnings of these companies, those companies to which my friend from New Hampshire [Mr. GALLINGER] has referred as being nonpaying institutions, having no net earnings, would not be obliged to pay another farthing of taxes in excess of what they pay now under the law providing a tax of 4 per cent on gross earnings.

Mr. GALLINGER. That is very true; but the Senator knows that they are practically consolidated, and 12 per cent would be levied on the company.

Mr. HANSBROUGH. But the net earnings do not come directly from the related companies; they would come from the Washington Railway and Electric Company, which is really earning a very handsome profit, and which has large net earnings.

Mr. GALLINGER. Mr. President, the Senator probably knows that the 4 per cent bonds of that company are selling at from 88 to 89 now, and, as I said a moment ago, they have never paid a dollar on their common stock in dividends.

Mr. HANSBROUGH. But they pay 5 per cent on their preferred stock.

Mr. PATTERSON. For the purpose of showing that the proposed tax is entirely within reason, I might call the attention of the Senate to the neighboring city of Baltimore. It is stated in the report of the Senator from North Dakota [Mr. HANSBROUGH] that the street railway company of that city pays 20 per cent of its gross receipts. The Senator is mistaken. Originally it was required to pay 20 per cent of its gross receipts, but the power of the street railway corporations was such, as I understand, that gradually they induced the city council of Baltimore to lessen the amount of the gross receipts that they were required to pay, until they now pay 9 per cent.

Mr. GALLINGER. The Senator is correct; and the Senator ought likewise to couple with the fact that they have an overhead trolley, which costs a little more than one-third of the underground system, and that they charge a straight 5-cent fare.

Mr. PATTERSON. Mr. President, I have heard that now about the underground trolley for the second time.

Mr. GALLINGER. Yes.

Mr. PATTERSON. I do not understand that it costs any more to maintain an underground trolley than it does an overhead trolley.

Mr. GALLINGER. Infinitely more.

Mr. PATTERSON. It costs more at the original installation. But, Mr. President, whether it is underground or overhead, it is stated here as the testimony of the officers of these corporations that the street railway systems of Washington, if the tracks were obliterated and the streets without an excavation, could be replaced to-day for a little more than $17,000,000; so that I do not care whether you have the underground system of trolley or the overhead system of trolley, it is the cost of construction after all, and if $17,000,000 will replace the present street railway system of Washington, then we know that, with $18,000,000 of bonded indebtedness, those who constructed the systems have obtained more money from the franchises and by their possession of the franchises than the entire system is worth, minus the franchises.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Yes.

Mr. GALLINGER. I think the Senator has stated correctly, or approximately so, what it would cost to duplicate these roads, but has the Senator looked into the actual cost to the present owners and bondholders and stockholders of these roads as they stand to-day?

Mr. PATTERSON. No, I have not, Mr. President; and it is not necessary that I should. The purchasers of these securities got possession of them with their eyes open; they knew their origin and their source, and they also knew that it is within the power of Congress, if Congress sees fit to exercise the power, to repeal the acts immediately which confer the right of franchise upon them; therefore that matter can make little or no difference.

Mr. HANSBROUGH. Mr. President, if the Senator will yield to me——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. With pleasure.

Mr. HANSBROUGH. I desire to call the attention of the Senate to a decision of the Supreme Court on the point raised by the Senator from New Hampshire. In the case of Smythe *v.* Ames the court in its syllabus—I will not read all the syllabus, but just a paragraph of it—say:

> If a railroad has bonded its property for an amount that exceeds its fair value or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuation or fictitious capitalization, and the apparent value of the property and franchises used by the corporation, as represented by its stocks, bonds, and obligations, is not alone to be considered when determining the rates that may be reasonably charged.

That is the opinion of the Supreme Court on that question.

Mr. GALLINGER. It has no pertinency whatever to anything I have said.

Mr. PATTERSON. Mr. President, the immense value of this class of property may be determined by the investigations that were made by the United States Government in Great Britain. If the District of Columbia were operating the street railways for the benefit of the people, since it would not be required to pay dividends on franchises, by anything like an economical administration they could furnish transportation to the city travelers with a handsome profit at 2 cents a fare. If it requires 5 cents a fare to enable these companies to pay divi-

dends upon their stock and interest upon their bonds, that simply shows how great is the value of that part of the property that really belongs to the District of Columbia under the control of Congress, and for which originally not one cent was paid.

As I stated a moment ago, there are, I think, 172 tramway systems—either 172 or 127—owned by the towns and cities of Great Britain. Those tramways carried several billion passengers in 1904, and the average cost to the city traveler upon those British street railways was but one and one-tenth of 1 cent each.

In the city of Glasgow, Mr. President, the street railways are owned and operated by the municipality, and three-fourths of those who travel on the Glasgow street railways pay but 1-cent fares—a half-penny in English money. They have the street railways divided off into what is called "2-mile sections," and for riding 2 miles in the city of Glasgow the traveler pays but 1 cent.

In the city of Sydney, in New South Wales, they pay a penny, or 2 cents. In some of the Canadian cities the same low rate of transportation exists, and in nearly every city, whether British or German or French, where there is city ownership of street railways, the fare for a 2-mile trip is rarely or ever more than 2 cents. The section system is adopted upon the theory that the man who travels a short distance should not pay for the ride of the man who travels a long distance. Dividing the tracks into 2-mile sections, one riding within that section pays a cent or 2 cents, as the case may be, and when riding upon an additional section will pay 3 or 4 cents, and the maximum cost, as a rule, is 6 cents for riding the longest distance, with unlimited transfers.

As a matter of course, Mr. President, I have no hope that Congress is going to assume the ownership of the street railways of the District of Columbia, although that is the first great reform in dealing with this District that Congress should undertake. It should, without any hesitation, pay to the street railway companies and the gas companies a fair valuation of their property, remove from the dividend-bearing burden that is placed upon the people the value of the franchises, and, after operating them in the most economical manner, give to the people—those who use the light and those who travel upon the street railways and the taxpayers of the District of Columbia—the full benefit of such a change.

The minister from that desk this morning spoke about Washington being a city upon a hill and that its light should so shine as to be seen from all parts of the civilized world. It is a pertinent and happy suggestion, and, sitting upon a hill, as it does, the aim of Congress should be in the management of all of the affairs of this great city to so act as to set an example to the cities of the rest of the country as to what may be accomplished through government ownership and operation of the street railways and the other utility franchises in the matter of economy, as well as in honesty and in the cheapness to the inhabitant of that which was produced.

Mr. President, this is a very large subject. It is one that should not be confined within the limits of a committee; it is one that should be discussed upon the floor of the Senate, in the face of the country, so that the very fullest and most intelligent investigation may be given to it, and that the country may learn what is to be learned by the intelligent discussion and presentation of these matters. I assert that, after reading the report made by the Senator from North Dakota [Mr. HANSBROUGH], it is perfectly evident that all the information that is necessary for intelligent action upon the part of this body has been secured by the Senator from North Dakota and the subcommittee of which he is the chairman, and it has been spread before this body in a most intelligent way. And now is the time, Mr. President.

These railways are directed to make new extensions. I suppose they desire to make those new extensions. They are to have the benefit, in the way of a franchise, to the new monumental depot that will cost the Government $6,000,000, and it is in connection with the extension of their lines that the question of compensation should be determined. There is no better time and there can be no better time than this to determine that, and I fully agree with the Senator from North Dakota in resisting the return of the bill to the committee.

Mr. BLACKBURN. Mr. President, it occurs to me that this debate is entirely out of order, and for the life of me I can not see what connection it has with the question now before the Senate, which is the motion of the Senator from New Hampshire, the chairman of the committee, to recommit the bill to the committee. I can not see any proper connection between that motion and the discussion of the question the Senator from Colorado has gone into, namely, the government ownership of railroads and general public utilities.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Colorado?

Mr. BLACKBURN. Yes; for a question.

Mr. PATTERSON. I want to ask the Senator from Kentucky whether the amount and the polity and the significance of the information secured by the committee having this in charge are not pertinent to the question to recommit?

Mr. BLACKBURN. If the Senator will possess his soul in patience, he will be answered in the five minutes I propose to take. What I am objecting to is this discussion. It is not in order on the question to recommit. The question of government ownership of utilities will have its day in court, but not while such a motion is pending for determination. If there was any argument needed to conclude in favor of the motion of the Senator from New Hampshire, I am sure the Senator from Colorado has furnished it.

I understand, Mr. President, that the only purpose that a deliberative body has in the organization of a committee is to constitute an agency through which to prosecute inquiries and to obtain information for the guidance of that deliberative body in the transaction of its business. I chance to be a member of the Committee on the District of Columbia, and that alone induces me to enter this word of protest. I am not prepared to answer the question as to whether these corporations are sufficiently taxed. I do not know. I think it altogether probable that they are not. But what I want to warn the Senate about is that in determining that question it shall not be guided by the report that has come to it on yesterday by the Senator from North Dakota from the Committee on the District of Columbia, because I tell the Senate now what every other member of that committee in common candor is bound to tell it, that the committee is not in a condition to give it any information on the subject of corporation taxes. I am not speaking of the subcommittee of which the Senator from North Dakota is chairman. I am speaking for the rest of the Committee on the District of Columbia. As the chairman has told you, no hearings were had, no notice was given, no testimony was taken, no information was gathered.

Mr. HANSBROUGH. The Senator from Kentucky——

Mr. BLACKBURN. I said by the Committee on the District of Columbia, exclusive of the subcommittee.

Mr. HANSBROUGH. The Senator will recall, if he will pardon me for interrupting him, that this question was brought before the committee in somewhat of a hurry; there was a good deal of haste about it, and a vote was taken without anyone suggesting that there should be a hearing. I am perfectly willing there should be a hearing; in fact, I should be very glad to examine the managers of these corporations.

Mr. BLACKBURN. Then I take it the Senator will not oppose the motion of the Senator from New Hampshire.

Mr. HANSBROUGH. I do not think that a rehearing is necessary in view of what we have already obtained.

Mr. BLACKBURN. Very well. What the Senator from North Dakota has stated in no wise affects any remarks I am submitting here. I state facts—that a committee is an agency of the body to which it belongs with but one mission, and that is to gather information so as to throw light upon the subject under discussion by the body. The report made here yesterday for all such purposes, excluding the subcommittee, is absolutely valueless to the Senate. I undertake to say there is not a member of the Committee on the District of Columbia, except he be a member of the subcommittee, who will not cheerfully admit that he has derived no information to give to the Senate upon this subject of taxation; that he does not know one whit more about it than any Senator who sits around me who does not belong to the committee.

The Committee on the District of Columbia never contemplated making any inquiry into this subject. The parties to be affected were never notified that such an inquiry was being prosecuted, and so far as we of the committee, other than the subcommittee, are concerned, we must in common candor tell the Senate we have no information on the subject to give the Senate and no advice to offer.

The chairman of the committee has told the Senate that for four months that bill, or those two bills, which proposed to do nothing except to accommodate the traveling public by giving the roads the permission and requiring them to carry their tracks into the Union Depot, so that the hundreds of thousands of people traveling through the capital city should not be dumped down out here on the boundary, without any chance to get to the city, slept, so far as the Committee on the District of

Columbia was concerned and so far as the Senate and the country are concerned. They slept for four months and a half, and were reported to the committee at its last meeting and brought into the Chamber here by a report from the Senator from North Dakota on yesterday.

I submit that so far as this committee is concerned, so far as the question presented here by this extraneous discussion is concerned, the Senate had as well abolish the committee as to act upon a report thus presented, with the facts thus stated. I repeat that it may be that the rate of taxation upon these corporations is indefensibly low. About that I do not know, and neither do you. You have not investigated it. Neither have I. Neither has any member of the Committee on the District of Columbia, unless it be the subcommittee. Nor did the Senate have notice that that question was being inquired into by anybody. Nor did the chairman of the Committee on the District of Columbia or any member of that committee have such notice.

There is but one question pending here. It is not a question of government ownership of municipal privileges. It is not a question of the equitable or inequitable taxation of corporate property within the limits of the District. Those questions are not present except as they are lugged in here by the ears for the purpose of debate. The only question pending before the Senate is under this state of facts: Is the Senate prepared to relieve the committee from any responsibility in the way of inquiry, investigation, or information upon these questions and go into the settlement of these issues? The Senator from North Dakota has told you, the Senator from Colorado has told you, of the magnitude of the questions involved in this discussion. Is the Senate ready to proceed to a settlement of those issues without any light or any information from the committee charged with the responsibility of furnishing it? That is the only question. It may be that we will all be of one opinion, that the rate of taxation should be raised upon these corporations; but either abolish the Committee on the District of Columbia or give it a chance to glean some information and speak advisedly to the Senate.

Mr. DUBOIS. Mr. President, I may have misunderstood the Senator from New Hampshire—I rather think I did, perhaps—in saying there were three members who voted for this report who changed their minds. The Senator from West Virginia has spoken and the Senator from North Dakota has spoken, and the vote stood five to three.

Mr. GALLINGER. Five to four.

Mr. DUBOIS. Very well; five to four. I do not wish to be put under the imputation of being one of the three who changed their minds, as I voted to bring this measure into the Senate. I was on the subcommittee a year or more ago, and investigated somewhat the street railway lines, and was informed by them that they were sorry that they allowed Congress to pass certain legislation; that if they had known it would be so much against their interests, they would not have allowed it to pass. I got a good deal of information from those gentlemen during that hearing.

Now, in the first place they wanted a monopoly of the lines around the proposed depot, and they wanted it quick. They wanted it now; they wanted it a year and a half before there was any necessity for using it. I think they have modified that somewhat, and graciously concede that some other line may come in and get up to the proposed new depot. The information which has been gotten together with great care is ample, and I do not know what is going to become of this. But I desire to say that for one I shall not vote, and I hope the Senate will not vote, to let pass precisely what they want and not pass legislation which we think is in the interest of the District of Columbia. This bill provides as a substitute for all else in regard to taxation that they can elect to pay such taxes and only so much as the man who happens to own a house and lot, which seems to be pretty fair; and I hope, no matter what becomes of this, that it will not end in adding to the monopolies we have already granted to these lines. I shall not vote to refer this bill back to the Committee on the District of Columbia.

Mr. PETTUS. Mr. President, the Congress some years ago established a theory on which these corporations were to be managed, and we ought all to recollect that this is not an ordinary question such as occurs in the States. Congress undertook to build a city here such as ought to be the capital of this nation. They granted a charter. We are told now it belongs to the people of the District of Columbia. I do not understand it in that way. But whatever it may be, they have a charter, and it is about the best that I know of in the United States. It is a city railroad corporation with a master, and that master is this Congress. The plain purpose of the acts which have been passed heretofore has been that we would have a corporation here that would have a vast income, and that Congress would tell them how they should spend it; not that we would tax them to death. The proposition was that the Congress should point out to these railroads what they should do; where they should spend their money, and in what manner they should spend it, for the benefit of the city.

It seems to me a bad idea to change that policy, which you have followed here so long and so successfully. I believe that the street railway corporations ought to be taxed in an ordinary way like other people are taxed, and they ought to pay the full amount of that tax, but I do not see the wisdom of changing a plan on which you have acted so long.

I heard this morning of a bill requiring one of these railroads to make an extension. You order how far they shall build their extensions, and how far they shall go, and you tell them when and what income they shall have for the service. You yourself make all these orders. You are managing these roads by giving positive orders, and orders without which they can not act.

Mr. President, I hope the Congress will not change this wise plan on which it has been acting. As I said before, it is not the case of a railroad that can manage its own affairs, that can do what it pleases with its property, build a road here or there. They can not build a foot of road without your orders or your consent, and it almost always comes in the form of an order, according to my observation. The Congress orders these railroads what to do, and I want them to have and to own a large income, which the Congress will tell them how they shall use for the purpose of improving the city. I hope the Senate will not change the theory on which we have acted so long.

Mr. MARTIN. Mr. President, as a member of the subcommittee to which this matter was referred, it was my duty to investigate the questions involved here and to be prepared to explain the proposition to the Senate. I desire to say that I have not discharged that duty, nor do I think any member of the District Committee has discharged that duty, except two or three members of the subcommittee. I have not discharged the duty because so many other duties devolved on me that it was impossible for me to do so, and I want this matter to go to the Committee on the District of Columbia, in order that the members of that committee may discharge the duties imposed upon them. I want the committee to consider these propositions. They are important propositions. I do not think the committee has considered them. I do not think thirty minutes was devoted to the whole matter, and I respectfully submit that it is hardly wise and expedient that the entire system of taxation, so far as it relates to public-utility corporations in the District of Columbia, shall be changed when the committee in charge of the matter has not devoted thirty minutes' consideration to the question.

Mr. MALLORY. Will the Senator from Virginia permit me to ask him a question?

Mr. MARTIN. Certainly.

Mr. MALLORY. As I understand the question, it is presented in this way: Here is a very decided increase in the rate of taxation imposed on certain corporations in the District. This increase is suggested by a subcommittee of the Committee on the District of Columbia, but the Committee on the District of Columbia has not itself given the matter consideration. Further, representatives of these corporations have not been given an opportunity to state why this increase, a large increase, too, in their taxation should not be imposed. Is that so?

Mr. MARTIN. That statement is correct.

Mr. MALLORY. They have had no such opportunity.

Mr. MARTIN. I think it is proper that the work done by the subcommittee, the tables that have been prepared by the chairman of the subcommittee, should be presented to the representatives of these corporations, and that they should be permitted to respond to them—to correct them if inaccurate, to verify them if correct—or to say what they choose about them.

Mr. HANSBROUGH. In response to the Senator from Colorado, as I stated this morning, the list of questions was sent to the various companies, to which answers were made. The answers were very full, very complete; and every document has been published. They can be had by Senators. So, as a matter of fact, the companies have been heard to that extent.

Mr. MALLORY. I see by the report that answers were made to the inquiries propounded by the Senator from New Hampshire——

Mr. HANSBROUGH. On the question of taxation.

Mr. MALLORY. But the question I want to get at is, Have representatives of these corporations been given a chance to be heard? Some argument may be presented why this very large increase in taxation should not be made. I should like to know if they have had that opportunity.

Mr. GALLINGER. Will the Senator from Virginia yield to me a moment?

Mr. MARTIN. I will.

Mr. GALLINGER. I will say to the Senator from Florida that the question of increasing the taxes 12 per cent on the net earnings has never been submitted to these companies, and they have had no knowledge of it.

Mr. HANSBROUGH. There was an inquiry made of one of these corporations deeply interested here which was never replied to at all. It was not treated with the respect that I think the subcommittee was entitled to.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN. Certainly.

Mr. CULBERSON. It is for an inquiry, and purely for information, in order to govern me in my vote.

I understood the Senator from Virginia to say that while this matter has been considered by a subcommittee the committee itself had not considered the bill. I should like to ask the Senator if it is a fact that the subcommittee reported to the Senate the bill, which had not been reported by the subcommittee to the full committee and had its full consideration?

Mr. MARTIN. The subcommittee reported the bill to the full committee. I do not know how far it is proper for me to allude to what transpired in the committee room, but what I shall say——

Mr. HANSBROUGH. It has already been stated——

Mr. MARTIN. But what I say is, in no sense, intended to reflect on anybody connected with the committee. As I recollect it, the bill was not read; the report was not read; it was briefly explained by the chairman of the subcommittee—very briefly. I think I am certainly within the limits of accuracy when I say that thirty minutes was not consumed altogether in the full committee on this matter.

Mr. SCOTT. Will the Senator from Virginia allow me?

Mr. MARTIN. Certainly.

Mr. SCOTT. Did not the chairman of the subcommittee make a statement some days before on the substance of the bill and report, and was there not called a special meeting of the whole committee to consider this matter?

Mr. MARTIN. That is correct; and only nine members, as I recollect, attended. I forget how many members there are on the committee. If the Senator from New Hampshire will enlighten me as to the membership of the committee, I shall be grateful to him.

Mr. GALLINGER. Thirteen.

Mr. MARTIN. Of whom nine were present; and the time bestowed on this important matter, I say, did not amount to thirty minutes, when it was finally disposed of; and not half that at the meeting previously to which the Senator from West Virginia has referred.

I do not know whether these taxes ought to be imposed or not. I have not considered it. I am a member of the committee. I have not had an opportunity to consider it. I am not complaining of others who have not considered it. I have been engrossed with other matters. I have not given thirty minutes altogether to the consideration of this important bill, and I do not believe there is a member of the Committee on the District of Columbia who has given thirty minutes to it, except certain members on the subcommittee; and I respectfully submit that the matter needs further investigation by the committee.

I have been approached by one of the presidents of these street car companies. He wanted to talk to me about it. I did not have time to talk to him. I am not one of those who would not talk to the president of a street railway company or anyone else having a proper interest in the matter. I think they ought to be heard, and I am willing to hear them individually and willing to hear them before the committee. But I did not have time to talk to him. I told him if he wanted to be heard he must ask a hearing before the Committee on the District of Columbia. I think he ought to have a hearing. I think he ought to have an opportunity to appear before the Committee on the District of Columbia in connection with this report which came into the Senate the other day. I think the presidents of these street railway companies and of the gas company and of the other companies ought to have an opportunity to present their views to the committee in charge of this matter. I do not see any wisdom in railroading this matter through in this manner. I state frankly that I have not investigated it. I desire the opportunity to investigate it, and I hope the Senate will send the bill back to the Committee on the District of Columbia, so that the committee may discharge its duty by giving a thorough investigation to this matter.

It may be that when it shall have been investigated I will agree as to every question involved. I do not know what my views will be. I have not had an opportunity to investigate, and I want that opportunity before I vote upon it.

Mr. PATTERSON. Mr. President, is it in order to offer an amendment to the motion of the Senator from New Hampshire?

The VICE-PRESIDENT. Only in the nature of instructions.

Mr. PATTERSON. I move that the Committee on the District of Columbia be instructed to enter upon this question and to report the result of its investigations to the Senate.

Mr. GALLINGER. I make the point of order that that is not in order.

Mr. PATTERSON. The Senator from New Hampshire does not object?

Mr. GALLINGER. I object very seriously to the Senator from Colorado, who has recently been fighting in his own State for municipal ownership, and without success, instructing the Committee on the District of Columbia what its duties are.

Mr. PATTERSON. The Senator would not for a moment consider it as my instruction. I would take him aside and privately——

Mr. GALLINGER. I object.

Mr. PATTERSON. I suggest that there is nothing of graver importance, so far as concerns the question of taxation in the District of Columbia and the proper management of these city utilities, that the Committee on the District of Columbia can consider; and I think it is perfectly in place, and the Senator ought not to object to it, for the Senate committee to enter upon an investigation and report the result to this body.

Mr. GALLINGER. I want a vote on this question, and I am going to take but a moment's time further. Under protest I accepted the chairmanship of the Committee on the District of Columbia several years ago, and I have mentally protested every day against continuing in that position. Over two hundred bills have come to the committee at this session. They have involved great questions of municipal administration—the establishment of a juvenile court, dealing with insanity conditions, the abatement of nuisances, the school question, the police question, the insurance question, the fire question, and all those great matters—and the committee has given its time to their consideration. The chairman has worked days and nights and Sundays incessantly, and, as I said a moment ago, that kind of work counts for very little at our homes. I am now, perforce, under circumstances that I greatly regret, engaged in the committee room of the Committee on Appropriations as chairman of the subcommittee considering the District of Columbia appropriation bill. I do not know how long it will take. It is not work that any Senator would choose.

I want to suggest to the Senator from Colorado that if there has been any lapse which he can discover in the fidelity to duty that that committee has been guilty of, it then might be well for the Senate to instruct the committee at this late day to go into an investigation that they will go into of their own volition if this matter shall go back to the committee, at least so far as questions relating to the street railroads are concerned.

Mr. PATTERSON. Oh, Mr. President, I am not criticising the lack of fidelity of the Committee on the District of Columbia. That is something I ought not to do, because I have no knowledge of its duties, except that from the measures in this body from that committee I know they must be very onerous and very burdensome.

Mr. GALLINGER. Revising the suggestion I made a moment ago, which was made hastily, when I made a point of order against the amendment, I think the Senator's amendment is strictly in order, and I hope the question will now be put.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. BACON. I wish to suggest to the Senator from Colorado a consideration. I may possibly be considered as not speaking outside of the bounds when I speak of the fact that I was once a member of the Committee on the District of Columbia, and I very fully appreciate the statement now made by the chairman of that committee as to the very onerous duties which devolve upon the committee. They are not only onerous duties, but they are extremely disagreeable duties. It is a committee which necessarily has an immense labor, and a labor which has in it a great many very disagreeable and annoying details.

The suggestion I want to make to the Senator from Colorado is this: When the Senate recommits the bill to the Committee on the District of Columbia that action necessarily involves the devolving upon that committee of the duty of doing the very thing which the Senator from Colorado proposes they shall be specifically instructed to do.

Mr. PATTERSON. Mr. President, on the strength of the

statement made by the Senator from Georgia, I withdraw the amendment that I offered.

Mr. BACON. The Senator will see that it would be a reflection on the committee.

The VICE-PRESIDENT. The amendment is withdrawn. The question is on agreeing to the motion of the Senator from New Hampshire [Mr. GALLINGER] to recommit the bill to the Committee on the District of Columbia.

The motion was agreed to.

LEGATION BUILDING AT CONSTANTINOPLE.

Mr. BACON. I report from the Committee on Foreign Relations an amendment intended to be proposed to the diplomatic and consular appropriation bill, which I ask may be printed and referred to the Committee on Appropriations.

Mr. SPOONER. I should like to have the amendment read.

The VICE-PRESIDENT. The Secretary will read the amendment.

The Secretary read as follows:

Amendment recommended by the Committee on Foreign Relations to H. R. 19264, making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

Amend by inserting the following in line —, page —:

That the Secretary of State be, and he is hereby, authorized to acquire in Constantinople, at an expense not to exceed $150,000, a proper site and building, which shall be used by the legation of the United States and for the residence of the envoy extraordinary and minister plenipotentiary of the United States to Turkey.

The VICE-PRESIDENT. The amendment will be printed and referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. DRYDEN introduced a bill (S. 6262) granting an increase of pension to Joseph Kircher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 6263) for the relief of Benjamin Fenton; which was read twice by its title, and with the accompanying paper, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 6264) granting a pension to Cornelius Sullivan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER (by request) introduced a bill (S. 6265) to establish a national military park at the battlefield of Fort Stevens, in the District of Columbia; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6266) granting an increase of pension to Paul Baker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6267) granting an increase of pension to Dennis A. Manning; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6268) granting a pension to Helen G. Hibbard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN, introduced a bill (S. 6269) for the relief of W. W. Warren, administrator of the estate of Jackson Warren, deceased, of Canton, Madison County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 6270) for the relief of George H. Green and Mrs. A. M. Barker, executors of George W. Green, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 6271) for the relief of Raleigh Sherman, administrator of William P. Leaman, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 6272) granting an increase of pension to Harvey Gamble; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6273) granting an increase of pension to William J. Wells; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6274) to remit the sentence of general court-martial against Milton Ostheim, late a private of Company H, Twelfth United States Infantry, and grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6275) providing for a half holiday on Saturday for mechanics, helpers, laborers, and apprentices employed in the various navy-yards and naval stations in the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. STONE introduced a bill (S. 6276) for the relief of the trustees of the Christian Church of Savannah, Mo.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FULTON (for Mr. CLAPP) introduced a bill (S. 6277) granting an increase of pension to Marie J. Blaisdell; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing to appropriate $100,000 toward the construction of a steel floating dry dock, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

SHIP CANAL CONSTRUCTION.

Mr. MORGAN. I present a letter from Hon. W. Henry Hunter, chief engineer of the Manchester Ship Canal, England, addressed to the Hon. A. B. KITTREDGE, of this body, in reply to a letter which that Senator had written to him, in which he makes a statement of his views in regard to the construction of a ship canal. We, of course, did not have the opportunity of calling him or any other foreign engineer in person before the committee. I move that this letter be printed as a document and referred to the Committee on Interoceanic Canals.

The motion was agreed to.

FEES OF COMMISSIONERS.

Mr. McCUMBER. On the 3d instant, I introduced a bill (S. 6023) to amend section 21, of chapter 252, of the act approved May 28, 1896, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," which was erroneously referred to the Committee on Appropriations. I move that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

PRIVATE PENSION LEGISLATION.

Mr. McCUMBER. I desire to state at this time to Senators generally that it will probably be impossible to consider any further pension legislation this year relating to private pensions on bills that have not already been introduced unless it shall appear that they are special cases demanding immediate attention.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On May 21:

S. 1223. An act granting a pension to Mary E. Bronaugh;

S. 2194. An act granting a pension to William H. Sweeney, jr.;

S. 3040. An act granting a pension to Mary C. Wilsey;

S. 5536. An act granting a pension to William O. Clark;

S. 5603. An act granting a pension to Kate S. Hutchings;

S. 5754. An act granting a pension to Hannah McCarty;

S. 5780. An act granting a pension to Lorenzo E. Johnson;

S. 394. An act granting an increase of pension to Amanda Lucas;

S. 442. An act granting an increase of pension to Francis Colton;

S. 522. An act granting an increase of pension to Emma Worrall;

S. 557. An act granting an increase of pension to Mariot Losure;

S. 678. An act granting an increase of pension to Albert Butler;

S. 869. An act granting an increase of pension to Baltzar Mowan;

S. 993. An act granting an increase of pension to Samuel J. Langdon;

S. 1508. An act granting an increase of pension to James A. Murch;

S. 1513. An act granting an increase of pension to Harriett A. Rawles;

S. 1705. An act granting an increase of pension to Lewis S. George;

S. 2043. An act granting an increase of pension to Andrew H. Wolf;

S. 2467. An act granting an increase of pension to Martin Clark;

S. 2851. An act granting an increase of pension to George Chambers;

S. 2978. An act granting an increase of pension to Eli W. Knowles;

S. 3033. An act granting an increase of pension to Aaron F. Patten;

S. 3219. An act granting an increase of pension to Joseph M. Allison;

S. 3271. An act granting an increase of pension to Margarette E. Brown;
S. 3299. An act granting an increase of pension to Spencer C. Stilwell;
S. 3483. An act granting an increase of pension to William L. Sheaff;
S. 3485. An act granting an increase of pension to Mathias Hammes;
S. 3738. An act granting an increase of pension to Lisania Judd;
S. 3797. An act granting an increase of pension to Ahimaaz E. Wood;
S. 3798. An act granting an increase of pension to Charles Farrel;
S. 4005. An act granting an increase of pension to Michael Quill;
S. 4048. An act granting an increase of pension to Henry S. Knecht;
S. 4175. An act granting an increase of pension to John Caverly;
S. 4177. An act granting an increase of pension to Harlan P. Cobb;
S. 4239. An act granting an increase of pension to Job Rice;
S. 4358. An act granting an increase of pension to Thomas McCormick;
S. 4361. An act granting an increase of pension to John W. Daley;
S. 4401. An act granting an increase of pension to George W. Tomlinson;
S. 4457. An act granting an increase of pension to Louis A. Tyson;
S. 4460. An act granting an increase of pension to Ann J. Thompson;
S. 4488. An act granting an increase of pension to James F. Amis;
S. 4525. An act granting an increase of pension to David Oglevie;
S. 4569. An act granting an increase of pension to Augustus A. Nevins;
S. 4665. An act granting an increase of pension to Lewis Du Bois;
S. 4692. An act granting an increase of pension to Adaline M. Thornton;
S. 4718. An act granting an increase of pension to George W. Gilson;
S. 4752. An act granting an increase of pension to Thomas J. Tidswell;
S. 4796. An act granting an increase of pension to Lorinda J. White;
S. 4983. An act granting an increase of pension to John M. Farquhar;
S. 5054. An act granting an increase of pension to George H. Woodward;
S. 5082. An act granting an increase of pension to David N. Winsell;
S. 5163. An act granting an increase of pension to John Marah;
S. 5247. An act granting an increase of pension to Jacob Wigal;
S. 5343. An act granting an increase of pension to Ernest H. Wardwell;
S. 5349. An act granting an increase of pension to William H. H. Robinson;
S. 5359. An act granting an increase of pension to William H. Ward;
S. 5379. An act granting an increase of pension to Otto A. Risum;
S. 5492. An act granting an increase of pension to Joseph F. Tebbetts;
S. 5504. An act granting an increase of pension to Joseph Dickson;
S. 5516. An act granting an increase of pension to Alfred M. Hamlen;
S. 5522. An act granting an increase of pension to Charles E. Sischo;
S. 5523. An act granting an increase of pension to Thomas J. Pickett;
S. 5532. An act granting an increase of pension to Simon A. Snyder;
S. 5539. An act granting an increase of pension to Hermann Muehlberg;
S. 5562. An act granting an increase of pension to John Hull;
S. 5571. An act granting an increase of pension to Betsey B. Whitmore;
S. 5579. An act granting an increase of pension to Henry T. Sisson;
S. 5631. An act granting an increase of pension to Isaac M. Howard;
S. 5640. An act granting an increase of pension to Clinton B. Wintersteen;
S. 5641. An act granting an increase of pension to John W. Fletcher;
S. 5658. An act granting an increase of pension to Nancy Pruit;
S. 5659. An act granting an increase of pension to William I. Brewer;
S. 5668. An act granting an increase of pension to George P. Sealey;
S. 5671. An act granting an increase of pension to Richard L. Delong;
S. 5673. An act granting an increase of pension to Hilton Springsteed;
S. 5680. An act granting an increase of pension to Thomas J. Bowser;
S. 5702. An act granting an increase of pension to Anna C. Bingham;
S. 5704. An act granting an increase of pension to Ruth P. Pierce;
S. 5735. An act granting an increase of pension to Andrew D. Danley; and
S. 5736. An act granting an increase of pension to Mary Clark.

JOSEPHINE V. SPARKS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 17842) granting a pension to Josephine V. Sparks and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amendment and agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

ALCOHOL IN THE ARTS.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverages or liquid medicinal uses by mixture with suitable denaturing materials.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. ALDRICH. I think it has been read once.

The VICE-PRESIDENT. The bill was read yesterday.

Mr. McCUMBER. I understand that there has been some change made in reference to the time within which the bill is to go into effect. I should like to know what that change is.

The SECRETARY. The bill read "from and after three months from the passage of this act." The amendment proposes that it shall read "from and after January 1, 1907."

Mr. CULLOM. Will the Senator permit me a word?

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverages or liquid medicinal uses by mixture with suitable denaturing materials, which had been reported from the Committee on Finance with amendments.

Mr. McCUMBER. I simply desire the Senator from Rhode Island to explain the necessity for the change to which attention has been called.

Mr. ALDRICH. If the Senator was present yesterday, he would have heard read a letter from the Commissioner of Internal Revenue with reference to the time that would be necessary to prepare the regulations and to make proper provisions for the enforcement of the act. There were two considerations which affected the committee with reference to time. The letter of the Commissioner of Internal Revenue explained one of them. The second consideration was the contention of the representatives of the wood-alcohol interests that they had two years' supply of material on hand, which would be absolutely worthless to them if the bill should go into effect in the immediate future. They asked that two years be given within which they could dispose of their material. The industry of producing wood alcohol will undoubtedly be very seri-

ously, if not vitally, injured by the passage of this measure. The committee were not willing to agree to the suggestions of the wood-alcohol manufacturers, but we were inclined to think that perhaps they should have a longer time to dispose of their products or to make such other disposition of their property as they could than was provided in the bill as it passed the House.

But the main consideration which affected the committee was the statement of the Commissioner of Internal Revenue that it was absolutely necessary to take a longer time for preparation than the House allowed before the bill should go into effect.

Mr. McCUMBER. Mr. President, I have not been in Congress so very long, but I confess I have never heard before that in passing any legislation affecting the revenues of the country we ever took into consideration the fact that some persons who would be affected by the change in the law might dispose of such property as they then had on hand, or do anything else before the law should go into effect.

Now, that may help those persons, but I assume that the law is passed for the benefit of more persons and of greater interests than those simply represented by the manufacturers. I assume there is necessity for this law; that it would not be reported here at this time and immediate consideration asked unless it affected a great many people and the people desired that it be acted upon as soon as possible.

The people in my State have been clamoring for this bill. They want it to go into effect immediately. They want it to go into effect so that they can have the benefit they will derive from the bill before next winter. They want it so that they will have some benefit now. I assume that while making this law go into effect in three months may benefit these manufacturers, making it go into effect immediately would benefit interests that are a hundredfold greater than the interests of the manufacturers.

I for one can not understand why the Department can not prepare the necessary blanks within three months. It certainly seems almost inconceivable how they can make the statement that it will require a year before they can get ready to put the law into effect and secure the proper machinery.

It seems to me that it is an injustice to those for whose benefit the law is to be enacted, to provide that they shall have no benefit from the enactment this year.

I therefore ask that the amendment changing the time from three months to January 1, 1907, be disagreed to.

Mr. ALDRICH. Mr. President, the Commissioner of Internal Revenue, in a communication addressed to the committee, which was read in the Senate yesterday, stated the reasons why additional time would be required for the preparation of regulations and for other things that were necessary to be done in connection with this legislation.

Mr. OVERMAN. May I interrupt the Senator?

Mr. ALDRICH. Not just at present.

In his statement before the Committee on Finance he said he had already submitted to Congress a bill which provided that this legislation should go into effect on the 1st day of January, 1907. When asked what his purpose was in fixing that time he said:

> To give us an abundance of time, Senator, to consider all of these foreign regulations and measures, and try to formulate a series of rules and regulations that would be effective to prevent fraud against the Government, and to, if possible, allow this movement to go on without being subjected to undue criticism. Of course, we will necessarily get a good deal of it.

Those were the reasons which he suggested. He went more into detail in the examination before the committee in reference to this matter.

Of course the bill as passed by the House in this case provides that all the regulations and rules with reference to this question shall be fixed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. It is a very complicated question, and will necessarily involve an examination of the methods used abroad, and not only the methods, but the substance and material which are used for denaturing purposes, and a vast variety of questions which are very important in themselves.

As to the question whether the wood-alcohol interests should be given any consideration by Congress, I will say that this industry, involving a capital, directly and indirectly, variously estimated at from $30,000,000 to $60,000,000, has grown up in this country under existing legislation. The fact that the Government placed a large tax upon what is called "ethyl alcohol"—that is, upon grain alcohol—and did not impose any tax upon wood alcohol, has developed this industry.

Now, the question whether they are entitled at all to the consideration of Congress, the Senate can decide as well as the committee. It seemed to the members of the committee that their condition—the fact that their industry has practically been wiped out of existence by this legislation—did entitle them, perhaps, to some consideration as to the time when the act shall go into effect, and that, in connection with the statement made by the Commissioner of Internal Revenue, led the committee to suggest the 1st of January, 1907, instead of the House provision, fixing three months after the passage of the act.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. In just one moment.

Mr. FULTON. I wish to ask a question; that is all.

Mr. McCUMBER. Mr. President, I can not see that there is any moral obligation upon the part of Congress to give any particular length of time to the manufacturers of any article, that they may dispose of the property which they now have on hand before the value will be in anywise affected by legislation. If that were true, then we have given a guaranty to every industry in the United States, and have prevented ourselves, under a moral obligation, from ever reconsidering our tariff laws until we shall give sufficient time to each person to get out of the business he has got into without any injury whatever.

I note what the Senator says in reference to the time to secure proper regulations. All the letter or the testimony states is that this period would give them an abundance of time. It does not state that they can not do all that is required of them, and do it properly, within three months, but that if you would continue it until six months, then they would have abundant time to do all that ought to be done in the premises.

I sincerely think, Mr. President, that if they will go right at it, they will be able to do all that is necessary, and make the necessary rules and regulations, within three months, as well as taking the extra three months, or six months in all; and those three months, from October until January, are the months that will be the most important to all the consumers of this product.

Mr. ALDRICH. Mr. President, as to whether Congress is bound to consider in changes of legislation the interests of private individuals engaged in business in this country is, of course, a question which each Senator must determine for himself. But I will say that in my experience with tariff legislation and with internal-revenue legislation, it has been the invariable practice of the committee of which I have been a member, and of Congress itself, to take into consideration the interests of the people of this country and the interests of the industries affected by changes in legislation, whenever those changes grow out of a change in tariff duties or a change in internal-revenue taxes with a view of treating everybody, so far as possible, fairly. Legislation has been changed and modified to meet existing conditions with a view of preventing, if possible, the destruction or the injury of important industries.

In two or three States, in some counties of Pennsylvania, in some places in New York, in some places in Michigan, whole communities will be practically wiped out of existence by this legislation. Of course Congress can say, as the Senator from North Dakota says, we should pay no attention to that fact; that we are under no moral obligation to do so. That is a question which every Senator must determine for himself.

Mr. McCUMBER. I ask the Senator if we are not under some moral obligation to the people who are to be benefited by this enactment, whose numbers will be a thousandfold greater than this special interest?

Mr. ALDRICH. Unquestionably that is true in all legislation of this kind, in a reduction of tariff, or in an increase of tariff. The interests of the entire people, of course, or of the larger part of the people, of this country are paramount; but it is a question whether Congress, in the exercise of an equitable discretion and of a wise judgment, ought to consider the interests of a minority of the people of the United States when they can do it without any great injustice being done to anybody else.

Mr. FULTON. May I ask the Senator from Rhode Island a question before he takes his seat?

Mr. ALDRICH. Certainly.

Mr. FULTON. I wish to call has attention to the second amendment, the amendment commencing in line 4, page 2:

> Such denaturing to be done in a denaturing bonded warehouse specially designated or set aside for denaturing purposes only, and under conditions prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

Has there been any change proposed in that amendment?

Mr. ALDRICH. Yes; the committee suggest a modification in the fifth line.

Mr. FULTON. So I understood.

Mr. ALDRICH. After the word "done," to insert the words "upon application of any registered distillery." The committee desire to modify the amendment in that way.

Mr. TELLER. I ask the Senator to read that again.

Mr. ALDRICH. In the fifth line, on the second page, after the word "done," insert the words "upon the application of any registered distillery."

Mr. FULTON. The question in my mind is this: Will not the amendment even as modified have the effect of requiring all of this denaturing to be done in one place, in one plant, in one warehouse?

Mr. ALDRICH. Oh, certainly not. The purpose of the amendment is that it must be done in a denaturizing room, which may be in any distillery in the United States.

Mr. FULTON. With the modification now suggested it may have that effect.

Mr. ALDRICH. That was the purpose of the committee, and it was the purpose of the Commissioner of Internal Revenue in the amendment.

Mr. FLINT. It is the purpose of the amendment?

Mr. ALDRICH. It is the purpose of the amendment.

Mr. CULLOM. The amendment, in the first instance, as reported by the committee, as I understand, was left in the discretion of the Secretary of the Treasury and the Commissioner of Internal Revenue.

Mr. ALDRICH. As to the room. It never was intended by the committee that the discretion should extend to the designation of distilleries. The intention of the committee was that in any distillery in the United States the Commissioner might designate a room within the distillery premises that could be used for denaturizing purposes and which should be used for denaturized purposes only. I think the purpose of the amendment, the necessity for it, in fact, must be apparent to all Senators, because this work can not be done or ought not to be done or attempted in any place except in a room which is used for that purpose alone.

Mr. CULLOM. So, as I understand the Senator now, any registered distillery has the right to carry on this business.

Mr. ALDRICH. Exactly; but it must be done in a room within the distillery premises.

Mr. CULLOM. The amendment opens it to distilleries generally.

Mr. ALDRICH. It does more clearly what the Commissioner of Internal Revenue intended to do by the language of the amendment as it was originally drawn.

Mr. FOSTER. The owner, then, of the registered distillery designates or sets aside the place where the denaturizing must take place?

Mr. ALDRICH. Yes; within a room in the distillery premises.

Mr. CULLOM. Of any registered distillery?

Mr. ALDRICH. Of any registered distillery.

The committee desired to modify the bill in line 6 by striking out the word "aside" and inserting the word "apart," so as to read "set apart" instead of "set aside," which seems better to describe what the committee intended to do.

The VICE-PRESIDENT. The Senator from Rhode Island modifies the committee amendment as follows:

The SECRETARY. On page 2, line 5, after the word "done," insert "upon the application of any registered distillery;" and in line 6 strike out the word "aside" and insert the word "apart."

The VICE-PRESIDENT. Without objection, the modification is made.

Mr. TELLER obtained the floor.

Mr. SCOTT. Mr. President, just one moment.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. TELLER. I yield to the Senator from West Virginia.

Mr. SCOTT. In line 5 the word "warehouse," I suggest, should read "warehouses."

Mr. ALDRICH. There is no objection to that.

The VICE-PRESIDENT. Without objection, that modification is made.

Mr. TELLER. Mr. President, the demand for this legislation has been exceedingly active of late, but for the last twenty-five years the question has been before the Senate more or less. Some years ago Congress passed an act of this kind in connection with what was known as the "Wilson tariff bill." It was so badly drafted that when the Treasury Department came to look at it and consulted the legal department they concluded that it was impossible of execution without opening the door to such great frauds that it could not be done. No attempt was ever made to put it in operation. When that bill was presented, the committee, of which I happened to be a member, were met with two phases of the question. They were met, first, by the people who are making wood alcohol—which is a great industry in this country, especially in the Northwest and somewhat in New England—with the suggestion that they thought this legislation would be very injurious to their enterprise. A large number of those manufacturers came before the committee and were heard. We were also met, on the other hand, by the Department of the Government charged with the collection of our revenues, the Treasury Department, with the statement of the fear that any legislation we might enact would be open to fraud and that we would make a mistake, no matter what we did.

We first heard the Commissioner of Internal Revenue, Mr. Yerkes, whose especial duty it is to look after these matters, and then we heard the people who are engaged in the manufacture of wood alcohol. I think the latter made a case which would justify us, instead of postponing the time within which this law shall go into effect for six months, in postponing it for one year. It may be a great hardship on the people who are expecting to use alcohol in various ways, who hope to take advantage of this bill, but the statement made by these producers of wood alcohol is that they have a large amount of supplies on hand in the shape of prepared wood that would be absolutely useless if their industry is destroyed. I am not one of those who believe that their industry will be destroyed, but many of them believe it will be. It seemed to me that a great industry that has grown up, representing many millions of dollars, was entitled to consideration when we should change a law that has been in existence for such a long time, especially if its effect was to be what they claimed, driving them out of business, and if, as the Senator from Rhode Island [Mr. ALDRICH] says, will destroy whole communities.

I believe, with the Senator from Rhode Island, that every tariff law that has ever been enacted in this country has kept in mind the question, How will this law affect existing commerce and trade? And that is what ought to be taken into consideration. No tariff law ought to be enacted which does not keep that in view, because, having built up these industries under existing law, we have no right to suddenly change it and wipe out an industry.

Mr. McCUMBER. May I ask the Senator a question?

Mr. TELLER. Certainly.

Mr. McCUMBER. I ask the Senator whether any of the tariff laws which we have passed of late years have gone into effect six months or a year after their enactment?

Mr. TELLER. We have never enacted any law since I have been in public life which has accomplished what these people state that this law will accomplish, and when we have passed tariff laws we have framed such laws in some way to meet such difficulties.

Mr. McCUMBER. I simply asked as a matter of information, because I was not present in Congress at the time of the passing of those laws; but I understood that all of them went into effect immediately upon their passage.

Mr. ALDRICH. Oh, no; none of them did, Mr. President. The Senator is in error about that. No tariff act has ever gone into effect immediately, and various provisions of the tariff acts of which I have knowledge—and I have had more or less knowledge of them for quite a number of years—have gone into effect at different times, in order to take care of the very character of case which is now under consideration.

Mr. TELLER. The Senator from Rhode Island [Mr. ALDRICH], who is better acquainted with the tariff than anybody of whom I know, has answered the question asked by the Senator from North Dakota [Mr. McCUMBER]. He has stated the case exactly as I understand it.

But I want to say a word or two about this bill. I repeat, for twenty-five years this matter has been pressed upon Congress. I remember the late Senator from Massachusetts, Mr. Hoar, presented it again and again. Recently there has been a very decided interest in this class of legislation, based upon the theory that it was going to furnish a cheap power; and, for the first time in the many years I have been in the Senate, I have begun to get telegrams and letters from my State in regard to the subject. I have never during the whole controversy received a letter from Colorado urging this legislation, until within the last three months, when letters and telegrams have come to me in considerable numbers; and it is very apparent that the people have suddenly come to the conclusion that this bill is going to be of material benefit to them. It could only be of benefit to one class, and that is those who want to use power in small quantities, the class of manufacturers who use more or less alcohol for manufacturing purposes. Their manufacture includes quite a variety of articles of wearing apparel, etc., as I understand. I believe it can be used somewhat in the preparation of tobacco and in various other ways. I believe it is used also in the making of cotton goods which will resemble silk, and which are on the market. It is said a large amount of alcohol is used in that way. That, however, is not,

in my opinion, where this original movement came from. I believe some of our temperance friends thought it would be a help to the temperance cause to have free alcohol. I do not know why or how. I can not quite understand it.

Mr. President, the Secretary of the Treasury came before the committee, not for the purpose of opposing the measure, but for the purpose of explaining to the committee the difficulties which would be encountered in the operation of the law and the danger that the law would be abused and a large amount of alcohol now paying duty to the Government would escape taxation. I believe everybody recognizes the fact that this bill in some measure must reduce our revenues, but to what extent nobody is able to state. That we have yet to find out.

Mr. President, I want to say here that I have been in favor of this because it seemed to me to meet a demand that the people are making, and because I believed it was possible, and so believe now, that we might so arrange it that very little fraud would be practiced under it; and that is one of the things for which the Department wants a little time to get ready, so as to prepare warehouses where this alcohol is to be denaturized. If it is to be free of tax, I think the time we have given is exceedingly short for that purpose.

Mr. President, I believe when this bill becomes a law and goes into effect those who expect to use this character of alcohol for power will be disappointed; and that is the only use it is expected to be put to in my section of the country. A great many of my people think they will be able to use it for a cheap power to lift water for irrigating purposes and for all sorts of farm use, and I presume the same is the case in other sections of the county; but I will venture to say that when this power is brought into competition with some other power alcohol can not compete with it. I do not believe that the people will find any great benefit from this bill, so far as the question of cheap power is concerned. The manufacturers may derive benefit from it—those who make hats, those who want to turn cotton into something resembling silk, and a few manufacturers of other articles. It will help them; but the farmer—and we have heard a good deal about the farmer of late in connection with this measure to the effect that he is demanding it—I think will find that there is a far cheaper power than alcohol. It may be electricity or it may be something else.

Mr. President, there has been considerable said about the Standard Oil Company being opposed to this bill. There has not been before our committee, and I have not heard anywhere else, the slightest reason to suppose that the Standard Oil Company cares whether this bill passes or does not pass. I do not believe anybody particularly cares about it. The only people who have filed a vigorous protest are the people who are making alcohol out of wood. This kind of alcohol, of course, does not enter into drinking consumption as alcohol at all, but it does enter into the manufactures of the country.

I hope this bill will be of some benefit to the manufacturers of the country. It may be that denatured alcohol may be used in a small way for lighting purposes in the farmhouse, but it is very doubtful whether it can compete with oil at the present price or even at a considerably higher price than that at which oil is now being sold. So I think the people will be very much disappointed in the application of this law to their condition. I do not think the Senator from North Dakota [Mr. MCCUMBER] ought to complain if we give these manufacturers six months to accommodate themselves to the new conditions created by this proposed law.

Mr. MARTIN. Mr. President, alcohol is used in the manufacture of ether. There are other processes for the manufacture of ether in which alcohol is not used. I should like to ask the Senator from Rhode Island in charge of this bill what he understands the effect of the bill will be? I should like to know whether or not alcohol free of tax can, after the passage of this bill, be used in the manufacture of ether?

Mr. ALDRICH. Mr. President, under the terms of this bill the manufacturers of ether can not use alcohol free of tax. There is an express reservation that the bill shall not apply to alcohol used as a beverage or for liquid medicinal preparations. Therefore it would not apply to the manufacture of sulphuric ether. I myself think it ought to so apply. The bill which was prepared by the Senator from Iowa [Mr. ALLISON] and myself some years ago was made to apply to all industrial purposes, including medicinal purposes. That bill would have applied to the manufacture of sulphuric ether.

I think it is very important in this country that sulphuric-acid ether should be much cheaper than it now is, but this bill, as now framed, does not give free alcohol to the sulphuric-ether manufacturer.

Mr. MARTIN. I should be glad to be informed, if the Senator from Rhode Island happens to know, whether that is the construction of the Commissioner of Internal Revenue?

Mr. ALDRICH. It is, undoubtedly; and the language used could have no other construction.

Mr. MARTIN. I understand the bill as the Senator does, though I would not be clear about it if it were left to the clause to which the Senator has just referred; but there is another clause in the bill, in which it is made a criminal offense to use alcohol which has been withdrawn from bond under the provisions of this proposed law for the purpose of manufacturing any beverage or liquid medicinal preparation. I do not know how alcohol is used, whether it is used as an agency in the manufacture of ether or whether it enters into it as a component part. I am not familiar with the process, and I have some little doubt about the proper construction; but I am inclined to the same view as that expressed by the Senator from Rhode Island, and accept his construction and the construction as well, which he has, as I understand, from the Commissioner of Internal Revenue.

Mr. FOSTER. Will the Senator from Rhode Island permit me to ask him a question as to the amendment and its effect? As I understand it, under the committee amendment as now amended, any established distillery may designate and set aside a bonded warehouse for the purpose of denaturing alcohol. Do I understand that this bonded warehouse may be established without the permission of the Commissioner of Internal Revenue?

Mr. ALDRICH. As I understand the provision, it is made the duty of the Commissioner of Internal Revenue to designate a room on the distillery premises, to be used for denaturing purposes, upon the application of the owner of any registered distillery. There is no discretion left to the Commissioner, except as to the designation of the room—not that he may without his approval of the application itself. As I understand this bill, every registered distillery in the United States can apply to the Commissioner of Internal Revenue, and then it becomes the duty of the Commissioner to designate the room within the distillery premises within which the denaturing process shall be carried on.

Mr. FOSTER. Can the Commissioner refuse to designate the room upon application?

Mr. ALDRICH. He can not, according to my understanding of the bill, and that is the understanding of the Commissioner also.

Mr. MCCUMBER. I should like to ask the Senator from Rhode Island about how many companies are engaged in the manufacture of the wood alcohol which he says will be affected by this bill? I undertsand he stated there are about $40,000,000 of capital invested in the business, but I should like to know how many companies there are.

Mr. ALDRICH. There are in the neighborhood of 120 different establishments. The number varies from 120 to 140 separate establishments, in three or four different States, which are engaged in the manufacture of wood alcohol.

Mr. MCCUMBER. Is the business in any wise equally proportioned, or is the greater per cent of it owned by one corporation?

Mr. ALDRICH. I think it is scattered very largely in a great number of corporations. The refining of the alcohol is done largely by one company, but the production itself from the wood is done by 120 different companies.

Mr. MCCUMBER. The producing companies sell to the refining companies?

Mr. ALDRICH. They sell to the refining companies. They sell the crude product to the refining companies, and the refining companies refine about 70 per cent of the entire product.

Mr. HALE. The investigation by the committee shows that not only are these establishments not in a great trust, but in several cases, in not very large towns, three or four different establishments manufacture wood alcohol and have nothing whatever to do with each other.

Mr. MCCUMBER. What I want to get at is whether the refining company, which practically purchases most of it, is in a trust or is one single corporation.

Mr. ALDRICH. As I have stated, there is one corporation, called, I believe, the "Wood Product Company," that does a large part of the refining. It is a corporation. I do not know whether or not it would meet the Senator's characterization of a trust. It is a corporation doing a certain amount of the business of refining. They buy the crude product and refine it, but there are a number of other companies engaged in the work.

Mr. MCCUMBER. I should like to ask the Senator also whether this refining company is in anywise connected with or owned by the Standard Oil Company. I suppose that appeared in the hearings.

Mr. ALDRICH. It does not appear in the hearings, but I happen to know that the father of the president of this company is the man who originated the process of refining wood alcohol. The president of this company has been in the business all his life, and he owns, I think, a large part of the stock of this company himself. I am perfectly certain he is not connected with anybody else outside of his own company or with a trust of any kind.

Mr. McCUMBER. I asked those questions, Mr. President, because of the suggestion of the Senator from Colorado [Mr. TELLER] that the Standard Oil Company did not seem to be taking any interest in this matter. I was about to ask the Senator at that time whether or not there was any necessity for the Standard Oil Company taking any interest in it; whether or not it could not in a very short time, as quickly as this proposed law went into effect, buy up all of these companies, just as it has the companies which now make up the body of that immense corporation. The probabilities are, if it considers the business is profitable enough, that it will do so.

Mr. ALLISON. Mr. President, I only desire to say a few words as respects this bill, and as to the time when it shall go into effect. I think the time fixed—January 1, 1907—is as early as it is wise to have this bill go into effect. In many respects it is a very important bill. It has for its foundation more than $100,000,000 of revenue that may or may not be affected by the operations of the bill.

It is necessarily a crude bill, because it seems to be essential to pass it at this session of Congress, there being a great public demand for it. It ought to have been, in my judgment, more carefully and more elaborately considered; but I believe, as it is amended by the Senate Committee on Finance, it can be put into operation effectively, and with proper checks to prevent frauds upon the revenue; but I do not believe it will accomplish all that many of its friends think it will accomplish.

As it now is before the Senate, every registered distillery is authorized to make application for the privilege of manufacturing denatured alcohol. Whilst that is a privilege, I imagine relatively very few of the distillers will avail themselves of it. Certainly a large number of the distilleries that manufacture whisky for the ordinary bonded warehouse will not go into this business. It is only those who manufacture alcohol for immediate consumption, and who pay the tax presently, that will probably avail themselves of this privilege.

I do not know what the regulations of the Commissioner of Internal Revenue may be, but they certainly ought to place a limit upon the daily production of the distillery that desires to use this process. So that I have no doubt only those distilleries which produce, say, 500 gallons per day will be able to avail themselves of the provisions of this bill.

There is another thing in connection with this proposition which I think ought to be considered, and that is that the Government undertakes this business for the benefit of these manufacturers. There is an appropriation of $250,000 in the bill, which, of course, if it is generally availed of, will not be sufficient to pay the expenditures. The work of denaturing alcohol must be done in the presence and under the guidance of a storekeeper, an inspector, and a gauger, in order that frauds may be prevented. There is no provision in the bill whereby anyone shall bear those expenses, and therefore they must be paid out of the Treasury. To that extent this bill will be an expense to the Treasury of the United States. The appropriation made by the bill is $250,000, but it is probable that a much larger amount will be needed during the next year.

I consented to the passage of this bill for the reason that I believed it might be well to start it on its pathway during the next fiscal year, and that it was possible for the Commissioner of Internal Revenue and the Secretary of the Treasury to make regulations that would prevent frauds on the revenue; but I do not believe that they should have for this purpose a less time than six months. It is a matter that can not be hastily done. The Secretary of the Treasury and the Commissioner of Internal Revenue must necessarily examine with care the processes that are now in vogue in Germany, in Great Britain, and in other countries of Europe, where the conditions are very different from those that prevail here. There they have more complete control over distilleries than we have in this country. Here anyone who desires can establish a distillery, and under this bill anyone who desires can start a new manufacture of alcohol.

I infer that the Senator from North Dakota [Mr. McCUMBER] believes that under this bill the people of North Dakota will see denatured alcohol distilleries spring up. I know an impression prevails in different portions of the State in which I live that there will be distilleries of denatured alcohol established, although I believe there is only one distillery in the State at this time.

When these distilleries are established, they must be provided for under the limitations and provisions of our present internal-revenue law as respects distilled spirits; otherwise the denatured spirits will in some way get into the commerce of the country without the payment of the $2.07 tax that is placed upon each gallon. So there will be a great temptation to men to secure this alcohol for general commercial purposes without the payment of the tax. A man who can secrete two gallons of alcohol per day will make more than an ordinary skilled mechanic. Therefore it is that at every step in these processes there must be a watchful eye until the denaturing process absolutely takes effect, or else there will be fraud. There is nothing short of the absolute injection of these poisonous materials, whatever they may be, into this alcohol that will prevent fraud.

So, without reference to the question of wood alcohol, I do not believe it is wise to make a date for this bill to go into operation earlier than the 1st day of January next, and I believe, from what I have heard, that the Commissioner of Internal Revenue also thinks so. He prepared a bill, at the request of the House of Representatives, upon this subject, after a good deal of care, and in it he provided that it should take effect on the 1st day of January, 1907. When he was before the House Committee, they wanted the bill to take effect at an earlier date. He said, if they insisted on ninety days, the necessary regulations could be prepared in that time, under compulsion, of course; but I want the Secretary of the Treasury and the Commissioner of Internal Revenue to have ample time to prepare these regulations so that they will be as nearly impervious to fraud as human ingenuity can make them. The Commissioner of Internal Revenue also presented a bill to the Committee on Finance, in which the date for the bill to take effect was fixed for the first of January next.

Therefore, while I am as anxious and my people are as anxious—I say my people; I mean the people of Iowa—that this bill should go into effect at the earliest possible day as are the people of any other State, I think the hazard to the revenue is too great for us to precipitate this at an earlier day than it is perfectly certain that the proper officers will be able to deal with it.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. ALLISON. Certainly.

Mr. McCUMBER. I made the motion more for the purpose of ascertaining the reasons and to get the question before the Senate, as I am not a member of the Committee on Finance. If it is the unanimous opinion of the members of the Committee on Finance that the bill should not go into effect until the 1st of January, not being a member of the committee and not being informed on the subject, I will not attempt to press my judgment against the judgment of the committee which has considered it. Therefore I withdraw the motion.

Mr. ALLISON. I believe that is the unanimous judgment of the committee. It is certainly my judgment.

Mr. HALE. Mr. President, there is no reason why I should occupy very much of the time of the Senate, but I wish to say that as a new member of the Committee on Finance, which has considered this subject, the investigations we made, the hearings we had, did give me, to some extent, an education upon the subject. I realized from those hearings and investigations the great magnitude of this plan and scheme, the possibilities and probabilities of fraud and of alcohol not intended to be actually denatured getting on to the market by stealth and fraud, and thus escape the tax. We heard the Secretary of the Treasury and the Commissioner of Internal Revenue, who I think impressed the committee as being a man of singularly clear judgment, of great capacity and integrity and fundamental knowledge, on this subject and with its operations.

When we came to consider what was perhaps the mainly debatable question, as to when the act should be put in force and effect, the committee was united in the belief that it could not be made to start as a practical, safe scheme under the time between now and January 1. The wood-alcohol men desired much more time, and showed to the committee the condition of their plants, the accumulation of stock and of wood, the underlying material, and asked for two years. But hearing them all and hearing fully the Secretary and, as I have said, the Commissioner of Internal Revenue, the committee believed that, considering the equities of the wood-alcohol manufacturers and the time required by the Government to put the machinery in force and the great public demand for this bill, the 1st of January was a fair and safe date to be fixed; that it would give

some time to the wood-alcohol manufacturers to carry out their work and use up their accumulated supplies of materials; that it would afford time to set all the machinery at work, and would, at a near date, give the public a bill which can only be judged after it has been tried.

I agree with the Senator from Iowa [Mr. ALLISON] that the benefits are not likely to be so great as public sentiment now measures them; but that it will be important, and that great industries will be helped, stimulated, improved, and advanced among the people by this measure to a very considerable extent, I believe. We shall know, after it has been tried, two things: How much good it does in the diffusion throughout the country of denatured alcohol in the arts and in the industries of the country, and we shall know whether we have securely protected the Treasury from fraud, and shall then be prepared—I think that is the best that can be said of this bill—to consider, as one of the sections of the bill provides for, for further considering it and making it, if need be, a more perfect bill.

The bill has certainly my godspeed. I think we can do what other countries have done. There has been no attempt on the part of anybody—on the part of the Committee on Finance or the Senate—to delay, but we have held session upon session, day after day, at early and late hours, and this is the result of the deliberations of the committee.

The VICE-PRESIDENT. The amendments proposed by the Committee on Finance will be stated.

The first amendment of the Committee on Finance was, in section 1, page 1, line 3, after the word "after," to strike out "three months from the passage of this act" and insert "January 1, 1907;" in line 11, after the word "officer," to strike out "before" and insert "after;" in line 12, before the word "warehouse," to strike out "bonded" and insert "distillery;" in the same line, after the word "with," to insert "methyl alcohol or other;" on page 2, line 1, after the word "material," to insert "or materials, or admixture of the same;" and in line 4, after the word "purposes," to insert:

Such denaturing to be done upon the application of any registered distillery in denaturing bonded warehouses specially designated or set apart for denaturing purposes only, and under conditions prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

So as to make the clause read:

That from and after January 1, 1907, domestic alcohol of such degree of proof as may be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, may be withdrawn from bond without the payment of internal-revenue tax, for use in the arts and industries, and for fuel, light, and power, provided said alcohol shall have been mixed in the presence and under the direction of an authorized Government officer, after withdrawal from the distillery warehouse, with methyl alcohol or other denaturing material or materials, or admixture of the same, suitable to the use for which the alcohol is withdrawn, but which destroys its character as a beverage and renders it unfit for liquid medicinal purposes; such denaturing to be done upon the application of any registered distillery in denaturing bonded warehouses, specially designated or set apart for denaturing purposes only, and under conditions prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 23, after the word "That," to insert:

Any person who withdraws alcohol free of tax under the provisions of this act and regulations made in pursuance thereof, and who removes or conceals same, or is concerned in removing, depositing, or concealing same for the purpose of preventing the same from being denatured under governmental supervision, and.

In line 13, after the word "sells," to strike out "or;" in the same line, after the word "conceals," to insert "or otherwise disposes of;" and in line 16, after the word "both," to insert:

And shall, in addition, forfeit to the United States all personal property used in connection with his business, together with the buildings and lots or parcels of ground constituting the premises on which said unlawful acts are performed or permitted to be performed.

So as to make the clause read:

SEC. 2. That any person who withdraws alcohol free of tax under the provisions of this act and regulations made in pursuance thereof, and who removes or conceals same, or is concerned in removing, depositing, or concealing same for the purpose of preventing the same from being denatured under governmental supervision, and any person who uses alcohol withdrawn from bond under the provisions of section 1 of this act for manufacturing any beverage or liquid medicinal preparation, or knowingly sells any beverage or liquid medicinal preparation made in whole or in part from such alcohol, or knowingly violates any of the provisions of this act, or who shall recover or attempt to recover by redistillation or by any other process or means, any alcohol rendered unfit for beverage or liquid medicinal purposes under the provisions of this act, or who knowingly uses, sells, conceals, or otherwise disposes of alcohol so recovered or redistilled, shall on conviction of each offense be fined not more than $5,000, or be imprisoned not more than five years, or both, and shall, in addition, forfeit to the United States all personal property used in connection with his business, together with the buildings and lots or parcels of ground constituting the premises on which said unlawful acts are performed or permitted to be performed.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 15, after the word "appropriated," to insert "said appropriation to be immediately available;" so as to read:

The sum of $250,000, or so much thereof as may be required, is hereby appropriated out of any money in the Treasury not otherwise appropriated, said appropriation to be immediately available.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert as a new section the following:

SEC. 4. That the Secretary of the Treasury shall make full report to Congress at its next session of all appointments made under the provisions of this act, and the compensation paid thereunder, and of all regulations prescribed under the provisions hereof, and shall further report what, if any, additional legislation is necessary, in his opinion, to fully safeguard the revenue and to secure a proper enforcement of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. PROCTOR. I ask that the informal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Without objection, that course will be pursued.

MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

Mr. ALDRICH. I ask the Senator from Vermont to allow me to try to get up the joint resolution which I reported yesterday with reference to material for the construction of the Panama Canal, in order that it may be adopted to-day. If it shall give rise to discussion I certainly will not press it, but will await some other time for its consideration. If it can be considered without debate, I should be very glad to have it considered now.

Mr. BERRY. Mr. President, it can not be done without debate. I would rather it should go over until to-morrow.

Mr. ALDRICH. I am very sorry it can not be considered at this time, because I think it is in the public interest that the joint resolution should be considered now.

Mr. BERRY. I desire to make some remarks on it. Is it to go over until to-morrow?

Mr. ALDRICH. It will go over until some other time. I shall not be here to-morrow, but I imagine that some other member of the committee will call it up then.

Mr. BERRY. The Senator will not call it up to-day?

Mr. ALDRICH. I will not call it up to-day.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, on page 2, line 4, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" in line 14, after the word "dollars," to insert "one inspector, $2,000;" in line 17, before the word "clerks," to strike out "two" and insert "three;" in line 18, before the word "hundred," to strike out "two thousand eight" and insert "four thousand two;" in the same line, before the word "clerks," to strike out "six" and insert "seven;" in line 19, before the word "hundred," to strike out "seven thousand two" and insert "eight thousand four;" on page 3, line 2, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" and in line 6, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" so as to make the clause read:

Office of the Secretary: Secretary of Agriculture, $8,000; Assistant Secretary of Agriculture, $4,500; and the Assistant Secretary is hereby authorized to perform such duties in the conduct of the business of the Department of Agriculture as may be assigned by the Secretary of Agriculture; chief clerk, $2,500; one solicitor, $3,000; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,000; stenographer to the Assistant Secretary of Agriculture, $1,400; private secretary to the Assistant Secretary of Agriculture, $1,600; one appointment clerk, $2,000; one chief of supply division, $2,000; one telegraph and telephone operator, $1,400; one telegraph and telephone operator, $1,200;

one inspector, $2,000; one clerk class 4, $1,800; three clerks class 3, $4,800; three clerks class 2, $4,200; seven clerks class 1, $8,400; two clerks, at $1,000 each, $2,000; one clerk, $900; one clerk, $840; six clerks, at $720 each, $4,320; one chief engineer, who shall be captain of the watch, $1,600; one fireman, who shall be a steam fitter, $1,000; three assistant firemen, at $720 each, $2,160; one assistant fireman, $600; one carpenter, $1,000; one electrician, $1,000; one painter, $1,000, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 16, to increase the appropriation for the clerical force of the office of the Secretary of Agriculture from $84,660 to $89,960.

The amendment was agreed to.

The next amendment was, on page 4, line 4, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty;" in line 10, before the word "dollars," to strike out "ten thousand" and insert "seven thousand six hundred;" and in line 12, before the word "dollars," to strike out "twenty-five thousand eight hundred and forty" and insert "twenty-three thousand five hundred and sixty;" so as to make the clause read:

Office of the Secretary: * * * one painter, $840; eleven laborers or charwomen, at $480 each; $5,280; one charwoman, $540; five charwomen, at $240 each, $1,200; for extra laborers, emergency employments, and pay of rents, $7,600; in all, $23,560.

The amendment was agreed to.

The next amendment was, on page 4, line 14, to increase the total appropriation for the maintenance of the office of the Secretary of Agriculture from $110,500 to $113,520.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 5, line 21, after the word "one," to strike out "battery man" and insert "electrician;" and in line 22, before the word "dollars," to strike out "eight hundred and forty" and insert "one thousand;" so as to read:

One engineer, $1,200; one captain of the watch, $1,000; one electrician, $1,000; six skilled artisans, at $840 each, $5,040, etc.

The amendment was agreed to.

The next amendment was, on page 6, line 18, to increase the total appropriation for salaries in the office of the Chief of the Weather Bureau from $194,530 to $194,690.

The amendment was agreed to.

The next amendment was, on page 6, line 25, after the word "books," to insert "necessary scientific and other publications;" so as to read:

Contingent expenses, Weather Bureau: Stationery and blank books; necessary scientific and other publications; furniture and repairs to same; freight and express charges, etc.

The amendment was agreed to.

The next amendment was, on page 8, line 7, before the word "stationery," to insert "scientific and other publications;" in line 14, before the word "telegraph," to strike out "seacoast" and insert "Weather Bureau;" so as to read:

General expenses, Weather Bureau: Every expenditure requisite for and incident to the establishment, equipment, and maintenance of meteorological observation stations in the United States, * * * including the purchase of scientific and other publications, stationery, furniture, instruments, storm-warning towers, and all other necessary supplies and materials.

The amendment was agreed to.

The next amendment was, on page 8, line 19, after the word "months," to insert:

And who may be employees of other Departments of the Government, and the provisions of the act approved March 3, 1885, providing that no part of the money appropriated for the Department of Agriculture shall be paid to any person as additional salary or compensation shall not apply to said employees.

So as to read:

Including pay of special observers and display men, none of whom shall receive more than $25 per month, and who may be employees of other Departments of the Government, and the provisions of the act approved March 3, 1885, providing that no part of the money appropriated for the Department of Agriculture shall be paid to any person as additional salary or compensation shall not apply to said employees.

Mr. HALE. I do not quite get the force of what is intended to be effected by this amendment.

Mr. PROCTOR. As the Senator will observe, the preceding clause reads:

Including pay of special observers and display men, none of whom shall receive more than $25 per month and who may be employees of other Departments of the Government.

It is proposed that the Weather Bureau may employ the life-saving men and men who are in Government employ at a much less cost than would be involved if the bureau sent an employee at the full charge of the Bureau. It is a money——

Mr. HALE. I do not know but that the conditions are such here that this mingling of the two services and paying extra for men who are taken from one service and put into another may be justified. But it certainly is not a thing which we ever do or that I have ever known to be done. We have all the different Departments and bureaus of the Government with fixed salaries, and the salaries are made upon the theory that the employees who receive the salaries give their time to the Government. We adjust their salaries not upon the basis or the suggestion that they are to receive any money from any other Department of the Government, and if this is looked upon or accepted as a precedent it will work great mischief.

Senators can see in a moment that the proposition that one Department of the Government may take employees, and salaried employees, from another Department of the Government and pay them additional salaries or sums of money is one that will work evil. It will be contrary to our whole system, and it ought to be contrary to our whole system. It confuses the service and it makes a precedent, and I am afraid will be the occasion for subsequent requests and demands of this kind.

We are trying with respect to our appropriations more and more every year, both in the House and in the Senate, to keep every Department distinct from every other Department. We have provided within the last few years that all general lump sums out of which clerks and employees are paid shall be estimated for and considered by Congress in detail and that the salaries shall be in full for compensation for the office or for the employment indicated and provided for. I am almost inclined to make the point of order. Of course, there is a general law that there shall be no extra salaries paid. But I will not make the point of order until I get some further explanation of the great need and great emergency that requires this abnormal provision.

Mr. PROCTOR. The Senator from Maine is entirely right as to the general proposition, but it appeared to the committee that in the peculiar weather service there were many places along the coast where this provision would be valuable. This statement was made: They could frequently get the observations the Chief of the Weather Bureau required and the reports by paying $10 a month to some official of the Government, whereas if he sent a man especially for that purpose he would have to pay him $75 a month. It was for the sake of getting the most service possible at the smallest compensation. These men could not be required, of course, to do this service unless they were willing to enter it. They are appointed for a special duty in some of the Departments. If there were a law requiring them to do it, it would be very well.

I care nothing about this amendment, and if the Senator makes the point of order it will surely lie. The committee reported it because they thought it would give more service at a very much less cost. It is an unusual provision, and I should not wish to see it extended.

Mr. HALE. I do not think the reason the Senator from Vermont gives is sufficient.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from California?

Mr. HALE. Yes.

Mr. PERKINS. It was especially pressed upon your committee, in considering this matter, that there were a number of life-saving stations and light-house stations on the coast of Washington and the coast of Oregon especially, where the Department could receive no other reports than those that came from this source or from this avenue, from those who were stationed there in charge of the stations.

Mr. HALE. I would have no objection to a provision that should direct the life-saving force, when it is practicable and does not interfere with its duties, to communicate to the Weather Bureau such information as it has secured or is able to get. But the reason given by the Senator from Vermont, I think, is so inadequate that I am constrained to make the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. NELSON. Before the point of order is finally decided, I would suggest an amendment that I think will overcome the objection. If you will limit it to those employed in the Life-Saving Service and to light-house keepers along the coasts, there will be no harm in it.

Mr. HALE. My objection is not to its scope, but it is to taking employees from one branch of the service and using them in another branch and paying them an extra salary—two salaries.

Mr. NELSON. I desire to say further to the Senator from Maine that I had occasion to examine a while ago the pay and duties of the life-saving men along the coasts. Their pay is very small. They are required to patrol the coast from one end to the other along their beats. I think no class in the service gets less pay than they do. If you allow those men to perform this additional duty and give them not to exceed $25 a month, they will still get less than a hundred dollars in all.

Mr. HALE. The way to do that is in the proper appropriation bill to give these men suitable salaries. The very fact that the amendment carries with it the idea that they have time in their service to do this extra outside work, which would increase their pay $25 a month, does not indicate that they are so overbusy and need advanced salaries. But I am not committing myself to that proposition. Whenever that does come up in any proper appropriation bill we can regulate their salaries, but let us keep the different departments of the Government separate and apart.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 9, line 24, to increase the total appropriation for the maintenance of the Weather Bureau from $1,439,080 to $1,439,240.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," on page 10, line 4, before the word "clerks," to strike out "two" and insert "three;" and in line 5, before the word "hundred," to strike out "three thousand six" and insert "five thousand four;" so as to read:

Salaries, Bureau of Animal Industry: One Chief of Bureau, $4,500; one chief clerk, $2,000; three clerks of class 4, $5,400, etc.

The amendment was agreed to.

The next amendment was, on page 11, line 4, to increase the total of the appropriations for salaries, Bureau of Animal Industry, from $82,980 to $84,780.

The amendment was agreed to.

The next amendment was in the items of appropriations for general expenses, Bureau of Animal Industries, on page 12, line 12, before the word "thousand," to strike out "five hundred and seventy-five" and insert "six hundred and twenty-five;" so as to read:

Provided further, That the Secretary of Agriculture may, in his discretion, waive the requirement of a certificate with beef and other products which are exported to countries that do not require such inspection, $1,625,000, etc.

Mr. LONG. I wish the attention of the chairman of the committee to this amendment. I move to strike out "twenty-five thousand" and insert "seventy-seven thousand two hundred," so as to read "one million six hundred and seventy-seven thousand two hundred dollars." That is the estimate of the Secretary of Agriculture, who stated that amount was necessary to make the inspections required.

Mr. PROCTOR. It is very true that the amendment offered by the Senator from Kansas just brings the appropriation to the estimate which was made by the Secretary. It is also true that the Secretary, in his statement before the committee, said that of all things in the bill this is the most important, as he deemed, to successful administration.

The committee at first agreed to the full amount of the estimate which is asked for by the Senator from Kansas. Later, in an executive meeting, the desire to economize and to reduce the appropriation, just as far as possible induced the committee to deduct $50,000.

I think myself that the Secretary should have the full amount of his estimate. He has had to have within a year emergency appropriations, and the present state of excitement in reference to the stock business throws more work upon this Bureau of the Department. It is for the Senate to judge whether the desire for economy shall prevail over these considerations.

Mr. SPOONER. I should like to ask the Senator if the committee had any reason to suppose that the Secretary's estimate was too large?

Mr. PROCTOR. No; we did not. We thought it was probably reasonable, but the Senator knows very well that we have to guess sometimes what may be really needed. We hoped that he might get along with a less amount and thus save increasing the appropriations carried by the bill.

Mr. SPOONER. Then really it was cut down without any judgment or sense on the part of the committee?

Mr. PROCTOR. I do not want to confess to an entire lack of sense, but every committee in making appropriations, I believe, reduces amounts sometimes when they would be glad to give the greater sum if they could do so consistently.

Mr. CARTER. Mr. President, I am gratified to hear the chairman of the committee express himself in favor of appropriating the amount of the estimate in this case. I desire to call the attention of the Senate to the emergency nature of the work for which this appropriation is made. It goes to the very vitals of our export trade in meats. It has to do with the suppression or control of contagious diseases and likewise the establishment and maintenance of quarantine districts.

It does seem that with that character of work the Secretary should be provided with ample means to take care of every contingency that could or would likely arise. Instead of being confined to the mere profitable expenditures, it appears that good administration requires that a reasonable margin should be allowed for exigencies which are quite likely to arise in connection with any one of the three phases of animal industry with which this appropriation has to do.

Since no special reason has been or probably can be given for the reduction of the estimate, save simply a desire to curtail appropriations, I believe that the appropriations can be curtailed in almost any other part of the bill with less liability to cripple a necessary part of the service than can such reduction be made in this particular item.

For instance, the appropriation becomes exhausted with reference to the item of the inspection of meats for export. It can readily be perceived that the lack of funds for the proper administration of the law in that behalf would necessarily cripple our export trade. Again, in the case of contagious diseases an exigency is likely to arise at any time, and the condition of the Department, reduced to inefficiency because of the lack of funds, would be simply deplorable.

Finally, with reference to the establishment and maintenance of quarantine districts, it will be admitted without hesitation, I assume, that Congress would not for a moment think of economizing in the matter of preventing the spread of contagious disease amongst the domestic animals of the country. The loss which might be incurred by crippling the service in this particular respect is so great that it seems to me the item should be made at least to correspond with the estimate. The difference between the estimate and the amount stated here is but small. I think the estimate was $1,677,200. The appropriation is for the sum of $1,625,000. The difference is less than $50,000. I think Congress would act wisely in allowing the Department the sum specified in the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kansas to the amendment of the committee will be stated.

The SECRETARY. Change the total, on page 12, line 12, from $1,625,000 to $1,677,200.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to page 14, line 11.

Mr. HALE. Mr. President, the Senate is apprised of all changes that are made by the committee, because they appear in italics; but the Senate is not apprised of the changes in the law and of the new features of the bill, because they appear in the same text with the rest of the bill. I call the attention of the Senator from Vermont to page 13, beginning at the middle of line 12, and ask him whether the provision I shall read is the present law:

And the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year.

Mr. PROCTOR. That is the present law.

Mr. HALE. How long has it been?

Mr. PROCTOR. I am not able to state, but I think for some time.

Mr. HALE. I was looking over the corresponding provision in last year's bill.

Mr. PROCTOR. I will say to the Senator that the following lines are new this year:

which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

That was added in the House. No change was made by the committee of the Senate. It was stated that other Departments had a similar provision.

Mr. HALE. Does the Senator think that other Departments have provisions of this kind for clerical services outside of the city of Washington? If we are going to give leave, the pay continuing, to officials in the employment of the Government outside of Washington, every post-office employee will want his fifteen or thirty days. The practice of leave has grown up gradually, being at first only applied to certain Departments in Washington. Generally speaking, it is confined, except in special cases—I do not know how many there are—to employees here in Washington for special reasons. But if everybody outside of Washington is to have fifteen or thirty days' leave, it is a vast subject and is a depletion of the work of the Government to a very great extent.

I wish the Senator would show me in last year's bill this provision.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. I yield to the Senator.

Mr. CARTER. In line with the observations of the Senator

from Maine, I desire to call attention to the fact that leave of absence for fifteen days having been granted to letter carriers in cities, it follows that a demand becomes almost irresistible to extend like leave of absence, with pay, to all rural free-delivery letter carriers, about 40,000 in number. I think that one item alone will amount during the next year to something over $1,000,000 of expense to the Government.

Mr. HALE. Well, Mr. President, that shows this feature is creeping; it is advancing, and that is one of the infirmities we are under as a legislative body. We have a favored class of officials in this country. There is no office created that there is not an importunate demand to fill it. For every office created, it is safe to say that there are dozens and scores of applicants desiring to get into the Government service. They desire to get into the Government service because they are better off than they are outside. They have regular employment; they have short hours; they are desirable places, and the moment they get in they become an organized and importunate and hungry band of mendicants, begging us for more favors.

We are beset by them constantly, and we forget all the people who have not been able to get into these offices. Committees take the cue from the importunities of the people in office and are continually granting them more and more pay. They organize, they taboo, they boycott Members and Senators who do not favor their propositions and their demands for increase, and we sit tamely and grant their requests.

There is no session of Congress that we are not importuned and our doors beaten upon by the employees here in Washington and elsewhere, demanding more pay, more privileges; and they are now organizing for a civil-service pension in some form or other, which, when inaugurated and adopted by some careless and indifferent Congress, will add tens of millions of dollars every year to our expenses.

I am rather hopeless of being able to stop or restrain or limit this. I have tried it before, and I have always been overruled. I have nothing to say against these employees personally. They are, I presume, almost all of them good and faithful servants of the public. But that does not justify them in this constant importunity upon us for more pay and more privileges. Whoever goes into one of these places at a known and fixed compensation and privileges should accept that; and the heads of Departments ought not to allow subordinates to push these matters before Congress. I think some heads of Departments have adopted rules which seek to prevent it.

I find on examination that last year this was crystallized as permanent law, and I can not make a point of order upon it; but I do make the point of order on the provision that is inserted by the committee which extends it.

Mr. PATTERSON. Mr. President, does not the Senator from Maine think that there is some justice in the principle of the old-age pension for employees of the Government, who, entering under civil-service rules as young men and young women, continue in the service of the Government until they are discharged by reason of old age, and who by reason of the smallness of the compensation are prevented from accumulating anything for the time when discharge comes?

Then, again, there is one other matter I should like the illuminating views of the Senator from Maine upon. It is a recognized fact that the cost of living is constantly on the increase. I have not any question but that the cost of living, taking the same standard, has increased not less than 33 per cent within the last ten years. Under those circumstances, can you blame those who give their service to the Government from seeking to have their pay keep pace with the cost of a livelihood? I think there is a good deal to be said upon the side of those in the employment of the Government under civil-service rules who seek to keep the wage that they receive upon an equality with the cost of living.

Mr. McCUMBER. Mr. President, I wish to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. Certainly.

Mr. McCUMBER. I simply want to ask the Senator, if he sees some justice in the matter of pensioning Government employees, whether he has considered the question as to who is to pay those Government employees this extra amount of compensation? He knows something about life on a farm, I think, where men work from 5 o'clock in the morning until 10 at night. There every member of the family works, and they do not stop working when they are 62 years of age, nor when they are 70 years of age. Those are the people, who are putting in sixteen hours a day, who must pay the pension to the clerks who have had an easier time all their lives and have received on an average four times as much a day, taking year in and year out, that their lives may be made a little more easy. Does the Senator see any injustice from that side of the proposition?

Mr. PATTERSON. Oh, Mr. President——

Mr. McCUMBER. I am so bitterly opposed to this matter of pensioning Government employees that I speak earnestly, but I hope to the point, to the Senator upon that proposition.

Mr. PATTERSON. Mr. President, there is a wide difference between a man who is confined in his activities under Government employment——

Mr. BERRY. Will the Senator permit me a minute?

Mr. PATTERSON. Certainly.

Mr. BERRY. After receiving the appointment under the civil service, these persons are not forced to remain in the position. I can not see any reason in the world why, if we give them a civil pension, we should not give a pension to the class mentioned by the Senator from North Dakota. The Government employees desire these places, and it is impossible for me to see how the Senator from Colorado can make a distinction between that class and citizens.

Mr. PATTERSON. Well, then, Mr. President, we had better abolish the system of pensions altogether.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. PATTERSON. Yes.

Mr. SPOONER. The Senator mentioned as entering into the merits of this question, of course, twice or thrice the fact that these men entered the employment of the Government through the civil service. What relation, in the apprehension of the Senator, does that have, if any, to the merits of a civil-service pension?

Mr. PATTERSON. There are so many questions propounded that I may not be able to answer all of them, but I will answer the question of the Senator from Wisconsin first.

Under the old order a Government employee served at the longest four years. He simply took a recess, as it were, during the term of an administration from his usual and ordinary vocation of life, and he was not long enough in the Government service to be utterly spoiled for almost any other kind of employment. I think that is a good answer.

Mr. SPOONER. Is that an argument for or against the civil-service system?

Mr. PATTERSON. It may not satisfy the Senator from Wisconsin, but it seems to me that it meets the case.

Mr. SPOONER. I repeat, is it an argument for or against the civil-service system?

Mr. PATTERSON. Well, I will stand by the civil service. I believe in the civil service. I believe it is a good thing for the Government. I believe it is the worst for those who enter the service of the Government, unless there is some provision made eventually by which, when they are totally disqualified for labor by reason of old age, they should not be turned adrift as paupers upon the world. I rather admired the righteous indignation of the Senator from North Dakota [Mr. McCUMBER] in the intensity of his feelings as gathered from the earnestness of his manner and language; but the Senator from North Dakota ought to put his ax at the root of the evil. We are not going to have pensioned classes. Then we had better uproot so much of the pension tree as we have, and put everybody upon an equality. The men who receive the largest amount of pay, the men who by frugality might, by reason of the amount of their pay, save enough to keep them out of the poorhouse at the end of their term, are the very men who are pensioned. Commencing with the Supreme Court, the judges of the United States district and circuit courts, naval officers, military officers of all degrees—employees of the Government who receive the very largest salaries that the Government pays—are the men who, when their term of service has expired and when the time comes for retirement, are kept in a condition of elegant leisure until they pass away.

Mr. SPOONER. Does not the Senator recognize the distinction between the class of men who are under contract with the Government all their lives in the Army and the Navy to go to battle and risk their lives for the country—the soldiers and sailors—and the people who serve in the Departments, who are far away from danger and hardship and exposure?

Mr. PATTERSON. Mr. President, I do not think that a man is under contract to stay in either the military or naval service all his life. I understand he may get out of it just whenever he pleases, and men are constantly getting out of it. They live a life of leisure and elegance, and they receive deference. They may be regarded as a kind of exclusive class; but there is in reality no substantial difference between those who are employed by the Government in any capacity and the poorest

and the meanest who enter the employ of the Government and are expected to continue in the employment of the Government under civil-service rules.

Deprecate it as much as we may, Mr. President, the man who enters the Government service, as a rule, enters it as a life service. The allurements of the opportunities that are offered to the average man, the man with the average industry and enterprise, are not sufficient to withdraw him from a certainty of a livelihood that the Government offers. So I say that when either a man or a woman has been in the employment of the Government service five or six years, he or she has practically mortgaged his or her life to the Government; and the clerks who receive this very, very moderate compensation, living here at the capital, with hardly enough to pay rent for a couple of rooms, and especially if they happen to have families, are required to eke out a very scant subsistence. There is no future for them. After they have been in the employment of the Government for a few years they must continue there, and the longer they stay the more their capacity to make a living elsewhere is lessened. So they continue until, under the rule or the law, they must be retired, and then they become either a charge upon their friends, if they have friends, or, if they do not happen to have friends, so far as their ability to maintain themselves is concerned, they have simply got to crawl off to some garret and die.

Then there is a very considerable difference between a man in the Government employment and a man who is not in the Government employment. The latter has the world before him, and opportunities are constantly being offered to him, though of course but few are able to take advantage of them, for the betterment of his condition and the accumulation of a little or a great competency and the lessening of the hours of labor that the Senator from North Dakota deprecates should be imposed upon his constituents.

But, Mr. President, I only want to suggest that there is a very, very strong spice of justice with the men who claim that, where a man or a woman is expected to serve for a life in the employment of the Government at a small wage, when they are retired for want of capacity they shall be provided for in some modest way, and that men in the employment of the Government who seek by proper solicitation to have the compensation which they receive from the Government keep pace with the cost of living are not to be so severely condemned.

The VICE-PRESIDENT. The Chair did not understand the point of order made by the Senator from Maine.

Mr. HALE. Mr. President, I find on examining the bill that the provision to which I objected is not an amendment proposed by the Senate committee, in which case it would be subject to a point of order, but it is in the text of the bill as it came from the House of Representatives, and therefore is not subject to the point of order.

Mr. TELLER. Mr. President, I was out of the Chamber when the bill was taken up, and I wish to inquire if we are simply considering the amendments of the committee as they are reached in the reading of the bill?

The VICE-PRESIDENT. The bill is being read for amendment.

Mr. TELLER. Is it in order to move an amendment to the text of the bill? It would be unless there were some agreement to the contrary.

The VICE-PRESIDENT. The Chair understands that the Senator from Vermont [Mr. PROCTOR] asked that the bill be first read for the consideration of committee amendments.

Mr. PROCTOR. That it should be read for committee amendments; and I should be glad if the Senator would withhold his amendment until the committee amendments are completed.

Mr. TELLER. If that is the rule, I will, of course, withhold the amendment.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 15, line 5, after the word "lines," to insert the following proviso:

Provided, That the Secretary of Agriculture is authorized to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same, and to publish the results of said tests in such manner as he may deem best.

Mr. HALE. Mr. Pfesident, I do not like to fill the rôle of being the only critic of this bill, but this provision is so embracing that I should like the Senator in charge of the bill to state to the Senate whether the committee fully understood its range, and what is the occasion for it. Now, let me read the pending amendment:

Provided, That the Secretary of Agriculture is authorized to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same, and to publish the results of said tests in such manner as he may deem best.

I do not know but that the Secretary of Agriculture, if you give him force enough, can do this; but it is not a light job. In my own small town where I live the apothecary shops are filled with medicines of different kinds for the troubles of horses, cattle, and sheep. When I go into my stable where I keep my horses, I find scores of these medicines, and every now and then I am asked to put up another shelf to accommodate more of them. Now, this amendment says that the Secretary of Agriculture shall buy "in the open market samples of all" these medicines. While, of course, there are not as many kinds of them as there are words in the dictionary, they are almost as numerous as the rocks in the fields and the trees in the forests. There is no end to the nostrums and medicines that are used for the relief, care, and cure of domestic animals. I do not know whether it is the purpose of the bill to start the Secretary out in testing all of these. If it is, I say to the Senator from Vermont, you must endow him with the funds to do this. It is not a little side issue, or what is called a "by-product of the work of the Agricultural Department," but it is a pretty large contract.

As I have said, I dislike to play the rôle of critic on this bill, because I think the committee has got a good bill, the best bill I have known to be brought from the Committee on Agriculture before the Senate. What I mean by that is that I think they have been more careful to keep from putting in new things, changes in the law; but when I read this provision I must say I was rather amazed at the extent to which this governmental supervision of everything under the sun that men, women, and children do and enjoy and wear is taken hold of by the Government, and rules as to it fixed. I should like to see it stopped somewhere. It evidently is not stopped in this bill, and I do not know that we can stop it.

Mr. PROCTOR. Mr. President, I hardly think this is so large an animal as the Senator from Maine [Mr. HALE] apprehends. This amendment does not require the purchase; it only authorizes the Secretary to purchase; and the purchase, of course, is only for a very small sample, just enough to analyze. A great deal of good has been done by the authority given to the Department to make analyses of fertilizers, and especially of these cures. Many have been put on the market that were of no value. Tests were made not very long ago, as the Secretary said when he was before the committee, of tuberculin that had been used for several years in one of the finest herds of Jerseys in the country; but by a test it was found to be good for nothing whatever.

In regard to the Ellsworth drug store, if the druggist sells cattle medicines, when he sees in the publication from the Department of Agriculture that they have been tested and found not to be good, he will be sure to get good ones and keep them. That is just what this provision proposes to do. It enlightens——

Mr. HALE rose.

Mr. PROCTOR. Let me finish my sentence. The authority to publish enlightens the country, settles the matter, and ends any further expense.

Mr. HALE. That, of course, was the argument about paternalism. The old-fashion way was, if I bought medicine, or my men who have charge of my horses bought medicine, and it did not work well, we did not buy it again. They found out themselves, and the country has got along pretty fairly in that way. There have been a good many horses and cattle and sheep raised and grown, killed and marketed, and the Government has not taken charge of all the medicines that were administered.

Of course the reply the Senator makes is the patent reply that the Government should take hold of these things and must do all of these things. I do not know where it will stop. Pretty soon, I suppose, my family doctor will not be allowed to prescribe any medicine in the family until the Government has inspected him and has placed its mark of approbation upon him and the whole operation.

I have no doubt I am making a useless and ineffectual talk, but the whole drift is in one direction. We do not stand up against any of these things. More and more we are drifting into that never-ending tide which establishes at last paternalism. We assume the duties, the burdens, and the responsibilities that individuals ought to assume; we break down every barrier that has heretofore existed of the jurisdiction of the States, and the right and province of the State to regulate things is a shifting, receding shore, constantly encroached upon and constantly swallowed up by this oncoming tide for paternalism and national

interference. Senators ought to appreciate that; but I can not stop it.

Mr. McCUMBER. I want to ask the Senator if he would seriously think that we ought to stop it in all cases? This amendment provides for the purchase for analysis of tuberculin serums, antitoxins, or analogous products. We have great herds of cattle upon our western plains; we have enormous herds of sheep which constitute the wealth of that country. Some manufacturer down in our Eastern States, for instance—because those are manufacturing States—gets out something which he calls "tuberculin." It is advertised in all the great papers, in all the magazines, and instances are cited of wonderful cures which can be produced by that medicine. A man may own sheep. They may be infected with sheep rot, hoof rot, or the scab. He sends for these antitoxins; he uses them, and by the time all of his sheep or his cattle have died he ascertains that there is no value in the medicine. Would it not have been a good thing if some one in whom the country has confidence could have established that fact, and given him warning that, notwithstanding the great headlines with which it is advertised in all the papers, it was simply a serum that had no effect whatever? We have gone so far in the advertising of these nostrums, and there are so many people who are willing to state that they produce some good, when, in fact, there are no medicinal qualities in them, that there ought to be some method, whether it is paternalistic or otherwise, that will protect the public against frauds of that kind.

Mr. HALE. My answer to that is simply that I do not think this Government is organized for that purpose. I do not think it is within the proper range of Federal power. It is an evil. Human life is beset with evils and pretenses and frauds and false advertising. The view the framers of this Government had was that the less the Federal power interfered in such cases the better it would be; and it would make the fathers, could the dead speak, rise in their graves in protest against the things we are doing, which, in the older days, it was never contemplated should be done.

I suppose this is not the favorite doctrine. I do not know that ever there will a refluent wave of conservatism take possession of the public mind and bring us back to the old bearings. It may be that we shall go on; but there is but one result, and that is the arrogation and assumption of every power by the Federal Government. The State authority and the State jurisdiction are ruthlessly obliterated; the responsibility of the people to take notice themselves, without aid from the Government, and the old legal doctrine or maxim of caveat emptor are being made things of the past. It is only incidental that it comes up on this very remarkable proposition; and the only answer to it is the answer given by the Senator from North Dakota [Mr. McCUMBER], that poison is advertised by somebody and bought by somebody, melancholy results happen from it, and, therefore, the Government should take it in charge. To my view that is not an answer. It only shows how wide and deep is this disease that is now possessing us of looking to the Government for everything.

Mr. McCUMBER. Mr. President, I think the Senator's argument will not bear close inspection. This country is not in the condition that it was one hundred years ago. New conditions have arisen, and those new conditions, which could not have been contemplated by our fathers, need new laws for their regulation.

I want to call the Senator's attention to the fact that we created the Department of Agriculture because there was a demand for it. The agricultural business of the country had grown to that extent that we needed an Agricultural Department. I know of no use of any Department unless it is to facilitate the growth and development of the business over which it has general control, which, in the case of the Department of Agriculture, is the business of agriculture and stock raising. One of the principal features of agriculture is stock raising. Therefore, if we need that Department at all, we need some one—it does not make any difference whether it is in the Agricultural Department or otherwise—who can determine what are proper remedies for the protection and cure of stock.

If the Senator could suggest any other source from which we could get the information that would be better than the Agricultural Department, then there might be some reason for changing the bill; but it seems to me that that is the Department where the authority ought to be lodged, and that is the place where we ought to look for information; and we ought to give them the power to give us correct and proper information for our own protection.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 15, line 5, after the word "lines," it is proposed to insert:

Provided, That the Secretary of Agriculture is authorized to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same, and to publish the results of said tests in such manner as he may deem best.

Mr. HALE. I make the point of order against that amendment.

The VICE-PRESIDENT. The Chair overrules the point of order.

Mr. HALE. I did not understand the ruling of the Chair.

The VICE-PRESIDENT. The Chair overrules the point of order.

Mr. HALE. I make the point that it is clearly legislation. There is no rule authorizing the Secretary of Agriculture to do this now; otherwise the amendment would not be in the bill. It is clearly legislation.

The VICE-PRESIDENT. Will the Senator from Maine state his point of order?

Mr. HALE. The point of order I make is clear. Here is a provision giving a power to the Secretary to purchase certain articles for certain purposes and to go on and make tests. If he can do it now, there would be no amendment here; but he clearly can not do it now. It is legislation. But I have said all I want to say in protest of this kind of legislation, and I withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn. The question is on agreeing to the amendment reported by the Committee on Agriculture and Forestry.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 15, line 16, to increase the total appropriation for the maintenance of the Bureau of Animal Industry from $1,682,980 to $1,734,780.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," on page 16, line 7, before the word "clerks," to strike out "fourteen" and insert "sixteen;" in line 8, before the word "thousand," to strike out "fourteen" and insert "sixteen;" in line 17, after the word "clerk," to insert "or messenger;" in line 20, before the word "clerk," to strike out "and" and insert "or;" in line 21, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" in line 22, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" and in line 23, after the word "gardeners," to insert "or assistants;" so as to read:

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, $4,500; one chief clerk, $2,000; one editor, $2,000; one superintendent of gardens and grounds, $1,800; four clerks, class 4, $7,200; seven clerks, class 3, $11,200; twelve clerks, class 2, $16,800; twenty-seven clerks, class 1, $32,400; one seed clerk and superintendent, $1,200; one clerk or artist, $1,200; one artist, $840; sixteen clerks, at $1,000 each, $16,000; six clerks, at $900 each, $5,400; eight clerks, at $840 each, $6,720; one clerk, $800; eleven clerks, at $720 each, $7,920; three clerks, at $660 each, $1,980; two clerks, at $600 each, $1,200; one clerk or messenger, $480; one photographer or clerk, $900; one assistant photographer, $600; one illustrator or clerk, $900; one carpenter, $1,000; one carpenter, $840; two gardeners or assistants, at $1,000 each, $2,000, etc.

The amendment was agreed to.

The next amendment was, on page 17, line 10, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred;" in line 11, before the word "dollars," to strike out "six hundred and eighty" and insert "eight hundred;" on page 18, line 1, before the word "skilled," to strike out "two" and insert "five;" line 3, before the word "dollars," to strike out "nine hundred and sixty" and insert "two thousand four hundred;" in line 4, before the word "messenger," to strike out "four" and insert "two;" and in line 6, before the word "dollars," strike out "one thousand four hundred and forty" and insert "seven hundred and twenty;" and in line 7 to strike out "sixty thousand one hundred and sixty" and insert "sixty-three thousand two hundred and eighty;" so as to read:

Two plumbers, at $900 each, $1,800; three firemen, at $720 each, $2,160; two clerks or messengers, at $840 each, $1,680; three skilled laborers, at $720 each, $2,160; three skilled laborers, at $660 each, $1,980; six skilled laborers, at $600 each, $3,600; one messenger, $660; three messengers, at $600 each, $1,800; three watchmen, at $720 each, $2,160; two watchmen, at $600 each, $1,200; five skilled laborers or messengers, at $480 each, $2,400; two messenger boys, at $360 each, $720; one messenger boy, $300; in all, $163,280.

The amendment was agreed to.

The next amendment was, on page 18, line 16, after the word

"production," to strike out "and the origination and improvement of" and insert "to originate and improve;" so as to read:

General expenses, Bureau of Plant Industry: To investigate fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; to study plant and orchard diseases and demonstrate the treatment of same; to study plant physiology in relation to crop production; to originate and improve crops by breeding and selection, etc.

Mr. HALE. On the theory upon which this legislation proceeds, this is even better than invading the province of the individual or of the State. It is invading the domain of nature, of Providence, for it provides for the originating as well as the improvement of crops. Some very bright man suggested that who, in looking over the bill, thought to incorporate some provision that would still further extend the Federal power, and having whipped out the States and the individuals, it now takes the province of nature and originates crops.

I congratulate the Senator from Vermont that he has gotten nearer to the line of absolute, overwhelming, unmistakable control of all things by the Federal Government than anybody has ever got before.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Agriculture and Forestry.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 19, line 3, after the word "preventing," to strike out "algæ" and insert "algal;" so as to read:

To cultivate and distribute these nitrogen fixers; to study and find methods for preventing algal and other contaminations of water supplies, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 14, before the word "thousand," to strike out "sixty-five" and insert "ninety;" so as to read:

For actual and necessary traveling expenses; for telegraph and telephone service; * * * and for all other necessary expenses, $490,260.

The amendment was agreed to.

The next amendment was, on page 21, in line 15, after the word "dollars," to strike out the following proviso:

Provided, That the Secretary of Agriculture is authorized and directed to expend $5,000 of the amount hereby appropriated to especially investigate parasites and orchard diseases prevalent in the Ozark Mountain region of the State of Missouri, and to work out, if possible, in cooperation with the fruit experiment station at Mountain Grove, the problem of prevention of such diseases and destruction of parasites, and diffuse information along these lines.

Mr. BERRY. The proposition of the committee is to strike out the proviso. There is objection to that. I wish to know if it would be in order to offer an amendment to it before the motion to strike out is put? I think under the rules we can perfect a paragraph before a motion is made to strike out.

The VICE-PRESIDENT. Certainly.

Mr. BERRY. Then I desire to move, in line 19, to strike out the word "State" and insert "States;" and after the word "Missouri" to add "and Arkansas;" so that it will read:

In the Ozark Mountain region of the States of Missouri and Arkansas.

Mr. PROCTOR. I hope the Senator from Arkansas will not ask for that amendment. This matter came up before the committee, and Doctor Galloway, the head of the Bureau, said there was no occasion to name any special point. If the appropriation——

Mr. BERRY. I want to amend it before the motion to strike out is put. I desire to put in the word "Arkansas," and then the provision will apply both to Missouri and Arkansas. If Missouri is to remain in there, I want Arkansas put in.

Mr. PROCTOR. There is no objection to that.

The VICE-PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. On line 19, page 21, it is proposed to strike out the word "State" and insert "States;" and, after the word "Missouri," to insert "and Arkansas."

The VICE-PRESIDENT. Without objection, agreed to.

Mr. SPOONER. I am at a loss to understand why the Committee on Agriculture should recommend the striking out of this provision.

Mr. PROCTOR. The reason is that the work is going on now, and if the proviso is kept in it should apply not only to Missouri and Arkansas, but to Idaho and California and Colorado and numerous other States. There is no occasion to specify any State. Doctor Galloway has general authority to do the work, and he stated in his evidence before the committee, in reply to a question from the Senator from Wyoming [Mr. WARREN]:

How about that proviso on page 20?

* * * * * * *

We do not need that in here. It was put in by a Member on the floor of the House to have some work done down in southern Missouri. We are doing that work anyway now.

He further stated that his authority was sufficient to do it in any part of the country. There is no occasion to specify any particular section.

Mr. SPOONER. I suppose the reason why it is stricken out is that it is a little restrictive on the general power conferred somewhere else in the bill.

Mr. PROCTOR. I do not see that it is restrictive——

Mr. SPOONER. Oh, yes.

Mr. PROCTOR. Because it does not limit it to that place.

Mr. SPOONER. Yes; it does.

Mr. PROCTOR. The power is general to do the work elsewhere.

Mr. SPOONER. No. It says:

Provided, That the Secretary of Agriculture is authorized and directed to expend $5,000 of the amount hereby appropriated to especially investigate parasites and orchard diseases prevalent in the Ozark Mountain region of the State of Missouri.

That is restrictive; therefore I suppose it is unsatisfactory and incompatible with the ambition and genius of the Department.

Mr. PROCTOR. The Secretary has full authority to do this work anywhere. He has had it for years. It is not anything new.

Mr. SPOONER. It seems to have been thought by the House that there was special necessity for requiring some peculiar attention to be given to the Ozark Mountains in Missouri. It is a discrimination.

Mr. BERRY. Will the Senator from Vermont permit me?

Mr. SPOONER. I have the floor.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. SPOONER. Certainly.

Mr. BERRY. The Senator from Missouri [Mr. STONE] desires to make some remarks on this matter, but I think he will agree with what I have to say.

I desire to say that that particular section of the country—the Ozark Mountains, in the southern part of Missouri and the northern part of Arkansas—is, in my judgment, the finest fruit country in the United States. The county in which I live—Benton—has more apple trees, according to the report of the Superintendent of the Census, than any other county in the United States, and Missouri produces more apples than any other State in the Union, according to that census.

It is said—I do not know whether it is true or not—that in the Ozark region, because of the climate or something else, there is a peculiar kind of disease that sometimes comes to the trees, and needs special investigation with a view to discovering something to remedy the evil that comes to and injures the apple, due to a parasite, as my friend the Senator from Missouri suggests. I think that was the idea of the House in putting it in for the State of Missouri. But there was no reason whatever why Missouri should be included without including Arkansas also, it having the same character of land and the same fruit and immediately running along the northern border of my State. Both of the Senators from Missouri are familiar with the situation.

A great source of revenue in all that section comes from our fruits, and especially from the apple. On the Missouri side there are very magnificent peach orchards. All the northern part of my State—southwest Missouri, northwest Arkansas—constitutes the finest apple region in the United States, in my judgment, and it has so been reported by the Census Bureau.

The Senator from Missouri makes a suggestion to me. In order to give an illustration as to its importance I will say that some three or four years ago—I forget the year—in the county in which I live the fruits and the apples shipped out of the county over the railroads, saying nothing of those which were conveyed away in wagons, came to the value of one million two hundred and fifty-odd thousand dollars for one year. It shows something of the importance of fruit raising in that section of Arkansas and Missouri.

Mr. HANSBROUGH. Mr. President, I am under the impression that Doctor Galloway, who was before the committee, made a statement relative to this matter in which he said that this parasite, this disease, prevails in that particular part of Missouri, in the Ozark Mountains, and nowhere else, and for that reason he hoped, if the Senate agreed to put this provision back, that the language as passed by the House would remain as it is.

Mr. STONE. Mr. President, I wish to say a word. The amendment proposed by the Senator from Arkansas was agreed to, as I understand.

The VICE-PRESIDENT. It was.

Mr. STONE. And that being so, the provision needs some other changes. In line 20 the word "station" should be changed to "stations"—be put in the plural—and the words "at Mountain Grove," in line 21, should be stricken out, and, instead, the words "of said States" inserted.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. PROCTOR. Mr. President, I have no objection to these amendments, but I think the whole amendment now ought to be agreed to, striking out the entire clause. On page 18 there is full authority given to the Secretary "to study plant and orchard diseases and demonstrate the treatment of same." The testimony before the committee was that that work was actually going on now, and that this proviso is not necessary; that the work would be carried on not only in Missouri and Arkansas, but in various other States. It is not advisable, it is not good form of legislation, as I think the Senator from Maine [Mr. HALE] will state, to have all these special provisions for local work here and there when it is all embraced in the general provision.

Mr. HALE. I think if any Senator has found something that is not in this bill, he ought to state it.

Mr. STONE. Do I understand the Senator from Vermont to say that the testimony on the hearing was that this particular work of investigation in the Ozark region is in progress?

Mr. PROCTOR. It is going on now. Those are his words, as the Senator will see by looking at the report of the hearings——

Mr. STONE. Is it being carried on under the auspices of the Department at the present time?

Mr. PROCTOR. Under the auspices of the Department of Agriculture, the Bureau of Plant Industry. The Secretary has plenty of money to carry it on, and proposes to carry it on. His statement was broad and full on that point. If it had not been, I should certainly have favored putting this amendment in; but as it is entirely unnecessary, and if retained should be extended to other States, and then quite likely all might not be included which ought to be included, I hope the proviso will be stricken out. Idaho is one that was mentioned, I know. It is a trouble that may appear in any State in the Union. The authority should be broad if given at all, and it is given broadly.

Mr. STONE. I was informed this morning by one of the Representatives in the House from Missouri, whose district lies in the Ozark Mountain region, that this provision, now sought to be stricken out, was inserted in the bill on his motion or at his instance when the bill was in the House. He called my attention to the fact that there was this general provision in the bill which the Senator from Vermont has pointed out, but he told me that the people there had not been able to get the Department of Agriculture to make any investigation in that section, and that notwithstanding the efforts they have made, and the struggles they have made to have it done, they could not even kidnap one of the officials to go down there to examine into the causes that do injuries to the orchards.

Mr. PROCTOR. I can assure the Senator personally and in the strongest terms that the work is going on and will be carried on satisfactorily to him and to his constituents. Doctor Galloway said:

> We are doing that work anyway now.

He amplified that statement considerably, but that is what is printed. I erased the rest in editing the report, to save space in printing.

Mr. STONE. I suppose the Senator understands that this is really a matter of very great importance to southern Missouri and northern Arkansas.

Mr. PROCTOR. It is to other sections as well.

Mr. STONE. I presume that is true, but I am informed through various sources—the Senator from Arkansas told me—that there is some peculiar parasite that stings the fruit in that country which is unknown to other fruit-growing sections. For that reason I understand it is desired to have this work certainly carried on in one of the greatest fruit-growing sections of the country. There is not a greater fruit-producing region anywhere than in the Ozark Mountains.

I wish to call the Senator's attention to a provision in this bill that is a little inconsistent with the contention he is now making. On page 14, which is a part of the provision making an appropriation for investigating the diseases of animals, meats, etc., there is, at the close of that long provision, this clause:

> That the Secretary of Agriculture is authorized to expend $5,000 of the amount hereby appropriated, to especially investigate hemorrhagic septicemia, infectious cerebro-spinal meningitis, and malignant catarrh, prevalent among domestic animals in the State of Minnesota.

Under the general provision on that question, the preceding part, that investigation could be made in the State of Minnesota, you set apart $5,000 for special investigation of particular animal diseases in that State. The fruit industry is just as important to northern Arkansas and southern Missouri, covering as large an area of country, as the animal industry is to the State of Minnesota; and why should the Senate—for whose judgment and fairness I have the greatest respect—allow an exception of that kind in one case and deny it in the other?

Mr. PROCTOR. The Senator will notice there is a difference in the two provisions. In the one referred to, in regard to Minnesota and adjoining States, the Secretary is simply authorized to expend $5,000. In this provision he is authorized and directed to expend.

Mr. STONE. Would the Senator consent to making it "authorized;" to strike out "and directed?"

Mr. PROCTOR. If the general language is sufficient to cover the case in Minnesota that the Senator has referred to, I should certainly be in favor of striking out that proviso as well, as a useless provision. This other proviso was especially brought to our attention in the hearings, and that is the reason for striking it out. I have not had opportunity to investigate regarding Minnesota. Certainly I should favor striking out the words "and directed."

Mr. BERRY. Let them go out.

Mr. STONE. I have no objection to those words going out. Let it go in that form.

Mr. PROCTOR. I will not object to that at this time. I will reserve the privilege of bringing it up later when the bill is in the Senate, if necessary.

Mr. WARNER. Do I understand that the words "and directed" are to be stricken out?

Mr. PROCTOR. The words "and directed" are to be stricken out.

Mr. WARNER. And the others remain as they are in the bill?

Mr. PROCTOR. Yes.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In line 16 it is proposed to strike out the words "and directed."

The amendment to the amendment was agreed to.

Mr. STONE. Do I understand that the committee amendment is disagreed to?

The VICE-PRESIDENT. The amendment of the committee is to strike out the paragraph.

Mr. WARNER. To strike out the words as amended.

Mr. BERRY. The whole section is not stricken out. The words "and directed" were stricken out, and now the question is on agreeing to the amendment of the committee to strike out the entire clause.

The VICE-PRESIDENT. Pardon me. I understood the chairman of the committee to consent to these words remaining in.

Mr. BERRY. He did consent. The Senator from Vermont said he had no objection to the section remaining.

The VICE-PRESIDENT. To the section remaining?

Mr. BERRY. Yes.

The VICE-PRESIDENT. Without objection, the amendment of the committee to strike out the paragraph is disagreed to.

Mr. HALE. I ask the consent of the Senate, with the permission of the Senator from Vermont, as I am called from the Chamber, to offer an amendment at a later part of the bill.

The VICE-PRESIDENT. Without objection, the Secretary will state the amendment proposed by the Senator from Maine.

Mr. HALE. If the Senator will turn to page 59 of the bill, which has reference to appointments——

Mr. TELLER. Line 22?

Mr. HALE. Line 22. Last year, as some Senators will remember, after considerable debate upon the question of transfers of clerks who had been, some of them, for years in the Departments, from one Department to another, Congress put this into the law:

> All classified laborers whose positions are transferred from the lump funds to the statutory rolls are hereby placed in the classified service without further examination in the grades and at the rates of compensation herein provided.

That was put in by the Senate at the end of quite a long debate; upon the very proper theory that these persons who had been there so long were presumed to be fully as competent as any examination could disclose. So we provided that they should be placed in the classified service.

I have been told that notwithstanding that it is claimed that

although we put them upon the classified rolls they are not to be promoted without further examination. That was not the intention of Congress, of course, and I offer this amendment to cure that condition.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be read by the Secretary.

The SECRETARY. On page 59, line 22, after the word "therefor," insert the following additional proviso:

Provided further, That all classified laborers whose positions were transferred from the lump funds to the statutory rolls by the act making appropriations for the Department of Agriculture approved March 3, 1905, and who were by the last clause of that act—

Which I have just read—

placed in the classified service without further examination in the grades and at the rates of compensation provided in said act, are hereby made eligible—

Like any other clerks—

for promotion without further examination.

The VICE-PRESIDENT. The amendment will be read.

The Secretary read the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine, which has just been read.

Mr. PROCTOR. I have nothing to say in regard to the amendment except to state the situation briefly. The Senator has stated it correctly, that there was full discussion, and he has given the purport of it. I know I had no doubt myself, and I think there was none in the Senate but that the action last year put those persons into the civil service with all the rights that others had to promotion. But the civil service authorities held otherwise. I saw the Commissioners and told them how I felt sure it was understood by the Senate, but it did not avail, and examinations have been conducted. Some have succeeded in passing the examination and some have tried. I know some have tried three times. I know of one case quite recently where the person succeeded on the third trial. Some have failed so far.

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Agriculture and Forestry was, on page 21, after line 23, to insert:

To enable the Secretary of Agriculture to establish, at such points of export as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, $15,000, or so much thereof as may be necessary; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, to be determined by the Secretary of Agriculture as the evidence at hand may warrant.

Mr. McCUMBER. Mr. President, I wish to offer an amendment to this amendment.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from North Dakota to the amendment of the committee.

The SECRETARY. Add after the word "warrant," in line 9, page 22, the following:

The officer or employee obtaining such sample or parcel for examination shall ascertain the necessary facts and make and sign a certificate, showing that the same is made under the direction of the Department of Agriculture, certifying the date and fact of such inspection, the approximate number of bushels in each consignment, the vessel in which the same is exported, the consignor or shipper, the consignee or purchaser, the provision of law under which such certificate is made, the kind, quality, and also grade of such grain or seed, its condition at the time of shipment as ascertained by such examination, and any other facts which may be proper to clearly indicate its character. Such certificate shall be issued in duplicate, one to be mailed to the shipper or consignor, the other to the purchaser or consignee.

Mr. McCUMBER. Mr. President, the amendment made by the committee is certainly in the right direction. I can not say that it is a step in the right direction, because it can hardly be said to be a step, but it is placing Congressional action in the right direction, and to meet one of the greatest frauds to the agricultural people of the United States that is in existence to-day.

The amendment which I have proposed seeks to make the amendment of the committee effective. I desire to address the Senate upon the amendment at some length because of its great importance. It is nearly 5 o'clock now. In all probability the bill can not be completed this evening, and I ask the Senator in charge of the bill if he will not let it go over until to-morrow, or at least pass this amendment over until to-morrow, when I wish to address the Senate upon the amendment and matters relating to it.

Mr. FORAKER. Mr. President——

Mr. PERKINS. In the absence of the chairman of the committee, I will say on behalf of the committee that it may go over until to-morrow.

Mr. PROCTOR entered the Chamber.

Mr. KEAN. The chairman of the committee is here.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. FORAKER. I was about to join in the request of the Senator from North Dakota, because I want to ask the consideration of a bill to which there will be no objection, I think.

Mr. PROCTOR rose.

Mr. McCUMBER. I have submitted an amendment to the amendment which was just read, and I ask the Senator if he will not pass it over until I can discuss it to-morrow.

Mr. PROCTOR. Certainly; if the Senator wishes to speak on it, let it be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

Mr. PROCTOR. And we will go on with the bill.

Mr. FORAKER. I understood the request of the Senator from North Dakota to be that the Senator should consent that the bill be laid by until to-morrow.

Mr. PROCTOR. Only the amendment?

Mr. McCUMBER. Only the amendment.

Mr. FORAKER. Then I make that request. It would not inconvenience the Senator inasmuch as the bill must go over anyhow.

Mr. PROCTOR. Let us go on with the bill for half an hour.

Mr. FORAKER. It is now ten minutes to 5.

Mr. PROCTOR. Let us go on with the bill until a quarter past 5.

Mr. FORAKER. Well; or until 5 o'clock.

The reading of the bill was continued.

The next amendment of the Committee on Agriculture and Forestry was, on page 22, after line 9, to insert:

For improving and macadamizing the present gravel roads on the Department grounds, under the direction of the Director of the Office of Public Roads, $3,500, and the same shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, line 24, before the word "thousand," to strike out "forty-two" and insert "forty-seven;" so as to read:

Purchase and distribution of seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent and repairs; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, printing, postal cards, gas and electric current, traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $247,920, etc.

The amendment was agreed to.

The next amendment was, on page 23, line 19, after the word "franks," to insert "in packages of such weight as the Secretary of Agriculture may determine and as may be satisfactory to the Postmaster-General;" so as to read:

An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture may determine and as may be satisfactory to the Postmaster-General; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith.

Mr. PATTERSON. Will the chairman of the committee state whether this is in lieu of the usual annual appropriation for the purchase and distribution of seeds?

Mr. LODGE. It is exactly the same.

Mr. PROCTOR. The usual provision is retained. There is no change.

Mr. PATTERSON. And the usual amount?

Mr. PROCTOR. The usual amount is appropriated.

Mr. McCREARY. May I ask the Senator from Vermont a question? Is the appropriation in the bill the same as was made heretofore?

Mr. PROCTOR. For the distribution of seeds?

Mr. McCREARY. Yes.

Mr. PROCTOR. It is the same precisely.

Mr. McCREARY. And the same amount?

Mr. PROCTOR. The same amount exactly as it was carried in the House.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 25, line 2, before the word "thousand," to strike out "thirty-seven" and insert "forty-two;" so as to make the additional proviso read:

Provided, further, That $42,780 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, pur-

chase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, etc.

The amendment was agreed to.

The next amendment was, on page 25, in line 13, after the word "stations," to insert the following proviso:

And provided also, That $5,000 of the sum thus appropriated, or so much thereof as may be necessary, may be used for the erection of a laboratory and office building at the plant introduction garden at Chico, Cal.

The amendment was agreed to.

The next amendment was, on page 25, line 18, to increase the total of the appropriation for free-seed distribution from $242,920 to $247,920.

The amendment was agreed to.

The next amendment was, on page 25, line 21, to increase the total of the appropriation for the maintenance of the Bureau of Plant Industry from $906,120 to $919,960.

The amendment was agreed to.

The next amendment was, under the head of "Forest Service," on page 28, after line 2, to insert:

That the forest-reserve special fund provided for in section 5 of the act approved February 1, 1905, entitled "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," shall continue until otherwise provided by law; but after June 30, 1908, it shall not be expended except in accordance with specific estimates of expenditures to be made from said fund for the succeeding fiscal year, to be submitted by the Secretary of Agriculture with the estimates of appropriation in the annual Book of Estimates.

The amendment was agreed to.

The next amendment was, on page 28, after line 13, to insert:

That 10 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1906, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

Mr. FULTON. I ask the Senator in charge of the bill if he will consent to amend this provision by striking out "ten," in line 14, and inserting "twenty;" so as to read "20 per cent?" I do not care to take up time to go into an explanation of this matter. I have discussed it with other Senators from forest-reserve States, and they think it should be as high as 25 per cent.

Mr. TELLER. I think it ought to be 25 per cent.

Mr. FULTON. I will make it that, if the Senator has no objection. It is simply in lieu of taxes.

Mr. PROCTOR. Mr. Pinchot was before us, and he had gone over this matter very carefully. There was in the committee quite a strong objection to confining it to the States where these forest reserves exist. Some thought that it should be distributed to all the States and Territories of the country. I combatted that because it would be such a division that it would amount to very little. As this is a new provision, I think it is much better to let it stand as it is, as Mr. Pinchot has prepared it. In many counties it will be a very large proportion of the taxes.

Mr. TELLER. Oh, no.

Mr. PROCTOR. If, after a year's trial, it appears that any section is suffering I shall certainly be very glad to have a larger percentage given to the locality.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. FULTON. Certainly.

Mr. PERKINS. I trust the Senator from Oregon and the Senator from Colorado will not insist upon the amendment to the amendment, for if they do I fear the point of order will be raised that it is new legislation. I introduced a bill, which has been pending before the Committee on Public Lands for some time, and we have failed to have favorable action upon it. We have the recommendation of the Secretary of Agriculture and the Chief Forester for the 10 per cent proposed. He would not exceed that recommendation, but admitted the justice of our claim. We have, I think, over 104,000,000 acres of forest reserves in the country. There are 102 different forest reserves, 100 of which are in the United States and 2 of which are in Alaska. There are counties in the West—in Nevada, Oregon, California, and Washington—where nearly the whole of the county, or 50 per cent of the county, has been absorbed in a forest reserve.

But I will not weary the Senate by going into details. We can carry the amendment of the committee. The point of order will not be made if we do not exceed 10 per cent. I hope our friends from Colorado and Oregon will assent to the amendment of the committee, and that it will be adopted.

Mr. FULTON. Mr. President, I do not know that I shall insist on the amendment to the amendment, but I want to make a word of explanation. The Senator from Vermont says that they considered the advisability of distributing this fund among all the States. It seems to me it must be apparent on a moment's thought how absolutely unjust such a proposition would be. These lands are withdrawn from taxation, withdrawn from settlement, withdrawn from all private use. They can not be appropriated to any private enterprises, but are held for the benefit of the whole people of the country and in order that the forests of the country may be reserved.

The entire country gets the benefit of reserving the forests equally with the localities there, but these lands have been withdrawn in the States. For instance, over one-fifth of the entire area of Oregon is withdrawn from entry and can not be taken up for homesteading nor the title acquired in any manner. It does not pay any taxes. It does not contribute in any manner to the public expense or to the public burden.

This is proposed in lieu of those taxes, but it is not equally compensatory at all. So far as I am concerned, I am willing to let the 10 per cent go. It amounts to nothing. If we can not get what is a measure of justice, I say lose it all.

Mr. TELLER. So do I.

Mr. FULTON. I do not propose, as far as I am concerned, to be prevented from presenting my views on this subject by a threat that it will all be knocked out.

Mr. TELLER. Mr. President, the Senator from California [Mr. PERKINS] tells us that Mr. Pinchot has consented that this might go in, or words to that effect——

Mr. PERKINS. He recommended it, if the Senator please. I used the word "recommendation."

Mr. TELLER. But the Senator also said, as I recall it, that he would not recommend anything else, and that therefore we ought to accept it.

Now, Mr. President, I hope somebody will make a point of order on this amendment if we leave it at 10 per cent. I would not like to do it myself, but I really hope somebody will. It is simply a beggarly amount. Nearly one-half of all the forests of the State of Colorado to-day are reservations. A very few of them might properly be reservations, because it would conserve undoubtedly the irrigating purposes of the State, but I will venture to say that not 25 per cent are of any value whatever to the irrigating interests of the State. As for lumber, they are practically of no value except the coarse lumber that might be used in the neighborhood.

Not long since I heard a Senator say that these reserves were to save the lumber for the whole people of the United States. Mr. President, I will venture to say now that a majority of the lumber used in Colorado comes from the States of Oregon and Washington. We have some fair timber, pine, in the southern part of the State, on the mountains generally. It is only good for the coarsest kind of lumber. Ever since we have had a railroad we have shipped our pine lumber either from Chicago or from the Mississippi River, and a little from Oregon and Washington.

About one-half of Colorado is a mountain country and about one-half is plain. About 50,000 square miles are plain, about 50,000 square miles are mountain and mountain valleys, and the most of the mountain country has more or less timber upon it.

Mr. President, areas as great as many of the States have been withdrawn; withdrawn without any application from anybody in the State of Colorado; withdrawn without even consultation with the representatives of that State on this floor or in the other body; withdrawn in some instances against the protests of the entire delegation. These great areas are now dedicated to solitude and silence. Nobody can go in. A man can not even take his gun and go there without permission from the forest-reserve people. No taxes are paid. There are valleys there that would support a population big enough to maintain a school and a church that we are absolutely prohibited from touching. If the cattle of a farmer stray into one of those reservations, he gets into trouble immediately with the Department. The Department, without any authority of law whatever, have been staking out this man and the other man and saying, "You may let your herd go in there, and you may pay so much a head." The ordinary settler could not let his cows and young cattle go in unless he would first make an arrangement by which he would pay to the Bureau of Forestry.

Mr. CULLOM. What becomes of the money?

Mr. TELLER. What becomes of the money, the Senator from Illinois asks. By one of the foolish provisions that we are

often guilty of here, we provided that whenever they collected this money they might expend it. The pending bill, I believe, has fixed a time when it shall go into the Treasury.

Mr. PERKINS. Will the Senator permit me?

Mr. TELLER. Certainly.

Mr. PERKINS. I will say that the testimony before the committee was that we were receiving for the sale of timber that was inspected and pasturage and other privileges in the forest reserves something over half of our annual expenditure; and it was stated by the Chief Forester that he hoped in less than five years the forest reserves would be self-sustaining, and that the improvement in timber would greatly increase by the preservation of the reserves.

Mr. TELLER. I understand that we cleared last year about $400,000, and there is an appropriation in this bill for one million.

Mr. LATIMER. Between five and six hundred thousand dollars.

Mr. TELLER. Between five and six hundred thousand dollars.

Mr. PERKINS. Last year we appropriated $875,000, and the total expenditure was $1,400,000. This year it is estimated that the receipts will amount to $600,000.

Mr. TELLER. I understand it is the theory of the Forestry Bureau, as I suppose it might be called, that they are going to sell the timber. I know what I am now going to state to be a fact. A settler living on the prairies adjoining one of these reserves went in and hauled out two or three loads of dead timber—practically dead pine knots, where the body of the tree had disappeared and the knots and the sap in them remained. He was compelled to pay 25 cents a load to one of these traveling inspectors, who, I have no doubt, put the money in his pocket. I do not know that he did.

Mr. President, the United States ought not to be a timber speculator; it ought not to set up a timber establishment. I deny the right of the Government of the United States to go in, even under the present law, and pick out a tree and say, "Now, there is a tree you may cut, and the trees out here you may not cut." That is the Prussian system and that is the system in some of the other European countries, but we have a different form of government here.

I do not know, and nobody can tell me, where the authority comes from that the Secretary of the Interior, or, under present conditions, the Secretary of Agriculture, can send a man out and authorize him to tell me what I am to cut on the public land. When the forest is reserved, it is reserved, and there is not any law to authorize anyone to cut it. There is not any law, in my judgment, that authorizes anyone to say to one man, "You may put your herd into a forest reserve," and to another, "You may not." Yet that is what is being done. Nor do I conceive that anyone has a right to say to one man, "You may put so many head of sheep or cattle in," and to another man, "You may put so many head in," and to fix the price they are to pay.

The Senator who has this bill in charge says that the income from these forests would, in some counties, amount to a large sum. Mr. President, the Government has sold no timber to amount to anything in the State of Colorado, and it will sell none except what it may dole out to some poor settler—a few loads of timber, perhaps, and charge him 25 cents or 50 cents a load for it. There is no market for timber of that character there and there can not be any market for it created there. Practically nothing will be derived by us from that source. We get no taxes from the men who live within a forest reserve. If the forest reserve was not there some of this land, at least, would come within the taxing power of the State and county.

Mr. FULTON. Will the Senator from Colorado let me interrupt him right there?

Mr. TELLER. Yes.

Mr. FULTON. I call the Senator's attention to the amount of revenue that could possibly be derived to the country from the nature of the timber land. I do not know the condition in the Senator's State, but in my own State the timber land would yield on an average 12,000 feet board measure per acre. The amount would vary. The timber in some places would be greater and in some places less; but, say, from 12,000 feet up to 17,000 feet board measure per acre; and at an average of a dollar per thousand stumpage, which is about the average price, that would be $17 per acre in fifty years which would be derived from that source, and we would be entitled to 10 per cent of that, or $1.70.

Mr. TELLER. I want to say to the Senator that what they may do in the timber market of Oregon, Washington, or California or even of Montana is no criterion to judge of what they may do in Colorado. We have an entirely different forest condition there. There are thousands and thousands of acres in forest reserves over which I could take a light buggy and drive without injuring the buggy. The trees would not prevent my doing it. They are scattered; they are short; they are worthless; and the Government will sell none of that timber, and has never sold a single dollar's worth of it, except, as I have stated, to some poor settler. I say it is an imposition on the settler.

Mr. President, I am not speaking simply for Colorado. Some other States are differently situated. The revenues which come here are not derived from timber sales in Colorado. We should not get much out of Colorado. But I want to read this provision of the amendment. It says:

> That 10 per cent of all moneys received from each forest reserve during any fiscal year, including the year ending June 30, 1906, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated—

That is not enough. The amendment goes on to say—

> to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated.

Mr. President, we in the West are able to take care of ourselves; and when it comes to determining where the money that belongs to us shall go, we do not want the guardianship of this nation, either as a State or as individuals.

The threat of the Senator from California [Mr. PERKINS] that some Senator would make a point of order on this amendment, as I stated in the beginning, does not frighten me a particle. I would rather see the point of order made than see this amendment passed in the shape it now is. We will pay for making our own roads and we will pay for maintaining our own schools.

The State of Colorado, Mr. President, has taken whatever subsidy the Government has been willing to give to it as a State to maintain the schools; but years before there was an acre of land surveyed and years before anybody could lay a claim to an acre of that land we established our school system, which we have continued to maintain. We established a free-school system, and we have maintained it from that day to this hour. We did not need even the donation which was given to various States of the sixteenth and thirty-sixth sections to maintain our schools. We ourselves would have maintained them if the Government had never given us an acre of land; and we will maintain them without the little, contemptible sum we would get out of this provision should it be enacted into law.

Mr. President, I feel that it is a personal indignity that it should be supposed that we would be satisfied with 10 per cent; and I felt somewhat humiliated when the Senator said that Mr. Pinchot would not agree that it should be any more than 10 per cent. The time will come, Mr. President, when somebody will tell you what shall be your appropriations and what shall be your method of legislation. As the Senator from Maine [Mr. HALE] said, there have been changes here; and it may be, Mr. President, that by and by we shall consent to have it written down that we are either incapable or unwilling to discharge the duties which our States put upon us when they send us here as their representatives.

Mr. FLINT. Mr. President, I do not want this occasion to go without making the statement that we are in favor of withdrawing land within our States for forest reserves. So far as the people of the State of California are concerned, they are entirely satisfied with and approve the action of withdrawing public lands from settlement in the State of California for forest reservations. In the southern part of the State it has been the means of increasing our water supply, and in the northern part of the State it has been the means of saving what little timber we had left from the great companies that had by fraudulent means acquired thousands of acres of timber lands, and the timber lands now in forest reserves will be saved for future generations.

It may be that other States have not suffered by reason of frauds, but the people of the State of California are willing that the timber lands should be in possession of the Government and not subject to entry, and thus stop the fraudulent acquisition of timber lands that has taken place in the State in the past few years. Whilst some of this land has been honestly taken up, the large part of it has been taken up by dummies and transferred to corporations, and held for speculative purposes. So far as the people of the State of California are concerned, they are heartily in favor of the administration of the forest reserves under the management of Mr. Pinchot, and, in my opinion, the reservation of these lands have been and will continue to be a great benefit to my State.

Mr. TELLER. Mr. President, I do not know what has been the condition in the State of California, and that is not mate-

rial; but we have never had those great frauds in Colorado; we have never had this great aggregation of timber land, because our timber was not of sufficient value, and there has been no inducement to make people take up land and hold it for the timber. We have had some complaint at times about the coal lands, but never about the timber lands. We have got some few timber reservations which are well laid out upon the top of the range; but they do not comprise, I suppose, 5 per cent of the entire reservations. In one forest reserve that has been reserved for years there is not a tree of any size or age, and we had a good deal of difficulty in getting that released. There is nothing there but brush, and not much of that.

Mr. President, I do not mean that forest reserves should not be made somewhere; but I say there ought to be some intelligent discrimination as to where they shall be made. It is not necessary to make a forest reserve in every place where trees grow. Every forest reserve is not calculated to preserve the water. What I complain of is that the Department sends irresponsible people out there to make these selections; that they send a class of people utterly without judgment and discretion, and sometimes without integrity, to take possession and control of the forests, and to tell us what we may do and what we may not do. I make no attack upon anything that concerns other States except Colorado; and it is about all I can do to attend to that under present conditions.

Mr. FLINT. Mr. President, I do not want to interfere with the affairs of Colorado. I have no doubt there are places where land has been included within forest reserves where it should be withdrawn and opened to homestead entry; and there is a bill now pending before the Senate which permits homestead entry within forest reserves.

Mr. FULTON. That bill has already passed both Houses, and is now in conference.

Mr. TELLER. Has the appropriation bill been laid aside?

The VICE-PRESIDENT. It has not been. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. FULTON].

Mr. FULTON. Mr. President, I will simply state that I will not press the amendment, because there are a number of Senators from the forest-reserve States who are willing to accept the 10 per cent rather than get nothing. Personally I would prefer to lose that. If I were simply representing an interest that is peculiar to my own State, I would insist on the amendment, but under the circumstances I will not. If it were not so late in the evening I should like to discuss——

Mr. TELLER. The bill is not going to be passed to-night.

The VICE-PRESIDENT. The Chair understands that the Senator from Oregon withdraws his amendment.

Mr. PATTERSON. I hope the Senator from Oregon will not do that.

Mr. KEAN. If this amendment can not be disposed of this evening—of course, I wish it could—I will ask the Senator from Vermont [Mr. PROCTOR] whether he is not willing to have an executive session?

Mr. PROCTOR. Inasmuch as we do not seem to be able to pass the bill to-night, I shall not object to an executive session.

Mr. KEAN. Then I move that the Senate proceed to the consideration of executive business.

RESURVEY OF A TOWNSHIP IN COLORADO.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. KEAN. I yield to the Senator from Colorado.

Mr. TELLER. I ask unanimous consent for the present consideration of the bill (S. 1178) providing for the resurvey of a township of land in Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, line 1, afted the word "occupied," to insert the following proviso:

Provided further, That before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in township No. 16 south, of range No. 71 west, of the sixth principal meridian, in Fremont County, in the State of Colorado; and all rules and regulations of the Interior Department requiring petitions from all settlers of said township asking for resurvey and agreement to abide by the result of same, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied: *Provided further*, That before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LANDS IN THE STATE OF WASHINGTON.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Washington?

Mr. KEAN. I promised to yield to the Senator from Kansas [Mr. LONG].

The VICE-PRESIDENT. A Senator's right to the floor must come through the Chair.

Mr. KEAN. I yield to the Senator from Washington, if the bill he seeks to have passed is not too long.

Mr. PILES. It is a short bill.

Mr. KEAN. Very well.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 17127) to provide for the subdivision and sale of certain lands in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 3, line 4, after the word "acre," to insert the following proviso:

Provided, That no date shall be fixed for the sale of any of said lands until at least ninety days after the Secretary of the Interior has approved said appraisement.

The amendment was agreed to.

The next amendment was, on page 3, line 12, after the word "exceeding," to strike out "one hundred and sixty" and insert "twenty;" so as to read:

Provided further, That any settler who is in actual occupation of any portion of such lands at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home and is by law entitled to make a homestead entry shall be entitled to enter the land so occupied not exceeding 20 acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government of the sum of $2.50 per acre for each acre entered by him and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISSISSIPPI RIVER DAM IN MORRISON COUNTY, MINN.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Minnesota?

Mr. KEAN. I do.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 17758) permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota. The bill was reported this morning.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHARVES AND PIERS IN THE WATERS OF PORTO RICO.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. KEAN. I yield to the Senator.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FORAKER. I move to amend the bill on page 2, line 13, after the word "or," at the end of the line, by inserting the words "with the approval of the Secretary of War."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 13, after the word "or," at

the end of the line, it is proposed to amend the bill by inserting the words "with the approval of the Secretary of War."

The amendment was agreed to.

Mr. FORAKER. Also, on page 2, line 22, after the words "Porto Rico," I move to insert the words "exercising the right of purchase as aforesaid."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 22, after the words "Porto Rico," it is proposed to insert "exercising the right of purchase as aforesaid."

The amendment was agreed to.

Mr. FORAKER. On page 3, line 1, before the word "Government," I move to insert the words "Secretary of War for the."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 1, before the word "Government," it is proposed to insert "Secretary of War for the."

The amendment was agreed to.

Mr. FORAKER. On page 3, line 2, after the word "or," I move to insert "by the governor of Porto Rico for."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 2, after the word "or," it is proposed to insert the words "by the governor of Porto Rico for."

The amendment was agreed to.

Mr. FORAKER. On the same page, line 2, after the words "Porto Rico," I move to amend by inserting the words "as the case may be."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 2, after the words "Porto Rico," it is proposed to insert "as the case may be."

The amendment was agreed to.

Mr. FORAKER. As all the foregoing amendments are to paragraph "a," I ask that that paragraph may be read as amended.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read paragraph "a" as amended, as follows:

(a) No authorization to any person to construct, extend, or maintain any such structure shall continue for a longer period than the period set forth in such authorization, and shall provide that the Government of the United States, or, with the approval of the Secretary of War, the government of Porto Rico shall have the right at any time after the expiration of thirty years from the date of such authorization, and after three months' notice, to take any such structure from the owner thereof upon paying the value of the same at the time it shall be so taken, and the amount paid shall not exceed the original cost of the same as may be fixed under paragraph (f) hereof. In case the Government of the United States or the government of Porto Rico, exercising the right of purchase as aforesaid, should claim that the value of the structure when seized and taken is less than its original cost, the extent of deterioration or diminution from the original value shall be determined by a board or commission of four members, two of whom shall be appointed by the Secretary of War for the Government of the United States or by the governor of Porto Rico for the government of Porto Rico, as the case may be, and two by the owner of such structure. If the four members thus chosen and appointed shall not be able to agree, they shall choose by mutual agreement a referee, whose decision shall be final, but in no case shall the amount to be paid exceed the original cost as fixed under the provisions of said paragraph (f). If the four members thus chosen and appointed are unable by mutual agreement to select a referee, then the Chief of Engineers of the United States Army shall be the referee, and his decision shall be final.

Mr. FORAKER. Now, at the end of paragraph (c) I move to insert the proviso which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 2, after the words "Secretary of War," at the end of paragraph (c), it is proposed to insert the following proviso:

Provided, however, That vessels having contracts with the Government of the United States for carrying the mail may, with the consent of the owner of said structure and under the control and direction of the Secretary of War, be given a preference to expedite the landing and discharge of their cargoes at said structure.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RECORDER OF DEEDS IN OSAGE INDIAN RESERVATION.

Mr. LONG. I ask unanimous consent for the consideration of the bill (H. R. 17220) providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATE OF RHODE ISLAND.

Mr. BURNHAM. I ask unanimous consent to call up the bill (H. R. 5539) for the relief of the State of Rhode Island.

Mr. KEAN. Is that the bill which has already been read?

Mr. BURNHAM. I do not know that it has been.

Mr. KEAN. Are there two of these bills?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims, with an amendment, in line 6, after the word "Spain," to strike out the remainder of the bill in the following words:

And in said resettlement and readjustment the same rules shall be applied as have been applied by the Auditor and Comptroller in the settlement of the like claims of other States. And allowances shall also be made in such resettlement and readjustment of the same class or character of items disallowed that were disallowed in the settlement of the like claim of the State of Iowa, for which appropriation was made under the provisions of the act of Congress approved March 3, 1900.

And insert:

Under the provisions of the acts of Congress approved July 8, 1898, March 3, 1899, and April 27, 1904.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to resettle and readjust the claim of the State of Rhode Island for and on account of its expenditures in raising volunteers during the war with Spain, under the provisions of the acts of Congress approved July 8, 1898, March 3, 1899, and April 27, 1904.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOLLY MANUFACTURING COMPANY, OF BUFFALO, N. Y.

Mr. GALLINGER. I ask consideration of the bill (S. 6625) for the relief of the Holly Manufacturing Company, of Buffalo, N. Y.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia are hereby authorized and directed to cause to be paid from the appropriation for the water department, District of Columbia, extension of the high-service system, to the Holly Manufacturing Company, of Buffalo, N. Y., the sum of $6,880, deducted by the Commissioners of the District of Columbia as a penalty under contract No. 3324, dated November 11, 1903, and supplemental contract No. 3324, dated February 24, 1905.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BEAVER LODGE, I. O. O. F., OF EKALAKA, MONT.

Mr. CARTER. I ask for the present consideration of the bill (S. 6165) granting to Beaver Lodge, Independent Order of Odd Fellows, of Ekalaka, Mont., certain land for public cemetery purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN REGISTER FOR STEAM YACHT WATURUS.

Mr. FORAKER. I should like to have the bill (S. 6004) to provide an American register for the steam yacht *Waturus* considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to add at the end of the bill the following:

Provided, That said vessel shall not at any time hereafter engage in the coasting trade, under penalty of forfeiture.

So as to make the bill read:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steam yacht Waturus to be registered as a vessel of the United States: *Provided*, That said vessel shall not at any time hereafter engage in the coasting trade under penalty of forfeiture.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRANT OF LANDS TO CANON CITY, COLO.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. KEAN. I yield to the Senator from Colorado for a moment.

Mr. PATTERSON. I reported from the Committee on Public Lands this morning a House bill unanimously recommended by the committee with amendments. It is the bill (H. R. 4546) ceding to the city of Canon City, Colo., certain lands for park purposes. I ask unanimous consent that it may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 1, line 3, after the word "City," to insert the article "a;" so as to read:

That there is hereby granted to the city of Canon City, a municipal corporation in the county of Fremont and State of Colorado, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "forfeited," to insert the word "canceled" and a comma; so as to read:

Shall lapse, become forfeited, canceled, or abandoned.

The amendment was agreed to.

Mr. KEAN. I ask that the report in connection with this bill may be published in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The report submitted by Mr. PATTERSON this morning is as follows:

The Committee on Public Lands, to whom was referred the bill (H. R. 4546) ceding to the city of Canon City, Colo., certain lands for park purposes, having had the same under consideration, beg leave to report it back with amendments and as amended recommend that it do pass.

The suggested amendments are as follows:

In line 3, page 1 of the bill, after the word "City," insert the letter "a."

In line 1, page 3 of the bill, after the word "forfeited," insert the word "canceled."

This question has come before Congress in two forms—one to create a national park and the other to cede the land to Canon City for park purposes, and your committee have chosen the latter course for the reason that national parks are liable to cause more or less expense for their care, thus necessitating frequent appropriations from the National Treasury. By turning it over to Canon City and making ample provision for its reversion to the Federal Government in case the city refuses to accept the charge of its care or neglects in the future to care for it, the land is in this way withdrawn from entry, which is the most desirable object of this legislation, since it is worthless for any purpose except a vantage ground from which to view the Royal Gorge of the Arkansas River.

While the land remained subject to entry there was a constant liability that some speculator might get possession of it and charge tourists unreasonable prices for the privilege of seeing one of the grandest scenes in the Rocky Mountains.

This bill was referred to the Interior Department, and both propositions were considered by them, viz, to cede the land to Canon City or to make of it a national park. The Commissioner of the General Land Office recommended that it be made a national park, and the Secretary of the Interior concurred in this report.

Attention is called to the fact, however, that the bill ceding the land to Canon City has since been amended so that Congress reserves the right to amend or repeal this act at any time, in which event the land will revert to the United States.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LOCK NO. 4, COOSA RIVER, ALABAMA.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Alabama?

Mr. KEAN. Certainly.

Mr. PETTUS. I ask for the present consideration of the bill (H. R. 19473) authorizing the use of the waters in Coosa River at Lock No. 4 in Alabama. It is a local measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to enter into a contract with any individual or corporation, private or municipal, preference being given to riparian owners and their assigns, to complete the dam and forebay of the lock which has been partially constructed by the Government at Lock No. 4 on the Coosa River, the work to be done under his supervision and control, and in accordance with the present adopted project and any modifications thereof that he may deem proper.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 25, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, May 24, 1906.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. William G. Stimpson to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from February 10, 1906, to succeed George T. Vaughan, resigned.

Passed Asst. Surg. George B. Young to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 10, 1905, in place of Cyrus T. Peckham, deceased.

POSTMASTERS.

ILLINOIS.

William E. Ludlow to be postmaster at Griggsville, in the county of Pike and State of Illinois, in place of William E. Ludlow. Incumbent's commission expired March 14, 1906.

Samuel B. Roach to be postmaster at Mason City, in the county of Mason and State of Illinois, in place of Samuel B. Roach. Incumbent's commission expired February 10, 1906.

INDIANA.

Ezra Hayes to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana, in place of Archibald Shaw. Incumbent's commission expires June 25, 1906.

William Sholty to be postmaster at Windfall, in the county of Tipton and State of Indiana, in place of Wilber H. Dean, resigned.

IOWA.

Frank G. Atherton to be postmaster at Osage, in the county of Mitchell and State of Iowa, in place of Frank G. Atherton. Incumbent's commission expired May 9, 1906.

KANSAS.

Laura Goodfellow to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas, in place of Laura Goodfellow. Incumbent's commission expired January 16, 1906.

Curt M. Higley to be postmaster at Cawker City, in the county of Mitchell and State of Kansas, in place of Curt M. Higley. Incumbent's commission expired March 14, 1906.

Louisa Kerns to be postmaster at Oakley, in the county of Logan and State of Kansas. Office became Presidential April 1, 1906.

Robert A. Marks to be postmaster at Oberlin, in the county of Decatur and State of Kansas, in place of Robert A. Marks. Incumbent's commission expired May 19, 1906.

MAINE.

Charles S. Akers to be postmaster at Norway, in the county of Oxford and State of Maine, in place of Moses P. Stiles. Incumbent's commission expired April 26, 1906.

MASSACHUSETTS.

Dexter Grose to be postmaster at North Abington, in the county of Plymouth and State of Massachusetts, in place of Dexter Grose. Incumbent's commission expired March 1, 1906.

MICHIGAN.

Andrew L. Deuel to be postmaster at Harbor Springs, in the county of Emmet and State of Michigan, in place of Andrew L. Deuel. Incumbent's commission expired March 19, 1906.

NEW HAMPSHIRE.

Edward H. Clough to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire, in place of Edward H. Clough. Incumbent's commission expires June 5, 1906.

NEW JERSEY.

William B. R. Mason to be postmaster at Boundbrook, in the county of Somerset and State of New Jersey, in place of William B. R. Mason. Incumbent's commission expired May 14, 1906.

NEW MEXICO.

Paul A. F. Walter to be postmaster at Santa Fe, in the county of Santa Fe and Territory of New Mexico, in place of Paul A. F. Walter. Incumbent's commission expires June 27, 1906.

NEW YORK.

Vernon A. Kent to be postmaster at Westfield, in the county of Chautauqua and State of New York, in place of Vernon A. Kent. Incumbent's commission expires June 19, 1906.

NORTH CAROLINA.

Eliza S. Craft to be postmaster at Williams, in the county of Yadkin and State of North Carolina. Office became Presidential October 1, 1905.

OHIO.

Richard L. Moore to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio, in place of Henry Thomas. Incumbent's commission expires June 9, 1906.

PENNSYLVANIA.

William H. Baker to be postmaster at Ridgway, in the county of Elk and State of Pennsylvania, in place of William H. Baker. Incumbent's commission expired January 21, 1906.

James C. Brown to be postmaster at Bloomsburg, in the county of Columbia and State of Pennsylvania, in place of James C. Brown. Incumbent's commission expired March 7, 1906.

Thomas A. Cochran to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania, in place of Thomas A. Cochran. Incumbent's commission expires June 27, 1906.

SOUTH DAKOTA.

George B. Craft to be postmaster at Bellefourche, in the county of Butte and State of South Dakota, in place of George B. Craft. Incumbent's commission expires June 30, 1906.

TEXAS.

Harry A. Griffin to be postmaster at Galveston, in the county of Galveston and State of Texas, in place of Harry A. Griffin. Incumbent's commission expired March 4, 1906.

VERMONT.

Joseph G. Brown to be postmaster at Montpelier, in the county of Washington and State of Vermont, in place of Carlos C. Bancroft, deceased.

VIRGINIA.

Holt F. Butt, jr., to be postmaster at Portsmouth, in the county of Norfolk and State of Virginia, in place of Holt F. Butt, jr. Incumbent's commission expires June 3, 1906.

Archie Jones to be postmaster at Chincoteague Island, in the county of Accomac and State of Virginia. Office became Presidential January 1, 1906.

Arthur M. Stimson to be postmaster at Hot Springs, in the county of Bath and State of Virginia, in place of Arthur M. Stimson. Incumbent's commission expired January 28, 1906.

WISCONSIN.

John J. O'Connell to be postmaster at Marinette, in the county of Marinette and State of Wisconsin, in place of Lewis S. Patrick. Incumbent's commission expires June 4, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1906.

CONSUL-GENERAL.

George H. Murphy, of North Carolina, to be consul-general at large of the United States, to take effect July 1, 1906.

CONSUL.

J. Martin Miller, of New Jersey, to be consul of the United States at Rheims, France.

UNITED STATES ATTORNEY.

Charles C. Houpt, of Minnesota, to be United States attorney for the district of Minnesota.

George Randolph, of Tennessee, to be United States attorney for the western district of Tennessee.

MARSHALS.

Frank S. Elgin, of Tennessee, to be United States marshal for the western district of Tennessee.

Andrew J. Houston, of Texas, to be United States marshal for the eastern district of Texas.

DISTRICT JUDGE FOR PORTO RICO.

Bernard S. Rodey, of New Mexico, to be United States district judge for the district of Porto Rico.

PROMOTIONS IN THE NAVY.

Commander Natlian Sargent to be a captain in the Navy from the 13th day of May, 1906.

Pay Inspector Leeds C. Kerr to be a pay director in the Navy from the 11th day of May, 1906.

Capt. Charles S. Sperry to be a rear-admiral in the Navy from the 26th day of May, 1906.

Capt. Morris R. S. Mackenzie to be a rear-admiral in the Navy from the 13th day of May, 1906.

Lieut. Commander Frank W. Bartlett to be a commander in the Navy from the 13th day of May, 1906.

Lieut. Adelbert Althouse to be a lieutenant-commander in the Navy from the 13th day of May, 1906.

Lieut. Richard H. Leigh to be a lieutenant-commander in the Navy from the 13th day of April, 1906.

Lieut. Henry C. Kuenzli to be a lieutenant-commander in the Navy from the 1st day of January, 1906.

Boatswain Rudolph C. Mehrtens to be a chief boatswain in the Navy from the 25th day of January, 1906, upon the completion of six years' service.

Ensign Charles T. Wade to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905.

Lieut. (Junior Grade) Charles T. Wade to be a lieutenant in the Navy from the 1st day of July, 1905.

APPOINTMENT IN THE NAVY.

André E. Lee, a citizen of California, to be an assistant surgeon in the Navy from the 9th day of May, 1906.

POSTMASTERS.

ILLINOIS.

John A. Walter to be postmaster at Lockport, in the county of Will and State of Illinois.

INDIANA.

Charles C. Lyons to be postmaster at Fairmount, in the county of Grant and State of Indiana.

MISSOURI.

Harvey B. Garver to be postmaster at Fulton, in the county of Callaway and State of Missouri.

NEW JERSEY.

Luther M. Whitaker to be postmaster at Westfield, in the county of Union and State of New Jersey.

NEW YORK.

John P. Herrick to be postmaster at Bolivar, in the county of Allegany and State of New York.

TENNESSEE.

Reuben Hurtt to be postmaster at Harriman, in the county of Roane and State of Tennessee.

Executive nominations confirmed by the Senate May 24, 1906.

CONSULS-GENERAL.

Fleming D. Cheshire, of New York, now consul-general at Mukden, to be consul-general at large of the United States, to take effect July 1, 1906.

Louis H. Aymé, of Illinois, now consul at Para, to be consul-general of the United States at Lisbon, Portugal.

William T. Fee, of Ohio, now consul at Bombay, to be consul-general of the United States at Mukden, China.

Julius G. Lay, of the District of Columbia, now consul-general at Canton, to be consul-general of the United States at Cape Town, Cape of Good Hope.

CONSUL.

Charles C. Eberhardt, of Kansas, now vice and deputy consul-general at Mexico, to be consul of the United States at Iquitos, Peru.

PROMOTIONS IN THE NAVY.

Ensign George B. Landenberger to be a lieutenant (junior grade) in the Navy from the 15th day of April, 1906.

Lieut. (Junior Grade) George B. Landenberger to be a lieutenant in the Navy from the 15th day of April, 1906.

Paymaster Samuel McGowan to be a pay inspector in the Navy from the 11th day of May, 1906.

Boatswain Paul Hennig to be a chief boatswain in the Navy from the 25th day of January, 1906, upon the completion of six years' service.

RECEIVERS OF PUBLIC MONEYS.

Patrick M. Mullen, of Alaska, whose term will expire June 1, to be receiver of public moneys at Juneau, Alaska.

William E. Wallace, of Glenwood Springs, Colo., to be receiver of public moneys at Glenwood Springs, Colo.

REGISTER OF THE LAND OFFICE.

John W. Dudley, of Alaska, whose term will expire June 1, to be register of the land office at Juneau, Alaska.

POSTMASTERS.

CALIFORNIA.

Reuben A. Edmonds to be postmaster at Bakersfield, in the county of Kern and State of California.

CONNECTICUT.

Charles K. Bailey to be postmaster at Bethel, in the county of Fairfield and State of Connecticut.

KANSAS.

Richard Waring to be postmaster at Abilene, in the county of Dickinson and State of Kansas.

H. J. Muth to be postmaster at La Cygne, in the county of Linn and State of Kansas.

MAINE.

Thomas G. Herbert to be postmaster at Richmond, in the county of Sagadahoc and State of Maine.

MARYLAND.

Marion A. Humphreys to be postmaster at Salisbury, in the county of Wicomico and State of Maryland.

MASSACHUSETTS.

Daniel Bearse to be postmaster at Hyannis, in the county of Barnstable and State of Massachusetts.

MISSISSIPPI.

Ellis E. Perkins to be postmaster at Edwards, in the county of Hinds and State of Mississippi.

NEW MEXICO.

Paul A. F. Walter to be postmaster at Santa Fe, N. Mex.

NEW YORK.

Henry C. Getter to be postmaster at Middleburg, in the county of Schoharie and State of New York.

TENNESSEE.

D. A. Tate to be postmaster at South Pittsburg, in the county of Marion and State of Tennessee.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 24, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, the Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19264) making appropriations for the diplomatic and consular service.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I call for a division.

The House divided; and there were—ayes 121, noes 37.

Mr. WILLIAMS. Mr. Speaker, reserving the point of order, I now call for the yeas and nays.

Mr. CURTIS. Mr. Speaker, there is no quorum present.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The point of no quorum present has been made, and under that rule the doors will be closed and the Sergeant-at-Arms will bring in absentees. As many as are in favor of the motion of the gentleman from Pennsylvania will, as their names are called, answer "aye;" as many as are opposed will answer "no;" those not voting will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 223, nays 21, answered "present" 19, not voting 118, as follows:

YEAS—223.

Adams, Pa.	Capron	Fassett	Hay
Alexander	Cassel	Fitzgerald	Hayes
Allen, Me.	Chaney	Fletcher	Hedge
Bannon	Clayton	Flood	Heflin
Bartholdt	Cole	Fordney	Henry, Conn.
Bates	Cooper, Pa.	Foster, Ind.	Hepburn
Bede	Cooper, Wis.	Foster, Vt.	Hermann
Beidler	Cousins	Fowler	Higgins
Bennett, Ky.	Cromer	French	Hill, Conn.
Bingham	Crumpacker	Fulkerson	Hinshaw
Birdsall	Curtis	Gaines, W. Va.	Hoar
Bishop	Cushman	Garber	Hogg
Bonynge	Dalzell	Gardner, Mass.	Holliday
Boutell	Darragh	Gardner, Mich.	Houston
Bowersock	Davis, Minn.	Garner	Howard
Brantley	Davis, W. Va.	Garrett	Howell, N. J.
Brooks, Colo.	Dawes	Gilbert, Ky.	Howell, Utah
Brown	Dawson	Gillett, Cal.	Hubbard
Brownlow	De Armond	Gillett, Mass.	Hull
Buckman	Deemer	Glass	Humphrey, Wash.
Burke, Pa.	Denby	Goebel	Hunt
Burleson	Dixon, Ind.	Graff	Jenkins
Burton, Del.	Dixon, Mont.	Graham	Jones, Wash.
Burton, Ohio	Dresser	Granger	Keifer
Calder	Dunwell	Grosvenor	Kelher
Calderhead	Edwards	Hale	Kennedy, Nebr.
Campbell, Kans.	Ellerbe	Hamilton	Kinkaid
Campbell, Ohio	Ellis	Hardwick	Klepper
Candler	Esch	Haugen	Kline
Knowland	McNary	Prince	Stephens, Tex.
Lafean	Madden	Rainey	Stevens, Minn.
Lamar	Mahon	Reeder	Sullivan, Mass.
Law	Mann	Reynolds	Sulloway
Lawrence	Marshall	Rhodes	Talbott
Lee	Maynard	Richardson, Ala.	Tawney
Le Fevre	Miller	Rixey	Taylor, Ohio
Lester	Minor	Rodenberg	Thomas, Ohio
Lewis	Mondell	Rucker	Tirrell
Lilley, Conn.	Moon, Pa.	Samuel	Townsend
Lilley, Pa.	Moon, Tenn.	Scott	Tyndall
Lindsay	Mouser	Shackleford	Volstead
Littauer	Mudd	Sherley	Wachter
Livingston	Murdock	Sims	Waldo
Lloyd	Murphy	Slayden	Wallace
Longworth	Needham	Slemp	Watkins
Lorimer	Nevin	Smith, Cal.	Watson
Loud	Norris	Smith, Ill.	Weeks
Loudenslager	Olmsted	Smith, Iowa	Weems
Lovering	Otjen	Smith, Samuel W.	Wiley, Ala.
McCall	Padgett	Smith, Tex.	Wiley, N. J.
McCleary, Minn.	Palmer	Smyser	Williams
McGavin	Parker	Southard	Wilson
McKinlay, Cal.	Parsons	Southwick	Wood, N. J.
McKinley, Ill.	Payne	Sperry	Young
McKinney	Perkins	Stafford	Zenor
McLachlan	Pollard	Steenerson	

NAYS—21.

Beall, Tex.	Gillespie	Macon	Stanley
Bowers	Gregg	Page	Towne
Broocks, Tex.	Henry, Tex.	Patterson, S. C.	Underwood
Clark, Fla.	Humphreys, Miss.	Robinson, Ark.	
Clark, Mo.	Kitchin, Claude	Russell	
Floyd	McLain	Spight	

ANSWERED "PRESENT"—19.

Acheson	Dickson, Ill.	Johnson	Wanger
Andrus	Driscoll	Morrell	Welborn
Bartlett	Fuller	Sherman	Wood, Mo.
Brick	Gaines, Tenn.	Sparkman	Woodyard
Davey, La.	Hopkins	Taylor, Ala.	

NOT VOTING—118.

Adams, Wis.	Draper	Lamb	Robertson, La.
Adamson	Dwight	Landis, Chas. B.	Ruppert
Aiken	Field	Landis, Frederick	Ryan
Allen, N. J.	Finley	Legare	Schneebeli
Ames	Flack	Lever	Scroggy
Babcock	Foss	Little	Shartel
Bankhead	Gardner, N. J.	Littlefield	Sheppard
Barchfeld	Gilbert, Ind.	McCarthy	Sibley
Bell, Ga.	Gill	McCreary, Pa.	Small
Bennet, N. Y.	Goldfogle	McDermott	Smith, Ky.
Blackburn	Goulden	McMorran	Smith, Md.
Bowie	Greene	Martin	Smith, Wm. Alden
Bradley	Griggs	Meyer	Smith, Pa.
Broussard	Gronna	Michalek	Snapp
Brundidge	Gudger	Moore	Southall
Burgess	Haskins	Olcott	Sterling
Burke, S. Dak.	Hearst	Overstreet	Sullivan, N. Y.
Burleigh	Hill, Miss.	Patterson, N. C.	Sulzer
Burnett	Hitt	Patterson, Tenn.	Thomas, N. C.
Butler, Pa.	Huff	Pearre	Trimble
Butler, Tenn.	Hughes	Pou	Van Duzer
Byrd	James	Powers	Van Winkle
Chapman	Jones, Va.	Pujo	Vreeland
Cockran	Kahn	Randell, Tex.	Wadsworth
Cocks	Kennedy, Ohio	Ransdell, La.	Webb
Conner	Ketcham	Reid	Webber
Currier	Kitchin, Wm. W.	Rhinock	Weisse
Dale	Knapp	Richardson, Ky.	Wharton
Davidson	Knopf	Rives	
Dovener	Lacey	Roberts	

A quorum present.

The Clerk announced the following pairs:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. SHERMAN with Mr. RUPPERT.

Mr. WANGER with Mr. ADAMSON.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. FOSS with Mr. MEYER.

Until further notice:

Mr. KNOPF with Mr. WEISSE.

Mr. HITT with Mr. LEGARE.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. DOVENER with Mr. SPARKMAN.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. BUTLER of Pennsylvania with Mr. BARTLETT.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. DALE with Mr. BOWIE.

Mr. SHARTEL with Mr. LITTLE.

Mr. HASKINS with Mr. LEVER.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. REYNOLDS with Mr. MCDERMOTT.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. DRAPER with Mr. FIELD.

Mr. WELBORN with Mr. GUDGER.

Mr. LITTLEFIELD with Mr. SMITH of Kentucky.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. ALLEN of New Jersey with Mr. BUTLER of Tennessee.
Mr. BABCHFELD with Mr. HEARST.
Mr. GRONNA with Mr. HILL of Mississippi.
Until Tuesday:
Mr. WEEKS with Mr. STANLEY.
For the vote:
Mr. AMES with Mr. BANKHEAD.
Mr. ROBERTS with Mr. ROBERTSON of Louisiana.
Mr. SCHNEEBELI with Mr. RYAN.
Mr. VREELAND with Mr. TAYLOR of Alabama.
For the day:
Mr. KETCHAM with Mr. COCKRAN.
Mr. LACEY with Mr. PATTERSON of Tennessee.
Mr. BLACKBURN with Mr. SMALL.
Mr. RIVES with Mr. GRIGGS.
Mr. OLCOTT with Mr. GOLDFOGLE.
Mr. FULLER with Mr. RICHARDSON of Kentucky.
Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.
Mr. ADAMS of Wisconsin with Mr. AIKEN.
Mr. BABCOCK with Mr. JONES of Virginia.
Mr. BENNET of New York with Mr. BELL of Georgia.
Mr. BURLEIGH with Mr. BROUSSARD.
Mr. COCKS with Mr. BRUNDIDGE.
Mr. CONNER with Mr. BURGESS.
Mr. DAVIDSON with Mr. BURNETT.
Mr. DWIGHT with Mr. BYRD.
Mr. GILBERT of Indiana with Mr. GILL.
Mr. KAHN with Mr. JAMES.
Mr. KENNEDY of Ohio with Mr. LAMB.
Mr. KNAPP with Mr. REID.
Mr. CHARLES B. LANDIS with Mr. POU.
Mr. WOODYARD with Mr. TRIMBLE.
Mr. MCCREARY of Pennsylvania with Mr. PUJO.
Mr. MCMORRAN with Mr. MOORE.
Mr. FREDERICK LANDIS with Mr. RANDELL of Texas.
Mr. PEARRE with Mr. RHINOCK.
Mr. SIBLEY with Mr. SULZER.
Mr. SMITH of Pennsylvania with Mr. SOUTHALL.
Mr. STERLING with Mr. SMITH of Maryland.
Mr. VAN WINKLE with Mr. WEBB.
Mr. WADSWORTH with Mr. VAN DUZER.

The result of the vote was announced as above recorded.

So the motion was agreed to; and the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19264—the diplomatic and consular apropriation bill—with Mr. CURTIS in the chair.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from New York [Mr. TOWNE]. [Loud applause on the Democratic side.]

Mr. TOWNE. Mr. Chairman, I desire, with the indulgence of the committee, to submit to the House, and incidentally to the country, some considerations why, in my opinion, the Republican party ought to be driven from power, and why the Democratic party should be intrusted with the control of the National Government. [Loud applause on the Democratic side.] This country, sir, is under a government of parties. Any system of free government is necessarily a party government, because such a government, as has been said, is a government of opinion; and in order that any given opinion shall find expression in legislation and administration it must first commend itself to the judgment, and receive the support, of a majority of those who are entitled to express opinion at the polls. This procedure necessarily implies organization; it implies an appeal to the reason and the conscience of the citizen.

Here, sir, I pause a moment to comment upon a very curious anomaly in our politics. Nothing is more common in the flippant speech of party enthusiasm than attacks upon men who, for one reason or another, have changed their political affiliations. And yet the entire practical conduct of our partisan politics is based upon the theory that citizens may be induced to change their partisan associations; that it is not only advisable for them occasionally to do so, but is in the highest degree meritorious and patriotic. The organization of campaign committees, the collection and disbursement of moneys, the printing and circulation of literature, the torch-light processions, and the eloquent appeals of orators, are all addressed to the judgment of the individual citizen, and in the name of the welfare of the country.

I have had, sir, some special experience in this connection that I should not call to the attention of the House but for the fact that from time to time it has been made the subject of more or less pointed, and now and then humorous, reference upon the other side of this chamber. For a moment I desire particularly to advert to a speech which you will find in the RECORD of the 28th of April, by the distinguished humorist and chosen protectionist champion from the State of Washington—Mr. CUSHMAN. That gentleman declared himself in that speech to be a warm personal friend of mine. I am happy to state that I thoroughly reciprocate his disposition. I may add also that I do not take his humor any too seriously. It was expected of him, and he did the best within his power to rise to the expectation of those who had put him forward as the funny champion of a desperate cause. [Applause on the Democratic side.] The immediate occasion of his reference to myself was the fact of my having rendered, and very gladly rendered, some assistance to the distinguished leader of the minority [Mr. WILLIAMS] in the course of his address on the subject of the tariff. Mr. WILLIAMS, owing to a slight physical indisposition, requested me to read for him certain excerpts from various authorities with which he desired to enforce and illustrate his argument. Referring to this circumstance, the gentleman from Washington said:

> I was particularly interested to note that the distinguished gentleman, formerly from Minnesota and now a Member from New York [Mr. TOWNE], was called upon to read these extracts. This hydra-headed performance seemed all the more remarkable to me when I recalled the fact that only a few years ago that same gentleman [Mr. TOWNE] occupied a seat on this, *the Republican, side of this House* and was one of the ardent champions of a protective tariff. And when he bade farewell to the Republican party he announced that he only did so on the single issue of *money*.

For a moment I shall pause at this point in the gentleman's speech and address myself very briefly to the campaign of 1896, to which reference has been made both in the speech to which I am now calling the attention of the House, and in the brilliant address of the eloquent gentleman from Indiana [Mr. CHARLES B. LANDIS] on yesterday. It is true, Mr. Chairman, that the immediate occasion of my departure from the Republican party was the action of that party upon the subject of bimetallism. It is, however, due to the truth and the philosophy of history, as well as to a vindication of my own conduct, to call the attention of the House to the fact that the position of the Republican party on the money question was only a specific evidence of its generic abandonment of the cause of the people in every particular. [Loud applause on the Democratic side.] There is not one single important proposition recognized to-day as a crucial Republican doctrine that is not in direct conflict with the teaching of that party on the same subject during its heroic days. [Loud applause on the Democratic side.] It is true that I left that party because of its action on the money question; but if I had not left it then I should have had occasion fifty times to leave it since. [Renewed applause on the Democratic side.] It is, I think, proper also that I should remind the House that I did not quit the Republican party in order to get an office, but that I laid down an office when I left the party. [Applause on the Democratic side.] I was a member of this House from a Republican district, with nearly 10,000 Republican majority at my back, and if I had chosen to take the prescription made for me, and to obey the dictation of the leaders of that party, I could have continued to be a member of this House from the State of Minnesota, and a Republican of good standing, for fifty years. [Applause.]

At the risk of spending somewhat too much time on a matter now chiefly historic and academic, I wish to refresh the memories of members of this House in regard to certain features of that great campaign of 1896. While listening to the address of the whirlwind orator from the Wabash [Mr. LANDIS] on yesterday, I was amazed to find how dense was the ignorance that still remained in an exceptionally brilliant Republican intellect upon the subject of the coinage, at a distance of ten years from that campaign of education. [Applause on the Democratic side.] In answer to an interruption by the gentleman from Texas [Mr. BROOCKS], referring in general words to the position of the Democratic party in that campaign, the gentleman from Indiana [Mr. LANDIS] declared that in that campaign the Democratic party stood for the silver standard and against the gold standard; and when his attention was directed to the declarations on the subject of bimetallism in various Republican platforms, he displayed an emphatic antipathy to interruption and made no satisfactory reply to his interrogator. The proposition of the Democratic party in 1896, of which, sir, with others, I was a somewhat strenuous supporter, was not to establish the silver standard but to restore silver to equal power and dignity with gold as a money metal. The proposition was not a novel one. It had been the historic and settled policy of every political party in this country for many years preceding that campaign. When, with many others in the Republican party, I contended, in 1896, that the money function should be restored to silver on a parity with gold, I was in exact accord with the national platform of my party on that subject. In this connection I read another sentence from the brilliant

speech of the humorous gentleman from Washington [Mr. CUSHMAN]. After paying to my voice a compliment which modesty will not let me accept, and which courtesy to the gentleman will not alow me to refuse [laughter], he said:

> And the only conclusion I could come to was that the use of *one single voice* in speaking for *all political parties* and on *all sides of all questions* has tended to cultivate the gentleman's voice to a point of perfection that the more modest of us can never hope to attain.

This observation, it is recorded by the official stenographer, was followed by "great laughter" on the Republican side of the House. What they laughed at Heaven only knows; but it would be futile to seek a reason for many of the risible manifestations of satisfaction on that side of the Chamber. [Applause on the Democratic side.] Earlier in these remarks I made the proposition that political party organization implies the right and the duty upon the part of an honest man now and then to change his party allegiance. This change may be due to increased reflection, to better information, or to the development of new issues upon which not the same opinions are entertained among men who have been of the same persuasion in regard to questions previously at stake. I do not consider it at all an impugnment of an honest man's character that he should change his party allegiance, but rather a vindication thereof. Every man should seek, to the limit of his capacity, to have a correct opinion. He is entitled to any opinion at all only upon that condition. But he should always have the courage of his conclusions; and if new facts, or more mature consideration lead him to change his judgment, it is not only not an occasion of reproach, but it is one of commendation. Nevertheless, sir, I wish to say that in regard to every great political principle I ever avowed or felt I stand to-day exactly where I stood when I avowed and felt it. I was born back in the historic days of the Republican party. My infancy was nurtured under the benign influences of its most heroic leadership. My earliest recollections are of the friends and companions of the immortal Abraham Lincoln, whose broad general beliefs and sympathies were more nearly akin than those of any other great statesman of our history to the beliefs and sympathies of the illustrious founder of the Democratic party, Thomas Jefferson. [Applause on the Democratic side.] These sir, I inherited. They inspired my youth. I grew to manhood cherishing them. I entertain them to-day, but I had to get out of the Republican party in order to entertain and avow them honestly. [Applause on the Democratic side.] If the gentleman from Washington [Mr. CUSHMAN], or any other gentleman on that side of the House, and I hope the gentleman from Washington will forgive me for taking him seriously in this one matter, really means to insinuate that anywhere or at any time I have espoused and advocated, upon any great political question, a side opposed to that which I have anywhere else or at any other time espoused and advocated, I desire him here and now to tell me and this House where and when it was and what the subject was. [Turning to the Republican side.] If any of you claim to know, let me know, and if you do not know, do not say you know. [Applause on the Democratic side.]

Let me call attention to this paragraph in the Republican national platform of 1888:

> The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic administration in its efforts to demonetize silver.

[Applause on the Democratic side.]

And I read further from the corresponding plank in the Republican national platform of 1892:

> The American people, from tradition and interest, favor bimetallism and demand the use of both gold and silver as standard money.

[Applause on the Democratic side.]

Those utterances, sir, embody the doctrine which I advocated in 1896, both before the meeting of the national Republican convention and afterwards during that most interesting campaign. But that is the doctrine which the Republican party denounced in its platform of 1896, and strenuously opposed in the campaign of that year. Let me now ask the gentleman from Washington, *who* has been talking on two sides of that question, the Republican party or the gentleman from New York? [Applause on the Democratic side.] I shall not for the moment argue the justice of the proposition; I am not now concerned with the merits; I seek at present merely to place absolutely beyond all cavil or denial the fact that the Republican party did change its position on that fundamental monetary question. But, you may say, may not a party, like an individual, change its opinions? And I answer frankly, "Yes; to be sure; but that the change of the party is not obligatory upon one single member of it who remains in his own judgment of the same opinion as before." So far as I am concerned, my opinions are free, and they are my own, and I shall always go where I can advocate them without restraint in the hope of giving them most effect in behalf of my country. [Applause on the Democratic side.]

Now, sir, briefly, what was the contention in the campaign of 1896? I desire frankly to admit, so far as I am concerned, that the Democratic party made a serious tactical error in the enunciation of its position on the coinage question. It was, in my opinion, a mistake to put into the platform a declaration in favor of the ratio of 16 to 1, or, indeed, of any other ratio whatever. When that declaration had once been made I, indeed, argued for it. I endeavored here upon this floor, as some of you will remember, perhaps, wearisomely, for some three or four hours, to establish that it is was a practicable proposition, although not a necessary one, for the realization of the principle and the practical benefits of bimetallism. We assumed an unnecessary burden in apparently identifying the principle of bimetallism with the incident of the ratio between the two metals. While I have always believed that the United States could have maintained the ratio of 16 to 1, I was perfectly willing, in order to secure a permanent par between gold and silver throughout the world, and a settlement of that vexatious question for fifty or a hundred years, to permit the ratio to be fixed at any compromise point within a considerable range, as, for example, at 22 to 1, which, in 1900, would have preserved the then existing commercial exchange between London and India.

In the latter year I urged strenuously that the declaration for the ratio of 16 to 1 be not included in the platform, contending that we should plant ourselves squarely upon a declaration of the quantitative theory, the generic principle of a corresponding increase of money with which to do business along with the increase of the business requiring to be done, and that we leave the ratio to the determination of statesmen under conditions as they might appear. [Applause on the Democratic side.] Now, the simple fact is that this proposition was predicated upon a principle of political economy, from which there never had been a dissenting voice among the political philosophers of the world in any language or in any country from the time of Aristotle down to 1896—the simple principle that you can not do more business with less money without lowering prices. We declared that we wished to reclothe silver with monetary dignity and capacity equivalent with gold, for the reason that for twenty-five years, with here and there a pause and eddy in the current, there had been a continued progressive fall of prices, a phenomenon which every economist that ever wrote with any authority has declared to be the same thing as the rise of the purchasing power of money, an increase in the value of the monetary substance. We saw no way to stop the fall of prices, except by increasing the quantity of the stuff in which prices were measured. What was your answer to this demand?

Now, I am anxious to nail you gentlemen on this proposition right here; and I wish my distinguished friend from Minnesota [Mr. MCCLEARY], who, as I understand it, is to follow me in this debate, would attend to this point and state whether or not I correctly represent the attitude that he and his party then took in regard to it. You declared to us that there was money enough; that you did not need any more; and the most of you, together with nearly all your great editorial writers, committed yourselves unreservedly to the contention that there is no discoverable relation between the quantity of money in circulation and the range of prices. In the calm of the present, far removed from the heat and excitement of that great campaign, it seems strange that you could possibly have committed yourselves to a theory so absolutely at war with common sense and universal experience. Yet, for the verity of the statement that you did so commit yourselves, I appeal to the whole body of literature contemporaneous with that campaign. The then President of the United States himself stated in a message to Congress that we did not need any more money; that the only thing necessary was an access of general confidence—praying for confidence at the precise time when there was nothing to have confidence in. [Applause on the Democratic side.]

The only time when confidence was needed was exactly when there was a confession by those who called for it that there was nothing for it to rest on. But perhaps there has never been a greater exhibition of the irony of politics than that which followed the campaign of 1896. You gentlemen who succeeded in persuading the people that they did not need any more money, and declared so strenuously that you did not want any more, began shortly to witness, with commendable resignation, an unprecedented increase in its supply. It was the only thing that saved your party from absolute annihilation. [Applause on the Democratic side.] I declare with the sanction of all the teachings of all the economists and of all the experience of the

commercial world from the beginning of time, that the vastly augmented and continued increase in the world's stock of gold following the campaign of 1896, and continuing to this hour, has been the only thing that saved this country, the only thing that saved the civilized world, from the most gigantic financial cataclysm that history has recorded. [Applause on the Democratic side.] With the increased capitalization of our modern business contrivances, the multiplication of corporations, the vast development of the world's business, with the attendant unprecedented increase in liquid debts evidenced by securities of every conceivable sort held as investments all over the world; if you had continued to expand that overblown fabric of confidence, resting upon a constantly relatively diminishing basis of ultimate money, you would have wrecked the commercial institutions of mankind amid universal calamity. [Applause on the Democratic side.]

The increased production of gold saved you from yourselves. You were the beneficiaries of your own fatuous ignorance. The most of you did not then know what you wanted and do not now know what you got. [Applause from the Democratic side.] We declared that to stop the fall of prices it was necessary to have more ultimate or basic money. We could not see any place to get it except to coin again a metal which for four thousand years had been money, and which, whenever permitted free access to the mints along with gold, and an equal monetary function under the law, had maintained itself at a practical parity with the other metal. Now, my Republican friends, please remember that your answer to our contention for more ultimate money was, not that you were going to get it from an increased production of gold or from somewhere else except from the silver mines, but that you did not want to get it at all. You had money enough, you said. Now, therefore, let me in all candor inquire what business you have to compliment yourselves over the increased gold supply and the prosperity that came with it? And yet I have heard distinguished Republican orators claiming this augmented gold supply as among the assets of Republican statesmanship and of the McKinley administration, along with the sunshine and the rain, our unequaled productivity of soil and climate, our unparalleled mineral resources, the multifarious talents of the most enlightened and enterprising people the world ever saw. This phenomenon, my friends, saved your faces as well as your offices. The people, mistakenly in my judgment, at the time decided not to open the mint, but heaven decided to open the mines. [Applause on the Democratic side.] Providence was both wiser and kinder than you. From our point of view it made no difference whether this access of basic money came from one metal or the other, or from both, provided only that the total quantity clothed with full monetary power sufficed for the maintenance of a practical level of average prices; and I have never at any time or place said anything inconsistent with this proposition.

It is beside the point to quote, as if they convicted us of inconsistency, some of the statements made by men on this side as to the calamity that would follow the perpetuation of the gold standard; for everybody knows that these predictions were based upon what everybody on both sides of the question at that time contemplated—the assumption of a continued relative decline in the output of gold. Nobody could dip into the future and foretell the secrets of science that should render profitable hitherto unworkable deposits of gold, and nobody could see into the almost ilmitless treasures on the frozen banks of the Yukon or in the deep recesses of the Witwaters Rand. So great was the increase of gold production that my friend, who now does me the honor to attend to what I am saying, the distinguished Senator from Iowa [Mr. DOLLIVER], who was a member of the House in those days, said upon a certain occasion that the gold coming to the mints of the United States during a few years succeeding the campaign of 1896 involved a greater addition in dollars to the basic money supply of the country than would have been realized if the gold supply had continued on its old plane before 1896 and we had supplemented it with the free coinage of silver. [Applause on the Democratic side.]

I did not intend, sir, to spend so much time on this subject. It is now merely a part of the history of our politics. Certain references to myself in connection with it, however, seemed to me not only to justify but to require that I should say what I have said. In addition I desire merely to affirm my belief that *in principle* the Democratic party stands to-day on that great subject precisely where it stood in 1896. [Applause on the Democratic side.] Now let me call particular attention to the fact that I have just said that the *principle* for which we contended then we contend for now. We are not now asking the free coinage of silver. We do not need the free coinage of silver at this time. The principle we contend for is merely this: That so far as the Government concerns itself with providing a monetary system for the country, it should endeavor to maintain such a system as shall be equitable between debtor and creditor. We want neither an appreciating money nor a depreciating money. A system that shall do exact justice is of course impossible. An approximation is the best that can be achieved. But it must be borne in mind that the principle of justice requires that the money of the country shall be, as nearly as the function of government can make it so, a just measure of the values of the things which are exchanged by means of it and of the debts and burdens expressed in terms of it; and that the Democratic party, if in control of the Government, will always employ its total powers within their constitutional limit, to produce this result. [Applause on the Democratic side.]

Frankly, let me say, I expect never to see the coinage question raised again as it was presented in 1896. I have attempted to give some attention to the study of the production of gold, to its geology and location, and to its treatment; and my opinion is that the world's output of gold will, for an indefinite number of years, continue to increase not only absolutely but relatively; and it is altogether likely that if there is ever another contest in this country upon the coinage question it will be precipitated from your side by a proposition to restrict the coinage of gold. [Applause.] For, if this indicated increase in the production shall come to pass, it is reasonably certain that the great creditor class of the world will order you so to restrict the coinage, and if you are so ordered you will march up and do it if there are enough of you left to carry out the order. [Laughter and applause on the Democratic side.]

Now, Mr. Chairman, this question has been settled by a decree to which all parties must bow. Under present conditions I, for one, am satisfied with it. The record of the Democratic party in regard to this question is consistent; but it is the duty of a party to be abreast of the practical issues of the present hour. As a matter of immediate practical concern it is relatively immaterial whether, upon a great question of the past, the attitude of the Democratic party was right or wrong. What is pertinent at this moment is, What are the live questions of this hour; where does the Republican party stand in regard to them, and what does the Democratic party propose to do about them? And this, sir, brings me to consider certain topics as to which the consistency of my position has been further challenged. After stating that I had claimed to leave the Republican party "on the single issue of money" the gentleman from Washington [Mr. CUSHMAN] continued:

> And yet, after affiliating with that party and indorsing one political heresy, the gentleman seems to have let all holds go and embraced all their heresies, including free trade.

Waiving, for the present, the truth of this accusation, let me remark that if I had changed my opinions in regard to the great subject of the tariff I might plead in exculpation the precedent of some very illustrious examples. I hold in my hand a very interesting compilation, made by a competent and honest man, and, as to the extracts I shall read to you, verified by myself, containing certain of the expressions of alleged belief to which utterance has been given at divers times and places by the gentleman who is at the present moment the exalted Chief Magistrate of the United States. [Laughter and applause.] From this compilation I read a short extract taken from "Roosevelt's Life of Benton," at page 67 (of the first edition, I believe):

> Political economists have pretty generally agreed that protection is vicious in theory and harmful in practice;

[Applause on the Democratic side.]

> but if the majority of the people in interest wish it, and it affects only themselves, there is no earthly reason why they should not be allowed to try the experiment to their hearts' content.

[Applause.]

I next read from the same eminent authority a short extract from a speech delivered July 24, 1904, in acceptance of the Republican nomination for the Presidency:

> That whenever the need arises there should be a readjustment of the tariff schedules is undoubted, but such changes can with safety be made only by those whose devotion to the principle of a high protective tariff is beyond question, for otherwise the changes would amount not to a readjustment, but to repeal. The readjustment, when made, must maintain and not destroy the protective principle.

I refrain at present from continuing the "deadly parallel" in regard to other subjects from the same high source—it can be illustrated, I believe, with any subject to which he ever gave expression [laughter and applause on the Democratic side], including the railroad rate bill [renewed laughter and applause]—and will comment for a moment upon the great question upon which this comparison of views is cited. I think it was Edmund Burke who declared that he had for practical

political purposes very little use for general maxims, and every public man's experience must, I think, have taught him the peril that lies in the generality and brevity of an epithet.

The words "protection" and "free trade," "protectionist" and "free trader" have been much misused. For myself I will not permit my beliefs to be misrepresented by the employment of them. My position on the great fiscal question to which the raising of duties upon imports has given so large an importance during our history was taken early, but after the most careful investigation I was then able to bestow upon it. While a student at the University of Michigan I pursued, under a very distinguished economist, one of the ablest in this country, Dr. Henry C. Adams, well known as the statistician of the Interstate Commerce Commission, a course in advanced political economy. Of course, one of the principal subjects to which we gave our attention was that of protection versus free trade, and at the conclusion of our studies we were asked to write, respectively, upon a sheet of paper for the information of the professor the designation of our belief as to that great controversy. Every man in the class, with two exceptions, wrote himself down as a free trader. One other student, now a practicing lawyer in the city of Washington, and myself dissented from this preponderant judgment. We called ourselves neither "protectionists" nor "free traders," but "nationalists." By that designation, as I then conceived it and as I conceive it now, was indicated those who believe that it is the function of the closet philosopher, the theoretical political economist, to collect, examine, classify, and systematize the complicated data of economic science and to formulate and announce the abstract laws of wealth, of the acquisition, distribution, or exchange, and consumption of utilities calculated to meet human wants. It is, on the other hand, and this is a matter, as I view it, of great importance, the business of the statesman to take the abstract principles established by the political economist and apply them to the concrete conditions of his people in his day.

Aristotle gave expression to this idea when he said that the maker of laws must always have in mind two things, the people and the country. Now, sir, what tariff schedules shall be enforced at any one time in any one country and under any given conditions, and what shall be enforced at another time in another country under different conditions, can not be determined by any *a priori* formula in the world. It is a question of circumstances as they exist at the time and in the place when and where you are to apply the law to them. You can not make trade absolutely "free," either now or at any other time short of the millenium. There are always two ends to a bargain, and when the bargain is international there is one end of the trade your local law can not reach. Again, it will happen that legislation which at one time would be described as protective may perform the function of making trade more free, and it may happen at another time that laws enacted in the name of free trade may actually extend protection over the industries to which they apply. For example, when, just before the middle of the last century, Great Britain vastly lowered her tariff barriers and started out as the evangel of freer trade among the nations, she had, owing to the more rapid concentration of capital within her borders than had taken place elsewhere in the world, and to the relatively wide extension and development of the factory system with its machinery and its subdivision of labor, reached a stage of productive capacity far in advance of any other nation in the world. She had, as I remember to have seen it stated, with a population of some 20,000,000 of people, a productive capacity of 450,000,000 pairs of human hands.

The highest protection that under those conditions could be extended to her industry consisted in making more free the avenues and opportunities for exchanging its products. On the other hand, in the early history of the United States, when capital was almost nonexistent; when natural resources, though manifold and tremendous, were undeveloped; when population was scarce and industry undifferentiated; to have left trade nominally "free" would have been actually to subject it almost absolutely to the control of nations with more concentration of capital and more highly organized industries. Accordingly, legislation which "protected" those industries really "freed" them from harsh conditions and permitted them to grow.

The words "protection" and "free trade," as they are so generally and loosely used, are both, in my opinion, capable of infinite mischief. A man may very consistently be a protectionist at one time and a free-trader at another for the very sufficient reason that the same conditions of public policy and advantage may dictate one policy at one time and another at another. This is the reasonable and practical position of the national economist. A man who proclaims himself to be at all times and under all circumstances a protectionist, and the man also who proclaims himself as always a free-trader, both stultify themselves. When, for example, the gentleman from Indiana [Mr. LANDIS] declared yesterday, "I am a high protectionist," he said in effect that he was not only for protection but for high protection once, next, and last, first, all the time, and forever. There is no ambiguity about that declaration. It may not be intelligent but it is intelligible. [Laughter and applause on the Democratic side.]

There has been, I regret to say, a somewhat similar carelessness in the use of language on the part of Democratic writers and speakers. They have not been so scrupulous about their terminology as the cunning and resourcefulness of their opponents should have admonished them to be. In stating their position against that kind of protection for which the Republican party now stands, they have permitted themselves too often to employ language which could be used, and which has been used, with much success by our opponents as ground for accusing us of a determination to level all the custom-houses with the ground, and, in case we came into power, to paralyze the industries of the country with a programme of change so radical as to amount to demolition. The people of the United States are not wedded to the kind of protection doctrine for which the Republican party now stands. They want that system reformed. They would long ago have committed its reformation to the Democratic party if you Republicans had not succeeded in persuading them that the Democrats meant not reform but destruction.

I desire, with some emphasis, if with propriety I may venture to do so, to warn some of my Democratic friends against the danger of loose and careless expressions on this great subject. The American people will never reform the tariff with the ax and the torch. You must see to it that they do not have reasonable cause to believe that to be your intention. There is not a real free-trader in the nation; or at least if there is, there isn't another one. The gentleman from Indiana attempts to raise a false issue when he represents the struggle as impending between theoretical protection on the one hand and theoretical free trade on the other.

This cry has frequently deceived the people in the past, but I think it is now a useless slogan. No responsible Democrat contends for free trade or for any approach to it as a measure for either immediate or proximate policy. The distinguished leader of the minority of this House [Mr. WILLIAMS] does not contend for it. The Southern people are not for it. Even the gentleman from Missouri [Mr. CLARKE], to whom in times past there has been wrongly imputed a certain strenuousness in the direction of theoretical free trade, declared in a speech in this House on the 8th of January:

> A reasonable revision of the exorbitant Dingley rates is a Democratic proposition, not Republican.

The apologists and eulogists of the present system will make a serious mistake if they think they can go before the American people in the coming Congressional campaign, and in the great contest of 1908, and ignore the abuses of that system whose knowledge is common property throughout the land. They can not distract the attention of the people from its hideous features by pointing to a bogey-man of their own creation, and crying hysterically, "Free trade!" "Free trade!" The issue, let it be constantly repeated and emphasized, is not between protection and free trade, it is between the perpetuation of the present exaggerated protection, which produces and fosters monopoly, on the one hand, and on the other hand a fair and just revision of the tariff schedules in the interest of the general welfare. The former is the Republican programme, the latter the Democratic. [Applause on the Democratic side.]

Now, Mr. Chairman, the present attitude of the Republican party on this great fiscal question is another illustration of the charge I made a few minutes ago that the Republican party had changed its position on substantially all its original characteristic doctrines. To most of you gentlemen on that side of the House the attitude of your party as a champion of protection for protection's sake seems quite fundamental; but your party did not begin with believing that. You have grown into it by a natural process of assimilation to those who have come to own you. [Applause on the Democratic side.]

In this connection I dislike to impair the force and destroy the novelty of the very eloquent address which is later in the day to be delivered by the distinguished champion of protection, the gentleman from Pennsylvania [Mr. DALZELL], of whose speech scheduled for this afternoon a partial, and, I am sure, a very inadequate résumé, has already been printed, under some failure to connect, or rather an overscrupulousness to connect, in the Philadelphia Inquirer of this morning. [Laughter.] Now [taking up the paper], I am not going to read this speech to

you. I want the gentleman to have all the novelty of effect in its delivery that his personal equation of advocacy can impart to it, especially as there is no novelty in the doctrine. The headlines are themselves interesting. The honorable gentleman from Pennsylvania did not write the headlines, but the man who did write them knew exactly what Dalzell would say. How did he know? Why, because he knew what ought to be said; because every Republican in Pennsylvania always knows what ought to be said on this subject, because they have been saying the same thing for the last sixty years up in Pennsylvania. It is simply impossible for them to learn that the country is getting tired of this exaggerated Pennsylvania way of looking at things. The headlines begin by stating in big type, "Dalzell rakes the revisionists." [Laughter.]

I may remark in passing that, curiously enough, since rakes are a specialty of recent Republican information, they do not specify the kind of rake he uses. "Opposes changes to humor importers." There is an ambiguity here which the gentleman ought to correct. It leaves uncertain whether he opposes changes in order to humor the importers or whether he opposes changes that are designed to humor the importers. That certainly was a bad break by the headline writer. "Opposes changes to humor importers and a lean party thirst for power." It is rather odd, Mr. Chairman, that long exclusion from power, making a party thirsty, should for that reason necessarily taint every principle advocated by the party so excluded; but it seems to me far more doubtful that long possession of power, absolute plethora of the good things of place, and an overfed satiety should still leave an especial mental acuteness for the consideration of these great problems. [Laughter.] I proceed with the headlines: "Pennsylvanian says tariff lessons have been learned amid the noise of industrial activity." Merely a new paraphrase of the oft-repeated complacency with which the Republican party takes credit even for the beneficences of Providence.

But what I wish particularly to call to your attention in this eloquent speech of yesterday, to which you will presently listen, is the following from the peroration: "Incidental protection, a humbug and pretense, an insult to all reason and logic." I desire, in immediate contrast with this statement of the foremost champion of present-day Republican protectionism on this floor, to read from the first Republican national platform in which this subject was ever mentioned, that of 1860, what the doctrine of that party on the subject of protection was proclaimed to be before they had subordinated themselves to the instrumentalities that grew up in consequence of the abuses of it. I read from paragraph 12 of that platform:

> That *while providing revenue* for the support of the General Government by duties upon imports, sound policy requires such an *adjustment of these imports* as to encourage the development of the industrial interests of the whole country.

Incidental protection was never better defined than in that very statement of it; and, sir, it illustrates the extent to which the Republican party has departed from its early faith, when one of the most brilliant exponents and defenders, one of the most honored champions, of the present-day creed of that organization now declares the original statement of the party belief on that subject to be a humbug and pretense, an insult to all reason and logic. [Applause on the Democratic side.]

Why, Mr. Chairman, this recalcitrancy of the Republican party has extended to every single thing that it ever stood for. We have already seen how it abandoned its position on bimetallism in 1896 and subsequently; and I have just exhibited how its original doctrine on the tariff question, that of incidental protection, has grown into the huge practice of protection for protection's sake. It was the early boast of the Republican party that it had met a great exigency in the national life by the invention of the greenback, whereby the very existence of the Government was preserved. But the party long since turned its back upon the conception of Government money, as it has done upon every other one of its original tenets, and is to-day the advocate of the banker's system of finance pure and simple. [Applause on the Democratic side.] Upon the subject of reciprocity there has been a similar change of base. The great apostle of modern-day Republicanism, the late lamented President McKinley, in the last speech that ever fell from his lips, said at Buffalo, September 5, 1901:

> The period of exclusiveness has passed. The expansion of our trade and commerce is our present problem. * * * Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If, perchance, some of our tariffs are no longer needed for revenue, or to encourage and protect our industries at home, why should they not be employed to expand and promote our markets abroad?

This policy, thus advocated by McKinley, indorsed by the present Chief Executive time and again; ratified by the solemn pronouncements of several Republican national conventions, is to-day repudiated and flouted by the leadership of a party apparently as deaf to the appeals of the people as it is unmindful of the solemn pledges of its conventions.

These changes of position by the Republican party on specific questions are only indicative of the altered spirit that controls the organization. The party that was born in a great outburst of national devotion to the rights of man and the cause of human liberty, whose earliest platforms were full of the Declaration of Independence and the spirit of 1776, has become the champion of a policy that negatives these original American principles. Nothing could be more opposed to the doctrine which inspired the revolution of our fathers against the colonial system of Great Britain than the new policy of the Republican party, which has burdened our democratical institutions with dependencies and colonies and brought millions of men beneath our power who are excluded from the exercise of our liberties.

On every side we witness indications of the complete domination of the Republican party by special privilege which, in return for opportunities of preying upon the people, pours into the coffers of that organization campaign funds of colossal proportions which are used for the perpetuation of this partnership between interests and politics by the most skillful organization known to the history of free government.

Sir, I listened yesterday with much interest to that long array of phenomena cited by the gentleman from Indiana [Mr. LANDIS] in his endeavor to show that the only prosperity this country has ever enjoyed was under Republican tariff legislation, and in consequence of this legislation, and that the only disasters that have ever come upon the country have happened under Democratic tariff laws, and in consequence thereof. He did, indeed, under compulsion, somewhat modify this last statement, alleging that in certain cases the disaster had anticipated its cause and had been produced by the general fear that it would happen. Now, sir, we are all familiar with this old, old story. I greatly enjoyed the gentleman's recitation of the many splendid things that to-day exemplify the prosperity and glory of the United States of America and its people. I will not allow that gentleman, or any other gentleman, to go beyond me in paying tribute to the unequaled capacities of the American citizen or to the magnificent productivity and wealth in soil and mine and forest and climate of that splendid habitat wherein it has pleased God to plant this people. [Applause on the Democratic side.]

He can be no more proud than I am of that impressive catalogue of national wealth, national prestige, and national achievement. But, sir, I am one of those who believe that the chief factors in the production of this unprecedented result are not the tariff schedules of the Republican party, but rather those causes, some of which I have cited, that have never before met in such number and measure in the conditions of any other civilization the world ever saw. We have a territory of greater contiguous extent for purposes of habitation and cultivation, subject to one system of laws and to freedom of exchange among more people of homogeneous circumstances, than history has ever known before. [Applause.] We have a citizenship whose conjoined talents and capacities represent the best development of the most enterprising races on the earth. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the gentleman may have time in which to conclude his remarks.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from New York have time to conclude his remarks. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. TOWNE. I thank the committee. In addition, sir, to these unequaled sources of natural wealth, and to this unprecedented capacity upon the part of the inhabitants of such a country to develop and make use of these resources, we have in a system of laws, our Constitution and institutions of government that liberate to the fullest possible extent the genius, the physical and mental power of the individual, a factor perhaps greater than any of the others enumerated. [Applause on the Democratic side.] Those things it ought to be the chief glory of every American citizen to recognize and glorify as the foundation of the splendid prosperity of his country. It shows a poor conception of those great characteristic and fundamental principles to attempt to narrow into the slender margin of a tariff schedule the cause and explanation of these immeasurable results. But it has long been the fashion of Republican orators to recite pages of statistical opulence and chapters of frenzied rhetoric in rhapsodic praise of the Republican party. They have not deemed it necessary to show causal connection between premise and conclusion. It has seemed to them enough to say: "This is the greatest country on earth! We are richer

and more powerful than anybody! Hurrah for the Grand Old Party!"

By dint of constant reiteration these glib and tumid assertions are by and by accepted for sober fact. After a while their very age makes them venerable, respectable, authoritative. They become, indeed, hereditary. They are a kind of rhetorical covenant that runs with the party faith. Many a man upon the other side of this Chamber who is to-day a great Republican orator peddles these things merely because his father peddled them. He believed them originally on account of their honorable tradition, and, never having examined them since, he believes them now. [Applause and laughter on the Democratic side.] But of course they never were true, and they are not true now. It is indeed inexplicable that when the refutation of these assertions lies so ready to the hand of any honest inquirer there should endure such hardihood of repetition. Suppose, for example, you take the accepted statistics published by this Government, covering the decade between 1850 and 1860, when the country was under the operation of the Democratic tariff of 1846. You will find by the records that in population in wealth, in manufactures, in farm values, in railroad mileage, and, indeed, in every other particular commonly relied upon as statistical evidence of national wealth and progress, there was a much greater percentage of increase than in respect to the same items during any other ten years of the history of this nation. [Applause on the Democratic side.] If that statement is not true some gentleman following me in this debate can easily correct it. I am not now, let me caution the House, engaged in any careful effort to build up a statistical reply to this smug and complacent Republican doctrine of tariff-made prosperity, although it would be easy to become tedious with figures carrying such a lesson, but I am merely concerned to show in passing that this huge Republican assumption of universal prosperity under Republican rule and universal disaster under Democratic rule is an absurd and silly humbug, unsupported by the facts. [Applause on the Democratic side.]

The gentleman from Indiana [Mr. LANDIS] says that there are problems of prosperity and problems of adversity; that we have problems from Republican prosperity and problems from Democratic adversity. That our adversity problems are due to the Democratic party I deny, and I have briefly indicated the folly of that contention. That we have problems, and serious problems, due to prosperity, and prosperity coincident oftentimes with Republican administration, I admit; I admit that those problems have recently increased in number and in portent, and I go further and charge that up to this hour the Republican party has displayed neither disposition nor capacity to solve those problems. The gentleman will, I think, find that he has used an almost fatally suggestive phrase when he coined his expression for Democratic arraignment on the stump in Indiana in the coming campaign. "Sweet are the uses of adversity," the great bard has said, and that illustrious man, the first Republican, Abraham Lincoln, declared that the people of the United States know the tendency of prosperity to breed tyrants. Yes, the problems of prosperity, my friends, are indeed the problems of this hour. They are the most difficult, the most devious, the most elusive, the most dangerous problems that any people in the world can face. [Applause on the Democratic side.]

It has been said of the individual that prosperity is a greater moral test than adversity. Many a man gets along very well under narrow and unpropitious circumstances, compelled, by the very necessity of labor, to keep from indulging in errant ways the superabundant elasticity of his mind and body. But the man who is rich and does not need to worry is the man who is in danger from the lurking devil of temptation. [Applause.] And it is likewise with nations and civilizations. One absolute story has been written since the beginning of time. It was not foreign conquest that overwhelmed the states of ancient Greece; it was not external barbaric strength that crushed the Roman Empire like an egg shell. It was the dry rot of social and political corruption that destroyed the glory of Athens. It was the same inevitable disease that undermined the world-wide power of Rome. [Applause.] So long, sir, as the eagles of that imperial Republic, in their triumphant march northward to the German forests, southward to the sands of Africa, eastward beyond the Euphrates, and westward to the coast of Britain, were borne by men who were free the legions were invincible. It was only when her standards were feebly clasped in the nerveless hands of mercenary troops and industrial slaves that Rome tottered before the on-rush from the fastnesses of the North. [Applause.]

Sir, the people of the United States when but three millions strong, scattered along the fringe of the Atlantic coast, were able to vindicate their right to liberty and self-government against the most powerful nation the world had ever seen ranged in war. Afterward, in the most awful fratricidal conflict ever necessitated by the evolution of any civilization, two sections of our common country fought out the survival of the idea of nationality in a struggle never surpassed in heroism and courage. As long as we remain politically free, industrially just, and socially pure we shall continue to be as secure against any assault from without, even by the leagued powers of the world, as we have been heretofore, against all enemies in the field. [Applause.] And if, which God forefend, the time should ever come that the standard of the Republic, full high advanced, should find itself no longer sustained by the hand of a freeman, but quivering in the uncertain grasp of an industrial serf and about to fall into the dust degraded, dishonored, and irrecoverable, it would be because the people of the United States had met these crucial problems of prosperity and, like every preceding civilization, had not been able to solve them. [Applause on the Democratic side.]

But these abandonments of ancient doctrines by the Republican party, to which I have called attention, exhibit nothing wonderful or exceptional. It is the most natural thing in the world that any political party in control of the institutions of any free people should ultimately come to represent and obey the dominant economic influences of the time. It is always the instinct and policy of the interests at any given moment imparting direction to the economic progress of a people to control the laws by which industrial conditions are modified. This inevitably leads to an attempt, usually successful, to dominate the political organization which for the time being is in command of the machinery of the Government. It is a phenomenon repeated over and over again in the history of free governments. A party, in consequence of some great spasm of public virtue, some splendid sentiment of reform, comes into power representing at the moment the best impulses and highest purposes of the people; but, like Thackeray's maiden who went on cutting bread and butter, the people, after such self-assertion, are apt to return to their daily occupations. Having saved the country they think their duty is done. But the truth is that the country is never so much in danger as just after it has been saved; for then the selfish interests of society, always vigilant, take advantage of the inattention of the people to get into their own hands the strings that control the operation of the Government.

Thus, by a natural and almost inappreciable process, a party which comes into power as a radical party remains in power as a conservative party. It becomes "subdued to what it works in, like the dyer's hand." The party is then maintained in power, chiefly by two forces: First, the subtle management, the powerful business influences, and the limitless corrupt resources of the representatives of the interests that have secured control of the organization; and, secondly, by the amiable folly of those honest and well-meaning citizens who vote for a present wrong under the inspiration of the memory of an ancient glory. This process of transition from radicalism to conservatism never had a better illustration than the history of the Republican party. Hundreds of thousands of its voters to-day sincerely think that they are honoring the memory of Abraham Lincoln by voting the dictates of corrupt and grasping monopoly. And, sir, the people of this country are coming to realize that the economic forces of this era are solidifying and extending their power at the expense of the general welfare, by means of either the warrant or the permission of inequitable laws, and are masters of, and partners with, the leadership of the Republican party. [Applause.]

One of the results of this realization is a demand for a revision of the tariff that is finding a growing and widening expression in all sections of this country. The gentleman from Indiana who has spoken, and the gentleman from Pennsylvania [Mr. DALZELL] who will speak, together with all the Republican apologists for the so-called stand-pat programme, declare that there is no such demand. Sir, they are compelled so to declare in order to justify themselves in making no effort to correct the evils complained of. They find themselves under the necessity of ignoring this popular outcry, even though it should be so loud as to split their ears. Those of us not under the same necessity of self-stultification as they are know full well the extent and nature of this dissatisfaction. Indeed, if a private inquest of judgment could be had, I should willingly leave the question of its existence to the knowledge of the average member of either side of this Chamber. [Applause on the Democratic side.] Why doth she protest so much? [Applause on the Democratic side.] The gentleman from Indiana says that the country knows the situation better than "the other side of this Chamber," and, standing on this side, I give him back his words and say that I, too, believe that the

country does understand the situation better than the "other side" of this Chamber. [Applause on the Democratic side.]

Why, sir, it is not possible that those gentlemen have not heard from New England. To be sure, the eloquent gentleman admits that they are "whining about it" in Massachusetts; but he will find, if I am not very much mistaken, that the elaborate formulation of objections to the iniquities of the present tariff as applied to the interests of New England, which has been repeatedly made by some of the strongest and ablest men of that old Commonwealth, will eventuate in some exhibition vastly more interesting to the Republican party than "whining." [Applause on the Democratic side.] If [turning toward Mr. LANDIS] you will be, as you say, satisfied to read upon the stump in Indiana the quotation you cited yesterday from a speech by the distinguished leader of this side of the House, we shall be very glad to give you a Roland for your Oliver, and tell the people of Massachusetts how contemptuously the leadership of your party refers to their dignified and earnest protest. Aye, and we shall be in Indiana, too, hundreds of us, not fearing to tell the people of your State that the issue is between monopoly and justice.

Have the gentlemen on the other side of the House heard from Minnesota? Have they heard from Iowa? [Applause.] The only theory upon which I can comprehend their apparent belief that the Republicans are all right in Iowa is that they hope to succeed in driving Cummins into the Democratic party. [Applause on the Democratic side.] Keep on; and after you get rid of all the Republicans who want tariff revision, you may be calm and serene in Iowa, but you will find yourselves almightily in the minority. [Applause on the Democratic side.] You show little evidences, moreover, that you know of the existence of a Reciprocity League in this country; but I warn you that that league is a very lively proposition. They are issuing a great quantity of literature that is proving "mighty interesting reading" to the people of this country. One of the principal officers in that virile and purposeful organization, ex-United States Senator Harris, is a candidate on the Democratic ticket for governor of Kansas, and indications are that the Republican stand-patters in that State are in a condition bordering on panic. I do not think, my Republican friends, it is necessary at this moment to ask whether or not there is a large sentiment in the country for tariff revision. You may deny it; I affirm it. Nobody in the world will ever know exactly how much of it there is until it expresses itself at the polls, and for that verdict we, on this side, are quite content to wait. [Applause on the Democratic side.]

The gentleman from Indiana says that as to the problems of adversity, whose heavy responsibility he charges upon the Democratic party, the evidence was furnished by that party between 1893 and 1897. This, of course, is the familiar refrain that is always introduced into Republican performances on this subject. I do not like to refer to this statement as a calumny, for that would imply that it is a conscious affirmation of what is not true, and I wish to be not only parliamentary but perfectly respectful and gentlemanly in this argument. I entertain no particle of malice against a single man on the other side of this Chamber. Many of them are my personal friends. Of a great number of them I entertain the highest opinion. I listened to the speech of the gentleman from Indiana yesterday, as a friend, with the greatest admiration. He possesses both the physical qualifications of an effective parliamentary orator and the mental equipment also; but he reminded me, to use a simile of ancient and honorable lineage, of a strong man in a morass, for the harder he struggled the deeper he sank in the mazes of his own confusion.

The Republican campaign text-book, pursuing the same course as the gentleman from Indiana, confines its citation of evidence against the Democratic party to the period between 1893 and 1897. Why? Because Cleveland came in on March 4, 1893, and they did not care to include any evidence of "adversity" before that date and under the preceding Republican administration. Now, I propose to supply to some extent this interesting deficiency.

The McKinley law became effective on the 9th of October, 1890. Here are some facts of record in the commercial history of that period. On November 11, one month and two days after the McKinley law went into effect, the New York Clearing House Association voted its certificates to banks in its association, admitted to be in dire distress. Six days later, November 17, 1890, the Boston clearing house did the same thing. On the same day the great banking house of Barker Brothers in Philadelphia failed for $5,000,000. In the same city, two days thereafter, there was a run on the Citizens' Savings Bank, and a receiver was appointed for the North River Bank. On November 22, 1890, the United Rolling Stock Company of Chicago made an assignment for $6,851,000.

This, remember, was late in the fall of 1890, the month following the enactment of the McKinley law, when, according to Republican contention on this floor yesterday, the farmers of Kansas were getting rich selling their corn, and when there was universal prosperity, because the McKinley bill was in operation and nobody was yet afraid of the Wilson bill, which was some four years in the future. On November 28, 1890, B. J. Jamison & Co., of Philadelphia, failed for two millions. On December 6 the Oliver Iron and Steel Mills, of Pittsburg, closed down, throwing 2,000 workmen out of employment. On the same day Myer & Co., of New Orleans, failed with liabilities of two millions. On January 3, 1891, the Scottsdale Rolling Mills and Pipe Works and the Charlotte Furnace and Coke Company, of Philadelphia, went to the wall, throwing out 10,000 workmen. On the 18th of January, 1891, the American National Bank, of Kansas City, shut its doors, with liabilities of two and a quarter millions of dollars. On the 8th of May, 1891, the Spring Garden National Bank and the Pennsylvania Safe Deposit and Trust Company, of Philadelphia, closed their doors. In 1892, in the fall before the elections, there occurred in the State of Pennsylvania the Homestead strike, which wrote one of the most awful chapters in the industrial experience of the world. The facts I have mentioned are merely illustrative. They by no means constitute a complete catalogue of their kind. Thousands of similar histories were written in those dark days. Cleveland came into office on the 4th of March, 1893, and when, under the impulse already attained, there had been two considerable failures, those of S. E. White & Co., of New York, and the Commercial Bank, of Chicago, and its branches, there began in May, 1893, those raids upon the national banks which added to the industrial calamity experienced from 1890 to 1893 under the Republican tariff law by creating a monetary panic due to a conspiracy among the bankers to force the repeal of the Sherman silver-purchase law. [Applause on the Democratic side.]

Mr. McCLEARY. Will it interrupt my friend for me to ask him a question?

Mr. TOWNE. Not seriously.

Mr. McCLEARY. My question is this: My friend has cited certain things that happened, and he is too honorable a man to assert what is not true, and therefore I shall not attempt to deny the facts; but I want to ask him this question: Those all occurred in the winter of 1890 and 1891, did they not?

Mr. TOWNE. Oh, no; the gentleman should make his premise right.

Mr. McCLEARY. You say the bill was passed in October, 1890?

Mr. TOWNE. Yes; and the first calamity date is November 11, 1890, and the last I cited is in May, 1893.

Mr. McCLEARY. I am taking now the ones you first gave.

Mr. TOWNE. Select them at your convenience.

Mr. McCLEARY. I am taking the initiation of this matter. Can my friend tell me what was the result of the election of 1890 in this House?

Mr. TOWNE. The gentleman remembers it very well; what was it?

Mr. McCLEARY. About three-fourths of these seats were occupied by Democrats. Let me ask another question: Does my friend know one exception in the history of our country when the mid-term election did not forecast the coming Presidential election?

Mr. TOWNE. The gentleman may extract any comfort he may find in his formula. I am perfectly willing to allow final judgment to await the election of the Members of the Sixtieth Congress. [Loud applause on the Democratic side.]

Mr. McCLEARY. We accept the gage of battle.

Mr. TOWNE. That is right; I want to see a clean-cut fight.

Mr. McCLEARY. You will get one.

Mr. GRAHAM. Will the gentleman yield to me for a moment?

Mr. TOWNE. I will yield to the gentleman.

Mr. GRAHAM. I will just call the attention of the gentleman to the fact that the strike at Homestead was not caused by any industrial depression in the country, but it occurred through the recognition, or the attempted recognition, of the Amalgamated Association. Industrial conditions had nothing whatever to do with that great strike.

Mr. TOWNE. I suppose, sir, that the gentleman indorses the proposition that used to be made during the silver debates by the distinguished gentleman from New Jersey [Mr. FOWLER], chairman of the Committee on Banking and Currency, who held, if I remember correctly, that strikes and lockouts are evidences of universal prosperity.

Mr. FOWLER. Will the gentleman allow me a question?

Mr. TOWNE. Certainly.

Mr. FOWLER. Did we have very many of them in 1893 and 1894 when there was nothing to divide?

Mr. TOWNE. Oh, we may not have had so many, but a few will do when they are big enough.

Now, Mr. Chairman, if I may resume, there are two or three further matters in this connection to which I desire to refer, but before doing so I wish to call the attention of my former colleague from Minnesota, who interrupted me shortly ago, to the fact that he is very welcome to any result he may be able to deduce from the point he attempted to make with regard to the dates of the various occurrences to which I have referred. My immediate purpose was to show by citation of individual facts having their location in every section of this country and in every important city, that the threadbare and customary allegation of calamity as universally characteristic of Democratic rule, and of prosperity, as always attendant upon Republican ascendency, is absolutely without foundation. I desire to give the *coup de grace* to this foolish and silly pretense.

The Republican party returned to power on the 4th of March, 1889. In the eloquent speech of the gentleman from Indiana yesterday, referring to the alleged business incapacity of the Democratic party and of Democrats individually, he instanced, if I remember correctly, the state of the Treasury during the Democratic administration of Mr. Cleveland. In that connection let me refer the gentleman to a few facts, and I hope the gentlemen who are to follow me in this debate may take time to wrestle with these facts. When Mr. Harrison took office in March, 1889, there was a surplus in the national treasury of $330,384,916.09, left over by the Democratic administration, which had also paid off more than one-third of a billion of dollars of the national obligations. Now, when Mr. Cleveland came in the second time, after the administration of Harrison and after the enactment of the McKinley law, that surplus had disappeared, and appropriations had already been made exceeding the revenues of the Government by $90,000,000 by the end of the first fiscal year. The enormous surplus had disappeared, a tremendous deficit was in sight, and the Treasury was seriously embarrassed. Indeed, as ex-Secretary Foster has confessed, the plates were already prepared for the issuance of bonds by the national Republican Administration with which to meet this deficit.

Mr. GROSVENOR. I presume the gentleman does not wish to misrepresent a dead man?

Mr. TOWNE. Neither a dead man nor a living one.

Mr. GROSVENOR. Over and again, and within the last Congress, the written statement of ex-Secretary Foster has been filed here, stating that no engraving was ever made, and the further statement that at the close of his term there was $103,000,000 surplus in the Treasury.

Mr. TOWNE. Why, the official figures show what was left.

Mr. GAINES of Tennessee. Will the gentleman yield to me for just a moment?

Mr. TOWNE. I yield to the gentleman.

Mr. GAINES of Tennessee. I have read the order that Secretary Charles Foster signed, and it was then, February 25, 1893, on file in the Bureau of Engraving and Printing, under the Treasury Department.

Mr. BARTLETT. I have a copy of it here. [Loud applause on the Democratic side.]

Mr. GROSVENOR. Now, Mr. Chairman, if the gentleman will yield——

Mr. TOWNE. I shall be glad to yield if for any good purpose.

Mr. GROSVENOR. The gentleman has ample time.

Mr. TOWNE. What is the wish of the gentleman?

Mr. GROSVENOR. I rise for a good purpose. The order signed by Mr. Foster was at the request of the incoming Secretary [cries of "Oh!" on the Democratic side], Mr. Carlisle. He ordered the execution of the plates for the purpose of engraving Treasury certificates. Mr. Cleveland forbade that that be done and the order was withdrawn, no work of the kind was ever attempted, and that was the end of the transaction. The gentleman has stated that the order was made and I thought it was proper to call his attention to what was really done.

Mr. TOWNE. I am very glad that the gentleman admits the substance of my charge.

Mr. GROSVENOR. I do not agree with the gentleman.

Mr. PADGETT. Will the gentleman yield for just one statement?

Mr. TOWNE. Let us hear it.

Mr. PADGETT. Mr. Cleveland, in a published article, stated that just before his incoming second Administration the Republican Administration negotiated the exchange of greenbacks with the banks for gold temporarily in order to tide over and leave some gold in the Treasury, otherwise that there would have been none there. [Applause on the Democratic side.]

Mr. WILLIAMS. The amount, I believe, was $6,500,000.

Mr. TOWNE. If the chair pleases, I am not so much concerned at this moment in determining this question with literal accuracy. I made the charge upon apparently good authority; and now, through the kindness of my distinguished and ever-vigilant friend, the gentleman from Georgia, [Mr. BARTLETT], I am able to produce a copy of the original order to which I have referred. I understand there is no question as to its authenticity, but if there is, it may easily be inquired into further in this debate. Here is the order:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., February 20, 1895.

SIR: You are hereby authorized and directed to prepare designs for the 3 per cent bonds provided in a Senate amendment to the sundry civil bill now pending. The denominations which should first receive attention are $100 and $1,000 of the coupon bonds and $100, $1,000, and $10,000 of the registered bonds.

This authority is given in advance of the enactment, in view of pressing contingencies, and you are directed to hasten the preparation of the designs and plates in every possible manner.

I inclose a memorandum for your guidance in preparing the script for the body of the bond.

Respectfully, yours,
CHARLES FOSTER,
Secretary.

To the CHIEF OF THE BUREAU OF ENGRAVING AND PRINTING.

Will the gentleman from Ohio deny the authenticity of that letter?

Mr. GROSVENOR. No; it has been printed in——

Mr. TOWNE (interrupting). Does the gentleman deny the authenticity of the letter?

Mr. GROSVENOR. Why, certainly not; it has been read and printed in our RECORD a score of times, but it never went beyond that order and was withdrawn at the request of Mr. Carlisle himself.

Mr. TOWNE. I decline to yield further. There is no use in fighting when the foe is down. The point of the desperate extremity of the Harrison Administration is established, and not only that, but admitted, and it would be true if it were not admitted. [Applause on the Democratic side.]

There is great satisfaction, sir, in the fact that the discussion of the tariff question which is now going on in this country has caused to emerge clearly into the open two admissions which absolutely must convict the Republican party in the judgment of the American people of legislative iniquities calling for the most condign punishment. It is abundantly clear that the exaggerated tariff schedules are responsible for a very considerable percentage of the monopoly and trust abuses of which the people complain. That these tariff barriers are unreasonably high, and that behind them are sheltered combinations which, without any fear from foreign competition, are enabled to regulate their own rapacity only by their judgment of how much can be wrung from the victims of the process, will not be seriously disputed.

Indeed, the entire admission is implicit in the now frankly acknowledged fact that tariff-protected manufacturers customarily sell in foreign markets at prices very greatly beneath those which are charged to the American consumer for the same products. The overwhelming evidence on this point which has been produced before the country, a great part of which will be found in the admirable speeches on the subject in the House by the gentleman from Illinois [Mr. RAINEY] and the gentleman from Mississippi [Mr. WILLIAMS], has completely destroyed all attempt at denial and has finally forced the advocates of the system to come out openly in its defense. The debate on the subject has been most interesting. Early in its course there appeared that veteran knight of parliamentary joust and tourney, the gentleman from Iowa [Mr. HEPBURN], the scarred, grizzled, and undaunted champion of many a forlorn-hope assault upon the fortresses of uncomfortable fact. [Laughter and applause on the Democratic side.] He denied the existence of this custom of underselling, but when he clamored rhetorically for the proof of it, the proof was furnished him until he fairly choked on it. Next came the debonair gentleman from Illionis [Mr. BOUTELL], who vainly endeavored to lose the point in studied bucolic reminiscences and literary speculation. [Laughter and applause.]

When the gentleman from Washington [Mr. CUSHMAN] came forth into the lists in support of every Republican thing in sight, he chose to ignore this particular proposition and to disport himself among the more congenial if not more relevant and seemly topics of boarding-house blasphemy and the wit of the hustings. But the time came when the matter had to be taken seriously; and so, finally, the distinguished Athenian from Ohio

[Mr. GROSVENOR] and the fearless orator from the Wabash [Mr. LANDIS] on yesterday, joining the theretofore lonely but intrepid Secretary of the Treasury, Mr. Shaw, admitted the accusation, admitted it indeed somewhat boastfully, claiming, by a tortuous logic characteristic of their peculiar mental processes, to find in it one of the main supports, merits, and beneficences of the too-high-protection system. [Laughter and applause on the Democratic side.]

So, sir, it now appears beyond all controversy, through formal and record stipulation by responsible representatives of the Republican party, that it is the habit of the protected manufacturers of America to sell their products abroad at lower prices, and at very considerably lower prices, than those at which they sell the same products in American markets. [Applause on the Democratic side.] "Why," says the gentleman from Indiana, "yes, of course they sell abroad cheaper than they do at home. Why, that is business; and if you fellows over on the other side," meaning us Democrats, "knew anything about business you would know it was so." This procedure, the gentleman declares, is merely good ordinary business sense. My friends, undoubtedly it is "business;" and let me remind the country that nothing better illustrates the extent to which the Republican party is subordinated to the selfish interests of to-day than its instant readiness, at the dictation of its business owners, to put the label of "business" upon every political faith it professes. [Applause on the Democratic side.] Oh, yes, it is undoubtedly "business" for the manufacturers; but in God's name what kind of "business" is it for the American people? [Applause on the Democratic side.] Let me say to the gentleman from Indiana that on this side of the chamber we may not know "business" in the accepted Republican sense very thoroughly, but I believe we do know the people of the United States, and that they will recognize that in that kind of business their welfare has been neglected and betrayed. [Applause on the Democratic side.]

The gentleman cites the case of a hot-water heating plant, if I remember correctly, made up in Iowa, and furnished at the price of $125, which the manufacturer told Mr. LANDIS he would be willing to duplicate for Mr. LANDIS's home in Indiana for $100; and the gentleman from Indiana adds that the man who was paying $125 for his plant stood by and heard the $100 proposition. Not only that, but he is said to have applauded it. He was delighted, said the gentleman from Indiana, to pay $125 for his plant and to let Mr. LANDIS pay $100 for one precisely like it, because that procedure would start the Iowa heating-plant man's business down in Indiana. I do not doubt that such an isolated instance occurred; but I venture the statement that if the man engaged in manufacturing hot-water heating plants in an Iowa village should undertake to make a business of charging his neighbors 25 per cent more than he charged his customers in Indiana, he would come to a very sudden realization that their satisfaction with the process was short-lived. Let it not be forgotten that in this very grave matter we are not dealing with an isolated sale for the purpose of getting entrance to a foreign market, but with a constant, regular business custom, which is admitted, avowed, advocated, and eulogized. [Applause on the Democratic side.]

And I say to you, gentlemen on the Republican side of this House, all we want in this campaign is that you shall be as frank on every stump as Mr. LANDIS says he will be in Indiana. Go out before the country and admit that the custom among your protected manufacturers, who do not need the degree of protection they are receiving, and in whom that excessive protection incites the practice of monopoly, to sell at much lower prices abroad than at home, and the electors of this country in the coming Congressional campaign will visit upon your heads a reprobation that you will not forget until you shall have lost the Presidential campaign of 1908. [Applause on the Democratic side.]

Sir, my friend from Indiana, a most eloquent and interesting speaker, indulged himself in another panegyric on this lauded "business" custom, in a long series of rhythmic periodicity which, if not very convincing as an argument, was decidedly effective as rhetoric. He permitted himself to grow enthusiastic and eloquent over the fact that the great railroad train which runs from Moscow to Manchuria, across the vast plains, through the mountains, and over the steppes of the Russian Empire, is hauled by a locomotive manufactured in America.

"Was it bought cheaper than it could have been bought at home?" He exclaims (I quote him from memory):

> I know not, and I do not care. It is enough for me to know that that locomotive was made in the United States of America and carries the fame of the enterprise of my country beyond the confines of Asia.

He then described that other locomotive which hauls, at 60 miles an hour, the famous flyer from Tokio across Japan. That, too, it seems, was made in America. Again he exclaims:

> Was it bought cheaper abroad than it could have been bought at home? I do not know, and I do not care. It is enough for me to know that it was made in America, etc., etc., etc.

The gentleman, indeed, was so far gone in his rhapsody that, with magnificent optimism, as he gazed at the stars and clenched his fist, he declared that it was enough for him to know that even if the manufacturers had given their locomotives and machines away the operation had opened a market in foreign countries for American goods. Now, Mr. Chairman, I will not permit my friend from Indiana to exceed me in the admiration he justly pays to the ingenuity, the enterprise, the commercial fortitude, and ability that have won so many triumphs for American genius in contributing to the development of the prosperity of less happy men in other parts of the world.

But I say that these conquests of American skill are possible consistently with the preservation of the interests of our own people; and let me tell the gentleman that if once the citizens of this country grasp the fact in a realizing sense that the foreigner who purchases a locomotive at a cheaper price than the American can buy it for, is enabled to do so only at the cost to the American consumer of higher rates on American railroads, so that the difference between the prices charged at home and those charged abroad comes out of the pockets of the patrons of our railroads, there will follow so signal an exhibition of the common sense of the average American citizen as will thoroughly vindicate our right to self-government. [Applause on the Democratic side.]

Republican orators express great concern for the workingman. Perhaps the most lurid passages in the speech of the gentleman from Indiana [Mr. LANDIS] on yesterday were devoted to this subject. There is no doubt that in times past a great element in the success of the Republican party has been its ability to make laboring men believe that they owe their employment to that organization. But I warn the gentleman that the old arguments need reenforcement. The men of toil are coming to be at least as well informed on practical political economy as any other class of our citizenship. They are contrasting the Republican claim that ultraprotection against foreign commodities is mainly in their interest with the Republican practice of admitting the nearly unrestricted competition of foreign labor. They have not failed to note that, while the Republican party has made certain that the machinery for the construction of the Panama Canal shall be bought in the dearest market, the labor employed there shall be got in the cheapest market and be also denied the protection of the eight-hour law. They are quite aware that Republican policies are largely responsible for the artificially high prices of many things they consume, while a considerable percentage of the high wages Republicans take credit for is due to the efficiency of the organization of labor.

The gentleman from Indiana will find that his generalities will little avail to answer the demands that aroused and intelligent labor is now making of his party. I commend to his prayerful consideration the formal arraignment of the Republican organization by the representatives of labor made in the document laid before the President, the President pro tempore of the Senate, and the Speaker of this House, on March 21 last, wherein:

> First. They complain that the eight-hour law is grievously and frequently violated; that since 1894 they have vainly sought to secure legislation remedying the defects of that law and extending its provisions to all work done on behalf of the Government; that recently, without a hearing to the advocates of eight-hour legislation, a law was passed by Congress and signed by the President, as a rider on an appropriation bill, "nullifying the eight-hour law and principle in its application to the greatest public work ever undertaken by our Government—the construction of the Panama Canal."
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> Second. They complain that no heed has been paid to labor's request for legislation safeguarding it against the competition of convicts.
>
> Third. They complain that no result has followed their demand for relief against the evils of "induced and undesirable immigration;" that the Chinese-exclusion law is being "flagrantly violated," and that it is now "seriously proposed to invalidate that law" and reverse our policy.
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> Fourth. They complain that equal rights are denied to seamen; that even the partial relief afforded them by the laws of 1895 and 1898 have been threatened at each succeeding Congress; that petitions in behalf of the seamen have been denied "and a disposition shown to extend to other workmen the system of compulsory labor," and that, "under the guise of a bill to subsidize the shipping industry, a provision is incorporated, and has already passed the Senate, providing for a form of conscription which would make compulsory naval service a condition precedent to employment on privately owned vessels."
>
> Fifth. They complain that undermanning and unskilled manning of vessels are largely responsible for disasters like the burning of the *Slocum* in New York Harbor and the wreck of the *Rio de Janeiro* at San Francisco, with their terrible and unnecessary loss of human life, and that measures presented by them more in the interest of the public than of themselves, calculated to prevent such calamities, have not been adopted.
>
> Sixth. They complain that they have vainly sought the passage of a

law prescribing that barges towed at sea shall be properly manned and equipped so as to avoid the loss of life now frequently involved in cutting them loose during storms and leaving the crews to perish.

Seventh. They complain that the "antitrust and interstate-commerce laws enacted to protect the people against monopoly in the products of labor, and against discrimination in the transportation thereof, have been perverted, so far as the laborers are concerned, so as to invade and violate their personal liberty as guaranteed by the Constitution," and that their repeated efforts to obtain redress from Congress have been in vain.

Eighth. They complain of the abuse of the "beneficent writ of injunction" in labor disputes, claiming that it has been perverted from the protection of property rights to the destruction of personal freedom, and that there is a threat of "statutory authority for existing judicial usurpation."

Ninth. They complain that the committees of this House having jurisdiction of matters particularly of interest to labor have been constituted inimically to it, and that requests to the Speaker to remedy this condition as apparent in the last two Congresses have been followed in the present Congress by even an accentuation of the condition.

Tenth. They complain that the constitutional right of petition has been invaded by the Executive order recently issued "forbidding any and all Government employees, upon pain of instant dismissal from the Government service, to petition Congress for any redress of grievances or for any improvement in their condition.

Mr. Chairman, it is abundantly clear that no revision of the tariff is to be undertaken by the Republican party. Every day's history of the present session of Congress has given confirmation to that report which found general currency when first we met here in December, that a compact had been entered into between the Speaker of this House and the President of the United States whereby the former was to be permitted to shelter the tariff monopolies on condition that the latter should be given free rein in attempting to carry out the Democratic policy of railroad rate regulation. The Speaker is to be congratulated upon the fact that the *modus vivendi* has thus far been observed and bids fair to outlast the session. In view of the fact that the President of the United States, in a speech at Logansport, Ind., as long ago as 1902, promised the appointment of a tariff commission to study methods for revising the schedules, and of the fact that there has been a general belief in the country that the President was in favor of a readjustment of many of the tariff duties; in view, also, of the fact that the railroad rate legislation had the right of way, and might easily, at the time the compact was made, have been expected to be finished and out of the way in time to leave a dangerous interval before adjournment; and in consideration of the further fact that such an understanding might readily have been vitiated in Executive contemplation by conditions subsequent; any candid student of the situation must admit that the distinguished Speaker of the House took a good many chances. Indeed, I myself should not be greatly surprised if even yet, in the last days of the session, there should come a thunderous bugle blast from the other end of the Avenue declaring that the tariff must and shall be reformed, and asking that a commission be named to sit on the subject during the recess, so that the people might be fooled until after the election of a Republican Congress.

Mr. Chairman, I have already spoken much longer than I had intended to speak, and I shall endeavor not to overtax the patience of the House, nor to do much further violence to the rights of those gentlemen who are to follow me in the debate. In the press reports of a speech which I had the honor to deliver in Kansas City not many weeks ago, it was stated that I intended to return to Washington to "expose" the President of the United States. That report did not properly state what I said, nor what I purposed to do. What I said was that it was not then within my contemplation to consider at any length certain acts of the Chief Executive to which I had briefly made reference, but that at some future time and in another place I expected to discuss them with more fullness. It is, I take it, well within the province of a member of this popular representative branch of the National Legislature to examine and, within the limits of the decencies and proprieties of parliamentary discussion, to criticise the official conduct of the President of the United States. The independence of the legislative branch of the Government and the responsibilities of the Executive Office justify and require this liberty of comment.

It is, in my deliberate opinion, a very serious matter, not only as related to pending and immediately prospective public questions, but as concerning the development of our institutions and the preservation of that wise balance of power among the coordinate branches of this Government to which so much importance was originally attached, that the present Chief Executive of the country is disposed to magnify and to personalize his great office and to exercise authority beyond not only the traditional but the legal and constitutional limitations of his place. [Applause from the Democratic side.] This is not the time or the occasion, sir, for anybody, and certainly not for one no more competent to the task than I can claim to be, to attempt anything like an analysis and final judgment upon the character and achievements of Theodore Roosevelt, as to whom future historians, as has been the case with his contemporaries, will undoubtedly differ radically among themselves. There will be panegyrists and detractors hereafter, as there are eulogists and faultfinders now. I shall attempt no ultimate judgment. I shall briefly, however, comment upon certain aspects of his character, and upon certain of his official performances, for the purpose of drawing what seems to me to be necessary and helpful conclusions. There are many things in the character and endowments of that remarkable man that I have admired. There are also, on the other hand, many things that, as a representative of the people in this great body, I feel justified in pronouncing to be of a nature to unfit him for a judicious, careful, just, and deliberate discharge of high executive functions, and under the impulsion of which he has time and again gone beyond the legitimate boundaries of his authority. [Applause on the Democratic side.]

This tendency of the Chief Executive is a matter of common knowledge among members of both Houses of Congress and the representatives of the newspaper press who are stationed at the capital. It is a serious misfortune, as I view it, that the unusual vogue enjoyed by the President imposes upon Senators, Representatives, and correspondents a reticence in regard to these excesses of Executive authority that would not under ordinary conditions be observed. In my opinion we ought to be honest with the people of the United States, and tell them frankly what everybody in this House knows, what every member of the Senate knows, and what everybody in the press galleries knows, that the President of the United States endeavors, so far as an almost phenomenal activity and endurance will permit, to embrace within himself and to exercise at once almost all of the powers and prerogatives of the three coordinate branches of this Government. Moreover, he seems to regard the high and solemn duties of his office not only as in the nature of personal assets of his own, but as appropriate occasion for the exercise of an indeliberate and whimsical disposition apparently as little regardful of the momentousness and significance of his action as that of a boy occupied with his toys.

The reorganization of the Army has emphasized the military aspects of the Presidency. The President's relation to the Army is not much different from that sustained by the Emperor William to the German army. It is notorious that promotions during the present administration have been made in a manner so harmful to the discipline of the service, and to so great a degree upon grounds of favoritism and personal preference, as to have become the subject of repeated and solicitous conference among men having knowledge of the situation and concerned with the preservation of the *morale* of the Army. The diplomatic service has fallen under the same influence. The Secretary of State, although himself a man of great ability and strong personality, has had many of his functions shorn. The President's relation to the general body of the service is much more intimate and direct than heretofore, and we have recently seen how, for the first time in American diplomacy, the President has referred to a high representative of the United States at a foreign court as "my ambassador." A similar personal dominance is asserted in the province of every Cabinet office, and everybody remembers the promulgation of the famous "order of silence" by which those high functionaries were forbidden to talk to reporters about their business, and directed to leave a monopoly of publicity to the head of the Government.

The civil-service rules have been made conveniently pliant to the personal and political exigencies of the Chief Executive, and, although in former days that gentleman filled a great place in the movement for civil-service reform, the records show that the rules have been set aside during his administration about four times as often as they were during his predecessor's term. The most important considerations of public policy are constantly and customarily made subservient to the personal feelings of the Chief Magistrate. The evidence, for example, to which everybody had access, disclosed that one of his Cabinet officers, some time since resigned, had been engaged, while occupying a high official position with a great railroad system, in repeated violations of the interstate-commerce law; but the fact of his close official and personal relation to the President not only relieved him from prosecution or censure, but actually won for him an official certificate of innocence in direct contradiction of even his own confession.

The famous investigation of the Post-Office Department was delayed, and the information upon which it subsequently proceeded was pronounced by a member of the Cabinet to be "hot air," after complete evidence of the evils in that Department had been lying on the desk of the President for many weeks. A post-office in a southern State was abolished by the President,

and patrons were compelled to go 30 miles to another office for their mail, because of Executive pique over the opposition of the community to the reception of a colored postmaster into so close a relation with the women and children of a community where custom and social feeling inevitably revolted at the arrangement. A favorite, who entered the service of the United States eight years ago from a medical practice, and who, as a result of successive promotions, which it has made the trained eye dizzy to follow, is already well advanced toward the headship of the Army, came from the Philippines for medical treatment in this country, and, upon Executive order, circumnavigated the globe on his return at an aggregate per diem expense of $3,600 to the National Treasury.

In February, 1905, Admiral Walker testified that he and other members of the Panama Canal Commission, on the President's express authorization, charged and received, in addition to their regular compensation, director's fees for attending the meetings of the board of directors of the Panama Railroad. Expenses far beyond those that have scandalized former administrations are incurred by this administration with a gay and easy nonchalance seemingly justified by the entire lack of subsequent public criticism. Whereas wide and unfavorable comment was made upon one of his predecessors for too frequent use of one Government vessel, very little is now said about the employment by the President of the United States of the *Sylph*, the *Dolphin*, and the *Mayflower* together. White House repairs are undertaken and carried out apparently with as little hesitancy as that with which a prosperous farmer would build a wood shed; and $750,000 is spent in alleged increase of the facilities and attractions of the Executive Mansion, where no living architect can possibly see where there was opportunity to disburse more than a seventh of that sum to produce the very unhandsome results. Some of these matters to which I have referred thus cursorily may seem somewhat trivial. The catalogue is not exhaustive even of important considerations. I cite these few only as illustrative of that persistent and irrepressible tendency to personalize his office, to regard it as an appendage to his will, which characterizes the present occupant of that great place.

It is, moreover, inevitable that a man possessing the characteristics of the President should trench upon the traditional and constitutional restrictions of his authority. This natural inclination is unfortunately reenforced by certain considerations growing out of the political conditions of our time. In the first place, there is a necessary reaction upon the methods of our Executive Department by the unavoidable secrecy and arbitrariness with which the affairs of our colonial possessions are conducted. It is yet too soon for us fully to appreciate the irreparable damage done to our peculiar institutions by the rash assumption of the dangers of colonial government. From the commencement of this departure in our experience I have felt the deepest concern for its effect upon that constitutional balance among the different departments of the Government upon which our elder statesmen placed so much stress, and upon whose permanent preservation, as I believe, rests to a very large degree the perpetuity of civil liberty in this country. In the course of a speech on our Philippine policy in the Senate of the United States, on the 28th of January, 1901, I used the following language:

> This policy favors the growth of the executive department of the Government at the expense of the others, and is opposed to democratic principles. It involves singleness of authority, celerity of action, secrecy of purpose, irresponsibility; all contrary to the necessary methods of self-government. It begets a superficial admiration for "strong government," and "simple government," which are absolutely inconsistent with liberty. Let me again quote words of wisdom from the speech of Daniel Webster, already cited:
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> "Nothing is more deceptive or more dangerous than the pretense of a desire to simplify government. The simplest governments are despotisms; the next simplest, limited monarchies; but all republics, all governments of law, must impose numerous limitations and qualifications of authority, and give many positive and many qualified rights. In other words, they must be subject to rule and regulation. This is the very essence of free political institutions.
>
> "The spirit of liberty is, indeed, a bold and fearless spirit; but it is also a sharp-sighted spirit; it is a cautious, sagacious, discriminating, far-seeing intelligence; it is jealous of encroachment, jealous of power, jealous of man. It demands checks; it seeks for guards; it insists on securities; it intrenches itself behind strong defenses, and fortifies itself with all possible care against the assaults of ambition and passion.
>
> "It does not trust the amiable weaknesses of human nature, and, therefore, it will not permit power to overstep its prescribed limits, though benevolence, good intent, and patriotic purpose come along with it. Neither does it satisfy itself with flashy and temporary resistance to illegal authority. Far otherwise. It seeks for duration and permanence. It looks before and after; and, building on the experience of ages which are past, it labors diligently for the benefit of ages to come. This is the nature of constitutional liberty, and this is our liberty, if we will rightly understand and preserve it. Every free government is necessarily complicated, because all such governments establish restraints, as well on the power of government itself as on that of individuals."
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> A president can not be at one and the same time a constitutional chief magistrate and an autocrat—a President in America, with imperial powers in the Orient.
>
> Sir, our fathers rightly distrusted the tendency toward excess on the part of the Executive authority. Their study of history had made them sensitive on this point. Its verdict is absolute as to the necessity of observing a balance of power among the respective depositaries of our delegated sovereignty. Seriously and permanently to disturb that balance is to enter upon the road to chaos.
>
> The heavens themselves, the planets, and this center
> Observe degree, priority, and place,
> Insisture, course, proportion, season, form,
> Office and custom, in all line of order:
> And therefore is the glorious planet Sol
> In noble eminence enthroned and sphered
> Amidst the other; whose medicinable eye
> Corrects the ill aspects of planets evil,
> And posts, like the commandment of a king,
> Sans check, to good and bad. But when the planets
> In evil mixture to disorder wander,
> What plagues and what portents, what mutiny,
> What raging of the sea, shaking of earth,
> Commotion in the winds, frights, changes, horrors,
> Divert and crack, rend and deracinate
> The unity and married calm of states
> Quite from their fixture! O when degree is shaked,
> Which is the ladder to all high designs,
> The enterprise is sick! How could communities,
> Degrees in schools, and brotherhoods in cities,
> Peaceful commerce from dividable shores,
> The primogenitive and due of birth,
> Prerogative of age, crowns, sceptres, laurels,
> But by degree, stand in authentic place?
> Take but degree away, untune that string,
> And, hark, what discord follows! each thing meets
> In mere oppugnancy: the bounded waters
> Should lift their bosoms higher than the shores,
> And make a sop of all this solid globe;
> Strength should be lord of imbecility,
> And the rude son should strike his father dead;
> Force should be right; or rather, right and wrong,
> Between whose endless jar justice resides,
> Should lose their names, and so should justice, too.
> Then every thing includes itself in power,
> Power into will, will into appetite;
> And appetite, an universal wolf,
> So doubly seconded with will and power,
> Must make perforce an universal prey,
> And last eat up himself.

There is no question in my mind, sir, that the reaction of our absolute government in our distant possessions is partly responsible for the tendency toward Executive excess, at which all close students of our institutions are now gravely concerned. But there is another consideration which reenforces the one just mentioned and the natural characteristics of the President. I refer to the phenominal popular majority by which the present Chief Magistrate was chosen in the election of 1904. The country had full notice of the personality of the Republican candidate, and was told from every Democratic stump what would be the inevitable tendency of the expression of that personality if it should receive an emphatic electoral indorsement. The recipient of that indorsement can, in one sense, hardly be blamed if he considers the verdict so rendered with such emphasis and after definite notice, as in the nature of a license to exercise his predispositions to the utmost. The result has certainly justified the prognostications. It is only fair to say, however, that these actions since the election of 1904 have merely been of a piece with those that characterized the Presidency of the present incumbent in his first fractional term.

Without attempting a numerous recitation, to say nothing of an exhaustive one, of the matters that may readily be cited in illustration of the proposition I am now considering, I shall mention a few which are of common knowledge.

Everybody remembers the famous "pension order" whereby, while a bill was pending in Congress concerning a classification of claimants before the Pension Office, an Executive order, impatient of the delay by Congress, undertook to perform the function of a legislative act. There has been a practically constant interference from the White House with legislative procedure at the Capitol. It will be recalled how the Irrigation Bill was threatened with a veto unless it should contain certain provisions agreeable to the Executive. The great struggle over the Cuban tariff, the recent controversy about statehood for Indian Territory and Oklahoma and Arizona and New Mexico, and over the provisions of the Railroad Rate Bill are a few among many matters in regard to which the Executive initiative and constant participation in all the complications that attend the progress of a bill from its inception to its passage, might well raise a doubt whether there is any such thing now in our system of government as an independent responsible legislative branch.

The Senate of the United States, in regard to those semi-Executive functions vested in it by the Constitution, has been treated with similar masterfulness. Some fifteen months ago the Arbitration Treaties were withdrawn from the Senate by the President because that body insisted upon the use of the word "treaty" instead of "agreement," thus refusing to coun-

tenance the new view that there are certain permanent international compacts into which the President may enter on behalf of this country without the participation of the Senate. In the case of the Santo Domingo treaty an attempt was made by the President of the United States to make a treaty with a foreign government without the action of the Senate, which treaty, moreover, involved a new departure in our diplomacy and the adoption of what the President has called a "development" of the Monroe doctrine, potentially fraught with the most momentous consequences to this country.

It seems to me that this is a good connection in which to emphasize the fact that this new doctrine of the responsibility of the United States for the debts and defaults of the South American States, involving on our part the assumption of the duties of constable for the nations of Europe, ought, whatever its merits or demerits, to stand upon its own pretentions and not be permitted to shelter itself behind the designation of "Monroe doctrine."

The Monroe doctrine, properly so called, is a part of the settled policy of this Government, and is very dear to the people of this country. A novel proposition may frequently find acceptance through its success in borrowing the label of one already generaly entertained. Whether this new international theory be right or wrong, it ought to stand or fall upon its own claims. It certainly is not "Monroe doctrine." It is just as clearly "Roosevelt doctrine." The original Monroe doctrine of 1823 is very easy to understand. As affirmed by Adams and Monroe, it involved three things. 1. The American continents were not to be subject to colonization by any European power. 2. We could not permit any intervention by any European power in the affairs of the South American Republics "for the purpose of oppressing them or controlling in any other manner their destiny." 3. We could not permit the extension by the allied powers—that is, the members of the "Holy Alliance," formed by the sovereigns of Russia, Austria, and Prussia after the congress of Vienna in 1815—of their political system to any portion of North or South America.

When, about 1845, President Polk practically took the position that it was the duty of the United States to annex adjacent territory in order to prevent its annexation by European counries; and when, in 1881, Mr. Blaine held, in substance, that the United States was the sole guardian of transit across the Isthmus of Panama and the arbiter of disputes between the Latin-American States; and when, in 1895, Mr. Olney announced that the United States is sovereign in America, that the British colonies in America are temporary, and that these propositions are a part of international law, the prestige of the Monroe doctrine was invoked in favor of these various formulations of our international policy. Yet nothing is clearer than that all these involved distinct variations from the Monroe doctrine. Undoubtedly considerations based on national advantage, duty, and safety could be advanced on the one side and on the other in each of these cases. But that should have been the only method of argument. To introduce the Monroe doctrine was only to confuse both the nature of that doctrine and that of the new problems. The same is true in regard to the Roosevelt doctrine of our general guardianship of the countries to the south of us with responsibilities to their creditors. Whether right or wrong, and I decidedly believe it to be wrong, it is certainly new, and it ought to be examined on its merits without receiving any shelter or warrant whatever from the Monroe doctrine.

This tendency of the Executive, upon which I have been briefly commenting, has involved us in grave national wrong. The conduct of this Government under the lead of the President of the United States in regard to the means by which the independence of Panama was recognized and the arrangements were made for the construction of the Panama Canal is, in my opinion, an indelible stain upon the fair fame and good faith of this Government. In order that the object had in view by the President should be achieved it was necessary to override a statute of the United States, to break a solemn treaty with a foreign government, and to commit an act of war, and without authority of Congress, against a people with whom we were at peace. The law known as the Spooner Act expressly directed the President of the United States to proceed with the construction of the Nicaragua Canal if, within a reasonable time, he could not secure the consent of the Government of the United States of Colombia to the treaty providing for the construction of the canal across the Isthmus of Panama. That consent he did not obtain.

It is beside the question to contend that the United States of Colombia ought to have ratified the treaty. It is an independent government and had a right to reject the treaty if it chose to without giving us any reason whatever. But, upon the rejectioin of the treaty, instead of proceeding to carry out the plain and specific direction of the act of Congress to construct the Nicaragua Canal, the President of the United States recognized the independence of Panama, a revolted province of the United States of Colombia, used the armed forces of the United States to prevent Colombia from reestablishing her authority over that territory, despite our solemn engagement in the treaty of 1846 to respect the integrity of her domain; which was unquestionably an act of war upon our part, made a treaty with the new State, and proceeded with what difficulties and scandals the world is aware, to the present stage of the canal construction across the Isthmus. There have not been wanting grave insinuations touching our complicity in the revolution of Panama against Colombia. Certainly the appearance of our gunboats at a time and place when and where Bunau Varilla had promised the revolutionists they should appear, and their effectual action in defeating any attempt by Colombia to recover her province, are circumstances strongly confirmatory of the suspicion; nor does the suspicion involve, if justified, any greater dishonor on our part than that which already attaches to us from the admitted circumstances.

We are at this moment confronted with another threatened act of Executive disregard of the obligations of the country in the matter of the Isle of Pines. On this island, of the approximately 1,800 resident property owners the Americans number about one-half. Over 2,500 Americans own property there, their total holdings comprising about ninety per cent of all the real estate of the island. There is pending in the Senate of the United States a treaty urged by the President and the Secretary of State, ceding this island to the Republic of Cuba. Against this act the American residents of the island are loudly protesting, but they are in grave peril, if the influence of the Executive shall be sufficient to force the confirmation of the treaty. Article VI of the so-called "Platt amendment," by which virtually the government of Cuba was created, provides:

> VI. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left for future adjustment by treaty.

No claim can be successfully made that this island passed to Cuba under the treaty of peace with Spain, for Article II of that treaty provided:

> Spain cedes to the United States the island of Porto Rico and *other islands* now under Spanish sovereignty in the West Indies.

And Article VIII provides:

> * * * Spain relinquishes in Cuba and cedes in Porto Rico and *other islands* in the West Indies * * * all the buildings, etc.

In both these articles the translation of the Spanish text is scarcely fair, in Article II the expression "*las demas*" and in Article VIII the words "*las otras islas*" being rendered "other islands" instead of "*the* other islands," as they ought to be.

And yet in spite of the fact that by a fair construction of the language of the treaty with Spain the Isle of Pines passed to the United States, in spite of the fact that on that assumption a large number of American citizens have acquired property there and have gone there to live, and in spite of the fact that the Platt amendment itself expressly leaves the title to the island to be determined by treaty, the Secretary of State, in a letter of November 27, 1905, informed Mr. Charles Reynard, president of the America Club of the Isle of Pines, among other things, as follows:

> The island is lawfully subject to the control and government of the Republic of Cuba, and you and your associates are bound to render obedience to the laws of that country so long as you remain on the island. If you fail in that obedience you will be justly liable to prosecution in the Cuban courts, and to such punishment as may be provided for such offenses as you commit. You are not likely to have any greater power in the future. The treaty now pending before the Senate, if approved by that body, will relinquish all claim of the United States to the Isle of Pines. * * * You may be quite sure that Cuba will never consent to give up the Isle of Pines, and that the United States will never try to compel her to give it up against her will.

The Isle of Pines is of course a small island. Its inhabitants are few. They perhaps can make but slight reprisal, either political or otherwise, for any wrong that may be done them. But I believe the American people, when fully informed on the subject, will insist that justice be done to those Americans who have cast their fortunes there in reliance upon the terms of the Spanish treaty and the manifest intendment of the Platt amendment.

Not long ago, in a remarkable special message to Congress, the President strayed into the judicial reservations of the Constitution by bringing to book a Federal judge (Humphries) for an opinion rendered by him in the ordinary discharge of his judicial functions, an unprecedented proceeding that would have jarred the credulity of "the fathers."

Sir, in connection with this matter of the proper observance by the Executive of the line of demarcation between it and the

legislative branch of this Government, there has recently occurred a bit of history that I am not anxious to rehearse, and to which I shall now refer in passing only to use it as an illustration of the proposition I am trying to enforce. It is not pleasant to examine, and I shall not examine, the question of veracity that has been raised between the President of the United States and certain other honorable and reputable gentlemen. It is exceedingly to be regretted that the present Chief Magistrate has had the misfortune to raise the question of veracity with nearly every public character he has come in contact with during his Administration. [Applause on the Democratic side.]

Mr. PAYNE. Does the gentleman mean to let that statement go in the RECORD?

Mr. TOWNE. What is that?

Mr. PAYNE. Does the gentleman mean to make such a broad statement as that "nearly every"——

Mr. TOWNE. No, I will say instead, "with a very great many." The returns are not all in. [Applause on the Democratic side.] Now, sir, what I want to say in that connection is this—and it rises infinitely above any mere question of veracity, as to which question I do not state any present judgment or desire to be thought as stating any: There is in the Chief Executive a certain quickness and caprice of temper which first expresses itself without limitation, and then remembers without accuracy. [Applause on the Democratic side.] But there are certain respects, Mr. Chairman, in which a result of this unfortunate experience is of the very greatest importance to the people of the United States. In the last campaign it was admitted in many places throughout the country that the accusations brought against the Republican party as to its complicity and partnership with those great economic forces that to-day prevail in the civilized world were true. Republicans in many places admitted it. The answer that was made to the charge was, in substance, that the character of your candidate for the Presidency would save you from the sins of your party. "Vote for Roosevelt, not for the Republican party; he is bigger and better than the party," was the cry that saved your party in that election, my friends on the other side.

There were many thousands of Democrats in the country who believed, whether rightly or not, that the Democratic candidate for the Presidency was largely sponsored by and representative of the interests claimed by the masses of the Democratic party to be in league with the Republican party. So that the consequence was that many thousands of Republicans who would otherwise have voted against their party, and many thousands of Democrats who would otherwise have voted for their party, voted together for Roosevelt. When he came into office he had a sanction that no other elective official in the history of the world has had. He had great excuse to regard the vote he received as in the nature of a plebiscite, as a vote of general public confidence, in a sense substituting him as the direct representative of the people in a more emphatic way than the popular legislative body itself could be regarded as so representative. It gave him a most commanding position. There is every evidence that he realized it. From that eminence he could and did choose his allies to carry out his ideas of legislation. The opportunity afforded him permanently to maintain a position above the trammels of party was never before presented to a Chief Magistrate of the United States, unless to the great Washington himself.

In the Senate a combination was made with some Republicans and many Democrats, as we are informed on the highest authority, an authority I have not seen challenged, whereby an arrangement was reached guaranteeing 47 and probably 50 votes to the President, a clear and sufficient majority of the Senate, to pass the so-called Hepburn railroad-rate bill with amendments providing for a restricted court review and a suspension of the power of interlocutory injunction. Here was a certainty of the ability to pass this great legislation in practically exact conformity with the declarations of his wish and purpose which the President had repeatedly made. But, sir, within twenty-six hours after that agreement was reached, without notice to his allies, even to his ally in his own Cabinet, the Attorney-General, that arrangement was abandoned by the President, and another was entered into which commanded the support of, and is now known to be eminently satisfactory to, the distinguished Senator from Rhode Island, whose opposition to the President has, in the estimation of many of his admirers in the country, been one of the President's chief glories. The so-called "railroad Republicans" wore the air of conquerors. The Democrats were thrown out. This vaunted nonpartisan railroad-rate legislation became, so far as the President and his new Republican allies could make it so, a partisan measure, and the Chief Magistrate of the United States, shorn of his original barbaric power, manacled and humbled, like another Caractacus, but rejoicing in his bonds, walked by the chariot wheel of the triumphant Duke of Rhode Island. [Applause on the Democratic side.]

Now, Mr. Chairman, one great political result of this experience is this, that in the important campaigns of this year and 1908 you can not cover the defects of your party with the alleged excellencies of your candidate. The people of this country know that no man ever had a chance to be bigger than his party equal to the chance which Theodore Roosevelt had, and lost. [Applause on the Democratic side.] Henceforth our fight is against the Republican party and its iniquities, and Roosevelt is out of the way. He has repudiated his Democratic allies and forsworn his greater allegiance to the people, and he is now bound hand and foot to the coterie at the other end of the Capitol that dominates Republican politics in that body and in the country. He has formally abdicated his independence. He has willingly submitted himself to the party yoke. It is a pitiful surrender, but it will not be without its good effects upon the history of the country.

My friend, the gentleman from Indiana [Mr. CHARLES B. LANDIS], who closed his remarkable speech of yesterday with the statement that this country is the best country in the world, is by nature no more an optimist than I am. I thank God, sir, that it is the best country in the world. I devoutly hope that the party to which I belong may always be devoted to those fundamental principles which make it the best country in the world. [Applause on the Democratic side.] We are face to face with a crisis in the industrial life of this country, in solemnity and importance, so far as I know, without precedent or parallel. Upon one side stands the Republican party indissolubly linked, as an organization, to those dominant powers of combination, concentration, centralization, and monopoly that have given its characteristic economic complexion to the history of the last thirty years. [Applause on the Democratic side.]

On the other side, there is abroad in the land a growing aggregation of resentment and anger because of wrongs that have not been redressed, of rights that have been taken away, of hope that has been deferred. We hear the mutterings and whisperings of a threatened uprising in the name of socialism against tyranny that has arisen out of exaggerated individualism based upon special privilege under the laws. In this hour, sir, it is my profound belief that the safety of my country is in the guardianship of the Democratic party, a party whose principles are coeval with the Constitution itself, whose perpetuity is necessarily associated with the permanence of those principles; a party equally opposed to the tyranny of the few and the oppression of the many, and which offers, in its fundamental allegiance to the inviolability of private property on the one hand and of individual liberty on the other, a refuge to the people from both monopoly and anarchy. In this confidence, sir, we shall go before the citizenship of this great Republic in the coming campaign, contending for those basic, characteristic, original, and necessary American doctrines upon which the country has achieved its glory and to which it must continue to be loyal if it shall survive to fulfill the prophecies of the patriots that have lived and died for it. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River;

H. R. 17114. An act to provide for the disposition under the public land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 8952. An act for the relief of the trustees of Weir's Chapel, Tippah County, Miss.;

H. R. 16672. An act to punish the cutting, chipping, or boxing of trees on the public lands; and

H. J. Res. 98. Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 17842) granting a pension to Josephine V. Sparks, disagreed to by the House of Representatives, had agreed to the conference asked by the House thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills

of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6261. An act to establish a fund for public works in the Territory of Hawaii, and for other purposes;

S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. 1570. An act granting an increase of pension to Lydia A. Johnson;

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased; and

S. 4403. An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Pennsylvania is recognized. [Loud applause on the Republican side.]

Mr. DALZELL. Mr. Chairman, I have listened with a great deal of attention to the highly intellectual effort of the gentleman from New York [Mr. TOWNE], a large part of which was devoted to "the gentleman from New York," and a sentence or two of which was devoted to the headlines of a supposed speech of mine discreetly without any reference to the speech itself. I want to assure the gentleman from New York that the money question is no longer a live question, and that the question as to what party the gentleman from New York at any particular time belongs is not a live question, if it ever was. [Laughter and applause on the Republican side.] Nor is there any gentleman on this side of the House—and I might extend the range of my remarks further, and say in the country, I believe—who cares whether the gentleman from New York takes the risk of a Congressional election in Minnesota or takes a detail from Tammany Hall. [Applause on the Republican side.]

I propose to address myself, Mr. Chairman, for a short time to the question of tariff revision. It is loudly and persistently urged from the other side of this Chamber that there is a general and crying demand for tariff revision, and that the Republican party is false to the pledges of its last national platform in failing to respond to that demand. I deny the truth of both of these assertions. On the contrary, I contend that outside of the Democratic party there is no demand for general tariff revision, nor even a concensus of opinion in favor of an alteration of any certain schedules; and that the attitude of those who now oppose revision is in entire consistency with the declaration of the last Republican platform.

Before I come to quote from that platform, I desire to say to our friends upon the other side that, about to enter upon a campaign for the control of this House in the next Congress, there is no issue that we more warmly welcome than that of protection. On every stump, from every rostrum throughout the length and breadth of this land where suffrage is not suppressed, we will appeal to the people basking in the sunshine of an unexampled prosperity as against the authors of the blackest chapter in our recent industrial history. [Loud applause on the Republican side.] The Republican platform of 1904 says:

> We replaced a Democratic tariff law based on free trade principles and garnished with sectional protection by a consistent protective tariff; and industry, freed from oppression and stimulated by the encouragement of wise laws, has expanded to a degree never before known, has conquered new markets, and has created a volume of exports which has surpassed imagination. Under the Dingley tariff labor has been fully employed, wages have risen, and all industries have revived and prospered.
>
> * * * * * * *
>
> We promise to continue these policies.

The platform further said:

> Rates of duty should be readjusted *only* when conditions have so changed that the public interest demands their alteration.

The declaration in the platform in respect to the contrasting results of Democratic and Republican policies, was eminently correct. It correctly represented the conditions as they then existed, and the causes from which those conditions resulted. What were the conditions then, and what are the conditions now? In what respect has there been a change, calling for a readjustment of the rates of duty in the public interest? I contend that there has been none.

It will be necessary that I indulge in a brief retrospect. In November, 1892, Grover Cleveland was elected President of the United States and the Democratic party came into power in all departments of the Government pledged to revise the tariff. Within less than a month thereafter President Harrison sent to Congress his last message. I want to read from that message. He said:

> I have great satisfaction in being able to say that the general conditions affecting commercial and industrial interests in the United States are in the highest degree favorable. A comparison of those existing conditions with those of the most favored period in the history of the country will, I believe, show that so high a degree of prosperity and so general diffusion of the comforts of life were never before enjoyed by our people.

I have heard that assertion of Mr. Harrison denied upon the floor of this House, but it was the exact truth, as is capable of abundant proof. For instance, Dun's Review of Trade, in December, 1892, said:

> The most prosperous year ever known in business closes to-morrow with strongly favorable indications for the future. For this year the volume of settlements throughout the clearing houses is the largest ever known; the largest total of exports and imports ever known in any year; unprecedented purchases for consumption; manufacturers have made extraordinary progress. The year closes with all woolen, cotton, and silk machinery fully employed and unsold stocks much lighter than usual, while the demand for the coming season already exceeds the capacity of many mills. Shipments of boots and shoes from the East have been 5 per cent larger than any previous year.

So much for Mr. Harrison and so much for Dun's Review. Now for some Democratic testimony. I find that Mr. Edward Atkinson, well known as a free trader from Boston, in an article in the Forum for May, 1892, says this:

> There has never been a period in the history of this or any other country when the general rate of wages was as high as it is now, or the price of goods relatively to the wages as low as they are to-day, nor a period when the workman, in the strictest sense of the word, has so fully secured to his own use and enjoyment such a steadily and progressively increasing proportion of a constantly increasing product.

The country then seemed to be on the very top wave of prosperity, and yet within a short time thereafter it was plunged into the most deplorable condition known to our history. Why? Because the people of this country feared the consequences of a Democratic administration; because, especially, they feared the passage of a Democratic tariff law.

Our people have not forgotten the four years from 1893 to 1897, when furnace fires were extinguished, when mill doors were closed, when the music of the spindle and the loom was hushed. There was a paralysis of business, and throughout the length and breadth of this great land was heard the tramp, tramp of men who were marching to the music of despair. Confidence, the basis of all success, was dethroned, and distrust reigned in its stead.

The Wilson-Gorman bill, delayed a long time in its birth, was not sufficiently a free-trade measure to satisfy Mr. Cleveland, but it was sufficient to impair in large degree the business interests of this country. During the four years of Cleveland's administration our bank clearings fell off ten billions of dollars, our exports fell two hundred and twenty-nine millions, and, on the other hand, our imports increased twenty millions of dollars. It was a time when the wage-earner instead of hoarding was spending, and the capitalist instead of spending was hoarding. During those disastrous four years the national revenues failed to meet the national expenses by one hundred and fifty-six millions of dollars. The national treasury was empty. The gold reserve was depleted to pay the ordinary current expenses of the Government. In a time of profound peace we borrowed on bonds two hundred and sixty-two millions of dollars. Three millions of men were out of work. One third of our railroads were in the hands of receivers. Iron and steel products fell off one-third. And there is no such accurate barometer of prosperity as the production of iron and steel.

The calamitous conditions, that I have only briefly and in outline described, came to an end in 1896 by the election to the presidency of the man who was known to the people as the champion of protection, William McKinley. [Applause on the Republican side.]

As a result of that election we regained our birthright, the country came to its own again, and came to it through the open door of protection. Promptly following the election of Mr. McKinley and a Republican Congress came the Dingley law, the law existing to-day.

With what result?

With the result that the country quickly recovered itself. Distrust gave way to confidence, and in every respect we started on the upward road to prosperity, so that when the Republican National Convention met in Chicago in June, 1904, we had advanced a long ways along that road. Let us see.

Our bank deposits were then the largest they had ever been. We had more money in circulation than ever before. We had more iron and steel and coal, more agricultural products, more manufactures than ever before. Wages were higher, employment more universal, working hours shorter. Our revenues were adequate. We had accumulated a surplus. In every respect, from whatever standpoint viewed, the situation was most favorable. Our home trade was equal to the aggregate exports and imports of all the other nations in the world. What we did among ourselves in the way of business in these forty-five States was equal to the world's international commerce. Our home trade for 1903 was estimated at $23,000,000,000. That was the business of our home market, the greatest market

on the face of the earth, and our foreign trade had grown to large proportions. We had made some progress in the invasion of foreign markets. We were selling our products in Canada, in Germany, in France, in Great Britain, and in Russia in the Far East. Americans were building railroads in London, bridges in Africa, constructing battle ships and making armor for Russia and Japan, and my fellow-townsman, George Westinghouse, had grasped the electric trade of Great Britain. [Applause on the Republican side.]

We were the greatest manufacturing nation on the face of the earth, not excluding England. We were making annually more steel in the Pittsburg district than Great Britain was making—Great Britain but lately the manufacturing mistress of the world. Since the passage of the Dingley law we had become the greatest of exporting nations. In 1865 there were four nations struggling for the supremacy—Great Britain, France, Germany, and the United States. Great Britain was first and the United States stood fourth. In 1885 Great Britain still stood first and the United States third. In 1903 the United States marched past Great Britain and took her place as the first exporting nation in the world. In the year before the Chicago convention we had sold in foreign markets $1,400,000,000 worth. It is only within a few years that we have become exporters of manufactured goods and yet in 1903 our exports of manufactures reached the amazing figure of $460,000,000, and the balance of trade in our favor was $400,000,000. During the seven years of Republican administration that had passed when the Chicago convention met the balance of trade in our favor was nearly ten times as great as the aggregate balances of trade during all the years from Washington to McKinley. [Applause on the Republican side.]

Now, Mr. Chairman, I have not the time nor is it necessary that I should go further into details in this direction. I have said sufficient to show what were the conditions that existed at the time of the adoption of the Republican national platform With respect to the policies from which these conditions resulted that platform said, "We promise to continue these policies." That promise still abides with us, and we propose still to abide with it. [Applause on the Republican side.]

But we said that we would readjust duties when conditions so changed that the public interest demanded their alteration. In what respect have conditions changed since the adoption of the Republican platform in 1904?

I answer that conditions have changed only for the better. [Applause on the Republican side.] I have an astonishing statement here which I got yesterday from the Census Bureau, which shows that within the five years from 1900 to 1905, half a decade, in 42 States of this country capital has increased 41.8 per cent, wage-earners have increased 15.6 per cent; and strangest of all, and proof positive as to the wage rate in this country, while wage-earners have increased 15.6 per cent wages have increased nearly twice as much, or 31.5 per cent, and products have increased 30.1 per cent. Now, I have here a comparison as between 1900 and 1905, relating especially to half a dozen Southern States. I selected the Southern States because I wanted to show that in that region where the Democratic party prevailed Republican prosperity had entered.

Take, for instance, the State of the gentleman from Mississippi [Mr. WILLIAMS]. Capital has increased in five years in that gentleman's State 121.2 per cent. Wage-earners have increased 44.4 per cent. Wages have increased 87.4 per cent, and the product has increased 70.4 per cent, and yet the gentleman from Mississippi would have us believe that we are not so very prosperous.

The figures for the States to which I have referred are as follows:

State.	Capital.	Wage-earners.	Wages.	Product.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
Mississippi	121.2	44.4	87.4	70.4
Missouri	68.9	23.6	42.4	38.7
North Carolina	106.5	18	52.1	67.1
Tennessee	62.2	31.7	54.9	48.7
Texas	81.7	27.1	44.7	62
Virginia	60.3	21.2	37.8	37
Alabama	75.3	18	46.8	51.4

These are certainly astonishing figures and full of encouragement.

Now, I say that since our platform was adopted in 1904, in every particular relating to our prosperity as a people, we have made distinct and conspicuous progress.

Mr. STANLEY. Will the gentleman from Pennsylvania yield for a question?

Mr. DALZELL. I will yield for a question.

Mr. STANLEY. I want to ask the gentleman if he will be kind enough to put in the RECORD the basis of those figures—the authority for them.

Mr. DALZELL. The gentleman will find the figures in the bulletins published by the Census Bureau of the manufactures of the various States of the Union. These figures are taken from those bulletins, and are official figures. I say in every particular relating to our prosperity as a people we have made distinct and conspicuous advance. For instance, our money in circulation has increased sixty-eight and three-quarters million dollars. Our national bank capital has increased over $24,000,000. Our savings-bank deposits, which more than anything else show the prosperity of our people, have increased over $174,000,000, and the total of our bank deposits has increased over $1,250,000,000.

Our foreign commerce for the fiscal year ending June, 1905, exceeds that of any preceding year. The increase in the exports over the preceding year was fifty-six and one-half million dollars. That shows our ability to compete in foreign markets. The imports for the same period increased over those of the preceding year by over $63,000,000, and that shows the extent to which the foreigner competes in our market. Forty-six and five-tenths per cent of those imports came in free of duty.

Whether in the domain of commerce, in the domain of manufactures or in the domain of agriculture, last year was the greatest year that this country ever knew. But above all these figures of material wealth are to be regarded the general morality and intelligence of our people, their facilities for education, for intellectual progress which find opportunity for development only in a period of general contentment and confidence such as now exists.

Now, my friends, do these conditions indicate that the public interests demand a change in our tariff schedules? Certainly not. Public interest and national prosperity are interchangeable terms. What constitutes national prosperity? Many things in combination. The magnitude of a nation's commerce, the supremacy of its manufactures, the wealth of its agriculture, coincident with enlarged markets for the consumption of its products at remunerative prices, the general employment of its citizens at an adequate wage, and withal a sound credit and the universal contentment of its people. Neither alone nor in combination did these things exist when the Wilson-Gorman bill was in process of enactment, or subsequent thereto.

All of them have existed since the passage of the Dingley law, did exist when the Republican platform was adopted in 1904, and all of them exist in an enlarged degree to-day. [Applause on the Republican side.] It is not necessary to our contention to claim that these things are wholly the fruits of protection, although they are in large part. Sufficient for us to know that they coexist with protection and the lesson they teach us is to let well enough alone. [Applause on the Republican side.]

I submit that the changes contemplated by the Republican platform as calling for an alteration of our tariff laws do not exist. Furthermore a revision of the tariff at this time could not but result in harm. All experience shows that tariff agitation, business depression, and temporary business paralysis come together. Let me quote again from the message of Mr. Harrison, to which I made reference a little while ago. Mr. Harrison said:

> The threat of great tariff changes induces so much uncertainty that an amount not easily estimated of business inaction and of diminished production will certainly result. It is possible also that this uncertainty may result in decreased revenues on customs duties, for our merchants will make cautious orders for foreign goods in view of the prospect of tariff reductions and the uncertainties as to when they will take effect.

It is claimed that there are inequalities in the existing tariff schedules. Undoubtedly there are, but there is no concensus of opinion as to what those inequalities are, and it is not in human nature or human power to construct a tariff bill that would not contain inequalities. Experience shows that the existing inequalities do not operate to prevent successful working of the law or are in any material respect detrimental to the public interests. Business conditions have adapted themselves to the present law. They fit into each other. Why make a change?

Who is it, Mr. Chairman, let me ask, that is now clamoring for tariff revision? It is not the laborers of this country, for, universally employed, they find in existing conditions unlimited opportunities to work at the highest wage rate ever known, a wage that enables them to live up to the requirements of an intelligent American citizenship and to educate their children.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. RUCKER. The gentleman speaks about the increase in wages. I would like to ask the gentleman if the increase in wages has been as great as the increase in the cost of living.

Mr. DALZELL. I think it has, and greater.

Mr. RUCKER. Has the gentleman any figures on that subject.

Mr. DALZELL. Well, there is a bulletin published by the labor bureau——

Mr. RUCKER. And does not that bulletin show conclusively that the opposite is the fact?

Mr. DALZELL. I think not. I just quoted a little while ago to the gentleman what seems to me to be conclusive proof as to the rise of wages, how wages have risen to twice as great an extent as the number of wage earners, according to the figures from the Census Bureau.

Mr. RUCKER. I would like to ask the gentleman if it is not true as shown by official statistics that wages were higher in 1890 than they were in 1900?

Mr. DALZELL. Possibly in some employments, but not in all.

Mr. RUCKER. In all employments.

Mr. DALZELL. Not at all.

Mr. RUCKER. Do not the statistics show it?

Mr. DALZELL. I say they do not.

Mr. RUCKER. Then the gentleman differs from the facts as shown by the statistics.

Mr. DALZELL. Well, then, for the present, at least, we shall have to differ. I say not the laborers. They are not clamoring for tariff changes. It is not the farmers of this country, for they find for their products the splendid market created by the large army of wage-earning consumers. Not the farmers, I say, for they have been released from their farm mortgages, and their accumulations are filling to overflowing the savings banks of every city and town in this happy land. Not the great body of artisans, for they live in contentment, enjoying the fruits and the luxuries even that make life worth living. Not any or all of these. Who then?

The producers of other lands who cast longing eyes to the tempting markets of 80,000,000 of prosperous people. Every manufacturer in England, in Germany, in France, in Canada, or elsewhere who has no interest here, but is looking out for his own, is in favor of a revision of the American tariff. So is the great body of importers, many of them aliens. So are the rich men with fixed incomes who are in favor of dear money and cheap labor. So is the Democratic party, lean and hungry from its long wandering in the desert, hopeless, thirsty for patronage and power. So is every Democratic doctrinaire, every disciple of Bastiat and Cobden, and the Manchester school, free trader at heart with his mouth full of catchwords, willing hypocritically to assume a belief in any doctrine that he thinks may catch the popular ear. [Applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. DALZELL. Certainly, with pleasure.

Mr. CLARK of Missouri. Does Governor Cummins of Iowa and the Massachusetts Republican delegation in this House belong to any of the classes that the gentleman has just enumerated?

Mr. DALZELL. I am just about to come to this class now.

Mr. CLARK of Missouri. I am glad the gentleman is.

Mr. DALZELL. So far as Governor Cummins is concerned, of course, I have no personal knowledge, but I have been informed he is on the back track now. So far as our other friends are concerned, I was going to pay them my compliments by saying that in addition to the Democratic and mugwump press and all that portion which sails under the name of "independent" might be added our few discontented friends who believe in free trade in what they are pleased to call "raw materials" and in protection on their finished products. Then there is a little coterie here and there who would fain have some particular schedule of the Dingley bill readjusted, but there is no considerable body of them that can agree on the particular schedule which shall be readjusted.

And let me tell my friend from Missouri, with the forces thus arrayed, with the laborer and the farmer and the artisan and the great body of contented citizens upon one side and the foreigner across the seas and the free trader at home, avowed or masked on the other side, and the small contingent of the discontented, there can be no doubt as to what would be the result of a popular vote. [Applause on the Republican side.] For answer there comes yet the reverberating roar of the last Presidential election and the potential voice of the great American electorate enthusiastic followers after the banner on which is inscribed "Protection to American industries!" [Applause on the Republican side.]

Mr. CLARK of Missouri. One more question, Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. DALZELL. I do.

Mr. CLARK of Missouri. What about the reverberating roar of the election in Ohio and Pennsylvania in 1905?

Mr. GROSVENOR. Will the gentleman let me answer that?

Mr. DALZELL. You can answer for Ohio.

Mr. GROSVENOR. The reverberating roar in Ohio was the election of the entire State ticket with the exception of governor by a very large majority, one branch of the legislature Republican and the other Democratic by 1 majority.

Mr. KEIFER. Forty thousand Republican majority.

Mr. DALZELL. The reverberating roar in Pennsylvania was the election of a Democratic State treasurer and all the rest of the Republican ticket.

Mr. CLARK of Missouri. What about the hundred thousand majority when the State went half a million for Roosevelt?

Mr. DALZELL. It was because the people believed, without regard to whether they were Democrats or Republicans or Prohibitionists or Mugwumps, that the time had come when honest men ought to assert themselves in the election of a State treasurer; and the Republicans were honest enough and manly enough to come to the fore and elect a man whom they believed to be honest without regard to his party affiliations. [Applause on the Republican side.]

Mr. CLARK of Missouri. One other question and then I will quit. Is that the reason Pittsburg went Democratic in April?

Mr. DALZELL. No; Pittsburg did not go Democratic.

Mr. CLARK of Missouri. Did not Pittsburg elect a Democratic mayor?

Mr. DALZELL. Yes; a Democratic mayor, but the gentleman is misinformed. Pittsburg did not go Democratic. There was a fusion ticket and it was made for the same reason I have already given as to the State, and I suppose that is the same reason that induced Missouri to go Republican in the last election. [Applause on the Republican side.]

Mr. CLARK of Missouri. I will tell you what induced Missouri to go Republican. It was Parker's telegram that made 46,000 Democrats stay at home.

Mr. DALZELL. Well, they were wiser Democrats than Democrats usually are. [Applause on the Republican side.]

Mr. CHARLES B. LANDIS. I would like to ask the gentleman from Missouri if he recalls the name of the distinguished Democrat of this country who formally notified Alton B. Parker of his nomination. [Applause on the Republican side.]

Mr. GROSVENOR. I want to ask the gentleman if the last Presidential candidate but one destroyed the party and the last candidate caused 40,000 Democrats to stay at home in one State, what will happen the next time? [Laughter.]

Mr. DALZELL. Now, Mr. Chairman, what are the arguments that our Democratic friends present in favor of tariff revision? They may be found, I think, under three heads. First, hostility to the protective system; secondly, an old campaign cry not very successful in the past, but revamped for present use with sundry embellishments and misrepresentations, to wit, that we sell our goods abroad at a less price than we sell them for at home, and third and largely, declamation.

Mr. UNDERWOOD. Will the gentleman from Pennsylvania allow me to ask a question, not so much as to where we sell our goods but how we make our goods? Can the gentleman from Pennsylvania name me any steel mill in the world that can make steel rails cheaper than they are made at Pittsburg? Can the gentleman from Pennsylvania name me any iron furnace in the world that can make pig iron cheaper than at Birmingham?

Mr. DALZELL. I think not; and I am coming to that question, if the gentleman will have patience, in a few moments.

Mr. UNDERWOOD. Do we need protection to protect us against the market that we can meet cheaper than anybody else?

Mr. DALZELL. I will answer the gentleman's question in due course if he will have the patience.

Do we sell goods abroad cheaper than we do at home? Undoubtedly, sometimes—certain kinds of goods—the kind of goods the sale of which promises us a foothold in a foreign market, and to a limited extent, to wit, to the extent of our surplus. Why? Well, for a number of reasons—all of them patent to business men. The first and foremost, because our home production exceeds our home consumption; and the excess of production must be sold in a foreign market or our factories and our workmen remain during a portion of each year idle.

Mr. PADGETT. Will the gentleman yield?

Mr. DALZELL. For a question, yes.

Mr. PADGETT. Do you contend that the sale of five hundred million of manufactured products abroad was simply the sale of excess or surplus?

Mr. DALZELL. But I am not talking about the total of our foreign sales, but about the goods that are alleged to be sold abroad at lower prices than they are sold for at home.

Mr. PADGETT. I want to ask the gentleman this question: Do you contend that that five hundred millions are surplus or excess?

Mr. DALZELL. Why, not at all.

Mr. PADGETT. Then were they not all sold abroad in competition with foreign conditions?

Mr. DALZELL. Of course they were.

Mr. PADGETT. Then why do we need artificial stimulus here if we can sell five hundred millions in competition at their own door?

Mr. DALZELL. I think I have already substantially answered the gentleman's question. We have in this country, by reason of the skill of our workmen, by reason of our general prosperity, by reason of our inventive genius, by reason of our improved machinery, arrived at a period when we can make in this country on an average of nine months all that the country can consume in the year.

It is a plain business proposition whether or not we shall run the year around and sell all of our goods in any market, or whether we shall run nine months and close up our factories the other three. But that is not the only reason. Another reason is because, in order to gain a foothold in foreign markets, the price must be regulated so as to meet the price in the foreign market with which we come in competition. And another reason is because, in our contest for entrance into the world's markets, we have to encounter a system of tariffs, of syndicates, of cartels, of bounties, all of which were made for the purpose of excluding us from those markets. And another reason is because it is a custom as old as commerce itself, and a universally recognized industrial policy. And still another reason is because the merchants of all countries have two schedules of prices—a home price and an export price.

Now, in what way does this practice help us? It keeps our factories going and our men from idleness. It maintains the American wage. It secures us a foothold in, and, ultimately, to some extent, a command of foreign markets. It does no harm. It does not result in adding to the price to the home consumer, for the reason, first, that it is not of such extent as to affect the price to the home consumer, and second, because a comparison of home prices with foreign prices will show that our home prices are as low, and sometimes lower, than those abroad.

Mr. GILBERT of Kentucky. May I ask the gentleman a question?

Mr. DALZELL. Certainly.

Mr. GILBERT of Kentucky. Is not that surplus that you speak of the result of selling abroad at a lower price than you are willing to sell at home, and if you would reduce the price to the home consumer to the same level to which you sell that surplus abroad, would not the surplus disappear? Would not that surplus be absorbed by the home consumer?

Mr. DALZELL. In other words, after the man is full you can make him fuller. After the country is supplied, then dump on them the surplus. That is the remedy suggested by the gentleman from Mississippi [Mr. WILLIAMS], who said, "Why do you not sell your surplus in your home market?"

Mr. GILBERT of Kentucky. Reduce the price, and the surplus that you speak of would disappear.

Mr. DALZELL. This country can only take so much of anything at any price, and, when the home market is supplied, the surplus must go abroad.

Mr. GILBERT of Kentucky. Would the gentleman be willing to sell to the home consumer at the same price at which he sells that surplus abroad?

Mr. DALZELL. I understand the gentleman's question. It resolves itself into simply what I said a moment ago. After you have got the market fully supplied, supply it over again with the surplus.

Mr. STANLEY. Will the gentleman permit a question?

Mr. DALZELL. Yes.

Mr. STANLEY. Does the gentleman from Pennsylvania mean to contend that you not only supply the wants but the desires of the people? That they have got all they need, and all they buy, and also all they want?

Mr. DALZELL. I think so. I think that condition of things exists in this country to-day, absolutely.

Now, the gentleman from Alabama asked a little while ago, "Then why do we need protection?" Well, because under the conditions I am describing protection does no harm. We need protection for the purpose of preventing foreigners from entering our markets as a dumping ground and from making war on our markets in periods of depression in their home market. Now, that is not a matter of theory. It is a matter of experience. Let me illustrate:

In the calendar year 1900 we imported iron and steel and manufactures of iron and steel to the amount of $20,443,911, and in 1901 our imports of these commodities amounted to $20,394,995. These are foreign values. Our imports of iron and steel early in 1902 were increasing, notwithstanding the Dingley tariff. The Iron Age for January 16 reported the sale of 3,000 tons of foreign billets for delivery at Youngstown, Ohio, at $27.50 per ton, with further business pending. It added that a number of eastern consumers were using small quantities of foreign steel. The Iron Trade Review of the same date said that a large quantity of German Bessemer pig iron had been sold for delivery in this country, and it noted the sale of 7,000 tons of English Bessemer pig iron also to this country. It said further that "a recent sale of German spiegeleisen for export to the United States indicated that our steel makers have not been able to supply their wants from such of their furnaces as ordinarily run on spiegel," and added that "the importation of steel is also expected to grow steadily in the coming months." A telegraphic dispatch from Berlin, Germany, to the London Iron and Coal Trades Review of December 6, 1901, said:

> Our exports continue to increase. German manufacturers have even shipped to America sheets for tin plates, and even thick iron sheets, also half finished products; and in the month of October the quantity of the latter and of finished products exported was nearly equal to half our total production of pig iron.

There was a period, you will observe, when we needed all the protection we had to prevent foreign incursions into our market.

But even if the custom that we are discussing were admitted to be an evil, cutting down the tariff would not remedy it except by ruining our industries to such an extent that we would have no goods to sell in the foreign market and very much less to sell in the home market. The cure would be worse than the disease.

Notwithstanding what our friends upon the other side say, there is no secrecy about this commercial custom. It is not done in a corner, and it needs no excuse or apology.

The United States Steel Company, in its last annual report, a public document, dated December 31, 1905, uses this language:

> The prices received for export during the year were materially in excess of those previously received, and approached more closely domestic prices. It is the policy of manufacturers to keep the furnaces, mills, and transportation companies in operation to their full capacity whenever practicable. Obviously this is wise. It results in lower cost of production and thereby influences lower prices generally to the domestic purchaser, and it secures continuous employment to the wage-earner. For these reasons it is sometimes deemed proper and desirable to sell for export what otherwise would be surplus product at prices lower than domestic prices. If a contrary policy should be adopted, the general cost of production would be increased, the employee at times would be idle, and the balance of trade between foreign countries and this country would be changed to the prejudice of the latter. This policy has been adopted, and is practiced generally throughout the business world. However, trade conditions during 1905 enabled the manufacturers of steel in this country to realize fair prices for their export commodities.

I might quote testimony of others of a similar character ad infinitum. There is no end of it in the hearings that were had by the Industrial Commission. So that notwithstanding the claims of our friends upon the other side, this is not any secret matter, nor a matter needing, as I said, excuse or apology. The real question is how much do we sell abroad at a lower price than we sell at home?

Now, Mr. Chairman, that is a material question that can not be answered by vague and irresponsible statements and by loud declamation. What is said here and there by this man and that man in general terms may have some bearing upon the question as to whether we sell abroad at lower prices or not, but has no bearing upon the question as to the extent of the custom. It simply serves to confuse the issue.

Statistics gathered by a nonpartisan commission show that of the total of our stupendous manufactures 97 per cent are sold in our magnificent home market, leaving only 3 per cent to be sold abroad. These statistics further show that of the 3 per cent sold abroad as much as 90 per cent are sold at as high and sometimes at higher prices than those that are sold at home. So that after all you have the insignificant sum of 10 per cent of 3 per cent of goods sold abroad at lower prices than they are sold at home. Three-tenths of 1 per cent is the sum and substance of the whole of what all this controversy is about. [Applause on the Republican side.]

Now, Senator GALLINGER, who made a careful examination of this subject——

Mr. CLARK of Missouri. Mr. Chairman, will it interrupt the gentleman if I ask him three questions? The gentleman's

position, as I understand it, is that we do sell abroad at a lower price than we sell here.

Mr. DALZELL. Some things.

Mr. CLARK of Missouri. And that that is justifiable? Now, if that is true, then those Republican orators who have asserted that we do not sell abroad cheaper than we do at home did not know what they were talking about. Isn't that true?

Mr. DALZELL. I think they made a mistake, if they so asserted, to the extent which I have stated here.

Mr. CLARK of Missouri. Then, if your conclusions are correct, are not the conclusions of my friend from Ohio, General GROSVENOR, and my friend from Illinois [Mr. BOUTELL] and my friend from Iowa [Mr. HEPBURN] incorrect when they say that we only sell shop-worn and obsolete goods cheaper in Europe than we are selling them at home?

Mr. DALZELL. Well, I do not know whether they said that or not.

Mr. CLARK of Missouri. The gentleman from Illinois [Mr. BOUTELL] said that in that famous speech of his——

Mr. DALZELL. The gentleman from Illinois [Mr. BOUTELL] is of age. Ask him.

Mr. BOUTELL. The gentleman from Missouri is stating a newspaper account of what I said instead of the words which I used. I made no such statement, I thought no such thing, and such, so far is I know, is not the fact.

Mr. CLARK of Missouri. Well, I will prove it by the RECORD, unless you change the RECORD.

Mr. PAYNE. I hope the gentleman when he proves that will also prove, if I may be allowed to interrupt, that the famous Tom Johnson voted against the Wilson bill as it went from the House, as the gentleman from Missouri asserted two weeks ago, amid a storm of Democratic applause.

Mr. CLARK of Missouri. I do not want to take the time of the gentleman from Pennsylvania, but I will state in one sentence what Tom Johnson did. He voted for the Wilson bill as it left the House, and against the Wilson bill as it was reported back here from the Senate.

Mr. PAYNE. That is exactly what I said, and the gentleman denied in a loud voice, amid Democratic applause, that that was so.

Mr. CLARK of Missouri. There was so much noise that nobody could tell what either one of us said.

Mr. PAYNE. It shows how the gentleman goes wrong so often.

Mr. DALZELL. I was going on to say that Senator GALLINGER made a thorough examination of this subject, and in a speech made on the floor of the Senate on the 23d day of April last he placed the value of exports sold at a lower price abroad than at home at $4,000,000, and said:

> I can not find that the substantial correctness of this estimate has ever been questioned by the opposition.

And I want to say that I have never heard the substantial correctness of this statement questioned except by the gentleman from Mississippi [Mr. WILLIAMS], who said that *he did not believe it.*

Mr. HARDWICK. Will the gentleman allow a question?

Mr. DALZELL. Yes.

Mr. HARDWICK. Mr. Thomas R. Phillips was a member of this commission, was he not?

Mr. DALZELL. Yes; I believe he was.

Mr. HARDWICK. Did he not, by a supplemental report, although he was a Republican, say that out of two thousand letters of inquiry on this subject about export prices, only 416 had been answered, and that it was fair to conclude that the majority of those people who did not answer, they being usually large corporations charged with this practice, would have returned unfavorable answers if they had replied, and did he not attack very severely the suggestion which the gentleman has just made, namely, that three-tenths of 1 per cent is a fair estimate of the amount of this business?

Mr. DALZELL. I know that Mr. Phillips was a member of that commission, and I know he was not in harmony with the result obtained by the commission. He was a minority member. As to the other things, I do not know, and I am willing to take the statement of the gentleman from Georgia.

Mr. HARDWICK. I will put it in the RECORD.

Mr. DALZELL. I was proceeding to say, when interrupted that I have never heard the substantial correctness of Senator GALLINGER's estimate questioned except by the gentleman from Mississippi, who says that "he does not believe it." I trust that I violate no decorum of debate when I say that the belief of the gentleman from Mississippi is of mighty little consequence, against the conclusions founded upon evidence, of those who have examined, and who were competent to examine, the subject.

I want to say, as others have said before, that if we sold all of our three per cent of surplus abroad at a less price than we sell it at home, instead of selling three-tenths of one per cent at a lower price, we could better afford to throw the whole surplus into the Atlantic, rather than close up our factories and turn our men to idleness. [Applause on the Republican side.] And I want to say further that there is not a dollar's worth of American product sold in a foreign market at any price that is not the result of the labor of an American workman, who was paid an American wage. [Applause.]

I want to say, further, that it is the very mystery of mysteries to me that partisan bigotry and rancor should assault those, whether corporations or individuals, who, with characteristic American enterprise, are attempting to conquer foreign markets. [Applause on the Republican side.] It is the very infamy of demagogy to misrepresent them, but they will not suffer, for behind them is the great body of patriotic people who glory in and encourage American pluck and believe in its ultimate triumph. [Applause on the Republican side.]

Now, I want to address myself to what was said by the gentleman from Mississippi in his speech made on this floor and published in the RECORD on the 3d of May last. There is not a single one of these witnesses whose testimony I am about to examine whose testimony relates to the question as to the extent of our sales abroad. There is not a single one of them who professed to know anything, of his own knowledge, on the subject of sales abroad, with one exception.

I quote from the speech of the gentleman from Mississippi [Mr. WILLIAMS]. What I read is taken from the report of the testimony before the Merchant Marine Commission, volume 3, page 77, and here is the colloquy:

> Senator MALLORY. There is another question. Some years ago we were shipping steel plate to the Clyde. As I remember, we had some very good evidence to that effect before Congress. Quite a large contract was made, and it was said that we were underselling the British steel-plate makers on their own ground. Do you remember whether or not that was correct? That was about four or five years ago.
>
> Mr. NIXON. *I heard the statement at the time.* I have no doubt that some contracts were placed in this country. *I merely had to take the statement as I saw it printed. I had no connection with it.*

That is one of the gentleman's witnesses to prove conclusively that our sales, not as a dumping project, as an excuse or an alternative, but as a custom—that is, one of the witnesses upon whom the gentleman relies to prove that custom, a gentleman who says that *of his own personal knowledge he knows nothing.*

Now, the next witness was Mr. A. A. Moss. What did he say? He said:

> I believe that the steel trust is responsible to a great extent in discriminating against the American shipbuilder in the way of prices, as plates and other material made by the American steel trust are shipped to England and sold at 25 to 33 per cent less than they can be had in this country.

So the gentleman *believes*, but he does not pretend to testify of his own knowledge; he also is testifying from hearsay. The next witness was Mr. McGregor, and I was glad to hear the gentleman from Mississippi say that that testimony had been gathered for him by the gentleman from Texas [Mr. GILLESPIE], because I know that if the gentleman from Mississippi had himself read the testimony he would not have been responsible for its indorsement in the RECORD.

Mr. McGregor says:

> I picked up a newspaper in the month of February and read a piece of news that one of the independent steel companies, not in the trust, in Pennsylvania, had just sold 40,000 tons of steel rails to the Canadian Pacific Railroad at $21.50 a ton.

So far, you see, he is only a witness to a newspaper paragraph. He continued:

> You remember when Congressman Johnson was in the House he made a statement as steel manufacturer that he could make steel rails at a profit of $2 a ton and deliver them on the cars at Johnstown, at the Cambria Works, at $18.50 a ton. That statement is on record in Congress and is not disputed. Oh, they did contradict him, but the question here in issue, gentlemen, is, Did they successfully contradict him? because he was at that time one of the largest manufacturers of steel and iron in the United States, and as a manufacturer of steel and iron he simply took his books and showed that he paid higher wages than any concern in the trust, and he was then a member of the steel trust. These are the facts on record.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FLOOD and Mr. CLARK of Missouri both asked that the gentleman from Pennsylvania be allowed to conclude his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. DALZELL. If the gentleman from Mississippi had read the testimony he would have found that Mr. McGregor was a man who knew nothing about the steel business; that he was a walking delegate who appeared before the committee in

the interest, as he said, of the laboring man, and he proved, but not, I fear, to the satisfaction of the chairman of the committee, that you could make steel *for $4 or $5 a ton! So* far as Tom Johnson is concerned, he did not say any such thing as the witness testifies to.

I shall have occasion to call attention a little later to what Tom Johnson did say as a manufacturer of steel and iron and the cost of their production. Tom Johnson, however, specifically denied that he was a member of the trust. He did not show his books to prove that he was paying the highest wages. On the contrary it was proven on him here that he compelled his men to take their wages one-third in cash and two-thirds in scrip or cease work. On this floor he made the assertion that that script was taken up at a premium. He then revised that statement out of the RECORD and put in its place in the RECORD the next day that the scrip had been lifted at par. I proved, as the RECORD will show, that it had been bought up on the street by one of Tom Johnson's relatives at a discount, thereby showing how he was cheating his own workmen. [Laughter and applause on the Republican side.] So much for three of the gentleman's witnesses. Now, then, the other witness is a man of some character, Mr. Wallace.

Mr. Wallace says:

Recently one of our largest steel mills sold abroad 100,000 tons of steel plate. They delivered it, I understand, at Belfast at $24 per ton. That would practically mean, with ocean rates as they are, $22 a ton at tide water. They are charging to-day at Pittsburg $32 per ton. About four years ago our company took a contract from the American Navigation Company for building here on the lakes two 7,000-ton ships, etc.

Mr. GROSVENOR. I want to know who bought the steel you speak of.

Mr. WALLACE. The Harland & Wolfe Company.

Further along he testifies that it was sold by the United States Steel Corporation. Now, you have the testimony of Mr. Wallace that those 100,000 tons of steel plate were sold, that they were sold to a certain party, and that they were sold by the United States Steel Corporation, and he gives that testimony upon the responsibility of another party, who, he says, told him so. I take it that any lawyer will agree that the hearsay testimony of Mr. Wallace may be offset by the testimony of a man who speaks of knowledge, and such man was Mr. Gary, the chairman of the executive board of the United States Steel Corporation. Mr. Gary was asked to make a statement before the Committee on Merchant Marine and Fisheries, and he said:

I have no particular statement to make. I am not here to advocate any particular business or any particular proposition. I am quite ready to give such information as I have that is pertinent to the inquiry. Perhaps I ought to refer specifically to a statement made by Mr. Wallace, of Cleveland, Ohio, president of the American Shipbuilding Company, in which he says——

Mr. LITTLEFIELD. That is in the hearings before the Merchant Marine Commission?

Mr. GARY. Yes; you know better than I what it is. It is the report of the Merchant Marine Commission of the testimony taken at the hearings, Volume II, page 811. I quote from his testimony:

"Recently one of our largest steel mills sold abroad 100,000 tons of steel plate. They delivered it, I understand, at Belfast at $24 a ton."

On the next page there is this question by Representative Grosvenor:

"Q. I want to know who bought the steel plate you speak of?—A. The Harlan & Wolff Company, Belfast.

"Q. From whom did they buy it? A. The United States Steel Corporation."

I notice that Mr. Wallace apparently speaks from information. If he had such information it was entirely unreliable. The statement is not founded in fact. The companies in which we are interested sold no ship plate in 1905 to Europe, only a little over 3,000 tons in 1904, not any in 1903, and I think not any in 1902.

Mr. LITTLEFIELD. To whom did they sell, Judge, in 1904?

Mr. GARY. We sold a little over 3,000 tons; I think it was in small, scattering lots.

Mr. LITTLEFIELD. Not in a lump?

Mr. GARY. No. Now, as a matter of fact, the export prices of ship plate at the present time are nearly equal to the domestic prices; and that is true of most of the commodities produced by our corporations. It is also a fact that the domestic prices of the manufacturers of the steel-producing countries are generally higher than our domestic prices, or the domestic prices of the manufacturers of this country. It is also true that the export prices of the manufacturers in foreign steel-producing countries are about the same as the export prices of the manufacturers of this country. It is a fact, however, that it is the policy of manufacturers generally throughout the world to sell at times a limited portion of their output for export at prices lower than the domestic prices.

Mr. LITTLEFIELD. And that rule prevails everywhere?

Mr. GARY. Everywhere. The particular reason for that is well understood. It is for the interest, I think, of the domestic producer at times to have surplus commodities sold for export at prices lower than the domestic price, for the total result is to reduce the price to the domestic consumer. It is well understood in manufacturing circles that the manufacturing cost of factory products is materially less if the factories are operated to their full capacity. Therefore the manufacturer seeks to keep his mills fully employed, in full operation. He does that for two reasons: First, to produce at the lowest cost, and, second, to keep all of his employees fully employed all the time. Sometimes, in order to keep his mills fully employed, there is a surplus product; the product is larger than the domestic consumers will take. That surplus is sold for export wherever it can be sold. The foreign country in those cases has been termed a "dumping ground."

Mr. LITTLEFIELD. And you have to sell at a price that will meet the market, or you can not dispose of the stock there?

Mr. GARY. Of course if you sell abroad you must meet the market there. At the present time, however, the prices, as I have said, are pretty nearly alike.

In connection with Mr. Gary's testimony I submit herewith a table which he put in evidence, being a comparison of the f. o. b. mill prices, domestic and export, on iron and steel in the principal producing countries of the world.

Comparison of present f. o. b. mill prices, domestic and export, on iron and steel in the principal producing countries.

Country.	Rails.		Billets.		Structural, including bars, shapes, plates, angles, and tees.	
	Home price.	Export price.	Home price.	Export price.	Home price.	Export price.
Great Britain	$31.50	$25.00	$24.00	.....	$1.60	$1.35
Canada	33.00	33.00				
Germany	30.00	24.00	27.00	$20.00	1.50	1.25
France	31.00	25.50	27.00	20.50	1.65	1.45
Austria-Hungary	31.00	25.50	27.00	22.00	1.50	1.35
Belgium	30.00	24.00	27.00	19.50	1.55	1.35 to 1.40
United States	28.00	25.00 to 26.60	24.00 to 27.00	21.00	1.60 to 1.70	1.40 to 1.50

The gentleman from Mississippi [Mr. WILLIAMS] does not know a single one of the four witnesses to whose testimony he made reference. He does not personally know one of them. He does not know Mr. Gary and yet he indorses and gives credence to the three gentlemen who testify not of their own knowledge but upon heresay and refuses to give credence to Mr. Gary. Why? Because he is connected with what the gentleman from Mississippi is pleased to call a trust, and the gentleman from Mississippi went so far, although he somewhat modified it in the RECORD, as to insinuate that Mr. Gary was guilty of a falsehood.

Mr. Chairman, Mr. Gary is one of those men whose lives illustrate the possibilities of American citizenship. A graduate of the common schools and of the University of Chicago, by sheer force of character and capacity he has attained to his present position as chief executive officer of the greatest industrial corporation in the world. In all the communities in which he has ever moved he has been a man honored by his fellows. He is a trustee of the Northwestern University. For two terms he was mayor of his native town. For twenty-five years he was a prominent member of the Chicago bar, and for a term president of the Chicago Bar Association. For two terms he was an honored judge upon the bench. He is as clean a man as any in this House. It will take more than the slurs of the gentleman from Mississippi to assail the character, the competency, or the veracity of Mr. Gary. His testimony was so destructive to the case of the gentleman from Mississippi that he declined to have it go into the RECORD. I need not say more. [Applause on the Republican side.]

Mr. Chairman, the practice of selling cheaper in the export market than in the home market is in conformity with that of every nation which makes goods to sell. The gentleman from Iowa [Mr. HEPBURN] the other day put into the RECORD proofs of this fact from standard publications.

I do not propose to add to that character of testimony, but I do submit to you testimony from recognized industrial journals of the world upon that subject. I have here—and I am not going to stop to read them at length, because I am occupying much more time than I wanted to—extracts from leading trades journals giving the home and export prices of foreign countries for basic steel bars, joists, and Bessemer steel rails, and other things, showing the wide difference between the home and the export prices. I insert them as follows:

From London Iron and Coal Trades Review, February 9, 1906, giving German home and export prices for basic steel bars, joists, and Bessemer steel rails, showing a wide difference between the home and export prices, especially for steel rails, the latter being quoted at 135 shillings for home consumption and 115 shillings for export, a difference of 20 shillings, or about $5:

The council of the steel syndicate have now by a majority of votes sanctioned an increase in the allotments for bar iron and plates by 5 per cent, and in rolled rods by 10 per cent. Since the beginning of the syndicate's operations the advance in plates and sheets has consequently been 15 per cent, bars 10 per cent, and rolled rods 10 per cent by a single stroke. As far as bars are concerned, it appears that the augmentation is due, firstly, to the large demand experienced from the export market, and, secondly, to the increasing bar exports of Belgium. Yet all the German syndicated works have not in sales reached the full total of the allotments obtaining previous to the decision to make the fresh advance.

It is understood, in connection with the *international arrangement in respect of wire nails*, that the Belgian and Swiss makers have given their adhesion to the agreement for the current half year. *The German wire-nail syndicate* intends to make endeavors to convert into a

binding agreement the international understanding which was arrived at in Paris two or three months ago.

The inland prices in Westphalia are as follows: German foundry pig, No. 1, 78s.; German foundry pig, No. 3, 70s.; hematite, 82s.; white forge pig, at Siegen, 65s.; basic pig, 68s. to 68s. 6d.; Lorraine-Luxemburg foundry pig, No. 3, 62s., at Luxemburg; German Bessemer iron, 82s.; spiegeleisen, 93s.; English foundry pig, No. 3, 72s., duty paid at Duisburg; malleable-iron bars, 142s. to 145s.; *basic steel bars, 120s. to 125s.*; basic steel angles, 115s. to 120s.; *joists, 120s. to 122s. 6d.*; basic steel plates, No. 1, 145s. to 150s; open-hearth plates, No. 1, 160s., and No. 2, 145s. to 150s., and *Bessemer steel rails, 135s. per ton at the works.* The inland prices remain on the basis of existing contracts at 82s. 6d. for ingots, 92s. 6d. for blooms, 95s. for billets, and 97s. 6d. for sheet bars, all of basic steel. Open-hearth is 5s. per ton higher.

The export prices are undernoted: Steel blooms, 95s. to 96s. c. i. f.; steel billets, 97s. to 98s. c. i. f.; steel sheet bars, 99s. to 100s. c. i. f.; *basic bars, £5 15s. to £6 f. o. b.; steel joists, 105s. f. o. b.; steel rails (heavy section), 115 f. o. b.*; iron bars, No. 2, £5 18s. to £6 2s. f. o. b.; iron angles, £6 to £6 4s. f. o. b.

London Iron and Coal Trades Review, February 16, 1906, showing home and export prices in Belgian iron and steel market.

	Iron No. 2, home trade, per 1,000 kilos f. o. t. at buyer's station.		Exports per 2,200 pounds d/d f. o. b. Antwerp.	
	French currency.	United States currency.	English currency.	United States currency.
Iron No. 2:	*Francs.*		£ s. d.	
Bars	157.50	$30.40	5 18 0	$28.71
Angles	160.00	30.88	6 0 0	29.19
Tees	167.50	32.32	6 4 0	30.17
Rods	175.00	33.77	6 15 0	32.85
Plates	165.00	31.84	6 8 0	31.15
Basic steel:				
Bars	155.00	29.91	0 15 0	
Angles	155.00	29.91	5 17 0	28.47
Tees	165.00	31.84	6 15 0	32.85
Plates ⅜-inch and thicker	162.50	31.36	6 4 0	30.17

This same table appears again in the London Iron and Coal Trades Review of February 23, 1906.

Also the following from the same journal:

	Home price.		Foreign.	
	French currency.	U. S. currency.	English currency.	U. S. currency.
	Francs.		Nominal.	
Ingots	112.50	$21.72	£ s. d.	
Blooms	125.00	24.12	0 89 6	$21.75
Billets	130.00	25.10	0 91 6	22.23
Sheet bars	135.00	26.05	0 93 6	22.72

Also, from same journal, February 16, 1906: "Joists for home consumption quiet, but the demand for exports keeps very brisk."

	Home price.		Foreign.	
	French currency.	U. S. currency.	English currency.	U. S. currency.
	Francs.		£ s. d.	
Joists	142.50	$27.50	5 5 0	$25.55

See Review, February 9, 1906, page 457, for "Inland prices in Westphalia and export prices." Also, ibid, January 26, 1906, page 286.

From London Iron and Coal Trades Review, February 23, 1906, showing home and export prices in the Belgian iron and steel market:

Makers of semifinished steel are extremely active, and our steel works find it difficult to keep pace with the deliveries asked for on specifications. Some large transactions in billets for export to England have taken place early this month, but during the last week a certain insecurity has taken buyers off the market, who are for the present keeping off so far as they can. Fresh business in the home trade is equally quiet. Nevertheless, prices are keeping firm, and we quote:

	Home trade, per 1,000 kilos., f. o. t. at buyer's station.		Export, per 2,240 pounds d/d f. o. b. Antwerp.	
	French currency.	United States currency.	English currency.	United States currency.
	Francs.		*s. d.*	
Ingots	112.50	$21.72	Nominal.	
Blooms	125	24.12	89 6	$21.75
Billets	130	25.10	91 6	22.23
Sheet bars	135	26.05	93 6	22.72

Certain irregularity exists in finished bars, but on the whole business continues good. Perhaps, in the heavier sizes, specifications could be more plentiful. Sheet iron is firm, and rods enjoy a favorable position. Exports to China and Japan are very low, and it will most likely take the Japanese some time yet to recover from the effects of the recent war. Some inquiries are in the market for the Manchurias, and our makers hope to be successful with their tenders.

Business with South Africa is still discouraging, and no orders of any magnitude will be coming forward till the new government has pronounced itself as to the labor question. South America has been quiet this month, and will most likely be so for some five or six weeks yet, but houses interested in this trade hold out for good business. Our trade with Australia is expanding. Prices for finished material run about as follows:

	Home trade, per 1,000 kilos., f. o. t., at buyer's station.		Export, per 2,240 pounds, d/d f. o. b., Antwerp.	
	French currency.	United States currency.	English currency.	United States currency.
Iron No. 2:	*Francs.*		£ s. d.	
Bars	157.50	$30.40	5 18 0	$28.71
Angles	160.00	30.88	6 0 0	29.19
Tees	167.50	32.32	6 4 0	30.17
Rods	175.00	33.77	6 15 0	32.85
Plates	165.00	31.84	6 8 0	31.15
Iron No. 3: Bars	162.50	31.36	2 0	
Basic steel:				
Bars	155.00	29.91	15 0	
Angles	155.00	29.91	5 17 0	28.47
Tees	165.00	31.84	6 1 0	29.44
Rods	175.00	33.77	6 15 0	32.85
Plates, ⅜ inch and thicker	162.50	31.36	6 4 0	30.17
Bulb tee fencing standards for the cape			6 2 6	29.80

I have also an extract from a consular report, which relates to the same subject:

NORWAY'S PAPER INDUSTRY.

Consul-General Bordewich reports from Christiania that the export of paper from Norway is gradually increasing. The exports for which official figures are given were in value $2,179,000 in 1899 and $2,817,000 in 1904. Official figures for 1905 are not as yet available, but if recent newspaper articles can be relied upon the export for that year was larger than for any previous year. The countries to which the largest exports were made in 1904 were Great Britain, Germany, and Holland. The finer grades of writing and bond paper are imported from Germany, England, the United States, and Belgium.

Germany is Norway's most formidable European competitor in paper production. *The larger German mills have formed a syndicate,* whose object it is to control the yearly production of paper and to regulate prices and output. *It is claimed by Norwegian paper manufacturers that the prices charged by the Germans for export goods are from 10 to 15 per cent lower than the prices charged in the home market.* Two new paper mills were built in Norway in 1905. The Norwegian paper manufacturers depend on their splendid water powers, easy access to timber, and low wages paid employees for ability to meet competition and continue their business with profits. Some of their wrapping papers are now finding a limited but increasing market even in America.

Now, with respect to England. In 1816 Lord Brougham, in a speech in Parliament advocating the increased exportation of British goods to the United States, declared that—

It was well worth while to incur a loss upon the first exportation in order by the glut to stifle in the cradle those rising manufactures in the United States which the war has forced into existence contrary to the natural course of things.

And any man who knows anything about American history knows that our tariff was born of England's attempt to crush out our colonial manufactures. Why the State of Pennsylvania has on her statute books a protective law passed long before the adoption of the American Constitution. [Applause on the Republican side.] In 1854 a British parliamentary commission reported as follows:

The laboring classes generally in the manufacturing districts of this country, and especially in the iron and coal districts, are very little aware of the extent to which they are often indebted for their being employed at all to the immense losses which their employers voluntarily incur in bad times in order to destroy foreign competition and to gain and to keep possession of foreign markets. The large capitals of this country are the great instruments of warfare against the competing capital of foreign countries and the most essential instruments now remaining by which our manufacturing supremacy can be maintained.

So much for the English Parliament. In the "Second report of the royal commission appointed to inquire into the question of trade and industry, presented to both Houses of Parliament by command of Her Majesty," you will find the testimony of Sir Lothian Bell, president of the British Iron and Steel Association, as to the existence of a steel-rail trust participated in by the British and German manufacturers of steel rails, and the testimony to the same effect of others, including that of Mr. I. G. Smith, general manager of the Barrow Hematite Steel Company. These gentlemen bear witness to a putting down of prices to foreign buyers and to the putting up of prices to

home consumers, and say it was their purpose to seize the American markets by selling rails there at less than cost and reimbursing their loss by a raise of price in the home market. It is matter of common knowledge to every person engaged in the trade that certain English goods are sold in the New York market at lower prices than the same goods are sold for in England.

Now, I have shown you by competent testimony, by testimony that would be admissible in any court, and unless rebutted would be conclusive, that this is a universal business custom indulged in by all trading nations, free trade nations or protective. The custom prevails in England, as I have shown you.

I say this is a wise policy. In the great commercial war in which all nations are now engaged, if we would gain a foothold in foreign markets we must compete with foreign prices. I recall vividly an instance in point, and I have no doubt many of you do also. A few years ago we had in this House discussion over the question of the price of armor plate.

It turned out in that discussion that the Bethlehem Steel Company, of Pennsylvania, conceded that it had sold a lot of armor abroad at a less price than it was asking the United States for it. And it defended its action upon two grounds. First and foremost, upon the ground that it was necessary if they would keep their works in operation and their men at work, and, secondly, on the ground that they were desirous of securing a market for their armor plate abroad. Now, what has been the result? The result has been that we are getting armor plate in the United States to-day at a less price than any other country in the world, and that within the last ten years we have constructed no small number of Russian and Japanese battle ships, all of which have been covered with armor made by the Bethlehem Steel Company, in Pennsylvania, and sold to Russia and Japan at a higher price than the same article is sold for to the United States. [Applause on the Republican side.]

It is the workingmen who have been the beneficiaries of that policy, and it is only necessary that you should take the statistics of our exports to ascertain to what extent in the line of various manufactures by the pursuit of this policy we have already established ourselves in foreign markets.

It is not only a wise policy, but it is a necessary one. In this same commercial contest to which I have referred we go out to meet foreign tariffs, foreign syndicates, cartels, bounties, all of which were made for the purpose of excluding us from the foreign markets. I am not going to weary you by reading to you all of the proof. I will put it in the RECORD. It is as follows:

I read from the report of Frank H. Mason, our consul-general at Berlin, made in the fall of 1902:

Much of the iron and steel exported from Germany during the past year has been sold on the basis of a clearing-out sale, for what it would bring and for prices which yielded little, if any, profit to the exporters. However, the large export served to clear out accumulated stocks, and by keeping the mills and workmen measurably employed, helped to palliate some of the worst effects of the crisis. So timely was the relief thus obtained that a powerful special syndicate was formed during the summer of 1902 for the purpose of paying bounties on exports of iron and steel. This combination includes the coal, coke, pig iron, and semiproduct syndicates, the Wire Drawers' Association, and the syndicates of sheet metal, girders, and structural iron, respectively, and has its central office at Cologne. The purpose of the combination is to pay to such of its members as export all or part of their product a bonus equal to the difference between the current price of the merchandise in the German market and the price actually obtained for it abroad; in other words, to sustain exports at the expense of the home consumers of steel and iron. * * *

It was shown in evidence produced before a court at Godesberg that the coke syndicate had sold to three large iron companies in Austria blast-furnace coke for $1.97 per ton, while the price to German furnace men was held stiff at 17 marks ($4.04), or more than double the export rate. The girder syndicate mills charged with having taken foreign orders at from 89 to 92 marks ($21.18 to $21.89) per ton, while maintaining a home rate of 120 marks ($28.56). The rail syndicate sold rails abroad for 30 marks ($7.14) per ton below the inland price, the wire mills cut their home rate of 150 marks ($35.70) down to 105 marks ($25) for export, and the rollers of plates and other shipbuilding material pursued a similar policy until the shipbuilders of the Lower Rhine made formal complaint that they could not compete with the Dutch and Belgian shipyards which derived their metal supplies from Germany. Whatever may be the result, the fact is that the industries of Germany are now more thoroughly and largely syndicated than ever before, and a movement is taking shape to provide a system of closer and more exacting Government supervision over such combinations.

Then only a few days ago, April 9, Joseph J. Brittain, the American consul at Kehl, Germany, said:

German chambers of commerce work hand in hand with the exporter. The German railroads, which are owned by the Government, give foreign exports the right of way, and in some instances special rates. Ships owned by the Germans and sailing from German ports carry German goods to their destination.

And so from the consular reports of Consul Winter and Consul Guenther.

FORMATION OF TRUSTS IN GERMANY.

Consul Winter, writing from Annaberg, Germany, says the record of corporate organization in Germany was as follows for the several years named:

Year.	Companies.	Capital.	Average.
1898	329	$110,341,560	$333,200
1899	364	129,564,820	354,620
1900	261	81,029,480	309,400
1901	158	37,563,500	242,760
1902	87	28,210,140	323,680
1903	84	71,409,520	749,960
1904	104	33,474,700	321,300

In 1903 the great iron and steel firm of Friedrich Krupp, at Essen, was converted into a stock company, with a capital of $38,080,000, or more than half of the entire new stock capital of that year. This accounts for the seeming paradox in the figures for 1903 and 1904. The most important and striking tendency manifested by incorporated interests in Germany during the past five years has been that of combination into variously named organizations to control competition, limit and allot production, and to maintain home prices while strengthening the more important interests for aggressive competition in foreign markets. (From Daily Consular Trade Reports, August 9, 1905.)

INVESTIGATING GERMAN TRUSTS.

For some years past the Federal Government has had a permanent commission engaged in investigating German industries, and the influence of the trusts and syndicates thereupon. The commission has accumulated a vast amount of information, but nothing has been published thus far concerning its views. Apparently it is undecided whether combines influence German industries and export trade beneficially or otherwise. It is said that an investigation of the tin-plate and steel trusts will now be undertaken. Some German papers are expressing their impatience at the silence of the commission as regarding governmental action. Complaints come from many industries that the trusts and syndicates sell their products to foreign manufacturers at much lower prices than they compel German industries to pay, thus benefiting foreign competition and injuring German exports of manufactured articles where labor forms the principal item of cost. (Richard Guenther, consul-general, Frankfort, Germany, June 8, 1905.)

MANUFACTURING COMBINES.

Consul-General Guenther reports that a short time ago the leading German manufacturers of derricks convened at Frankfort and resolved to combine with the Association of German Machine Works for the purpose of protecting their trade interests and to establish uniform terms and rates in conducting the business of that branch of manufacture. The plush manufacturers of France aim to establish a trade league for the purpose of regulating prices of their products, terms of sale, etc. They invited the German plush manufacturers to their convention, which was held at Paris on November 18, and the latter accepted. The movement for financial and manufacturing combines and fusions is still going on in the countries of continental Europe. (From Daily Consular and Trade Reports, January 11, 1906.)

And here I call your attention to a somewhat startling fact. Even Japan has taken a hand in organizing syndicates to keep her home market. I read from Consular and Trade Reports:

Thus we find in the case of contending business concerns the force and power of the Government in recommending a combination of interests, to the end that all may live and the industry prosper from concentrated effort. This we find exemplified in the recent combination of the various watch-making concerns. The Government, viewing the warring competitors, steps in and advises the formation of a trust. The business is put under the license system, and the Government promises in consideration of the combination the issuance of an imperial license, which virtually shuts off competition, and incidently puts the industry directly under the control of the Government.

And then I submit extracts from the Statistical Yearbook of Canada for 1904, showing the bounty paid by Canada on all kinds of iron and steel, and the amounts paid.

CANADIAN BOUNTIES.

[Extracts from "The Statistical Yearbook of Canada 1904," pages 185 and 186.]

The Dominion Parliament, in 1883, authorized the payment of a bounty of $1.50 a ton upon all pig iron manufactured in Canada. This bounty was continued until 1st July, 1889, when the rate was made $1 a ton. A further change was made on 1st July, 1892, when the rate was increased to $2 a ton until 1st July, 1897.

In the session of 1894 an act was passed providing that the governor in council may authorize the payment of a bounty of $2 per ton on all pig iron made in Canada from Canadian ore, or a bounty of $2 per ton on all puddled bars made in Canada from Canadian pig iron made from Canadian ore, and a bounty of $2 per ton on all steel billets manufactured in Canada from Canadian pig iron and such other ingredients as are necessary and usual in the manufacture of steel billets. These bounties were applicable till March 26, 1899, in the case of furnaces in operation on March 27, 1894, and in the case of furnaces commencing operations subsequent to that date, but before March 27, 1899, for five years from the date of commencing.

This act was repealed by chapter 6 of the acts of 1897, which authorized the governor-general to give (1) a bounty of $3 per ton on steel ingots manufactured from ingredients of which not less than 50 per cent of their weight consists of pig iron made in Canada; (2) a bounty of $3 per ton on puddled iron bars made from Canadian-made pig iron; (3) a bounty on pig iron manufactured from ore of $3 per ton on the proportion produced from Canadian ore, and $2 on the proportion produced from foreign ore.

An act of 1898 provides that the provisions of the act are to be held to have come into force on April 23, 1897. An act of 1899 limited the time and provided for a yearly diminishing rate of bounty. The act of 1903 provided for the payment of bounties on rolled wire rods ($6 per ton), other rolled shapes ($3), and rolled plates ($3), the articles to be manufactured in Canada from steel produced in Canada from

ingredients of which not less than 50 per cent consisted of pig iron made in Canada. The act further provides that the bounties for 1903–4 shall be 90 per cent of the amount fixed by chapter 6, acts 1897, 75 per cent in 1904–5, 55 per cent in 1905–6, and 35 per cent in 1906–7.

The legislature of Ontario passed an act in the session of 1894 appropriating the sum of $125,000, to be known as the iron-mining fund. Out of this fund the treasurer was authorized to pay $1 per ton of pig-metal product on iron ores raised or mined and smelted in the Province of Ontario, the amount so paid not to exceed in any one year $25,000. This fund has been exhausted by the payments made for the bounty year ended October 31, 1904.

The annual consumption of iron and steel and their products in Canada is between 800,000 tons and 820,000 tons.

[Extract from The Statistical Yearbook of Canada—1894, page 189.]

Following are the amounts which have been paid under the Federal parliamentary authorization on pig iron:

Fiscal year.	Amount.	Bounty paid per ton.	Fiscal year.	Amount.	Bounty paid per ton.
1884	$44,090	$1.50	1895	$63,384	$2.00
1885	38,655	1.50	1896	104,105	2.00
1886	39,270	1.50	1897	66,509	2.00
1887	59,576	1.50	1898	165,654	(a)
1888	33,314	1.50	1899	187,954	(a)
1889	57,234	1.50	1900	238,296	(a)
1890	25,697	1.00	1901	351,259	(a)
1891	20,153	1.00	1902	693,109	(a)
1892	30,294	1.00	1903	670,340	(a)
1893	93,896	2.00	1904	533,983	(a)
1894	125,044	2.00			

[a] Three dollars per ton on pig iron made from Canadian ore, and $2 per ton on pig iron made from foreign ore up to April 23, 1902; from April 23, 1902, to June 30, 1904, $2.70 and $1.80 per ton; from July 1, 1904, to June 30, 1905, $2.25 and $1.50 per ton; from July 1, 1905, to June 30, 1906, $1.65 and $1.10 per ton; from July 1, 1906, to June 30, 1907, $1.05 and 70 cents per ton.

[Extract from The Statistical Yearbook of Canada, 1904, page 189.]

Statements of the quantities and amount of bounty paid on steel ingots, steel billets, and puddled bars, 1896–1904.

Year ended June 30—	Steel ingots.			Puddled bars.		
	Quantity.	Bounty paid.	Bounty earned.	Quantity.	Bounty paid.	Bounty earned.
1896				2,806	$5,611	
1897				1,509	3,019	
1898	18,137	$54,412		2,615	7,706	
1899	24,881	74,644		5,837	17,511	
1900	21,453	64,360		3,374	10,121	
1901	33,352	100,058		5,568	16,703	
1902	64,445	84,610	$185,503	6,984	17,710	$20,549
1903	222,641	721,924	620,731	2,482	9,541	6,702
1904	130,440	347,990		4,322	11,669	

NOTE.—No bounty paid on steel billets after June 30, 1897. The number of tons manufactured during 1896–97 was 43,344, and the bounty paid amounted to $89,906.

[Extract from The Statistical Yearbook of Canada, 1904, page 190.]

Statement of bounties paid on articles manufactured from steel, 1904.

	Quantity.	Amount.	Bounty paid per ton.
	Tons.		
Rolled round steel wire rods	895.44	$5,373	$6.00
Rolled angles	3,290.96	9,873	6.00
Rolled plates	25.11	75	3.00
Total	4,211.51	15,321	

I also submit the following furnished by the Treasury Department taken from the statistics of the Dominion Iron Trade for 1901.

CANADIAN BOUNTIES ON IRON AND STEEL.

As has been heretofore explained, the recent rapid development of the iron and steel industries of Canada has been greatly promoted by the action of the Dominion parliament in enacting the bounty act of June 29, 1897. But the bounty system had previously been in force in Canada. In 1883 the Dominion parliament authorized the payment of a bounty of $1.50 a ton on all pig iron manufactured in Canada. This bounty was continued until July 1, 1889, when the rate was made $1 a ton. A further change was made on July 1, 1892, when the rate was increased to $2 a ton until July 1, 1897, and in 1894 additional legislation provided for the payment of a bounty of $2 a ton on puddled bars and on steel billets.

The act of 1897, most fruitful of all, provided for the payment of $3 per ton "on steel ingots manufactured from ingredients of which not less than 50 per cent of the weight thereof consists of pig iron made in Canada;" $3 per ton "on puddled iron bars manufactured from pig iron made in Canada;" $3 per ton "on pig iron on the proportion produced from Canada ore," and $2 per ton "on pig iron on the proportion produced from foreign ore." These bounties have been extended to June 30, 1907; provided, however, that they shall be annually reduced after April 23, 1902, as follows: From that date to June 30, 1903, 90 per cent shall be paid; from July 1, 1903, to June 30, 1904, 75 per cent; from July 1, 1904, to June 30, 1905, 55 per cent; from July 1, 1905, to June 30, 1906, 35 per cent; from July 1, 1906, to June 30, 1907, 20 per cent.

Down to June 30, 1901, there had been paid in iron and steel bounties under the foregoing acts a total of $2,168,435. In addition to these payments the Province of Ontario has paid since 1894 a bounty of $1 a ton on all pig iron made in the Province from iron ore mined in Ontario. To October 31, 1901, there had been paid under this legislation $59,741.

The following details of the payments of bounty by the Dominion government from 1884 to 1901 are copied from the Statistical Year book of Canada for 1901, for a copy of which the writer is indebted to the courtesy of the Hon. George Johnson, statistician of the Dominion department of agriculture.

In the following table are the amounts which have been paid under the Federal parliamentary authorization:

Bounties paid by the Canadian government on iron and steel from 1884 to 1901, inclusive.

Fiscal year.	Total amount.	Amount per ton.	Fiscal year.	Total amount.	Amount per ton.
1884	$44,090	$1.50	1893	$93,896	$2.00
1885	38,655	1.50	1894	125,044	2.00
1886	39,270	1.50	1895	63,384	2.00
1887	59,576	1.50	1896	104,105	2.00
1888	33,314	1.50	1897	66,509	2.00
1889	57,234	1.50	1898	165,654	(a)
1890	25,697	1.00	1899	187,954	(a)
1891	20,153	1.00	1900	238,296	(a)
1892	30,294	1.00	1901	351,259	(a)

[a] Three dollars per ton on pig iron made from Canadian ore and $2 per ton on pig iron made from foreign ore.

In the following table will be found a statement of the quantities of steel ingots, steel billets, and puddled bars manufactured in Canada and of the bounties paid thereon from 1896 to 1901, inclusive:

Quantities of steel and amount of bounty paid on steel in Canada from 1896 to 1901, inclusive.

Year ended June 30—	Steel ingots.		Steel billets.		Puddled bars.	
	Quantity.	Bounty paid.	Quantity.	Bounty paid.	Quantity.	Bounty paid.
	Short tons.		*Short tons.*		*Short tons.*	
1896			29,749	$59,498	2,806	$5,611
1897			8,683	17,366	1,509	3,019
1898	18,137	$54,412	[a] 4,912	13,042	2,615	7,706
1899	24,881	74,644	(b)	(b)	5,837	17,511
1900	21,453	64,360	(b)	(b)	3,374	10,121
1901	33,352	100,058	(b)	(b)	5,568	16,703

[a] Manufactured in 1896–97 and paid for in 1897–98.
[b] No bounty paid on steel billets after June 30, 1897.

Also an article from London Iron and Coal Trade Review, February 23, 1906:

CANADIAN IRON AND STEEL.

The tariff commission in Canada has been asked by Mr. F. P. Jones, general manager of the Dominion Iron and Steel Company, that the bounties on iron and steel be put back to the rates at which they were in the last fiscal year, namely, $2.25 per ton on pig iron made from Canadian ore, $1.50 on pig iron made from imported ore, $2.25 on steel ingots. These rates he urged the government to reestablish and retain unchanged until June 30, 1908. He asked also that a duty be placed on barbed and galvanized wire. Out of 37,000 tons of these descriptions of wire used in Canada in the last fiscal year he said that the small quantity of 3,000 tons was made in Canada, and this limited tonnage was made under an agreement with United States manufacturers, who not only dictated to Canadians what quantity they might make, but also the price at which it must be sold. He declared that if the imports of these wires from the United States are allowed to continue as at present the company's rod mill can be operated for only a portion of the year.

From the foregoing may readily be seen the difficulties that we have to encounter in our struggle to get into the world's markets.

Now, I submit that this is not only a wise policy and a necessary policy, but that no man has suggested an iota of proof that the policy results in increasing the cost of a single American article to a single American consumer. I say no man has suggested that.

Our friends, the opposition, have satisfied themselves by making the statement that we sell abroad at less than we sell at home, and then they expect you and expect the people to jump to the conclusion that we suffer thereby. I say that there is no proof to that effect and there is ample proof to the contrary.

Mr. UNDERWOOD. Will my friend from Pennsylvania allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. UNDERWOOD. I agree with the gentleman from Pennsylvania that the manufacturing interests in this country have a right to sell abroad for the prices they can get abroad, and at home for the prices that they can get at home. But when they do sell abroad, whether cheaper than they do at home or higher than they do at home, does it not demonstrate that they are making the commodity as cheap as their foreign competitor is making it abroad, and they need not fear competition with a foreign competitor that has to pay ocean freight rates to reach our home markets?

Mr. DALZELL. I do not think the question of cost has anything to do with the price in the foreign market.

Mr. UNDERWOOD. But protection——

Mr. DALZELL. So far as protection is concerned I have already answered the gentleman.

Mr. UNDERWOOD. I will ask the gentleman what he is protesting against if we make as cheap a product here as they do abroad? We still have the protection of a foreign freight rate coming to our shores to protect us to that extent.

Mr. DALZELL. We need protection to the American working man against those periods when in the case of a trade depression abroad our markets are made a dumping ground for their products, and I illustrated the proposition by citing to the gentleman the imports of iron and steel in 1900 and 1901.

Mr. UNDERWOOD. I will say to my friend from Pennsylvania that so far as I am informed the manufacturers in my district exported iron to Europe during the hard times. It was because they could not find markets to sell in at home. I give him that instance as going to show that we were going into the foreign market to build up trade for our workmen in hard times.

Mr. DALZELL. Will the gentleman tell me when, since the passage of the Dingley bill, they have had any hard times in the iron and steel industry?

Mr. UNDERWOOD. In answer to that I will say that in my district we have not had furnaces out of blast permanently in the last ten or twelve years [applause on the Republican side], either under the McKinley Administration or the Cleveland Administration. We have been, to an extent, prosperous under both. The gentleman asked me when we did have hard times under the McKinley Act. I will answer that the first year under the Dingley bill the price of pig iron and steel rails was no higher than the last year under the Wilson bill. It was not until we got into war with Spain and the Government made large purchases of material at home, spending large sums of money, that the era of prosperity began.

Mr. DALZELL. I can not yield to the gentleman any further.

I say no evidence has been offered, and none can be, that it costs the American consumer anything because we sell abroad at a lower price than we do at home.

In proof of that proposition I am going to confine myself to a single article, and I will do so simply because it seems to be the chief object of attack, and that is steel rails.

England is a free-trade country. A comparison of the prices of steel rails in that country and in our own country in the last ten years does not, however, show that, because we have protected our steel-rail industry or for any other reason, American railroad managers have paid any more for steel rails made at home than the managers of English railroads have paid for English rails. In the following table the prices for the United States are given upon the authority of the American Iron and Steel Association and for England upon the authority of Mr. J. S. Jeans, the secretary of the British Iron Trade Association. English prices have been reduced to their equivalents in American currency.

United States.		England.	
Years.	Average prices.	Years.	Average prices.
1895	$24.33	1895	$21.89
1896	28.00	1896	21.69
1897	18.75	1897	23.35
1898	17.62	1898	23.49
1899	28.12	1899	26.80
1900	32.29	1900	36.01
1901	27.33	1901	29.45
1902	28.00	1902	27.37
1903	28.00	1903	27.97
1904	28.00	1904	22.48
Average for ten years	26.04	Average for ten years	25.05

In 1904 the steel-rail industry in England was depressed and prices fell. In 1905 the demand for steel rails improved. On October 6, 1905, the London Iron and Coal Trades Review reported the price at Middlesbrough to be £5 7s. 6d., which is the equivalent of $26.15.

So that as far as that particular item of rails is concerned, it is manifest that there have been no unreasonable prices since those of our own and of the English market conform. If there had been any unreasonable prices in England, we certainly would have heard of it. No complaints are made there. No one ever hears of unreasonable prices for steel rails in the United States except from two sources, and they are Democratic politicians and the Democratic press.

Railroad managers do not complain; nor do the customers of railroads, for our rates are the lowest in the world.

The gentleman from Mississippi put into the RECORD a letter purporting to have been written by Mr. Schwab to Mr. Frick. How that letter became public, if it was ever written, the gentleman did not explain. It seems in the first place to have been taken from a western newspaper. Where the newspaper got it no one knows; certainly not from Mr. Schwab or Mr. Frick. It is manifest from the face of that letter that it is a fake.

Mr. Schwab is represented as saying:

> I know positively that England can not produce pig iron at the actual cost for less than $11.50 a ton, even allowing no profit on raw materials, and can not put pig iron into a rail, with their most efficient work, for less than $7.50 a ton.

Now, if you will take $11.50 for pig iron, which the United States can make no cheaper than England, from $12 a ton for steel rails, you have nothing at all left for your manufacture. You certainly can not turn pig iron into steel rails for 50 cents a ton. The letter is a fake on the face of it.

But I go a step further and say:

The charge that steel rails can be made at Pittsburg at "about $12 a ton" is an old one, which has been many times refuted, as fixing the American cost of steel rails. In May, 1899, to which time the charge was referred, it might have been possible for the Carnegie Steel Company to assemble the raw materials entering into steel rails and convert them into the finished product at "about $12 a ton," provided that, in obtaining its raw materials, it drew only on its own sources of supply and used only its own lines of transportation, and that the estimated cost of conversion did not include any return for the vast amount of capital invested in the various plants of the company and in its railroads and lake vessels, or any allowance for the wear and tear of machinery, or for the value of the iron ore and coal in the mine, the limestone in the quarry, and the natural gas—all raw materials which when consumed do not reproduce themselves, but have cost a great deal of money. It must be remembered, too, that at the time to which this $12 charge originally related, wages were lower than they are to-day and the price of rails was much lower. In May, 1899, some contracts for steel rails were "running below $20."

What would be thought of the level-headedness of a farmer who would estimate the cost of a field of wheat at a sum per bushel which would omit all allowance for the price he had paid for his farm; or for his horses, harness, plows, seed-drills, and thrashing machines; or for taxes; or would neglect to take account of the necessary repairs to his house and barn, fences, etc.? And yet it would be just as reasonable to accept as conclusive that farmer's arithmetic as the $12-steel-rail estimate.

That the charge that "about $12 a ton" covers the cost of steel rails to-day, even with leading elements of the cost omitted, can not be even approximately true is overwhelmingly answered by one simple fact, without citing others, namely, that the price for Bessemer pig iron at Pittsburg, the leading but not the only raw material from which steel rails are made, and of which the Carnegie Steel Company has been a large buyer, is from $18.10 to $18.35 a ton. More than a ton of pig iron is required to produce a ton of steel rails. How then could the cost of steel rails be "about $12" a ton?

But steel products, like all other products, vary in the market according to the different conditions. Mr. Tom Johnson, a steel rail manufacturer, said on the floor of this House in January, 1894, that the fair price for steel rails at that time was $19 a ton, and he said that steel rails ought to cost $2 a ton in addition to the cost of the billets; that billets were then $17 a ton, and a fair price for rails was $19 a ton. But that was in the depressed times of the Cleveland Administration. Steel billets to-day in the open market are $27 a ton. If you add $2 a ton, you have $29 for steel rails, which is a dollar a ton more than the market price.

I submit with great confidence that a comparison of prices from year to year will show that the regulating factors are the law of supply and demand and competition.

And I want to say this, that there is no monopoly of the iron and the steel business in the United States, and that in the very nature of things it is absolutely impossible that there should be such a monopoly. Our country is too vast in extent, its mineral wealth is too widely diffused, its capital for investment is too large, its individual enterprise and energy—the greatest factor in our national development—is too great to allow any man or men or any corporation to have a monopoly of the great iron and steel industry in this United States. [Applause on the Republican side.]

And I want to say another thing, our friends upon the other side to the contrary notwithstanding: The United States Steel Company is not a trust. It makes on an average not more than

half the iron and steel product of this country. The independent companies are companies of large capital, ample resources, modern mills, and having large mineral wealth.

Where will you find in all the world any finer manufacturing plants than the Cambria Steel Works at Johnstown, the Pennsylvania Steel Works at Steelton, the Maryland Steel Works at Sparrows Point, and in the district of my friend from Alabama, the great Tennessee Coal and Iron Company, or in Colorado, the Colorado Fuel Company? With these in the field, from the very nature of the case, a monopoly of this industry is absolutely impossible.

Then I want to say another thing—that there is no combination in this country to fix the price of steel rails. I want you to note that steel rails have never been as high in price since the organization of the United States Steel Company as they were prior to that time.

It is the policy of this much-abused corporation not to raise prices, but to maintain the stability of prices, and it has rendered a great service to the commerce and industry of this country during the time of its existence in that direction. Let me quote to you. In their earliest report to its stockholders the board of directors of that company made this statement and published it:

> The demand for the products of the several companies has been so great that prices could easily have been advanced. Indeed, higher prices have been voluntarily offered by consumers who were anxious for immediate execution of orders, but the companies have firmly maintained the position of not advancing prices, believing that the existing prices were sufficient to yield a fair return on capital and maintain the properties in satisfactory physical condition, and that the many collateral advantages to be gained in the long run by refusing to advance prices would be of substantial and lasting value, not only to the companies, but also to the general business interests of the country. The strong position thus taken by the companies for stability in prices both of raw material and finished products has had a reassuring effect on the trade and has contributed greatly toward restoring confidence in the general business situation and creating a large demand for steel products by dispelling any doubt as to prices in the future.

That was the declaration of the company. Now, what say the outsiders?

Mr. STANLEY. Will the gentleman yield for a question?

Mr. DALZELL. Yes.

Mr. STANLEY. Does the United States Steel Company make woven wire and wire fence and products of that sort?

Mr. DALZELL. I think not; I think those are made by the American Steel and Wire Company.

Mr. STANLEY. Is there any connection between the United States Steel Company and that company?

Mr. DALZELL. I do not know.

The New York Sun, in its issue of January 31, 1902, in commenting upon this statement by the board of directors, said:

> The United States Steel Corporation has so far done exactly what its managers have here said they were trying and will continue to try to do. They have rigidly kept their prices down to the point of reasonableness.

The Louisville Courier-Journal, a leading Democratic paper, said:

> The policy of the corporation so far has been to try to make money by reducing the cost of production, not by advancing the price to the consumer.

And all this time, mark you, the company was paying and still continues to pay the highest wages in the world.

The Commercial and Financial Chronicle, of New York, the highest financial authority in this country, reviewing our large production of pig iron in 1901, said:

> One feature in connection with the year's large production and consumption of iron should not escape attention, for it is in one sense really the most striking characteristic of that period. We refer to the fact that, with the demand larger and more urgent than ever before in the country's history, prices were kept within moderate limits. In the case of every one of the leading articles of iron and steel the average of prices for 1901 is lower than the average for 1900, and in most cases it is very much lower. For this result, preventing that extreme upward movement in values which on so many previous occasions has proven disastrous to the iron and steel industries, the policy of the United States Steel Corporation is largely responsible.
>
> In the early part of the previous year, as will perhaps be remembered, prices had risen to very high figures, but then a decline set in which continued almost to the close of 1900. The beginning of 1901, therefore, found prices at a fairly low level. The business career of the United States Steel Corporation may be said to date from the 1st of April. Before the organization of this company the destructive competition threatened by the rivalry of the different separate companies which are now embraced in its control acted somewhat to demoralize the iron and steel trades so that some intending buyers were induced to withhold their orders. With the possibility of disturbance from that source removed, the demand, already large, became more active than before, and if the steel corporation had not firmly resisted the rising tendency prices would undoubtedly have quickly recovered to the extraordinarily high figures ruling at the beginning of 1900.
>
> But the managers of that concern made it a cardinal point in their policy to keep prices at a level only high enough to leave a fair margin of profit, and their action of course dominated the trade. The result is that prices at the close of 1901, while ruling above the low figures prevailing at the close of 1900, did not on the whole show any great advances. The price of steel rails was raised from $26 a ton to $28 in May, but early in 1900 the price had been $35, and the average of rails for the whole year 1901 was only $27.33, against $32.29, the average for 1900. Bessemer pig iron at Pittsburg averaged $16.37 in December, 1901, against $13.75 in December, 1900, but in February, 1900, the price had been $25 a ton. Steel billets at Pittsburg were $34.50 in January, 1900; $19.75 in December, 1900, and $27.50 in December, 1901.

The Commercial and Financial Chronicle of New York is not a partisan journal, nor is its trade columns edited for political purposes.

Now I submit that I have shown that no evidence has been adduced that the custom of selling abroad for less than at home has added anything to the cost to the American consumer. I have further shown affirmatively that it does not, and that under existing law prices are reasonable. I submit that I have further shown that our selling abroad at reduced prices is limited in extent and is in accordance with the universal custom of the world's export trade, is to the advantage of the home consumer, and especially to the advantage of the American workman, and that even if subject to criticism it can not be remedied by tinkering with the tariff. [Applause on the Republican side.]

Now, I fain would stop here, but a remark made by the gentleman from Mississippi the other day urges me to proceed. I say that in any event there is no danger that the people of this country will intrust to the Democratic party the power to revise the tariff, for two reasons. First, because the party has no convictions on the subject, and second, because it has only recently shown its utter inability wisely to deal with it. [Laughter and applause on the Republican side.]

The gentleman from Mississippi said the other day, pointing his finger across the aisle, "You have neither the courage nor the intellect to revise the tariff." Alas! alas! that I can go the gentleman from Mississippi one better and reply in the language of a Democratic leader, uttered on the floor of this House, that his party had neither the courage nor the honesty to make a tariff law. [Laughter and applause on the Republican side.] The gentleman from Mississippi says, "If you don't revise it, we will." What a pretty mess his party made of tariff revision when they undertook it. Clothed with absolute power, having possession of the House, the Senate, and the Executive, they brought forth a measure that their own President baptized as a measure of party perfidy and party dishonor, and that the people of this country at the very first available opportunity scouted with disgust. [Laughter and applause on the Republican side.]

I want you, my Democratic friends, to listen, bearing in mind what the gentleman from Mississippi says, to what one of your own leaders had to say on the subject, the gentleman to whom the gentleman from Mississippi gave a certificate of character only the other day. Mr. Tom Johnson said, while the Wilson bill was being made:

> Mr. Chairman, we of the Democratic party went before the country in 1892 asserting that the existing tariff was wrong in principle and unjust in operation, declaring the policy of protection a fraud and a robbery, charging it with creating trusts, throttling industry, enforcing idleness, lessening wages, impoverishing labor, and creating a few monstrous fortunes, and pledging ourselves to abolish it if the American people gave us authority. They did give us authority, and then our haste to repeal oppressive taxes subsided, and instead of flying at the throat of protective barons and robber trusts the great Democratic party began, as it were, to wag its tail and look for crumbs. * * * While we have been fiddling, Rome has been burning. While we have been seeking offices and peddling offices the very disasters that we predicted from Republican misrule have come upon the country. Who shall sell stamps at Stringtown Cross Roads and who shall play ambassador at the court of Italy have been settled, but the burning question of the tariff is yet at sea and in the dark. And now, when, after the Christmas turkey and the New Year wine, we meet to consider at our leisure what shall be done to carry out the mandate of the people, given us almost a year and a half ago, the cry of distress goes up from all parts of the land, and American citizens by the hundred thousand are being fed by charity to prevent starvation.
>
> "Oh, if you don't revise the tariff, we will." [Laughter and applause on Republican side.]

Never was the difference between Democratic profession and Democratic practice more clearly illustrated than in that party's futile attempt to stand by its professed principles, when it had the opportunity to do so.

Listen to the distinguished gentleman who then led the Committee on Ways and Means, Mr. Wilson of West Virginia. He opened the battle with a high-sounding manifesto:

> We begin our task by an effort to free from taxation those things on which the industrial prosperity and growth of our country so largely depend.
>
> Of all the reductions made in this bill there are none in their benefit to the consumer, none in their benefit to the laborer that can be compared with the removal of the taxes from the materials of industry. We have felt that we could not begin a thorough reform of the existing system, built up as I have shown, story by story until it has cleared the clouds, except by a removal of all taxation on the great materials that lie at the basis of modern industry, and so the bill proposes to put on the free list wool, iron ore, coal, and lumber. * * * The ques-

tion of a tariff on coal is neither a question of protection nor a question of revenue, but simply a question of subsidy to the great railroad corporations of the country.

And so the Democratic party, making tariff bills according to the confession of its leader, subsidized the great railroad corporations to the extent of 40 cents a ton duty on coal.

But that is not all. The distinguished leader of the Democratic party, making a tariff bill, said further:

Mr. Chairman, every reason for putting coal on the free list applies with equal if not stronger force to removing the duty from iron ore. If duties are laid for revenue, we could not select any duties more hurtful to American industries or more injurious to American labor than duties levied upon production. * * * Upon no ground of protection can the duty on iron ore be any longer justified in this country.

And yet, alas for the credit of Democratic courage, intellect, and honesty, the gentleman and his colleagues proceeded to put what he called an indefensible duty, of 40 cents a ton on iron ore.

The Wilson bill, made by the Democratic party, was absurd, inconsistent, and illogical, but worst of all it was a sectional bill.

It reenacted Mason and Dixon's line. Listen to some of the absurdities and sectionalism in that bill: Copper ingots were called raw material and made free, but pig iron was dutiable at 22½ per cent ad valorem as a manufactured product. Tennessee marble was protected by a duty of 40 cents per cubic foot, but New England granite was free. Combed wool was dutiable at 25 per cent, but combed silk was free. Cleaned Southern rice was dutiable at 1½ cents per pound, but sawed shingles and lumber from Maine were free. Binding twine was free while bagging was taxed. Agricultural implements were free while the steel from which they are made was dutiable. Ties to bind cotton were free, but to bind hay were taxed.

In face of this bungle of grotesque inconsistencies the gentleman from Mississippi calls across the aisle to us that we have neither the courage nor the intellect to make a tariff bill. Every splendid page in every splendid chapter of all the harvest years of Republican rule and protection is his answer. "If you do not revise the tariff," he says, "we will." [Laughter and applause on the Republican side.]

I am disposed to stop, and yet I think I shall not stop here because I want to have the gentleman from Mississippi [Mr. WILLIAMS] have all the light possible on the subject, and I want to say to him in the mildest way that I can that American history contains no record so steeped in cowardice and dishonesty as the record of the Democratic party's attempt to make a tariff bill, and I propose to prove it. I propose to prove that proposition out of the mouths of witnesses, everyone of whom shall be a Democrat. Said the New York Sun, a Democratic paper:

Taking revenue and antirevenue together, the Wilson bill is a fantastic and personal bill. It is a jungle of unconstitutionalities and favoritisms compounded to gratify the more powerful applicants for license to rob and to vindicate the hobbies of Grover Cleveland put on record previous to the Chicago platform. It is the greatest humbug of the age.

Said the Louisville Courier-Journal—and I assume that no Democrat will question the orthodox Democracy of that paper:

If in the Democracy of this country there is a depth of shame which had not before been stirred by Democracy's alleged representatives in the United States Senate, within the past six months it has certainly been reached by the action of the Finance Committee in the latest compromise bill agreed on. Instead of a bill redeeming the pledges they were commissioned to redeem, a mongrel piebald of patches and pusillanimity, a grotesque hodgepodge of pretense and pettifogging, a nondescript abortion of incompetency, selfishness, cowardice, and treachery is the outcome.

"Oh, if you don't revise the tariff, we will." [Laughter on the Republican side.]

Said President Cleveland:

There is no excuse for mistaking or misapprehending the feeling and temper of the rank and file of the Democracy. They are downcast under the assertion that their party fails in ability to manage the Government; they are apprehensive that efforts to bring about tariff reform may fail; but they are much more downcast and apprehensive in their fear that Democratic principles may be surrendered.

Every true Democrat and every sincere tariff reformer knows that this bill in its present form—

Alluding to the Senate bill subsequently adopted *en bloc* by the House—

and as it will be submitted to the conference, falls far short of the consummation for which we have long labored, for which we have suffered defeat without discouragement, which in its anticipation gave us a rallying cry in our day of triumph, and which in its promise of accomplishment is so interwoven with Democratic pledges and Democratic success, that our abandonment of the cause or the principles upon which it rests means party perfidy and party dishonor.

I have a further extract——

Mr. GILBERT of Kentucky. May I ask you one more question?

Mr. DALZELL. Certainly.

Mr. GILBERT of Kentucky. If the gentleman from Pennsylvania has proven that that was a bill of party perfidy and party dishonor, has he not succeeded in establishing the proposition that it was not a Democratic tariff bill?

Mr. DALZELL. No; because it was passed by a Democratic House and illustrates what I say, that they have no convictions on the subject.

Mr. GILBERT of Kentucky. Was it not condemned by the Courier Journal and all the Democratic press and all the leading Democrats in the House?

Mr. DALZELL. It was introduced in the House of Representatives——

Mr. GILBERT of Kentucky. As a compromise.

Mr. DALZELL. And passed here under force of a rule and against the protests of some Democrats who had the courage to stand by their convictions. Now, I am not through; wait until I get through.

Mr. GILBERT of Kentucky. But I want to ask the gentleman how he establishes both propositions, that it was an instance of party perfidy and party dishonor and still it was a party measure?

Mr. DALZELL. I establish the proposition which I started out to establish by saying that Democratic party professions are one thing and Democratic party practices are another thing. [Applause on the Republican side.] Why, the Democratic party was just as bombastic and conceited as to its power to enact a tariff law then as it is now. [Applause on the Republican side.] I recall when the absurd Wilson bill was reported in the House that in their exuberance the since peerless leader of two defeats and the gentleman then from Virginia, now the president of a great university, carried on their stalwart shoulders the chairman of the Committee on Ways and Means. I recall also the difference between that joyful day and that other day of sorrow when the Wilson bill was passed. It has been described in language that far surpasses anything that I could use by the peerless orator from New York [Mr. COCKRAN]. He said [laughter]:

Last winter we passed a bill through this House under the leadership of the gentleman from West Virginia, a bill for tariff reform, which in my humble judgment meant the industrial emancipation of this country and the ultimate industrial conquests of the world by American labor and American genius. That bill passed through this House amid such a scene of triumph and joy as never has been witnessed in the history of a legislative body. On that momentous day the gentleman from West Virginia, borne upon affectionate and loyal shoulders, was the central figure of a demonstration which evidenced the depth of feeling throughout the American people, long pent up, and at last fondly considered triumphant over all obstructions. To-day no more pathetic figure in the history of the world can be observed than that same leader, shorn of his support, walking down these aisles, disdaining to prevaricate or misrepresent the actual condition which confronts us, confessing that he has been deserted by those in whose support he had every reason to confide—

And conspicuous among the deserters was the gentleman from Mississippi—

and asking us to record our betrayal of every principle which this House under his leadership has maintained. We are hopelessly discredited because our cowardice makes our surrender disgraceful.

[Applause on the Republican side.]

Just one more quotation in reply to the assertion that we have neither the intellect nor the courage to make a tariff bill.

Said Mr. Harter of Ohio—you recall him, no doubt—a loyal Democrat, since gone to his reward:

If passed and branded as a Democratic measure (speaking of the Wilson bill), it would stamp us as a lot of imbeciles and our managers in both Houses as driveling idiots.

[Loud applause on the Republican side.]

"Oh, if you do not pass a tariff bill, we will!"

Now, Mr. Chairman, I must omit some things that I would like to have said.

[Cries of "Do not do it," and "Go ahead."]

Well, I think I have proven my case so far as Tom Johnson's assertion was concerned—that his party had neither the honesty nor the courage nor the ability to make a tariff law.

Now, I go a step farther and say, even if the party possessed the qualifications, it still could not make a tariff law, for the reason that it has no convictions on the subject. The general trend of the Democratic party, so far as its history discloses, is toward free trade, but it is for anything at any time that will catch the popular ear. Let us look a little into its history. The Democratic party has been for protection and against protection. It has declared protection robbery and unconstitutional. It has at times refused to declare itself at all on the subject when it thought that course was the most discreet. On one occasion, in a spirit of cowardice, it relegated to the people to say what its policies should be. Now, let us look a little at it historically.

Mr. GILBERT of Kentucky. May I ask one other question?

Mr. DALZELL. Certainly.

Mr. GILBERT of Kentucky. While you are proposing to look at it from a historical standpoint, I would like to remind the gentleman from Pennsylvania——

Mr. DALZELL. I was asked for a question, not for a reminder.

Mr. GILBERT of Kentucky. That the lowest tariff in American history was passed by the Republican party in 1857.

Mr. DALZELL. Well, we won't stop to discuss that proposition; the gentleman has made his reminder, now I will go on. In 1832, with Jackson and Van Buren as its Presidential and Vice-Presidential candidates, it declared for protection. I read from its platform:

Resolved, That an adequate protection to American industry is indispensable to the prosperity of the country, and that an abandonment of the policy at this period would be attended with consequences ruinous to the best interests of the nation.

And then they added a tail to it that I want to call your attention to, because I want to refer to it a little later on.

Resolved, That a uniform system of internal improvements, sustained and supported by the General Government, is calculated to secure in the highest degree the harmony, the strength, and the permanency of the Republic.

That was the platform in 1832. The platform of 1840 says:

Resolved, That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvement.

[Laughter.]

In 1848 the platform openly avowed its adherence to free trade. It said:

Resolved, That the fruits of the great political triumph of 1844, which elected James K. Polk and George M. Dallas President and Vice-President of the United States, have fulfilled the hopes of the Democracy of the Union (reciting a number of things) in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842.

In 1868 it declared for—

revenue on foreign imports and such equal taxation under internal-revenue laws as will afford incidental protection.

In 1872 (now this is worth listening to), choosing as its standard bearers its old time and lifelong enemy, Horace Greeley, it was for "anything to beat Grant," and on the tariff question it said this:

Recognizing that there are in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people in their Congressional districts.

[Loud applause and laughter on the Republican side.]

Now, you know in that campaign there were some Democrats who were not willing to wallow in the mire, and, though few in numbers, they met and nominated a Presidential ticket composed of Charles O'Conor and John Quincy Adams. And I want you to have *their* opinion as to what *they* thought of the Democratic party's platform that I have just read to you. They said:

Resolved, That we proclaim to the world that principle is to be preferred to power; that the Democratic party is held together by the cohesion of the time-honored principle which they will never surrender in exchange for all the offices which Presidents can confer. The pangs of the minorities are doubtless excruciating; but we welcome an eternal minority under the banner inscribed with our principles rather than an almighty majority purchased by their abandonment.

In 1876 and in 1800 the party declared for tariff for revenue only; their present doctrine, as we all know, and as it will officially remain until they have a new national convention and renewed opportunity to turn another somersault, is that "protection is robbery."

I say that their official doctrine is that protection is robbery, so as to contradistinguish it from the doctrine of some of its leaders. The gentleman from Missouri—and there is no gentleman in this House more respected for his character and ability, Judge DE ARMOND said that "free trade is an academic dream;" but his colleague from Missouri [Mr. CLARK] said, and he now resents as an insult that it should be repeated, that he "would tear down the custom-houses from turret to foundation stone." [Laughter.] The gentleman from Mississippi, popularly known as the leader of the minority, denies that he is a free trader, and yet he fills the RECORD with chapters from Bastiat, who Thomas B. Reed said was "the brightest free trader that ever charged down the line, and that he furnished the opposition with both their brains and their dialectics." And the gentleman from Mississippi treated us not only to a chapter from Bastiat, but also a chapter from Robinson Crusoe. I think that we owe him thanks that he did not give us a chapter from Mother Goose. [Laughter.]

In a recent interview, published in the Washington Post, which the gentleman from Mississippi has not denied, he said:

We will make a tariff bill—

That is what he said on the floor of the House, too—

We will make a tariff bill; it will not be an ideal tariff bill, because we must to some extent be guided by actual conditions surrounding us, which will make us swerve—

Swerve!—

to some extent from the ideal, but it will be an approximation to it.

It will, I apprehend, be such another case of swerving as was illustrated in the Wilson-Gorman bill. I very much fear that the gentleman is swerving from ideals for votes. [Laughter and applause on Republican side.]

But hearken, now, to the true Democratic doctrine from a gentleman who has the courage to stand by his guns. It is the voice of the peerless orator from New York. Says Mr. BOURKE COCKRAN:

The tariff is a scheme of plunder. Republicans do not call it that, but disguise it under mellifluous phrases. If you break the harmony of distribution of plunder, you will soon call in the police. You can not expect certain interests that have been enjoying this favoritism of plunder to give it up willingly. * * * Less than fifty years from now the speeches for protection and high tariff will sound as ridiculous as those of the beginning of the eighteenth century against exports and those against witchcraft of the century before.

The gentleman from New York wears no mask.

Democratic leaders, as you will have observed, for the most part, now deny that they are free traders, and declare for a tariff for revenue, or a revenue tariff with incidental protection.

What is a tariff for revenue?

It is a tariff or tax placed upon such articles of foreign production imported here as will produce the largest revenue with the lowest tax. Said Robert J. Walker, author of the revenue tariff of 1846:

The only true maxim is that which experience demonstrates will bring in each case the largest revenue at the lowest rate of duty, and that no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

Will you tell me how many of your industries would survive a tariff of that character? Will you tell me how many mills would continue to operate, how many furnaces would be in blast, how many looms would continue their hum, how many farms would compete with the cheaper labor and the illimitable cheaper lands across the Canadian border? Will you tell me how you would house and feed the hundreds of thousands of idle workmen, their wives and their little ones?

God forbid that our eyes shall ever see the day of a tariff for revenue only. [Loud applause.]

Mr. GRAHAM. Before the gentleman proceeds further will he permit me to ask the gentleman from Kentucky, who interrupted him a few moments ago, how he figures out that the Republican party made a tariff law in 1857, when we did not come into power until 1861?

Mr. DALZELL. That is easy for a Democrat.

Mr. GILBERT of Kentucky. With the permission of the gentleman from Pennsylvania, I will answer.

Mr. DALZELL. No, I can not yield just now.

But some of our Democratic friends say, "we are not for a revenue tariff, but for a revenue tariff with incidental protection."

Well, why not for a revenue tariff? "Oh," says the gentleman from Mississippi, "we can not tear down the existing structure overnight."

He does not propose to strangle our industries, he only proposes to kill them by slow poison.

He says "we can not tear down the structure overnight," and for that reason it would seem he is not for a revenue tariff. And yet a revenue tariff, the gentleman says, is the best tariff that this country ever saw, and that under the revenue tariff of 1846 we had the best times that we ever had, which is not true. Then why not a revenue tariff? Why has the gentleman not the courage of his convictions? If he believes what he says, then he is hoist with his own petard.

Incidental protection! Humbug and pretense! An insult to all reason and logic! If protection be robbery, then the difference between real protection and protection incidental or accidental is a difference only in degree. Both go down before the same argument. No ingenuity of reasoning can draw a distinction. It is only the difference between highway robbery and petty larceny. As for me, if it be a case of robbery at all, I have a qualified respect for the audacity and courage of the highwayman, but nothing but contempt for the sneak thief—and pretty much the same feeling for his advocate. [Applause on the Republican side.]

How much incidental protection do you propose to give? Enough to save the industry? Then your protection is not incidental but real. Less than enough to save the industry? Then your protection is a sham, and you might as well have the courage to avow it and take the consequences.

Mr. Chairman, we are a great, practical people. We look around us and see that all the nations in the civilized world, save one, avow and practice the policy of protection. It seems to us that the wisdom of all these nations is greater than the wisdom of one. Over and against the names of Bastiat and Cobden and Adam Smith we put the name of that masterful intellect, Germany's great iron chancellor, Prince Bismarck, who in the German Reichstag, on May 14, 1882, said this:

> The success of the United States in material development is the most illustrious of modern times. The American nation has not only successfully borne and suppressed the most gigantic and expensive war of all history, but immediately afterwards it disbanded its army, found employment for all its soldiers and marines, paid off most of its debt, gave labor and homes to all the unemployed of Europe as fast as they could arrive within its territory, and all by a system of taxation so indirect as not to be perceived, much less felt. Because it is my deliberate judgment that the prosperity of America is due to its system of protective laws, I urge that Germany has now reached that point where it is necessary to imitate the tariff system of the United States.

[Applause on the Republican side.]

Mr. Chairman, I repeat, we are a great, practical people. We are not accustomed to take our economics from college professors and the dreamers of other times, amidst now obsolete conditions. We do not read our tariff lessons out of books; we read them by the blazing light of open furnace doors, amid the noise of industrial activities, and in the sweat of our brows that we coin into wealth. And God help the man or the party that would put out those fires, still the music of that noise, and send the workman home to a foodless and hungry household. [Prolonged applause on the Republican side.] For, after all, Mr. Chairman, the question of protection is only a question of labor. It is the man who works that is its beneficiary, his wife and his children, and their future. It is, in the last analysis, the question of an adequate wage, measuring up to the severe demands of manhood citizenship. It is a question in which we are all interested, on that side of the House as well as on this. I would to God that we could clasp hands across that aisle in the common cause of the American workingman.

> Oh, East is East, and West is West, and never the twain shall meet
> Till earth and sky stand presently at God's great judgment seat.
> But there is neither East nor West, Border, nor Breed nor Birth,
> When two strong men stand face to face, though they come from the ends of the earth.

[Prolonged applause on the Republican side.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1133. An act granting a pension to Mary Lockard;
H. R. 4222. An act granting a pension to Otto Boesewetter;
H. R. 4388. An act granting a pension to Laura Hilgeman;
H. R. 4406. An act granting a pension to Albert M. Ryan;
H. R. 4867. An act granting a pension to Louisa Gregg;
H. R. 7495. An act granting a pension to Susie M. Gerth;
H. R. 8144. An act granting a pension to Ada J. Lasswell;
H. R. 8833. An act granting a pension to Edna M. Johnson;
H. R. 8954. An act granting a pension to George Cunningham;
H. R. 9276. An act granting a pension to Mary E. O'Hare;
H. R. 10177. An act granting a pension to Elizabeth Kohler;
H. R. 10766. An act granting a pension to Rachel L. Bartlett;
H. R. 11303. An act granting a pension to Joseph Matthews;
H. R. 11686. An act granting a pension to William C. Berghahn;
H. R. 12194. An act granting a pension to Minnie Irwin;
H. R. 12561. An act granting a pension to Francis M. McClendon;
H. R. 12653. An act granting a pension to Sarah Adams;
H. R. 12807. An act granting a pension to Nancy Ann Gee;
H. R. 12874. An act granting a pension to Sarah Ellen Dickens;
H. R. 13024. An act granting a pension to William J. Beach;
H. R. 13421. An act granting a pension to John W. Wabrass;
H. R. 13575. An act granting a pension to Frances Bell;
H. R. 13622. An act granting a pension to Mary Cochran;
H. R. 13704. An act granting a pension to Ann Dewier;
H. R. 13713. An act granting a pension to Allison W. Pollard;
H. R. 15032. An act granting a pension to Milton Diehl;
H. R. 15243. An act granting a pension to Artemesia T. Husbrook;
H. R. 15486. An act granting a pension to William H. M. Carpenter;
H. R. 15490. An act granting a pension to Mary E. Darcy;
H. R. 15523. An act granting a pension to Jose N. Lucero, alias Nasario Lucero;
H. R. 15588. An act granting a pension to Hester Hyatt;
H. R. 15695. An act granting a pension to John T. Wagoner;
H. R. 15807. An act granting a pension to Catharine Arnold;
H. R. 15855. An act granting a pension to Will E. Kayser;
H. R. 16173. An act granting a pension to Sarah Smith;
H. R. 16267. An act granting a pension to Catharine Piper;
H. R. 16320. An act granting a pension to Esther M. Noah;
H. R. 16390. An act granting a pension to Katharine Partridge;
H. R. 16627. An act granting a pension to Delilah Moore;
H. R. 16681. An act granting a pension to Gustave Bergen;
H. R. 16704. An act granting a pension to Lucy C. Strout;
H. R. 16931. An act granting a pension to Cornelia Mitchell;
H. R. 17108. An act granting a pension to Edith F. Morrison;
H. R. 17120. An act granting a pension to Rhoda Munsil;
H. R. 17205. An act granting a pension to Alice Garvey;
H. R. 17308. An act granting a pension to Margaret E. Eveland;
H. R. 17548. An act granting a pension to David J. Bentley;
H. R. 17558. An act granting a pension to Lizzie H. Prout;
H. R. 17586. An act granting a pension to Harriet A. Morton;
H. R. 17671. An act granting a pension to Sarah A. Thompson;
H. R. 17690. An act granting a pension to Ellen E. Leary;
H. R. 17788. An act granting a pension to Charles E. Benson;
H. R. 17826. An act granting a pension to Wincy A. Lindsey;
H. R. 18005. An act granting a pension to Emily Compton;
H. R. 18157. An act granting a pension to James J. Winkler;
H. R. 18158. An act granting a pension to Isaac Cope;
H. R. 18169. An act granting a pension to Margaret Stevens;
H. R. 5842. An act to correct the military record of Charles F. Deisch;
H. R. 5217. An act for the relief of Agnes W. Hills and Sarah J. Hills;
H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;"
H. R. 549. An act granting an increase of pension to Charles W. Storr, jr.;
H. R. 718. An act granting an increase of pension to Hamilton D. Brown;
H. R. 735. An act granting an increase of pension to Frank L. Fornshell;
H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;
H. R. 1192. An act granting an increase of pension to George B. Hess;
H. R. 1413. An act granting an increase of pension to John Crawford;
H. R. 1482. An act granting an increase of pension to Philip Cook;
H. R. 1547. An act granting an increase of pension to William A. Olmsted;
H. R. 1557. An act granting an increase of pension to Frank J. Oatley;
H. R. 1719. An act granting an increase of pension to William N. Whitlock;
H. R. 1768. An act granting an increase of pension to George W. Childers;
H. R. 1946. An act granting an increase of pension to James A. Sproull;
H. R. 2155. An act granting an increase of pension to William H. Smith;
H. R. 2168. An act granting an increase of pension to William Bridges;
H. R. 2226. An act granting an increase of pension to George F. Long;
H. R. 2234. An act granting an increase of pension to Jacob W. Gersteneker;
H. R. 2791. An act granting an increase of pension to Mary E. Adams;
H. R. 2816. An act granting an increase of pension to James C. Town;
H. R. 3227. An act granting an increase of pension to Isaac Tuttle;
H. R. 3345. An act granting an increase of pension to Christina White;
H. R. 3686. An act granting an increase of pension to Henry R. Cowan;

H. R. 3694. An act granting an increase of pension to Joseph D. Emery;
H. R. 4240. An act granting an increase of pension to James F. Chipman;
H. R. 4244. An act granting an increase of pension to John Spaulding;
H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;
H. R. 4594. An act granting an increase of pension to Joshua S. Ditto;
H. R. 4595. An act granting an increase of pension to Thomas H. Tallant;
H. R. 4625. An act granting an increase of pension to Anderson J. Smith;
H. R. 4743. An act granting an increase of pension to Hiram N. Goodell;
H. R. 4745. An act granting an increase of pension to Henry D. Stiehl;
H. R. 4965. An act granting an increase of pension to Samuel P. Holland;
H. R. 5048. An act granting an increase of pension to William A. Failer;
H. R. 5222. An act granting an increase of pension to Lewis R. Stegman;
H. R. 5571. An act granting an increase of pension to William Cary;
H. R. 5732. An act granting an increase of pension to Elias C. Kitchin;
H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;
H. R. 6061. An act granting an increase of pension to William H. Chapman;
H. R. 6111. An act granting an increase of pension to Edwin R. Steenrod;
H. R. 6112. An act granting an increase of pension to Edmund Fish;
H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;
H. R. 6490. An act granting an increase of pension to William H. Gilbert;
H. R. 6498. An act granting an increase of pension to Isaac C. France;
H. R. 6546. An act granting an increase of pension to Samuel A. White;
H. R. 6578. An act granting an increase of pension to James B. McWhorter;
H. R. 6776. An act granting an increase of pension to Stephen C. Smith;
H. R. 6865. An act granting an increase of pension to Charles F. Voss;
H. R. 6912. An act granting an increase of pension to Charles H. Weaver;
H. R. 7419. An act granting an increase of pension to James Scott;
H. R. 7498. An act granting an increase of pension to Mary Hanson;
H. R. 7500. An act granting an increase of pension to John McCandless;
H. R. 7584. An act granting an increase of pension to James H. Kemp;
H. R. 7876. An act granting an increase of pension to Julius Beier;
H. R. 8091. An act granting an increase of pension to John Coughlin;
H. R. 8138. An act granting an increase of pension to Similde E. Forbes;
H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;
H. R. 8547. An act granting an increase of pension to John W. Madison;
H. R. 8650. An act granting an increase of pension to Sewell F. Graves;
H. R. 8662. An act granting an increase of pension to Edward F. Paramore;
H. R. 8716. An act granting an increase of pension to John L. Coffey;
H. R. 8737. An act granting an increase of pension to Horace A. Manley;
H. R. 8771. An act granting an increase of pension to Florence Sullivan;
H. R. 9034. An act granting an increase of pension to Mary F. McCauley;
H. R. 9375. An act granting an increase of pension to Charles H. McKenney;
H. R. 9529. An act granting an increase of pension to William Gibson;
H. R. 9812. An act granting an increase of pension to Joseph B. Newbury;
H. R. 9923. An act granting an increase of pension to Joseph J. Mishler;
H. R. 10008. An act granting an increase of pension to James W. Dorman;
H. R. 10029. An act granting an increase of pension to Abram Higbie;
H. R. 10246. An act granting an increase of pension to John Harrison;
H. R. 10257. An act granting an increase of pension to Samuel Deems;
H. R. 10318. An act granting an increase of pension to James F. Hollett;
H. R. 10319. An act granting an increase of pension to Harvey Deal;
H. R. 10524. An act granting an increase of pension to Ebenezer W. Akerley;
H. R. 10525. An act granting an increase of pension to Artemas D. Many;
H. R. 10561. An act granting an increase of pension to Joseph N. Piersell;
H. R. 10774. An act granting an increase of pension to James D. Leach;
H. R. 10922. An act granting an increase of pension to John McDonald;
H. R. 10993. An act granting an increase of pension to Samuel Jones;
H. R. 11062. An act granting an increase of pension to Samuel W. Harlan;
H. R. 11151. An act granting an increase of pension to John Sirmyer;
H. R. 11365. An act granting an increase of pension to Robert D. Williamson;
H. R. 11424. An act granting an increase of pension to Stephen W. Neal;
H. R. 11466. An act granting an increase of pension to Benjamin F. Heald;
H. R. 11510. An act granting an increase of pension to Joseph S. Larrance;
H. R. 11552. An act granting an increase of pension to Abraham G. Leiser;
H. R. 11822. An act granting an increase of pension to Lawyer Sugs;
H. R. 11917. An act granting an increase of pension to Davis Preston;
H. R. 11989. An act granting an increase of pension to Francis M. Hinds;
H. R. 12010. An act granting an increase of pension to Lewis Hoffmann;
H. R. 12088. An act granting an increase of pension to Louisa Spielman;
H. R. 12160. An act granting an increase of pension to Josephine D. McNary;
H. R. 12180. An act granting an increase of pension to Charles H. Dunning;
H. R. 12238. An act granting an increase of pension to Helen S. Brown;
H. R. 12279. An act granting an increase of pension to James S. Topping;
H. R. 12304. An act granting an increase of pension to John McDonough;
H. R. 12331. An act granting an increase of pension to Daniel J. Miller;
H. R. 12372. An act granting an increase of pension to J. Morgan Seabury;
H. R. 12480. An act granting an increase of pension to James McKenna;
H. R. 12588. An act granting an increase of pension to Joseph B. Dickinson;
H. R. 12664. An act granting an increase of pension to William E. Wallace;
H. R. 12727. An act granting an increase of pension to Benjamin D. Bogia;
H. R. 12733. An act granting an increase of pension to Charles W. Kelsey;
H. R. 12734. An act granting an increase of pension to Abram Van Riper;
H. R. 12762. An act granting an increase of pension to Jesse H. Brandt;
H. R. 12792. An act granting an increase of pension to William Wiley;

H. R. 12810. An act granting an increase of pension to Edward Ross;
H. R. 12813. An act granting an increase of pension to Reese Moore;
H. R. 12842. An act granting an increase of pension to William J. Drake;
H. R. 13026. An act granting an increase of pension to J. Bailey Orem;
H. R. 13030. An act granting an increase of pension to John C. Heney;
H. R. 13047. An act granting an increase of pension to Walter Saunders;
H. R. 13060. An act granting an increase of pension to Henry De Graff;
H. R. 13077. An act granting an increase of pension to James S. Prose;
H. R. 13111. An act granting an increase of pension to Lewis S. Perkins;
H. R. 13140. An act granting an increase of pension to Jesse W. Howe;
H. R. 13227. An act granting an increase of pension to Robert Blancett;
H. R. 13228. An act granting an increase of pension to Augustus Hathaway;
H. R. 13229. An act granting an increase of pension to Sarah E. Holland;
H. R. 13232. An act granting an increase of pension to Penina Owens;
H. R. 13233. An act granting an increase of pension to Jesse A. B. Thorne;
H. R. 13236. An act granting an increase of pension to William Haines;
H. R. 13326. An act granting an increase of pension to Augustus McDaniel;
H. R. 13337. An act granting an increase of pension to Joseph W. Harsh;
H. R. 13465. An act granting an increase of pension to Eleanor Gregory;
H. R. 13469. An act granting an increase of pension to Michael Davy, alias James Byron;
H. R. 13493. An act granting an increase of pension to Elizabeth J. Meek;
H. R. 13506. An act granting an increase of pension to Julia A. Bachus;
H. R. 13507. An act granting an increase of pension to Thomas Crowley;
H. R. 13535. An act granting an increase of pension to William Kelly;
H. R. 13577. An act granting an increase of pension to Ellen M. Van Brunt;
H. R. 13679. An act granting an increase of pension to Joseph Nobinger;
H. R. 13689. An act granting an increase of pension to William S. Newman;
H. R. 13809. An act granting an increase of pension to James P. Tucker;
H. R. 13861. An act granting an increase of pension to Wilhelm Dickhoff;
H. R. 13877. An act granting an increase of pension to Juan Canasco;
H. R. 13882. An act granting an increase of pension to Levi L. Price;
H. R. 13923. An act granting an increase of pension to Martin Dayhuff;
H. R. 13979. An act granting an increase of pension to Emeline A. Stewart;
H. R. 13991. An act granting an increase of pension to Wiley H. Dixon;
H. R. 14072. An act granting an increase of pension to George W. Reeder;
H. R. 14106. An act granting an increase of pension to John S. Melton;
H. R. 14118. An act granting an increase of pension to Edward Delany;
H. R. 14142. An act granting an increase of pension to James A. Scrutchfield;
H. R. 14169. An act granting an increase of pension to Bettie Stern;
H. R. 14198. An act granting an increase of pension to William T. Stewart;
H. R. 14200. An act granting an increase of pension to John K. Dalzell;
H. R. 14237. An act granting an increase of pension to Isaac Kindle;
H. R. 14328. An act granting an increase of pension to Charles M. Mears;
H. R. 14391. An act granting an increase of pension to Franklin Cooley;
H. R. 14470. An act granting an increase of pension to William A. Braselton;
H. R. 14490. An act granting an increase of pension to Martha A. Kenney;
H. R. 14493. An act granting an increase of pension to Henry Gentles, alias Henry Hopner;
H. R. 14504. An act granting an increase of pension to Aaron P. Seeley;
H. R. 14539. An act granting an increase of pension to Louis C. Robinson;
H. R. 14545. An act granting an increase of pension to Eliza L. Nixon;
H. R. 14660. An act granting an increase of pension to Daniel M. Philbrook;
H. R. 14731. An act granting an increase of pension to Ezra H. Wiggins.
H. R. 14736. An act granting an increase of pension to Isaac C. Smallwood;
H. R. 14745. An act granting an increase of pension to Frederick B. Walton;
H. R. 14801. An act granting an increase of pension to Thomas Armstrong;
H. R. 14827. An act granting an increase of pension to William K. Stewart;
H. R. 14839. An act granting an increase of pension to James McManis;
H. R. 14854. An act granting an increase of pension to Harriet Howard;
H. R. 14861. An act granting an increase of pension to Dennis W. Ray;
H. R. 14955. An act granting an increase of pension to Eliza Moore;
H. R. 14980. An act granting an increase of pension to Matthew H. Bellomy;
H. R. 14982. An act granting an increase of pension to Isaac N. Long;
H. R. 14994. An act granting an increase of pension to Daniel C. Joslyn;
H. R. 14996. An act granting an increase of pension to John F. Smith;
H. R. 15002. An act granting an increase of pension to George E. Wood;
H. R. 15003. An act granting an increase of pension to James Gray;
H. R. 15058. An act granting an increase of pension to Enoch Rector;
H. R. 15064. An act granting an increase of pension to Jacob Wagenknecht;
H. R. 15102. An act granting an increase of pension to William H. Ryckman;
H. R. 15147. An act granting an increase of pension to Joseph B. Teas;
H. R. 15149. An act granting an increase of pension to William W. Ferguson;
H. R. 15152. An act granting an increase of pension to Mary T. Corns;
H. R. 15178. An act granting an increase of pension to Matilda Morrison;
H. R. 15180. An act granting an increase of pension to Amanda Pitman;
H. R. 15201. An act granting an increase of pension to Edward O'Shea;
H. R. 15206. An act granting an increase of pension to Peter G. Thompson;
H. R. 15229. An act granting an increase of pension to Edwin Howes;
H. R. 15233. An act granting an increase of pension to William G. Westover;
H. R. 15272. An act granting an increase of pension to Patrick Mooney;
H. R. 15274. An act granting an increase of pension to Edward W. Bell;
H. R. 15275. An act granting an increase of pension to Jehu Martin;
H. R. 15305. An act granting an increase of pension to Ezra H. Brown;
H. R. 15316. An act granting an increase of pension to James McKelvy;
H. R. 15355. An act granting an increase of pension to George M. Dailey;

H. R. 15418. An act granting an increase of pension to Samuel P. Sargent;
H. R. 15450. An act granting an increase of pension to Virginia J. D. Holmes;
H. R. 15459. An act granting an increase of pension to Drucillar A. Massey;
H. R. 15495. An act granting an increase of pension to Job B. Sanderson;
H. R. 15499. An act granting an increase of pension to Elias Andrew;
H. R. 15500. An act granting an increase of pension to John W. Thomas;
H. R. 15501. An act granting an increase of pension to Elizabeth Parks;
H. R. 15539. An act granting an increase of pension to John McConnell;
H. R. 15565. An act granting an increase of pension to Josias R. King;
H. R. 15566. An act granting an increase of pension to Andrew F. Kreger;
H. R. 15592. An act granting an increase of pension to Levi H. Towsend;
H. R. 15614. An act granting an increase of pension to Clark Cornett;
H. R. 15632. An act granting an increase of pension to Joseph B. Sanders;
H. R. 15634. An act granting an increase of pension to Samuel M. Reese;
H. R. 15641. An act granting an increase of pension to Eli Woodbury;
H. R. 15675. An act granting an increase of pension to Harley Mowrey;
H. R. 15682. An act granting an increase of pension to Hannah M. Hayes;
H. R. 15748. An act granting an increase of pension to Jacob R. Deckard;
H. R. 15761. An act granting an increase of pension to Lafayette North;
H. R. 15762. An act granting an increase of pension to Harmon Freeman, alias Harmon Storme;
H. R. 15768. An act granting an increase of pension to Mary J. Halbert;
H. R. 15783. An act granting an increase of pension to George W. Sutton;
H. R. 15819. An act granting an increase of pension to William T. Burgess;
H. R. 15854. An act granting an increase of pension to Phillip Schloesser;
H. R. 15867. An act granting an increase of pension to Annie M. Stevens;
H. R. 15886. An act granting an increase of pension to John Misner;
H. R. 15925. An act granting an increase of pension to Abraham Walker;
H. R. 15932. An act granting an increase of pension to Hartley B. Cox;
H. R. 15943. An act granting an increase of pension to William D. Jones;
H. R. 15972. An act granting an increase of pension to Thomas J. Smith;
H. R. 15977. An act granting an increase of pension to Mary E. Ramsey;
H. R. 16044. An act granting an increase of pension to John C. Linsday;
H. R. 16098. An act granting an increase of pension to Frederick Fenz;
H. R. 16165. An act granting an increase of pension to Morris Smith;
H. R. 16174. An act granting an increase of pension to John Williamson;
H. R. 16186. An act granting an increase of pension to William T. A. H. Boles;
H. R. 16193. An act granting an increase of pension to Daniel Shrader;
H. R. 16220. An act granting an increase of pension to George C. Powell;
H. R. 16224. An act granting an increase of pension to Francis M. Crawford;
H. R. 16253. An act granting an increase of pension to Margaret A. Hope;
H. R. 16255. An act granting an increase of pension to James S. Brand;
H. R. 16271. An act granting an increase of pension to Edwin Elliott;
H. R. 16274. An act granting an increase of pension to David Lindsey;
H. R. 16279. An act granting an increase of pension to Edward E. Elliott;
H. R. 16284. An act granting an increase of pension to George Rogers;
H. R. 16285. An act granting an increase of pension to Henry Johnson;
H. R. 16295. An act granting an increase of pension to Laurence Foley;
H. R. 16319. An act granting an increase of pension to Orrin D. Nichols;
H. R. 16335. An act granting an increase of pension to John A. Bryan;
H. R. 16372. An act granting an increase of pension to Andrew Dorn;
H. R. 16398. An act granting an increase of pension to David Ross;
H. R. 16400. An act granting an increase of pension to James McCracken;
H. R. 16408. An act granting an increase of pension to William Hendricks;
H. R. 16423. An act granting an increase of pension to Andrew J. Roe;
H. R. 16427. An act granting an increase of pension to William W. Carter;
H. R. 16429. An act granting an increase of pension to Caroline M. Peirce;
H. R. 16466. An act granting an increase of pension to Asenith Woodall;
H. R. 16471. An act granting an increase of pension to North Ann Dorman;
H. R. 16486. An act granting an increase of pension to Thomas Bosworth;
H. R. 16491. An act granting an increase of pension to Lewis Denson;
H. R. 16516. An act granting an increase of pension to James B. Fairchild;
H. R. 16522. An act granting an increase of pension to Charles Meyer;
H. R. 16526. An act granting an increase of pension to James R. Hilliard;
H. R. 16527. An act granting an increase of pension to William Martin;
H. R. 16528. An act granting an increase of pension to Catharine Price;
H. R. 16529. An act granting an increase of pension to James M. Sikes;
H. R. 16530. An act granting an increase of pension to William H. Gautier;
H. R. 16535. An act granting an increase of pension to Jonathan I. Wright;
H. R. 16536. An act granting an increase of pension to Cyrus S. Case;
H. R. 16540. An act granting an increase of pension to Sarah M. Evans;
H. R. 16541. An act granting an increase of pension to Ambrose Y. Teague;
H. R. 16547. An act granting an increase of pension to John Rutter;
H. R. 16566. An act granting an increase of pension to Whitman V. White;
H. R. 16576. An act granting an increase of pension to Silas P. Conway;
H. R. 16577. An act granting an increase of pension to Joseph M. Pound;
H. R. 16586. An act granting an increase of pension to William Mattison;
H. R. 16602. An act granting an increase of pension to Christopher C. Reeves;
H. R. 16603. An act granting an increase of pension to Pleasant W. Cook;
H. R. 16606. An act granting an increase of pension to James A. Duff;
H. R. 16622. An act granting an increase of pension to James Webb;
H. R. 16629. An act granting an increase of pension to Louis Stoeckig;
H. R. 16630. An act granting an increase of pension to Philip Dumont;
H. R. 16632. An act granting an increase of pension to Louis Lepine;
H. R. 16648. An act granting an increase of pension to Henry B. Teetor;

H. R. 16699. An act granting an increase of pension to Lewis P. Chandler;
H. R. 16717. An act granting an increase of pension to Sterling Hughes;
H. R. 16724. An act granting an increase of pension to James S. Burgess;
H. R. 16749. An act granting an increase of pension to Henry A. Jones;
H. R. 16751. An act granting an increase of pension to Samuel Hough;
H. R. 16765. An act granting an increase of pension to Angus Campbell;
H. R. 16783. An act granting an increase of pension to David W. Kirkpatrick;
H. R. 16806. An act granting an increase of pension to Henry Brenizer;
H. R. 16810. An act granting an increase of pension to Henry C. Jackson;
H. R. 16824. An act granting an increase of pension to James Waskom;
H. R. 16828. An act granting an increase of pension to Georgia A. Hughs;
H. R. 16881. An act granting an increase of pension to Joel R. Youngkin;
H. R. 16884. An act granting an increase of pension to William D. Woodcock;
H. R. 16887. An act granting an increase of pension to Darwin Johnson;
H. R. 16902. An act granting an increase of pension to Dennis Winn;
H. R. 16936. An act granting an increase of pension to Sherwood F. Culberson;
H. R. 16941. An act granting an increase of pension to Thomas H. Hogan;
H. R. 16991. An act granting an increase of pension to Stephen Vaught;
H. R. 16992. An act granting an increase of pension to John R. Baldwin;
H. R. 16993. An act granting an increase of pension to Melroe Tarter;
H. R. 16994. An act granting an increase of pension to Harriet Payne;
H. R. 16996. An act granting an increase of pension to Joseph Delisle;
H. R. 17003. An act granting an increase of pension to Eleazer C. Harmon;
H. R. 17004. An act granting an increase of pension to Willard F. Sessions;
H. R. 17006. An act granting an increase of pension to Fountain M. Fain;
H. R. 17012. An act granting an increase of pension to Mary Thackara;
H. R. 17014. An act granting an increase of pension to Jackson D. Thornton;
H. R. 17035. An act granting an increase of pension to Samuel Smith;
H. R. 17036. An act granting an increase of pension to Josephine L. Jordan;
H. R. 17055. An act granting an increase of pension to George Fankell;
H. R. 17067. An act granting an increase of pension to Simeon Pierce;
H. R. 17069. An act granting an increase of pension to William L. Wilcher;
H. R. 17070. An act granting an increase of pension to Thomas Blakney;
H. R. 17085. An act granting an increase of pension to George W. Olis;
H. R. 17118. An act granting an increase of pension to John Burke;
H. R. 17143. An act granting an increase of pension to William Taylor;
H. R. 17144. An act granting an increase of pension to Jesse Wiley;
H. R. 17162. An act granting an increase of pension to Scott Ruddick;
H. R. 17165. An act granting an increase of pension to Sophie Pohlers;
H. R. 17173. An act granting an increase of pension to Thomas J. Davis;
H. R. 17174. An act granting an increase of pension to Nathaniel C. Sawyer;
H. R. 17175. An act granting an increase of pension to Andrew E. Kinney;
H. R. 17202. An act granting an increase of pension to Benjamin H. Cool;
H. R. 17209. An act granting an increase of pension to Alva D. Smith;
H. R. 17229. An act granting an increase of pension to Derias Thomas Jean;
H. R. 17231. An act granting an increase of pension to Rachel Allen;
H. R. 17238. An act granting an increase of pension to John G. Vassar;
H. R. 17244. An act granting an increase of pension to James Crandol;
H. R. 17268. An act granting an increase of pension to Charles L. Westfall;
H. R. 17278. An act granting an increase of pension to Mary E. Patterson;
H. R. 17303. An act granting an increase of pension to William H. Hester;
H. R. 17310. An act granting an increase of pension to Francis A. Hite;
H. R. 17333. An act granting an increase of pension to Esek W. Hoff;
H. R. 17342. An act granting an increase of pension to Wesley G. Cox;
H. R. 17344. An act granting an increase of pension to John L. Fuhrman;
H. R. 17361. An act granting an increase of pension to Margaret McGiffin;
H. R. 17372. An act granting an increase of pension to Arethusa M. Pettit;
H. R. 17373. An act granting an increase of pension to William T. Stott;
H. R. 17384. An act granting an increase of pension to William Warnes;
H. R. 17385. An act granting an increase of pension to James S. Ruby;
H. R. 17387. An act granting an increase of pension to David F. Eakin;
H. R. 17395. An act granting an increase of pension to Thaddeus C. S. Brown;
H. R. 17402. An act granting an increase of pension to Isaiah H. Hazlitt;
H. R. 17406. An act granting an increase of pension to William B. McAllister;
H. R. 17422. An act granting an increase of pension to Orlando Hand;
H. R. 17430. An act granting an increase of pension to John A. Mather;
H. R. 17480. An act granting an increase of pension to Charles P. Lord;
H. R. 17514. An act granting an increase of pension to Virginia C. Moore;
H. R. 17515. An act granting an increase of pension to John J. Elliott;
H. R. 17526. An act granting an increase of pension to Richard Dunlap;
H. R. 17557. An act granting an increase of pension to John W. Marshall;
H. R. 17584. An act granting an increase of pension to James White;
H. R. 17591. An act granting an increase of pension to William Hall;
H. R. 17592. An act granting an increase of pension to Margaret Haynes;
H. R. 17597. An act granting an increase of pension to Charles Lee;
H. R. 17613. An act granting an increase of pension to Susan E. Nash;
H. R. 17619. An act granting an increase of pension to Davia D. Spain;
H. R. 17635. An act granting an increase of pension to George Willy;
H. R. 17638. An act granting an increase of pension to York A. Woodward;
H. R. 17644. An act granting an increase of pension to Henry C. Eastler;
H. R. 17650. An act granting an increase of pension to Hugh F. Ames;
H. R. 17654. An act granting an increase of pension to Hannah J. K. Thomas;
H. R. 17683. An act granting an increase of pension to John Hoch;
H. R. 17684. An act granting an increase of pension to Joseph M. Hays;
H. R. 17700. An act granting an increase of pension to Andrew T. Mitchell;
H. R. 17711. An act granting an increase of pension to John Dietz;

H. R. 17736. An act granting an increase of pension to Josephine B. Phelon;
H. R. 17747. An act granting an increase of pension to Abraham I. Canary;
H. R. 17761. An act granting an increase of pension to Thomas J. Mackey;
H. R. 17771. An act granting an increase of pension to Deloss Williams;
H. R. 17781. An act granting an increase of pension to Frank M. Parker;
H. R. 17782. An act granting an increase of pension to Aaron K. Clark;
H. R. 17796. An act granting an increase of pension to Thomas C. Alexander;
H. R. 17797. An act granting an increase of pension to Wilbur F. Lane;
H. R. 17806. An act granting an increase of pension to Enoch Boyle;
H. R. 17830. An act granting an increase of pension to William R. Snell;
H. R. 17843. An act granting an increase of pension to Samuel Watkins;
H. R. 17854. An act granting an increase of pension to John Eubank;
H. R. 17855. An act granting an increase of pension to Harriet E. Miller;
H. R. 17890. An act granting an increase of pension to James T. Bandy;
H. R. 17892. An act granting an increase of pension to Abraham K. Smith;
H. R. 17913. An act granting an increase of pension to Philo Green;
H. R. 17921. An act granting an increase of pension to James Reppeto;
H. R. 17933. An act granting an increase of pension to Harriet E. Vandine;
H. R. 17939. An act granting an increase of pension to Robert A. Seaver;
H. R. 17950. An act granting an increase of pension to James W. Hager;
H. R. 17951. An act granting an increase of pension to Elizabeth A. Hodges;
H. R. 17971. An act granting an increase of pension to James G. Wall;
H. R. 17989. An act granting an increase of pension to Elizabeth Hodges;
H. R. 17996. An act granting an increase of pension to Alonzo Wells;
H. R. 18006. An act granting an increase of pension to Martha J. Bass;
H. R. 18019. An act granting an increase of pension to Milton A. Griffeth;
H. R. 18032. An act granting an increase of pension to Mary H. Scott;
H. R. 18054. An act granting an increase of pension to Stewart J. Donnelly;
H. R. 18056. An act granting an increase of pension to Moses Davis;
H. R. 18067. An act granting an increase of pension to Joseph Guiott;
H. R. 18075. An act granting an increase of pension to Anna E. Kingston;
H. R. 18094. An act granting an increase of pension to William G. Melick;
H. R. 18143. An act granting an increase of pension to James F. Brown;
H. R. 18147. An act granting an increase of pension to Perry F. Belden;
H. R. 18149. An act granting an increase of pension to S. Horace Perry;
H. R. 18175. An act granting an increase of pension to Jeremiah Van Riper;
H. R. 18188. An act granting an increase of pension to David B. Guthrie;
H. R. 18237. An act granting an increase of pension to Rachel Egeness;
H. R. 18325. An act granting an increase of pension to John W. Schofield;
H. R. 18393. An act granting an increase of pension to David F. Crouch;
H. R. 18406. An act granting an increase of pension to Andrew Jackson;
H. R. 18465. An act granting an increase of pension to Abby B. Cloud;

H. R. 18506. An act granting an increase of pension to Mahala Jones;
H. R. 9138. An act granting an increase of pension to Aaron L. Rockwood;
H. R. 19572. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes;
H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas; and
H. R. 9135. An act granting a pension to August Crome.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4403. An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.
S. 350. An act for the relief of the heirs of Joseph Sierra, deceased—to the Committee on Claims.
S. 1570. An act granting an increase of pension to Lydia A. Johnson—to the Committee on Invalid Pensions.
S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired—to the Committee on Claims.
S. 5561. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901—to the Committee on the District of Columbia.
S. 1476. An act granting certain lands to the town of Tincup, Colo., for cemetery purposes—to the Committee on the Public Lands.
S. 5772. An act granting an increase of pension to Thomas M. Harris—to the Committee on Invalid Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana;
H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired; and
H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland.

NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION.

The SPEAKER laid before the House the bill (H. R. 15332) to incorporate the National Society of the Sons of the American Revolution, with Senate amendments.

The Senate amendments were read.

Mr. HILL of Connecticut. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Connecticut.

The question was taken; and on a division (demanded by Mr. WILLIAMS), there were—ayes 56, noes 35.

Mr. WILLIAMS. Mr. Speaker, I make the point that there is no quorum present.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James M. Thomason against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert A. Dickson against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered

to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 17511, reported in lieu thereof a bill (H. R. 19642) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations, reported the same, accompanied by a report (No. 4402); which said bill and report were referred to the House Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 160) authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn., reported the same without amendment, accompanied by a report (No. 4406); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON, from the Committee on the Territories, to which was referred the Senate joint resolution (S. R. 59) relative to the appropriation for the native schools and reindeer enterprise in Alaska, reported the same without amendment, accompanied by a report (No. 4407); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4299) to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels, reported the same without amendment, accompanied by a report (No. 4409); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5489) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district, reported the same without amendment, accompanied by a report (No. 4410); which said bill and report were referred to the House Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 19606) to pay certain claims of citizens of foreign countries against the United States and to satisfy certain conventional obligations of the United States, reported the same with amendment, accompanied by a report (No. 4414); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTLETT, from the Committee on Industrial Arts and Expositions, to which was referred the House concurrent resolution (H. C. Res. 28) authorizing participation in an exposition at Tampa, Fla., to celebrate the beginning of work on the Panama Canal, reported the same with amendment, accompanied by a report (No. 4416); which said bill and report were referred to the House Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the Senate joint resolution (S. R. 47) granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan, reported the same with amendment, accompanied by a report (No. 4418); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4279) to correct the military record of Wilbur C. Stephens, reported the same with amendment, accompanied by a report (No. 4405); which said bill and report were referred to the Private Calendar.

Mr. HERMANN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8825) for the relief of Thomas H. Kent, reported the same with amendment, accompanied by a report (No. 4408); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 9289) for the relief of the Mitsui Bussan Kaisha, reported the same without amendment, accompanied by a report (No. 4411); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12188) for the relief of George T. Larkin, reported the same with amendment, accompanied by a report (No. 4412); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, reported the same with amendment, accompanied by a report (No. 4413); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19641) for the relief of José Rainos, reported the same without amendment, accompanied by a report (No. 4415); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13142) for the relief of Daniel B. Murphy, reported the same with amendment, accompanied by a report (No. 4417); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14850) to remove the charge of desertion and grant an honorable discharge to Allen C. Newland, reported the same adversely, accompanied by a report (No. 4403); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 12185) to remove the charge of desertion from the record of Peter Ghem, reported the same adversely, accompanied by a report (No. 4404); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAYLOR of Ohio, from the Committee on the District of Columbia: A bill (H. R. 19642) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations—to the House Calendar.

By Mr. CLARK of Florida: A bill (H. R. 19643) to permit homestead settlers on public lands in certain counties of Florida to sell and dispose of certain timber thereon—to the Committee on the Public Lands.

By Mr. SHEPPARD: A bill (H. R. 19644) directing the Office of Public Roads of the Agricultural Department to advise and cooperate with State and local authorities as to the best methods of maintaining roads used as rural routes in passable condition, and to inspect and report the condition of said roads with recommendations to the Post-Office Department when requested by it to do so—to the Committee on Agriculture.

By Mr. CALDER: A bill (H. R. 19645) making Saturday afternoon a legal holiday, with pay, for employees in navy-yards and naval stations—to the Committee on Naval Affairs.

By Mr. BROOKS of Colorado: A bill (H. R. 19646) to amend section 4 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906—to the Committee on Indian Affairs.

By Mr. REYNOLDS: A bill (H. R. 19647) to increase the pay of letter carriers at offices of postmasters of the second class whenever such postmasters shall be advanced to the first class—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: A resolution (H. Res. 539) providing for the pay of the two chief pages of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 19648) granting an increase of pension to Sarah A. Wilson—to the Committee on Pensions.

By Mr. BARTLETT: A bill (H. R. 19649) granting a pension to Robert H. Meister—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 19650) granting an increase of pension to A. W. Taylor—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 19651) granting a pension to Joseph H. Pendergast—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 19652) granting an increase of pension to Lewis F. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19653) granting an increase of pension to Thomas Murphy—to the Committee on Invalid Pensions.

By Mr. DIXON of Montana: A bill (H. R. 19654) withdrawing from entry certain public lands in Choteau County, Mont., and leasing the same to the Board of Trustees of the Montana Agricultural College—to the Committee on the Public Lands.

Also, a bill (H. R. 19655) granting an increase of pension to Benjamin F. Martz—to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 19656) granting an increase of pension to G. M. Ricker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19657) for the relief of David W. Stockstill—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 19658) granting an increase of pension to Ary S. Bennett—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 19659) granting an increase of pension to Margaret S. Miller—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 19660) granting an increase of pension to John Gettman—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 19661) granting an increase of pension to Jacob McWilliams—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 19662) granting an increase of pension to Joseph Kircher—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 19663) granting a pension to Ellen A. Corrie—to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 19664) granting an increase of pension to David Ayres—to the Committee on Invalid Pensions.

By Mr. MOORE: A bill (H. R. 19665) granting a pension to Florence A. Pickering—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19666) granting a pension to Nannie R. Harrison—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 19667) granting an increase of pension to John T. Boyle—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 19668) for the relief of the estate of John P. Kelly—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 19669) to provide an American register for the steam yacht Waturus—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: A bill (H. R. 19670) granting a pension to Maria Rogers—to the Committee on Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 19671) to correct the military record of Charles Puseker—to the Committee on Military Affairs.

By Mr. WALDO: A bill (H. R. 19672) granting an increase of pension to Thomas McDermott—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Philadelphia, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. AIKEN: Paper to accompany bill for relief of Sarah C. Wilson—to the Committee on Pensions.

By Mr. BATES: Petition of C. E. Thompson, master of Grange No. 110, of Spartansburg, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frank H. Jones, for the bill to extend additional bounty under the act of July 28, 1866 (S. Doc. 166), allowing $100 to all ex-soldiers of the civil war entitled to $100 by the terms of their enlistment and that had expired by the statute of limitation—to the Committee on Military Affairs.

By Mr. BURTON of Ohio: Resolution of the American Peace Society, opposing appropriation for new battle ships—to the Committee on Naval Affairs.

By Mr. CLARK of Florida: Petition of labor organizations in Pensacola, Fla., for the eight-hour law—to the Committee on Labor.

By Mr. DUNWELL: Petition of the Iron Trade Review, favoring the pending ship subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Outdoor Art League and the California Club, favoring legislation giving California 5 per cent of the sale of her Government lands—to the Committee on the Public Lands.

Also, petition of the National Metal Trades Association, for bill S. 529 (the Gallinger bill in aid of the American merchant marine)—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of the San Francisco Outdoor Art League, for legislation granting 5 per cent of the sale of California public lands to that State—to the Committee on Education.

By Mr. GAINES of West Virginia: Petition of John P. Dent and 13 other druggists of Charleston, W. Va., for bill H. R. 8102 (the Mann bill)—to the Committee on Patents.

By Mr. GRANGER: Petition of the Kent Improvement Association, of East Greenwich, R. I., for forest reservations in the White and the Appalachian mountains—to the Committee on Agriculture.

By Mr. LEVER: Paper to accompany bill for relief of Elizabeth Mooney—to the Committee on Pensions.

Also, paper to accompany bill for relief of Elizabeth Mooney—to the Committee on Pensions.

By Mr. LINDSAY: Petition of the Outdoor Art League and the California Club, favoring legislation giving 5 per cent of the public-land sales of California to that State—to the Committee on the Public Lands.

By Mr. MACON: Paper to accompany bill for relief of heirs of James Downs and Christine Downs, of Monroe County, Ark.—to the Committee on War Claims.

By Mr. REYNOLDS: Petition of 204 citizens of Altoona, Pa., against sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Cambria Grange, No. 1116, of Pennsylvania, indorsing the views of President Roosevelt on the railway-rate question—to the Committee on Interstate and Foreign Commerce.

Also, petition of the publishers of Johnstown, Pa., for an amendment to the post-office laws making all paid subscriptions legitimate—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. Wenderoth and 13 others, against an amendment to the Lacey bill (Government reserves to be game reservations)—to the Committee on Agriculture.

Also, petition of 204 citizens of Altoona, Pa., for Sunday closing of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. SAMUEL: Petition of Greenbriar (Pa.) Grange, No. 1148, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Greenbriar (Pa.) Grange, No. 1148, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Ohio: Petition of James N. Barnhill, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 25, 1906.*

Prayer by Right Rev. HENRY Y. SATTERLEE, Bishop of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

GAZETTEER OF THE PHILIPPINE ISLANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, inclosing a copy of a proposed concurrent resolution providing for the printing and binding of 5,000 copies of the Gazetteer of the Philippine Islands revised to January 1, 1906, with suitable maps and charts, together with a memorandum giving the successive steps leading to the former edition, as well as the work on this revision and its intended scope; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Methodist Episcopal Church South, of Culpeper, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Presbyterian Church of Fredericksburg, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 4129. An act to regulate enlistments and punishments in the United States Revenue-Cutter Service;

S. 5131. An act incorporating the Archæological Institute of America;

S. 5513. An act to provide for the disposition of certain property in the Territory of Hawaii;

S. 5533. An act to appoint an additional judge for the southern district of New York;

S. 6022. An act to amend section 6 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900;

S. 6038. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes;

S. 6129. An act to amend section 4472 of the Revised Statutes of the United States relating to carrying of dangerous articles on passenger steamers;

H. R. 549. An act granting an increase of pension to Charles W. Storr, jr.;

H. R. 718. An act granting an increase of pension to Hamilton D. Brown;

H. R. 735. An act granting an increase of pension to Frank L. Fornshell;

H. R. 1133. An act granting a pension to Mary Lockard;

H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;

H. R. 1192. An act granting an increase of pension to George B. Hess;

H. R. 1413. An act granting an increase of pension to John Crawford;

H. R. 1482. An act granting an increase of pension to Philip Cook;

H. R. 1547. An act granting an increase of pension to William A. Olmsted;

H. R. 1557. An act granting an increase of pension to Frank J. Oatley;

H. R. 1719. An act granting an increase of pension to William N. Whitlock;

H. R. 1768. An act granting an increase of pension to George W. Childers;

H. R. 1946. An act granting an increase of pension to James A. Sproul;

H. R. 2155. An act granting an increase of pension to William H. Smith;

H. R. 2168. An act granting an increase of pension to William Bridges;

H. R. 2226. An act granting an increase of pension to George F. Long;

H. R. 2234. An act granting an increase of pension to Jacob W. Gersteneker;

H. R. 2791. An act granting an increase of pension to Mary E. Adams;

H. R. 2816. An act granting an increase of pension to James C. Town;

H. R. 3227. An act granting an increase of pension to Isaac Tuttle;

H. R. 3345. An act granting an increase of pension to Christina White;

H. R. 3686. An act granting an increase of pension to Henry R. Cowan;

H. R. 3694. An act granting an increase of pension to Joseph D. Emory;

H. R. 4222. An act granting a pension to Otto Boesewetter;

H. R. 4240. An act granting an increase of pension to James F. Chipman;

H. R. 4244. An act granting an increase of pension to John Spaulding;

H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;

H. R. 4388. An act granting a pension to Laura Hilgeman;

H. R. 4406. An act granting a pension to Albert M. Ryan;

H. R. 4594. An act granting an increase of pension to Joshua S. Ditto;

H. R. 4595. An act granting an increase of pension to Thomas H. Tallant;

H. R. 4625. An act granting an increase of pension to Anderson J. Smith;

H. R. 4743. An act granting an increase of pension to Hiram N. Goodell;

H. R. 4745. An act granting an increase of pension to Henry D. Stiehl;

H. R. 4867. An act granting a pension to Louisa Gregg;

H. R. 4965. An act granting an increase of pension to Samuel P. Holland;

H. R. 5048. An act granting an increase of pension to William A. Failer;

H. R. 5217. An act for the relief of Agnes W. Hills and Sarah J. Hills;

H. R. 5222. An act granting an increase of pension to Lewis R. Stegman;

H. R. 5571. An act granting an increase of pension to William Cary;

H. R. 5732. An act granting an increase of pension to Elias C. Kitchin;

H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;

H. R. 5842. An act to correct the military record of Charles F. Deisch;

H. R. 6061. An act granting an increase of pension to William H. Chapman;

H. R. 6111. An act granting an increase of pension to Edwin R. Steenrod;

H. R. 6112. An act granting an increase of pension to Edmund Fish;

H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;

H. R. 6490. An act granting an increase of pension to William H. Gilbert;

H. R. 6498. An act granting an increase of pension to Isaac C. France;

H. R. 6546. An act granting an increase of pension to Samuel A. White;

H. R. 6578. An act granting an increase of pension to James B. McWhorter;

H. R. 6776. An act granting an increase of pension to Stephen C. Smith;

H. R. 6865. An act granting an increase of pension to Charles F. Voss;

H. R. 6912. An act granting an increase of pension to Charles H. Weaver;

H. R. 7419. An act granting an increase of pension to James Scott;

H. R. 7495. An act granting a pension to Susie M. Gerth;

H. R. 7498. An act granting an increase of pension to Mary Hanson;

H. R. 7500. An act granting an increase of pension to John McCandless;

H. R. 7584. An act granting an increase of pension to James H. Kemp;

H. R. 7876. An act granting an increase of pension to Julius Beier;

H. R. 8091. An act granting an increase of pension to John Coughlin;

H. R. 8138. An act granting an increase of pension to Similde E. Forbes;

H. R. 8144. An act granting a pension to Ada J. Lasswell;

H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;

H. R. 8547. An act granting an increase of pension to John W. Madison;

H. R. 8650. An act granting an increase of pension to Sewell F. Graves;

H. R. 8662. An act granting an increase of pension to Edward F. Paramore;

H. R. 8716. An act granting an increase of pension to John L. Coffey;

H. R. 8737. An act granting an increase of pension to Horace A. Manley;

H. R. 8771. An act granting an increase of pension to Florence Sullivan;

H. R. 8833. An act granting a pension to Edna M. Johnson;

H. R. 8954. An act granting a pension to George Cunningham;

H. R. 9034. An act granting an increase of pension to Mary F. McCauley;

H. R. 9135. An act granting a pension to August Crome;

H. R. 9138. An act granting an increase of pension to Aaron L. Rockwood;

H. R. 9276. An act granting a pension to Mary E. O'Hare;

H. R. 9375. An act granting an increase of pension to Charles H. McKenney;

H. R. 9529. An act granting an increase of pension to William Gibson;

H. R. 9812. An act granting an increase of pension to Joseph B. Newberry;

H. R. 9923. An act granting an increase of pension to Joseph J. Mishler;

H. R. 10008. An act granting an increase of pension to James W. Dorman;

H. R. 10029. An act granting an increase of pension to Abram Higbie;

H. R. 10177. An act granting a pension to Elizabeth Kohler;
H. R. 10246. An act granting an increase of pension to John Harrison;
H. R. 10257. An act granting an increase of pension to Samuel Deems;
H. R. 10318. An act granting an increase of pension to James F. Hollett;
H. R. 10319. An act granting an increase of pension to Harvey Deal;
H. R. 10524. An act granting an increase of pension to Ebenezer W. Akerley;
H. R. 10525. An act granting an increase of pension to Artemas D. Many;
H. R. 10561. An act granting an increase of pension to Joseph N. Piersell;
H. R. 10766. An act granting a pension to Rachel L. Bartlett;
H. R. 10774. An act granting an increase of pension to James D. Leach;
H. R. 10922. An act granting an increase of pension to John McDonald;
H. R. 10993. An act granting an increase of pension to Samuel Jones;
H. R. 11062. An act granting an increase of pension to Samuel W. Harlan;
H. R. 11151. An act granting an increase of pension to John Sirmyer;
H. R. 11303. An act granting a pension to Joseph Matthews;
H. R. 11365. An act granting an increase of pension to Robert D. Williamson;
H. R. 11424. An act granting an increase of pension to Stephen W. Neal;
H. R. 11466. An act granting an increase of pension to Benjamin F. Heald;
H. R. 11510. An act granting an increase of pension to Joseph S. Larrance;
H. R. 11552. An act granting an increase of pension to Abraham G. Leiser;
H. R. 11686. An act granting a pension to William C. Berghahn;
H. R. 11822. An act granting an increase of pension to Lawyer Sugs;
H. R. 11917. An act granting an increase of pension to Davis Preston;
H. R. 11989. An act granting an increase of pension to Francis M. Hinds;
H. R. 12010. An act granting an increase of pension to Lewis Hoffman;
H. R. 12088. An act granting an increase of pension to Louisa Spielman;
H. R. 12160. An act granting an increase of pension to Josephine D. McNary;
H. R. 12180. An act granting an increase of pension to Charles H. Dunning;
H. R. 12194. An act granting a pension to Minnie Irwin;
H. R. 12238. An act granting an increase of pension to Helen S. Brown;
H. R. 12279. An act granting an increase of pension to James S. Topping;
H. R. 12304. An act granting an increase of pension to John McDonough;
H. R. 12331. An act granting an increase of pension to Daniel J. Miller;
H. R. 12372. An act granting an increase of pension to J. Morgan Seabury;
H. R. 12480. An act granting an increase of pension to James McKenna;
H. R. 12561. An act granting a pension to Francis M. McClendon;
H. R. 12588. An act granting an increase of pension to Joseph B. Dickinson;
H. R. 12653. An act granting a pension to Sarah Adams;
H. R. 12664. An act granting an increase of pension to William E. Wallace;
H. R. 12727. An act granting an increase of pension to Benjamin D. Bogia;
H. R. 12733. An act granting an increase of pension to Charles W. Kelsey;
H. R. 12734. An act granting an increase of pension to Abram Van Riper;
H. R. 12762. An act granting an increase of pension to Jesse H. Brandt;
H. R. 12792. An act granting an increase of pension to William Wiley;
H. R. 12807. An act granting a pension to Nancy Ann Gee;
H. R. 12810. An act granting an increase of pension to Edward Ross;
H. R. 12813. An act granting an increase of pension to Reese Moore;
H. R. 12842. An act granting an increase of pension to William J. Drake;
H. R. 12874. An act granting a pension to Sarah Ellen Dickens;
H. R. 13024. An act granting a pension to William J. Beach;
H. R. 13026. An act granting an increase of pension to J. Bailey Orem;
H. R. 13030. An act granting an increase of pension to John C. Heney;
H. R. 13047. An act granting an increase of pension to Walter Saunders;
H. R. 13060. An act granting an increase of pension to Henry De Graff;
H. R. 13077. An act granting an increase of pension to James S. Prose;
H. R. 13111. An act granting an increase of pension to Lewis S. Perkins;
H. R. 13140. An act granting an increase of pension to Jesse W. Howe;
H. R. 13227. An act granting an increase of pension to Robert Blancett;
H. R. 13228. An act granting an increase of pension to Augustus Hathaway;
H. R. 13229. An act granting an increase of pension to Sarah E. Holland;
H. R. 13232. An act granting an increase of pension to Penina Owens;
H. R. 13233. An act granting an increase of pension to Jesse A. B. Thorne;
H. R. 13236. An act granting an increase of pension to William Haines;
H. R. 13326. An act granting an increase of pension to Augustus McDaniel;
H. R. 13337. An act granting an increase of pension to Joseph W. Harsh;
H. R. 13421. An act granting a pension to John W. Wabrass;
H. R. 13465. An act granting an increase of pension to Eleanor Gregory;
H. R. 13469. An act granting an increase of pension to Michael Davy, alias James Byron;
H. R. 13493. An act granting an increase of pension to Elizabeth J. Meek;
H. R. 13506. An act granting an increase of pension to Julia A. Bachus;
H. R. 13507. An act granting an increase of pension to Thomas Crowley;
H. R. 13535. An act granting an increase of pension to William Kelly;
H. R. 13575. An act granting a pension to Frances Bell;
H. R. 13577. An act granting an increase of pension to Ellen M. Van Brunt;
H. R. 13622. An act granting a pension to Mary Cochran;
H. R. 13679. An act granting an increase of pension to Joseph Nobinger;
H. R. 13689. An act granting an increase of pension to William S. Newman;
H. R. 13704. An act granting a pension to Ann Dewier;
H. R. 13713. An act granting a pension to Allison W. Pollard;
H. R. 13809. An act granting an increase of pension to James P. Tucker;
H. R. 13861. An act granting an increase of pension to Wilhelm Dickhoff;
H. R. 13877. An act granting an increase of pension to Juan Canasco;
H. R. 13882. An act granting an increase of pension to Levi L. Price;
H. R. 13923. An act granting an increase of pension to Martin Dayhuff;
H. R. 13979. An act granting an increase of pension to Emeline A. Stewart;
H. R. 13991. An act granting an increase of pension to Wiley H. Dixon;
H. R. 14072. An act granting an increase of pension to George W. Reeder;
H. R. 14106. An act granting an increase of pension to John S. Melton;
H. R. 14118. An act granting an increase of pension to Edward Delaney;
H. R. 14142. An act granting an increase of pension to James A. Scrutchfield;
H. R. 14169. An act granting an increase of pension to Bettie Stern;
H. R. 14198. An act granting an increase of pension to William Stewart;

H. R. 14200. An act granting an increase of pension to John K. Dalzell;
H. R. 14237. An act granting an increase of pension to Isaac Kindle;
H. R. 14328. An act granting an increase of pension to Charles M. Mears;
H. R. 14391. An act granting an increase of pension to Franklin Cooley;
H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;"
H. R. 14470. An act granting an increase of pension to William A. Braselton;
H. R. 14490. An act granting an increase of pension to Martha A Kenney;
H. R. 14493. An act granting an increase of pension to Henry Gentles, alias Henry Hopner;
H. R. 14504. An act granting an increase of pension to Aaron P. Seeley;
H. R. 14539. An act granting an increase of pension to Louis C. Robinson;
H. R. 14545. An act granting an increase of pension to Eliza L. Nixon;
H. R. 14660. An act granting an increase of pension to Daniel M. Philbrook;
H. R. 14731. An act granting an increase of pension to Ezra H. Wiggins;
H. R. 14736. An act granting an increase of pension to Isaac C. Smallwood;
H. R. 14745. An act granting an increase of pension to Frederick B. Walton;
H. R. 14801. An act granting an increase of pension to Thomas Armstrong;
H. R. 14827. An act granting an increase of pension to William K. Stewart;
H. R. 14839. An act granting an increase of pension to James McManis;
H. R. 14854. An act granting an increase of pension to Harriet Howard;
H. R. 14861. An act granting an increase of pension to Dennis W. Ray;
H. R. 14955. An act granting an increase of pension to Eliza Moore;
H. R. 14980. An act granting an increase of pension to Matthew H. Bellamy;
H. R. 14982. An act granting an increase of pension to Isaac N. Long;
H. R. 14994. An act granting an increase of pension to Daniel C. Joslyn;
H. R. 14996. An act granting an increase of pension to John F. Smith;
H. R. 15002. An act granting an increase of pension to George E. Wood;
H. R. 15003. An act granting an increase of pension to James Gray;
H. R. 15032. An act granting a pension to Milton Diehl;
H. R. 15058. An act granting an increase of pension to Enoch Rector;
H. R. 15064. An act granting an increase of pension to Jacob Wagenknecht;
H. R. 15102. An act granting an increase of pension to William H. Ryckman;
H. R. 15147. An act granting an increase of pension to Joseph B. Teas;
H. R. 15149. An act granting an increase of pension to William W. Ferguson;
H. R. 15152. An act granting an increase of pension to Mary T. Corns;
H. R. 15178. An act granting an increase of pension to Matilda Morrison;
H. R. 15180. An act granting an increase of pension to Amanda Pitman;
H. R. 15201. An act granting an increase of pension to Edward O'Shea;
H. R. 15206. An act granting an increase of pension to Peter G. Thompson;
H. R. 15229. An act granting an increase of pension to Edwin Howes;
H. R. 15233. An act granting an increase of pension to William G. Westover;
H. R. 15243. An act granting a pension to Artemesia T. Husbrook;
H. R. 15272. An act granting an increase of pension to Patrick Mooney;
H. R. 15274. An act granting an increase of pension to Edward W. Bell;
H. R. 15275. An act granting an increase of pension to John Martin;
H. R. 15305. An act granting an increase of pension to Ezra H. Brown;
H. R. 15316. An act granting an increase of pension to James McKelvy;
H. R. 15355. An act granting an increase of pension to George M. Dailey;
H. R. 15418. An act granting an increase of pension to Samuel P. Sargent;
H. R. 15450. An act granting an increase of pension to Virginia J. D. Holmes;
H. R. 15459. An act granting an increase of pension to Drucilla A. Massey;
H. R. 15486. An act granting a pension to William H. M. Carpenter;
H. R. 15490. An act granting a pension to Mary E. Darcy;
H. R. 15495. An act granting an increase of pension to Job B. Sanderson;
H. R. 15499. An act granting an increase of pension to Elias Andrew;
H. R. 15500. An act granting an increase of pension to John W. Thomas;
H. R. 15501. An act granting an increase of pension to Elizabeth Parks;
H. R. 15523. An act granting a pension to Jose N. Lucero, alias Nasario Lucero;
H. R. 15539. An act granting an increase of pension to John McConnell;
H. R. 15565. An act granting an increase of pension to Josias R. King;
H. R. 15566. An act granting an increase of pension to Andrew F. Kreger;
H. R. 15588. An act granting a pension to Hester Hyatt;
H. R. 15592. An act granting an increase of pension to Levi H. Townsend;
H. R. 15614. An act granting an increase of pension to Clark Cornett;
H. R. 15632. An act granting an increase of pension to Joseph B. Sanders;
H. R. 15634. An act granting an increase of pension to Samuel M. Reese;
H. R. 15641. An act granting an increase of pension to Eli Woodbury;
H. R. 15675. An act granting an increase of pension to Harley Mowrey;
H. R. 15682. An act granting an increase of pension to Hannah M. Hayes;
H. R. 15695. An act granting a pension to John T. Wagoner;
H. R. 15748. An act granting an increase of pension to Jacob R. Deckard;
H. R. 15761. An act granting an increase of pension to Lafayette North;
H. R. 15762. An act granting an increase of pension to Harmon Freeman, alias Harmon Storme;
H. R. 15768. An act granting an increase of pension to Mary J. Halbert;
H. R. 15783. An act granting an increase of pension to George W. Sutton;
H. R. 15807. An act granting a pension to Catherine Arnold;
H. R. 15819. An act granting an increase of pension to William T. Burgess;
H. R. 15854. An act granting an increase of pension to Phillip Schloesser;
H. R. 15855. An act granting a pension to Will E. Kayser;
H. R. 15867. An act granting an increase of pension to Annie M. Stevens;
H. R. 15886. An act granting an increase of pension to John Misner;
H. R. 15925. An act granting an increase of pension to Abraham Walker;
H. R. 15932. An act granting an increase of pension to Hartley B. Cox;
H. R. 15943. An act granting an increase of pension to William D. Jones;
H. R. 15972. An act granting an increase of pension to Thomas J. Smith;
H. R. 15977. An act granting an increase of pension to Mary E. Ramsey;
H. R. 16044. An act granting an increase of pension to John C. Lindsay;
H. R. 16098. An act granting an increase of pension to Frederick Fenz;
H. R. 16165. An act granting an increase of pension to Morris Smith;

H. R. 16173. An act granting a pension to Sarah Smith;
H. R. 16174. An act granting an increase of pension to John Williamson;
H. R. 16186. An act granting an increase of pension to William T. A. H. Boles;
H. R. 16193. An act granting an increase of pension to Daniel Shrader;
H. R. 16220. An act granting an increase of pension to George C. Powell;
H. R. 16224. An act granting an increase of pension to Francis M. Crawford;
H. R. 16253. An act granting an increase of pension to Margaret A. Hope;
H. R. 16255. An act granting an increase of pension to James S. Brand;
H. R. 16267. An act granting a pension to Catherine Piper;
H. R. 16171. An act granting an increase of pension to Edwin Elliott;
H. R. 16274. An act granting an increase of pension to David Lindsey;
H. R. 16279. An act granting an increase of pension to Edward E. Elliott;
H. R. 16284. An act granting an increase of pension to George Rogers;
H. R. 16285. An act granting an increase of pension to Henry Johnson;
H. R. 16295. An act granting an increase of pension to Laurence Foley;
H. R. 16319. An act granting an increase of pension to Orrin D. Nichols;
H. R. 16320. An act granting a pension to Esther M. Noah;
H. R. 16335. An act granting an increase of pension to John A. Bryan;
H. R. 16372. An act granting an increase of pension to Andrew Dorn;
H. R. 16390. An act granting a pension to Katherine Partridge;
H. R. 16398. An act granting an increase of pension to David Ross;
H. R. 16400. An act granting an increase of pension to James McCracken;
H. R. 16408. An act granting an increase of pension to William Hendricks;
H. R. 16423. An act granting an increase of pension to Andrew J. Roe;
H. R. 16427. An act granting an increase of pension to William W. Carter;
H. R. 16429. An act granting an increase of pension to Caroline M. Pierce;
H. R. 16466. An act granting an increase of pension to Asenith Woodall;
H. R. 16471. An act granting an increase of pension to North Ann Dorman;
H. R. 16486. An act granting an increase of pension to Thomas Bosworth;
H. R. 16491. An act granting an increase of pension to Lewis Denson;
H. R. 16516. An act granting an increase of pension to James B. Fairchild;
H. R. 16522. An act granting an increase of pension to Charles Meyer;
H. R. 16526. An act granting an increase of pension to James R. Hilliard;
H. R. 16527. An act granting an increase of pension to William Martin;
H. R. 16528. An act granting an increase of pension to Catharine Price;
H. R. 16529. An act granting an increase of pension to James M. Sikes;
H. R. 16530. An act granting an increase of pension to William H. Gautier;
H. R. 16535. An act granting an increase of pension to Jonathan I. Wright;
H. R. 16536. An act granting an increase of pension to Cyrus S. Case;
H. R. 16540. An act granting an increase of pension to Sarah M. Evans;
H. R. 16541. An act granting an increase of pension to Ambrose Y. Teague;
H. R. 16547. An act granting an increase of pension to John Rutter;
H. R. 16566. An act granting an increase of pension to Whitman V. White;
H. R. 16576. An act granting an increase of pension to Silas P. Conway;
H. R. 16577. An act granting an increase of pension to Joseph M. Pound;
H. R. 16586. An act granting an increase of pension to William Mattison;
H. R. 16602. An act granting an increase of pension to Christopher C. Reeves;
H. R. 16603. An act granting an increase of pension to Pleasant W. Cook;
H. R. 16606. An act granting an increase of pension to James A. Duff;
H. R. 16622. An act granting an increase of pension to James Webb;
H. R. 16627. An act granting a pension to Delilah Moore;
H. R. 16629. An act granting an increase of pension to Louis Stoeckig;
H. R. 16630. An act granting an increase of pension to Philip Dumont;
H. R. 16632. An act granting an increase of pension to Louis Lepine;
H. R. 16648. An act granting an increase of pension to Henry B. Teetor;
H. R. 16681. An act granting a pension to Gustave Bergen;
H. R. 16699. An act granting an increase of pension to Lewis P. Chandler;
H. R. 16704. An act granting a pension to Lucy C. Strout;
H. R. 16717. An act granting an increase of pension to Sterling Hughes;
H. R. 16724. An act granting an increase of pension to James S. Burgess;
H. R. 16749. An act granting an increase of pension to Henry A. Jones;
H. R. 16751. An act granting an increase of pension to Samuel Hough;
H. R. 16765. An act granting an increase of pension to Angus Campbell;
H. R. 16783. An act granting an increase of pension to David W. Kirkpatrick;
H. R. 16806. An act granting an increase of pension to Henry Brenizer;
H. R. 16810. An act granting an increase of pension to Henry C. Jackson;
H. R. 16824. An act granting an increase of pension to James Waskom;
H. R. 16828. An act granting an increase of pension to Georgia A. Hughs;
H. R. 16881. An act granting an increase of pension to Joel R. Youngkin;
H. R. 16884. An act granting an increase of pension to William D. Woodcock;
H. R. 16887. An act granting an increase of pension to Darwin Johnson;
H. R. 16902. An act granting an increase of pension to Dennis Winn;
H. R. 16931. An act granting a pension to Cornelia Mitchell;
H. R. 16936. An act granting an increase of pension to Sherwood F. Culberson;
H. R. 16941. An act granting an increase of pension to Thomas H. Hogan;
H. R. 16991. An act granting an increase of pension to Stephen Vaught;
H. R. 16992. An act granting an increase of pension to John R. Baldwin;
H. R. 16993. An act granting an increase of pension to Melroe Tarter;
H. R. 16994. An act granting an increase of pension to Harriet Payne;
H. R. 16996. An act granting an increase of pension to Joseph Delisle;
H. R. 17003. An act granting an increase of pension to Eleazer C. Harmon;
H. R. 17004. An act granting an increase of pension to Willard F. Sessions;
H. R. 17006. An act granting an increase of pension to Fountain M. Fain;
H. R. 17012. An act granting an increase of pension to Mary Thackara;
H. R. 17014. An act granting an increase of pension to Jackson D. Thornton;
H. R. 17035. An act granting an increase of pension to Samuel Smith;
H. R. 17036. An act granting an increase of pension to Josephine L. Jordan;
H. R. 17055. An act granting an increase of pension to George Fankell;

H. R. 17067. An act granting an increase of pension to Simeon Pierce;
H. R. 17069. An act granting an increase of pension to William L. Wilcher;
H. R. 17070. An act granting an increase of pension to Thomas Blakney;
H. R. 17085. An act granting an increase of pension to George W. Olis;
H. R. 17108. An act granting a pension to Edith F. Morrison;
H. R. 17118. An act granting an increase of pension to John Burke;
H. R. 17120. An act granting a pension to Rhoda Munsil;
H. R. 17143. An act granting an increase of pension to William Taylor;
H. R. 17144. An act granting an increase of pension to Jesse Wiley;
H. R. 17162. An act granting an increase of pension to Scott Ruddick;
H. R. 17165. An act granting an increase of pension to Sophie Pohlers;
H. R. 17173. An act granting an increase of pension to Thomas J. Davis;
H. R. 17174. An act granting an increase of pension to Nathaniel C. Sawyer;
H. R. 17175. An act granting an increase of pension to Andrew E. Kinney;
H. R. 17202. An act granting an increase of pension to Benjamin H. Cool;
H. R. 17205. An act granting a pension to Alice Garvey;
H. R. 17209. An act granting an increase of pension to Alva D. Smith;
H. R. 17229. An act granting an increase of pension to Derias Thomas Jean;
H. R. 17231. An act granting an increase of pension to Rachel Allen;
H. R. 17238. An act granting an increase of pension to John G. Vassar;
H. R. 17244. An act granting an increase of pension to James Crandol;
H. R. 17268. An act granting an increase of pension to Charles L. Westfall;
H. R. 17278. An act granting an increase of pension to Mary E. Patterson;
H. R. 17303. An act granting an increase of pension to William H. Hester;
H. R. 17308. An act granting a pension to Margaret E. Eveland;
H. R. 17310. An act granting an increase of pension to Francis A. Hite;
H. R. 17333. An act granting an increase of pension to Esek W. Hoff;
H. R. 17342. An act granting an increase of pension to Wesley G. Cox;
H. R. 17344. An act granting an increase of pension to John L. Fuhrman;
H. R. 17361. An act granting an increase of pension to Margaret McGiffin;
H. R. 17372. An act granting an increase of pension to Arethusa M. Pettit;
H. R. 17373. An act granting an increase of pension to William T. Stott;
H. R. 17384. An act granting an increase of pension to William Warnes;
H. R. 17385. An act granting an increase of pension to James S. Ruby;
H. R. 17387. An act granting an increase of pension to David F. Eakin;
H. R. 17395. An act granting an increase of pension to Thaddeus C. S. Brown;
H. R. 17402. An act granting an increase of pension to Isaiah H. Hazlitt;
H. R. 17406. An act granting an increase of pension to William B. McAllister;
H. R. 17422. An act granting an increase of pension to Orlando Hand;
H. R. 17430. An act granting an increase of pension to John A. Mather;
H. R. 17480. An act granting an increase of pension to Charles P. Lord;
H. R. 17514. An act granting an increase of pension to Virginia C. Moore;
H. R. 17515. An act granting an increase of pension to John J. Elliott;
H. R. 17526. An act granting an increase of pension to Richard Dunlap;
H. R. 17548. An act granting a pension to David J. Bentley;
H. R. 17557. An act granting an increase of pension to John W. Marshall;
H. R. 17558. An act granting a pension to Lizzie H. Prout;
H. R. 17584. An act granting an increase of pension to James White;
H. R. 17586. An act granting a pension to Harriet A. Morton;
H. R. 17591. An act granting an increase of pension to William Hall;
H. R. 17592. An act granting an increase of pension to Margaret Haynes;
H. R. 17597. An act granting an increase of pension to Charles Lee;
H. R. 17613. An act granting an increase of pension to Susan E. Nash;
H. R. 17619. An act granting an increase of pension to Davia D. Spain;
H. R. 17635. An act granting an increase of pension to George Willy;
H. R. 17638. An act granting an increase of pension to York A. Woodward;
H. R. 17644. An act granting an increase of pension to Henry C. Eastler;
H. R. 17650. An act granting an increase of pension to Hugh F. Ames;
H. R. 17654. An act granting an increase of pension to Hannah J. K. Thomas;
H. R. 17671. An act granting a pension to Sarah A. Thompson;
H. R. 17683. An act granting an increase of pension to John Hoch;
H. R. 17684. An act granting an increase of pension to Joseph M. Hays;
H. R. 17690. An act granting a pension to Ellen E. Leary;
H. R. 17700. An act granting an increase of pension to Andrew T. Mitchell;
H. R. 17711. An act granting an increase of pension to John Dietz;
H. R. 17736. An act granting an increase of pension to Josephine B. Phelon;
H. R. 17747. An act granting an increase of pension to Abraham I. Canary;
H. R. 17761. An act granting an increase of pension to Thomas J. Mackey;
H. R. 17771. An act granting an increase of pension to Deloss Williams;
H. R. 17781. An act granting an increase of pension to Frank M. Parker;
H. R. 17782. An act granting an increase of pension to Aaron K. Clark;
H. R. 17788. An act granting a pension to Charles E. Benson;
H. R. 17796. An act granting an increase of pension to Thomas C. Alexander;
H. R. 17797. An act granting an increase of pension to Wilbur F. Lane;
H. R. 17806. An act granting an increase of pension to Enoch Boyle;
H. R. 17826. An act granting a pension to Wincy A. Lindsey;
H. R. 17830. An act granting an increase of pension to William R. Snell;
H. R. 17843. An act granting an increase of pension to Samuel Watkins;
H. R. 17854. An act granting an increase of pension to John Eubank;
H. R. 17855. An act granting an increase of pension to Harriett E. Miller;
H. R. 17890. An act granting an increase of pension to James T. Bandy;
H. R. 17892. An act granting an increase of pension to Abraham K. Smith;
H. R. 17913. An act granting an increase of pension to Philo Green;
H. R. 17921. An act granting an increase of pension to James Reppeto;
H. R. 17933. An act granting an increase of pension to Harriet E. Vandine;
H. R. 17939. An act granting an increase of pension to Robert A. Seaver;
H. R. 17950. An act granting an increase of pension to James W. Hager;
H. R. 17951. An act granting an increase of pension to Elizabeth A. Hodges;
H. R. 17971. An act granting an increase of pension to James G. Wall;
H. R. 17989. An act granting an increase of pension to Elizabeth Hodges;

H. R. 17996. An act granting an increase of pension to Alonzo Wells;
H. R. 18005. An act granting a pension to Emily Compton;
H. R. 18006. An act granting an increase of pension to Martha J. Bass;
H. R. 18019. An act granting an increase of pension to Milton A. Griffeth;
H. R. 18032. An act granting an increase of pension to Mary H. Scott;
H. R. 18054. An act granting an increase of pension to Stewart J. Donnelly;
H. R. 18056. An act granting an increase of pension to Moses Davis;
H. R. 18067. An act granting an increase of pension to Joseph Guiott;
H. R. 18075. An act granting an increase of pension to Anna E. Kingston;
H. R. 18094. An act granting an increase of pension to William G. Melick;
H. R. 18143. An act granting an increase of pension to James F. Brown;
H. R. 18147. An act granting an increase of pension to Perry F. Belden;
H. R. 18149. An act granting an increase of pension to S. Horace Perry;
H. R. 18157. An act granting a pension to James J. Winkler;
H. R. 18158. An act granting a pension to Isaac Cope;
H. R. 18169. An act granting a pension to Margaret Stevens;
H. R. 18175. An act granting an increase of pension to Jeremiah Van Riper;
H. R. 18188. An act granting an increase of pension to David B. Guthrie;
H. R. 18237. An act granting an increase of pension to Rachel Egeness;
H. R. 18325. An act granting an increase of pension to John W. Schofield;
H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;
H. R. 18393. An act granting an increase of pension to David F. Crouch;
H. R. 18406. An act granting an increase of pension to Andrew Jackson;
H. R. 18465. An act granting an increase of pension to Abby B. Cloud;
H. R. 18506. An act granting an increase of pension to Mahala Jones; and
H. R. 19572. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Columbia Typographical Union, No. 101, American Federation of Labor, of Washington, D. C., praying for the enactment of legislation to require compliance with the national eight-hour law by all persons furnishing printing and other supplies to the District, all other conditions being equal; which was referred to the Committee on Education and Labor.

Mr. KEAN presented sundry memorials of citizens of New Jersey, remonstrating against the transfer of the education and care of the Indians and Eskimos of Alaska from the United States Bureau of Education to the governor of that Territory; which were referred to the Committee on Territories.

He also presented petitions of sundry pupils of the high schools of Trenton, Bloomfield, Mount Holly, and Englewood, all in the State of New Jersey, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. WARNER presented sundry papers to accompany the bill (S. 3451) for the relief of Francis O'Bannon; which were referred to the Committee on Claims.

Mr. HEMENWAY presented a petition of the congregation of the First Presbyterian Church of New Albany, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Robert E. Maranville, of Pendleton, Ind., and the petition of J. E. Naden, of Rushville, Ind., praying for the adoption of an amendment to the postal laws relative to newspaper subscriptions; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a memorial of Local Council No. 134, United Commercial Travelers of America, of Grand Island, Nebr., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the faculty of the University of Nebraska, Lincoln, Nebr., praying for the enactment of legislation to create a commission to study Chinese educational institutions; which was referred to the Committee on Foreign Relations.

Mr. CLAPP presented a petition of the Minnesota State Historical Society, praying for the enactment of legislation providing for the repair of the frigate *Constitution* and its commission as a training ship; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Minneapolis, St. Paul, Partridge, and White Bear Lake, all in the State of Minnesota, praying for the enactment of legislation to remove the duty on denaturized alcohol; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the East Washington Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the establishment of a public park along Pennsylvania avenue extended, in the eastern portion of that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Washington, D. C., and the petition of Logan Johnson, of Washington, D. C., praying for the enactment of legislation to increase the salaries of the janitors of the public schools in that city; which were ordered to lie on the table.

He also presented a petition of the Brightwood Citizens' Association, of Brightwood, D. C., praying for the enactment of legislation to increase the salaries of public school teachers in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Northwest Citizens' Suburban Association, of Washington, D. C., praying for the enactment of legislation providing for the extension of Massachusetts avenue, in the District of Columbia, and to preserve it as a residential avenue; which was ordered to lie on the table.

Mr. PLATT (for Mr. DEPEW) presented a petition of Buffalo Council, No. 50, Junior Order of United American Mechanics, of Buffalo, N. Y., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also (for Mr. DEPEW) presented a petition of the Syracuse Council of Women's Clubs, of Syracuse, N. Y., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also (for Mr. DEPEW) presented a petition of the congregation of St. Paul's Methodist Episcopal Church, of Northport, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also (for Mr. DEPEW) presented the petition of Rev. Walter E. Bentley and 10 other citizens of Brooklyn, N. Y., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also (for Mr. DEPEW) presented petitions of sundry citizens of New York City; of Local Union No. 52, of Mount Vernon; of Local Union No. 261, of New York City, and of Local Union No. 212, of Liberty, all of the Brotherhood of Painters, Decorators, and Paper Hangers of America; of Local Grange No. 714, of Westfield; of Warwick Grange, No. 948, of Warwick; of Wisner Grange, of Wisner, and of Southold Grange, No. 1036, of Southold, all Patrons of Husbandry, in the State of New York, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were ordered to lie on the table.

Mr. CULLOM presented petitions of sundry railway organizations of Peoria, Galesburg, Clinton, and Joliet, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill;" which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 6134) providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society, reported it without amendment, and submitted a report thereon.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19432), to authorize additional aids to navigation in the Light-House Establishment, to report it with amendments, and I submit a report thereon. I shall try to call up the bill at an early season.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $10,000 for the preparation of reports and material to enable the Secretary of State to utilize and carry on the work partly performed by the Joint High Commission of 1898, etc., intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $20,000 to continue the demarcation of the boundary line between the United States and Canada, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. MCCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 1291) for the relief of James W. Watson, reported it with an amendment, and submitted a report thereon.

INTRODUCTION OF ROUTINE BUSINESS.

Mr. LODGE. From the Committee on Rules, I report an amendment to the rules, and give notice that I shall call it up as early as possible.

The VICE-PRESIDENT. The Secretary will read the resolution reported by the committee.

The Secretary read as follows:

Senate resolution 8, by Mr. LODGE, giving notice that "in accordance with the provision of Rule XL, I propose an amendment to the rules which will modify Rule VII." Strike out after the resolving clause and insert:

"Senators having petitions, memorials, pension bills, bills for the payment of private claims or for the correction of naval or military records to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their name and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the presiding officer, be entered on the Journal, with the names of the Senators presenting them, as having been read twice and referred to the appropriate committees, and the Secretary of the Senate shall furnish a transcript of such entries to the Official Reporter of debates for publication in the RECORD.

"It shall not be in order to interrupt a Senator having the floor, for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator."

Mr. GALLINGER. Is that the report of a committee?

The VICE-PRESIDENT. It is a report from the Committee on Rules.

Mr. GALLINGER. It will go to the Calendar?

The VICE-PRESIDENT. It will go to the Calendar.

CONTUMACIOUS WITNESSES.

Mr. MILLARD. From the Committee on Interoceanic Canals I report certain matter relative to the questions of law arising on the motion to require a witness to answer each and every one of the questions propounded to him before the Committee on Interoceanic Canals. I move that the papers be printed as a document.

The motion was agreed to.

ISSUANCE OF SUBPŒNAS.

Mr. FORAKER. The bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, was inadvertently and improperly referred to the Committee on Interstate Commerce. I move that the Committee on Interstate Commerce be discharged from the further consideration of the bill, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

BILLS INTRODUCED.

Mr. RAYNER introduced a bill (S. 6278) granting an increase of pension to Henry Humble; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6279) for the relief of the estate of George E. House, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DRYDEN introduced a bill (S. 6280) granting an increase of pension to David B. Husted; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6281) granting an increase of pension to Joseph C. Bowker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6282) for the relief of the trustees of the Cumberland Presbyterian Church, Mulberry, Crawford County, Ark.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CRANE introduced a bill (S. 6283) granting an increase of pension to Clara A. R. Devereux; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6284) granting a pension to Anna A. Foster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6285) to remove the restrictions on the alienation of lands in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations, in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARNER introduced a bill (S. 6286) granting an increase of pension to John Wood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 6287) for the formation of national corporations for railroad and navigation lines engaged in interstate and foreign commerce; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CULBERSON introduced a bill (S. 6288) to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PETTUS introduced a bill (S. 6289) for the relief of Mary E. Pillow; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 6290) for the relief of Elizabeth L. W. Bailey, administratrix of the estate of Davis W. Bailey, deceased; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLARK of Montana submitted an amendment proposing to appropriate $2,007.20 to pay Thomas H. Kent, or his heirs, for money actually expended by him in causing to be made the survey known as the "Bundock survey" on lands formerly within the Crow Indian Reservation, Mont., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. HANSBROUGH submitted an amendment relative to the promotion of assistant paymasters of the Navy, after three years' service, to the grade of passed assistant paymaster, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $13,663.51 to pay certain postmasters in Colorado, or their heirs, the difference between their salaries as computed and the salaries allowed them as set out in Senate Document No. 401, Fifty-ninth Congress, first session, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $49,000 for the construction of a chapel, recreation hall, and fittings at the navy-yard, Portsmouth, N. H., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I ask that the Senate proceed to the consideration of House bill 18537—the agricultural appropriation bill.

There being no objection, the Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

Mr. PROCTOR. Yesterday afternoon when the committee amendment beginning at line 24, page 21, was reached the junior Senator from North Dakota [Mr. MCCUMBER] asked that it be passed over, as he wished to address the Senate upon it. I ask that the amendment on page 21 be now taken up.

The VICE-PRESIDENT. The amendment of the committee at page 21 will be read.

The SECRETARY. It is proposed to insert a new paragraph, as follows:

To enable the Secretary of Agriculture to establish, at such points of export as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, $15,000, or so much thereof as may be necessary; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, to be determined by the Secretary of Agriculture as the evidence at hand may warrant.

Mr. FULTON. I ask the Senator from North Dakota to yield to me to make a brief statement concerning a matter which appears in the RECORD.

Mr. McCUMBER. I will yield with pleasure, Mr. President.

Mr. FULTON. In discussing yesterday evening, just prior to adjournment, a pending amendment providing for the payment from the proceeds of the forest reserves a certain per cent to the counties in the States where the reserves are situated, I submitted a few observations, and the report of my remarks is so inaccurate as to be misleading. I desire simply to correct those inaccuracies. I should state, however, that I do not attach any blame to the reporters because of the error, for I recall that at that time there was considerable confusion in the Chamber, and it is not surprising that they did not get an accurate report.

At one place I am reported as having said that these withdrawals of land for reserve purposes were made by the States, which, of course, is not correct. They are made by the General Government. But this is the particular paragraph to which I call attention and which I wish to correct:

It is stated on page 7549 of this morning's RECORD that I said the average product of timber is from twelve to seventeen thousand feet, board measure, per acre, and that the average price would probably be about $1 per thousand stumpage—that is, for the tree as it stands in the forest—which would be "$17 per acre for fifty years," leaving the inference that it would pay $17 per acre per annum for fifty years.

As a matter of fact, what I stated was that probably a fair average would be 17,000 feet, board measure, per acre of timber, and that while many areas of timber would produce much more largely than that, taken as a whole, the timbered region would probably average that in the States of Oregon and Washington. I should rather put it this way: The timber being removed, it would not be renewed in less than fifty years, and the 17,000 feet would be the only return on an acre of timbered land during a period of fifty years. Ten per cent of that is proposed by the committee amendment to be paid to the counties where the forest reserves are located. Ten per cent of that would be $1.70, and instead of yielding $1.70 per acre for fifty years, it would be $1.70 per acre in a period of fifty years, which is a very different proposition. That is the correction I wish to make.

Mr. McCUMBER. Mr. President, the amendment on pages 21 and 22 of the bill proposes—

To enable the Secretary of Agriculture to establish, at such points of export as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, $15,000 is allowed to cover the expenses, and he is authorized to report upon such samples, parcels, or consignments from time to time.

Now, Mr. President, this amendment is the rather weak result of an effort on my part to enlist the attention of the Committee on Agriculture and Forestry, and also the attention of the Senate, to grave abuses that have been sustained by the agricultural section of Minnesota, North Dakota, Montana, South Dakota, and to some extent, Nebraska.

I have made an earnest effort, Mr. President, to bring this matter before the attention of Congress, and to secure legislative enactment for the purpose of curing the great wrongs which are now inflicted upon a portion of our public.

I hope that no point of order will be made upon this amendment. I assume possibly that a point of order will lie. The amendment is in the right direction. It is facing Congress and Congressional action toward a matter of vast importance to every one of these States. It is a step, I may say, in the right direction, but it is a step of an inch when in fact it ought to be one of a mile.

It is no easy thing, Mr. President, for a representative of the Dakotas to stand by and for years see from $3,000,000 to $5,000,000 filched out of the inhabitants of his State by reason of an unjust system of grading and inspection of grain at a terminal point over which that State has no jurisdiction whatever. It is extremely hard when I couple with that knowledge the further knowledge that there is a simple and speedy and a full and adequate remedy against a continuance of this evil.

Mr. President, we had a discussion yesterday upon the matter of paternalism by the Senator from Maine [Mr. HALE]. I think that I am as much opposed to the extension of any power that is paternalistic in the slightest degree as the Senator from Maine can possibly be. I am not unmindful, however, of the clear provision in our Constitution that Congress shall have power over interstate commerce. I am not unmindful of the fact that the power therein granted has resulted in the greatest blessing to all of the people of the United States by a judicious exercise of the power by Congress. We have heard in connection with that, and will hear again, the matter of State rights, and whether the exercise of the power of Congress under this provision is inimical to the rights of the States themselves.

There is but one safe ground that can be taken by Congress under its authority to regulate interstate commerce and the State under its authority to regulate its own internal affairs, and that position is that each one of these sovereign powers shall so exercise the power within its own authority that it shall be in harmony with the authority exercised by the other power. It is to harmonize the differences between the State authority and the constitutional authority that we may secure the best results and avoid the danger of Congress attempting to override those things which are peculiarly and should be peculiarly within the province of the several States.

I appreciate, Mr. President, the good intent of the Committee on Agriculture and Forestry, which has sought by this amendment to apply a correction to some of the evils that are complained of. But the amendment which the committee proposes does not go far enough. It simply provides that the Secretary of Agriculture, through his Department, may take samples of our grain that is to be exported, and, taking them to the proper laboratory, may examine them, and then may determine what the grade ought to be given for that grain. But that is kept peculiarly within his own knowledge under the amendment, and therefore no effectiveness is given to the law.

Now, what object is there in such a law? The prime object is to meet the complaint that we are sending out to foreign countries grades of grain that are fraudulent, and thereby discredit our grain in the foreign markets of the world. The effect of that discrediting is to reduce the price which will be paid there, and that reduction necessarily reacts and reduces the price that is to be paid at the place of initial sale and the place of production.

I have introduced a bill to remedy the whole matter, and that bill provides that the Federal Government at the principal terminal points may inspect and grade the grain that is the subject of interstate or foreign commerce. When it has done this the grade has a national character, a national inspection, a national certificate that will follow the consignment of grain wherever it may go in this country and into any other country to which it is consigned. It will cure a multitude of abuses which I am constrained to discuss at this time for the reason that that bill has never been reported from the Committee on Agriculture and Forestry, and this proposed amendment allows me the only opportunity to lay before the Senate the great wrongs that are being complained of by the people whom I in part represent.

Why has not that bill been favorably reported, Mr. President? I will state the reason. We have fallen into a habit—and I deprecate that habit as much as anyone can—of allowing our legislation to be practically dictated by the several Departments of the Government. When our ancestors established this great Government, they intended that Congress should be the legislative branch of the Government. They created these great Departments for no other purpose than to properly carry on the executive business of the Government and to furnish Congress information which might guide it in all future legislation. It was never intended at that time that Congress should bow its head meekly to every suggestion that should be made by the Departments as to what legislation they desired, or that it should surrender its legislative functions of considering and determining what ought to be legislation simply because it did not harmonize with the idea of the head of a Department. This new innovation is doubly pernicious when we consider that under the present system, when we send down to a Department from any of these committees to get advice upon any proposition, the letter of inquiry is generally sent to some clerk who looks over the records and determines what ought to be done, and secures the signature of the head of the Department, and that letter comes to us then as a guide and an instruction of what the Congress of the United States shall do in the enactment of laws. So that a $900 or a $1,200 clerk to a certain extent may govern and control the legislation which we enact here.

Everyone knows, as I know, that the moment we receive from one of those clerks a letter which purports to come from the head of the Department, if it is antagonistic to any proposition

it simply throws a cold chill over such proposed legislation. Senators are getting into the habit, and I deprecate that habit, and I think they do, also, of first wanting to know what the Department has to say; and if the Department does not make a favorable and a strong report they simply lay the matter aside as hardly worthy of consideration, and bother themselves very little about it after that.

In this case a clerk of the Department thinks that the proposed legislation is unnecessary. Why? Because the same party who dictates the letter has had a scheme of his own, I might almost say a hobby of his own, which he thinks may be better, or will take the place of the bill I introduced; and because of that, to a great extent, we have not had that earnest and full consideration in the committee which I think this important provision demands.

Mr. President, I introduced testimony laying before that committee the reasons for the demand of this general legislation, and every matter that I thought would clearly and concisely explain it. That testimony, printed in a Senate document, has never been answered before that committee. Not one syllable, not a line of it, has been answered. There has been a little statement of two or three lines, that there are many good things in this provision, but the Department is not quite ready for it. In addition there are many resolutions, undoubtedly from boards of trade who are fattening under the present system at the expense of the farmer producer, and who naturally can see no virtue in any change whatever.

Now, I am earnestly trying to get this matter to be considered by Congress. There are just as good men, as intellectual men, I hope, in the Senate of the United States, who can consider and conscientiously determine, under their oath and upon their good judgment, what is proper legislation, as you can find in any Department.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. With pleasure.

Mr. PATTERSON. Some of the Senators on this side are becoming quite interested in the very earnest discussion by the Senator from North Dakota, but we are in the dark as to what it is he really desires and as to what his amendment is. That we may follow the Senator more intelligently, will he kindly state what his amendment is and the immediate object to be attained?

Mr. McCUMBER. I do not seek in discussing this matter to ask at this time that we shall go to the extent of the full remedy which is demanded, because that requires full and careful consideration as a separate measure. The amendment which I now offer is an amendment to the amendment of the committee. The Secretary of Agriculture is given authority already by the amendment of the committee to take samples of exports and analyze them and determine the grade and character. I want to go further and ask the same person who examines and passes upon that to issue a certificate as coming from this Department of the United States, which certificate shall state the number of bushels consigned, approximately, the consignor, the consignee, the ship in which it is taken, and giving the kind and grade and quality of that grain. Such certificate to be issued in duplicate, one to be delivered to the consignor or shipper, the other to be delivered to the consignee or purchaser, to the end that the purchaser may know what he is getting and that he will get a grade that will conform to what it purports to be.

Mr. CLAPP. May I interrupt the Senator from North Dakota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. I understood the Senator to say that he is not asking at this time all that he has in view. Does he ask an amendment to the bill covering the last point presented?

Mr. McCUMBER. Certainly; but in order to explain the one, it is necessary that I shall go more or less fully into the subject.

Mr. CLAPP. It might be well to have the amendment read.

Mr. McCUMBER. I had the amendment read last evening.

Mr. CLAPP. But at that time a great many Senators were out of the Chamber.

Mr. McCUMBER. At the suggestion of the Senator, I would be glad to have it read.

The VICE-PRESIDENT. The Secretary will again read the amendment.

Mr. PATTERSON. Then I will ask the Senator a question.

The SECRETARY. On page 22 of the bill, it is proposed to amend the amendment of the committee by adding, after the word "warrant," in line 9, the following words——

Mr. HANSBROUGH. I think the amendment as reported by the committee should be first read and then the amendment proposed by my colleague.

The VICE-PRESIDENT. The Secretary will first read the amendment reported by the committee.

The SECRETARY. The Committee on Agriculture and Forestry report as an amendment, to insert on page 21, after line 23, the following:

To enable the Secretary of Agriculture to establish, at such points of export as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, $15,000, or so much thereof as may be necessary; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, to be determined by the Secretary of Agriculture as the evidence at hand may warrant.

To this the Senator from North Dakota [Mr. McCUMBER] proposes to add the following:

The officer or employee obtaining such sample or parcel for examination shall ascertain the necessary facts and make and sign a certificate showing that the same is made under the direction of the Department of Agriculture, certifying the date and fact of such inspection, the approximate number of bushels in each consignment, the vessel in which the same is exported, the consignor or shipper, the consignee or purchaser, the provision of law under which such certificate is made, the kind, quality, and also grade of such grain or seed, its condition at the time of shipment, as ascertained by such examination, and any other facts which may be proper to clearly indicate its character. Such certificate shall be issued in duplicate, one to be mailed to the shipper or consignor, the other to the purchaser or consignee.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield to the Senator from Colorado.

Mr. PATTERSON. This thought is suggested by the amendment of the Senator from North Dakota. As I understand him, his object, in short, is to secure from the Government a certificate as to the quantity, character, and quality of grain; that is to follow the article wherever the grain may go, if it is the subject of interstate commerce, to be used by the vendor and the vendee for fixing quality, quantity, etc., in the purchase and sale.

Is there any reason why such a provision should not attach to every article that is the subject of interstate commerce? Is there any reason why the Government should not be called in to give its certificate to every kind of commodity, whether the product of the field or of the shop, and that everything should be bought and sold upon the certificate of the Government?

Mr. McCUMBER. Mr. President——

Mr. CLAPP. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I do.

Mr. CLAPP. This does not apply to an interstate matter any more than an intrastate matter. It is simply an examination at the point of entry, for instance, New York or Boston.

Mr. McCUMBER. I will answer the Senator——

Mr. PATTERSON. Then my question might be modified so as to meet products of any kind.

Mr. McCUMBER. I can answer it, Mr. President.

Mr. PATTERSON. I was asking why, then, the Government can not take supervision of anything and everything in order that no swindling may occur and that every transaction may be an honest one?

Mr. McCUMBER. There is a very great reason. The Government should make laws only where there is a demand for laws. People should be practically free to conduct their business without restrictions, unless conditions arise which render those restrictions absolutely necessary. That is a proposition that should apply in all cases. I admit that we have altogether too many laws sometimes; but when for years it has been demonstrated that the grossest character of fraud is connected with and follows a certain line of business, which fraud is inimical to the interests of a large portion of the public, then it becomes the moral duty of the sovereign power, which can pass the law which can apply the correction, to apply it for the protection of the people. That is why it applies to this case, and does not and should not apply to all other cases. When the same deceit, when the same fraud applies to other conditions, then we should apply the same law by the proper sovereign power, be it State or be it Federal. But when a single State like my own, by a system of long-prevailing fraudulent inspection loses every year from $3,000,000 to $5,000,000, which belongs to the laborers upon our farms, then it becomes the duty, if that condition has lasted so long as to demonstrate its permanency, of the Government, that has the power to abate the wrong, to take steps to do so. I think that should be an answer to the query of the Senator from Colorado [Mr. PATTERSON].

Let us understand these conditions; and I will explain them as briefly as I can. What is the system of which we are complaining? Remember that every bushel of wheat that goes to market in western Minnesota, in North Dakota, and in the

greater portion of South Dakota, I think, finds its first place of sale in the cities of Minneapolis and Duluth, in Minnesota, and in Superior, Wis. Remember that we can not control the grain which we have shipped after it has crossed the Red River of the North; that it then falls under the jurisdiction and under the laws of another State.

The State of Minnesota has a grain and warehouse commission, I think it is termed. Under the laws of that State that commission is given certain powers in the matter of the grading and inspection of grain. A chief inspector is appointed, and that chief inspector appoints his deputy. If an appeal be taken from the grading or from the inspection of grain made by the deputy, the appeal necessarily goes to the principal who appoints him. The principal, who appoints that deputy, is, as I am informed, in nearly every instance placed there by the predominating influence of the grain elevator companies. He then is more the representative of those great terminal elevators than he is of the producers of that grain. I repeat, when an appeal is taken from the deputy it goes to the chief. The interest of the chief is to sustain the action of the deputy, if possible. The relief from such an appeal, therefore, amounts practically to nothing.

The great terminal elevator companies have lines of elevators throughout the States of Minnesota and North Dakota. They instruct their purchasers and their agents stationed on those lines as to what grades they shall give; and they will give no other grades. Then, when the grain comes through another source, as we in North Dakota ship a great deal in carload lots, it falls into the hands of these same inspectors; and they, as a rule, as shown by the report of a legislative committee of that State, during the early period of the movement of grain, inspect and grade it, resolving every doubt in favor of the terminal elevator company as against the producer of the grain. The result of that is that two-thirds of the grain from those great States is shipped and disposed of and sold at a grade or two less than properly belongs to it.

Mr. PATTERSON. Mr. President——

Mr. McCUMBER. I will yield to the Senator in just a moment.

Then, two-thirds of that grain lies in the terminal elevator until later in the season, when the grades are all raised, after the farmer has got rid of the greater part of his grain, and the terminal elevators receive a higher price for their own grain, which they have bought at a grade lower.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield, Mr. President.

Mr. PATTERSON. I wish to ask the Senator under what system is this elevator commission to which he has referred in his remarks appointed?

Mr. McCUMBER. It is appointed, as I explained, under the laws of the State of Minnesota.

Mr. PATTERSON. But who appoints them?

Mr. McCUMBER. The appointment of the chief inspector, I think, is made by the governor.

Mr. CLAPP. Mr. President——

Mr. McCUMBER. Any error I make the Senator from Minnesota [Mr. CLAPP] will correct, as he knows more about it than I do.

Mr. PATTERSON. I want to ask the Senator whether he is attacking the integrity of the commission, which exists under the law for the purpose of the inspection of the grades of wheat?

Mr. McCUMBER. The Senator will have to draw his own conclusion as to who or what is attacked. The system is wrong; the system is unjust; the system works for the benefit of the purchaser and against the benefit of the producer.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield to the Senator with pleasure.

Mr. CLAPP. I had not anticipated that this question was coming up this morning, and so I am not prepared with any figures to dispute any of the charges made by the Senator from North Dakota; but I can not sit here and hear the officials of my own State arraigned in this matter and in this manner without protest. From all I can learn, they have established a grade in Minnesota which gives the standard wherever wheat is sold. It is a grade which is recognized in Liverpool.

The chief inspector under the present law, I think, is appointed by the commission, and the commission, I think, is now elected, though it was formerly an appointive commission. Of course, as I have said, I am not prepared with figures to meet at this time these charges, but it seems to me a most unwarranted procedure to arraign officials of a State in this manner, and I protest against it.

Mr. McCUMBER. I have the figures to sustain every proposition that I will make, and I have the judicial decision of Judge Sanborn, whom the Senator respects, I think, as much as any man, in which he again and again asserts the corruption of the system, and the Senator will listen to it before I am through with this argument. I have the figures, which I have given before in an address and which I can give again, showing the workings of the system. The figures are taken from the reports of the State grain and warehouse commission of the State of Minnesota, showing that there are three times as many bushels—I think that is approximately correct—of the higher grade of wheat sold out of the elevators as are taken into the elevators, and about one-third more of the number of bushels of the lower grades sold out of the elevators than are taken into those elevators. I can give the Senator the figures if he desires them.

Mr. CLAPP. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. Do I understand the Senator to say that Judge Sanborn has charged corruption upon the men who administer the law in the State of Minnesota?

Mr. McCUMBER. I am going to read the decision of Judge Sanborn, and then the Senator can see what the judge says; it will speak for itself, and it is a most important legal document. It is alive with condemnation of this system, which it again and again characterizes as fraudulent. The Senator will receive it all. I will give no figures at all here to-day, but I have them, and the Senator can read them at any time. I will furnish them to him if he wishes to see them.

Now, Mr. President, I want to go a little further and show the system here, so that Senators can see the injury which we are suffering.

In addition to this we have our mixing elevators at the terminals. These mixing elevators will take, we will say, a million bushels of No. 1 northern and 3,000,000 bushels of No. 2 northern, mix them together, and then they are graded as No. 1 northern and the whole mass shipped to Liverpool or to Marseille or to some other place. The consignee receives the shipments; the miller receives them. He finds they do not conform to the standard laid down by the laws of Minnesota. Serious complaint is made to that cargo of wheat on the ground of fraud. The consignee knows that wheat is sold by grade, and not by inspection. The purchaser makes serious complaint against our American wheat and declares it to be inferior to Canadian wheat of the same grade that is raised and purchased cross the line.

Another trouble is that the producer of the grain, the farmer, in my State and in South Dakota and in other States, has no voice whatever in determining the personnel of the commission or the personnel of the chief inspector or his deputies who are to pass upon his grain. They may inspect it as No. 3 northern, when it is entitled to be graded as No. 1. They may take out 4 pounds per bushel for dockage, when, as a matter of fact, they should not have taken out to exceed half a pound. It is estimated that in ten year 26,000,000 bushels more were sold out of the elevators at the great terminals which I have mentioned than were taken in during the same time. Somebody got the benefit of that 26,000,000 bushels of grain, and it was not the men who raised it.

Mr. HANSBROUGH. Can my colleague state what was the grade of that wheat?

Mr. McCUMBER. That many more bushels were taken out than were put in, independent of grade. That amount was taken out in ten years, and from the best evidence I can secure they sold out that much more than was taken in, according to the weight rendered by them to the farmer.

In addition to that, this dockage is a most important element, because the farmer pays the freight on everything that is taken out, though he gets no benefit from it. What is done with this dockage? If any is taken out at all, it belongs to the purchaser, and it is ground and sold for practically as much as the better part of the grain from which it was extracted is sold. Therein is another great injury.

Mr. President, how may this be remedied? It can be remedied by a national inspection, because if national inspectors were appointed at these great terminals—and it would not be necessary to have them at more than twenty-five different places—they would be free from political influence of every character whatever. If they should prove to be inefficient they could be removed; if they should turn out to be not the proper persons for one place they could be sent somewhere else, where

they could do better work. We would have a complete remedy against present conditions. Proper provision could be made for appeal in case any wrong was committed. Under such a system the owners of elevator lines could not instruct their purchasers not to grade higher than a certain figure, because it would soon be demonstrated that they were giving an unfair grade, and they could not long continue business while they were doing that if it were known or means of determining it were to be had. In addition, there would be no inducement for the national inspectors to resolve every doubt in favor of the terminal elevator and against the farmer who produces the grain.

Under national inspection it would be impossible, I believe, to ship out three times as much of a certain grade as is taken in. When I say three times, I am using the term approximately, and not attempting to use it to demonstrate the exact proportion. Under such a system the buyer, by controlling the personnel of the board, would have his remedy. He could appeal to his Congressman, and the Congressman could go to the State Department. He would have some way of having his voice heard and having his statements listened to in reference to anything that was wrong in the system which might be in vogue at any particular time. The producer of North and South Dakota has not the slightest voice now in determining the personnel of the inspecting boards, nor has he any voice in effecting a remedy against any wrong.

Mr. President, under the national system it would be impossible to secure false certificates as to grades so as to assist in gambling. I have evidence on that point from a member of the board in Superior, who says he will give the very numbers of the cars to show that they have been manipulated in a number of different instances.

Now, about the feasibility. Is it a simple proposition? If a State can do the work through its officers, if a board of trade can do its own inspecting and grade the grain through the force it employs, what on earth would prevent the Government from taking similar forces and operating the same as the others do, except that the operations there would be justly and fairly conducted and without any political influence to bias the officers in their labors? I could go on to a considerable extent in this line, Mr. President, but I do not care to cover the whole field that might be considered upon the simple proposition of this amendment.

Mr. President, what has been attempted heretofore? Years ago both the State of North Dakota and the State of Wisconsin acting jointly, attempted to see what could be done to change these conditions. Two years ago, I think it was, the legislature of the State of Wisconsin enacted a law to cure these defects. They provided against the wrongful grading, against mixing, and against the other offenses from which our people were suffering. They also attempted to appoint, under a State law, a representative upon their board from the State of North Dakota and another from the State of New York, that they might act in harmony to secure honest grades from the Dakotas, to secure honest grades in the export of grain from the terminal places in the State of New York—Buffalo and the city of New York.

That law was attacked. The moment they tried to put it in force the Duluth Board of Trade counteracted on them. They first made rules and regulations forbidding any person belonging to that board from dealing in grain under the Wisconsin statute; they made it a criminal offense, so far as a board can make a matter a criminal offense, and subjected the members of that board to discharge if any one of them should buy or sell grain under the Wisconsin law. They attempted to meet it in that way. A conflict immediately arose between the boards in the State of Minnesota and the officials in Wisconsin. It was a long struggle, and even went to the extent of physical force. I have a letter here from the secretary of the Board of Trade of Superior, Wis., and I ask the Secretary to read that portion of the letter which I have marked.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

I am ordered by our board of directors to give you a concise statement of the operations of the Wisconsin grain-inspection law so far.

The elevator and grain ring, with the Duluth Board of Trade, are putting up a desperate fight. Everything short of actual war has been resorted to to defeat the law. They have been defeated at every point, but they are appealing case after case, deferring the inevitable, and they can not stave it off much longer. Elevators have been boarded up and stairways torn out to prevent entrance of Wisconsin officers and inspecting and weighing, and in some instances officers have forcibly entered elevators. But we must await the action of the courts.

State fees have been paid into court and tied up, and public-spirited citizens have been compelled to advance money to the Wisconsin grain and warehouse commissioners to pay their employees, although the department has earned several thousand dollars in excess of expenditures.

Rumblings of compromise are heard, providing the commissioners are changed. It is suggested that had the commissioners been named as suggested by the grain ring no contest had been necessary.

Mr. McCUMBER. That indicates some of the trouble. Here I have a clipping from a Wisconsin paper, which I also ask to have read at this time in connection with this matter to show the intensity of feeling in the struggle between the Minnesota system and the board and that of the State of Wisconsin.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield.

Mr. CLAPP. I ask these questions because it has been several years since I have been associated with the State government of Minnesota, and I do not know what legislation there may have been of late. Is wheat now inspected at Superior?

Mr. McCUMBER. No. Under the present system there has been no change in the laws of Minnesota. Wheat is inspected at Sandstone, a distance of some 8 miles before it reaches Superior; then it is sold under the Minnesota system. The large terminal elevators at Superior are working in harmony with the Minnesota inspection law, because they get the same benefit out of this Minnesota inspection law as the other terminal elevators.

Mr. CLAPP. Has Wisconsin a State inspection law?

Mr. McCUMBER. It has a State inspection law.

Mr. CLAPP. Why do they not enforce that law? I am asking this because, as I say, it is some years since I have been familiar with the legal phase of the matter.

Mr. McCUMBER. It is almost impossible to enforce it for the reasons that have been given. The great terminal elevators in Duluth and in Superior that are dealing with grain on the Minnesota basis also declined to comply with the laws of the State of Wisconsin, and brought the matter into court. It is upon this case that Judge Sanborn rendered his opinion. The action was brought by an elevator company in Superior against the warehouse commission, or the board, in the State of Wisconsin that enforces that law, and certain railway companies. I will reach that presently and it will be explained. I will say to the Senator that in the decision, which I will have read——

Mr. CLAPP. What was the effect of the decision?

Mr. McCUMBER. The law was declared unconstitutional, as being an unlawful interference with interstate trade.

I ask the Secretary to read the clipping which I send to the desk, lately cut from a paper at Superior, I think.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

PITCHED BATTLE OVER GRAIN INSPECTION.

SUPERIOR, WIS., *December 7.*

A pitched battle was fought at the Cargill elevator, in this city, between two Wisconsin inspection officials and five men from the steamer *Rollins* and the elevator. Legal complications of a serious nature will probably result from the encounter.

According to the story of those who saw the affair, the inspectors were on the defensive throughout the fight. The men were sent to the elevator to weigh some grain out on the steamer *Rollins*, and the objection of the superintendent of the elevator and the officers of the boat to their presence on the premises caused the fight.

The Wisconsin inspectors went ahead and took a number of samples in spite of the threats of violence with which they were forced to contend. Things began to look black, however, before they had finished the job, and, concluding that discretion was the better part of valor, they prepared to take what samples they had secured and take to their heels.

The opposition was willing to have them retreat, but was not in favor of having the Wisconsin people carry away the samples. The inspectors were told that they must leave the grain. They sent back an ultimatum to the effect that they would see the vessel men and Superintendent McManus "in hell first," and then left hurriedly for headquarters.

Their retreat was cut off, however, and a party detached from the elevator caught them.

The Wisconsin inspectors allege that they were threatened with knives by their captors. Whether this is true or not, it is a fact that their samples were taken from them and cut and slashed until they were of no value. The inspectors were delayed so that they did not reach the offices of the commission until late in the night.

Yesterday morning a formal complaint was filed against the parties who took the samples with the district attorney. The latter will commence a case immediately, with a view to punishing those responsible for the treatment of the inspectors.

President Andrew, of the commission, stated to-day that he considered the attack an outrage against law and order, and that the matter would certainly not be passed by lightly so far as the commission was concerned. He also stated that a force of men large enough to take samples from the boats would be sent to all the elevators, and that the inspection laws of the State, as well as other laws, were to be rigidly enforced. If Mr. Andrew's inspectors are unable to bring away their samples it is intimated that the governor will be asked to provide militia to aid in enforcing the law.

Mr. McCUMBER. Mr. President, inasmuch as the Senator from Minnesota seemed to think that possibly I was doing an injustice to the Minnesota system, I wish to call his attention to the fact that there is a grain growers' association of the

States of Minnesota, South Dakota, and North Dakota, representing the farmers of those three States. That grain growers' association has among its members those who have given this subject a great deal of consideration, and they join with me as they have before joined in every effort that has been made to escape the tyranny of that system as I have given it. They believe that they are not used right. The figures, which are indisputable, show that they are correct.

I now desire to have read the resolution by the Tri-State Grain Growers' Association of these three States, adopted at their last meeting, in January. Their complaint is not without merit.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

The Tri-State Grain and Stock Growers' Association passed the following resolution unanimously January 19, 1906:

"Whereas Senator McCUMBER, of this State, has introduced a bill in the United States Congress to provide for a national inspection and for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes; and

"Whereas the personal experience of the farmers of the Northwest has shown the necessity of a measure of this kind; and

"Whereas such a law would not only give the producer the grade to which he is entitled, but would make it so that the purchaser could rely on the quality of the grain bought in whatever market it might be obtained; Therefore, be it

"*Resolved*, That we hereby heartily indorse the principle proposed in this bill, and ask Congress to speedily pass the same, that we may obtain relief from the injustice which we suffer under the present existing conditions."

I certify that the above resolution is correct as passed by the Tri-State Grain and Stock Growers' Association, of Fargo, N. Dak., January 19, 1906.

J. A. JOHNSON, *Secretary*.

Mr. McCUMBER. Mr. President, I have here a most important document, not only from a legal standpoint, but also from the standpoint of a fair consideration of this subject. I have a judicial review upon evidence adduced before the court and the findings of fact of the court as embodied in its judgment, which is of great importance. I will ask that this opinion be printed as a Senate document, and, in addition, ask that the Secretary read those portions of the opinion which I have marked. It is important because it goes thoroughly into the legal question and also deals with the injustice of the present system. I will ask the Senate's kind attention while it is being read.

Mr. PATTERSON. Will the Senator state the date of the decision?

Mr. McCUMBER. It was an action——

Mr. PATTERSON. When was it rendered?

Mr. McCUMBER. It was rendered the 20th day of April.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Circuit court of the United States for the western district of Wisconsin. Globe Elevator Company, complainant, *v.* Homer Andrew, M. F. Swanston, John D. Shanahan, Byron Kimball, Peter S. Christenson, Great Northern Railway Company, and Northern Pacific Railway Company, defendants.

OPINION ON MOTION FOR TEMPORARY INJUNCTION.

Crossbill of the Great Northern Railway Company was brought against the complainant and all the other defendants.

In the city of Superior, Wis., lying in the extreme northwest corner of the State and separated from the city of Duluth, in Minnesota, only by a navigable waterway, there are fifteen large elevators and six flouring mills. The flouring mills have a capacity of about 75,000 bushels of wheat per day, or about 20,000,000 bushels per year. Part of the product of these mills is marketed in Wisconsin and the balance is shipped to other States east of Wisconsin. The Great Northern Railroad extends from Minnesota into Wisconsin a few miles south of Superior and runs northeasterly through the city of Superior and thence to Duluth. The Northern Pacific Railway has a terminus at Duluth, and extends thence into Superior and east to Ashland, Wis. The St. Paul and Duluth Railroad, controlled by the Northern Pacific Railway Company, branches at West Duluth, about due west from the center of the city of Superior, one branch extending to Duluth and the other across the St. Louis River to Superior. The Omaha Railway Company also extends from Minnesota into Wisconsin to Superior and Duluth, branching at Spooner, about 60 miles southeast of Superior. All of these railroads carry grain, a large part of it being carried by the Great Northern company. The latter company has very large yards at Superior. The grain trade carried on all these roads amounts to about 40,000,000 bushels a year.

Prior to the enactment of chapter 19 of the laws of Wisconsin for 1905, and for a period of about ten years, inspectors and weighmen, acting under the authority of the railroad and warehouse commission of the State of Minnesota, had inspected and weighed all grain received in Superior, many of these men coming from the city of Duluth daily for the purpose of doing this work. Being outside of the jurisdiction of their appointment and the jurisdiction of the laws under which they were appointed, they were not subject to any official oath, nor were they amenable to any law prescribing their duties or punishing the failure to perform them properly. Under this system, as might well be expected, grave abuses in the grain trade had grown up, and under such circumstances the legislature of the State of Wisconsin passed the law in question.

The testimony further shows that, according to the reports of the railroad and warehouse commission, more grain was reported and certified as having been shipped out of Duluth and Superior than was received into these cities, after deducting from the grain received the grain that was milled or ground into flour and other food products, one witness placing the amount at 26,000,000 bushels for the ten years from 1893 to 1902, inclusive.

Mr. McCUMBER. I was in hopes that the Senator from Minnesota would listen to just that portion, as it corroborates my statement as to the extra number of bushels sold in ten years in addition to the number of bushels received. Twenty-six million is given there.

The Secretary read as follows:

The testimony shows that this was brought about partly by docking all grain that arrived in the city from one-half to 7 or 8 pounds per bushel, whereas there was no dockage on grain shipped out of the city. There was also an arbitrary dockage in weights of grain going into the elevators of one-half bushel per car. There was also an undergrading of grain as it arrived in the city of Superior and Duluth and an overgrading of the same grain when it was shipped out of these cities, the reports of the railroad and warehouse commission showing that a less number of bushels of the higher or best grades was received in than was shipped out and a larger number of bushels of the lower or poorer grades was received in than was shipped out. The price of grain is fixed by grades. Consequently when grain is received into Superior at a low grade and shipped out at a high grade the seller of the grain arriving in Superior receives a less price than the purchaser pays for the same grain when it is shipped out, the profits, of course, belonging to the middleman—the elevator company.

This in part was the situation as shown by the evidence when chapter 19, laws of 1905, was passed by the legislature, and the legislature had these and other facts before them at the time of the passage of the act.

It further appears that the Great Northern Railway has for many years transported large quantities of grain, exceeding in value $1,000,000 a year, from its railroad terminus in Superior to steamboats plying on the Great Lakes for the purpose of further transportation to eastern markets and foreign countries. In order to facilitate such commerce it built large terminal railway yards and transfer and storage appliances and equipments, as well as two large elevators. It is and for many years has been engaged in transporting wheat, flax, oats, barley, rye, and corn received from shippers along its line in Montana, North Dakota, South Dakota, Iowa, Nebraska, and Minnesota, considerable of which grain being delivered by it into elevators in Superior. Prior to the enactment of chapter 19, 1905, cars arriving over the Great Northern usually came early in the morning. They were stopped in the yard, which is from 2 to 8 miles from the elevators and mills to which considerable grain is finally delivered by the railway company, and the grain was there inspected by persons acting for the Railroad and Warehouse Commission of Minnesota under the Minnesota act of 1885. Grades were made, called "Minnesota grades," which were exhibited on the board of trade at Duluth, a body of about 300 members, and the grain was there bought and sold for delivery either in Superior at some elevator or mill or, to some extent, for delivery in Duluth. The cars remained in the yard during the day awaiting disposition pursuant to such sales, and the disposition of the day's shipments were not made until about 4 o'clock in the afternoon. By this time the cars were made up into trains for delivery either at the Great Northern elevators for shipment to Duluth, to some extent, or for delivery to the Superior Terminal and Transfer Railway Company, which is a belt line railway company connecting with all of the railroads running into Superior, and by said terminal company the cars of grain were delivered to other mills and elevators, or possibly to some extent for further shipment by rail eastward.

Substantially all the grain coming to Superior is produced in States other than Wisconsin, and its mill product is shipped to States east of Wisconsin, although a considerable amount of flour is marketed in Wisconsin by the mills. After the passage of chapter 19, 1905, objection was made to the inspection of the grain in Superior by agents of the Minnesota warehouse commission, and the mill and elevator owners and members of the Duluth Board of Trade, cooperating with the railroads, procured the stopping of the Great Northern cars at points on its line in Minnesota called Sandstone and Cass Lake, and the inspection which formerly was made at Superior took place at these points. After such inspection the transit was continued until the cars were stopped in the Great Northern yards as already stated. The Northern Pacific cars containing grain were stopped in Duluth and the inspection there made under the supervision of the Minnesota Commission.

It is charged in the answer that after the passage of chapter 19 complainant conspired and combined with the owners, managers, and operators of the other elevators in Superior, and of the mills, and the Board of Trade of Duluth and members thereof, not to buy or sell or manufacture any grain under the inspection, grading, or weighing of the Superior warehouse commission created by chapter 19, but to buy and sell all grain under Minnesota inspection and subject to weights to be made by designated agents of the Duluth Board of Trade. To this end the Duluth Board of Trade, in the summer of 1905, promulgated rules forbidding any of its members, under penalty of expulsion, from buying, selling, or handling any grain under Wisconsin inspection or weighing, from belonging to any other board of trade or like organization located within 100 miles of Duluth, and from maintaining or becoming interested directly or indirectly in any office or place of business outside of Duluth for the dealing in grain, and from becoming a stockholder in a corporation or member of a firm dealing in any grain dealt in or quoted upon the Duluth Board of Trade at any point within 100 miles of Duluth; and further requiring all persons applying for membership to the Duluth board to sign an application containing an agreement that the applicant would resign his membership in said board within five days if at any time he should violate such rules, and further requiring the applicant to use his influence toward the protection and upbuilding of the business of said board and its members in every way to the limit of his power and the best of his ability.

It is further alleged in the answer that the Duluth Board of Trade, for the purpose of restraining trade and commerce among the several States, endeavored and attempted to monopolize and control the market of grain by arbitrarily fixing a limit upon the price which should be offered or bid upon the board, and has prohibited and prevented its members from bidding on, offering to buy, or buying any grain at a higher price than so fixed, or buying or selling grain at any other place than upon the board within 100 miles of Duluth. The result of this action on the part of the board of trade and the mill

owners has been to compel those persons formerly buying and selling grain in Superior to become members of the Duluth Board of Trade and to buy and sell all grain upon its floor.

The testimony shows that the railroads hauling grain have acquiesced in the action of the Duluth board and the mill and elevator owners, and thus the market for grain in Superior has been destroyed and forced into the Board of Trade of Duluth and Minneapolis, and that the Great Northern has stopped its trains at Sandstone and Cass Lake for the purpose of Minnesota inspection accordingly.

Mr. McCUMBER. If the Secretary is through with that portion, there is another portion marked on page 7.

The Secretary read as follows:

Chapter 19, laws of 1905, creates a corporation known as the Superior Grain and Warehouse Commission, and provides for the regulation of public warehouses. Its chief purpose is to create a system of Wisconsin inspection and fully enforce the same through strict penal provisions, and incidentally prevent the sale of grain by the fraudulent Minnesota system. This purpose is sought to be accomplished, first, by carefully drawn provisions governing the inspection and weighing of grain milled, bought, or sold in Superior, or stored or shipped from Superior elevators or warehouses; second, by exhaustive and thorough regulation of the grain-warehouse business in Superior, and, third, by provisions making the sale, purchase, or delivery of grain under the Minnesota inspection system difficult, if not impossible. The intent of the law seems to be to destroy the Minnesota system, because it is fraudulent, and to substitute therefor the Wisconsin system.

Mr. McCUMBER. I call the attention of the Senator from Minnesota to the fact that Judge Sanborn everywhere refers to the system as being fraudulent, in his opinion. I will ask the Secretary to read again from pages 13 and 14.

The Secretary read as follows:

Under these precedents it seems clear that the Wisconsin legislature might lawfully prevent fraudulent changes of grades, arbitrary or fraudulent "dockage" practiced by warehousemen, and shipping out at a higher grade than that on which the grain was taken in. Such regulations would be in aid and furtherance of commerce, by protecting the rights of both buyer and seller. Thus many objections to the Minnesota system, and frauds practiced under it, might be cured. Such regulations, although indirectly affecting interstate commerce, would be wholly local in their character and would undoubtedly be sustained. Such regulations might even include inspection and weighing, for the purpose of detecting and punishing fraud, preventing changes of grades, fraudulent "dockage," storage and resale on the weights found before such dockage occurred, etc. All this would be local regulation to protect the public from fraud and imposition and as such would not be unlawful regulation of interstate commerce.

Mr. McCUMBER. Again, on page 15.

The Secretary read as follows:

However justified or necessary these emphatic provisions may have seemed to the Wisconsin legislature, in order to destroy what appears from the evidence to be a fraudulent system, upheld by the combination of great interests, including buyer, seller, warehouseman, and carrier, they undoubtedly not only operate as a serious obstruction to commerce, as now carried on, under what should be one uniform system, but there is also disclosed a commercial conflict of considerable proportions between two States. Wisconsin is attempting to build up her trade at the expense of Minnesota, and the people most interested have taken and are now employing radical, if not unlawful, measures to thwart this attempt and keep this commerce in its accustomed channels. With the view of preventing fraud and protecting the public, the Wisconsin legislature has enacted that all sales of this large product shall be made only in Superior, and delivery, storage, and resale only under her inspection laws.

* * * * * * *

It is also clear to me that so important a matter as fixing the grades by which grain in interstate transportation can be sold, and without which it can not be sold on any large scale, admits of one uniform system or plan of regulation, and only one, and therefore falls within the exclusive power of Congress. Certainly it can not readily be bought and sold according to two systems of inspection. It can not be bought by one and sold by another. Conflicting State systems would only obstruct. (State Freight Tax, 15 Wall., 243; Welton *v.* Missouri, 91 U. S., 280; Henderson *v.* Mayor, 92 U. S., 273.) Like the regulation of tolls on an interstate bridge, the fixing of a standard of sale for grain moving in interstate commerce admits of only one uniform system. (Covington Bridge *v.* Kentucky, 154 U. S., 204.)

Because, also, the control of this great grain trade has become a matter of rivalry and commercial conflict between two States and agencies acting under their respective laws leads me to think that the subject is one of national and not State regulation.

* * * * * * *

How is it possible to market or sell grain under more than one standard or system of grading? It would seem to be most inconvenient, if not almost impossible, to make use of more than one standard, not only for sale, but storage and the convenient transfer of warehouse receipts. One system being thus required, sales in interstate commerce can only be regulated by Congress, except by mutual acquiescence of those taking part in the transactions. (State Freight Tax, 15 Wall., 232.)

Mr. McCUMBER. Mr. President, I think that is all I care to have read at this time. I will, however, ask that the opinion be printed as a Senate document.

The PRESIDING OFFICER (Mr. LONG in the chair). Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. McCUMBER. In the closing which has been read, Judge Sanborn indicated the only proper remedy to cure these defects, and that is by a national law, a national standard, something that would be uniform and could be adopted by all the States and could be the basis of sales in any State and in any city of the United States.

Mr. President, I think that that is the only remedy. I had this read so as to justify my assertion that I had other than my own opinion, other than the reports of the State grain and warehouse commission of the State of Minnesota to justify the fact that the system worked a great fraud and a great hardship. On that proposition, I think we have the concurrence of Judge Sanborn, who heard the evidence and tried this case.

The amendment which I have offered here is simply, as I stated before, to make effective the amendment already adopted by the committee. The amendment which the Senate has inserted simply authorizes or directs the Secretary of Agriculture to take samples and to analyze them. The purpose of that analysis must necessarily be to insure information to the purchaser or to the shipper. If it is to be hidden away by the Agricultural Department, no great benefit can be derived. I can see no objection, inasmuch as you are required to take the sample, inasmuch as you are required to analyze it, to make a certificate stating what that analysis is and what the grade is and sending that certificate to the foreign purchaser or consignee, that it may guide him in his purchase, and also mailing it to the consignor or shipper for his guidance.

What injury is to follow from the present system? What is the trouble? The first is this: We are sending out continually to foreign countries shiploads of grain bearing a certificate that is a fraud, because the certificate places the grain at a higher grade than it really is entitled to. In most cases it is due to the mixing of a lower grade with a higher grade. In many instances my belief is it is an unjust and unwarranted grading, higher than the particular article is entitled to. The result of that is, as I stated before, that our grain is becoming discredited in every foreign market.

I wish to have read short extracts from a letter from our consul-general at Marseille, Mr. Robert P. Skinner, and also two letters from wholesalers or dealers in grain at Marseille. I simply ask that that portion be read which I have marked.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

It is of the highest importance that our relations with our French wheat customers be based upon mutual confidence. * * *

Three protests have been formally lodged with me in regard to the condition of a cargo of wheat arriving from New Orleans; a like complaint has been made against wheat from Galveston, and an English trade paper, noting a communication from its Marseille correspondent, says: "We may add that London importers have been making similar complaints." These facts suggest that whatever accuracy the criticisms may possess, they are not confined to an isolated case or to a single city.

As my correspondents explain, wheat from New Orleans is purchased in Marseille on the faith of the certificates of inspection issued by the board of trade of that city. The exporter appears to have no responsibility for quality of the grain beyond the production of an "official" certificate of inspection, which being in proper form binds the buyer to accept the consignment. It necessarily follows that unless the trade organizations issuing certificates exercise proper care in making the statements conform to the facts they must lose credit and drive business into other channels. These certificates have been accepted the more willingly in certain quarters because of the impression that an "official" certificate was a document issued by the United States Government. In France boards of trade and chambers of commerce derive their authority from the Government itself, and the belief that similar conditions prevailed in the United States was natural and no doubt led in the first place to the lodging of complaints at this consulate.

My own interest in the subject arises from no wish to prejudge the question of fact in the cases actually presented, but from a desire to show the imperative necessity of preventing all cause for criticism of our export trade.

* * * * * * * *

MARSEILLE, *December 8, 1899.*

Hon. ROBERT P. SKINNER,
United States Consul.

DEAR SIR: We beg to inform you of the complaints which have been made here recently against the careless manner in which certain Galveston and New Orleans grain inspectors execute the duties intrusted to them. The confidence placed in them has been betrayed, and, while we ourselves do not believe that there is anything but carelessness at the bottom of the recent occurrences, we have repeatedly been obliged to listen to accusations of fraud against these inspectors by local millers and dealers, who believe that they have been prevailed upon to issue false certificates. We are doing our best to dissipate this feeling, but the fact remains that confidence can no longer be placed in the certificates of inspection issued in the above-mentioned ports.

* * * * * * *

In the interest of American commerce, we venture to suggest that your observations on this subject directed to the proper authorities in the United States will not be amiss.

Yours, very truly, BENDIT LIMBURGER & Co.

MARSEILLE, *December 9, 1899.*

The CONSUL OF THE UNITED STATES.
Marseille.

SIR: I send you a sample * from a consignment of hard winter wheat, No. 2 Kansas, discharged from the steamship *Olbia*, with a certificate of inspection from the inspector at New Orleans.

I call your attention particularly to the fact that for a long time the wheat as delivered has not at all corresponded with the guaranty of the certificates. The grain which I have just received leaves a great deal

* Transmitted to the Department of Agriculture.

to be desired. It contains a large proportion of foreign matter, and the number of small kernels is much too large. Finally, and most grave, this wheat is not perfectly sound. It has suffered before shipment, as proved by the "burned" grains found in large quantities. Should I be called upon to classify this wheat, I would not hesitate to say that it is inferior by from 10 to 15 per cent as compared with standard hard winter No. 2 Kansas, such as should be delivered after examination by an official inspector.

You can understand how my trade interests must suffer from such a delivery, and future relations will be exceedingly difficult if a change for the better is not made in the existing system of verification at the port of shipment. For my own part, I prefer to renounce further operations until a new order of things is established, since to do otherwise is to submit to heavy loss.

GUILLAUME ARTAUD.

Mr. McCUMBER. The Senate can see from that letter what is almost universal in every one of the foreign markets for our grain. The complaint comes from everywhere that the shipments do not measure up to the standards of the grades under the laws of the States in which they are made.

Great injury follows from this. I know in a letter from the Board of Trade of Wisconsin, I think it was last year, they quoted prices of American North Dakota No. 1 northern wheat and Canadian No. 1 northern, which had even been frosted. The latter was lately sold in foreign markets at 5 cents a bushel more than ours simply because the purchasers had confidence in its grading and had no confidence in our grades. As everyone knows, when the grain goes to a foreign country the millers who are buying it naturally inspect it.

Now, some one gets the benefit of this. The party who gets the benefit is always the middleman, as is shown by the opinion, a portion of which I have just had read.

While I am on this subject I wish to read a portion of a letter that directly affects my own State. We are commencing now to raise a great amount of macaroni wheat in that State, and it is to the credit of the Secretary of Agriculture that we have secured a species of grain which brings a good price, and which is one of the best kinds of macaroni grain that is raised anywhere in the country. It is grain that will stand more of moist weather and is less liable to be injured even by a dry spell than our other wheat. It is going to become an important wheat in our country. A single shipment of that wheat to a Mediterranean port, where the macaroni is used so extensively, would destroy for many years the reputation of that grain.

Here is a letter that was written last November. It is from Mr. H. T. Fowler, of the "Alger-Fowler Company, shippers and exporters, grain and grain products, Board of Trade, Superior, Wis." I will read only a portion of it. In this letter he says:

The largest cargo of wheat ever loaded was put on the steamer *Wolvin* a day or two ago. Its cargo goes to Mediterranean points. It is all durum wheat and the Minnesota officials graded it No. 2 durum. Our inspectors inspected it as No. 3 with a dockage, and say it was a very poor No. 3.

It is undoubtedly true that that wheat was taken in in Minnesota as No. 3, but when it was shipped out and put on board of the ship it went out as No. 2.

Our inspectors inspected it No. 3 with a dockage and say it was a very poor No. 3. This is of more importance to you than would appear at first as your State raised fifteen millions of this variety and next year they may raise fifty millions.

I will mail you a portion of the official sample and you can readily see that it is smutty and was undoubtedly bought of the producer as rejected and at 10 per cent discount.

Next year Mediterranean ports will buy this wheat on the basis of the quality of these poor dishonest cargoes, and it will cost the great State of North Dakota, say, $5,000,000, and as we have just begun exporting this wheat the mention of American macaroni wheat will make foreigners mad—and justly. It would be a good thing for your State if the foreigners were advised of the character of this wheat through the Bureau of Commerce. You can see where this crooked inspection lands the agricultural interests of your State. When you get a law passed the elevator ring will try to have their men appointed.

Now, I ask the Senator from Vermont—he need not answer it now, but in his own good time—what objection there can be to extending the amendment, which he has already adopted, so that the person making this inspection which he provides for can make a certificate which will guide the purchaser and will have the stamp of verity on it upon which any purchaser in any foreign country can rely? I can see no possible harm that can follow. I can see that it will to a great extent remedy the wrongs that are being committed, such as are indicated in the letter which I have just read.

Mr. HANSBROUGH. If my colleague will allow me, I will state that I have examined the amendment he proposes to the committee amendment. I wish to say for the information of the chairman of the committee, who has not perhaps paid as much attention to this subject as my colleague and myself, that the amendment proposed by my colleague is entirely acceptable to me, and I think it ought to be adopted in conjunction with the committee amendment.

Mr. McCUMBER. Then, Mr. President, I will close my remarks after having one other letter from our consul-general at Marseille read. It appears in the statement made before the Committee on Agriculture and Forestry. My object in having it read is to show the lack of uniformity in the grading of our export wheat. What we call a certain grade of durum wheat in Minnesota and in North Dakota is called macaroni of a different grade when it reaches New York. And if it goes directly from Duluth it goes to a foreign port as one kind of grain. If it goes from the port of New York it goes to the same location, say Liverpool, under a different grade and a different name, and as has been very succinctly stated in the opinion of Judge Sanborn, that very matter of different kinds of grades and standards of the same grade is a great hindrance in interstate or foreign commerce.

I will ask that the letter on pages 13 and 14 and a part of 15 be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

AMERICAN CONSULATE-GENERAL,
Marseille, December 7, 1905.

The ASSISTANT SECRETARY OF STATE,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of a dispatch from the honorable the Secretary of Agriculture, dated November 16, in regard to macaroni wheat and certificates of inspection issued thereon. The very valuable information on this subject has been communicated to the chamber of commerce and to the interested importers, and being in the form of an authentic statement, has cleared up some doubts which have constituted an annoying interference with the development of the American wheat trade in this port.

I regret to state that the same difficulties in varying forms will be likely to come up from time to time so long as the issue of grain-inspection certificates is subject to no central control, vested either in some appropriate department of the Government or in some responsible voluntary association of the various commercial bodies now controlling not only our commerce in wheat, but many similar commodities, the aggregate exports of which reach many millions of dollars.

There is no substantial difference between the guaranties, or rather the absence of guaranties, on the face of grain certificates issued at Duluth and New York, although wheat exported from New York reaches the port of delivery in the hold of the steamer into which it was loaded, while wheat exported from Duluth is necessarily transshipped a number of times before reaching the foreign consumer. In the case of interior shipments the foreign buyer has no means of absolutely knowing that the grain described in his certificate is the same grain actually delivered to him in Marseille. The logical result of this condition is that the certificates issued at interior ports are accepted with hesitation, and that in many cases the buyer stipulates that he shall have a New York certificate, with the consequent effect that interior exporters are at a disadvantage, and a tendency to concentrate export business at New York or other final ports of departure is unwittingly encouraged and sustained.

In the information supplied by the Secretary of Agriculture it is stated that "the New York macaroni wheats are supposed to conform with the Duluth grades of durum." The buyer residing 5,000 miles from the port of shipment, who secures no commercial guaranty, and merely an assurance conveyed upon a scrap of paper, is dissatisfied with grain standards which are merely "supposed" to conform with each other. The Minnesota board of grain appeals, organized under State law, has thus established certain grades of grain, to which the certificates issued at Duluth and St. Paul are supposed to conform:

"No. 1 durum: Shall be bright, sound, and well cleaned, and be composed of durum, commonly known as 'macaroni wheat.'

"No. 2 durum: Shall include wheat that is bleached and shrunken.

"No. 3 durum: Shall include all wheat that is badly bleached, smutty, or for any other cause unfit for No. 2."

The New York Produce Exchange, in accordance with the grain rules, thus describes its standards:

"No. 1 macaroni wheat: Shall be bright, sound, well cleaned, and be composed of what is known as 'rice' and (or) 'goose wheat.'

"No. 2 macaroni wheat: Shall be inferior to No. 1, but sound, and be composed of what is known as 'rice' and (or) 'goose wheat,' and may include wheat that is bleached and shrunken.

"No. 3 macaroni wheat: Shall include all wheat badly bleached or smutty, or for any other cause unfit for No. 2."

In the foregoing typical instances we find not only a confusing difference in the name of the wheat described, but differences of language much more perplexing. The Minnesota standard describes durum, commonly known as "macaroni wheats," which we all know to be product of certain imported Russian and Algerian seed. The New York descriptions of what is presumably the same grain speak of what is known as "rice or goose wheat," which are wheats known commercially in the United States for years before macaroni wheats were ever seriously considered. At New York there are three grades of these hard wheats, and in Minnesota there are four.

Similar differences can be discovered throughout the long list of American cereals. Minnesota No. 1 white winter wheat is described by the Minnesota board as "sound, well cleaned, reasonably plump, and composed of the white varieties." According to the New York Produce Exchange, No. 1 white winter wheat "shall be sound, plump, dry, well cleaned, and weigh not less than 60 pounds, Winchester standard."

In the United States, where buyers are familiar with every phase of the wheat question, these variations may seem to be comparatively unimportant, but in France when one board says that wheat shall be dry and another omits this word altogether, when one board speaks of Winchester standard and another board omits this requirement, when one board speaks of plump wheat and another says that the same wheat need be only reasonably plump, the first effect of an unsatisfactory delivery is the refusal of the miller to take the grain, followed by the appointment of experts and all the other complications incident to reasonable doubt and distrust.

It is asserted, in addition to the foregoing, that the actual deliveries of macaroni wheat in Marseille of the same nominal grade have varied to a very substantial degree, and while a rise in the market and serious

local need have prevented any unpleasant litigation up to this time, it is quite conceivable that if the buyers had faced different market conditions the situation might not have been the same.

The Secretary of Agriculture has been so successful in securing the cultivation of hard wheats suitable for the European markets that I trust he will now be equally solicitous in regard to the correction of the evils which I have described in some detail. I am personally convinced, and have so reported on several different occasions, that grain and other standards should be fixed for the whole country by the National Government, and that deliveries based upon certificates should conform to standard samples, which might properly be deposited in the important commercial consulates of the world, but whether the result be reached in this way or by voluntary organization, something should be done to improve the situation as it stands to-day.

I have to thank the Secretary of Agriculture for his appreciated observations personal to myself.

I am, sir, your obedient servant,

ROBERT P. SKINNER,
Consul-General.

Mr. McCUMBER. Mr. President, that letter needs no comment; it explains itself. It must be apparent to anyone who has the slightest knowledge about our export trade in grain that it is absolutely necessary that we have uniformity of standards and that those standards be just. We already have a stamp upon every ham that goes into our export trade. It carries with it confidence, because it is the stamp of the Government. I am certain that in the export of wheat, that portion, at least, which is examined under this bill, it will be of great benefit to our wheat trade if it goes into the foreign market accompanied by some certificate showing its proper grade.

I wish to say, in closing, that I hope some time in the future—and in the near future, considering the exigency of this matter—that I may be able to have the attention of the entire Senate directed toward these conditions, which appeal to me for some character of remedy. I wish to reiterate what I have stated before to the Senator from Minnesota [Mr. CLAPP], that I do not charge any one individual with any particular offense. I simply know that there is a wrong somewhere. It is pointed out, it is shown in the reports, and the result is very injurious to the people of my State, and I hope that we will be able to remedy it. We want honest and fair grades; we want honest weights and measures; we want honest dockage. No company or corporation should object to that or should object to a proper system to secure that result.

PANAMA CANAL.

During the delivery of Mr. McCUMBER'S speech, at 2 o'clock p. m.,

Mr. KITTREDGE. I move that the Senate proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction. My object is to have the bill made the unfinished business, with the understanding, of course, that it will not interfere with the pending appropriation bill.

Mr. McCUMBER. The Senator, I understand, wishes to have the bill taken up now, and then passed over.

Mr. KITTREDGE. I will then have it laid aside.

Mr. McCUMBER. All right; I yield for that purpose.

The PRESIDING OFFICER. The Senator from South Dakota moves that the Senate proceed to the consideration of a bill which will be read by title.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to.

Mr. KITTREDGE. I ask unanimous consent that the bill be temporarily laid aside.

The PRESIDING OFFICER. Consent is granted, without objection.

Mr. KITTREDGE. I thank the Senator from North Dakota very much.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

Mr. CLAPP. Mr. President, I do not feel at this time equipped with facts and data sufficient to analyze the charge made by the Senator from North Dakota [Mr. McCUMBER]. I understood him to charge that the commission men were appointed by and dominated by the elevator companies of the State.

Mr. McCUMBER. Let me correct the Senator right now upon that point, if he will allow me.

Mr. CLAPP. Certainly.

Mr. McCUMBER. That is not the case. I stated that in my opinion—and that opinion is supported by the opinion of those in whom I have entire confidence, and is generally accepted to be the case—the chief inspector is appointed through the influence of the great terminal elevators and the purchasers of our wheat, and that the chief inspector appoints his deputies, who are, of course, responsible to him. That has nothing to do with the State commission. The commission makes fair and honest reports, I think.

Mr. CLAPP. In answer to that, I can only say that there are two political parties in the State of Minnesota, and I hardly think that the control of the chief inspector by the elevators of that State would long pass unchallenged by the political party not in sympathy with the appointment.

As I stated before, it has been some years since I was familiar with these matters from a personal standpoint. At that time it was an established fact that the Minnesota standard was recognized in Liverpool, unquestioned and unchallenged.

Now, we all want the same thing. We want a proper system, a just system, and a system fair to all. Our State is a great agricultural State, and it would be anything but wise, proper, or patriotic to stand for legislation that was not in harmony with their interests.

But I want to call the Senator's attention to this fact. Perhaps I am unusually warm in the advocacy of it. A large portion of our State for years has been and is to-day dominated by the Federal Government. I think our people are gradually getting tired of that. I think our people prefer self-government. It may be, sir, that in the process of time we will have to take the map of the United States and wipe out the State lines. It may be, in the process of time, that every function of the State will have to be abdicated and surrendered to the General Government, and I sometimes think that, in a measure, inevitable; but before we do that, I think we ought to proceed with an investigation beyond the scope of a mere ex parte statement made here in the Senate, however much credit and credence we should be disposed to give to the Senator from North Dakota [Mr. McCUMBER].

If a commission is to inspect grain, and if improper influences are brought to bear upon that commission, I submit that it is far easier for the farmer to control that commission when the commission and the inspector are only one remove from the farmer's vote than when they are several removes under the Federal Government. If it is true that these great interests can influence this inspection as it is now administered, I for one fail to see where the farmer's remedy would be when that appointment was removed to the Federal authority instead of being under the State authority.

The people of Minnesota have it in their power to-day, if any such abuses exist as it is charged exist, to make a change in the personnel of that commission; but if these influences now pervade administrative quarters, they would be far more powerless if the appointment came at the hands of the Federal Government. It may be that the people out there are ready to surrender and to abdicate their control of this matter, but for one I do not propose to stand here and favor that until I know the people of my State desire it.

It is very strange indeed, if all these things exist, that we have not heard of them. In our legislature both parties are represented, and this system could have been attacked. Some years ago there was an investigation, but of late years I have not heard of any serious complaint of this system. If it is true that there is complaint, if it is true that it may be necessary at some time to remove this inspection and turn it over into the hands of the Federal Government, I submit to the Senate it ought not to be done until a thorough investigation on this subject has been made—something more than this mere ex parte statement to which we have listened this morning and the letters which have been read to go into the RECORD upon this subject.

I am inclined to think, Mr. President, that it may be necessary, perhaps, at some time to carefully draft a law, if we can do so within constitutional limitations, to regulate this subject where it comes in conflict between two States. I am not certain but that may have to be done; perhaps it would be wise to do it; but it should be done with a great deal of care and caution and after full inquiry as to the scope of our authority to do it.

But I do submit again, Mr. President, that for the present, upon this hearing, it is hardly the wise thing to take this inspection from the State and turn it over to the Federal Government.

Mr. McCUMBER. Mr. President, the Senator from Minnesota has certainly not listened to my entire argument, if he is supposing that I am asking that the bill which I introduced for general national inspection be incorporated into the pending measure.

Mr. CLAPP. Mr. President, after the Senator from Colorado [Mr. PATTERSON] had asked him a question, I asked the Senator from North Dakota a question purposely to ascertain whether it was at this time understood that that was what the Senator from North Dakota desired to do.

Mr. McCUMBER. I have had my amendment printed. It only affects the matter of making a certificate where an inspection is already provided for on export. It goes a little way in the right direction.

I want to correct the Senator from Minnesota [Mr. CLAPP], if he thinks the people of his State have never had this matter under investigation before and that they have never said anything about it. I do not know what influences may govern the press of the great cities of Minnesota; I do not know what their sentiments may be; I do not know to what extent they have considered this matter; but I know that they have considered it to some extent. All the great newspapers of the Senator's own State have considered it, and many of the smaller ones, as I know, for I live on the border line of the State of Minnesota.

There was a committee appointed by the legislature of the State of Minnesota to investigate this same matter about seven or eight years ago—in 1899. Now, here is a little information from that report. The report of this committee concludes its review of the testimony taken with the following charge——

Mr. CLAPP. I stated that this matter had been taken up some time ago.

Mr. McCUMBER. I understand; but I want the Senator from Minnesota to understand what the charge is. They say:

> From this it appears that nearly one-third of the crop has been marketed each year before the farmer is enabled to get the grade that his crop merits.

Somebody does wrong if that is true, and I have not heard that this system has been changed. I do not think the farmer should be robbed of one-third of his crop before he gets a just grade. I am assuming that that investigation was fairly and properly made; and, as I have said, it was made in the Senator's own State. Again this committee say:

> That early in the season the inspection made by your inspectors was very severe against the producer, and that subsequently—later in the season, somewhere about the middle of October, and from that on—much more liberal grades were given.

I think before the middle of October practically four-fifths of our grain goes into the market, though I may be in error about that. The committee also state in this same report that:

> The defense made by the chief inspector when called to the witness stand was, in his words: "We take the benefit of the doubt until we get started, because we do not know what we are getting into." Another of his reasons was: "In order to have a little margin, one which we can carry our crop through on without exercising apprehension on the part of eastern buyers."

They are not as careful about the apprehension on the part of the producer and the seller of this grain.

May I call the attention of the Senator from Minnesota right here, to show that the abuse still exists, to a table taken from the report of the State inspector of Minnesota for 1904, showing that there were of No. 1 northern, received by the elevators during that year 12,401,897 bushels of wheat, and there were shipped out of the same elevators 18,217,789 bushels, or an excess of shipments of that grade of grain over receipts of 5,815,892 bushels.

I call attention to the fact that there were 10,295,172 bushels of No. 2 northern received, and only 6,723,732 bushels were shipped out. Worse than that, there were of No. 3 northern 2,616,065 bushels taken into the elevators and only 283,299 bushels shipped out. That grain went through a physical metamorphosis and was immediately changed by a certificate from No. 3 rejected and No. 2 northern to the higher grade No. 1 northern, which is the highest grade of northern grain. That is from the 1904 report.

Here is the report of the Minnesota Railroad and Warehouse Commission for the crop year ending August 31, 1902, for Duluth. The Duluth elevators took in 15,187,012 bushels of No. 1 northern and they shipped out 19,886,137 bushels, or an excess of 4,699,125 bushels; and in the same time they took in of No. 2 northern 19,693,454 bushels and only shipped out 15,178,999 bushels. They took in of No. 3 northern 7,035,133 bushels and only shipped out 1,971,255 bushels. In other words, six-sevenths of that No. 3 northern was converted into and became No. 2, or a higher grade, when it was shipped out, much of it going into No. 2 and some of it into No. 1.

This is not due to dirt or foul stuff that is in the grain, because that is taken out in the dockage. The small undeveloped kernels and all the foul stuff is already taken out and allowed for. The Senator can see that there must necessarily be an injustice to the producer of that grain. I believe the Senator from Minnesota would like to see that corrected, not only for the great number of farmers in the State of Minnesota, if it be true—and I have read from the record of the warehouse commission of that State—I believe he wants that corrected if it is a wrong to the people of his State, and I want it corrected, because I know it is a wrong to the people of my State.

Mr. HANSBROUGH. Mr. President, just a few words in reference to the pending amendment reported by the Committee on Agriculture and Forestry contained in the bill now before the Senate. My colleague [Mr. McCUMBER] has very accurately described the conditions which prevail in the wheat-growing States of the Northwest and the conditions under which the products of the farms of that section are sold to the consumer. Those conditions are almost intolerable. The greatest injustice has been visited upon the grain growers of the Northwestern States for years and years. Not only that, Mr. President, but there has been a great injustice visited upon the foreign buyers of our grain, as I shall show a little later on from letters which I have here. I think I will introduce those letters now so that I shall not have to go back to that point later.

I have here, furnished to me by the Department of Agriculture, a letter signed by John Martin, secretary of the Glasgow Corn Trade Association, dated January 12, 1906, which I will ask the Secretary to read.

I will also ask the Secretary to read, in that connection, a letter addressed to our Secretary of Agriculture, which I send to the desk.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

GLASGOW CORN TRADE ASSOCIATION,
BALTIC CHAMBER, 50 WELLINGTON STREET,
Glasgow, January 12, 1906.

The SECRETARY NORFOLK CHAMBER OF COMMERCE,
Norfolk, Va.

DEAR SIR: My committee had under consideration letters from Messrs. McKinnon & McDonald and Mr. William Maclay, members of this association, with reference to an arrival of No. 2 mixed corn per steamship *Kastalia*, carrying Norfolk Chamber of Commerce grain-inspection certificates. Messrs. McKinnon & McDonald say "this corn has arrived soft, dirty, and heated, bushelling 52 to 53 pounds, whereas corn by the same vessel, loaded at the same time and certificated at Newport News, discharged in good condition and busheled 56 pounds. Fifty-six pounds is also the mean weight of any shipments of new corn which have arrived here this season from other ports." A member of my committee had Indian corn, ex steamship *Kastalia*, analyzed, with the following result:

	Per cent.
Prime corn, moisture:	
In sample, as received before grinding	16.16
In sample, as received after grinding	16.16
Soft corn, moisture:	
In sample, as received before grinding	19.65
In sample, as received after grinding	19.50

My committee instructs me to point how destructive of all respect and consideration for your certificates a shipment of this sort is, and is of opinion that cases such as this call for most thorough inquiry on your part.

Yours, truly, JOHN MARTIN, *Secretary.*

P. S.—As this is urgent, I respectfully ask for a reply by return.

GLASGOW CORN TRADE ASSOCIATION,
BALTIC CHAMBER, 50 WELLINGTON STREET,
Glasgow, January 13, 1906.

MINISTER OF AGRICULTURE, *Washington.*

DEAR SIR: I inclose copy of letter sent to Norfolk Chamber of Commerce, protesting against the quality of certain parcels of Indian corn arrived per steamship *Kastalia*, carrying Norfolk Chamber of Commerce grain-inspection certificates.

My committee will be glad if you can see your way to take up this matter, as they feel it to be of the very utmost importance in the interest of the trade generally.

Yours, truly, JOHN MARTIN, *Secretary.*

Mr. HANSBROUGH. Mr. President, here is a direct plea from the foreign buyer of American grain to our Secretary of Agriculture for protection against the character of inspection which has been so thoroughly described here this morning.

Mr. LATIMER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I yield.

Mr. LATIMER. I desire to ask the Senator a question. Does he think it is the duty of the Government of the United States to enter into all the business transactions of a private citizen, and, through an inspection, to prevent fraud in the selling of apples, in the selling of wheat, and of every other article that is put on the market by the private citizen? As I understand, the wheat growers put their wheat on the market. It is claimed they have been defrauded by somebody, and therefore it is the duty of the Government of the United States to send an agent out after that wheat, follow it to the person to whom it has been sold, and notify that person that the wheat is not exactly up to the standard, and thus interfere with private business and interfere with the business interests of the country.

Mr. HANSBROUGH. Mr. President, that question has been

asked a great many times in this body since I have been a member of it. It has been answered but in one way, and that is, when the emergency arises, the work should be done by the steady hand of the Federal Government. I ask the Senator if we have not done that with respect to American meats, and if the system is not working as we desire it should work, with great benefit to the producers of this country?

The average exports of the principal cereals of the United States for the five years ending June 30, 1904, were as follows—and these figures are significant:

	Bushels.
Barley	11,500,000
Buckwheat	200,000
Corn	107,000,000
Oats	18,800,000
Rye	2,600,000
Wheat	109,400,000
Flax	2,800,000

I do not doubt that every bushel of this American-produced grain was discredited through the system of inspection prevailing in this country.

Mr. President, in regard to this amendment, I want to say that my colleague, at the last session of Congress, introduced a bill covering the question of grain inspection. It was, of course, an entirely new subject. My colleague discussed the question here very intelligently and very thoroughly. At the time the bill was referred to the Committee on Agriculture, it went, as is the custom of that committee, to the Secretary of Agriculture for a report, not that we desired to ascertain whether the Secretary agreed that the bill was proper or not, but we desired to find out whether he could administer such a bill in case it became a law. It is unnecessary here to make reference to the report of the Secretary with regard to the bill, but this is what happened. The introduction of that bill and the speech made by my colleague aroused criticism and investigation, resulting not only in the Department of Agriculture here, but all chambers of commerce all over the country taking notice of this very important question. The result was that when this session of Congress convened we were ready to take up the question and to give it consideration. As a member of the Committee on Agriculture, it seemed to me that we could insert in this bill a provision under which at least a part of the work desired to be accomplished by my colleague, and covered in the bill which he introduced, could be done. After conference with various officers of the Agricultural Department, Senators, and others, I introduced an amendment which will be found in the bill now being considered. That amendment is as follows:

To enable the Secretary of Agriculture to establish, at such points of export as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, $15,000, or so much thereof as may be necessary; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, to be determined by the Secretary of Agriculture as the evidence at hand may warrant.

Let us see what would happen if that became a law—and I think it ought to become a law. The result would be that the Secretary of Agriculture would probably establish a laboratory at each of the three principal export points of the United States—New York, San Francisco, and New Orleans—and after investigation made of the grain proposed to be exported from those points, the Secretary would issue a certificate as to the grade of such grain. I venture to say, Mr. President, that so soon as we enter upon this business no foreign buyer of grain will consent to accept a cargo of grain shipped from this country unless it is accompanied by a Government certificate. I venture the further suggestion that, under the provisions of this amendment, no shipper of grain in this country will think of sending a cargo of grain abroad unless it is accompanied by the Government certificate, because his own certificate and his own inspection already stand condemned before the country and before the world.

I want to have read at the desk what has been said with respect to this amendment by Doctor Galloway, Chief of the Bureau of Plant Industry of the Agricultural Department. I will say that Doctor Galloway is well known to most Senators, indeed, to all Senators. He is one of the ablest men in that Department, a man thoroughly devoted to and thoroughly conversant with his duties. At my suggestion, the Doctor dictated a statement with respect to this amendment and what its operation would be if enacted into law. I ask that his satement may be read.

Mr. LATIMER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. Yes; I yield.

Mr. LATIMER. As I understand him, the Senator has reference to the amendment adopted in the committee?

Mr. HANSBROUGH. Certainly.

Mr. LATIMER. Well, there is no objection to that, so far as I know.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. HANSBROUGH. I yield to the Senator.

Mr. PATTERSON. The two Senators from North Dakota have disclosed a condition in three States—North Dakota, Minnesota, and Wisconsin—that is startling, and should startle both the country and the Senate. In ten years the farmers of those States have been swindled out of 27,000,000 bushels of wheat. They have not only been swindled out of that much wheat, but they have been swindled in the grade of their wheat by being paid for their wheat as of an inferior quality, when they should have been paid the rating and the pay that goes to a higher quality. This stupendous system of fraud is carried on through the agency of State officials; at least, it must be with their connivance and knowledge.

Mr. HANSBROUGH. And handling an article of interstate commerce passing from one State to another.

Mr. PATTERSON. And so incurable and so deep rooted is this fraudulent system of which the farmers of those three States were the victims that the Senators feel compelled to apply to the Federal Government for protection, apparently being unable to secure the necessary protection from the officials or the people of their own States. Really, what I wanted to ask the Senator about is this: The grain that goes into these elevators is intended—or perhaps I had better ask the question, Is it or is it not wheat that is intended for foreign shipment, or are these frauds practiced not only upon wheat for export, but also upon wheat raised by the farmers of those States which is subsequently used for domestic purposes?

Mr. HANSBROUGH. The wheat that goes into the large terminal elevators referred to by my colleague is both for export and domestic consumption, but largely for export.

This amendment deals with export grain alone. I have no doubt, I will say to the Senator from Colorado, that just so soon as this new process of inspection is put into operation it will be extended, by the demands of the boards of trade and commercial bodies themselves, because as soon as you place a Government certificate on a cargo of wheat or a consignment of wheat that alone gives to that cargo or that consignment standing in the business world, and the commercial bodies themselves will ask in a very short time, I believe, that all wheat shall be inspected and graded by the Federal Government.

Mr. PATTERSON. I doubt if any of the revelations of official fraud and graft that the last year has produced could be considered as startling, almost as horrifying, as have been the revelations made by the two Senators from North Dakota.

Mr. HANSBROUGH. I do not think the Senator overdraws the picture.

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. HANSBROUGH. I yield to the Senator from Minnesota.

Mr. CLAPP. Were not these same figures practically given by the Senator from North Dakota a year ago?

Mr. McCUMBER. They were given by myself two years ago, and I am surprised that they did not equally startle the Senator at that time.

Mr. CLAPP. A few days later, let me tell the Senator from Colorado, the figures were filed here by the railroad and warehouse commission, if I remember correctly. The matter was exploited in the Senate two years ago. The junior Senator from North Dakota states that the boards of trade took it up, and yet with these revelations there has been little or nothing heard of this matter from the day that the Senator from North Dakota made the statement two years ago, or a year ago, whichever it was, until now.

Mr. HANSBROUGH. The trouble about that is this: The Senator from Minnesota, who is one of the most industrious members of this body, has since that time almost continuously been engaged in regulating railroad and Indian affairs, and I fear that he has not given to this great subject the attention to which it is entitled, not because it is not his desire to do so, but simply because he has not had the time.

Mr. McCUMBER. May I suggest also that the Senator must have stopped reading the papers, because I have read a great many articles on it in different papers, and I have them now, and a good many from papers within his own State.

Mr. CLAPP. I confess to some surprise, after the statement made a year ago and the answer made by the commission, that there has been nothing, so far as I can recall now, to warrant me in a belief in the accuracy of the figures presented this

morning by the Senator from North Dakota. I am as ready as he is, while I regret this constant turning over of things to the Federal Government, to put this thing in the hands of the Federal Government if I can believe that our people want it, if I can believe that they believe, waiving my own judgment, that it would be to their interest to do it. I do not want to be misunderstood on this question.

Mr. HANSBROUGH. Mr. President——

Mr. McCUMBER. I ask my colleague to yield to me for a moment.

Mr. HANSBROUGH. I yield.

Mr. McCUMBER. I have kept in touch with the history of matters pertaining to this subject, and I think the Senator is in error in supposing that the commission has ever filed, and made a matter of record, any answer to the argument which I made at that time. I myself, receiving letters from some of the elevator companies, in which they gave their own figures in an attempt to refute a statement that was published in one or two of the Wisconsin papers, in justice to them, as they thought they ought to be heard, filed their reply and made it a part of the record. But there never has been any attempt on the part of anyone to answer the propositions which I then made and which are contained in the figures I have since read to the Senate.

Mr. PATTERSON. Mr. President, the most startling thing about it is not the enormity of the frauds, nor the length of time their perpetration has been in existence. It is not the number of people who suffer from them, but the fact that being public property, being given to the public through the public press and from the halls of Congress, the people of the States submit to them. The wonder is that the administrations in those States, that stand by, with the power to remedy the evil under their control, have not been spewed out by the people and more honest men put in their places, men who would see that honest men filled the positions to protect the farming communities of those three States.

Mr. HANSBROUGH. I make no——

Mr. PATTERSON. They are great agricultural States. The one great industry in those States is agriculture—farming. They have it in their power to remedy this evil, if they have not become so used to fraud and graft in every department of official and public life that they have come to the conclusion that to struggle against it is useless, and that there is nothing for the people to do but to bow down in submission to the yoke that those who perpetrate these frauds have placed upon their shoulders.

Mr. McCUMBER. If I may interrupt the Senator from Colorado, if we have any remedy in our own State in the matter of the grading of our grain, which is done from five hundred to a thousand miles distant from where it is shipped, I should like to know what the remedy would be.

Mr. PATTERSON. I understood from the Senator from North Dakota that these outrages were traceable to officials of his own State——

Mr. McCUMBER. Well, Mr. President——

Mr. PATTERSON. To a commission——

Mr. McCUMBER. It is evident that the——

Mr. PATTERSON. Which has failed to perform its duty.

Mr. McCUMBER. It is evident that the Senator has not heard anything I have been talking about if he draws any such assumption.

Mr. PATTERSON. Does the Senator from North Dakota say that the swindling of his constituents to the extent of 27,000,000 bushels of wheat occurred on the seaboard? I refer to the 27,000,000 bushels of wheat that were taken out of the warehouses which never went in. According to his own statement it was perpetrated with the knowledge of the chief inspector, who was in the interest of these great warehouses and who necessarily occupied his position with the knowledge or connivance of other State officials. I am frank to say that if such is not the case I have listened to his long speech and very interesting and startling speech and failed to catch the import of it. Does the Senator from North Dakota now desire to shift the responsibility to officials who have no connection with his home government and who conduct the business of their office outside of his own State and at ports for exportation? If that is the case, then I am frank to say I have listened with very poor results to the startling statements, as I understood his statements to be.

Mr. McCUMBER. I ask my colleague if he will allow me to answer the Senator from Colorado?

Mr. HANSBROUGH. I should like very much to complete my statement. Of course, under the circumstances, I yield to my colleague.

Mr. McCUMBER. I assumed that the Senator from Colorado had a fair knowledge of the system by which our wheat is disposed of. We have no commission that passes on it at all before it is disposed of. We have no commission that passes on it at all, because it is all graded at the terminals, the great markets of the country. We have not a single one of those in our State. The price of the commodity is fixed by the grade, and the grade is made by inspectors and is fixed in the State of Minnesota by officers appointed by and through the laws of the State of Minnesota.

Mr. PATTERSON. Then the charge is transferred——

Mr. McCUMBER. We have no control whatever over it.

Again, the Senator is in error in the quotation. The twenty-six or twenty-seven million bushels, I stated, and it is also stated in the opinion of Judge Sanborn as established by the testimony of a witness, represents the number of bushels shipped out of all those elevators in excess of what was shipped in, within a period of ten years.

Mr. PATTERSON. I understand.

Mr. McCUMBER. A portion, of course, from my State, and a portion from the others.

Mr. PATTERSON. From the three States in question. Then I understand the Senator from North Dakota to transfer the responsibility for these enormous frauds from the officials of his own State to the officials of the State of Minnesota. There is where the swindling occurs. What has the Senator from Minnesota to say?

Mr. HANSBROUGH. Mr. President——

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. HANSBROUGH. The question asked by the Senator from Colorado is likely to lead to lengthy debate, and I should like very much to finish what I have to say, as I know the Senator from Vermont is exceedingly anxious to proceed with the bill. I suggest to the Senator from Colorado and the Senator from Minnesota, both of whom are very interesting debaters, that at some future time they can have this thing out between them, and I will be very glad to witness the bout at any time they may fix.

Mr. CLAPP. All I want——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. HANSBROUGH. I yield.

Mr. CLAPP. All I ask is that my silence shall not be construed as an admission. That is all.

Mr. HANSBROUGH. I ask for the reading of the article compiled by Doctor Galloway, explaining the workings of the proposed amendment.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The inspection of grain as it is now conducted in the United States is the cause of continual dissatisfaction both among dealers in this country and with purchasers abroad. The dissatisfaction among foreign purchasers has recently become so acute that our export trade is seriously threatened with extinction unless some means of remedying the conditions are soon put into effect.

American grain inspection at the present time is conducted in a great variety of ways and under at least three distinct classes of control. The oldest type is that by which a chamber of commerce or board of trade employs inspectors to examine carload lots of grain arriving at a market, and also those carloads being shipped. The second type is the one by which inspectors are employed by some branch of the State government. This is known as State inspection and is now in use in Illinois, Kansas, Missouri, Minnesota, and Washington. The third and least common type is the one where inspectors are employed by common carriers or by private parties. In all these types of inspection the inspectors depend almost entirely upon a superficial examination of the grain. The grade rules under which they work are purposely indefinite in nature, being composed of such expressions as "reasonably dry," "reasonably clean," and "in good condition." Investigations conducted by the Department of Agriculture have shown that it is possible to grade grain accurately. This can be done with sufficient accuracy for all practical purposes by ordinary methods of laboratory analysis.

The amendment proposed by Senator HANSBROUGH would enable the Department to establish laboratories at three principal points of export and to place in each of these laboratories an officer who could examine consignments of grain and report upon the same. It is believed that these laboratory investigations at the ports would, in effect, cause the present inspection service to improve its methods and finally adopt the Government standards. Foreign purchasers would learn of the establishment of these Government laboratories, and in addition to requiring the regular inspection certificates might, and could, secure a certificate from the Government. The result would be the unification of grades and a system which would eventually remove many of the difficulties now encountered.

The conditions of our foreign trade certainly demand some improvement if the custom of selling grain on certificate is to be continued, and it is very desirable that it should continue because by its use grain can be handled much more rapidly and cheaply than can be done by the sample method of dealing—the only alternative unless commercial grades can be maintained and grain certificates recognized as having value.

It is estimated that to maintain these laboratories at three points—say Boston, New Orleans, and San Francisco—would require about

$5,000 each. The officer in charge would have to be paid a salary of not less than $2,000. He would probably need two assistants, one at $1,000, and one at about $800. Rentals and miscellaneous laboratory expenses would require approximately $1,200, making a total of $5,000.

In this connection I append herewith certain memoranda which is self-explanatory. First, a letter from the Glasgow Corn Trade Association commenting on the bad effect of poor inspection on foreign shipments of grain; second, two sets of tables showing the quantity of wheat and corn exported from our chief ports for the years ending June 30, 1884 to 1904; also a table showing the average exports of the principal cereals of the United States for the five years ended June 30, 1904.

Respectfully, B. T. GALLOWAY, *Chief of Bureau.*

Mr. HANSBROUGH. It is not proposed by this amendment to force Federal inspection or a Federal system of grades upon grain dealers. It is proposed, however, to establish Federal grades by induction rather than by statutory requirement. That will be the effect of this amendment if adopted, and grain dealers themselves will soon be demanding Federal certificates of inspection on the grain they handle.

As to the amendment proposed by my colleague, I will say that I have no objection to it. I hardly think it is necessary, because I believe the Secretary, under the amendment reported by the committee, would adopt such rules and regulations as are detailed in the amendment offered by my colleague. I do not see how the Secretary would put the proposed law into operation without adopting rules and regulations such as are described here. However, I do not object to the amendment. I hope the Senator from Vermont will accept it, unless he has serious objection to it.

Mr. PROCTOR. Mr. President, I think nearly three hours have been consumed in discussing this matter. I think the committee went far enough in the amendment they proposed and that the amendment to the amendment proposed by the Senator from North Dakota ought not to prevail. I think it is not necessary in order to accomplish the substantial purpose that is desired. These reports, I have no doubt, will be sufficient. It is a beginning. If in another year more is wanted, the law can very easily be strengthened.

Mr. NELSON. Mr. President, I do not rise for the purpose of justifying any wrong that may have been perpetrated in the matter of grain inspection; but I am somewhat familiar with this subject both as a farmer and as a producer who has for many years had a little bit of his own wheat to market, and also from the acquaintance I formed with the subject while I was the governor of our State.

The facts are not as bad as the Senator from North Dakota intimates. The great reason why there is a discrepancy between the grades of wheat that come in and go out of the elevators is this: Most of the farmers in North Dakota and most of the wheat farmers in the Red River Valley in my State do not have grain houses on their farms and do not stack their grain. They thrash the grain from the shock. They leave it on the field until they thrash it from the shock, and then they immediately haul the grain to the railroad and ship it in that condition. Any farmer knows that if grain stands in the shock a long time it gets bleached and deteriorates, and especially if it happens to be a rainy or damp fall, with several showers of rain while the grain is in the shock. The grain in that damp and bleached condition is thrashed, and is then hauled to the cars and rushed through to the terminal point, Superior or Duluth. It goes there in bad condition, bleached and overheated, and the first thing the elevators have to do with the wheat is to fan it, to scour it and dry it, and to put it into shape. That is what is done with the wheat which comes there in that condition, after it has stood for weeks and weeks in the shock before being thrashed. It goes there in that condition—bleached, dirty, and heated—and it is in consequence necessarily graded low. They take it into these great elevators in that condition and fan it and dry it, scour it, and fix it up, and, of course, after going through such a process it turns out a better and higher grade. And this to a large extent accounts for the difference in grade of wheat taken in and of wheat turned out from these great terminal elevators.

Mr. HANSBROUGH. But it does not increase the quantity. It may increase in quality, but not in quantity. That is what my colleague referred to.

Mr. NELSON. When you come to the matter of quantity, the situation is this: In the old days the farmer used to have a fanning mill on his farm and clean the wheat before he took it to market. Now, and for many years, the farmers take the wheat as it comes from the thrashing machine, without fanning it, to the market, and it is in all sorts of conditions. It has all sorts of foul stuff and foul seed, sand, and dirt in it, and when it comes to the grading of that grain, which is brought in by the wagon load to the elevator, the elevator man has to make a deduction, and "dock," as it is called, for that dirt and foul seed. And this docking takes place in like manner at the terminal elevator. It is a good deal of a matter of guesswork as to the amount that has to be docked. As a rule, the elevator men deduct, or dock, from a half pound to a pound and a half, and often more, per bushel, and these elevator men, who are working on a salary—the men who are buying the grain from the farmers—are held accountable for what grain they take in and ship out, and of course they want to be on the safe side and protect themselves. In the matter of dockage, if they err at all, they are apt to err in their own favor, but this is not so much for the purpose of cheating the farmers as to protect themselves, so that the same quantity of clean wheat shall be there when it is turned out as when taken in.

Formerly the country elevators, where the grain was first received, used to clean the wheat. It would come in from the farms in wagons and be delivered to the country elevators, and these country elevators would take out the foul stuff and clean the wheat before they shipped it. But that system is obsolete. The wheat, in just the condition it comes from the thrashing machine, is carried to the terminal elevator. In those terminal elevators the foul, bleached, and dirty wheat is put through a rejuvenating process. They air it and fan it and dry it and clean it and make it into a better grade. Hence comes this showing to which the Senator from North Dakota has referred. If you take any foul, bleached, and dirty wheat to these elevators, they will, in the nature of the case, turn out a better grade of wheat than they received. This is because the wheat is put through a drying, cleaning, and scouring process in the elevator, and this process is necessary in order to preserve the wheat from becoming heated, bin-burnt, and musty. I do not mean to say that this is always the case. I do not mean to say that there are not cases where wrong is perpetrated, but I say that this method which I have explained accounts for a good deal of the complaint.

Now, another difficulty which has arisen in recent years in the western country, especially in the semiarid belt, is this: They began to raise a new variety of wheat, commonly called "macaroni," or "Durum." I believe that is the technical name. I see it is called over East here by a different name—goose wheat. It is a hard wheat of inferior grade, making inferior flour as compared with standard varieties of spring wheat. The ordinary roller mills in Minnesota and at other points, suitable for such standard spring wheats as Scotch Fife and blue stem, required new machinery to grind this new Durum or macaroni wheat; and owing to this fact and the fact that macaroni wheat would not make as good flour, the millers have refused to buy it. Hence it has had a poor market. The berry is large and plump. To look at it, it looks fine to a man who is not an expert in the other wheat. But it makes an inferior grade of flour, is hard to grind, and requires entirely different machinery for grinding.

The farmers who have gone into the raising of that wheat have encountered difficulties and drawbacks, both as to grades and prices. In the first place, they found it difficult to get a home market for it, and in the next place they found some difficulty, even where they found a home market for it, to get anything near the price of the other wheat for it. Three or four years ago, I think, when macaroni wheat was first introduced and raised, there was a difference, on the average, of 20 cents a bushel. I think the last year it came down to 10 cents a bushel difference between macaroni and good hard wheat, Scotch Fife or blue stem. This difference in price and grade as to this macaroni wheat has created some feeling and prejudice. We have a very good system of grain inspection, so far as the law goes, in Minnesota. We may have some dishonest men in the grain service, but we have a very good system of grain inspection in Minnesota. We have a board of railroad and warehouse commissioners, who not only have jurisdiction over the railroads, but also over the grain elevators and the grading and inspection of grain.

Our earliest and first law provided simply for the inspection of the grain at terminal elevators—at Minneapolis, St. Paul, and Duluth—and not at interior points. The farmers found fault with that system because it did not touch the home—the country—elevators. They said: "We are not fairly treated at our home elevators;" and there was a great agitation in our State upon the subject. Finally I suggested to the farmers that the proper remedy was to give the railroad commissioners the same control and jurisdiction over our country elevators as over terminal elevators; and in 1892, when I was a candidate for governor, I told the people of our State that if I was elected I would prepare a bill and try and get it passed putting all country elevators that handled grain in any shape under a system of State regulation and State inspection.

I drafted such a bill. We passed it through the legislature against great opposition from the elevator men. The bill

started out on the theory of requiring every elevator on the right of way that received grain to take out a State license and submit to State control. It was only a dollar a year—enough to put the elevators under the control of the railroad and warehouse commission. That law has been contested in the courts. A case under that law—and I referred to it the other day—known as the "Lanesboro case," went up to the Supreme Court of the United States, in which the elevator company claimed that it was immune from State control because it was doing exclusively its own business, buying and shipping exclusively its own grain; but the Supreme Court of the United States held that being built on the right of way and being a public market place where the farmers came to sell their grain and have it graded and weighed, it was the subject of State control, and the Supreme Court sustained the law.

Since we have gotten that law in the State of Minnesota I have heard very little complaint. I think that law was passed in 1893 or 1894. Now, any farmer in that State who is dissatisfied with the grade or dockage allowed him by the local grain dealer at the local elevator, at his station, can take a sample of his grain and send it down to the secretary of the railroad warehouse commission for the examination and judgment of the State grain board of appeals. We have a State grain board of appeals composed of six men, three of whom are farmers. One section of that board sits constantly at Minneapolis and the other at Duluth. Any man, any shipper or any farmer, who is dissatisfied with the grading either at the interior points or at the terminal points, Duluth and Minneapolis, can immediately appeal to that board of grain appeal. All he has got to do is to take out a sample of his wheat, a small quantity—I think 2 or 4 quarts; I do not remember the exact qauntity—and send it down to that board, and that board will pass upon it, and if any injustice has been done him either in grading or in dockage the board will adjust it and right him, and its decision is binding and final. At the terminal points we have a body of expert inspectors and weighers, experienced and trained men, who inspect, grade, and weigh the grain as it comes in in the cars from the various interior points, who are appointed upon their merits and not through political consideration. These men stand between the buyer and the seller. The old grain-inspection system was under boards of trade and chambers of commerce, who represented the buyers and not the sellers. Under our State system we have State officials who act as umpires between the buyer and seller, between the farmer and the elevator man.

It is possible that a few of these officials have not always done their duty, but, so far as legislation is concerned, so far as public control can be asserted, we have certainly done all that could be done in the State of Minnesota to get a just and fair grading and inspection of grain and to have our farmers treated fairly in this behalf. I can say that since that so-called "country-elevator" law was passed there has been very little complaint. Before 1893, before we passed that law, they would bring this issue of grain inspection into every political campaign and try and make a party question out of it. There were always a lot of political hoboes who wanted to make political capital out of it. Ever since we got that grain-inspection law established in Minnesota that question went out of politics, and there has been very little complaint on the subject. It is with that just as it is with our law regulating railroads. Since we got a railroad commission for controlling railway rates as to local traffic that question has gone out of politics in the same way.

As I said, it may be possible that we have some officials in the grain service of the State of Minnesota who are not honest, but, taking them as a class, they are good, competent, and honest men, and we apply the principle of civil service to them. If a man is appointed on the grain-inspection force, he comes in first as a helper at a salary of $60 or $62 a month. His business is to crawl into the cars on the track and take out a sample and men are put on that force, and when they prove themselves efficient, he is appointed a deputy inspector, and so on, and they are promoted according to their merit without any regard to politics. Our grain force does not know anything about politics. Good men are put on that force, and when they prove themselves efficient we retain them, and we have the best and most efficient grain-inspection service of any State in the Union.

The case the Senator referred to with reference to Superior grew out of these facts: Right at Superior, across the bay from Duluth, there are a great many of the terminal elevators. The great railroads bring wheat from the Dakotas and from Minnesota to these elevators. The roads pass through a little corner of Wisconsin into Superior, and there has lately been a struggle as to whether that wheat should be inspected at Superior, under the Wisconsin law, or under the Minnesota law. Until a year or two ago Wisconsin had no grain inspection at Superior. All the wheat coming from the West to the head of the lake, whether at Superior or at Duluth, was inspected under the Minnesota system, a system well established and known all over the country. But the people of Wisconsin, especially of Superior, thought that they ought to have an inspection of their own, and get some advantage and profit out of it. So they passed a law, and out of that law there came a conflict between the two States, and it was a conflict as to which State should control the subject and secure the fees incident thereto. It wasn't because the Minnesota inspection was bad, but because Superior wanted to do a part of it.

Now, that is all there is in this subject. I want to say in conclusion that I think any man who is familiar with and has looked thoroughly into our system of grain inspection in Minnesota will pronounce it one of the best systems of the kind in any State in the Union.

Mr. PROCTOR. Mr. President, I move that the amendment offered by the Senator from North Dakota to the amendment be laid on the table.

The motion was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. McCUMBER. Mr. President, this amendment is a makeshift to secure nothing, gotten up by a Mr. Scofield, in the Agricultural Department, who has labored strenuously to get his hobby in some way into law and in a manner that will not, in my opinion, unless you give it some effect, have any force whatever. For that reason, as the result will be simply to prevent the proper legislation upon the merits, I raise the point of order against the amendment.

Mr. HANSBROUGH. I regret that my colleague proposes to take that course with respect to this amendment. I hope he will not insist upon the point of order. I wish to say that this amendment was not drawn by Mr. Scofield. It was drawn by Doctor Galloway and myself, who labored long and arduously over the subject, having the bill offered by my colleague before us, and the bill offered by the Senator from Montana [Mr. CARTER] before us, and all of the information and facts we could get. The result was this amendment. I trust the Senator will not insist upon a point of order against it.

Mr. McCUMBER. Mr. President, the amendment which I offered could not by any means whatever do anything but make the law effective. It has been stated that by induction the same result was to be obtained as would be obtained in the amendment which I offered. I am not in favor of legislating by induction. I believe that a legislative enactment should state what it means and should mean what it states.

The VICE-PRESIDENT. A point of order, under the rules of the Senate, is not debatable. The Chair would ask the Senator from North Dakota to state his point of order.

Mr. McCUMBER. Well, Mr. President, at the earnest solicitation of my colleague, I will withdraw the point of order, not that I think this legislation will benefit the people of my section to amount to anything. The only thing that can be said is, as has already been suggested, that it is in the right direction, and by induction the Secretary of Agriculture can do something that you do not empower him to do by direct legislation.

The VICE-PRESIDENT. The Senator from North Dakota withdraws his point of order. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. PROCTOR. Before passing to the place where we left off in the bill last night, I wish to change the language in lines 20 and 21, on page 23. It now reads:

> In packages of such weight as the Secretary of Agriculture may determine and as may be satisfactory to the Postmaster-General.

I move to amend it by striking out the words "may determine and as may be satisfactory to" and inserting "and the Postmaster-General may jointly determine;" so that the whole clause will read as follows:

> In packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine.

It does not change the meaning at all, but it is better phraseology.

The VICE-PRESIDENT. The Secretary will report the amendment.

The SECRETARY. On page 23, in lines 19, 20, and 21, change the amendment so as to read:

> In packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine.

The amendment was agreed to.

The VICE-PRESIDENT. The pending amendment is on page 28, beginning at line 14. The Secretary will state the amendment.

The SECRETARY. On page 28, after line 2, the Committee on Agriculture and Forestry report to insert the following:

That 10 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1906, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

The amendment was agreed to.

The next amendment was, on page 30, line 23, before the word "property," to strike out "other" and insert "condensed;" and in line 24, after the word "bureaus," to strike out ", the money received from such sales to be deposited in the Treasury;" so as to read:

And hereafter all moneys received as contributions toward cooperative work in forest investigations shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations by the Forest Service and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, for the employment of fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of forest reserves, and in conducting experiments and investigations in the city of Washington and elsewhere; and he may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blueprints, and forest maps at cost and 10 per cent additional, and condensed property or materials under his charge in the same manner as provided by law for other bureaus; for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations, etc.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Chemistry," on page 31, line 24, before the word "hundred," to strike out "four" and insert "six;" on page 32, line 12, before the word "messengers," to strike out "two" and insert "three;" and in line 14, before the word "dollars," to strike out "nine hundred and sixty" and insert "one thousand four hundred and forty;" so as to read:

Salaries, Bureau of Chemistry: One chemist, who shall be chief of Bureau, $3,500; one chief clerk, $1,600; two clerks of class 2, $2,800; one property clerk, $1,600; three clerks of class 1, $3,600; one clerk, $1,000; one library clerk, $900; one assistant property clerk, $900; two clerks, at $840 each, $1,680; three clerks, at $720 each, $2,160; one engineer, $1,200; two messengers, at $840 each, $1,680; three skilled laborers, at $720 each, $2,160; one skilled laborer, $600; one fireman, $600; three messengers or laborers, at $480 each, $1,440; etc.

The amendment was agreed to.

The next amendment was, on page 32, line 16, to increase the total appropriation for salaries, Bureau of Chemistry, from $27,580 to $28,260.

The amendment was agreed to.

The next amendment was, on page 33, line 10, after the words "Bureau of Chemistry," to insert:

To investigate the adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable.

So as to read:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, laboratory fixtures and supplies, repairs to engine and apparatus, gas and electric current, purchase of all necessary office fixtures, supplies, and necessary expenses in conducting investigations in this Bureau, including actual and necessary traveling and other expenses, telegraph and telephone services, for express and freight charges, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; to continue the collaboration with other bureaus and divisions of the Department desiring chemical investigations and to collaborate with other Departments of the Government whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; for the employment of additional assistants and chemists, when necessary, and for the rent of buildings occupied by the Bureau of Chemistry; to investigate the adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable; etc.

Mr. SPOONER. I think there is very great danger that we will not only duplicate but triplicate different departments of the Government in some of this work. We passed a bill known as the "pure-food bill." It has been very much amended in the House, I understand, and is shortly to come back to the Senate. I do not think that so far as its penalties were concerned the bill was worth the paper it was printed on when it left the Senate. It covers this whole subject. A part of it is already covered by the laboratory of the Bureau of Public Health, and it is incorporated also by way of amendment in this bill. If this bill should become a law, and if the pure-food bill shall be passed, it is duplicated, and without any possible justification. I should like to know upon what theory this amendment is inserted.

Mr. PROCTOR. Mr. President, this is precisely the present law. As the pure-food bill had not been passed it seemed advisable to insert here what went out on a point of order in the House.

I will say that this matter shall not go through the conference until the fate of the pure-food bill is determined; and if that bill takes jurisdiction of this matter what is put in here will go out in conference.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment was, on page 34, line 5, after the word "countries," to strike out "to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary;" so as to read:

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to investigate, in collaboration with the Bureau of Animal Industry, etc.

The amendment was agreed to.

The next amendment was, on page 35, line 13, after the word "may," to strike out "after notification;" so as to read:

And the Secretary of Agriculture, whenever he has reason to believe that any articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their manufacture or production, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of the sampling of such articles, who may be present and have the right to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for entry.

Mr. SPOONER. Why are the words "after notification" stricken out?

Mr. PROCTOR. Because it seemed to be a repetition in the line above. It reads:

Giving notice to the owner or consignee of the sampling of such articles.

It is not necessary to take it out, but it seemed to be a mere repetition.

Mr. SPOONER. I think that is right.

The amendment was agreed to.

The next amendment was, on page 36, line 2, before the word "thousand," to strike out "thirty" and insert "forty-five;" and in line 3, after the word "dollars," to insert:

And the employees of the Bureau of Chemistry outside the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year."

So as to read:

Employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purpose named, $145,920. And the employees of the Bureau of Chemistry outside the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

The amendment was agreed to.

The next amendment was, on page 36, line 11, to increase the total appropriation for the maintenance of the Bureau of Chemistry, from $158,500 to $174,180.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 36, line 17, after the word "dollars," to strike out "one clerk" and insert "two clerks;" and in line 19, before the word "hundred," to strike out "one thousand eight" and insert "three thousand six;" so as to read:

Salaries, Bureau of Soils: One soil physicist, who shall be chief of Bureau, $3,500; one chief clerk, $2,000; two clerks, class 4, $3,600, etc.

The amendment was agreed to.

The next amendment was, on page 37, line 11, to increase the total appropriation for salaries, Bureau of Soils, from $34,660 to $36,460.

The amendment was agreed to.

The next amendment was, on page 37, line 19, after the word "waters," to strike out "and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts;" so as to read:

Soil investigations: General expenses, Bureau of Soils: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, etc.; for investigations of soils and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations, etc.

The amendment was agreed to.

The next amendment was, on page 38, line 3, after the word "fermentation," to strike out:

To originate, through selection and breeding, improved varieties for the principal tobacco districts of the United States, and to secure, as far as may be, a change in the methods of supplying tobacco to foreign countries.

So as to read:

To map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation; to investigate, with the view of improving, the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries where the business of buying and selling tobacco is conducted by the government; the location of the stations, etc.

The amendment was agreed to.

The next amendment was, in the appropriation for soil investigations, on page 38, line 22, to increase the amount from $185,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 22, to strike out the following proviso:

Provided, That $5,000 of the amount hereby appropriated shall be expended by the Secretary of Agriculture in experimental work in raising tobacco in Onondaga County, State of New York.

The amendment was agreed to.

The next amendment was, on page 39, line 3, to increase the total appropriation for the maintenance of the Bureau of Soils from $219,660 to $236,460.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Entomology," on page 39, line 14, after the word "dollars," to strike out "one clerk" and insert "three clerks;" in line 15, before the word "hundred," to strike out "one thousand two" and insert "three thousand six," and in line 19, before the word "hundred," to strike out "eighteen thousand four" and insert "twenty thousand eight;" so as to make the paragraph read:

Salaries, Bureau of Entomology: One Entomologist, who shall be chief of Bureau, $3,000, and for additional compensation while the office is held by the present incumbent, $250, $3,250; one chief clerk, $1,800; three clerks, class 2, $4,200; one artist, $1,400; three clerks, class 1, $3,600; five clerks, at $1,000 each, $5,000; one messenger, $840; one messenger, $720; in all, $20,810.

The amendment was agreed to.

The next amendment was, in the item for the appropriations for entomological investigations, on page 40, line 22, before the word "thousand," to strike out "sixty-eight" and insert "eighty;" and in the same line, after the word "dollars," to insert:

Of which sum $5,000, or so much thereof as may be necessary, shall be used by the Secretary of Agriculture in investigating the insect affecting orange groves and known as the "white fly."

So as to read:

Preparing, illustrating, and publishing the results of the work of the Bureau $80,000, of which sum $5,000, or so much thereof as may be necessary, shall be used by the Secretary of Agriculture in investigating the insect affecting orange groves and known as the "white fly."

The amendment was agreed to.

The next amendment was, on page 41, line 1, to increase the total appropriation for the maintenance of the Bureau of Entomology from $86,410 to $100,810.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Biological Survey," on page 41, line 6, before the word "class," to strike out "one clerk" and insert "two clerks;" in line 7, before the word "hundred," to strike out "one thousand two" and insert "two thousand four;" and in line 10, before the word "hundred," to strike out "seven thousand five" and insert "eight thousand seven;" so as to made the clause read:

Salaries, Bureau of Biological Survey: One biologist, who shall be chief of Bureau, $3,000; two clerks, class 1, $2,400; two clerks, at $1,000 each, $2,000; one clerk, $900; one messenger or laborer, $480; in all, $8,780.

The amendment was agreed to.

The next amendment was, in the item for the appropriations for biological investigations, on page 42, line 2, after the word "the," where it occurs the second time, to strike out "division" and insert "Bureau;" and in line 9, before the word "thousand," to strike out "forty-four" and insert "forty-nine;" so as to read:

For preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the Bureau, and to enable the Secretary of Agriculture to carry into effect the provisions of an act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," $49,420.

The amendment was agreed to.

The next amendment was, on page 42, line 10, to increase the total appropriation for the maintenance of the Bureau of Biological Survey from $52,000 to $58,200.

The amendment was agreed to.

The next amendment was, under the head of "Division of Accounts and Disbursements," on page 42, line 18, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

Salaries, Division of Accounts and Disbursements: Chief of division and disbursing clerk, $2,750; one assistant chief of division, $2,500; one auditor, $2,000; one cashier, $2,000, etc.

The amendment was agreed to.

The next amendment was, on page 43, line 2, to increase the total appropriation for salaries, Division of Accounts and Disbursements, from $32,210 to $32,410.

The amendment was agreed to.

The next amendment was, under the head of "Salaries, Division of Publications," on page 43, line 9, after the word "assistant," to strike out "editor" and insert "in charge of indexing;" in line 15, before the word "dollars," to strike out "engraver, one thousand eight hundred" and insert "assistant in charge of illustration, two thousand;" in line 20, before the word "clerks," to strike out "four" and insert "five;" in line 21, before the word "dollars," to strike out "four thousand eight hundred" and insert "six thousand;" in line 22, before the word "clerks," to strike out "one index clerk, $1,200; three" and insert "six;" and in line 23, before the word "thousand," to strike out "three" and insert "six;" so as to read:

Salaries, division of publications: One editor, who shall be chief of division, $3,000; one editor, who shall be assistant chief of division, $2,250; one associate editor, $2,000; one assistant in charge of indexing, $1,800; two assistant editors, at $1,600 each, $3,200; one editorial clerk, $1,600; one editorial clerk, $1,400; one assistant in charge of illustration, $2,000; one draftsman or clerk, $1,500; two draftsmen or clerks, at $1,400 each, $2,800; one draftsman or clerk, $1,200; one chief clerk, $1,800; five clerks class 1, $6,000; six clerks, at $1,000 each, $6,000; etc.

The amendment was agreed to.

The next amendment was, in the same clause, on page 44, line 4, after the word "dollars," to insert "one folder, $900;" in line 6, after word "dollars," to strike out "two folders, at $600 each, $1,200;" in line 9, before the word "clerks," to strike out "three" and insert "five;" in line 11, before the word "dollars," to strike out "two thousand five hundred and twenty" and insert "four thousand two hundred;" in line 11, before the word "clerks," to strike out "twenty-seven" and insert "twenty-four;" in line 13, before the word "dollars," to strike out "nineteen thousand four hundred and forty" and insert "seventeen thousand two hundred and eighty;" in line 14, before the word "clerks," to strike out "thirty-five" and insert "thirty-two;" in line 15, before the word "dollars," to strike out "twenty-one thousand" and insert "nineteen thousand two hundred;" in the same line, after the word "dollars," to insert "one photographer, $1,200;" in line 17, before the word "assistant," to strike out "two" and insert "one;" in the same line, after the word "assistant," to strike out "photographers" and insert "photographer;" in the same line, before the word "eight," to strike out "at;" in line 18, after the word "dollars," to strike out "each, $1,680; seven;" in line 19, before the word "skilled," to insert "eight;" in line 21, before the word "dollars," to strike out "five thousand and forty" and insert "five thousand seven hundred and sixty;" and in line 22, after the word "dollars," to strike out "one skilled laborer, $480;" so as to read:

One chief folder, $1,000; one folder, $900; three folders, at $840 each, $2,520; one clerk, $900; five clerks, at $840 each, $4,200; twenty-four clerks, at $720 each, $17,280; thirty-two clerks, at $600 each, $19,200; one photographer, $1,200; one assistant photographer, $840; eight skilled laborers, at $720 each, $5,760; twenty skilled laborers, at $600 each, $12,000; one messenger, $840.

The amendment was agreed to.

The next amendment was, on page 45, line 7, to increase the total appropriation for "Salaries, Division of Publications," from $115,050 to $116,270.

The amendment was agreed to.

The next amendment was, on page 47, line 2, to increase the total appropriation for the maintenance of the Division of Publications from $247,300 to $248,520.

The amendment was agreed to.

The next amendment was, on page 47, after line 3, to insert as a heading "Bureau of Statistics."

The amendment was agreed to.

The next amendment was, in the item for the appropriations for collecting agricultural statistics, on page 48, line 22, before the word "thousand," to strike out "ninety-three" and insert "one hundred and eight;" so as to make the proviso read:

Provided further, That the condition reports of the cotton crop shall be issued on the same day as the first ginners' report of actual cotton ginned in each month, respectively, during the months in which both condition reports and ginners' reports are issued, $108,000, of which not more than $20,000 shall be expended for salaries in the city of Washington, D. C.

The amendment was agreed to.

The next amendment was, on page 49, line 12, to increase the total appropriation for the maintenance of the Bureau of Statistics from $195,560 to $210,560.

The amendment was agreed to.

The next amendment was, under the head of "Office of Experiment Stations," on page 53, line 1, before the word "dollars," to strike out "seven hundred and ninety-nine thousand six hundred and sixty" and insert "eight hundred and twelve thousand one hundred and twenty;" in line 3, before the word "dollars," to strike out "twenty-one thousand six hundred and sixty" and insert "twenty-five thousand five hundred;" so as to read:

Agricultural experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $812,120, $25,500 of which sum shall be payable upon the order of the Secretary of Agriculture, etc.

The amendment was agreed to.

The next amendment was, on page 53, line 13, before the word "employ," to insert "rent offices and to;" so as to read:

And the Secretary of Agriculture is hereby authorized to rent offices and to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, etc.

The amendment was agreed to.

The next amendment was, on page 54, line 5, before the word "thousand," to strike out "forty-eight" and insert "fifty-three;" so as to read:

And the Secretary of Agriculture is hereby authorized to expend $53,000 of which sum to establish and maintain agricultural experiment stations in the Territories of Alaska, Hawaii, and Porto Rico, etc.

The amendment was agreed to.

The next amendment was, on page 54, line 25, to increase the total appropriation for the establishment of agricultural experiment stations from $799,660 to $812,120.

The amendment was agreed to.

The next amendment was, on page 55, line 2, before the word "dollars," to strike out "five thousand" and insert "thirteen thousand six hundred and twenty;" and in line 5, after the word "institutes," to insert "and agricultural schools;" so as to make the proviso read:

Provided, That $13,620 of this sum shall be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice. And the employees of the experiment stations in Alaska, Hawaii, and Porto Rico may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

The amendment was agreed to.

The next amendment was, on page 55, after line 19, to insert:

Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, including special investigations on the nutritive value and economy of the diet in public institutions; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary in the city of Washington and elsewhere; and the agricultural experiment stations are authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with the said Secretary of Agriculture or otherwise, $20,000.

The amendment was agreed to.

The next amendment was, on page 57, line 12, to increase the total appropriation for the maintenance of the Office of Experiment Stations from $951,020 to $963,480.

The amendment was agreed to.

The next amendment was, on page 57, after line 13, to insert the following heading: "Office of Public Roads."

The amendment was agreed to.

The next amendment was, under the head of "Office of Public Roads," on page 57, line 17, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" in line 18, after the word "dollars," to strike out "one instrument maker, $1,200;" in line 20, after the word "dollars," to strike out "one clerk" and insert "two clerks;" in line 22, before the word "hundred," to strike out "one thousand two" and insert "two thousand four;" and on page 58, line 1, before the word "hundred," to strike out "three" and insert "eight;" so as to make the clause read:

Salaries, Office of Public Roads: One director, who shall be a scientist and have charge of all scientific and technical work, $3,000; one chief of records, $1,800; one editorial clerk, $1,200; two clerks, class 1, $2,400; three clerks, at $1,000 each, $3,000; two clerks, at $720 each, $1,440; in all, $12,840.

The amendment was agreed to.

The next amendment was, on page 58, line 4, before the word "systems," to strike out "the;" in line 15, before the word "not," to strike out "a building" and insert "buildings;" in line 16, before the word "dollars," to strike out "one thousand two hundred" and insert "two thousand;" and in line 21, before the word "hundred," to strike out "forty-seven thousand six" and insert "sixty-two thousand one;" so as to make the clause read:

Public roads: To enable the Secretary of Agriculture to make inquiries in regard to systems of road management throughout the United States; to furnish expert advice on road building; to make investigations in regard to the best methods of road making, and the best kinds of road-making materials in the several States; to investigate the chemical and physical character of road materials; for the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington and elsewhere; for collating, digesting, reporting, and illustrating the results of such investigations and experiments; for preparing, publishing, and distributing bulletins and reports; for rent and repairs of buildings not to exceed $2,000; for necessary office fixtures and supplies, apparatus, and materials; telegraph and telephone service, traveling and other necessary expenses, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $62,160.

The amendment was agreed to.

The next amendment was, on page 58, line 22, to increase the total appropriation for the maintenance of the Office of Public Roads from $60,000 to $75,000.

The amendment was agreed to.

The next amendment was, on page 58, line 24, to increase the total appropriation for the maintenance of the Department of Agriculture from $7,146,440 to $7,370,000.

The amendment was agreed to.

The next amendment was, on page 60, line 24, to increase the appropriation to enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy moth from $65,000 to $75,000.

Mr. LODGE. Mr. President, I hope there will be no objection to increasing the appropriation contained in that amendment to $100,000. The State of Massachusetts alone is appropriating from one hundred and fifty to two hundred thousand dollars for this purpose. The pest has spread into four States. I will therefore move to amend the committee amendment by striking out "$75,000" and inserting "$100,000."

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts [Mr. LODGE] will be stated.

The SECRETARY. On page 60, line 24, before the word "dollars," it is proposed to strike out "seventy-five thousand" and insert "one hundred thousand;" so as to read:

To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy moth, $100,000, etc.

Mr. GALLINGER. Mr. President, as this wretched pest, which devours everything before it, has reached my State, I trust the amendment to the amendment will prevail. I hope there will be no objection to it.

Mr. PROCTOR. Mr. President, I own a half acre of rocks and sand in Massachusetts. If I had more, I should be poorer. I received not long since an official notice, to which I paid no attention except to send it to my representative up there. There are a few scrub trees on the lot to which I refer, and the notice was that certain things should be done to destroy the gypsy moth; which I thought would entail considerable expense. I should like to ask the Senator from Massachusetts if there is a State law or a county or town act which requires individuals to contribute to such expense.

Mr. LODGE. There is a State law which, through the town

governments, requires all persons to clean the trees on their places.

The brown-tail moth ought to be included in this legislation. The State of Massachusetts itself has already spent over a million dollars in the effort to check it. We have, by quite a large expenditure of money, confined its area, but the brown-tail and gypsy moths have now spread into Rhode Island, Connecticut, and New Hampshire, and I think they have even got as far as Maine. They have been destructive in the highest degree; and it is to the interest of every State in the Union to aid the New England States in checking the further extension of this pest.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. In the text of the bill, in line 23, after the word "gypsy," I move to strike out the word "moth" and insert "and brown-tail moths."

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 60, at the end of line 23, it is proposed to strike out "moth" and insert "and brown-tail moths;" so as to read:

To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 61, line 13, after the word "For," to strike out "the Bureau of Forestry" and insert "Forest Service;" so as to read: "For Forest Service."

The amendment was agreed to.

The next amendment was, on page 61, line 22, before the word "dollars," to strike out "four hundred and eighty-one thousand four hundred and forty" and insert "seven hundred and fifteen thousand;" so as to make the clause read:

The total amount of this bill is $7,715,000.

Mr. LODGE. I move to amend the amendment so as to make the total in lines 21 and 22 $740,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 61, after line 22, to insert:

And the Secretary of Agriculture is hereby authorized to furnish, upon application, prints from negatives in the possession of the Department and to charge for such prints a fee to cover the cost of preparation, such fee to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States.

Mr. PROCTOR. On page 61, line 24, in the amendment of the committee, after the word "prints," I move to insert "and lantern slides;" in line 25 to strike out "such prints a fee" and insert "the same a price;" and on page 62, line 1, strike out the word "fee" and insert the word "price." It is simply a change of wording.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 61 it is proposed to amend the amendment, in line 24, after the word "prints," by inserting "and lantern slides;" in line 25, after the words "charge for," to strike out the words "such prints a fee" and insert the words "the same a price;" and on page 62, line 1, after the word "such," to strike out the word "fee" and insert the word "price;" so as to read:

And the Secretary of Agriculture is hereby authorized to furnish, upon application, prints and lantern slides from negatives in the possession of the Department and to charge for the same a price to cover the cost of preparation, such price to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 62, after line 13, to insert:

The act of Congress approved March 16, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof," shall be construed to appropriate the sum of $5,000 for the fiscal year ending June 30, 1906, the sum of $7,000 for the fiscal year ending June 30, 1907, the sum of $9,000 for the fiscal year ending June 30, 1908, the sum of $11,000 for the fiscal year ending June 30, 1909, the sum of $13,000 for the fiscal year ending June 30, 1910, and the sum of $15,000 for the fiscal year ending June 30, 1911. The sum of $5,000 appropriated for the fiscal year 1906 shall be paid on or before June 30, 1906, and the amounts appropriated for the subsequent years shall be paid as provided in the said act to each State and Territory for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March 2, 1887.

Mr. PROCTOR. After the word "appropriate," in line 18, I move to amend the amendment by inserting "for each station."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Vermont to the amendment of the committee.

The SECRETARY. In line 18, after the word "appropriate," it is proposed to amend the committee amendment by inserting the words "for each station."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. PROCTOR. Turning back to page 13, in lines 21 and 22, after the word "that," I move to strike out "the Secretary of Agriculture may construe the provisions of;" in line 25, after the word "thereof," to insert the words "shall be deemed;" and in line 1, on page 14, before the word "may," to insert "the Secretary of Agriculture." It is merely a change of words. It would seem to be more proper to say that "the act shall be deemed to apply" than to say that "the Secretary of Agriculture may construe."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, line 21, after the word "that," it is proposed to strike out "the Secretary of Agriculture may construe the provisions of;" in line 25, after the word "thereof," to insert the words "shall be deemed;" and on page 14, line 1, before the word "may," to insert "the Secretary of Agriculture."

The amendment was agreed to.

Mr. LATIMER. I ask to return to page 57, line 10, where I move to amend the bill by inserting the word "twenty" between the words "and" and "two," so that the total appropriation for irrigation and drainage investigations will be "$122,200."

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. On page 57, line 10, after the word "and," it is proposed to insert "twenty;" so that the total will read "$122,200."

The amendment was agreed to.

Mr. LATIMER. On page 58, line 22, I move to insert the word "eighty" instead of "seventy-five."

The VICE-PRESIDENT. That is a committee amendment which has been agreed to; but, without objection, it will be considered as open to amendment. The amendment of the Senator from South Carolina to the amendment of the committee will be stated.

The SECRETARY. On page 58, line 22, it is proposed to amend the committee amendment by striking out "seventy-five" and inserting "eighty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURKETT. I offer the amendment which I send to the desk, to come in on page 61.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 19, page 61, it is proposed to insert the following as a new paragraph:

For the extension of forest planting on forest reserves, the sum of $15,000, of which not to exceed $2,500 may be used to construct a permanent station building on the Dismal River Forest Reserve, Nebraska.

The amendment was agreed to.

Mr. DUBOIS. I offer the amendment which I send to the desk, to come in on page 37.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 37, after the word "laboratory," in line 16, it is proposed to insert the following:

To enable the Secretary of Agriculture to conduct experiments to ascertain what crops can be most profitably grown, and to demonstrate the best methods of cultivating them in the irrigated districts opened for settlement under the terms of the reclamation act approved June 17, 1902, $15,000.

The amendment was agreed to.

Mr. KEAN. On page 33, line 10, before the word "adulteration," I move to insert the word "composition."

The VICE-PRESIDENT. The committee amendment having been agreed to, the proposed amendment of the Senator from New Jersey is not now in order; but, without objection, the amendment will be regarded as open. The amendment of the Senator from New Jersey will be stated.

The SECRETARY. On page 33, line 10, before the word "adulteration," it is proposed to amend the amendment of the committee by inserting the word "composition."

Mr. LATIMER. I should like to know the effect of that amendment.

Mr. KEAN. The only effect of that amendment will be to provide for the investigation of the composition of these foods,

drugs, etc., and to let people judge for themselves whether or not they are adulterated and injurious.

Mr. TELLER. Let the amendment be read.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 33, line 10, before the word "adulteration," it is proposed to amend the amendment of the committee by inserting the word "composition;" so as to read:

To investigate the composition, adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable.

Mr. LATIMER. I have no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed, the bill will be reported to the Senate.

Mr. TELLER. There are two or three amendments which I should like to call to the attention of the Senator from Vermont. Is the bill in the Senate now?

The VICE-PRESIDENT. The bill is still in Committee of the Whole.

Mr. TELLER. I thought it had been reported to the Senate.

The VICE-PRESIDENT. If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended; and the amendments were concurred in.

Mr. TELLER. Mr. President, I want to call attention to a provision in the bill, on page 23, which I will suggest to the chairman of the committee needs some change. I myself do not like to interfere with amendments on a bill of this kind, but I should like to suggest to the Senator who has the bill in charge——

Mr. SPOONER. The provision to which the Senator refers has been changed.

Mr. TELLER. I am told that has been changed. Was the provision on page 13 also changed? If not, I desire to suggest an amendment on page 13.

Mr. SPOONER. Is it about "construing?"

Mr. TELLER. Yes.

Mr. SPOONER. That has been changed.

Mr. TELLER. Very well, Mr. President, I will not detain the Senate.

Mr. BEVERIDGE. On line 15, page 15, after the word "dollars," I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, line 15, after the word "dollars," it is proposed to insert the following:

That the Secretary of Agriculture shall cause to be made, by inspectors appointed for that purpose, as hereinafter provided, a postmortem examination of all cattle, sheep, swine, and goats to be prepared for human consumption, at any slaughtering, canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia, or any place under the jurisdiction of the United States for transportation to or sale in any other State or Territory, or the District of Columbia, or any place under the jurisdiction of the United States; and the carcasses of all said animals found to be sound, healthful, and fit for human food shall be marked, stamped, tagged, or labeled as "inspected and passed," which mark, stamp, label, or tag shall show on its face the date on which it was affixed; and said inspectors shall label, mark, stamp, or tag as "inspected and condemned" all carcasses and parts of carcasses of animals found to be unsound, unhealthful, or otherwise unfit for human food, and shall cause to be destroyed and personally superintend the destruction of all carcasses or parts of carcasses of animals found to be unsound, unhealthful, or otherwise unfit for human food; and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts of carcasses or the food products thereof to determine whether since the first inspection the same has become unsound, unwholesome, or in any way unfit for human food, and if any carcasses or any part thereof or any food product made therefrom shall, upon examination and inspection subsequent to the first examination and inspection, be found to have become unsound, unwholesome, unhealthful, or otherwise unfit for human food, said inspectors shall cause to be destroyed and personally superintend the destruction of the same notwithstanding said first inspection.

That the Secretary of Agriculture shall cause to be made by inspectors appointed by him for that purpose an inspection and examination of all food products prepared in any slaughtering, canning, salting, packing, rendering, or similar establishment for interstate commerce, and for the purposes of such examination and inspection said inspectors shall have access to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "inspected and passed" all such products as upon inspection are found to be pure, sound, wholesome, and made up of healthful ingredients and fit for human food, which mark, stamp, tag, or label shall show on its face the date on which it was affixed; and said inspectors shall label, mark, stamp, or tag as "inspected and condemned" all such products as upon inspection are found to be impure, unsound, unhealthful, or otherwise unfit for human food, and shall cause to be destroyed and personally superintend such destruction of all food products which upon examination and inspection are found to be impure, unsound, composed of unhealthful ingredients, or which have been treated with or contain any dyes or deleterious chemicals of any kind or which are otherwise unfit for human food.

That all slaughtering, canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce shall be maintained in a sanitary manner, according to the rules and regulations prescribed by the Secretary of Agriculture; and it shall be the duty of the inspectors herein provided for to inspect the sanitary conditions of said establishments as well as the animals slaughtered and the food products therein prepared, as directed by and in accordance with the rules and regulations to be prescribed by the Secretary of Agriculture.

That no cattle, sheep, swine, or goats, or meat or meat food products thereof which have not been examined and marked as "inspected and passed," in accordance with the provisions of this act and the rules and regulations prescribed by the Secretary of Agriculture, shall be brought into or allowed to enter any slaughtering, packing, canning, salting, rendering, or similar establishment where cattle, sheep, swine, and goats are slaughtered for food purposes or meat food products are prepared for interstate or foreign trade; and it shall be the duty of the inspectors herein provided for to refuse to stamp, mark, or label any carcasses or any part thereof, or meat food products thereof prepared in such establishment until the same have actually been inspected and found to be sound, healthful, and fit for human food, and none but healthful materials and ingredients fit for human food shall be included in or mixed with or into the composition of any food product prepared in any such establishment; and no food product shall be sold or offered for sale by any person, firm, or corporation engaged in interstate commerce under any other than a true name which shall accurately describe said food product; and no carcass, meat, or meat food product which has issued from any establishment where meat or meat food products are prepared for interstate commerce for sale shall be returned to the same or any similar establishment without again being subjected to inspection in accordance with the rules and regulations prescribed by the Secretary of Agriculture.

That on and after January 1, 1907, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate commerce shall transport or receive for transportation from one State or Territory or the District of Columbia, or any place under the jurisdiction of the United States to any other State or Territory or the District of Columbia or any place under the jurisdiction of the United States or to any foreign country, any carcasses, meat, or meat food products thereof which have not been inspected, examined, and marked as "inspected and passed," in accordance with the terms of this act and with the rules and regulations prescribed by the Secretary of Agriculture; and no person, firm, or corporation which engages in the interstate commerce of meat or meat food products shall transport or offer for transportation, and no carrier of interstate commerce shall transport or receive for transportation from said person, firm, or corporation, from one State or Territory or the District of Columbia, or any place under the jurisdiction of the United States to any other State or Territory or the District of Columbia or any other place under the jurisdiction of the United States or to any foreign country, any carcasses or meat or meat food products unless the slaughtering, canning, packing, salting, rendering, or other similar establishment owned, leased, or operated by said firm or corporation engaged in the interstate commerce of meat or meat food products shall be maintained in a sanitary condition according to the rules and regulations prescribed by the Secretary of Agriculture as provided in section 111 of this act; and the Secretary of Agriculture shall, at periods by him prescribed, furnish to such person, firm, or corporation owning, leasing, or operating such establishment a certificate stating that such establishment or establishments have been inspected and approved, as provided by section 111 of this act, which certificate shall be sufficient evidence to any carrier of interstate commerce that said establishments therein described are maintained in the sanitary condition provided for in section 111 of this act.

That when any meat or meat food product prepared for interstate commerce which has been inspected as hereinbefore provided and marked "inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering containing said meat or meat product, which label shall state that the contents thereof have been inspected and passed under the provisions of this act and the date of such inspection and packing or canning; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle shall be deemed to be complete until such meat or meat food products under the supervision of said inspector has been sealed in said can, tin, pot, canvas, or other receptacle.

That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy any of the marks, stamps, tags, labels, or other identification devices provided for in this act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product thereof subject to the provisions of this act, or any certificate in relation thereto, authorized or required by this act or by the said rules and regulations of the Secretary of Agriculture.

That the Secretary of Agriculture shall cause an inspection and examination of all cattle, sheep, swine, and goats, and the food products thereof slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate commerce or for export to foreign countries, to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats or the preparation of said food products is conducted during the nighttime, but no slaughtering or preparation of meat or meat food products shall be done during the nighttime except in cases of emergency; and such inspectors as the Secretary of Agriculture may direct shall have access during the nighttime as well as the daytime to every part of any establishment hereinbefore described without reference to whether or not any slaughtering or other work is being done therein.

That the Secretary of Agriculture is authorized and directed to prescribe and fix reasonable fees for the inspection and examination of all cattle, sheep, swine, and goats, and meat and meat food products thereof, maintained in accordance with the provisions of this act, which fees shall be fixed by the Secretary of Agriculture at a rate which, as nearly as possible, will serve only to defray the cost of said

inspection and examination, and the said fees shall be uniform throughout the United States and shall be collected by the Secretary of the Treasury and shall be deposited in the Treasury; and a schedule of such fees, together with the rules and requirements relating to the collection thereof, shall be set forth in regulations prescribed by the Secretary of Agriculture and approved by the Secretary of the Treasury. The fund thereby created shall be subject to the requisition of the Secretary of Agriculture, as if appropriated by Congress, for the necessary expenses of carrying out the provisions of this act and shall continue permanently available until used.

That the Secretary of Agriculture, at his discretion, may cause to be made an examination and inspection of all cattle, sheep, swine, and goats which are to be slaughtered and the meat and meat food products thereof are to be used in interstate commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture as herein provided for.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended for export to foreign countries at such times and places and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

And for this purpose he may appoint inspectors, who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

That the Secretary of Agriculture shall also cause to be made a careful inspection of all cattle, sheep, swine, and goats and their carcasses, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended for export to any foreign country, at such times and places and in such manner as he may deem proper, to ascertain whether said cattle, sheep, swine, or goats are healthy and their meat sound and wholesome.

And for this purpose he may appoint inspectors, who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this act, for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats, or meats are to be exported.

That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described, and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this act.

That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine not exceeding $10,000 or imprisonment for a period not more than two years, or by both such fine and imprisonment, in the discretion of the court.

That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of the sanitary conditions of all carcasses and all meats and meat-food products thereof and all establishments in which such meat and meat-food products hereinbefore described are prepared; and said inspectors shall receive such salaries and perform such duties as provided by this act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture.

That any inspection of all cattle, sheep, swine, or goats, the meat and meat-food products thereof directed to be made in this act shall be subject to appeal from the decision of the inspector making such inspections to the inspector in charge located at such establishment in which such inspection so complained of is made; and from the decision of said inspector in charge an appeal shall lie directly to the Chief of the Bureau of Animal Industry of the Department of Agriculture, at Washington: *Provided*, That the Secretary of Agriculture may, upon his own motion, at any time, consider any case so appealed or may direct the Chief of the Bureau of Animal Industry of the Department of Agriculture to so consider any such case, and the decision of the Secretary of Agriculture or of the Chief of the Bureau of Animal Industry, acting under his directions as herein provided, shall be final and conclusive.

That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer of the United States authorized to perform the duties prescribed by this act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding $10,000 and by imprisonment not exceeding three years, or by both said fine and imprisonment; and any inspector, deputy inspector, chief inspector, or other officer of the United States who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony, and shall, upon conviction thereof, be summarily discharged from office and disqualified from holding any office of trust or profit under the United States, and shall be punished by a fine not to exceed $1,000 or imprisonment not exceeding three years, or by both said fine and imprisonment.

That none of the provisions of this act shall be so construed as to apply to any animals slaughtered by any farmer upon his farm, which may be transported from one State or Territory, or the District of Columbia, or any place under the jurisdiction of the United States, into any other State or Territory, or the District of Columbia, or to any other place under the jurisdiction of the United States: *Provided, however*, That the carcasses of all such animals shall not be allowed to enter any slaughtering, canning, packing, salting, rendering, or similar establishments where meat-food product is prepared for transportation to any other State or Territory, or the District of Columbia, or any place under the jurisdiction of the United States, or to any foreign country, as hereinbefore provided, unless the same are duly inspected under the provisions of this act; and the provisions of this act relating to the inspection of all cattle, sheep, swine, and goats and the products thereof shall include, so far as applicable, dairy products intended for export to any foreign country, and the provisions of this act in relation to marking, stamping, labeling, or otherwise identifying and the penalties for forging, counterfeiting, simulating, or imitating or using without authority such marks, labels, stamps, or other identification marks shall apply to dairy products intended for export to a foreign country.

That all acts and parts of acts which conflict with the terms of this act are hereby repealed, and this act, except as herein otherwise provided, shall take effect upon its passage and approval.

Mr. GALLINGER. I suggest that the last paragraph ought not to go in, it being an amendment. I refer to the repealing clause.

Mr. BEVERIDGE. Very well.

The VICE-PRESIDENT. The amendment will be modified as suggested. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. GALLINGER. I offer an amendment.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. On page 36, after line 13, insert the following:

Provided, That an investigation shall be made by said Bureau into the effects on health of undrawn fowls and animals sold as food, report to be made to Congress at its next session.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PROCTOR. I ask that the Secretary change the totals where the appropriations have been increased on the floor of the Senate.

The VICE-PRESIDENT. By unanimous consent, it is so agreed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I submit a conference report on the Indian appropriation bill, and ask that it be printed in the RECORD.

The VICE-PRESIDENT. The Senator from Minnesota submits a conference report, and asks that it be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 12, 13, 14, 15, 27, 30, 32, 37, 41, 48, 51, 58, 62, 64, 66, 67, 68, 69, 70, 91, 93, 109, 113, 115, 117, 137, 138, 140, 141, 142, 146, 154, 178, 179, 180, 181, 195, 197, 203, and 204.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 16, 17, 20, 21, 22, 23, 24, 25, 26, 28, 29, 31, 33, 35, 39, 40, 42, 43, 44, 45, 47, 49, 53, 54, 55, 57, 59, 60, 61, 63, 71, 72, 73, 74, 76, 78, 81, 83, 85, 86, 87, 88, 89, 90, 92, 94, 97, 99, 100, 101, 104, 105, 107, 108, 110, 111, 112, 114, 119, 120 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 148, 149, 150, 151, 155, 156, 157, 158, 159, 160, 163,

164, 165, 167, 168, 170, 171, 172, 173, 174, 175, 176, 182, 186, 187, 188, 189, 190, 192, 193, 194, 196, 198, 199, 200, and 201; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 1 strike out "upon the petition" and insert "prior to the expiration of the trust period."

In line 5, after the word "best," insert "*Provided further*, That this shall not apply to lands in the Indian Territory."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 3 strike out "to be subjected to" and insert "for."

In line 7, after "Interior," strike out all that follows, including the word "hereunder," in the last line.

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the word "ninety-three" and insert "fifty;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out "ninety-three" and insert "fifty;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 5 strike out "expenses in connection therewith" and insert "including expenses."

In line 7 strike out "also" and insert "and."

In line 8 strike out "a comprehensive irrigation system" and insert "an irrigation system and storage system."

In lines 10 and 11 strike out "including consideration of a possible storage system."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: Strike out all of said amendment and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the Coeur d'Alene Indian Reservation, in the State of Idaho.

"That as soon as the lands embraced within the Coeur d'Alene Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Coeur d'Alene Indian Reservation, to each man, woman, and child one hundred and sixty acres, and, upon the approval of such allotments by the Secretary of the Interior he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.

"That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said Coeur d'Alene Indian Reservation shall be classified, under the direction of the Secretary of the Interior, as agricultural lands, grazing lands, or timber lands, and shall be appraised under their appropriate classes by legal subdivisions, and upon completion of the classification and appraisement such surplus lands shall be opened to settlement and entry, under the provisions of the homestead laws, at not less than their appraised value, in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of one dollar and twenty-five cents per acre, by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisement, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry; and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided*, That the right to commute by said entryman shall be allowed as to any lands classified as agricultural and grazing lands, but the entryman, upon commutation, shall not be required to pay in the aggregate any sum in excess of the appraised value of such lands; and nothing in this act shall be held to repeal or extend the provisions of the homestead laws permitting the entryman to cut and remove, or cause to be cut and removed, so much timber as is actually necessary for buildings, fences, and other improvements on the land entered: *Provided further*, That the general mining laws of the United States shall extend after the approval of this act to any of said lands, and mineral entry may be made on any of said lands, but no such mineral selection shall be permitted upon any lands allotted in severalty to the Indians: *Provided further*, That all the coal or oil deposits in or under the lands on the said reservation shall be and remain the property of the United States, and no patent that may be issued under the provisions of this or any other act of Congress shall convey any title thereto: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price: *And provided further*, That sections sixteen and thirty-six of said lands be, and they are hereby, excepted from the foregoing provisions and are hereby granted to the State of Idaho for school purposes, and the United States shall pay to said Indians therefor the sum of one dollar and twenty-five cents per acre: *And provided also*, That if the State of Idaho has made any selections under existing law in lieu of sections sixteen and thirty-six of the lands affected by this act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso.

"That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation.

"That the Secretary of the Interior shall reserve from said lands, whether surveyed or unsurveyed, such tracts for townsite purposes as in his opinion may be required for the future public interests, and he may cause any such reservations or parts thereof to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians as provided in section seven of this act.

"That the net proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands, shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales and surveys herein provided, deposited in the Treasury of the United States to the credit of the Coeur d'Alene and confederated tribes of Indians belonging and having tribal rights on the Coeur d'Alene Indian Reservation, in the State of Idaho, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horserakes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise: *Provided*, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of three per centum per annum, which interest shall be expended in the same manner as the principal.

"That any of said lands necessary for agency, school, and religious purposes, including any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved for such uses so long as said land shall be occupied for the purposes above designated: *Provided*, That all such reserved lands shall not exceed in the aggregate three sections and must be selected

in legal subdivisions conformable to the public surveys, such selection to be under the direction of the Secretary of the Interior and subject to his approval.

"That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.

"That nothing in this act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided.

"That to enable the Secretary of the Interior to allot, classify, appraise, and conduct the sale and entry of said lands as in this act provided the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this act."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 2, after the word "the" (first occurring in said line), insert "unallotted."

In line 10, after the word "tracts," insert "from said lands."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 14, after the word "proceedings," insert "not exceeding $60,000."

In line 21, after "same," insert: "*Provided*, That notice of hearing of such application to determine such compensation shall be given the governor of the Cherokee Nation or the attorney of record thereof and the Secretary of the Interior at least thirty days before the day of said hearing."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 1, after "shall," insert "upon completion of the approved rolls."

In line 2 strike out "the tribal" and insert "such."

In line 5 strike out "free of charge" and insert:

"That any person who shall copy any roll of citizenship of the Creek, Cherokee, Choctaw, Chickasaw, or Seminole tribes of Indians, prepared by or under the direction of the Secretary of the Interior, the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes, whether completed or not, or any person who shall, directly or indirectly, exhibit, sell, offer to sell, give away, offer to give away, or in any manner or by any means offer to dispose of, or who shall have in his possession, any such roll or rolls, any copy of the same, or a copy of any portion thereof, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not exceeding two years: *Provided*, That this act shall not apply to any persons authorized by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Commissioner to the Five Civilized Tribes to copy, exhibit, or use such rolls, or a copy thereof, for any purpose necessary or required by law."

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In line 4 strike out "have" and insert "had."

In line 4, after "prior to," insert "March 4, 1906."

In lines 4 and 5 strike out "the closing of the rolls by the Secretary of the Interior."

In line 6 strike out "have furnished" and insert "furnish."

Strike out all of said amendment after "thereof" in the sixth line.

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In line 13, after "States," insert: "And insert in said act in lieu of the matter repealed the following: *Provided further*, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors, the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of 1830, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In line 15, after "beginning," insert "and the place of recording and holding court in said district shall be Duncan;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: In line 1, after "who," insert "has been;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: In line 4, after "amounts," insert "if any;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: In line 6, after "Spade," insert: "Famous Dew numbered 28500, Alexander Proctor numbered 28332, Lizzie Sunday numbered 1522, Sarah Ooyusuttah numbered 20399, Betsy Galcatcher numbered 15211, George W. Bark numbered 18565, Nellie Hicks numbered 6179, Charley Ellis numbered 29525, Tillman England numbered 18003, Taylor Soldier numbered 6315, Carry Downing numbered 18168, Tyler Tilden numbered 6441, Lewis Dragger numbered 27407, Joshua Young numbered 6291;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In line 6, after "removed," insert "that all restrictions upon the sale of the northeast quarter of the southwest quarter of section fifteen, township ten, range eleven east, in the Creek Nation, the homestead of Martha Lowe, be and hereby are removed: *Provided*, That the same be sold under direction of the Secretary of the Interior and upon condition that the said Secretary shall retain the proceeds of such sale and disburse the same in such amounts and at such times as he deems advisable. That all restrictions upon the alienation of the west half of the southeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of the southeast quarter of section twelve, township seven, north of range eight, formerly owned by Manda Proctor, deceased Creek Indian, are hereby removed. That all restrictions upon the alienation or leasing of lands held by Sallie Carey, Bell Leverett (née Murrell), Maria Williams (née Jamison), Andrew Wiley and Susie Wiley, mixed blood Creek Indians, and William N. Taliaferro and Mary Estella Taliaferro (his wife), Choctaw allottees, in the Indian Territory, be, and the same are hereby, removed. That all restriction upon the alienation, leasing, or incumbrance as to the homestead of Nocos Fixico, in the Creek Nation, Indian Territory, be and are hereby removed;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Restore the matter sought to be stricken out and insert the matter in italics; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Secretary of the Interior is hereby authorized and directed to make practical and exhaustive investigation of the character, extent, and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, Indian Territory; and the expense thereof, not exceeding the sum of fifty thousand dollars, shall be paid out of the funds of the Choctaw and Chickasaw nations in the Treasury of the United States: *Provided*, That any and all information obtained under the provisions of this act shall be available at all times for the use of the Congress and its committees."

And the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In line 1

strike out "fifty-five" and insert "fifty-one;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In line 8, after "eighty-five," insert "*Provided*, That the Secretary of the Interior shall first approve said payment;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In line 2 strike out "Ed. L. Rogers" and insert "James I. Coffey, Chippewa allottee No. 123, of the Fond du Lac (Minnesota) band;" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In line 29, after "timber," insert "or any part thereof;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In line 30, after "States," insert "*Provided*, That the Secretary of the Interior is authorized to convey the same to the State of Minnesota for such consideration and under such terms as may be agreed upon between said Secretary and the governor of said State;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That all restrictions as to sale, incumbrance, or taxation for allotments within the White Earth Reservation, in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the Department for such allotments are hereby declared to pass the title in fee simple, or such mixed bloods upon application shall be entitled to receive a patent in fee simple for such allotments; and as to full bloods said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application."

And the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: Restore the matter sought to be stricken out and add the matter in italics; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In line 2, after "authorized," insert "in his discretion;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to construct an additional building for dining room and other purposes at the Indian school at Santa Fe, N. Mex."

And the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In line 14, after "Texas," insert "except that the Kickapoos now residing in Oklahoma may receive their shares through the United States Indian agent at Shawnee, Okla., if they so desire;" and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In line 3, after "Indians," insert "who have heretofore been or are now known as Indians of said tribes."

In lines 7 and 8 strike out "in Oklahoma."

And the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Strike out all after "Nation," in line 7; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In line 3 strike out "Jane" and insert "Josephine."

In line 4 strike out "30" and insert "32, Emily Bertrand as to the northwest quarter of section 15, township 6 north of range 1 east, and the heirs of Gertrude E. Collister as to the south half of section 15, township 6 north of range 1 east of the Indian meridian in Oklahoma."

And the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That any missionary society or religious organization now occupying, under proper authority, for religious or educational work among the Indians, any of the lands in the Territory of Oklahoma heretofore ceded to the United States by the Indians theretofore occupying the same, and reserved to such societies or organizations for such religous uses on the schedules of allotments approved by the Secretary of the Interior, shall have the right for two years within which to make application for a patent therefor; and the Secretary of the Interior is hereby authorized and directed, upon such application, to issue patents in fee to such religious societies or organizations, severally, for the lands so occupied, not to exceed one hundred and sixty acres to any one institution: *Provided*, That where such Indians, in their agreement under which the lands were ceded and allotted, reserved to themselves a reversionary interest in such lands, such religious society or organization shall pay therefor a fair valuation to be fixed by the Secretary of the Interior, not to be less than the price paid such Indians by the United States for the lands so ceded, and the proceeds therefrom shall be placed to the credit of the tribes or bands by whom such lands were ceded."

And the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In line 2 strike out "per mam su" and insert "Per Mam Su."

In line 6, after "Sac allottee," insert "numbered five hundred and forty-six."

And the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: Strike out of lines 36, 37, 38, and 39, "the amount necessary to pay said judgment is hereby appropriated out of the funds in the Treasury of the United States to the credit of said Osage Nation;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In line 2, after "investigate," insert "as to the validity of."

Strike out from the amendment all after "with," in line 9, and insert "such recommendation as he may deem proper."

And the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In line 2 strike out "and required;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lines 1 and 2 strike out "laundry, $6,000, to be immediately available; for;" and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: Strike out "thirty-four" and insert "twenty-eight;" and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with amendments as follows: In line 7 strike out "any."

In the same line, after "balance," insert "if any is."

In line 14 strike out "any" and insert "the."

In line 15, after "Indians," insert "if any."

In line 39, after "cause," insert "and the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the matter of their claim."

In line 42 strike out "and" and insert "if any."

And the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169,

and agree to the same with an amendment as follows: In line 6, after "prescribe," insert:

"That upon the recommendation of the Commissioner to the Five Civilized Tribes and with the approval of the Secretary of the Interior any allottee in the Indian Territory may be permitted to survey and plat at his own expense for town-site purposes his allotment when the same is located along the line of any railroad where stations are located."

And the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: Restore matter sought to be stricken out and add new matter in italics; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Strike out from lines 14, 15, and 16 "*however*, That the consent of three-fourths of the adult male Indians to said sale is obtained: *And provided;*" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In line 1 strike out "and completing."

In line 3, after "Utah," insert "the limit of cost of which is hereby fixed at."

In lines 3, 4, and 5 strike out "$200,000 for the fiscal year ending June 30, 1907, of which."

In line 6, after "dollars," insert "which."

In lines 7 and 8 strike out "the balance of said appropriation to be used as hereafter designated" and insert "the cost of said entire work."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In line 16, after "County," insert "*Provided, however*, That where patents have been issued prior to March 3, 1903, upon locations made prior to January 1, 1891, of mining claims within the said Uncompahgre Reservation, said patents are hereby validated and confirmed as against any claim or title of the United States."

And the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: Strike out all after "dollars," in line 18, down to and including the word "Indians," at the end of line 21, and insert "and jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counsellors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim. Petition hereunder shall be filed in said court by the said attorneys (Butler & Vale) within thirty days from the passage of this act, and the Attorney-General shall appear on behalf of the defendants, and said cause shall be given preference for immediate hearing in said court, and the Secretary of the Treasury is hereby authorized and directed to pay the sum of money so awarded by said court to the said attorneys (Butler & Vale) upon the rendition of final judgment out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler & Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: Strike out all of lines 86 to 94, inclusive, and insert:

"That the sum necessary to carry out the provisions hereof the Secretary of the Treasury is directed to pay out of the Stockbridge consolidated fund in the Treasury of the United States, which fund on the thirty-first of October, nineteen hundred and four, amounted to $75,988.60, under the direction and upon the warrant of the Secretary of the Interior."

And the Senate agree to the same.

MOSES E. CLAPP,
P. J. MCCUMBER,
FRED T. DUBOIS,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
JNO. H. STEPHENS,
Managers on the part of the House.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNY, its enrolling clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day, it be to meet on Monday next.

The motion was agreed to.

PHILIPPINE COINAGE.

Mr. LODGE. In accordance with the notice I gave yesterday on reporting the bill, I desire to call up the bill (S. 6243) to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands." It is a unanimous report. There is no objection to the bill, and immediate action is very important.

Mr. MCLAURIN. I should like to ask the Senator from Massachusetts if it is a very long bill.

Mr. LODGE. It is a bill of only two pages, but is an extremely important measure. It has a unanimous report. It has been submitted also to the Committee on Finance and has their approval and that of the Senator from Colorado [Mr. TELLER] and the Senator from Iowa [Mr. ALLISON]. It is a very short bill. It will not take ten minutes.

Mr. KEAN. Let it be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on the Philippines with amendments.

The first amendment was, in section 1, page 2, line 4, after the words "Philippine Islands," to insert the following proviso:

Provided, That the weight and fineness of the silver peso to be coined in accordance with the provisions of this section shall not be reduced below 700 parts of pure silver to 300 of alloy.

So as to make the section read:

That, with the approval of the President of the United States, the government of the Philippine Islands is hereby authorized, whenever in its opinion such action is desirable, in order to carry out the provisions of section 6 of the act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," to change the weight and fineness of the silver coins authorized by said act, and may in its discretion provide a weight and fineness proportionately less for subsidiary coins than for the standard Philippine pesos, and may also in its discretion recoin any of the existing coins of the Philippine Islands at the new weight and fineness when such coins are received into the Treasury or into the gold standard fund of the Philippine Islands: *Provided*, That the weight and fineness of the silver peso to be coined in accordance with the provisions of this section shall not be reduced below 700 parts of pure silver to 300 of alloy.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 19, after the word "coin," to strike out the words "or of gold coin of the United States;" and in line 21, before the word "certificates," to strike out the word "silver;" so as to read:

That section 8 of an act of Congress approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," as amended by section 10 of an act approved February 6, 1905, is hereby further amended to read as follows:

"SEC. 8. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive at the treasury of the government of the said islands or any of its branches deposits of the standard silver coins of 1 peso authorized by this act to be coined in sums of not less than 20 pesos, Philippine currency, and to issue certificates therefor in denominations of not less than 2 pesos nor more

than 500 pesos, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful reserve.

The amendment was agreed to.

The next amendment was, at the end of section 2, to strike out the first proviso in the following words:

Provided, That the gold coin so deposited may be retained in the treasury or deposited by the treasurer of the Philippine Islands in authorized depositories of funds of the treasurer of the Philippine Islands in the United States on such security as may be approved by the Secretary of War.

And in lieu thereof to insert:

Provided, That the treasurer of the Philippine Islands, with the approval of the governor-general, may substitute for any part of such silver pesos hereafter deposited, gold coin of the United States legally equivalent in value, and redeem the certificates hereafter issued in either silver pesos or such gold coin of equivalent value at the option of the Treasurer: *Provided further*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KIOWA, COMANCHE, AND APACHE INDIAN RESERVATIONS.

Mr. LONG. I ask unanimous consent for the consideration of the bill (H. R. 17507) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 18026) permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KEAN. I have no objection to the bill, but I should like to ask the Senator from Minnesota how many bills of this character he has had passed during the present session?

Mr. NELSON. Quite a number. I can not recall the number.

Mr. KEAN. If I remember rightly, I should say about ten.

Mr. NELSON. This is the last one.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORTIFICATION OF PURE SWEET WINES.

Mr. FLINT. I ask unanimous consent for the consideration of the bill (H. R. 15266) to amend existing laws relating to the fortification of pure sweet wines.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The bill has been read heretofore.

Mr. STONE. It is open to amendment?

The VICE-PRESIDENT. It is open to amendment as in Committee of the Whole.

Mr. STONE. On page 2, line 14, after the word "sugar," I move to insert the words "or pure anhydrous sugar."

The amendment was agreed to.

Mr. STONE. On page 2, line 22, after the word "sugar," I move to insert the words "or pure anhydrous sugar."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BRIDGE ACROSS TALLAHATCHIE RIVER, MISSISSIPPI.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (H. R. 18439) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN FRUITA, COLO.

Mr. TELLER. I ask leave to call up the bill (S. 4400) to grant certain lands to the town of Fruita, Colo.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 1, line 11, after the word "Colorado," to insert "upon the payment of $1.25 per acre by said town to the United States;" so as to make the section read:

That the following-described tract of land, situate in the county of Mesa and State of Colorado, namely, sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16, or so much thereof as may be desired, in township 14 south, range 102 west of the sixth principal meridian, containing 7,680 acres, more or less, be, and the same is hereby, granted and conveyed to the town of Fruita, in the county of Mesa and in the State of Colorado upon the payment of $1.25 per acre by said town to the United States, to have and to hold to its use and behoof forever for purposes of water storage and the supply of water for the use of said town; and for these purposes the town of Fruita shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, subject to the existing laws and regulations concerning the preservation of forest reserves and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon such premises: *Provided, however*, That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States.

The amendment was agreed to.

The next amendment was, to strike out section 2 in the following words:

SEC. 2. That the right to convey water in pipes across the public lands from the aforesaid tract of land to the aforesaid town of Fruita, is also hereby granted to that town.

The amendment was agreed to.

The next amendment was, in section (3) 2, on page 2, line 25, after the word "supply," to insert the following proviso:

Provided, That said town shall not have the right to sell, convey, or lease the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described.

So as to make the section read:

SEC. 2. That nothing shall authorize the cutting or removal of timber from said lands, and it shall be the duty of the town of Fruita on accepting this grant to provide for the proper protection of the forests on the same, and said lands shall not be used for any purpose save that of the protection of the water supply: *Provided*, That said town shall not have the right to sell, convey, or lease the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DIRECTOR OF RECLAMATION SERVICE.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the "reclamation act."

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

Mr. KEAN. This is rather an important bill, and I think it had better go over.

Mr. BACON. It seems to me that it is a bill too important to be taken up now at this time.

Mr. KEAN. I have just made that suggestion, I will say to the Senator from Georgia.

Mr. CARTER. I withdraw my request, in view of the wish of Senators to look into the bill.

PUBLIC BUILDING AT BUTTE, MONT.

Mr. CLARK of Montana. I ask unanimous consent for the present consideration of the bill (S. 4716) appropriating $15,000 for acquiring additional ground and necessary improvements for the same for the Federal building at Butte, Mont.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the procuring of additional lands for the enlargement of the site and for necessary improvements for the public building at Butte, Mont."

CENSUS STATISTICS.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (H. R. 12064) to amend section 7 of an act

entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Census with amendments, on page 2, line 7, before the word "sex," to strike out "name, age," and insert "age;" in line 18, after the word "industries," to strike out "to life, fire, marine, casualty, and other insurance;" and on page 3, line 13, after the word "repealed," to insert: "And the data to be included in the Official Register, which is now required to be transmitted to the Secretary of the Interior, shall hereafter be transmitted to the Director of the Census;" so as to make the bill read:

Be it enacted, etc., That section 7 of the act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, be, and the same is hereby, amended so as to read as follows:

"SEC. 7. That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section 7 of the act of March 3, 1899, entitled 'An act to provide for taking the Twelfth and subsequent censuses,' the Director of the Census is hereby authorized decennially to collect statistics relating to the defective, dependent, and delinquent classes; to crime, including judicial statistics pertaining thereto, provided that such statistics shall include information upon the following questions, namely: Age, sex, color, race, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to these subjects as the Director in his discretion may deem proper; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to transportation by water, and express business; to mines, mining, quarries, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries; to savings banks and other savings institutions, mortgage, loan, and investment companies, and similar institutions; to the fishing industry in cooperation with the Bureau of Fisheries; and every five years to collect statistics relating to street railways, electric light and power, telephone, and telegraph business. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under the subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as 'Special Reports of the Census Office.' For the purpose of securing the statistics required by this section the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as hereinafter provided. And the Director of the Census shall edit, index, and publish the Official Register of the United States, and the provisions of existing law imposing that duty upon the Department of the Interior are hereby repealed, and the data to be included in the Official Register, which is now required to be transmitted to the Secretary of the Interior, shall hereafter be transmitted to the Director of the Census."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until Monday, May 28, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 25, 1906.

CONSUL.

George H. Pickerell, of Ohio, now consul at St. Michaels, Azores, to be consul of the United States at Para, Brazil, vice Louis H. Aymé, nominated to be consul-general at Lisbon.

APPOINTMENT IN THE ARMY.

Rev. Washington William E. Gladden, of Colorado, to be chaplain with the rank of first lieutenant from May 21, 1906, vice Potter, retired from active service.

PROMOTIONS IN THE NAVY.

Ensign John J. Hyland to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905, after having completed three years' service in that grade.

Lieut. (Junior Grade) John J. Hyland to be a lieutenant in the Navy from the 1st day of July, 1905, vice Lieut. Andrew T. Long, promoted.

Asst. Paymaster Ben D. McGee to be a passed assistant paymaster in the Navy from the 11th day of May, 1906, vice P. A. Paymaster John S. Higgins, promoted.

Asst. Paymaster Noel W. Grant to be a passed assistant paymaster in the Navy from the 6th day of March, 1906, vice P. A. Paymaster George A. Deering, resigned.

Boatswain James Laven to be a chief boatswain in the Navy from the 16th day of May, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Thomas S. Aveson to be a chief gunner in the Navy from the 29th day of June, 1905, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 25, 1906.

Carlos C. Bancroft to be postmaster at Montpelier, in the State of Vermont.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25, 1906.

COMMISSIONER-GENERAL OF IMMIGRATION.

Frank P. Sargent, of Illinois, to be Commissioner-General of Immigration in the Department of Commerce and Labor.

CONSUL-GENERAL.

Leo Allen Bergholz, of New York, now consul-general at Beirut, to be consul-general of the United States at Canton, China.

POSTMASTERS.

IOWA.

Albert H. Brooks to be postmaster at Hawkeye, in the county of Fayette and State of Iowa.

KANSAS.

Zenas R. Detwiler to be postmaster at Wamego, in the county of Pottawatomie and State of Kansas.

George Manville to be postmaster at Wathena, in the county of Doniphan and State of Kansas.

NEBRASKA.

John H. Tower to be postmaster at Sutton, in the county of Clay and State of Nebraska.

NEW HAMPSHIRE.

Edward H. Clough to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire.

PENNSYLVANIA.

William Angle to be postmaster at Milford, in the county of Pike and State of Pennsylvania.

SOUTH DAKOTA.

William A. Lyons to be postmaster at Geddes, in the county of Charles Mix and State of South Dakota.

VERMONT.

Joseph G. Brown to be postmaster at Montpelier, in the county of Washington and State of Vermont.

SANITARY CONVENTION.

The injunction of secrecy was removed May 25, 1906, from a sanitary convention signed ad referendum on October 14, 1905, by the delegates of the United States, Chile, Costa Rica, Cuba, the Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Peru, and Venezuela, which had been ratified February 27, 1906.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 25, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 114, noes 40.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

Mr. PAYNE. I make the point that no quorum is present.

The SPEAKER. The House is dividing, and, in the absence of a quorum, the doors will be closed, the Sergeant-at-Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 237, nays 5, answered "present" 17, not voting 122, as follows:

YEAS—237.

Acheson	Dixon, Ind.	Keifer	Reeder
Adams, Pa.	Dixon, Mont.	Keliher	Richardson, Ala.
Adams, Wis.	Dunwell	Kennedy, Nebr.	Richardson, Ky.
Alexander	Edwards	Kennedy, Ohio	Rixey
Allen, Me.	Ellerbe	Kinkaid	Robertson, La.
Ames	Ellis	Klepper	Robinson, Ark.
Babcock	Esch	Kline	Rodenberg
Bankhead	Fassett	Knowland	Rucker
Bartlett	Fitzgerald	Lamar	Russell
Bates	Fletcher	Landis, Frederick	Ryan
Beall, Tex.	Flood	Law	Scott
Bede	Floyd	Lawrence	Shackleford
Beidler	Foster, Ind.	Lee	Sherley
Bell, Ga.	Foster, Vt.	Le Fevre	Sibley
Bennet, N. Y.	French	Lester	Sims
Bennett, Ky.	Fulkerson	Lilley, Conn.	Slayden
Bingham	Fuller	Lilley, Pa.	Slemp
Birdsall	Gaines, W. Va.	Littauer	Smith, Cal.
Bishop	Garber	Livingston	Smith, Ill.
Benynge	Gardner, Mass.	Lloyd	Smith, Iowa
Boutell	Gardner, Mich.	Longworth	Smith, Md.
Bowers	Gardner, N. J.	Lorimer	Smith, Samuel W.
Bowerscck	Garner	Loud	Smith, Tex.
Brantley	Garrett	Loudenslager	Smyser
Brick	Gilbert, Ind.	Lovering	Snapp
Brooks, Colo.	Gill	McCarthy	Southard
Brown	Gillett, Cal.	McGavin	Southwick
Brownlow	Goebel	McKinlay, Cal.	Sperry
Brundidge	Graff	McKinley, Ill.	Spight
Buckman	Graham	McKinney	Stephens, Tex.
Burleson	Granger	Macon	Sterling
Burton, Del.	Gregg	Madden	Stevens, Minn.
Burton, Ohio	Griggs	Mahon	Sullivan, Mass.
Butler, Pa.	Grosvenor	Mann	Sulloway
Byrd	Hale	Marshall	Talbott
Calder	Hamilton	Maynard	Tawney
Calderhead	Hardwick	Miller	Taylor, Ala.
Campbell, Ohio	Haugen	Minor	Thomas, Ohio
Candler	Hay	Mondell	Tirrell
Capron	Hayes	Moon, Tenn.	Towne
Cassel	Hedge	Morrell	Townsend
Chaney	Heflin	Mouser	Tyndall
Clark, Fla.	Henry, Conn.	Mudd	Underwood
Clayton	Henry, Tex.	Murdock	Volstead
Cocks	Hepburn	Murphy	Wachter
Cole	Hermann	Needham	Waldo
Conner	Higgins	Nevin	Watkins
Cooper, Wis.	Hill, Conn.	Norris	Watson
Cousins	Hinshaw	Olcott	Weems
Cromer	Hoar	Olmsted	Wiley, Ala.
Crumpacker	Hogg	Otjen	Wiley, N. J.
Curtis	Holliday	Overstreet	Williams
Cushman	Houston	Padgett	Wilson
Dalzell	Howard	Palmer	Wood, N. J.
Davis, Minn.	Howell, Utah	Parker	Woodyard
Dawes	Hubbard	Patterson, S. C.	Young
Dawson	Humphrey, Wash.	Payne	Zenor
De Armond	Jenkins	Pearre	
Deemer	Jones, Wash.	Perkins	
Denby	Kahn	Pollard	

NAYS—5.

Broocks, Tex.	McLain	Page	Wallace
Clark, Mo.			

ANSWERED "PRESENT"—17.

Andrus	Driscoll	Lamb	Wanger
Bradley	Finley	Lever	Wood, Mo.
Dale	Gilbert, Ky.	Sheppard	
Davey, La.	Hopkins	Sherman	
Dickson, Ill.	Humphreys, Miss.	Stanley	

NOT VOTING—122.

Adamson	Fowler	Lewis	Roberts
Aiken	Gaines, Tenn.	Lindsay	Ruppert
Allen, N. J.	Gillespie	Little	Samuel
Bannon	Gillett, Mass.	Littlefield	Schneebeli
Barchfeld	Glass	McCall	Scroggy
Bartholdt	Goldfogle	McCleary, Minn.	Shartel
Blackburn	Gouiden	McCreary, Pa.	Small
Bowie	Greene	McDermott	Smith, Ky.
Broussard	Gronna	McLachlan	Smith, Wm. Alden
Burgess	Gudger	McMorran	Smith, Pa.
Burke, Pa.	Haskins	McNary	Southall
Burke, S. Dak.	Hearst	Martin	Sparkman
Burleigh	Hill, Miss.	Meyer	Stafford
Burnett	Hitt	Michalek	Steenerson
Butler, Tenn.	Howell, N. J.	Moon, Pa.	Sullivan, N. Y.
Campbell, Kans.	Huff	Moore	Sulzer
Chapman	Hughes	Parsons	Taylor, Ohio
Cockran	Hull	Patterson, N. C.	Thomas, N. C.
Cooper, Pa.	Hunt	Patterson, Tenn.	Trimble
Currier	James	Pou	Van Duzer
Darragh	Johnson	Powers	Van Winkle
Davidson	Jones, Va.	Prince	Vreeland
Davis, W. Va.	Ketcham	Pujo	Wadsworth
Dovener	Kitchin, Claude	Rainey	Webb
Draper	Kitchin, Wm. W.	Randell, Tex.	Webber
Dresser	Knapp	Ransdell, La.	Weeks
Dwight	Knopf	Reid	Weisse
Field	Lacey	Reynolds	Welborn
Flack	Lafean	Rhinock	Wharton
Fordney	Landis, Chas B.	Rhodes	
Foss	Legare	Rives	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. HULL with Mr. SLAYDEN.

Mr. CURRIER with Mr. FINLEY.

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RUPPERT.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. BRADLEY with Mr. GOULDEN.

Mr. FOSS with Mr. MEYER.

Until further notice:

Mr. HITT with Mr. LEGARE.

Mr. FOWLER with Mr. TOWNE.

Mr. TAYLOR of Ohio with Mr. CLAUDE KITCHIN.

Mr. GRONNA with Mr. HILL of Mississippi.

Mr. BARCHFELD with Mr. HEARST.

Mr. ALLEN of New Jersey with Mr. BUTLER of Tennessee.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. LITTLEFIELD with Mr. SMITH of Kentucky.

Mr. WELBORN with Mr. GUDGER.

Mr. DRAPER with Mr. FIELD.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. REYNOLDS with Mr. MCDERMOTT.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. HASKINS with Mr. LEVER.

Mr. SHARTEL with Mr. LITTLE.

Mr. DALE with Mr. BOWIE.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. DOVENER with Mr. SPARKMAN.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KNOPF with Mr. WEISSE.

Mr. SAMUEL with Mr. VAN DUZER.

Until Tuesday:

Mr. WEEKS with Mr. STANLEY.

For the day:

Mr. HOWELL of New Jersey with Mr. SULZER.

Mr. SMITH of Pennsylvania with Mr. SOUTHALL.

Mr. PARSONS with Mr. JONES of Virginia.

Mr. MOON of Pennsylvania with Mr. CLAYTON.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. BLACKBURN with Mr. SMALL.

Mr. LACEY with Mr. PATTERSON of Tennessee.

Mr. KETCHAM with Mr. COCKRAN.

Mr. BURLEIGH with Mr. DAVIS of West Virginia.

Mr. BARTHOLDT with Mr. BURGESS.

Mr. BANNON with Mr. BROUSSARD.

Mr. COOPER of Pennsylvania with Mr. PUJO.

Mr. DAVIDSON with Mr. LEWIS.

Mr. DRESSER with Mr. GILLESPIE.

Mr. DWIGHT with Mr. GLASS.

Mr. GILLETT of Massachusetts with Mr. SULLIVAN of New York.

Mr. LAFEAN with Mr. LINDSAY.

Mr. MCMORRAN with Mr. JAMES.

Mr. PRINCE with Mr. MCNARY.

Mr. RIVES with Mr. RAINEY.

Mr. ROBERTS with Mr. MOORE.

Mr. SCHNEEBELI with Mr. TRIMBLE.

Mr. VAN WINKLE with Mr. WEBB.

Mr. VREELAND with Mr. RANDELL of Texas.

Mr. WADSWORTH with Mr. RHINOCK.

Mr. HUGHES with Mr. REID.

Mr. BURKE of Pennsylvania with Mr. POU.

For the vote:

Mr. MCCLEARY of Minnesota with Mr. HUMPHREYS of Mississippi.

Mr. MCCREARY of Pennsylvania with Mr. HUNT.

Mr. CAMPBELL of Kansas with Mr. GILBERT of Kentucky.

The result of the vote was announced as above recorded.

RAILWAY RATE REGULATION.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution 534, have had the same under consideration, and herewith report the following in lieu thereof:

"*Resolved*, That the bill (H. R. 12987) to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, be, and hereby is, taken from the Speaker's table with Senate amendments thereto, to the end that the said amendments be, and hereby are, disagreed to, and a conference be, and hereby is, asked with the Senate on the disagreeing votes upon the said amendments; and the Speaker shall immediately appoint the conferees without intervening motion."

Mr. DALZELL. Mr. Speaker, on that I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

While the House was dividing Mr. WILLIAMS demanded a division.

Mr. DALZELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 83, answered "present" 15, not voting 128, as follows:

YEAS—155.

Acheson	Dawson	Humphreys, Wash.	Otjen
Adams, Pa.	Deemer	Jones, Wash.	Overstreet
Allen, Me.	Denby	Kahn	Palmer
Ames	Dixon, Mont.	Kelfer	Parker
Bates	Dunwell	Kennedy, Nebr.	Payne
Bede	Edwards	Kennedy, Ohio	Pearre
Beidler	Ellis	Kinkaid	Perkins
Bennet, N. Y.	Esch	Klepper	Prince
Bennett, Ky.	Fassett	Knowland	Reeder
Bingham	Fletcher	Landis, Frederick	Rhodes
Birdsall	Foster, Ind.	Law	Rodenberg
Bishop	Foster, Vt.	Lawrence	Scott
Bonynge	French	Le Fevre	Sibley
Boutell	Fulkerson	Lilley, Conn.	Slemp
Bowersock	Fuller	Lilley, Pa.	Smith, Cal.
Brick	Gaines, W. Va.	Littauer	Smith, Ill.
Brooks, Colo.	Gardner, Mass.	Longworth	Smith, Iowa
Brown	Gardner, Mich.	Lorimer	Smith, Samuel W.
Brownlow	Gardner, N. J.	Loud	Smyser
Buckman	Gilbert, Ind.	Loudenslager	Snapp
Burton, Del.	Gillett, Cal.	Lovering	Southwick
Burton, Ohio	Graff	McCreary, Pa.	Sperry
Butler, Pa.	Graham	McKinlay, Cal.	Sterling
Calder	Grosvenor	McKinley, Ill.	Stevens, Minn.
Campbell, Ohio	Hale	McKinney	Sulloway
Capron	Hamilton	McLachlan	Thomas, Ohio
Cassel	Hayes	Madden	Tirrell
Chaney	Hedge	Mahon	Townsend
Cocks	Henry, Conn.	Mann	Tyndall
Cole	Hepburn	Marshall	Volstead
Conner	Hermann	Miller	Wachter
Cousins	Higgins	Minor	Waldo
Cremer	Hill, Conn.	Mondell	Watson
Crumpacker	Hinshaw	Mouser	Weems
Curtis	Hoar	Mudd	Wiley, N. J.
Cushman	Holliday	Needham	Wood, N. J.
Dalzell	Howell, Utah	Nevin	Woodyard
Davis, Minn.	Hubbard	Olcott	Young
Dawes	Huff	Olmsted	

NAYS—83.

Adams, Wis.	Flood	Keliher	Robinson, Ark.
Bankhead	Floyd	Kline	Rucker
Bartlett	Garber	Lamar	Russell
Beall, Tex.	Garner	Lee	Ryan
Bell, Ga.	Garrett	Livingston	Shackleford
Bowers	Gilbert, Ky.	Lloyd	Sherley
Brantley	Gill	McGavin	Sims
Broocks, Tex.	Gillespie	McLain	Smith, Md.
Brundidge	Granger	Macon	Smith, Tex.
Burleson	Gregg	Maynard	Spight
Byrd	Griggs	Moon, Tenn.	Stephens, Tex.
Campbell, Kans.	Hardwick	Moore	Talbott
Candler	Haugen	Murdock	Towne
Clark, Fla.	Hay	Murphy	Underwood
Clark, Mo.	Heflin	Padgett	Wallace
Clayton	Henry, Tex.	Page	Watkins
Cooper, Wis.	Hogg	Patterson, S. C.	Wiley, Ala.
De Armond	Houston	Richardson, Ala.	Williams
Dixon, Ind.	Howard	Richardson, Ky.	Wilson
Ellerbe	Humphreys, Miss.	Rixey	Zenor
Fitzgerald	Johnson	Robertson, La.	

ANSWERED "PRESENT"—15.

Andrus	Dickson, Ill.	Lever	Stanley
Bradley	Driscoll	Sheppard	Wanger
Dale	Finley	Sherman	Wood, Mo.
Davey, La.	Hopkins	Slayden	

NOT VOTING—128.

Adamson	Dresser	Ketcham	Parsons
Aiken	Dwight	Kitchin, Claude	Patterson, N. C.
Alexander	Field	Kitchin, Wm. W.	Patterson, Tenn.
Allen, N. J.	Flack	Knapp	Pollard
Babcock	Fordney	Knopf	Pou
Bannon	Foss	Lacey	Powers
Barchfeld	Fowler	Lafean	Pujo
Bartholdt	Gaines, Tenn.	Lamb	Rainey
Blackburn	Gillett, Mass.	Landis, Chas. B.	Randell, Tex.
Bowie	Glass	Legare	Ransdell, La.
Broussard	Goebel	Lester	Reid
Burgess	Goldfogle	Lewis	Reynolds
Burke, Pa.	Goulden	Lindsay	Rhinock
Burke, S. Dak.	Greene	Little	Rives
Burleigh	Gronna	Littlefield	Roberts
Burnett	Gudger	McCall	Ruppert
Butler, Tenn.	Haskins	McCarthy	Samuel
Calderhead	Hearst	McCleary, Minn.	Schneebeli
Chapman	Hill, Miss.	McDermott	Scroggy
Cockran	Hitt	McMorran	Shartel
Cooper, Pa.	Howell, N. J.	McNary	Small
Currier	Hughes	Martin	Smith, Ky.
Darragh	Hull	Meyer	Smith, Wm. Alden
Davidson	Hunt	Michalek	Smith, Pa.
Davis, W. Va.	James	Moon, Pa.	Southall
Dovener	Jenkins	Morrell	Southard
Draper	Jones, Va.	Norris	Sparkman
Stafford	Tawney	Van Duzer	Webber
Steenerson	Taylor, Ala.	Van Winkle	Weeks
Sullivan, Mass.	Taylor, Ohio	Vreeland	Weisse
Sullivan, N. Y.	Thomas, N. C.	Wadsworth	Welborn
Sulzer	Trimble	Webb	Wharton

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the vote:

Mr. ALEXANDER with Mr. BURNETT.

Mr. BABCOCK with Mr. LAMB.

Mr. CALDERHEAD with Mr. LESTER.

Mr. JENKINS with Mr. SULLIVAN of Massachusetts.

Mr. MCCLEARY of Minnesota with Mr. HUNT.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered, and the gentleman from Pennsylvania is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. DALZELL. Mr. Speaker, the bill referred to in the resolution which has just been read is what is popularly known as "the rate bill." It is a matter of common knowledge that it passed the House almost unanimously and went to the Senate some seven or eight weeks ago. It comes back now with fifty Senate amendments and is on the Speaker's table. The purpose of this rule, if adopted, is to take that bill from the Speaker's table, nonconcur in all the Senate amendments, and send the bill to conference. That is all there is in the rule. I reserve the balance of my time.

Mr. PALMER. Suppose a man wants to vote to concur in some of the amendments and to nonconcur in others?

Mr. DALZELL. This rule prevents that.

Mr. PALMER. You have got to take the whole dose?

Mr. DALZELL. In the absence of this rule there would be of course a possibility of debate on fifty amendments. The House will of course have an opportunity to pass upon the question of the amendments on the report of the conferees.

Mr. PALMER. There will be some opportunity somehow or other to debate the amendments?

Mr. DALZELL. Undoubtedly. This has no reference to anything in connection with the bill except the present procedure.

Mr. PALMER. When the report of the conference committee comes in, suppose you introduce another rule of a similar character to cut off all debate in the same way you are doing now, how about that?

Mr. DALZELL. I can of course only speak for myself, but, in the first place, a rule amounts to nothing unless the House adopts it, and, in the second place, I do not believe there is a disposition on the part of anybody to do any such thing.

Mr. BARTLETT. I would like to ask the gentleman a question.

Mr. NORRIS. I would like to ask the gentleman with a view of getting the parliamentary situation as it would be before us in the conference report. Suppose now, to illustrate, that the amendment which I understand the Senate has added to the bill providing for including within the terms of the bill express companies—an amendment which very many of us voted for when the bill was here—suppose now the conferees bring in a report in which the Senate amendment placing express companies in the bill is eliminated? What opportunity then would we have after they have made that sort of a recommendation to vote in favor of including in the bill express companies?

Mr. DALZELL. Why, the House, of course, can disagree to the conference report and can instruct its conferees.

Mr. WILSON. It would defeat the entire bill if we were to disagree to the conference report.

Mr. DALZELL. Not at all.

Mr. NORRIS. Would not this rule, if the gentleman will permit a further interruption, be regarded by the conferees, and ought they not in fact regard this vote, if we adopt this procedure, as an instruction to the conferees that the House is opposed to all of the Senate amendments?

Mr. DALZELL. By no manner of means. Speaking for one of the Committee on Rules, there are some of these amendments that personally I should vote to concur in right now.

Mr. NORRIS. I would like to vote to concur in some of them.

Mr. DALZELL. It is a mere question of procedure to facilitate the public business. Has the gentleman, or any other gentleman in this House, any idea that we are going to adjourn until the rate bill is disposed of?

Mr. NORRIS. Oh, no. I want to reach a parliamentary situation that will give us all an opportunity to vote for any of these amendments that we favor.

Mr. DALZELL. I think the gentleman will have that opportunity under the rules of the House.

Mr. BARTLETT. May I ask the gentleman from Pennsylvania if, under the rules, no matter what the conferees agree

to or disagree to, the House will not be called to vote up or vote down the report as a whole and will not be permitted to vote for any separate amendment? In other words, under the rules of the House, as they have been construed, we will be compelled to vote for the report as a whole?

Mr. DALZELL. The House can vote down the conferees' report and instruct the conferees as to anything in the report.

Mr. BARTLETT. I understand that. The House will not get an opportunity, if we adopt these rules, to vote for any one of these amendments separately. If we had them before us now, we could say whether we are in favor or opposed to them.

Mr. DALZELL. The gentleman knows that under the rules of the House the House will have an opportunity to pass on every amendment the Senate has suggested.

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania [Mr. DALZELL] says that we could instruct the conferees later. What earthly objection is there to giving the House an opportunity to instruct the conferees now? [Applause.] Why not vote now on the express-company amendment, that every man in this House who wants regulation of transportation desires?

Mr. DALZELL. We can not very well allow any particular amendment to be voted on at this time, and unless we do follow the mode of procedure that is suggested we will run into a discussion of fifty amendments right away. I have no idea that any gentleman will be disappointed as to having a vote on any particular amendment he wants at the proper time. I think it is not customary to instruct conferees in advance of a full and free conference.

Mr. COOPER of Wisconsin. Will the gentleman permit me to make one statement?

Mr. DALZELL. Certainly.

Mr. COOPER of Wisconsin. I have to say this, that I have been informed by a gentleman in whose word I place implicit confidence that gentlemen—I am not saying whether members of the Senate or of the House—who will, under the rules that obtain in the respective bodies, be upon the conference, have in conversation said that in so far as they have the power the express-company amendment shall go out—that they were heard to say so.

Mr. DALZELL. I know nothing about that, but I do not take much stock in the expression of what a single Member of the House is going to do. The House is in control of the bill at all times.

Mr. COOPER of Wisconsin. Let me suggest to the gentleman from Pennsylvania that the House is in a hurry to adjourn. Suppose the conferees hold this up for two or three weeks, until tacitly we have agreed that we will adjourn on the 15th or 20th of June. There will be then no opportunity for debate, because everybody will be in a hurry to get home.

Mr. DALZELL. There will be an opportunity for debate.

Mr. HEPBURN. Will the gentleman from Pennsylvania [Mr. DALZELL] permit me for a moment to ask the gentleman from Wisconsin to state the persons that have thus declared themselves?

Mr. COOPER of Wisconsin. I do not wish to offend especially the feelings of the gentleman from Iowa, and——

Mr. HEPBURN. You will not offend my feelings, sir, by answering that question.

Mr. COOPER of Wisconsin. I will then say to the gentleman from Iowa——

Mr. HEPBURN. Name them out.

Mr. COOPER of Wisconsin. I am not going to name a man who came to me and told that story. The gentleman from Iowa is one of the men who was said to have remarked in conversation that the express amendment will go out.

Mr. HEPBURN. I say that any man who has told the gentleman that statement stated a falsehood [applause], and I am inclined to believe that, until the name of that individual is given, the gentleman may be drawing upon his imagination. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I call the gentleman from Iowa to order.

Mr. HEPBURN. Mr. Speaker, I withdraw the language that is offensive to the distinguished gentleman from Mississippi.

Mr. WILLIAMS. It is not offensive to the "gentleman from Mississippi" at all; it is offensive to the House.

The SPEAKER. The language is withdrawn. The gentleman from Pennsylvania has the floor.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. DALZELL. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Just one minute to reply to the gentleman from Iowa. I wish to say, Mr. Speaker, to the gentleman from Iowa, that I am not the only person to whom that statement has been made. There are other Members of the House to whom that statement has been made. There is no object, can be no specific purpose on my part, to deliberately misstate that——

Mr. HEPBURN. Will the gentleman permit me——

Mr. COOPER of Wisconsin. One moment; you have no right to interrupt me at this point.

Mr. WILLIAMS. A point of order, Mr. Speaker.

Mr. HEPBURN. In view of the fact——

Mr. WILLIAMS. I make the point of order, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi makes the point of order.

Mr. WILLIAMS. The gentleman has not yielded.

The SPEAKER. That the gentleman has not yielded. The House will be in order.

Mr. COOPER of Wisconsin. I can not understand how the gentleman from Iowa ever propounded that question, unless he had heard that this statement was going around. He put me in a very embarrassing position. But I told him what was told to me; I told exactly the truth as told to me; and this is the first time that any man, anywhere, ever accused me of deliberately telling a falsehood. This is a thing which was said to me in confidence, in a conversation I had with a gentleman who said: "I would not like my name mentioned in this connection."

The SPEAKER. The time of the gentleman has expired.

Mr. MURPHY. Will the gentleman allow me to ask him a question?

Mr. DALZELL. I yield to the gentleman.

Mr. MURPHY. Is not this the fact: "It is manifest, therefore, that if we are to have speedy legislation and adjustment of the differences between the two Houses the bill must be at once sent to conference, and that is the purpose of the rule I have introduced?"

Mr. DALZELL. Undoubtedly.

Mr. MURPHY. I am reading from the remarks of the gentleman from Pennsylvania, as found on page 4224 of the CONGRESSIONAL RECORD, on the rule sending the statehood bill to conference.

Mr. DALZELL. Well, now, Mr. Speaker, I say that this is a very simple matter. That bill is now on the Speaker's table with fifty amendments. There is a great diversity of opinion as to whether a number of these amendments should be accepted or should be rejected, but whether they shall be accepted or whether they shall be rejected we have to meet this question. With the gentleman from Mississippi in the saddle, and with his idea of statesmanship, under which the gentleman ties up the House by opposition, we could have separate votes on each of these fifty amendments to the bill. It is entirely within the power of the House to vote upon the conferees' report and refuse to accept the conference report, and then the whole matter will be open and within the control of the membership of this House to amend the bill until it is in just such shape as the majority of the House desire to have it.

The SPEAKER. The gentleman has six minutes of his time remaining.

Mr. DALZELL. I reserve the balance of my time.

Mr. WILSON. Will the gentleman yield to a question?

Mr. PAYNE. The gentleman reserves his time.

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, I had not intended just at this moment to say anything, but the gentleman from Pennsylvania has rendered it necessary that I should before I yield to anybody else. As I understood him, he tried to gather partisan strength upon that side by asking the question "What condition this bill would be in if the gentleman from Mississippi, with his revolutionary methods," I believe was the language——

Mr. DALZELL. I did not say "revolutionary methods." I said "with his ideas of statesmanship."

Mr. WILLIAMS. "Ideas of statesmanship," then. I want to quote the gentleman exactly right—"if the gentleman from Mississippi, with his ideas of statesmanship, were put in the saddle by voting down this special rule?" Why, the gentleman from Pennsylvania is not such a child as to imagine that giving the House a right to vote upon a motion to concur in one or more of these Senate amendments would "place the gentleman from Mississippi in the saddle." He knows that it would simply place the House of Representatives in the saddle. [Applause on the Democratic side.] And the gentleman from Pennsylvania, moreover, knew from what had occurred in the Committee on Rules that the gentleman from Mississippi was perfectly willing, if only there were an opportunity furnished to the House to vote to concur upon Senate amendments 2, 6, 31, 47, and 48, that all the balance of the Senate amendments might, without ob-

jection, go to the conference as amendments nonconcurred in. Gentlemen, do not let that sort of thing fool you, whatever else fools you——

Mr. DALZELL. The gentleman from Mississippi certainly does not claim that the House is to be bound by his particular wishes. Other gentlemen have a right to their opinions as well as he.

Mr. WILLIAMS. The gentleman from Mississippi does not claim that the House would be bound, but the gentleman from Mississippi claims that, so far as his position is concerned, he would be bound, and that therefore there was no reason in fact or in truth for the statement made by the gentleman from Pennsylvania to the effect that the gentleman from Mississippi would be put in the saddle. The House would be put in the saddle, and that is what the gentleman and men in this Hall who are opposed to the Senate amendment putting express companies in the bill as common carriers and to some other amendments of the Senate, in which this House upon a free vote would concur at once; that is what they are trying to avoid. You want the Committee on Rules and the conferees to be in the saddle to ride the House bitted and spurred. You do not want the House to be in the saddle. If I consented right now that every single Democrat should leave this Hall, and that no point of "no quorum" should be made, you dare not put even that side of the House in the saddle for a day. [Applause on the Democratic side.]

Now, Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND]. [Applause on the Democratic side.]

Mr. DE ARMOND. Mr. Speaker, the question before the House is at once a very simple and a very important one. It is the question whether the House will pass upon some of these amendments itself or whether it will commit them to the uncertainties of a conference. That is the plain, simple question.

The importance of this legislation or of the subject with which this legislation deals can hardly be overstated.

In the other end of this Capitol weeks and months were spent in discussion and consideration of this measure. A number of amendments were added to it. Some of them, I am sure, should meet with the hearty concurrence and approval and indorsement of every man in this House, and of every man out of this House who wishes effective railroad rate legislation. As has already been suggested by the gentleman from Mississippi [Mr. WILLIAMS], my colleague on the Committee on Rules, so far as we upon this side are concerned, I believe that with a vote now upon two or three or four or five of these amendments, it would be satisfactory to us to let the others go to conference, if that be insisted upon. What are they? They are very easily understood. One is amendment No. 2, that the term "common carrier" shall include express companies and sleeping-car companies. [Applause.] Now, a man ought to know whether he is for that or against it. We are for it. I believe the House is for it. If so, why send it to conference? Why take the chance or the risk of what may be done in conference concerning it? The man who votes against giving himself the opportunity to vote upon that amendment here in the House now, for the time being votes against it and takes the chance of having or not having the opportunity to vote for it later, if he really wishes to vote for it at all.

Now, take amendment No. 6. That provides that common carriers shall furnish switch facilities. Who is in favor of that, and who is against it? We are in favor of it. I believe the House is in favor of it. Why not let us determine by vote here? Why send it to a conference committee, with its hazards and its chances, in the closing days of a session to determine whether or not that wholesome and just amendment shall remain in the bill and become a part of the law.

Take amendment No. 31. It strikes out the words "fairly remunerative;" a catch trap those words are, making room for litigation, room for uncertainty, room for thwarting, if possible, the will of the people with respect to this bill. Why not vote upon that? We are in favor of the amendment which strikes those words out.

No. 47 provides that there shall not be incorporated in the receipt or bill of lading any words, however carefully chosen or however skillfully covered, which will exempt the railroad company from its ordinary common-law liability. [Applause.] Who is in favor of that, and who is against it? We are in favor of that amendment. It is not onerous on the railroads, it is not unjust, it is not rash; it is decent and fair and corrective and improving in this bill. We are in favor of it. I believe the House is in favor of it. Why commit to the chances and hazard of this committee performance that amendment?

Then, there is an amendment, No. 48, which strikes out the section in the bill when it went from this House, unnecessarily providing that each of the Interstate Commerce Commissioners shall receive $10,000 a year instead of $7,500, and that there shall be seven instead of five Commissioners. I would like to see a vote upon that, and would like to vote for it.

But are you willing to give us a vote upon anything? Are you willing yourselves to vote upon anything? Or are you in favor of turning over every amendment, no matter how important, to the hazard, and juggling, and chances, and uncertainty, and the influence that may prevail against fair consideration, in this committee of conference? That is the question, and nothing can take us away from it. A vote upon the one side is a vote to give this House an opportunity to do what it chooses to do, and a vote upon the other side is to deny it. [Applause on the Democratic side.]

The SPEAKER. The gentleman's time has expired.

Mr. KLEPPER. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended one minute that I may ask him a question.

Mr. DE ARMOND. That is perfectly satisfactory to me.

The SPEAKER. The gentleman from Missouri asks that his colleague's time be extended one minute.

Mr. WILLIAMS. That is in addition to the usual forty minutes?

The SPEAKER. Yes; is there objection?

Mr. PAYNE. What is the question, Mr. Speaker?

The SPEAKER. The gentleman from Missouri asks that his colleague's time be extended one minute to answer a question.

Mr. PAYNE. That is in addition to the forty minutes?

The SPEAKER. Yes.

Mr. OLMSTED. Then, one minute ought to be added to the time for debate on this side.

The SPEAKER. The Chair hears no objection.

Mr. KLEPPER. I want to ask my colleague if it is not a fact that quite a number of the minority, including the leader of the minority, did not vote to exclude express companies on the passage of the bill in the House, and if that be true, why they are agonizing over this subject and objecting to its going to conference?

Mr. DE ARMOND. Mr. Speaker, I am asked a question as to what somebody else did, and somebody else thought, and about what somebody else thinks now. That kind of a question I can not answer, but I will say to the gentleman that when he or any other man votes to send this to conference without an opportunity to vote upon it, he votes for excluding from this classification the express companies and the car companies.

Mr. KLEPPER. I will say to the gentleman that I voted to include express companies, and if I remember correctly the minority leader voted to exclude express companies. I for one am willing to submit the matter to the conferees, believing that they will recommend that which is just and proper.

The SPEAKER. The time of the gentleman has expired.

Mr. DE ARMOND. I hope I will have an opportunity to answer the gentleman.

Mr. WILLIAMS. I will yield to the gentleman from Alabama [Mr. UNDERWOOD] three minutes.

Mr. UNDERWOOD. Mr. Speaker, the condition of this proposition under the rule is this: The rate bill is on the table, and the rules of this House provide that House bills with Senate amendments, which do not require to be considered in Committee of the Whole, may be at once disposed of as the House may determine. It is now in the power of the gentleman from Iowa [Mr. HEPBURN] to call the rate bill from the table, and the House to consider each of these amendments without a special rule, where the House will be able to vote up or down each of the amendments, as it deems best in its judgment. The effect of this special rule is to take that power away from the membership of the House, put it in the hands of the conferees, composed of three members of the House and three members of the Senate, sitting behind closed doors, where nobody in this House or nobody in the United States can know what is being done, and when they come back with their report, if it is a full and complete report, such as they will bring to this House, the membership of the House will be confronted with the question, Will you accept the bill as it is reported from the committee of conference or not? We will have to swallow their report whole, good or bad, or be put in the attitude of voting against a rate bill, and if the majority passes it in that shape, there will be no explanation. When this matter was before the House of Representatives I moved in the House to include express companies within the terms of the bill. The gentleman from Iowa [Mr. HEPBURN], the chairman of the committee, and the chairman of the conference committee of this House when it is appointed, fought that proposition and said the Hepburn bill did not include express companies and he was not in favor of putting them in the bill. [Applause on the Democratic side.] I say to this House, if you are honestly and earnestly in favor

of putting these express companies within the terms of the bill, are you going to put that in the hands of the gentleman from Iowa [Mr. HEPBURN], who openly and aboveboard has told you on the floor of this House, when this bill was last before it, that he was not in favor of the proposition? Can you justify yourselves before your constituents in such circumstances?

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I would ask the gentleman from Pennsylvania if he proposes to use the balance of his time in one speech?

The SPEAKER. The gentleman from Mississippi has eight minutes remaining and the gentleman from Pennsylvania has six minutes remaining.

Mr. WILLIAMS. Of that eight minutes, I yield two minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, in line with what the gentleman from Alabama [Mr. UNDERWOOD] has just said, I would also beg to remind the House that while the original bill was pending here an amendment was offered by the gentleman from Alabama [Mr. UNDERWOOD] and one or two others—there were two or three amendments—putting express companies within the purview of this bill. The gentleman from Iowa [Mr. HEPBURN] had said to the House that express companies were not included in the bill. The gentleman from Michigan [Mr. TOWNSEND] thought they were, as did also my colleague [Mr. ESCH], the gentleman from Wisconsin. In my remarks I called attention to the fact that the phraseology of the bill did not include express companies, unless the original act included them, and that the Interstate Commerce Commission had always held that express companies were not included under the original act. I called attention also to the fact that a member of the Interstate Commerce Commission, with whom I had had a conversation on that day, told me that there was no question that express companies were not included under the terms of the then pending bill. When the amendment to include express companies came up, the gentleman from Iowa [Mr. HEPBURN] voted against it, in line with the remarks which he made, as just narrated by the gentleman from Alabama [Mr. UNDERWOOD]. Now, why should any gentleman who wants express companies included and who wants to stop the infamous discriminations which they now practice, vote to turn the whole question over to conferees to bring in such a report as they please? Gentlemen are not obliged to do this. The rules do not require it. How can any gentleman who honestly does not wish to have express companies omitted from the law vote to send this proposition to a conference that may be hostile to his views? When are you to get the report—in two weeks, three weeks, four weeks? What will it contain?

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Missouri [Mr. DE ARMOND] has already outlined what amendments 2, 6, 31, 47, and 48 are. These are the amendments which we as minority members of the Committee on Rules asked that the House should have a right to vote upon in a motion to concur. We still insist on that right. We therefore oppose this rule. It is very true that I did vote against amendments like this, some of them almost identical with them, upon the floor, but it was because—and the gentleman from Iowa [Mr. HEPBURN] will bear me out in that statement—for tactical and strategic purposes we had thought it important to send this rate bill, with all the weight and influence of this House, like a catapult against the other side of this Capitol, so that the utmost influence might be had to bring forth a bill. It was not because there was ever a minute of my life when I or a majority of the Democrats on this side were not in favor of these propositions embodied in the Senate amendments. I will answer the question the gentleman from Missouri [Mr. KLEPPER] asked his colleague [Mr. DE ARMOND]. The gentleman from Mississippi voted against all amendments to the Hepburn-Davey House rate bill because he was in honor bound to stand by the bill as it had been agreed upon and to vote against all amendments, and on that day I and a majority of us over here voted against half a dozen amendments that we were in favor of, as everybody knew. It may probably be difficult for the gentleman to understand, but not difficult for a Democrat to understand, that a man may do that which he otherwise does not want to do in order to keep faith and in order to keep honor, and the six Democratic members of the committee and I did exactly that thing. What was the result? We did bring the weight of this House like a catapult to bear, with the President and public opinion behind that catapult, as well as ourselves, and Senators fell over themselves in order to out-Herod Herod in giving us what we and what the people wanted and what we had feared that a majority of the Senate did not want. There was no mistake made when for tactical purposes we came together in a nonpartisan bill, and the Republicans adopted in the bill several things which they did not want, and we left out of the bill several things which we did want, and keeping faith with one another as men of honor should, we stood by the bill, I and the six Democratic members of the Committee on Interstate and Foreign Commerce. Mr. Speaker, this has come back a better bill than it went out, and we want to keep it good. It has been said—I know not with how much truth—that when these amendments were being adopted it was whispered at the other end of the Capitol, "Oh, that is all right; let it go; the conferees will take care of that."

Now, I do not want the conferees to take care of it. Voting down this rule is the first, perhaps the only, opportunity to concur upon these five propositions, 2, 6, 31, 47, and 48, and to drive a nail through the plank and clinch it on the other side. Gentlemen say they want something in conference "to trade upon." Well, I do not want them to trade about either one of those five amendments; neither does this House of Representatives want them to do it. They all say so. There are many who say they would vote to concur; if so, why not do it now? I may be excused for not being able to understand a man who says he is in favor of a proposition and then, when the opportunity is offered to him to make that proposition irrevocably good upon the statute books, refuses the opportunity. The gentleman from Pennsylvania says that the House will have "an opportunity" later on "to vote." Will the House have it? Who knows it? Will or will there not be another rule to gag the House? Why, you know there will be another rule, provided only that the gentleman from Iowa [Mr. HEPBURN] and the Committee on Rules desire to have another rule. It is true the House might at that time vote down the second rule, but the House might at this time vote down this rule; and if in blind partisanship it will avoid the first opportunity to do what it says it wants to do, what reason have we to believe it would avail itself of it in the second case? This is your first chance; take advantage of it. The next chance will be the Aldrich chance. Now, there are only two possible reasons why the House shall not be given an opportunity to vote to concur upon the five Senate amendments, the character of which have been outlined by the gentleman from Missouri. One is that somebody may want to imitate the game that was played at the other end of the Capitol. At the last moment, after having used patriotic Representatives as a lever to procure the desired legislation—to keep the fight alive—they at the last moment attempted to put the stamp of partisanship upon a great measure, which was advocated first by the Democrats, and which is more earnestly favored by them now than by any other people. That may be one reason, and the next reason would be to leave the final molding of a bill to the uncertainty and secrecy of conferees, through whom these amendments might be killed, scotched, or emasculated.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. I yield one minute to the gentleman from Iowa.

Mr. DALZELL. I yield the balance of my time to my colleague [Mr. GROSVENOR].

Mr. HEPBURN. Mr. Speaker, I simply desire to say, for a moment, that I agree entirely with the gentleman from Mississippi in the suggestion that the vote upon any one of these amendments that were offered in this House to the bill when it was under consideration does not indicate the views that the individual voting might have upon the subject. It will be remembered that it was the effort of the Committee on Interstate and Foreign Commerce to report to the House a bill that would embody the recommendations of the President and place them into law—that much and nothing more. Everything else beyond that was opposed by the committee. There was an agreement of the entire eighteen members of the committee that they would oppose any amendment and strive to secure the bill as reported. The gentleman from Mississippi, patriotic in his anxiety to get such a bill as the President had asked for, united with us in that purpose, and in accordance with the plan every one of the amendments was voted down, without regard to the individual views of us who voted against them. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. For the purpose of calling the attention of the House to the fact the gentleman from Pennsylvania said he would close in one speech.

Mr. DALZELL. I yielded my time to the gentleman from Ohio and I assumed that he would use the time.

Mr. WILLIAMS. You also yielded to the gentleman from Iowa.

Mr. DALZELL. No, sir; the gentleman from Ohio yielded to the gentleman from Iowa.

Mr. WILLIAMS. I just want the record to show the occurrence.

Mr. GROSVENOR. Mr. Speaker, I think it is rather unbecoming of the gentleman to quibble about a minute's time being yielded to the gentleman from Iowa, who has been so bitterly assailed here on the floor, to explain his position. Now, Mr. Speaker, the situation is practically this: The organization of this House is responsible for the progress and dispatch of business. We have a bill here with fifty-one amendments. We have a gentleman on the other side who is supreme in the minority, with power enough to demand the yeas and nays upon every question, who can take this bill and upon these fifty-one amendments could occupy the time of the House for six days and a half by the call of the roll. And he has not for a long time failed to demand a call of the roll whenever he has had an opportunity. Now, I respectfully submit to gentlemen on this side if it is not about time that the Republican majority of this House should take possession of the House and transact its business on its own hook and in its own way, or is it wise to turn over to a faction, full of the idea of filibustering as a remedy for its minority, the future of this important legislation?

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. GROSVENOR. I do not know what for. I do not intend that the gentleman shall make any more speeches.

Mr. WILLIAMS. I do not intend to make a speech. May I ask the gentleman a question?

Mr. GROSVENOR. Ask it.

Mr. WILLIAMS. Would the gentleman consent to permit these six amendments to be voted upon by the House if I repeated here what I had offered to do in the Committee on Rules, to wit, to give unanimous consent that the balance should be nonconcurred in and go to conference?

Mr. GROSVENOR. I am not willing that the Republican majority of this House shall waive their prerogative and turn it over to the gentleman from Mississippi. [Applause on the Republican side.] We have had enough of that. If we are coming out of this session of Congress with any self-respect, let alone the respect of the country, it is time we attempted to do business ourselves and not permit other gentlemen to dictate to us. And then—just think of it, gentlemen. Here is the minority, representing about 125 votes, and the gentleman from Mississippi stands up calmly and deliberately and picks out the amendments he wants to vote upon, and demands that his dictation shall be heard by the House, and when it is not heard, then he pours out the vials of his wrath here. Now, let us proceed in an orderly way, just as we have done a hundred times in the memory of many of us—disagree to all of the amendments and send the bill to conference.

The gentleman from Wisconsin [Mr. COOPER] is certainly seeking a point of attack. This House has the power to bring back the members of that committee at any time it sees fit to do so. We are not in the hands either of the Democratic minority or in the hands of a conference committee. Is there a man here who by his vote will doubt that that conference committee will at a very early date report this important bill back? And let me make a statement, Mr. Speaker, and I ask the House to hear what I say and measure my language—when that conference report comes back there will be a chance to vote on every amendment the House desires to vote upon, and there will be debate, and for once in my life I think I occupy a position where I can enforce the suggestion which I have made. But I desire to disclaim on the part of the majority of the Committee on Rules the slightest intention of gagging a bill through this House. Many of us are strongly in favor of the very amendments that the gentleman from Mississippi [Mr. WILLIAMS] has spoken about, and you have all heard the explanation made by the gentleman himself that entirely exonerates the gentleman from Iowa [Mr. HEPBURN] from having placed himself in a position of hostility to the particular amendment which the gentleman has seen fit to point out. He voted against any amendment, and I can go a little further and say that he appealed to me not to offer an amendment that I had prepared, and which would have made this bill, in my humble judgment, far better than it was when it left the House, and I refrained from offering it simply and solely for the purpose of aiding the passage of the bill and getting it into the hands ultimately of the committee of conference.

The committee may go out and agree or disagree on certain points and come back again. I recollect very well that on a certain night here we voted down a conference report five times, and stayed here until nearly morning, and ultimately, upon the damand made by the House, we saved the Government of the United States from the disgrace of having to report for duty to a vagabond crowd in the island of Cuba. I hope the committee will be sustained in this report.

The SPEAKER. The question is on agreeing to the resolution.

Mr. DALZELL. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 105, answered "present" 14, not voting 118, as follows:

YEAS—144.

Adams, Pa.	Deemer	Humphrey, Wash.	Olmsted
Alexander	Denby	Jenkins	Overstreet
Allen, Me.	Dresser	Jones, Wash.	Palmer
Babcock	Dunwell	Kahn	Parker
Bates	Edwards	Keifer	Payne
Beidler	Esch	Kennedy, Ohio	Pearre
Bennet, N. Y.	Fassett	Kinkaid	Perkins
Bennett, Ky.	Fletcher	Klepper	Pollard
Bingham	Foster, Ind.	Knowland	Reeder
Bishop	Foster, Vt.	Landis, Frederick	Rhodes
Bonynge	French	Law	Rodenberg
Boutell	Fuller	Lawrence	Sibley
Bowersock	Gaines, W. Va.	Le Fevre	Slemp
Brick	Gardner, Mass.	Lilley, Conn.	Smith, Cal.
Brooks, Colo.	Gardner, Mich.	Lilley, Pa.	Smith, Ill.
Brownlow	Gardner, N. J.	Littauer	Smith, Samuel W.
Buckman	Gilbert, Ind.	Longworth	Smyser
Butler, Pa.	Gillett, Cal.	Lorimer	Snapp
Calder	Goebel	Loud	Southard
Calderhead	Graff	Loudenslager	Southwick
Campbell, Ohio	Graham	Lovering	Sperry
Capron	Grosvenor	McCleary, Minn.	Sterling
Cassel	Hale	McKinlay, Cal.	Stevens, Minn.
Chaney	Hamilton	McKinley, Ill.	Sulloway
Cocks	Hayes	McKinney	Tawney
Cole	Hedge	McLachlan	Thomas, Ohio
Conner	Henry, Conn.	Mahon	Tirrell
Cousins	Hepburn	Mann	Townsend
Cromer	Hermann	Marshall	Tyndall
Crumpacker	Higgins	Miller	Waldo
Curtis	Hill, Conn.	Mondell	Watson
Cushman	Hinshaw	Mouser	Weems
Dalzell	Hoar	Mudd	Wiley, N. J.
Davis, Minn.	Holliday	Needham	Wilson
Dawes	Howell, Utah	Nevin	Wood, N. J.
Dawson	Huff	Olcott	Young

NAYS—105.

Adams, Wis.	Finley	Kline	Robinson, Ark.
Aiken	Fitzgerald	Lamar	Rucker
Ames	Flood	Lamb	Russell
Bankhead	Floyd	Lee	Ryan
Bartlett	Fulkerson	Lester	Scott
Beall, Tex.	Garber	Livingston	Shackleford
Bede	Garner	Lloyd	Sherley
Bell, Ga.	Garrett	McCarthy	Sims
Birdsall	Gill	McCreary, Pa.	Smith, Md.
Bowers	Gillespie	McLain	Smith, Tex.
Brantley	Granger	McNary	Spight
Broocks, Tex.	Gregg	Macon	Steenerson
Brown	Griggs	Maynard	Stephens, Tex.
Brundidge	Hardwick	Moon, Tenn.	Sullivan, Mass.
Burleson	Haugen	Moore	Talbott
Burton, Ohio	Hay	Murdock	Underwood
Byrd	Heflin	Murphy	Volstead
Campbell, Kans.	Henry, Tex.	Norris	Wallace
Candler	Hogg	Otjen	Watkins
Clark, Fla.	Houston	Padgett	Wiley, Ala.
Clark, Mo.	Howard	Page	Williams
Clayton	Hubbard	Patterson, S. C.	Wood, Mo.
Cooper, Wis.	Humphreys, Miss.	Prince	Woodyard
Darragh	Hunt	Richardson, Ala.	Zenor
De Armond	Johnson	Richardson, Ky.	
Dixon, Ind.	Keliher	Rixey	
Ellis	Kennedy, Nebr.	Robertson, La.	

ANSWERED "PRESENT"—14.

Andrus	Driscoll	Sheppard	Wanger
Bradley	Gaines, Tenn.	Sherman	Welborn
Dale	Hopkins	Slayden	
Dickson, Ill.	Lever	Stanley	

NOT VOTING—118.

Acheson	Draper	Ketcham	Patterson, N. C.
Adamson	Dwight	Kitchin, Claude	Patterson, Tenn.
Allen, N. J.	Ellerbe	Kitchin, Wm. W.	Pou
Bannon	Field	Knapp	Powers
Barchfeld	Flack	Knopf	Pujo
Bartholdt	Fordney	Lacey	Rainey
Blackburn	Foss	Lafean	Randell, Tex.
Bowie	Fowler	Landis, Chas. B.	Ransdell, La.
Broussard	Gilbert, Ky.	Legare	Reid
Burgess	Gillett, Mass.	Lewis	Reynolds
Burke, Pa.	Glass	Lindsay	Rhinock
Burke, S. Dak.	Goldfogle	Little	Rives
Burleigh	Goulden	Littlefield	Roberts
Burnett	Greene	McCall	Ruppert
Burton, Del.	Gronna	McDermott	Samuel
Butler, Tenn.	Gudger	McGavin	Schneebeli
Chapman	Haskins	McMorran	Scroggy
Cockran	Hearst	Madden	Shartel
Cooper, Pa.	Hill, Miss.	Martin	Small
Currier	Hitt	Meyer	Smith, Iowa
Davey, La.	Howell, N. J.	Michalek	Smith, Ky.
Davidson	Hughes	Minor	Smith, Wm. Alden
Davis, W. Va.	Hull	Moon, Pa.	Smith, Pa.
Dixon, Mont.	James	Morrell	Southall
Dovener	Jones, Va.	Parsons	Sparkman

Stafford	Thomas, N. C.	Vreeland	Weeks
Sullivan, N. Y.	Towne	Wachter	Weisse
Sulzer	Trimble	Wadsworth	Wharton
Taylor, Ala.	Van Duzer	Webb	
Taylor, Ohio	Van Winkle	Webber	

So the resolution was agreed to.

The following additional pairs were announced.

For balance of the day:

Mr. ACHESON with Mr. BURNETT.

Mr. CURRIER with Mr. ELLERBE.

On this vote:

Mr. SMITH of Iowa with Mr. TAYLOR of Alabama.

Mr. GILLETT of Massachusetts. Can I be recorded as present?

The SPEAKER. Was the gentleman present?

Mr. GILLETT of Massachusetts. No; I was not. I did not know but what there was a question of a quorum.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BURTON of Delaware. I was not in to record my vote. I should like to vote.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. GAINES of Tennessee. Mr. Speaker, has the gentleman from Maine [Mr. POWERS] voted?

The SPEAKER. He has not.

Mr. GAINES of Tennessee. Then I withdraw my vote in the negative.

The name of Mr. GAINES of Tennessee was called, and he voted "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair announces the appointment of the following conferees: Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 17220. An act providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory;

H. R. 17758. An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota; and

H. R. 19473. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 17453. An act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials;"

H. R. 4546. An act entitled "An act ceding to the city of Canon City, Colo., certain lands for park purposes;"

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water, in or surrounding Porto Rico and the islands adjacent thereto;

H. R. 17127. An act entitled "An act to provide for the subdivision and sale of certain lands in the State of Washington;" and

H. R. 5539. An act entitled "An act for the relief of the State of Rhode Island."

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1178. An act providing for the resurvey of a township of land in Colorado;

S. 4698. An act for the preservation of American antiquities;

S. 6004. An act to provide an American register for the steam yacht *Waturus;*

S. 6025. An act for the relief of the Holly Manufacturing Company, of Buffalo, N. Y.; and

S. 6165. An act granting to Beaver Lodge, Independent Order of Odd Fellows, of Ekalaka, Mont., certain land for public cemetery purposes.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4129. An act to regulate enlistments and punishments in the United States Revenue-Cutter Service;

S. 5131. An act incorporating the Archæological Institute of America;

S. 5513. An act to provide for the disposition of certain property in the Territory of Hawaii;

S. 5533. An act to appoint an additional judge for the southern district of New York;

S. 6022. An act to amend section 6 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900;

S. 6129. An act to amend section 4472 of the Revised Statutes of the United States relating to the carrying of dangerous articles on passenger steamers; and

S. 6038. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6165. An act granting to Beaver Lodge, Independent Order of Odd Fellows, of Ekalaka, Mont., certain land for public cemetery purposes—to the Committee on the Public Lands.

S. 6025. An act for the relief of the Holly Manufacturing Company, of Buffalo, N. Y.—to the Committee on the District of Columbia.

S. 6004. An act to provide an American register for the steam yacht *Waturus*—to the Committee on Merchant Marine and Fisheries.

S. 4698. An act for the preservation of American antiquities—to the Committee on the Public Lands.

S. 1178. An act providing for the resurvey of a township of land in Colorado—to the Committee on the Public Lands.

PENSION BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the bills on the Private Calendar in order to-day shall be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar, in order to-day, be considered in the House as in Committee of the Whole. Is there objection?

Mr. WILLIAMS. Objection is made, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi objects.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of the bills on the Private Calendar.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 130, noes 15.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-eight gentlemen have arisen. Not a sufficient number.

Mr. WILLIAMS. The other side, Mr. Speaker.

The SPEAKER. There is no other side. The roll has just been called, showing a quorum.

Mr. WILLIAMS. Mr. Speaker, there was a division just before this showing no quorum.

The SPEAKER. But the yeas and nays which have just been called show largely over a quorum. The ayes have it, and the gentleman from Rhode Island [Mr. CAPRON] will take the chair.

Mr. WILLIAMS. Since the yeas and nays have been taken there has been a division of the House showing no quorum, and I want to make the point that there is no quorum present.

The SPEAKER. The gentleman will take the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. To make the point of order that the House is not in Committee of the Whole, because it was thrown into the Committee of the Whole upon the supposition that the last division of the House showed the presence of a quorum, whereas as a matter of fact the last division of the House showed that there was no quorum present.

Mr. DALZELL. No point of no quorum was made.

The CHAIRMAN. Undoubtedly the gentleman from Mississippi fully appreciates the fact that the present occupant of the chair has no information upon the point that he has raised.

Mr. WILLIAMS. "The gentleman from Mississippi" appreciates that, but he also appreciates that the Chair can not

throw the House into the Committee of the Whole by the announcement that there is a quorum present when the last division showed less than a quorum.

The CHAIRMAN. The present occupant of the chair can not pass upon what took place in the House, as he was not in the chair at the time. The Clerk will report the first bill.

REUBEN VAN BUSKIRK.

The next pension business was the bill (H. R. 6421) granting an increase of pension to Reuben Van Buskirk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Van Buskirk, late of Company D, Eighth Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eighth," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The CHAIRMAN. The question is on the committee amendments.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 103, noes 34.

Mr. WILLIAMS. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. SULLOWAY and Mr. WILLIAMS.

The committee again divided; and the tellers reported—ayes 90, noes 21.

Accordingly the committee amendments were agreed to.

The CHAIRMAN. The question is upon laying aside the bill to be reported to the House with a favorable recommendation as amended.

Mr. WILLIAMS. Mr. Chairman, has the bill been read?

The CHAIRMAN. The bill has been read. The question is, Shall the bill be laid aside with a favorable recommendation?

The question being taken, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES E. TOMPKINS.

The next pension business was the bill (H. R. 15542) granting an increase of pension to Charles E. Tompkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Tompkins, late of Company A, First Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 81, noes 14.

Mr. WILLIAMS. Mr. Chairman, there is no quorum present in Committee of the Whole.

The CHAIRMAN. The gentleman makes the point that there is no quorum present, and the Chair will count. [After counting.] One hundred and twenty-four gentlemen present—a quorum. The ayes have it, and the committee amendment is agreed to.

The question is upon laying the bill aside to be reported to the House with a favorable recommendation.

The question being taken, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JACOB SHEIL.

The next pension business was the bill (H. R. 15105) granting an increase of pension to Jacob Sheil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Sheil, late of Company H, Eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

Mr. WILLIAMS. Mr. Chairman, I should like to have the report in that case read.

The CHAIRMAN. Without objection, the report will be read in the gentleman's time.

The Clerk read the report (by Mr. BRADLEY), as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 15105) granting an increase of pension to Jacob Sheil, submit the following report:

An increase of pension from $17 to $40 per month is sought in the bill.

It appears from the files of the Pension Bureau that the soldier named in the bill, now 67 years of age, who served as a private in Company H, Eighteenth New York Infantry, from May 17, 1861, to May 28, 1863, when honorably discharged with his company, and who again served as a private in Company A, Twenty-fifth New York Cavalry, from December 29, 1863 to June 27, 1865, when honorably discharged, and who received a gunshot wound of the left hand in action at Fredericksburg, on December 13, 1862, is now pensioned under the general law at $17 per month on account of said wound, with loss of the second finger.

This rating of $17 per month was allowed in April, 1904, commencing from December 30, 1903, and was based upon a certificate of medical examination made by the Middletown, N. Y., board of surgeons on the last-named date, which board described his condition as follows:

"Ball entered on inside of left hand, passing directly through. The second proximal finger and metacarpal bone removed. The cicatrix on the back of the hand is smooth in the center, adherent to bone and tendons of fingers. The cicatrix extends between fingers around the palm of hand, 4 inches long. The flexor and extensor tendons are adherent to the cicatrix. About one-half loss of motion of wrist from adhesions. He can not grasp objects smaller than 2½ inches in diameter. He has very little use of this hand. He does not show any recovery. Rate, $17.

"Says he has had rheumatism about ten years. Left knee very stiff; one-fourth loss of motion. Elbow joints enlarged. All joints crepitate. No contracted muscles. Heart's action feeble. Has hypertrophy, with general cyanosis and slight dyspnœa. Rate, $18."

The affidavit of Dr. Robert O. Beakes, of Mamakating, N. Y., filed with the committee, sets forth that the soldier now suffers from left-sided hemiplegia, following an attack of cerebral hemorrhage of about one year ago; that voluntary movements of upper and lower extremities are exceedingly limited; that the soldier is confined to his bed or to a chair, being unable to walk; that there is marked contracture of the left wrist and finger joints and eczema of the lower extremities, and that at times the soldier is suffering from paralysis of the vesical sphincter, with dribbling of urine.

Other proof filed shows that the soldier requires the constant aid and attendance of another person; that the total value of his property will not exceed the sum of $1,000; that the annual net income therefrom will not exceed $30, and that he is dependent upon his pension.

Relief to the extent of increasing the soldier's pension from $17 to $36 per month is warranted in view of his helplessness and destitution. The passage of the bill is therefore recommended when amended as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

Mr. SHACKLEFORD (during the reading of the report). Mr. Chairman, I ask unanimous consent that the further reading of the report be dispensed with.

Mr. BURLESON. I object.

The CHAIRMAN. Objection is made. The Clerk will complete the reading of the report.

The Clerk resumed and completed the reading of the report.

The CHAIRMAN. The question is upon agreeing to the committee amendments.

The question being taken, on a division (demanded by Mr. BURLESON) there were—ayes 82, noes 11.

Mr. BURLESON. I make the point of no quorum present.

The CHAIRMAN. The Chair would state that the Chair observed more than a sufficient number to make a quorum present and not voting, therefore the Chair announces that there is a quorum present and that the committee amendments are agreed to. The question is on laying the bill aside with a favorable recommendation.

The question being taken, on a division (demanded by Mr. BURLESON) there were—ayes 83, noes 14.

The CHAIRMAN. On this question the ayes are 83, the noes 14, and at least twelve or thirteen present and not voting.

Mr. BURLESON. I make the point of no quorum present.

The CHAIRMAN. The Chair announces that there is a quorum present.

Mr. BURLESON. A parliamentary inquiry. By what process does the Chair reach the conclusion that there is a quorum present?

The CHAIRMAN. By a process that the Chair has never yet found to fail—by an actual count. Accordingly the bill is laid side with a favorable recommendation, and the Clerk will report the next bill.

JAMES H. MORRILL.

The next pension business was the bill (H. R. 13631) granting an increase of pension to James H. Morrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Morrill, late of Compay F, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

Mr. WILLIAMS. Mr. Chairman, in place of reading the report, I want to say a few words. This morning the yeas and nays were called, and after they were called, showing a quorum and more than a quorum of the House, there was subsequently a division of the House showing that there was no quorum. In spite of the intervening business, the Speaker went back to the yea-and-nay vote as a test of the number of the membership in the House. In addition to that reason which, in my opinion, would justify the consumption of time of the House, as a protest, I have very much at heart getting the Senate statehood bill either put on as a rider upon some appropriation bill in the Senate, or else reported by the conferees, subject to the action of the House. But notwithstanding all that, this being private-pension day, and not being desirous to arm demagogues with material whereby they could hurt Democratic Members of the House from the Northern States, because of votes taken under my leadership that might appear to be not votes merely pro forma in opposition, as they are, but votes really in opposition to the bills, I wanted to say that I have concluded not to carry out the programme of the minority so strictly this morning. But I want it to be understood that I do not abate one jot or tittle of my desire to get the statehood bill out, nor my desire to make the business of the House as slow and troublesome as possible until it does come out, nor do I abate one jot or one tittle of my protest against the usurpation of power on the part of the Speaker when he throws the House into Committee of the Whole without due observance of the rules of the House and in the actual absence of a quorum, as shown by the last division preceding the point of order and by the visible depleted state of the House.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT H. BRADISH.

The next pension business was the bill (H. R. 13466) granting an increase of pension to A. N. Bradish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. N. Bradish, late of Company E, Forty-fourth Regiment Massachusetts Volunteer Infantry, and lieutenant, Company H, Fifty-fifth Regiment Massachusetts Volunteer Infanry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the initials "A. N." and insert in lieu thereof the words "Albert H."

In the same line and in line 7 strike out the words "of Company E, Forty-fourth Regiment Massachusetts Volunteer Infantry, and" and insert in lieu thereof the word "second."

Amend the title so as to read: "A bill granting an increase of pension to Albert H. Bradish."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL KEARNS.

The next pension business was the bill (H. R. 10808) granting an increase of pension to Michael Kearns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Kearns, late of U. S. S. Tuscumbia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "United States Navy."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES HOLDERBY.

The next pension business was the bill (H. R. 10902) granting an increase of pension to James Holderby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Holderby, late of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTIN L. HOLCOMB.

The next pension business was the bill (H. R. 10604) granting an increase of pension to Martin L. Holcomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Holcomb, late of Company K, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL PALMER.

The next pension business was the bill (H. R. 12347) granting an increase of pension to Samuel Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Palmer, late of Company G, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Indiana" and insert in lieu thereof the word "Illinois."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS F. DAVIS.

The next pension business was the bill (H. R. 10474) granting an increase of pension to Lewis F. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis F. Davis, late of Company B, Eighteenth New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that which he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eighteenth," insert the word "Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line strike out the word "which."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THEODORE COLE.

The next pension business was the bill (H. R. 11655) granting a pension to Theodore Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Theodore Cole, late of Company D, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Sixteenth," insert the words "First Battalion."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Theodore Cole."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARANTHA J. LIVINGSTON.

The next pension business was the bill (H. R. 12183) granting a pension to Arnath J. Livingston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arnath J. Livingston, widow of Able F. Livingston, late of Company K, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Arnath" and insert in lieu thereof the word "Arantha."

In same line strike out the word "Able" and insert in lieu thereof the word "Abel."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Arantha J. Livingston."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC A. M'CULLEY.

The next pension business was the bill (H. R. 11841) granting an increase of pension to I. A. McCulley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of I. A. McCulley, late of Company H, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "I." and insert in lieu thereof the word "Isaac."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

Amend the title so as to read: "A bill granting an increase of pension to Isaac A. McCulley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MORTIMER F. SPERRY.

The next pension business was the bill (H. R. 10965) granting an increase of pension to Mortimer F. Sperry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mortimer F. Sperry, late of Company D, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HELEN G. POWELL.

The next pension business was the bill (H. R. 10998) granting a pension to Helen G. Powell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen G. Powell, widow of Isaac P. Powell, late of Company G, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7, before the word "One," insert the words "and major."

In line 9 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN KAMERER.

The next pension business was the bill (H. R. 11811) granting an increase of pension to John Kamerer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kamerer, late of Company A, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTIN HALEY.

The next pension business was the bill (H. R. 10031) granting an increase of pension to Martin Haley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Haley, late of Company C, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID BUSSEY, ALIAS GEORGE BROWN.

The next pension business was the bill (H. R. 10224) granting an increase of pension to David Bussey, alias George Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Bussey, alias George Brown, late of Company G, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM MABERY.

The next pension business was the bill (H. R. 8660) granting a pension to William Mabery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Mabery, late of Company A, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Infantry," insert the word "Mounted."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PRIOR M. PAVY.

The next pension business was the bill (H. R. 7543) granting an increase of pension to Prior M. Pavy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Prior M. Pavy, late of Company C, Fifty-fourth Regiment Indiana Volunteer Infantry, also of Company I, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and also of Company I, One hundred and fortieth Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company C, Fifty-fourth Regiment;" and all of lines 7 and 8.

In line 9 strike out the words "also of."

In same line, before the word "Indiana," insert the word "Regiment."

In line 10 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NICHOLAS KARNS.

The next pension business was the bill (H. R. 7910) granting an increase of pension to Nicholas Karns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Karns, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN S. M'CLARY.

The next pension business was the bill (H. R. 9159) granting an increase of pension to John S. McClary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. McClary, late of Company B, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company B" and insert in lieu thereof the word "quartermaster-sergeant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL WHALEN.

The next pension business was the bill (H. R. 18631) granting an increase of pension to Daniel Whalen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Whalen, late of Company G, Tenth Regiment United States, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the word "Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS THORNTON.

The next pension business was the bill (H. R. 14323) granting an increase of pension to Thomas Thornton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Thornton, late of Company B, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN RAWLING.

The next pension business was the bill (H. R. 6900) granting an increase of pension to John Rawling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Rawling, late of Company F, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AUGUSTA C. REICHBURG.

The next pension business was the bill (H. R. 6893) granting a pension to Augusta Reichburg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta Reichburg, widow of Peter Reichburg, late of Company B, Forty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Augusta," insert the initial "C."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Augusta C. Reichburg."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. AMES.

The next pension business was the bill (H. R. 6336) granting a pension to Elizabeth A. Ames.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Ames, widow of John S. Ames, late of Company A, Sixteenth Kansas Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Kansas," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FAYETTE E. FORD.

The next pension business was the bill (H. R. 6181) granting an increase of pension to Fayette E. Ford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fayette E. Ford, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty," and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SANFORD WEAVER.

The next pension business was the bill (H. R. 5567) granting an increase of pension to Sanford Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sanford Weaver, late a private in Company H, Fortieth Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In same line, after the word "Fortieth," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES T. SAUNDERSON.

The next pension business was the bill (H. R. 5554) granting an increase of pension to James T. Saunderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Saunderson, late of Company A, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Sanderson."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to James T. Saunderson, alias Sanderson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL LIKENS.

The next pension business was the bill (H. R. 3724) granting an increase of pension to Samuel Likins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Likins, late of Company I, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Likins" and insert in lieu thereof the word "Likens."

In same line, after the word "Regiment," insert the words "and Company I, Sixty-first Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Samuel Likens."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID C. AUSTIN.

The next pension business was the bill (H. R. 4647) granting an increase of pension to David C. Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Austin, late of Company I, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES HENNON.

The next pension business was the bill (H. R. 4885) granting an increase of pension to James Hennon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of James Hennon, late of Company H, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL HARTLEY.

The next pension business was the bill (H. R. 3238) granting an increase of pension to Samuel Hartley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hartley, late of Company H, Fourteenth Regiment Ohio Volunteer Infantry, and Company K, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company H, Fourteenth Regiment Ohio Volunteer Infantry, and."

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL EATON.

The next pension business was the bill (H. R. 2759) granting an increase of pension to Daniel Eaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Eaton, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," insert the words "Company H, Third Regiment Maine Volunteer Infantry, Company D, Second Regiment United States Volunteer Sharpshooters, and."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. CHARLES.

The next pension business was the bill (H. R. 2714) granting an increase of pension to Charles A. Charles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Charles, late of Company A, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the surname "Charles," strike out the initial "A" and insert in lieu thereof the initial "H."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Charles H. Charles."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN R. STALCUP.

The next pension business was the bill (H. R. 1238) granting an increase of pension to Susan R. Stalcup.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan R. Stalcup, widow of William B. Stalcup, late of Company A, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In line 9 strike out the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting a pension to Susan R. Stalcup."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY D. JORDAN.

The next pension business was the bill (H. R. 1507) granting an increase of pension to H. D. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. H. D. Jordan, late of Company A, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Captain" and also the initial "H." and insert in lieu thereof the word "Henry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Henry D. Jordan."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT BRANDAU.

The next pension business was the bill (H. R. 651) granting an increase of pension to Robert Brandau.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Brandau, late of Company D, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Brandon."

Amend the title so as to read: "A bill granting an increase of pension to Robert Brandau, alias Brandon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ORA P. HOWLAND.

The next pension business was the bill (H. R. 1326) granting an increase of pension to Ora P. Howland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ora P. Howland, late of Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Second," insert the words "Company H."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WELCH.

The next pension business was the bill (H. R. 14554) granting an increase of pension to John Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Welch, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID H. HAIR.

The next pension business was the bill (H. R. 7539) granting an increase of pension to David H. Hair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David H. Hair, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALLEN CROW.

The next pension business was the bill (H. R. 1206) granting a pension to Allen Crow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen Crow, late of Company A, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Allen Crow."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE S. GREEN.

The next pension business was the bill (H. R. 17393) granting an increase of pension to George S. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George S. Green, late of Company B, Fifty-seventh Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH H. TRUAX.

The next pension business was the bill (H. R. 17332) granting an increase of pension to Joseph H. Truax.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Truax, late of Company G, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN A. LOVENS.

The next pension business was the bill (H. R. 17705) granting an increase of pension to John A. Lovens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Lovens, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JACOB H. HECK.

The next pension business was the bill (H. R. 17673) granting an increase of pension to Jacob H. Heck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob H. Heck, late of Company B, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DOUGLAS A. HUNT.

The next pension business was the bill (H. R. 17901) granting an increase of pension to Douglas A. Hunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Douglas A. Hunt, late of Company F, One hundred and thirty-seventh Regiment Ohio Volunteer Guards, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read as follows:

In line 7 strike out the word "Thirty-seventh" and insert in lieu thereof the word "Ninety-fifth."

In the same line strike out the word "Guards" and insert in lieu thereof the word "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW M. LOGAN.

The next pension business was the bill (H. R. 18092) granting an increase of pension to Andrew M. Logan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew M. Logan, late of Second Battery, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Second Battery" and insert in lieu thereof the words "Company I."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAHAM E. SHEPPARD.

The next pension business was the bill (H. R. 18109) granting an increase of pension to Abraham E. Sheppard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham E. Sheppard, late of Company I, Fortieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON M'FARLAND.

The next pension business was the bill (H. R. 19025) granting an increase of pension to Milton McFarland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton McFarland, late of Company C, Sixth Regiment Pennsylvania Veteran Reserve Corps Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Veteran."

In same line strike out the word "Corps."

In same line, after the word "Infantry," insert the words "and Company B, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL LAMBERT.

The next pension business was the bill (H. R. 18888) granting an increase of pension to Samuel Lambert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Lambert, late of Company B, One hundred and seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "Drafted Militia."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL H. DAVIS.

The next pension business was the bill (H. R. 18905) granting an increase of pension to Samuel H. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Davis, late of Company D, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL SMITH.

The next pension business was the bill (H. R. 18896) granting an increase of pension to Samuel Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Smith, late of Company C, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL DAILEY.

The next pension business was the bill (H. R. 18462) granting an increase of pension to Samuel Dailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Dailey, late of Company H, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NATHAN B. PRENTICE.

The next pension business was the bill (H. R. 18983) granting an increase of pension to Nathan B. Prentice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan B. Prentice, late of Company E, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment," insert tht words "and first lieutenant and regimental quartermaster, Thirty-seventh Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Mr. SULLOWAY. Mr. Chairman, I move that the bill just read be laid on the table.

The motion was agreed to.

NANCY V. J. FERRELL.

The next pension business was the bill (H. R. 18725) granting a pension to Nancy V. J. Ferrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy V. J. Ferrell, widow of John H. Ferrell, late pilot in the United States Navy, and pay her a pension at the rate of $27 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "pilot," insert the words "U. S. S. Moose."

In line 7 strike out the words "in the."

In line 8 strike out the word "twenty-seven" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT L. FULTON.

The next pension business was the bill (H. R. 18624) granting an increase of pension to Robert Fulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Fulton, late of Company K, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Robert," insert the initial "L."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Robert L. Fulton."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. DAWSON.

The next pension business was the bill (H. R. 18813) granting an increase of pension to Sarah A. Dawson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Dawson, widow of William H. Dawson, late of Company H, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MINNA HILDEBRAND.

The next pension business was the bill (H. R. 18974) granting an increase of pension to Minna Hildebrand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minna Hildebrand, widow of John Hildebrand, alias John Brinkman, late of Company D, Second Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JONATHAN M. HUNTER.

The next pension business was the bill (H. R. 18320) granting an increase of pension to Jonathan M. Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan M. Hunter, late of Company K, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Indiana" and insert in lieu thereof the word "Wisconsin."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LORENZO G. TOMASELLI.

The next pension business was the bill (H. R. 18772) granting an increase of pension to Lorenzo G. Tomaselli.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo G. Tomaselli, late of Company A, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "K."

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY DELONG.

The next pension business was the bill (H. R. 18609) granting an increase of pension to Henry Delong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Delong, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN N. BURTON.

The next pension business was the bill (H. R. 18836) granting an increase of pension to John N. Burton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Burton, late seaman, United States ships Fairplay and Great Western, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "seaman" and insert in lieu thereof the word "of."

In line 7, after the words "Great Western," insert the words "United States Navy."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK FITZGERALD.

The next pension business was the bill (H. R. 18784) granting an increase of pension to Patrick Fitzgerald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Fitzgerald, late of Company S, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "S." and insert in lieu thereof the initial "L."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM ADAMS.

The next pension business was the bill (H. R. 19068) granting an increase of pension to William Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Adams, late of Company C, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY L. OVERLEY.

The next pension busines was the bill (H. R. 16571) granting an increase of pension to Mary L. Overly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Overly, widow of Charles L. Overly, late of Company H, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Overly" and insert in lieu thereof the word "Overley;" and in the same line, before the word "late," strike out the word "Overly" and insert in lieu thereof the word "Overley."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

Amend the title so as to read: "A bill granting an increase of pension to Mary L. Overley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL B. SMITH.

The next pension business was the bill (H. R. 15676) granting an increase of pension to Samuel B. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Smith, late of Company H, One hundred and thirty-third Regiment, and Company F, Two hundred and ninth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. WARFORD.

The next pension business was the bill (H. R. 16399) granting an increase of pension to James H. Warford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Warford, late of Company D, First Regiment Kentucky Volunteer Cavalry, war with Mexico, and Company G, Seventh Regiment Kentucky Volunteer Cavalry, war of the rebellion, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 8 and 9 strike out "war of the rebellion."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATHERINE STUDDERT.

The next pension business was the bill (H. R. 17102) granting a pension to Katherine Studdert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine Studdert, widow of Thomas Studdert, late of U. S. S. Marcellus, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," strike out "of" and insert "chief machinist."

In line 7, after "Marcellus," insert "United States Navy."

In line 8 strike out "fifty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES D. TAYLOR.

The next pension business was the bill (H. R. 17271) granting an increase of pension to James D. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Taylor, late of Captain Tourzalin's company of California Volunteers, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Tourzalin's" and insert "R. Touzalin's;" and in the same line, after "company," strike out "of."

In line 7, after "Volunteers," insert "California Indian disturbances."

In line 8 strike out "twenty-five" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE E. YAGER.

The next pension business was the bill (H. R. 17603) granting an increase of pension to George E. Yager.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Yager, late of Company L, Second Regiment Nebraska Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "ten."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH LAWRENCE.

The next pension business was the bill (H. R. 17652) granting an increase of pension to Joseph Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Lawrence, late of Company G, First Missouri Infantry (St. Louis Legion), and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "First," insert "Regiment;" and in the same line strike out "Infantry" and insert "Volunteers."

In line 7 change "St. Louis Legion" to "(St. Louis Legion);" and

after same insert "war with Mexico, and Company C, First Regiment Missouri Volunteer Cavalry."

In line 8 strike out "thirty-five" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAROLINE E. PERRY.

The next pension business was the bill (H. R. 17780) granting a pension to Caroline E. Perry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Perry, widow of Louis E. Perry, late of Company A, Second Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Add to the end of the bill the words "and $2 per month additional on account of each of the minor children of said Louis E. Perry until they reach the age of 16 years."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. LUNGER.

The next pension business was the bill (H. R. 18324) granting a pension to Charles H. Lunger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Lunger, late of Company C, Twelfth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "and pay him a pension at the rate of $25 per month."

Mr. FLOOD. Mr. Chairman, I would like to hear the report in that case read.

The CHAIRMAN. The Clerk will read the report, if there be no objection.

The report (by Mr. SAMUEL) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 18324) granting a pension to Charles H. Lunger, have considered the same and respectfully report as follows:

Charles H. Lunger, of Prospect avenue, Milton, Pa., was a private in Company C, Twelfth Regiment Pennsylvania Volunteer Infantry, from May 7, 1898, to October 31, 1898, in the war with Spain, and on September 9, 1904, he filed an application for pension declaring that at Dunn Loring, Va., about August 17, 1898, he contracted typhoid fever, resulting in rheumatism, disease of heart, stomach, and liver.

The medical records show that claimant was sick in First Division hospital August 17, 1898, and was sent home on thirty days' furlough on August 18, 1898, and the diagnosis as his ailment at that time appears as remittent fever. Upon examination preliminary to muster out the claimant certified that he was then suffering from heart trouble and general weakness, the result of typhoid fever incurred August 17, 1898, at Camp Alger, Virginia, and the medical officer making the examination certified that claimant had been ill at Camp Alger, First Division hospital, in August, and was then sent home on sick furlough; that he went to bed at once and remained there six weeks from typhoid fever, and that at the time of examination at discharge he was still debilitated, but the physician certified that his examination did not disclose any disease of heart.

A great deal of evidence has been submitted which clearly shows that the claimant suffered from typhoid fever as alleged, and the proof seems to be conclusive that he has been much incapacitated for earning a support by manual labor continuously since. The testimony not only includes that of claimant's neighbors and associates, but also that of physicians and of the druggists selling him medicines.

Upon medical examination by the Lewisburg, Pa., board, October 19, 1904, it was found, however, that a pensionable disability did not exist from either of the alleged causes, except disease of heart, for which a rating of $8 per month was recommended. The claim filed at the Pension Bureau was rejected January 9, 1906, on the ground that a ratable degree of disability has not been shown since date of filing claim from disease of stomach or liver or rheumatism, and the evidence had failed to establish the alleged disease of heart as of service origin. Since this rejection a great deal of testimony has been furnished tending to overcome the ground of disallowance, but the Pension Bureau has sustained that action, and the Secretary of the Interior has affirmed the same on appeal.

There being no question that the claimant was treated for typhoid fever in the service, and in the light of his own claim at date of muster out that he was then suffering from disease of heart, and taking into careful consideration the other evidence in the case, it is believed that so much of the claimant's allegations as refer to said disease may be accepted as sufficiently established and that he should be granted a pension according to the degree of disability existing from said cause, as provided by section 4720 of the Revised Statutes. The passage of the bill is therefore recommended when amended as follows:

In lines 7 and 8 strike out "and pay him a pension at the rate of $25 per month."

Mr. FLOOD. Mr. Chairman, I would like to ask some member of the Committee on Pensions upon what principle they act in reporting these bills? In other words, what evidence is sufficient to entitle a claimant to have his bill favorably reported? I see the chairman of the committee is on the floor now, and I would like to ask him what evidence is deemed sufficient to justify that committee in reporting favorably a pension bill to this House? I would like to get information upon that subject, if the chairman will give it.

Mr. LOUDENSLAGER. Mr. Chairman, this is a pension bill granting a pension to Charles H. Lunger, and I would say in reply to the gentleman from Virginia that it would seem to me that the report upon this bill is very clear indeed in regard to the merits of the case. The medical records show that the soldier was sick and in the hospital and was sent home under furlough, and a diagnosis of his case shows that he was taken with remittent fever. Upon examination preliminary to muster out the claimant certified that he was then suffering from heart trouble and general weakness.

Mr. FLOOD. On the contrary, the physician certified that his examination did not disclose any disease of the heart, and the report shows that. I have not seen the evidence, but it is in your report that the physician says he did not disclose any disease of the heart.

Mr. LOUDENSLAGER. The report says that upon examination preliminary to muster out the claimant certified that he was then suffering from heart trouble and general weakness, the result of typhoid fever incurred on August 15, 1898, at Camp Alger, Virginia. The medical officer making the examination certified that the claimant had been ill at Camp Alger in first division hospital August 17, 1898. The report goes on further to say that "a good deal of evidence has been submitted before the committee which clearly shows that the claimant suffered from typhoid fever as alleged, and the proof seems to be conclusive that he has been much incapacitated for earning a support by manual labor continuously since he came out of the service."

Mr. FLOOD. If the gentleman will allow me to interrupt him for a minute, I will say the report has been read. The information I want to get from him is what is the principle upon which a bill is reported from that committee? In other words, when a bill is introduced into this House and referred to the Committee on Pensions, what do you require as proof in order to justify a favorable report?

Mr. LOUDENSLAGER. It is generally necessary to prove to the satisfaction of the members of the committee that the benefit claimed by the applicant is based not only upon service, but for disabilities received, and that testimony must be of a nature that will satisfy the members of the committee that it is correct.

Mr. FLOOD. Now, Mr. Chairman, I want to be heard on this bill for a few minutes if the gentleman has finished, and I want to state in the beginning that I am not opposed to the passage by this House of any meritorious pension claim, and I have never made a sufficient study of this subject to know what this committee deems meritorious; but I do know that there seems to be something wrong in the method which the committee applies in passing upon cases before it. I have had the duty imposed upon me of introducing a bill for the relief of Hansford G. Gilkeson, a Spanish-American soldier, that was referred to that committee. The proof of every essential which the chairman says is necessary in order to justify a favorable report is ten times as strong as is the proof in the Lunger case. There is more evidence on every point, and it is more direct. The affidavits I hold in my hand prove that Mr. Gilkeson entered the military service of the United States in absolutely perfect health in April, 1898, a month before the claimant in the pending bill did so; that at Jacksonville, Fla., he was attacked with some trouble the nature of which is not known to this day—it is some character of paralysis—and that at that time and in camp while in Jacksonville he was affected just as he is affected to-day, except his malady has grown worse. He was discharged in November, 1898, a month after this claimant was discharged. He has been affected the same way ever since, and has never been able from that time to this to do one minute's physical work. All of this is proved by sworn statements made by the officers and some privates of his company, by physicians in Virginia who saw him immediately upon his return home in November, 1898, and by a number of absolutely reliable people in the community in which Gilkeson now and has always lived.

I will read the statement of the second lieutenant, Mr. Carter Braxton, who is now the attorney for the Commonwealth for the city of Staunton, Va. It is as follows:

I was second lieutenant of Company K, Second Virginia Volunteer Infantry, and Hansford G. Gilkeson was a private in my company. My company was encamped at Jacksonville, Fla., and while there, about August, 1898, the said Gilkeson was taken sick, and as a result, while he was still in the military service of the United States, he became completely disabled, as I personally saw, showing the same symptoms as now he has in a more aggravated form. I saw Gilkeson frequently up to the time of his discharge from the service, and have seen him frequently since that time down to date, and I know that he is so

completely disabled as to be unable to earn his living either by manual labor or otherwise.

I will also state that he successfully passed the physical examinations preliminary to being mustered into the service, and that he was apparently perfectly healthy and strong.

Similar statements are made by the captain of his company and by the privates in his company. The nurse in the hospital at Jacksonville certified that he was sick in the hospital at the time he was there, and that his trouble was in the stomach and legs, just as it is now.

Mr. LOUDENSLAGER. Will the gentleman permit a question?

Mr. FLOOD. Yes.

Mr. LOUDENSLAGER. Does the nurse state what the nature of the sickness was?

Mr. FLOOD. Did the nurse state? The nurse stated he was affected in the stomach and with some trouble in the legs, just as he is affected now, and he is unable to do one minute's work, having had his health destroyed in the service of the United States.

Mr. DUNWELL. I would like to ask the gentleman a question, if I may.

Mr. FLOOD. Certainly.

Mr. DUNWELL. Are those sworn statements?

Mr. FLOOD. They are sworn statements.

Mr. DUNWELL. The gentleman did not read the jurat.

Mr. FLOOD. I omitted that to save time.

Mr. SCOTT. I would like to ask the gentleman whether the claimant he speaks of is now drawing a pension?

Mr. FLOOD. Not drawing one cent.

Mr. SCOTT. If the facts are as the gentleman has stated and as the evidence he has produced would tend to show, why can he not draw a pension under the general law?

Mr. FLOOD. I can not tell you. You will have to ask the Pension Bureau.

Mr. MACON. Where is the report of the Pension Bureau showing why they did not grant him a pension there? Will the gentleman present that to the House?

Mr. FLOOD. I can not, because I have not got it.

Mr. SCOTT. Is it in the Pension Committee room?

Mr. FLOOD. I do not know.

Mr. MACON. Give me the name, and I will go and see. I am on that committee, and if it is doing dirt I want to know it.

Mr. FLOOD. Here are two cases before this House, one of them favorably reported and one I can not get a report on, when the one that is not reported has ten times as strong evidence as the other. Mr. Chairman, I do not want to oppose the Lunger bill, because I do not know all the merits of it, but I do know the case I represent here is meritorious, if there ever was a meritorious case reported from that committee and passed by this House. I do not know why discrimination is made against my constituent and not against the constituents of the other gentlemen here. I have done all I could to get this bill reported. I have been to the chairman of this committee time and again; but it has been laid on the table, and it, the committee, has a rule that when a bill is laid on the table it takes ten members to take it from the table. I will add here that since it was laid on the table I have gotten additional proof that made the case stronger than it was before, but since I got that additional proof there have never been ten members present at any meeting, and now I can not find out from the chairman of the committee whether he will call another meeting of that committee or not before this session adjourns. He seems to think it is a small matter because only one man, probably, is concerned in it. But it is not a small matter to me, because I know injustice is being done my constituent, and I know a pension he is entitled to at the hands of this Congress is being withheld from him.

I want to read just one or two affidavits as to the condition of this man. Here is the affidavit of Hon. John W. Churchman, member of the Virginia legislature from the county in which he lives and who lives near him:

STATE OF VIRGINIA,
County of Augusta, to wit:

Signed and sworn to by J. W. Churchman before me, the undersigned notary public for the State of Virginia and county of Augusta, that I, J. W. Churchman, am a resident of the county of Augusta, in the State of Virginia, and a representative from this county to the Virginia legislature. I have known Hansford G. Gilkeson all of his life, and that prior to his enlistment in the Spanish-American war as a member of Company K, Second Virginia Regiment, Virginia Volunteers; that he, the said Hansford G. Gilkeson, was physically, in my opinion, a perfect man and in good health; that I saw him upon his return from the Army and know of my own knowledge that his health was shattered and his physical condition bad, and that his physical disabilities have been constantly and steadily growing until at the present time he is a hopeless cripple.

J. W. CHURCHMAN.

Given under my hand and notarial seal this 8th day of May, 1906.

HARRY BURNETT, *Notary Public.*

Now, there are other affidavits of a similar character. I could pile them up here.

Mr. GAINES of Tennessee. I would like to ask the gentleman what the condition of this soldier was when he entered the Army.

Mr. FLOOD. There is the affidavit of a near neighbor, Mr. Chairman, an honored member of the Virginia legislature, who says he was in perfect condition when he entered the Army, and——

Mr. GAINES of Tennessee. Was he not examined before he entered the service?

Mr. FLOOD. I just read the affidavit of the second lieutenant of his company, who said he was examined and accepted as a man in perfect physical condition at that time, and he knows that when he came out of that service his health was wrecked. And this case was kept in that committee, and it seems impossible to get it out of it. I will ask the gentleman from New Jersey [Mr. LOUDENSLAGER] how he differentiates this case from the Lunger case? I assert again that the proof, on every essential point, of the facts laid down as necessary to bring a case out of his committee is ten times as strong in the Gilkeson case as it is in the Lunger case.

Mr. LOUDENSLAGER. Mr. Chairman, I desire first to say that the chairman does not differentiate. The committee acts on all these bills.

Mr. FLOOD. I would like to reserve the rest of my time.

Mr. LOUDENSLAGER. The bill to which the gentleman refers was considered in subcommittee by a Member of Congress who occupies a seat on that side of the Chamber, and he went thoroughly through the papers then presented, as did the full committee. My recollection of the case is this: That the soldier applied for and was given a discharge from the service that he might go home to attend to his business affairs, which were pressing. The affidavits that were presented at the time of the consideration of the bill did not satisfy the Committee on Pensions.

Mr. FLOOD. I want to ask the gentleman a question, if he will permit me.

Mr. LOUDENSLAGER. Certainly.

Mr. FLOOD. Did you see the application signed by Gilkeson asking a discharge on the ground you have stated? I never did.

Mr. LOUDENSLAGER. I do not know anything about that. I am stating my recollection.

Mr. FLOOD. Suppose it did, and it turned out that he asked his discharge from the service that he might go home to attend to his private business, and it afterwards transpires that his health was wrecked by disease that he contracted in the service, and this was the real cause of his request for a discharge, would the original application justify you in refusing to give him a pension?

Mr. LOUDENSLAGER. I do not think it would. I think the proof before the committee did not satisfy them that the disease was continuous from the time he left the service up to the present time. What affidavits the gentleman may have received since that bill was considered and acted upon I do not know. The gentleman must recognize as fatal the fact that they did not cover the point, and whether those he has will cover it I do not know. He speaks of whether the committee is likely to be brought together. I can only say that the members of the committee can be if they so desire, but, as every Member of this House knows, it is difficult, indeed, at this time of the year and at this time of the session to obtain the presence of a majority of the committee, and at the last meeting it was impossible to get just half the members there. So no bill can be reported where there was a single member that objected, and it is impossible for the committee to reconsider its action on the bill to which the gentleman refers. So far as the action of the committee is concerned and its membership, I am perfectly willing to leave its record to the membership of this House and past Congresses, perfectly content that they will exonerate the committee from any degree of favoritism whatsoever, no matter who the Member who introduced the bill may be, what his political faith, and what section he comes from. [Applause.]

Mr. FLOOD. Mr. Chairman, that is all aside from the question I have raised. I have said nothing about the committee discriminating against Members because they came from one State or another. The gentleman can not hide the miserable weakness of the action of the committee behind that subterfuge. I have said nothing about discriminating on account of a Member's party faith. I have presented the facts in this case, and submit to the candid, honest judgment of every Member of this House whether I have not presented a bill that is entitled to the consideration of the committee, entitled to a favorable report, and entitled to be passed by this House.

Mr. LOUDENSLAGER. Will the gentleman permit a question?

Mr. FLOOD. Yes.

Mr. LOUDENSLAGER. Does the gentleman state that these affidavits which he read to the House were before the committee and considered by them before action was taken on the bill?

Mr. FLOOD. I will state that this affidavit was before the committee. It is the affidavit of Captain Kerr, captain of this man's company, and he said this:

I was captain of Company K, Second Regiment Virginia Volunteers, in which company Hansford G. Gilkeson was a private, and know of my own knowledge that said Gilkeson was a stout, able-bodied, and apparently perfectly healthy man when he entered the service; that while on duty in Florida he was taken sick, was sick for some time, and never recovered, but has continuously since been apparently afflicted with some species of paralysis or something like either locomotor ataxia or transverse myletis, which seriously impairs his locomotion and has apparently impaired his general health.

That affidvit shows that the trouble was incurred while he was in the service of his country, and that he is suffering from the same trouble now. That affidavit was before the committee when this bill was laid upon the table. In addition, since this, the case has been strengthened by affidavits of other gentlemen. But since this action has been taken on this bill, there have not been ten members of the committee present; and the thing I complain of is not that ten members have not been present, because I realize the fact as well as anybody that during the month of May and the latter part of April many Members are attending to their political fences at home, and are not in the city to attend committee meetings.

But what I complain of is that I have been unable to ascertain from the chairman of this committee whether he will have another meeting of this committee between now and the adjournment of Congress or not, absolutely leaving my constituent without any opportunity to have these additional affidavits presented. As the chairman of the committee said to me, he will have an opportunity when another session convenes. Of course he will, but by that time the poor fellow may have suffered so much that he will not need any help from this House or this Government.

Now, I do not know that there is anything I can do here. I simply want to put myself upon record, and let those who are concerned in this matter know that I have done everything I could before the committee, in my interviews with the chairman of that committee, and in the House to get this just and meritorious claim considered and enacted into law.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN R. FREEMAN.

The next pension business was the bill (H. R. 18398) granting an increase of pension to Susan R. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan R. Freeman, widow of Thomas Freeman, late of Conner's battalion, Texas Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Texas," insert "Mounted."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOEL GAY.

The next pension business was the bill (H. R. 18409) granting an increase of pension to Joel Gay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel Gay, late of Captain Johnson's independent company, Florida Regiment Mounted Volunteers, Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Johnson's" to "Johnston's."
In line 7 strike out "Regiment;" and in the same line, after "Volunteers," insert "Florida."
In line 8 strike out "twelve" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HUGH REID.

The next pension business was the bill (H. R. 18523) granting an increase of pension to Hugh Reid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh Reid, late hospital steward, First United States Engineers, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "First," insert "Regiment;" and in the same line, after "United States," insert "Volunteer."
In line 8 strike out "twenty-four" and insert "ten."

The CHAIRMAN. Without objection, the amendments will be agreed to.

Mr. WILLIAMS. Mr. Chairman, I object. I think the Chair had better put the question each time on a motion; it would keep the Chair from keeping on the qui vive all the time to see if I were looking.

The CHAIRMAN. Does the Chair understand that it is the desire of the gentleman from Mississippi that the Chair wait until some Member makes a motion?

Mr. WILLIAMS. Yes.

The CHAIRMAN. The Chair will state that it is not necessary under the rule; that the committee amendments are considered pending by virtue of the report of the committee, and hence it is unnecessary to wait for a motion.

Mr. WILLIAMS. I understand they are considered pending, but it does not give the Chair the right to pass them by unanimous consent.

The CHAIRMAN. The Chair has in no case failed to get the opinion of the House. The Chair has said "without objection" each time, and there has been no objection.

Mr. WILLIAMS. But the point I desire is that the Chair shall put the motion to the House.

The CHAIRMAN. When the gentleman objects, the Chair has invariably put the motion.

Mr. WILLIAMS. I think it would save time if the Chair would do that in each case and save the necessity of my objection.

The question was taken; and the amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZA REBECCA SIMS.

The next pension business was the bill (H. R. 18694) granting an increase of pension to Eliza Rebecca Sims.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Rebecca Sims, widow of James T. Sims, late of Captain Elmore's company, South Carolina Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Volunteers," insert "Florida Indian war."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLA DONNALD.

The next pension business was the bill (H. R. 18720) granting an increase of pension to Ella Donnald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella Donnald, widow of David Lewis Donnald, late of Company E, Palmetto Regiment, South Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Lewis" to the initial "L.," and in the same line strike out "of" and insert "second lieutenant."
In line 7 change "Volunteer" to "Volunteers."
In line 8 strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN E. ENGLISH.

The next pension business was the bill (H. R. 18901) granting an increase of pension to John E. English.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John E. English, late of Captain Hawley's company, First Regiment, Hoy's Texas Cavalry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Hoy's," and in the same line, after "Texas," insert "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIA A. ABNEY.

The next pension business was the bill (H. R. 18903) granting an increase of pension to Julia A. Abney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Abney, widow of William Abney, late of Captain Denny's company, South Carolina Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Denny's" and insert "David Denney's;" and in the same line, after "Militia," insert "Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRIETTA G. CARTER.

The next pension business was the bill (H. R. 18904) granting an increase of pension to Henrietta G. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta G. Carter, widow of Jonathan H. Carter, sailor on brig Perry, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "sailor on brig *Perry*" and insert "late passed midshipman, United States Navy."

In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPHINE HARDESTER.

The next pension business was the bill (H. R. 18997) granting an increase of pension to Josephine Hardester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Hardester, widow of Thomas H. A. Hardester, late of Company C, First Regiment Massachusetts Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer" and insert "Volunteers."

In line 8 strike out "Infantry."

In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES EDWARDS.

The next pension business was the bill (H. R. 19010) granting an increase of pension to Charles Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Edwards, late of Captain Miller's company, Fourth Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Add to the claimant's name where it appears in the title and the body of the bill the words "alias St. Clair Acuff."

In line 6 strike out "Captain Miller's company" and insert "Batteries C and A."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. WALLER.

The next pension business was the bill (H. R. 19014) granting an increase of pension to Elizabeth A. Waller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Waller, widow of Edward L. Waller, late of Company B, Regiment District of Columbia and Maryland Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Regiment," and in line 8 change "Volunteer Infantry" to "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY NAVY.

The next pension business was the bill (H. R. 19026) granting an increase of pension to Mary Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Navy, widow of John E. Navy, late of Captain Brown's company, ——— Regiment Georgia Volunteer Infantry, Florida Indian war, and pay her a pension at the rate of ——— dollars per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Regiment."

In lines 7 and 8 strike out "Volunteer Infantry" and insert "Volunteers."

In line 9, after "of," insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH V. MALONE.

The next pension business was the bill (H. R. 19043) granting an increase of pension to Sarah V. Malone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah V. Malone, widow of James R. Malone, late of Company E, Alabama Volunteers, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," strike out "of" and insert in lieu thereof "second lieutenant."

In line 7, after "Company E," insert "Battalion."

In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN C. SMITH.

The next pension business was the bill (H. R. 19047) granting an increase of pension to Susan C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan C. Smith, widow of Jourdan Smith, late of company, Thomas's regiment Georgia Militia Volunteers, war of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "of," strike out "Jourdan" and insert "Jordan." In the same line, before "company," insert "Capt. Jesse Thomas's."

In line 7 strike out "Thomas's regiment."

In line 9, after "twenty," insert "four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. MUNDY.

The next pension business was the bill (H. R. 19061) granting an increase of pension to Mary E. Mundy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Mundy, widow of William Mundy, late of Captain Childs's company, Goodwin's regiment South Carolina Mounted Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "William," insert the initial "N."

In line 7, after "company," strike out "Goodwin's" and insert "Goodwyn's."

In line 8, before "Militia," insert "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

COLUMBUS COX.

The next pension business was the bill (H. R. 19099) granting an increase of pension to Columbus Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Columbus Cox, late of Company G, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer Infantry" to "Volunteers."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER M'ALISTER.

The next pension business was the bill (H. R. 19128) granting a pension to Alexander McAllister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander McAllister, late of Captain Martin's company, California Volunteers, California Indian war, and pay him a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

Change the spelling of the claimant's surname to "McAlister" where the same appears in the title and the body of the bill.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LARSEY BOLT.

The next pension business was the bill (H. R. 19130) granting an increase of pension to Larsey Bolt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Larsey Bolt, widow of Martin Bolt, late of Company D, Battalion Georgia Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JANE ELIZABETH KERR.

The next pension business was the bill (H. R. 19177) granting an increase of pension to Jane Elizabeth Kerr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Elizabeth Kerr, widow of Jerome B. Kerr, late of Marshall Guard, Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Marshall Guard" and insert "Company I, First Regiment;" and in the same line change "Volunteers" to "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHERINE WARNOCK.

The next pension business was the bill (H. R. 19222) granting an increase of pension to Catherine Warnock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Warnock, widow of Joseph Warnock, late of Company I, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer Infantry" to "Volunteers."
In line 9 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANN W. WHITAKER.

The next pension business was the bill (H. R. 19276) granting an increase of pension to Ann Wylie Whitaker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Wylie Whitaker, widow of Horace Whitaker, late of Captain Chestnut's company, Florida Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the name "Wylie" in the title and the body of the bill to the initial "W."
In line 7, after "company," insert "South Carolina Volunteers."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

TAYLOR WARE.

The next pension business was the bill (H. R. 13836) to remove a charge of desertion from the record of Tyler Weare.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is directed to remove from the records of the War Department the charge of desertion now standing against Tyler Weare, late a private of Company D, Fifty-second Regiment United States Colored Infantry Volunteers.

The amendments recommended by the committee were read, as follows:

Amend the title so that it will read: "A bill for the relief of Taylor Ware," and by striking out all after the enacting clause and inserting the following:

"That Taylor Ware be held and considered to have been honorably discharged as a private of Company D, Fifty-second United States Colored Infantry Volunteers, as of date of July 17, 1864, and the Secretary of War is hereby authorized to issue a discharge in accordance with this act."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THEODORE T. DAVIS.

The next pension business was the bill (H. R. 18124) granting an increase of pension to Theodore T. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore T. Davis, late of Company D, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM BARRETT.

The next pension business was the bill (H. R. 17809) granting an increase of pension to William Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Barrett, son of John Barrett, late of Company C, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "son," insert the words "helpless and dependent."
In line 7, after the word "Infantry," insert the words "and Fifty-eighth Company, Second Battalion, Veteran Reserve Corps."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN FRICK.

The next pension business was the bill (H. R. 17632) granting an increase of pension to John Frick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Frick, late of Company D, Forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES K. DICKINSON.

The next pension business was the bill (H. R. 17896) granting an increase of pension to James K. Dickinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James K. Dickinson, late second lieutenant Company K, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "second lieutenant" and insert in lieu thereof the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALICE MORRILL.

The next pension business was the bill (H. R. 19272) granting an increase of pension to Alice Morrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice W. Morrill, widow of Lewis Morrill, late first sergeant Company D, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "first sergeant" and insert in lieu thereof the word "of."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY M. STONE.

The next pension business was the bill (H. R. 18764) granting an increase of pension to Mary Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Stone, widow of Roy Stone, late major, Forty-second Regiment Pennsylvania Volunteer Infantry, and colonel One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Mary," insert the letter "M."

In same line and in line 7 strike out the words "major, Forty-second Regiment Pennsylvania Volunteer Infantry, and."

In line 9, after the word "Volunteers," insert the words "war with Spain."

Amend the title so as to read: "A bill granting an increase of pension to Mary M. Stone."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES T. RAMBO.

The next pension business was the bill (H. R. 18504) granting an increase of pension to James T. Rambo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Rambo, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL S. CONOVER.

The next pension business was the bill (H. R. 19238) granting an increase of pension to Daniel S. Conover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel S. Conover, late of Company D, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN T. HEANEY.

The next pension business was the bill (H. R. 19053) granting an increase of pension to John T. Heaney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Heaney, late of Company I, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAROLINE L. HODGDON.

The next pension business was the bill (H. R. 19301) granting an increase of pension to Caroline L. Hodgdon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline L. Hodgdon, widow of Charles A. Hodgdon, late of Company L, Sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH SCATTERGOOD.

The next pension business was the bill (H. R. 18956) granting an increase of pension to Joseph Scattergood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Scattergood, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES J. CHRISTIE.

The next pension business was the bill (H. R. 18732) granting an increase of pension to James J. Christy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Christy, late of U. S. S. Cairo, as first-class fireman, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Christy" and insert in lieu thereof the word "Christie."

In same line and line 7 strike out the words "U. S. S. Cairo, as first-class fireman," and insert in lieu thereof the words "U. S. S. Emerald, Cairo, and Clara Dolsen, United States Navy."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to James J. Christie."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEMUEL HAND.

The next pension business was the bill (H. R. 18876) granting an increase of pension to Lemuel Hand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Hand, late of Company I, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES BECKER.

The next pension business was the bill (H. R. 18911) granting an increase of pension to Frances Becker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Becker, widow of Ferdinand Becker, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate or $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company G, Third Regiment New York Volunteer Light Artillery."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM WENTZ.

The next pension business was the bill (H. R. 18433) granting an increase of pension to William Wentz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William Wentz, late of United States ship Sabine, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "and," insert the words "United States Navy."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANTHONY W. MILLER.

The next pension business was the bill (H. R. 19242) granting an increase of pension to Anthony W. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony W. Miller, late of Company G, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLIS L. AYERS.

The next pension business was the bill (H. R. 18869) granting an increase of pension to Ellis L. Ayres.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellis L. Ayres, late of Company F, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ayres" and insert in lieu thereof the word "Ayers."

Amend the title so as to read: "A bill granting an increase of pension to Ellis L. Ayers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN E. MINNICK.

The next pension business was the bill (H. R. 18954) granting an increase of pension to John E. Minnick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Minnick, late of Company B, One hundred and fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. BRADBERRY.

The next pension business was the bill (H. R. 18623) granting an increase of pension to J. H. Bradberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. H. Bradberry, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "J." and insert in lieu thereof the word "John."

Amend the title so as to read: "A bill granting an increase of pension to John H. Bradberry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA A. SMITH.

The next pension business was the bill (H. R. 19179) granting an increase of pension to Eliza A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Smith, widow of John H. Smith, late of Company A, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES H. THOMPSON.

The next pension busines was the bill (H. R. 19253) granting an increase of pension to Charles H. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Thompson, late of Company I, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY HORTON.

The next pension business was the bill (H. R. 18833) granting an increase of pension to Henry Horton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Horton, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. BURNS.

The next pension business was the bill (H. R. 19217) granting an increase of pension to William H. Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Burns, late of Company C, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," insert the words "Company A, Third Regiment Wisconsin Volunteer Infantry, and."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FANNY G. POMEROY.

The next pension business was the bill (H. R. 18360) granting an increase of pension to Fanny G. Pomeroy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny G. Pomeroy, widow of Willis B. Pomeroy, late of Company C, Twenty-fourth Regiment New York Volunteer Cavalry, and first lieutenant Company G, Fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 8 and 9 strike out the words "first lieutenant Company G, Fifth Regiment Michigan Volunteer Infantry," and insert in lieu thereof the words "One hundred and seventieth, Third, Sixteenth, and Eighth companies, Second Battalion Veteran Reserve Corps."

In line 10 strike out the word "twenty-five" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH F. COOK.

The next pension business was the bill (H. R. 18475) granting an increase of pension to Joseph F. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph F. Cook, late of Company D, One hundredth Regiment Pennsylvania Volunteer Infantry; also Two hundred and fourth (Fifth Regiment Volunteer Heavy Artillery) Pennsylvania Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6, 7, 8, and 9 strike out the words "D, One hundredth Regiment Pennsylvania Volunteer Infantry; also Two hundred and fourth

(Fifth Regiment Volunteer Heavy Artillery) Pennsylvania Volunteers, and" and insert in lieu thereof the words "H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery."

In line 10 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES MURPHY.

The next pension business was the bill (H. R. 18790) granting an increase of pension to James Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Murphy, late of Company E, Thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. GORDON.

The next pension business was the bill (H. R. 18656) granting an increase of pension to George W. Gordon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Gordon, late of Company A, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC OVERTON.

The next pension business was the bill (H. R. 19121) granting an increase of pension to Isaac Overton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Overton, late of Company G, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES F. YOUNG.

The next pension business was the bill (H. R. 18384) granting an increase of pension to James F. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Young, late of Company D, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. SMITH.

The next pension business was the bill (H. R. 16973) granting an increase of pension to John H. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Smith, late of Company B, Twenty-sixth Regiment United States Colored Troops, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. FOX.

The next pension business was the bill (H. R. 16613) granting an increase of pension to William C. Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Fox, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN C. BARNWELL.

The next pension business was the bill (H. R. 13998) granting an increase of pension to J. C. Barnwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. C. Barnwell, late of Company K, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "J." and insert in lieu thereof the word "John."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to John C. Barnwell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SOPHIE M. STAAB.

The next pension business was the bill (H. R. 13967) granting a pension to Sophie M. Staab.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophie M. Staab, daughter of Frederick Staab, late of Company K, Twelfth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "daughter," insert the words "helpless and dependent."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. BYERS.

The next pension business was the bill (H. R. 4397) granting an increase of pension to John M. Byers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Byers, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN L. CLIFTON.

The next pension business was the bill (H. R. 14505) granting an increase of pension to John L. Clifton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Clifton, late of Company L, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the words "Companies A and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC MAINES.

The next pension business was the bill (H. R. 14107) granting an increase of pension to Isaac Maines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Maines, late of Company B, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTHA L. WOOD.

The next pension business was the bill (H. R. 14558) granting an increase of pension to Martha L. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha L. Wood, widow of Anson S. Wood, late major, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," insert the words "captain Company M and."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALVA BEEBE.

The next pension business was the bill (H. R. 14705) granting an increase of pension to Alva Beebe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alva Beebe, late of Company E, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY W. BROWN.

The next pension business was the bill (H. R. 15063) granting an increase of pension to Henry W. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Brown, late assistant surgeon Thirty-first Massachusetts Volunteer Infantry and surgeon Seventy-sixth United States Colored Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Thirty-first," insert the word "Regiment."

In lines 7 and 8 strike out the words "and surgeon Seventy-sixth United States Colored Infantry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. DURYEA.

The next pension business was the bill (H. R. 13949) granting an increase of pension to Mary A. Duryea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Duryea, widow of Benjamin Duryea, late second lieutenant Company F, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "fifteen" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA J. HUDSON.

The next pension business was the bill (H. R. 15653) granting an increase of pension to Eliza J. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. Hudson, widow of William H. Hudson, late of Company I, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN CAMPBELL.

The next pension business was the bill (H. R. 15674) granting an increase of pension to Susan Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Campbell, widow of Miles E. Campbell, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEWART M'KENEY.

The next pension business was the bill (H. R. 13032) granting an increase of pension to Stewart McKeney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stewart McKeney, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM O. TOBEY.

The next pension business was the bill (H. R. 13652) granting an increase of pension to William O. Tobey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William O. Tobey, late of Company C, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. GUILE.

The next pension business was the bill (H. R. 13609) granting an increase of pension to Charles H. Guile.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Guile, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "B" and insert in lieu thereof the letter "D."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH D. CUMMINS.

The next pension business was the bill (H. R. 10563) granting an increase of pension to Joseph D. Cummins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. Cummins, late of Company D, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES ROSS.

The next pension business was the bill (H. R. 7683) granting an increase of pension to James Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Ross, late of Company F, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DELIA GIBBS.

The next pension business was the bill (H. R. 7635) granting a pension to Delia Gibbs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delia Gibbs, dependent mother of James Gibbs, late of Company K, Twenty-second Regiment United States Colored Troops, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL S. CHASE.

The next pension business was the bill (H. R. 8291) granting an increase of pension to Daniel S. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel S. Chase, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL SHARPLEY.

The next pension business was the bill (H. R. 8285) granting an increase of pension to Daniel Sharpley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Sharpley, late of Company A, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $80 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "eighty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. LANE.

The next pension business was the bill (H. R. 8920) granting a pension to Andrew J. Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Lane, late of Company —, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the word "chaplain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Andrew J. Lane."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES SPENCER.

The next pension business was the bill (H. R. 10280) granting an increase of pension to James Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Spencer, late of Company G, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTIN B. DOTY.

The next pension business was the bill (H. R. 10356) granting an increase of pension to Martin B. Doty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin B. Doty, late of Company H, Fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Engineers."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH FERGERSON.

The next pension business was the bill (H. R. 9838) granting an increase of pension to Joseph Fergerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Fergerson, late of Company H, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN BEHYMER.

The next pension business was the bill (H. R. 10394) granting an increase of pension to John Behymer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Behymer, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN F. BROWN.

The next pension business was the bill (H. R. 4887) granting an increase of pension to John F. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Brown, late of Company E, Thirty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. SWADLEY.

The next pension business was the bill (H. R. 4891) granting an increase of pension to George W. Swadley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Swadley, late of Company G, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

OSCAR B. MORRISON.

The next pension business was the bill (H. R. 717) granting an increase of pension to O. B. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of O. B. Morrison, late captain of Company K, First Veteran Reserve Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "O." and insert in lieu thereof the word "Oscar."

In the same line strike out the word "of."

In the same line and in line 7 strike out the words "K, First Veteran Reserve Regiment United States" and insert in lieu thereof the words "A, Ninety-sixth Regiment New York."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Oscar B. Morrison."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEAH BEDFORD.

The next pension business was the bill (H. R. 2867) granting an increase of pension to Leah Bedford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leah Bedford, widow of John Bedford, late of Company E, First Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant;" in same line strike out the letter "E" and insert in lieu thereof the letter "C."

In line 7 strike out the word "First" and insert in lieu thereof the word "Second;" in same line strike out the words "Michigan Volunteer Infantry" and insert in lieu thereof the words "Veteran Reserve Corps."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK CONLIN.

The next business was the bill (H. R. 7226) for the relief of Patrick Conlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Patrick Conlin on the records as a member of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, and grant him an honorable discharge, to date from September 1, 1865.

The amendment recommended by the committee was read, as follows:

Insert at the end of the bill the following: *"Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SATURNIN JASNOWSKI.

The next pension business was the bill (H. R. 2410) granting an increase of pension to Saturnin Jasnowski.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Saturnin Jasnowski, late of Company G, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant;" in same line strike out the initial "G" and insert in lieu thereof the initial "D."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LYTLE M'CRACKEN.

The next pension business was the bill (H. R. 2229) granting an increase of pension to Lytle McCracken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lytle McCracken, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company H, Fourth Regiment Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE A. TOWNSEND.

The next pension business was the bill (H. R. 2053) granting an increase of pension to Annie A. Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie A. Townsend, widow of George D. Townsend, late an assistant surgeon of the Seventy-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "an."

In same line strike out the words "of the."

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. VAN DE BOGERT.

The next pension business was the bill (H. R. 1294) granting an increase of pension to George W. Van De Bogert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Van De Bogert, late of Company K, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. MANKIN.

The next pension business was the bill (H. R. 19351) granting an increase of pension to William C. Mankin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Mankin, late of Company A, Twelfth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company D, Sixth Regiment Veteran Reserve Corps."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALMUS HARRINGTON.

The next pension business was the bill (H. R. 19305) granting an increase of pension to Almus Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almus Harrington, late of Company D, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM FOX.

The next pension business was the bill (H. R. 18829) granting an increase of pension to William Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wil-

liam Fox, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CALVIN CORSINE.

The next pension business was the bill (H. R. 19220) granting an increase of pension to Calvin Corsine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Corsine, late of Company B, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW P. GLASPIE.

The next pension business was the bill (H. R. 19495) granting an increase of pension to A. P. Glaspie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. P. Glaspie, late of Company H, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "A." and insert in lieu thereof the word "Andrew."

Amend the title so as to read: "A bill granting an increase of pension to Andrew P. Glaspie."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHERINE BAUSMAN.

The next pension business was the bill (H. R. 18587) granting a pension to Catherine Bausman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Bausman, widow of Rinehart A. Bausman, late of United States ship Louisville, and pay her a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Louisville," insert the words "and acting master, United States Navy."

In line 8 strike out the word "forty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BRADFORD.

The next pension business was the bill (H. R. 19255) granting an increase of pension to John Bradford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bradford, late of Company H, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA BYLES.

The next pension business was the bill (H. R. 19221) granting an increase of pension to Emma Byles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Byles, widow of William H. Byles, late of Company B, Tenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WICKLINE.

The next pension business was the bill (H. R. 19262) granting an increase of pension to John Wickline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Wickline, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES L. GAMBLE.

The next pension business was the bill (H. R. 18428) granting an increase of pension to James L. Gamble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Gamble, late of Company C, Thirty-first Regiment Ohio Volunteer Infantry, and Company G, Ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LORENZO W. SHEDD.

The next pension business was the bill (H. R. 19249) granting an increase of pension to Lorenzo W. Shedd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo W. Shedd, late of Company F, Ninth Regiment Vermont Volunteer Infantry, and of Ninth Regiment United States Colored Troops, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and of Ninth Regiment United States Colored Troops."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELISHA BROWN.

The next pension business was the bill (H. R. 19408) granting an increase of pension to Elisha Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha Brown, late of Company C, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALEXANDER B. WILSON.

The next pension business was the bill (H. R. 18451) granting an increase of pension to Alexander B. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander B. Wilson, late first lieutenant Company F, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER CRAMER.

The next pension business was the bill (H. R. 19279) granting an increase of pension to Peter Cramer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Peter Cramer, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. PRINCE.

The next pension business was the bill (H. R. 19457) granting an increase of pension to Charles Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Prince, late of Company C, Fifty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Prince," insert the initial "H."

Amend the title so as to read: "A bill granting an increase of pension to Charles H. Prince."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAFAYETTE H. M'CLUNG.

The next pension business was the bill (H. R. 19009) granting an increase of pension to Lafayette H. McClung.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lafayette H. McClung, late ordinary seaman, United States Navy, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "ordinary seaman" and insert in lieu thereof the words "of U. S. S. Grampus, Milwaukee, and Winnebago."

In line 7 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA E. WHITLEY.

The next pension business was the bill (H. R. 19120) granting a pension to Eliza E. Whitley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza E. Whitley, widow of ——— Whitley, late of Company E, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the words "widow of," insert the words "Silas A."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNA RING.

The next pension business was the bill (H. R. 19364) granting an increase of pension to Anna Ring.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Ring, widow of William Ring, formerly of the Ordnance Department, United States Army, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "formerly of the" and insert in lieu thereof the words "late of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY D. DUFFIELD.

The next pension business was the bill (H. R. 15547) granting an increase of pension to Henry D. Duffield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Duffield, late of Company F, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEVI M. HALL.

The next pension business was the bill (H. R. 14774) granting an increase of pension to Levi M. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi M. Hall, late of Company A, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommend by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM A. CARROLL.

The next pension business was the bill (H. R. 14544) granting an increase of pension to William A. Carroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Carroll, late of Company K, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommend by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCINDA BRADY.

The next pension business was the bill (H. R. 14798) granting a pension to Lucinda Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Brady, widow of Simon D. Brady, late of Company G, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "and $2 per month additional on account of each minor child of said soldier until each of such children shall arrive at the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID H. MOFFAT.

The next pension business was the bill (S. 584) for the relief of David H. Moffat.

The bill was read, as follows:

Be it enacted, etc., That David H. Moffat shall be held and considered to have been mustered into the service of the United States as a captain of the Third Regiment of Colorado Cavalry Volunteers on the 20th day of August, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to issue to him a certificate of discharge as a captain of said regiment, to date from the 17th day of September, 1864: *Provided*, That no pay or other emoluments shall become due or payable to any person by virtue of the passage of this act.

The bill was ordered to be laid aside with a favorable recommendation.

MARY WHISLER.

The next pension business was the bill (H. R. 14930) granting a pension to Mary Whistler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Whistler, daughter of G. W. Whistler, Company F, Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Mary," strike out the word "Whistler" and insert in lieu thereof the word "Whisler."

In same line, before the word "daughter," insert the words "helpless and dependent."

In same line strike out the initial "G." and insert in lieu thereof the word "George."

In same line, after the initial "W.," strike out the word "Whistler" and insert in lieu thereof the words "Whisler, late of."

Mr. CAMPBELL of Kansas. Mr. Chairman, it is now forty-one years since the close of the war of the sixties. Every alternate Friday is devoted by Congress to the consideration and passage of special pension bills for the relief of veterans of that war, their wives, and those dependent upon them. This is proper and right, as far as it goes. The objection I have to this way of attempting to reach the deserving cases and the unfortunate conditions that we are attempting to reach by passing special bills is the fact that we only reach one now and then of the very many of those who are justly entitled to the recognition that we here give by special bills to a few.

I have introduced at this and other sessions of Congress and now have pending bills of a general character covering the exact conditions that we are here endeavoring to relieve by private bills. It is impossible for Congress to reach all the deserving and unfortunate veterans of the war of the sixties by special legislation. It is well enough for those whom we are able to reach, but most unfortunate for those whose claims can not be reached. Congress and its committees are unable to give special attention to the vast number of bills for the relief of veterans whose conditions are upon all fours with the conditions of those in whose favor bills are reported and passed every two weeks.

Congress is doing business for a country that is to-day pre-eminent in the fact that it is first among the nations of the world—first in wealth, first in power, first in influence, first in commerce, first in everything that makes a nation great. And I do not indulge in idle comment when I say that the glory, the achievements, and the country of which we are so justly proud to-day are all largely due to the services of the men who in the sixties offered the best they had on the altar of their country. They preserved the Union and made possible what we enjoy to-day.

I think, therefore, that as Congress exerts its every energy to reach these deserving veterans by special bills, we ought to adopt the better policy and take one day off and pass general laws reaching all the deserving cases and then abolish private pension legislation. I have a bill here of a few lines that I have been urging ever since I have been here that ought to pass Congress, that would go far toward doing the justice we owe the veterans.

It provides a service pension of $12 per month for every man who served for ninety days or more and received an honorable discharge. It increases the provisions of the act of June 27, 1890, to $18 per month. It provides a pension of $30 per month to all those who are helpless, rendered so by blindness, paralysis, by rheumatism, or by whatever cause that renders them incapable of caring for themselves, whether of service origin or not.

I have another bill that I have been urging for three years, giving $12 per month to every soldier or sailor who served sixty days in a rebel prison, and $1 additional for every additional thirty days or major fraction of thirty days, in lieu of all other pensions up to $30 per month.

Mr. Chairman, if these bills should become laws, we would only be doing in one day what we are attempting to do here from day to day in this Congress by passing special bills in behalf of specially deserving men, showing, whether we will or no, however, favoritism in behalf of the men in whose interests we pass the bills, and correspondingly doing injustice to the men whose bills we are unable to reach, and who are in every way as deserving as those we favor.

Mr. Chairman, it is unjust to the patriotism of the American people to talk about the mere matter of the cost to the Government of doing what I am here advocating and what is provided for in these bills. A Government that spends millions of dollars for the purpose of developing the commerce of our common country by digging a canal to increase our business with the nations of the earth, and spends many more millions for the maintenance of the Army and Navy in a time of profound peace, ought not to stop to figure the amount of money it would take to properly care for the volunteer veterans of the most important war of our history. These veterans have a just claim upon the Government, and it ought to be met now. Our first duty is to pay our debt to them.

Mr. GAINES of Tennessee. I should like to ask my friend why is it that there are so many special pension acts? It looks to me as though the number of special acts is increasing. What is the matter with the Pension Bureau that it does not prevent this trouble? No one wants to deny any just pension, and it takes up a lot of the time of Congress to pass these special acts. Can you explain why this condition exists?

Mr. CAMPBELL of Kansas. The Pension Bureau is unable to reach these cases for the reason that the condition of the soldier does not come within the provisions of any of our general laws.

Mr. GAINES of Tennessee. A great many of them are for increases.

Mr. CAMPBELL of Kansas. Yes; a great many of these cases are for increases over the amount soldiers are now drawing under the general law, or under the act of 1890; in fact, most all are increases.

The veterans ask for an increase, and in many cases the only way they can get it is by a special bill, as the general laws now stand.

Mr. GAINES of Tennessee. I think perhaps I have suggested this before, that we should establish a pension court. We have a Court of Claims to pass on war and civil claims. It seems to me that if we had a court of five or six judges to pass upon the facts in these pension claims, as the Court of Claims does in the cases which come before it, we should have very little to do here except to appropriate the necessary money to pay the claim as adjudged by this court.

Mr. CAMPBELL of Kansas. The Pension Bureau now serves the exact purpose that would be served by a pension court. The only difficulty is that under the provisions of the general law the applicant must have incurred his disabilities in the war, and those disabilities must have been continuous to the present time in order to entitle him to a pension of more than $12 a month, which amount is allowed under the act of 1890, without regard to the origin of injury or disability.

Mr. GAINES of Tennessee. I think the gentleman agrees with me that if this court was created we should have very little to do except to pay the debts, because that is practically what a pension is—a moral obligation at least. I think it would relieve the Pension Bureau of a great deal of work, and it would relieve this House of a great deal of work that we are called upon to do here at times when we might well be doing something else. What we are doing here to-day is merely perfunctory. The gentleman will agree to that.

Mr. CAMPBELL of Kansas. That is just the reason I am addressing myself to the House at this time upon this question. I want a general law that will reach the case of every deserving veteran to the full extent that we reach a few by passing special bills.

The House gladly does what it is able to do by setting aside each alternate Friday for special pensions. My objection is that on these days we are not able to pass special bills enough to reach the number of cases that are entitled to consideration at the hands of Congress, and the only way we can reach all the deserving and needy cases is by a general law that will take care of all alike.

Mr. GAINES of Tennessee. If the gentleman will indulge me, what per cent of these claims are new pensions entirely?

Mr. CAMPBELL of Kansas. I should say a very small percentage of them, if, indeed, any of them.

Mr. HINSHAW. Is it not a fact that none that come before the Committee on Invalid Pensions are considered unless the applicant is already drawing $12?

Mr. CAMPBELL of Kansas. That is absolutely correct. An applicant must have availed himself of the provisions of the act of June 27, 1890, and be drawing $12 a month or he can not get a special bill through Congress.

Mr. GAINES of Tennessee. Suppose he is not drawing any pension?

Mr. CAMPBELL of Kansas. Then there is no way of securing a pension by special bill under the rules of the Invalid Pensions Committee. The veteran must first avail himself of the provisions of the general law or the act of 1890 in the Pension Bureau.

Mr. MURDOCK. Mr. Chairman, the rule the gentleman speaks of is a Senate rule, and not a House rule.

Mr. DAWSON. Have not the committees identical rules?

Mr. CAMPBELL of Kansas. I think they work under the same rules.

Mr. SULLOWAY. That is a mistake. The House Committee on Invalid Pensions for the last twelve years have had no rules printed. We do what we think is equitable in each case.

Mr. CAMPBELL of Kansas. It has been my understanding and experience that the House committee conformed to the Senate rules. If I am mistaken in that, I am glad to be corrected. I do know that I have not been able to get a special bill considered until the applicant had exhausted his remedies in the Pension Bureau under the general law or the act of 1890. It has always been required that the applicant draw at least $12 per month—the maximum under the law of 1890.

But, Mr. Chairman, this is aside. What I am here urging upon Congress is that we should make complete provision for all similar conditions under a general law, and this we are un-

able to do by special bills. Mr. Chairman, I have a hundred and twenty-five applications for increase of pensions by special bills. The Committee on Invalid Pensions has been kind to me, and I have been able to secure the passage of six at this session of Congress. I still have 119 applicants in every way as deserving as those for whom the bills have passed. I find no fault with the committee or the Congress for not passing more special bills, for I know that all have been passed that could be considered and reported by the committee. My contention is, I repeat again, that a general service-pension law should be passed for at least $12 per month. The act of 1890 should be amended so as to provide $18 instead of $12 as the maximum under the law, and widows pensions increased to $12 from $8 under the same law, then all who are specially unfortunate and unable to care for themselves whether due to service origin or not should have $30 per month, as provided for by my bill.

An act such as I am here advocating by the passage of a bill in behalf of ex-prisoners of war ought to be given favorable consideration. None who stood for our cause when we needed patriotic men are more worthy than those who spurned offers of freedom if they would cease to fight for the Union. [Applause.]

We give sanction to the justice of the claims I make here every pension day by passing bills for a few of those for whom I now speak. Let us do full justice to all by passing laws that will reach every case and treat all alike. [Applause.]

Mr. DE ARMOND. Mr. Chairman, upon the subject suggested by the gentleman from Kansas [Mr. CAMPBELL] I wish to make a few remarks. Some time ago I introduced a bill, which I will read. It is H. R. 10128:

A bill to authorize the granting of pensions and the increase of pensions in extraordinary cases not now provided for.

Be it enacted, etc., That pensions may be granted within the limit of the dependent pension law approved June 27, 1890, to soldiers and sailors who have served or shall serve in the Army or Navy of the United States, their widows and orphans, in cases not now provided for by law, if found to be of real merit and within the spirit of equitable pension legislation, and if the applicant be destitute; and pensions heretofore or hereafter granted under any general law may be increased beyond the limit of the law applicable, in extraordinary cases equitably warranting an exceptional allowance on account of exceptional merit or exceptional necessity; and hereafter all bills presented or pending in Congress to grant or to increase any pension by special act shall be certified to the Bureau of Pensions to be disposed of agreeably to the provisions of this act; and the Secretary of the Interior shall make suitable rules and regulations for the adjudication of cases herein provided for.

Of course, Mr. Chairman, everybody knows that it is practically impossible for any committee of Congress, no matter how hard it works, to consider all the cases of this character that are presented, and it is equally impossible for it to determine properly all of the cases that it may be called upon to consider.

Now, one practical and necessary effect is that in any committee, at any time, made up in any way, while some very meritorious cases are passed upon and disposed of, others equally and even more meritorious do not and can not receive consideration. It seems to me that if some provision were made, such as I have suggested, if there could be a tribunal properly organized in the Pension Bureau to consider these pension cases, cases outside of the general line of existing legislation, there would be a systematic treatment of them; that a particular class of cases regarded as meritorious would receive favorable consideration there, and every applicant would have the same prospect as every other applicant having equal merit in cases of the same general character.

As I said before, such treatment through special acts in Congress is necessarily impossible. The committee that deals with these questions in this Congress has been a very busy and very hard-worked committee, and so far as I know, and so far as I have any reason to believe, they have considered cases fairly and disposed of them according to their best judgment, according to merit as they saw merit in the cases. But in the very nature of things, from the multitude of these bills, from the great amount of time necessary in considering them, from the fact that a very large proportion of the special pension bills introduced can not possibly be considered, that the larger portion must remain unacted upon in committee, it seems to me that some general legislation like that proposed in the bill read by me might be wholesome, just, and beneficial to those who have claims, and not unfair to the people at large. There would in that way be system about it; there would be the same treatment accorded to all applicants, provided the board be made up properly. And then what a saving of the time of the Congress.

I do not care to take the time of the committee. The remarks I have made were suggested by those of the gentleman from Kansas. I merely wished to submit these observations, and I have nothing further to say, except that I do hope something will be done.

Mr. GAINES of Tennessee. Mr. Chairman, several times I have suggested that I thought a fairly good way to get rid of special legislation that we have here to-day and deal justly with as many people as ought to be pensioned, would be to establish a court of pensions with five or six judges, to sit here in Washington, giving them all the necessary machinery, empowering them to find the facts as does the Court of Claims and let their judgment—this court's judgment—be certified to Congress, and then Congress would have very little to do except to pay them off, just as we do the claims passed upon by the Court of Claims. When the Court of Claims passes upon a claim, finding the facts, say, for $1,000, such a finding is practically an order on Congress to pay that $1,000.

I think I heard the late lamented Nelson Dingley say this court's judgment in such cases was treated by Congress as an order on Congress to pay it. Now, here are a great many people who ought to be pensioned. We hear as much on both sides of the Chamber. No one will dispute that; they should have their day in court. Many do not and can not, it seems, under our present system. Gentlemen, these are the widows and orphans of the heroes of our wars. Like the old Mexican soldier from whom I read a letter to-day, a personal friend of mine, a blacksmith in my old neighborhood. The old man is totally dependent and about 80 years of age. He is needy; a good man of the old school. It is a shame; it is a reflection upon Congress; it is a reflection upon the people of the Government that such cases exist. Now, if we had a pension court, he could get some one to draw a petition, take his depositions or affidavits, have his papers sent to the court of pensions here at Washington, have his day in court, and get relief in due and sure course, if he should have it at all. Let this court hold its sessions all the year round, as other courts, whether Congress is in session or not.

It seems to me like that is one of the ways to help the committee that I am satisfied is very much burdened with this work. I know that I have been to members of this Pension Committee to get them to attend to legislation of another kind that I wanted passed. They throw up their hands and say, "Why, I am so busy on these pension matters that I don't get a chance to attend to my own business." It seems to me like a very easy proposition for us to create a court and call that court the "court of pensions," to sit and pass on the facts and then to certify the facts here to us. Then Congress would pay them, just like we do any other claim in an omnibus bill, legislating in that bill to suit each set of facts or case.

Mr. CLARK of Missouri. Mr. Chairman, I do not want to make any speech, but I would like to ask the chairman of the Committee on Pensions or somebody on that committee the reason they do not report the Senate bill here increasing the pensions of the Mexican veterans.

Mr. GAINES of Tennessee. I would like to have that answered myself.

Mr. CLARK of Missouri. Is there anybody here on that committee?

Mr. MACON. I will answer the gentleman's question to the best of my knowledge, and that is to the effect that I have been unable to get the subcommittee, of which the chairman of the Committee on Pensions is chairman, to even report the bill that the gentleman speaks of for those grand old patriots back to the whole committee so that I can move to get it out.

Mr. CLARK of Missouri. Why doesn't somebody move to discharge the committee from the consideration of it?

Mr. MACON. I can not get anybody to help me. The chairman objects to that.

Mr. GAINES of Tennessee. Who is the chairman of the committee in charge of that bill?

Mr. MACON. The gentleman from New Jersey [Mr. LOUDENSLAGER].

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER NOBLET.

The next pension business was the bill (H. R. 14345) granting an increase of pension to Peter Noblet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Noblet, late of Company I, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HARMON HOUCK.

The next pension business was the bill (H. R. 15502) granting an increase of pension to Harman Hank.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harman Hank, late of Company G, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Harman Hank" and insert in lieu thereof the words "Harmon Houck."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER EBERTS.

The next pension business was the bill (H. R. 16371) granting an increase of pension to Peter Eberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Eberts, late of Company F, Thirty-fourth Regiment Pennsylvania Emergency Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the letter "F," insert the words "One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and Company F."

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the word "Militia."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID C. WINEBRENER.

The next pension business was the bill (H. R. 16836) granting an increase of pension to David C. Winebrener.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Winebrener, late captain Company A, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACKSON ADKINS.

The next pension business was the bill (H. R. 16620) granting an increase of pension to Jackson Adkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jackson Adkins, late of Capt. Thomas Damron's independent company Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "West Virginia."

In lines 8 and 9 strike out the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS J. BAUM.

The next pension business was the bill (H. R. 13058) granting an increase of pension to Thomas J. Baum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Baum, late of Company I, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES COLLINS.

The next pension business was the bill (H. R. 12531) granting a pension to Charles Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Collins, late of Company D, Sixth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows.

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. SWEENEY.

The next pension business was the bill (H. R. 12400) granting an increase of pension to Charles H. Sweeney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Sweeney, late of Company B, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows.

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES STAIR.

The next pension business was the bill (H. R. 11780) granting an increase of pension to Charles Stair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Stair, late of Company —, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the initial "D."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE B. TRUE.

The next pension business was the bill (H. R. 11422) granting an increase of pension to George B. True.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. True, late of Company A, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BROWNE.

The next pension business was the bill (H. R. 11100) granting an increase of pension to John Browne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Browne, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM T. HOSLEY.

The next pension business was the bill (H. R. 11072) granting an increase of pension to William T. Hosley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Hosley, late of Company C, Second Regiment United States Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JORDAN H. BANKS.

The next pension business was the bill (H. R. 11217) granting an increase of pension to Jordan H. Banks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jordan H. Banks, late of Company F, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMA FOX.

The next pension business was the bill (H. R. 12013) granting a pension to Emma Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Fox, widow of Joseph H. Fox, late of Company I, Sixteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "H." and insert in lieu thereof the initial "S."

In line 7, after the word "Regiment," insert the words "and Company G, Twenty-third Regiment."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES S. KING.

The next pension business was the bill (H. R. 7763) granting a pension to J. Stebbins King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. Stebbins King, late a surgeon in the service of the United States during the war of the rebellion and the war with Spain, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "J. Stebbins" and insert in lieu thereof the words "James S."

In same line and in line 7 strike out the words "a surgeon in the service of the United States during the war of the rebellion and the war with Spain" and insert in lieu thereof the words "contract surgeon, United States Army."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to James S. King."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WESLEY A. J. MAVITY.

The next pension business was the bill (H. R. 8934) granting an increase of pension to Wesley A. J. Mavity.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley A. J. Mavity, late of Company C, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. DAWES.

The next pension business was the bill (H. R. 8903) granting an increase of pension to John W. Dawes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Dawes, late of Company D, Seventh Regiment Ohio Volunteer Infantry, and Company B, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company D, Seventh Regiment Ohio Volunteer Infantry, and."

In line 9 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMA E. GOODWIN.

The next pension business was the bill (H. R. 10282) granting a pension to Emma E. Goodwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma E. Goodwin, widow of Francis E. Goodwin, late captain Company A, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Emma E. Goodwin."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. H. MALLALIEU.

The next pension business was the bill (H. R. 9876) granting an increase of pension to William H. H. Mallalieu.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Mallalieu, late of Company D, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEVI A. CANFIELD.

The next pension business was the bill (H. R. 6423) granting an increase of pension to Levi A. Canfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi A. Canfield, late of Company G, Tenth Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Minnesota," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ETHAN A. WILLEY.

The next pension business was the bill (H. R. 5834) granting an increase of pension to Ethan Allen Willey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ethan Allen Willey, late of Company G, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Allen" and insert in lieu thereof the letter "A."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Ethan A. Willey."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN P. VEACH.

The next pension business was the bill (H. R. 5707) granting an increase of pension to John P. Veach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Veach, late of Company F, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM A. BAILOR.

The next pension business was the bill (H. R. 1689) granting an increase of pension to William A. Bailor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Bailor, late of Company H, One hundred and fifty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HORACE H. SICKELS.

The next pension business was the bill (H. R. 609) granting an increase of pension to Horace H. Sickles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace H. Sickles, late of Company H, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sickles" and insert in lieu thereof the word "Sickels."

Amend the title so as to read: "A bill granting an increase of pension to Horace H. Sickels."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT SRIVER.

The next pension business was the bill (H. R. 3369) granting an increase of pension to Albert Sriver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Sriver, late of Company F, Forty-first Regiment Illinois Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. BLANTON.

The next pension business was the bill (H. R. 2223) granting an increase of pension to John A. Blanton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Blanton, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD A. ROBERTS.

The next pension business was the bill (H. R. 6510) granting an increase of pension to Richard A. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard A. Roberts, late of Company E, First Regiment Illinois Volunteer Cavalry, and Company C, Seventeenth Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company E, First Regiment Illinois Volunteer Cavalry, and."

In line 7, after the word "Seventeenth," insert the word "Regiment."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIA C. SHEPPARD.

The next pension business was the bill (H. R. 14919) granting a pension to Maria C. Shepperd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria C. Shepperd, widow of Thomas Shepperd, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Shepperd" and insert in lieu thereof the word "Sheppard."

In same line, after the word "Thomas," strike out the word "Shepperd" and insert in lieu thereof the word "Sheppard."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Maria C. Sheppard."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. DAVIS.

The next business was the bill (H. R. 9841) correcting the military record of James H. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War of the United States be, and he is hereby, authorized and directed to correct the military record of James H. Davis, a soldier in Company B, East Tennessee National Guards, war of the rebellion, so as to show that the said James H. Davis enlisted and was mustered into said company on September 1, 1863; and this act shall entitle the said James H. Davis to all the rights, privileges, and benefits withheld by reason of the record herein having been incorrect.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert:

"That James H. Davis, of Company B, East Tennessee National Guard, war of the rebellion, be held and considered to have been enlisted in said organization September 14, 1863."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise and report the bills and amendments to the House with a recommendation that the amendments be agreed to and that the bills—some with and some without amendments—do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore (Mr. CRUMPACKER) having taken the chair, Mr. CAPRON, Chairman of the Committee of the Whole House, reported that the committee had had under consideration bills on the Private Calendar and directed him to report the same—some with and some without amendments—with a recommendation that the amendments be agreed to and that the bills as amended do pass, and also that one bill do lie upon the table.

HOUSE BILLS WITH AMENDMENTS.

In the following House bills, reported from the Committee of the Whole with amendments, the amendments were agreed to; and the bills as amended were ordered to be engrossed for a third reading, read a third time, and passed:

H. R. 6421. A bill granting an increase of pension to Reuben Van Buskirk;

H. R. 15542. A bill granting an increase of pension to Charles E. Tompkins;

H. R. 15105. A bill granting an increase of pension to Jacob Sheil;

H. R. 13631. A bill granting an increase of pension to James H. Morrill;

H. R. 13466. A bill granting an increase of pension to A. N. Bradish;

H. R. 10808. A bill granting an increase of pension to Michael Kearns;

H. R. 10604. A bill granting an increase of pension to Martin L. Holcomb;

H. R. 12347. A bill granting an increase of pension to Samuel Palmer;

H. R. 10474. A bill granting an increase of pension to Lewis F. Davis;

H. R. 11655. A bill granting a pension to Theodore Cole;

H. R. 12183. A bill granting a pension to Arnath J. Livingston;

H. R. 11841. A bill granting an increase of pension to I. A. McCulley;

H. R. 10965. A bill granting an increase of pension to Mortimer F. Sperry;

H. R. 10998. A bill granting a pension to Helen G. Powell;

H. R. 10031. A bill granting an increase of pension to Martin Haley;

H. R. 10224. A bill granting an increase of pension to David Bussey;

H. R. 8660. A bill granting an increase of pension to William Mabery;

H. R. 7543. A bill granting an increase of pension to Prior M. Pavy;

H. R. 9159. A bill granting an increase of pension to John S. McClary;

H. R. 18631. A bill granting an increase of pension to Daniel Whalen;

H. R. 6893. A bill granting a pension to Augusta Reichburg;

H. R. 6336. A bill granting a pension to Elizabeth A. Ames;

H. R. 6181. A bill granting an increase of pension to Fayette E. Ford; and

H. R. 5567. A bill granting an increase of pension to Sanford Weaver.

JAMES T. SAUNDERSON.

The next bill reported from the Committee of the Whole was the bill (H. R. 5554) granting an increase of pension to James T. Saunderson.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 80, noes 1.

Mr. WILLIAMS. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER pro tempore. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] The Chair finds that there is not a quorum present. The doors will be closed, the Sergeant-at-Arms will bring in the absentees, the question will be taken upon the passage of the pending bill, the Clerk will call the roll, and all those in favor of the passage of the bill will, when their names are called, say "aye," and those opposed "no."

Mr. WILLIAMS. Did the Chair announce a quorum present?

The SPEAKER pro tempore. No.

Mr. WILLIAMS. What is the motion we are voting on now?

The SPEAKER pro tempore. It is a call of the House.

Mr. WILLIAMS. It does not require a vote, does it, for a call of the House? The rules require a call of the House on the development of no quorum.

Mr. KEIFER. The rules allow the Chair to order a yea-and-nay vote.

The SPEAKER pro tempore. The Chair has directed the call of the House on the passage of the bill to determine whether a quorum be present and the bill shall be passed.

Mr. SIMS. Can we have the bill read?

The SPEAKER pro tempore. By unanimous consent. The Chair will state that it is a pension bill.

Mr. GAINES of Tennessee. Mr. Speaker, I really would like to know what I am to vote for. I have not heard the bill read.

Mr. KEIFER. The gentleman is not giving attention.

Mr. OLMSTED. Regular order, Mr. Speaker.

The SPEAKER pro tempore. It is not in order to report the bill without unanimous consent.

The question was taken; and there were—yeas 165, nays 12, answering "present" 17, not voting 187, as follows:

YEAS—165.

Adams, Pa	Dixon, Mont.	Kennedy, Nebr.	Reeder
Aiken	Dunwell	Kinkaid	Rhodes
Alexander	Edwards	Knowland	Richardson, Ky.
Ames	Ellis	Lamar	Robertson, La.
Bankhead	Esch	Landis, Frederick	Rucker
Bartlett	Fitzgerald	Lawrence	Scott
Bates	Fletcher	Lee	Shackleford
Bede	Flood	Lester	Sherley
Bell, Ga.	Floyd	Lloyd	Sibley
Bennet, N. Y.	Foster, Ind.	Longworth	Smith, Cal.
Birdsall	Foster, Vt.	Lorimer	Smith, Ill.
Bonynge	French	Loud	Smith, Iowa
Boutell	Gaines, W. Va.	Loudenslager	Smith, Md.
Bowers	Gardner, N. J.	McCarthy	Smith, Samuel W.
Bowersock	Gill	McCleary, Minn.	Smyser
Brick	Gillett, Cal.	McGavin	Snapp
Brown	Graff	McKinlay, Cal.	Southard
Burton, Del.	Graham	McKinley, Ill.	Southwick
Burton, Ohio	Griggs	McNary	Sperry
Butler, Pa.	Grosvenor	Macon	Steenerson
Calderhead	Hale	Madden	Sterling
Campbell, Kans.	Hamilton	Mann	Stevens, Minn.
Capron	Haugen	Miller	Sullivan, Mass.
Chaney	Hay	Minor	Sulloway
Clark, Mo.	Hayes	Mondell	Tawney
Cocks	Hedge	Moon, Tenn.	Taylor, Ala.
Cole	Henry, Conn.	Mouser	Thomas, Ohio
Conner	Hepburn	Murdock	Townsend
Cooper, Wis.	Hermann	Murphy	Volstead
Cousins	Hill, Conn.	Needham	Waldo
Cromer	Hinshaw	Nevin	Watson
Crumpacker	Houston	Norris	Weems
Curtis	Howell, Utah	Olcott	Wharton
Dalzell	Hubbard	Olmsted	Wiley, Ala.
Darragh	Huff	Otjen	Wiley, N. J.
Davis, Minn.	Hunt	Palmer	Wilson
Dawes	Jenkins	Parker	Young
Dawson	Johnson	Payne	Zenor
De Armond	Jones, Wash.	Pearre	The Speaker
Deemer	Kahn	Perkins	
Denby	Keifer	Pollard	
Dixon, Ind.	Keliher	Rainey	

NAYS—12.

Beall, Tex.	Henry, Tex.	Russell	Spight
Broocks, Tex.	Moore	Sims	Stephens, Tex.
Garner	Page	Smith, Tex.	Williams

ANSWERED "PRESENT"—17.

Andrus	Clayton	Gillespie	Sherman
Bradley	Dale	Humphreys, Miss.	Sparkman
Burleigh	Dickson, Ill.	McLain	
Burleson	Gaines, Tenn.	Padgett	
Candler	Garrett	Sheppard	

NOT VOTING—188.

Acheson	Finley	Knopf	Richardson, Ala.
Adams, Wis.	Flack	Lacey	Rives
Adamson	Fordney	Lafean	Rixey
Allen, Me.	Foss	Lamb	Roberts
Allen, N. J.	Fowler	Landis, Chas. B.	Robinson, Ark.
Babcock	Fulkerson	Law	Rodenberg
Bannon	Fuller	Le Fevre	Ruppert
Barchfeld	Garber	Legare	Ryan
Bartholdt	Gardner, Mass.	Lever	Samuel
Beidler	Gardner, Mich.	Lewis	Schneebeli
Bennett, Ky.	Gilbert, Ind.	Lilley, Conn.	Scroggy
Bingham	Gilbert, Ky.	Lilley, Pa.	Shartel
Bishop	Gillett, Mass.	Lindsay	Slayden
Blackburn	Glass	Littauer	Slemp
Bowie	Goebel	Little	Small
Brantley	Goldfogle	Littlefield	Smith, Ky.
Brooks, Colo.	Goulden	Livingston	Smith, Wm. Alden
Broussard	Granger	Lovering	Smith, Pa.
Brownlow	Greene	McCall	Southall
Brundidge	Gregg	McCreary, Pa.	Stafford
Buckman	Gronna	McDermott	Stanley
Burgess	Gudger	McKinney	Sullivan, N. Y.
Burke, Pa.	Hardwick	McLachlan	Sulzer
Burke, S. Dak.	Haskins	McMorran	Talbott
Burnett	Hearst	Mahon	Taylor, Ohio
Butler, Tenn.	Heflin	Marshall	Thomas, N. C.
Byrd	Higgins	Martin	Tirrell
Calder	Hill, Miss.	Maynard	Towne
Campbell, Ohio	Hitt	Meyer	Trimble
Cassel	Hoar	Michalek	Tyndall
Chapman	Hogg	Moon, Pa.	Underwood
Clark, Fla.	Holliday	Morrell	Van Duzer
Cockran	Hopkins	Mudd	Van Winkle
Cooper, Pa.	Howard	Overstreet	Vreeland
Currier	Howell, N. J.	Parsons	Wachter
Cushman	Hughes	Patterson, N. C.	Wadsworth
Davey, La.	Hull	Patterson, S. C.	Wallace
Davidson	Humphreys, Wash.	Patterson, Tenn.	Wanger
Davis, W. Va.	James	Pou	Watkins
Dovener	Jones, Va.	Powers	Webb
Draper	Kennedy, Ohio	Prince	Webber
Dresser	Ketcham	Pujo	Weeks
Driscoll	Kitchin, Claude	Randell, Tex.	Weisse
Dwight	Kitchin, Wm. W.	Ransdell, La.	Welborn
Ellerbe	Klepper	Reid	Wood, Mo.
Fassett	Kline	Reynolds	Wood, N. J.
Field	Knapp	Rhinock	Woodyard

The following additional pairs were announced:

Until further notice:

Mr. LAW with Mr. PATTERSON of South Carolina.

Balance of the day:
Mr. LE FEVRE with Mr. UNDERWOOD.
Mr. OVERSTREET with Mr. BURLESON.
Mr. MAHON with Mr. SHACKLEFORD.
Mr. HIGGINS with Mr. WEBB.
Mr. BROWNLOW with Mr. HEFLIN.
On this vote:
Mr. MCKINNEY with Mr. CLAYTON.

Mr. DALZELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DALZELL. I was not here when the roll call started. Is this a Democratic filibuster against granting a pension to a Union soldier?

Mr. GAINES of Tennessee. Yes; and I voted for the bill. And that is not all—I had to withdraw my vote, finding I was still paired and in honor bound to do so—and I will vote so again under the same circumstances.

Mr. BARTLETT. I voted for the bill, I will state to the gentleman.

Mr. DALZELL. I am asking if it is a Democratic filibuster against a pension bill?

Mr. RUCKER. The Democrats voted for the bill, with few exceptions.

Mr. WILLIAMS. It is a roll call. Let me ask the gentleman from Pennsylvania, are you sincere in saying that it seems to you to be a case of a Democratic filibuster against a pension bill?

Mr. DALZELL. It looks like it.

Mr. WILLIAMS. I just wanted to ask.

Mr. SIMS. I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SIMS. Is it a fact that we can not keep Republicans here in order to vote on pension bills, but have to send out and have them arrested and bring them in to vote?

The SPEAKER pro tempore. The Chair hardly regards that as a parliamentary inquiry.

Mr. MACON. Mr. Speaker, I ask if it is not a fact that they had to send for the gentleman from Pennsylvania and bring him in to vote for the passage of this bill?

Mr. DALZELL. Oh, no; "the gentleman from Pennsylvania" was in the corridor.

Mr. MACON. But not in the House.

Mr. DALZELL. He is generally here.

Mr. MACON. He was not in the Hall of the House.

Mr. GARNER. I call for the regular order.

The SPEAKER pro tempore. This matter is not open to debate.

Mr. MACON. We vote in the House. We do not vote in the corridors, but vote in here.

Mr. GAINES of Tennessee. I would like to know, Mr. Speaker, if the Speaker of the House [Mr. CANNON] did not vote on this roll call to make a quorum, called for by the gentleman from Mississippi?

Mr. RUCKER. Mr. Speaker, I rise to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER. I would like to ask if it would be in order for me to make a speech now. It is about twenty minutes long, and I have been waiting four days for an opportunity to deliver it.

The SPEAKER pro tempore. The Chair thinks it would hardly be in order.

Mr. RUCKER. I thought it would save time, while the House is waiting for a quorum. [Laughter.]

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to address the House for twenty minutes.

The SPEAKER pro tempore. The request of the gentleman is hardly in order pending a call of the House.

A quorum having appeared, the Speaker resumed the Chair.

The SPEAKER. On this vote the yeas are 165, the nays 12, answered "present" 16. A quorum is present, and the bill is passed. The Clerk will report the next bill.

Mr. GAINES of Tennessee. Mr. Speaker, just a moment. We have now a quorum, and the House is now passing pension bills in the presence of and by a quorum for the first time in years, a thing we ought to do all the time, out of respect to the heroes who are getting these pensions and our oaths to support the Constitution. [Applause.]

BILLS PASSED.

The following House bills reported from the Committee of the Whole with amendments were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time, read a third time, and passed:

H. R. 3724. A bill granting an increase of pension to Samuel Likins (title amended);

H. R. 4885. A bill granting an increase of pension to James Hennon;

H. R. 3238. A bill granting an increase of pension to Samuel Hartley;

H. R. 2759. A bill granting an increase of pension to Daniel Eaton;

H. R. 2714. A bill granting an increase of pension to Charles A. Charles (title amended);

H. R. 1238. A bill granting an increase of pension to Susan R. Stalcup (title amended);

H. R. 1507. A bill granting an increase of pension to H. D. Jordan (title amended);

H. R. 651. A bill granting an increase of pension to Robert Brandau (title amended);

H. R. 1326. A bill granting an increase of pension to Ora P. Howland;

H. R. 1206. A bill granting a pension to Allen Crow (title amended);

H. R. 17393. A bill granting an increase of pension to George S. Green;

H. R. 17901. A bill granting an increase of pension to Douglas A. Hunt;

H. R. 18092. A bill granting an increase of pension to Andrew M. Logan;

H. R. 18109. A bill granting an increase of pension to Abraham E. Sheppard;

H. R. 19025. A bill granting an increase of pension to Milton McFarland;

H. R. 18888. A bill granting an increase of pension to Samuel Lambert;

H. R. 18905. A bill granting an increase of pension to Samuel H. Davis;

H. R. 18896. A bill granting an increase of pension to Samuel Smith;

H. R. 18462. A bill granting an increase of pension to Samuel Dailey;

H. R. 18725. A bill granting a pension to Nancy V. J. Ferrell;

H. R. 18624. A bill granting an increase of pension to Robert Fulton (title amended);

H. R. 18974. A bill granting an increase of pension to Minna Hildebrand;

H. R. 18320. A bill granting an increase of pension to Jonathan M. Hunter;

H. R. 18772. A bill granting an increase of pension to Lorenzo G. Tomaselli;

H. R. 18609. A bill granting an increase of pension to Henry Delong;

H. R. 18836. A bill granting an increase of pension to John N. Burton;

H. R. 18784. A bill granting an increase of pension to Patrick Fitzgerald;

H. R. 19068. A bill granting an increase of pension to William Adams;

H. R. 16571. A bill granting an increase of pension to Mary L. Overly (title amended);

H. R. 15676. A bill granting an increase of pension to Samuel B. Smith;

H. R. 16399. A bill granting an increase of pension to James H. Warford;

H. R. 17102. A bill granting a pension to Katherine Studdert;

H. R. 17271. A bill granting an increase of pension to James D. Taylor;

H. R. 17603. A bill granting an increase of pension to George E. Yager;

H. R. 17652. A bill granting an increase of pension to Joseph Lawrence;

H. R. 17780. A bill granting a pension to Caroline E. Perry;

H. R. 18324. A bill granting a pension to Charles H. Lunger;

H. R. 18398. A bill granting an increase of pension to Susan R. Freeman;

H. R. 18409. A bill granting an increase of pension to Joel Gay;

H. R. 18523. A bill granting an increase of pension to Hugh Reid;

H. R. 18694. A bill granting an increase of pension to Eliza Rebecca Sims;

H. R. 18720. A bill granting an increase of pension to Ella Donnald;

H. R. 18901. A bill granting an increase of pension to John E. English;

H. R. 18903. A bill granting an increase of pension to Julia A. Abney;

H. R. 18904. A bill granting an increase of pension to Henrietta G. Carter;

H. R. 18997. A bill granting an increase of pension to Josephine Hardester;
H. R. 19010. A bill granting an increase of pension to Charles Edwards (title amended);
H. R. 19014. A bill granting an increase of pension to Elizabeth A. Waller;
H. R. 19026. A bill granting an increase of pension to Mary Navy;
H. R. 19043. A bill granting an increase of pension to Sarah V. Malone;
H. R. 19047. A bill granting an increase of pension to Susan C. Smith;
H. R. 19061. A bill granting an increase of pension to Mary E. Mundy;
H. R. 19099. A bill granting an increase of pension to Columbus Cox;
H. R. 19128. A bill granting a pension to Alexander McAllister (title amended);
H. R. 19177. A bill granting an increase of pension to Jane Elizabeth Kerr;
H. R. 19222. A bill granting an increase of pension to Catherine Warnock;
H. R. 19276. A bill granting an increase of pension to Ann Wylie Whitaker;
H. R. 13836. A bill to remove the charge of desertion from the record of Tyler Weare;
H. R. 17809. A bill granting a pension to William Barrett;
H. R. 17896. A bill granting an increase of pension to James K. Dickinson;
H. R. 19272. A bill granting an increase of pension to Alice Morrill;
H. R. 18764. A bill granting an increase of pension to Mary Stone (title amended);
H. R. 19053. A bill granting an increase of pension to John T. Heaney;
H. R. 18732. A bill granting a pension to James J. Christy (title amended);
H. R. 18876. A bill granting an increase of pension to Lemuel Hand;
H. R. 18911. A bill granting an increase of pension to Frances Becker;
H. R. 18433. A bill granting an increase of pension to William Wentz;
H. R. 19242. A bill granting an increase of pension to Anthony W. Miller;
H. R. 18869. A bill granting an increase of pension to Ellis L. Ayres (title amended);
H. R. 18954. A bill granting an increase of pension to John E. Minnick;
H. R. 18623. A bill granting an increase of pension to J. H. Bradberry (title amended);
H. R. 18833. A bill granting an increase of pension to Henry Horton;
H. R. 19217. A bill granting an increase of pension to William H. Burns;
H. R. 18360. A bill granting an increase of pension to Fanny G. Pomeroy;
H. R. 18475. A bill granting an increase of pension to Joseph F. Cook;
H. R. 18790. A bill granting an increase of pension to James Murphy;
H. R. 18656. A bill granting an increase of pension to George W. Gordon;
H. R. 18384. A bill granting an increase of pension to James F. Young;
H. R. 16973. A bill granting an increase of pension to John H. Smith;
H. R. 16613. A bill granting an increase of pension to William C. Fox;
H. R. 13998. A bill granting an increase of pension to J. C. Barnwell (title amended);
H. R. 13967. A bill granting a pension to Sophie M. Staab;
H. R. 14505. A bill granting an increase of pension to John L. Clifton;
H. R. 15063. A bill granting an increase of pension to Henry W. Brown;
H. R. 13949. A bill granting an increase of pension to Mary A. Duryea;
H. R. 15653. A bill granting an increase of pension to Eliza J. Hudson;
H. R. 15674. A bill granting an increase of pension to Susan Campbell;
H. R. 13652. A bill granting an increase of pension to William O. Tobey;
H. R. 13609. A bill granting an increase of pension to Charles H. Guile;
H. R. 10563. A bill granting an increase of pension to Joseph D. Cummins;
H. R. 7683. A bill granting an increase of pension to James Ross;
H. R. 7635. A bill granting a pension to Delia Gibbs;
H. R. 8291. A bill granting an increase of pension to Daniel S. Chase;
H. R. 8285. A bill granting an increase of pension to Daniel Sharpley;
H. R. 8920. A bill granting a pension to Andrew J. Lane (title amended);
H. R. 10356. A bill granting an increase of pension to Martin B. Doty;
H. R. 10394. A bill granting an increase of pension to John Behymer;
H. R. 4891. A bill granting an increase of pension to George W. Swadley;
H. R. 717. A bill granting an increase of pension to O. B. Morrison (title amended);
H. R. 2867. A bill granting an increase of pension to Leah Bedford;
H. R. 2410. A bill granting an increase of pension to Saturnin Jasnowski;
H. R. 7226. A bill for the relief of Patrick Conlin;
H. R. 2229. A bill granting an increase of pension to Lytle McCracken;
H. R. 2053. A bill granting an increase of pension to Annie A. Townsend;
H. R. 1294. A bill granting an increase of pension to George W. Van De Bogert;
H. R. 19351. A bill granting an increase of pension to William C. Mankin;
H. R. 19305. A bill granting an increase of pension to Almus Harrington;
H. R. 19220. A bill granting an increase of pension to Calvin Corsine;
H. R. 19495. A bill granting an increase of pension to A. P. Glaspie (title amended);
H. R. 18587. A bill granting a pension to Catherine Bausman;
H. R. 19221. A bill granting an increase of pension to Emma Byles;
H. R. 19262. A bill granting an increase of pension to John Wickline;
H. R. 18428. A bill granting an increase of pension to James L. Gamble;
H. R. 19249. A bill granting an increase of pension to Lorenzo W. Shedd;
H. R. 18451. A bill granting an increase of pension to Alexander B. Wilson;
H. R. 19279. A bill granting an increase of pension to Peter Cramer;
H. R. 19457. A bill granting an increase of pension to Charles Prince (title amended);
H. R. 19009. A bill granting an increase of pension to Lafayette H. McClung;
H. R. 19120. A bill granting a pension to Eliza E. Whitley;
H. R. 19364. A bill granting an increase of pension to Anna Ring;
H. R. 14774. A bill granting an increase of pension to Levi M. Hall;
H. R. 14544. A bill granting an increase of pension to William A. Carroll;
H. R. 14798. A bill granting a pension to Lucinda Brady;
H. R. 14930. A bill granting a pension to Mary Whistler (title amended);
H. R. 15502. A bill granting an increase of pension to Harman Hank (title amended);
H. R. 16371. A bill granting an increase of pension to Peter Eberts;
H. R. 16836. A bill granting an increase of pension to David C. Winebrener;
H. R. 16620. A bill granting an increase of pension to Jackson Adkins (title amended);
H. R. 12531. A bill granting a pension to Charles Collins;
H. R. 12400. A bill granting an increase of pension to Charles H. Sweeney;
H. R. 11780. A bill granting an increase of pension to Charles Stair;
H. R. 11422. A bill granting an increase of pension to George B. True;
H. R. 11100. A bill granting an increase of pension to John Browne;

H. R. 11217. A bill granting an increase of pension to Jordan H. Banks;
H. R. 12013. A bill granting a pension to Emma Fox;
H. R. 7763. A bill granting a pension to J. Stebbins King (title amended);
H. R. 8934. A bill granting an increase of pension to Wesley A. J. Mavity;
H. R. 8903. A bill granting an increase of pension to John W. Dawes;
H. R. 10282. A bill granting a pension to Emma E. Goodwin (title amended);
H. R. 9876. A bill granting an increase of pension to William H. H. Mallalieu;
H. R. 6423. A bill granting an increase of pension to Levi A. Canfield;
H. R. 5834. A bill granting an increase of pension to Ethan Allen Willey (title amended);
H. R. 5707. A bill granting an increase of pension to John P. Veach;
H. R. 1689. A bill granting an increase of pension to William A. Bailor;
H. R. 609. A bill granting an increase of pension to Horace H. Sickles (title amended);
H. R. 3369. A bill granting an increase of pension to Albert Sriver;
H. R. 2223. A bill granting an increase of pension to John A. Blanton;
H. R. 6510. A bill granting an increase of pension to Richard A. Roberts;
H. R. 14919. A bill granting a pension to Maria C. Shepperd (title amended); and
H. R. 9841. A bill to correct the military record of James H. Davis.

HOUSE BILLS WITHOUT AMENDMENT.

The following House bills, reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:
H. R. 10902. A bill granting an increase of pension to James Holderby;
H. R. 11811. A bill granting an increase of pension to John Kamerer;
H. R. 7910. A bill granting an increase of pension to Nicholas Karns;
H. R. 6900. A bill granting an increase of pension to John Rawlins;
H. R. 4647. A bill granting an increase of pension to David C. Austin;
H. R. 14554. A bill granting an increase of pension to John Welch;
H. R. 7539. A bill granting an increase of pension to David H. Hair;
H. R. 17332. A bill granting an increase of pension to Joseph H. Truax;
H. R. 17705. A bill granting an increase of pension to John A. Lovens;
H. R. 17673. A bill granting an increase of pension to Jacob H. Heck;
H. R. 18813. A bill granting an increase of pension to Sarah A. Dawson;
H. R. 19130. A bill granting an increase of pension to Larsey Bolt;
H. R. 5509. A bill for the relief of Russell Savage;
H. R. 18900. A bill correcting the military record of E. J. Kolb, alias E. J. Kulb;
H. R. 18124. A bill granting an increase of pension to Theodore T. Davis;
H. R. 17632. A bill granting an increase of pension to John Frick;
H. R. 18504. A bill granting an increase of pension to James T. Rambo;
H. R. 19238. A bill granting an increase of pension to Daniel S. Conover;
H. R. 19301. A bill granting an increase of pension to Caroline L. Hodgdon;
H. R. 18956. A bill granting an increase of pension to Joseph Scattergood;
H. R. 19179. A bill granting an increase of pension to Eliza A. Smith;
H. R. 19253. A bill granting an increase of pension to Charles H. Thompson;
H. R. 19121. A bill granting an increase of pension to Isaac Overton;
H. R. 4397. A bill granting an increase of pension to John M. Byers;
H. R. 14107. A bill granting an increase of pension to Isaac Maines;
H. R. 14558. A bill granting an increase of pension to Martha L. Wood;
H. R. 14705. A bill granting an increase of pension to Alva Beebe;
H. R. 13032. A bill granting an increase of pension to Stewart McKeney;
H. R. 10280. A bill granting an increase of pension to James Spencer;
H. R. 9838. A bill granting an increase of pension to Joseph Fergerson;
H. R. 4887. A bill granting an increase of pension to John F. Brown;
H. R. 18829. A bill granting an increase of pension to William Fox;
H. R. 19255. A bill granting an increase of pension to John Bradford;
H. R. 19408. A bill granting an increase of pension to Elisha Brown;
H. R. 15547. A bill granting an increase of pension to Henry D. Duffield;
H. R. 14345. A bill granting an increase of pension to Peter Noblet;
H. R. 13058. A bill granting an increase of pension to Thomas J. Baum; and
H. R. 11072. A bill granting an increase of pension to William T. Hosley.

The bill (S. 5384) for the relief of David H. Moffat, reported from the Committee of the Whole without amendment, was ordered to a third reading, read the third time, and passed.

The bill (H. R. 18983) granting an increase of pension to Nathan B. Prentice, reported from the Committee of the Whole with the recommendation that it lie on the table, was ordered to lie on the table.

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the several bills were passed was laid on the table.

Mr. PAYNE. I move that the House take a recess until 11 o'clock to-morrow morning.

The motion was agreed to.

Accordingly (at 5 o'clock and 56 minutes p. m.) the House took a recess until Saturday, May 26, 1906, at 11 a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting record of the award of the Spanish Treaty Claims Commission in claim of Ricardo de Ruiz—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War, submitting an estimate of appropriation for repair and preservation of fortifications in San Francisco Harbor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Perriwig bar, in the Delaware River—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12086) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company," reported the same with amendment, accompanied by a report (No. 4419); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14511) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904, reported the same with amendment, accompanied by a report (No. 4420); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on the Dis-

trict of Columbia, to which was referred the bill of the House (H. R. 16483) requiring certain places of business in the District of Columbia to be closed on Sunday, reported the same without amendment, accompanied by a report (No. 4421); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17452) to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company, reported the same with amendment, accompanied by a report (No. 4422); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901, reported the same without amendment, accompanied by a report (No. 4425); which said bill and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19607) for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories, reported the same without amendment, accompanied by a report (No. 4426); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 18854) providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district, reported the same without amendment, accompanied by a report (No. 4427); which said bill and report were referred to the House Calendar.

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 19077, reported in lieu thereof a bill (H. R. 19682) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes, reported the same, accompanied by a report (No. 4429); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7046) to provide for a national military park commission, reported the same with amendment, accompanied by a report (No. 4431); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENBY, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, reported the same with amendment, accompanied by a report (No. 4432); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3263) to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah," reported the same without amendment, accompanied by a report (No. 4434); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 5811) to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906, reported the same without amendment accompanied by a report (No. 4435); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2138) for the relief of the estate of William B. Todd, deceased, reported the same without amendment, accompanied by a report (No. 4423); which said bill and report were referred to the Private Calendar.

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2624) granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry, reported the same without amendment, accompanied by a report (No. 4424); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 19500) for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader with the Menominee Indians of Wisconsin, reported the same without amendment, accompanied by a report (No. 4430); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2625) for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers, reported the same adversely, accompanied by a report (No. 4433); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHANEY: A bill (H. R. 19673) to amend sections 4924, 4925, 4926, and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. GARDNER of New Jersey: A bill (H. R. 19674) giving authority to the State of New Jersey to improve the channels on the seacoast for the relief of commerce—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: A bill (H. R. 19675) amending an act entitled "An act requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission," approved March 3, 1901, Public No. 171, second session Fifty-sixth Congress, so as to increase the scope of the monthly accident reports, and requiring the form of said reports to be regulated and prescribed by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. TYNDALL: A bill (H. R. 19676) to promote the construction of good roads and the efficiency of the postal service in Missouri—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 19677) appropriating money for the purpose of building levees along the Mississippi River and improving the banks thereof from the northern boundary of Cape Girardeau County, Mo., to the southeast corner of the said State of Missouri—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. HUMPHREY of Washington: A bill (H. R. 19678) authorizing the county of King, in the State of Washington, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: A bill (H. R. 19679) making Saturday afternoon a legal holiday, with pay, for employees in navy-yards and naval stations during the months of July, August, and September of each year—to the Committee on Naval Affairs.

By Mr. LAW: A bill (H. R. 19680) directing the Secretary of War to cause an examination and survey to be made of Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. DIXON of Montana: A bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Reservation, in the State of Montana, and to open the surplus lands to settlement—to the Committee on Indian Affairs.

By Mr. MORRELL, from the Committee on the District of Columbia: A bill (H. R. 19682) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes—to the Union Calendar.

By Mr. CRUMPACKER: A joint resolution (H. J. Res. 162) authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.—to the Committee on Rivers and Harbors.

By Mr. COCKS: A resolution (H. Res. 540) referring to the Court of Claims the bill H. R. 8545—to the Committee on Claims.

By Mr. LEE: A resolution (H. Res. 541) to increase the compensation of Felton B. Knight, special messenger for the minority—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 19683) granting an increase of pension to Bethie Ferguson—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 19684) granting an increase of pension to John S. Ballard—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 19685) granting a pension to Lewis Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19686) granting a pension to Orin S. Rarick—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 19687) granting an increase of pension to Ellen W. Rice—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 19688) granting an increase of pension to George H. Maddox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19689) granting an increase of pension to George G. Pride—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19690) for the relief of C. C. Bryan—to the Committee on War Claims.

Also, a bill (H. R. 19691) for the relief of William P. Allison—to the Committee on War Claims.

Also, a bill (H. R. 19692) for the relief of Lindsey Brigman—to the Committee on War Claims.

Also, a bill (H. R. 19693) for the relief of the heirs of Alson Jackson—to the Committee on War Claims.

Also, a bill (H. R. 19694) for the relief of the heirs of A. A. Simmons—to the Committee on War Claims.

Also, a bill (H. R. 19695) for the relief of the heirs of James H. Rogers—to the Committee on War Claims.

Also, a bill (H. R. 19696) for the relief of the heirs of Hugh J. Rutherford—to the Committee on War Claims.

Also, a bill (H. R. 19697) for the relief of Hesekiah Ellenbaugh—to the Committee on War Claims.

Also, a bill (H. R. 19698) for the relief of the heirs of Jason Cloud—to the Committee on War Claims.

Also, a bill (H. R. 19699) for the relief of Elizabeth Sparger—to the Committee on War Claims.

Also, a bill (H. R. 19700) for the relief of the heirs of David Childers—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 19701) granting a pension to William J. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19702) granting an increase of pension to Samuel Paxton—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 19703) granting an increase of pension to Seth Chase—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 19704) for the relief of William H. Roach—to the Committee on War Claims.

By Mr. SHARTEL: A bill (H. R. 19705) granting an increase of pension to Francis M. Glasscock—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 19706) granting an increase of pension to Almon Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19707) granting an increase of pension to Stafford Armstrong—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19708) granting an increase of pension to William A. Lefler—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 19709) granting an increase of pension to Alanson B. Wheelock—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 19710) granting a pension to Joseph W. Bivens—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 19711) granting an increase of pension to Albert P. Bailey—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 19712) granting an increase of pension to Wilhelmina M. Pullen—to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 19713) granting an increase of pension to Mary B. Mason—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the committee on temperance of the Southern Methodists, against existing conditions in the Canal Zone as to traffic in intoxicating liquors—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: Petition of Jefferson Grange, No. 314, and Turkey Foot Grange, No. 1164, for the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jefferson Grange, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Woman's Missionary Society of Florence, Pa., for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Petition of citizens of Philadelphia, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ALLEN of Maine: Petition of Michael Rubinoff and 30 others, of Portland, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARCHFELD: Petition of J. M. Shoup, master of Grange No. 897, favoring the President's position relative to the question of freight legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Bessie Ferguson—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of John S. Ballard—to the Committee on Pensions.

By Mr. BINGHAM: Petition of John E. Wilson et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BONYNGE: Petition of citizens of Denver, Colo.—to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: Petition of the Pennsylvania Railway Department of the Young Men's Christian Association of Pittsburg, Pa., favoring legislation for the moral protection of youth and the home—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURLEIGH: Paper to accompany bill for relief of Henrietta R. Young (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Orin S. Rarick—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Petition of the Twice a Week Courant, the Buckeye Informer, and the Delphos Herald, all of Delphos, Ohio, asking the Government to cease printing the names and address of business men on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Wisconsin: Petition of Charles A. Booth, of Munroe, Wis., and G. W. Rankin, of Whitewater, Wis., for an amendment to the postal laws making all paid subscription legitimate—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of the Watch Tower Bible and Tract Society, of Allegheny, Pa., favoring the courts' right of review of rulings of the Post-Office Department, for an amendment of the post-office rules to make all paid publications legal, and to give the Theology Quarterly the privilege of second-class mail rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of the L. W. Velsark Company and the M. Bonn Company, for legislation for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. DARRAGH: Petition of citizens of Barker Creek, Kalkaska County, Mich., for a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of Minnesota: Petition of the Beacon, of Cannon Falls, Minn., and the Jordan Independent, of Minnesota, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of citizens of Millersburg, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOVENER: Petition of W. W. Brayman et al., for a law to pension teamsters who served in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. FLACK: Paper to accompany bill for relief of Robert Nelson—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of citizens of Avalon, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAUGEN: Petition of citizens of Lansing, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAY: Paper to accompany bill for relief of Mary Hansel—to the Committee on War Claims.

By Mr. HINSHAW: Petition of the faculty of the University of Nebraska, for such measures through legislation as will tend

to bring larger numbers of Chinese and Japanese to the United States for purposes of study—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of William A. Ballor—to the Committee on Invalid Pensions.

Also, petition of the Publishers' League, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Dallas Seaburg—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Petition of the Connecticut Library Association, opposing any change in existing law permitting libraries to import books, maps, etc., free of duty—to the Committee on Ways and Means.

By Mr. HOAR: Petition of citizens of Worcester, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KLINE: Petition of citizens of Reading, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEE: Petition of William B. Farrar, paper to accompany bill for relief of William B. Farrar—to the Committee on War Claims.

By Mr. NEVIN: Petition of George A. Pflaum, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. POLLARD: Paper to accompany bill for relief of W. J. Wells—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Wilhelmina M. Pullen—to the Committee on Pensions.

By Mr. SMYSER: Petition of the Presbyterian Church of Wooster, Ohio (400 persons), for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of the labor organizations of Pensacola, Fla., for passage of the eight-hour bill—to the Committee on Labor.

By Mr. SPERRY: Petition of the Connecticut Library Association, favoring the present law relative to the importation of maps, publications, etc.—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 26, 1906.*

[*Continuation of legislative day of Friday, May 25, 1906.*]

The recess having expired, the House was called to order by its Clerk, Hon. ALEXANDER MCDOWELL, who announced that the Speaker had delegated as Speaker pro tempore Hon. JOHN DALZELL, of Pennsylvania.

Thereupon Mr. DALZELL took the chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 19264, the diplomatic and consular appropriation bill.

The question was taken; and a division was demanded by Mr. CLARK of Missouri.

The SPEAKER pro tempore. Evidently no quorum is present, and the doors will be closed——

Mr. CLARK of Missouri. Mr. Speaker, no one has raised the point of no quorum.

The SPEAKER pro tempore. The Chair was anticipating the gentleman from Missouri.

Mr. PAYNE. I do not think the Chair need to do that.

The SPEAKER pro tempore. Very well; the Chair will put the question.

The question was taken; and there were—ayes 69, noes 14.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURTIS in the chair.

Mr. FLOYD. Mr. Chairman, I yield thirty minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, the country having become aroused to the humiliating fact that in recent years corporations, trusts, insurance companies, and all those interests enjoying special privileges have contributed enormous sums of money to campaign committees, which have been used to degrade, corrupt, and debauch the voter and, perhaps, control results of elections, a movement has been formally inaugurated to secure such legislation by the several States and by Congress as, it is hoped and believed, will at least check, if not effectually put a stop to, large campaign contributions, and thus restore the purity and integrity of our elections.

The particular movement in behalf of pure elections to which I refer was started by a distinguished citizen of New York, the Hon. Perry Belmont. The ultimate success of his most worthy and commendable effort is assured by the almost unanimous public approval it has received. The hearty and cordial cooperation of representative citizens of the different political parties residing in every section of the United States has been freely tendered. A nonpartisan association or organization, under the name of National Publicity Bill Organization, of which Mr. Belmont is president, is the result. The membership of this organization embraces candidates for the Presidency, United States Senators and ex-Senators, Representatives in Congress and ex-Members, governors and ex-governors, presidents of universities and colleges, presidents of the great labor organizations, members of the Democratic and Republican national and State committees, editors of great newspapers, judges of courts, and gentlemen prominent in every profession and avocation.

It affords me great pleasure to pause in this connection to say that, in my judgment, Mr. Belmont justly merits the plaudits of every lover of civic honor and of every advocate of public morals for perfecting an organization whose membership individually, as well as collectively, is so powerful, potential, and influential as to warrant the gratifying conviction that the demand for purity of elections must and will triumph.

In the early days of this Congress a bill requiring publicity of campaign contributions and expenditures was introduced by a prominent member of the National Publicity Bill Organization, who is also a distinguished and useful Member of this House, the gentleman from Massachusetts [Mr. MCCALL]. This bill was referred to the House Committee on Election of President, Vice-President, and Representatives in Congress, of which I have the honor to be a member. Our committee was not very diligent in the performance of its duty until stimulated to action by caustic and well-deserved criticism administered on this floor. Finally we entered upon consideration of the so-called "McCall bill." As I remember, the committee was practically a unit in recognizing the merits of the principle involved in this bill and the necessity for legislation along this line, and we regarded the McCall bill a long step in the right direction. Personally I do not think the McCall bill goes far enough. It only seeks publicity of the actions of national committees, and that only after elections. I desired to include other committees, so as to prevent evasion of law by a mere change of the base of operation. I also wanted publicity, as far as practicable, before elections—before the fruits of corruption and of the corrupt use of money shall have been enjoyed. With these thoughts in view, I took the McCall bill as a basis, using much of it without change, and drafted H. R. 19078, which I introduced on May 8. As I may not have the opportunity later, I desire now to give the House a brief synopsis of the essential features of the bill introduced by myself.

The first section requires all campaign contributions to be made only to a political committee or to some person authorized by such committee.

The second section defines the term "political committee" to mean any national committee, any national Congressional campaign committee, any State committee, and any district Congressional committee, of any political party, which shall aid or promote the success or defeat of any candidate for Congress, or which shall receive and expend money at or in connection with any election at which candidates for Representative in Congress are voted for.

Sections 4 and 6 require each political committee to have a chairman and a treasurer, and make it the duty of the treasurer to keep an exact record of all moneys received and expended, showing the true name and address of each person, committee, association, or corporation from whom funds are received or to whom money is paid or distributed, with the date and amount of each transaction.

Section 7 prohibits political committees from receiving contributions, from any source, within thirty days next preceding the November general election, and in States where the general election for Members of Congress is fixed by law at a time other than November the political committees within such States are prohibited from receiving contributions within thirty days next before the election in such States.

Section 8 requires each political committee whose aggregate receipts shall exceed $1,000 to make publicity as follows: The national committees of each political party, within thirty and not less than twenty days next preceding the November general election, and the State and district committees of each political party within thirty days and not less than twenty days next preceding the date fixed by law in their respective States for the general election at which Members of Congress are to be elected,

are severally required to make and publish in a newspaper of general circulation, published in the town or city where the treasurer shall keep his office, a full, true, and complete statement, signed and sworn to by the chairman and treasurer, showing the date and amount of each and every contribution, the true name and address of each contributor, and the date and amount of each and every expenditure or distribution, giving the true name and address of the person or committee to whom paid or distributed. And, in addition to the newspaper publication before the election, each of said committees is required to make a similar statement after the election, including and embracing the ante-election publication, showing in detail the entire transactions of such committees, which must be signed and sworn to by the chairman and treasurer and filed with the Clerk of this House within thirty days after the election, to be preserved by him for at least fifteen months, and be open to inspection by any citizen of the United States.

Other sections relate to judicial procedure and prescribe penalties for the violation of the provisions of the bill.

Mr. Chairman, I freely concede that the bill I am discussing may be, and doubtless is, imperfect. I am not attached to a phrase in it and will gladly abandon it for a better measure. I believe it is the best that has thus far been presented for consideration, and therefore I stand for it. It is not symmetrical enough for some of my colleagues on the committee; it is too crude for some, does not go far enough to satisfy some, and goes too far for others.

I am the poorest of literary artists. If this bill presents in clear, distinct, and comprehensive language the great principle of publicity, then it satisfies me. I confess I have made no effort to construct a thing of beauty, but on the contrary I derive some pleasure from the hope that it will appear so hideous and monstrous to every corruptionist who would degrade and debauch our elections that the mere contemplation of its enactment and enforcement would result in a case of acute nervous prostration, with strong symptoms of complete physical collapse. [Applause.]

Believing that H. R. 19078 would give practical and substantial publicity and therefore merit public approval, I sought earnestly to secure its favorable report. When the committee agreed to take a final vote on this bill at noon on May 12, I confess I was elated. At the time fixed Mr. WATKINS, one of the minority members, moved "that following the special order heretofore made, the hour of 12 o'clock meridian having arrived, the committee report favorably H. R. 19078 as amended."

The roll was called, and those voting in favor of reporting the bill H. R. 19078 were Messrs. RUCKER, GILLESPIE, HARDWICK, ELLERBE, and WATKINS—5.

Those voting in the negative were Messrs. GAINES of West Virginia, SULLOWAY, HERMANN, NORRIS, BROOKS of Colorado, DUNWELL, CAMPBELL of Ohio, and BURKE of Pennsylvania—8.

Mr. OLMSTED. Mr. Chairman, it seems to me that the gentleman hardly intends or desires, when he comes to think of it, to mention occurrences in the committee and the names of those who voted for or against the proposition.

Mr. CLARK of Missouri. Mr. Chairman——

Mr. RUCKER. I will yield to my friend from Missouri, but I want to say I think I am capable of taking care of myself.

Mr. CLARK of Missouri. Very well.

The CHAIRMAN. The Chair will have the rule read.

Mr. RUCKER. Mr, Chairman, I do not need any instruction this morning.

The CHAIRMAN. The Clerk will read the rule.

Mr. WATKINS. Mr. Chairman, before the ruling is made the gentleman from Missouri ought to have an opportunity to express himself.

The CHAIRMAN. If the gentleman from Missouri desires to explain——

Mr. RUCKER. Mr. Chairman, I want to ask the gentleman from Pennsylvania [Mr. OLMSTED] if he made this objection simply for the "good of the order" or has he been requested to do it?

Mr. OLMSTED. No; I have not been requested to do it. I do not know who voted either way in the committee, but several times recently—I am not referring to the gentleman from Missouri—statements have been made showing what occurred in the committee.

Mr. RUCKER. Mr. Chairman, I want to say in the first place that I understand a record is kept by the committee for some purpose. No record is kept, so far as I am concerned, for the purpose of concealing my action.

The CHAIRMAN. The gentleman from Missouri is out of order, and will take his seat.

Mr. RUCKER. Very well, but I will get up again.

Mr. HAY. Mr. Chairman, I move that the gentleman from Missouri be allowed to proceed in order.

The CHAIRMAN. First the Chair will have the rule read.

Mr. BURLESON. Mr. Chairman, is it possible that the gentleman from Missouri is not to be permitted to argue the point of order?

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows.

It is not in order in the House to refer to the proceedings of a committee, or to read from the records thereof, except by authority of the committee.

Mr. GROSVENOR. Mr. Chairman, the statement already made giving the votes of the members of the committee and criticising the action of gentlemen ought not to be permitted to go in the RECORD.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman from Missouri has the right to argue the point of order as well as has the gentleman from Ohio.

The CHAIRMAN. Under the rule it is within the discretion of the Chair as to whom he shall hear on the point of order.

Mr. CLARK of Missouri. But there was nobody else trying to be heard.

The CHAIRMAN. The Chair is ready to rule.

Mr. CLARK of Missouri. But I am not ready for the Chairman to rule.

The CHAIRMAN. The Chair desires to hear nothing further upon this point. The gentleman from Virginia moves that the gentleman from Missouri be permitted to proceed in order.

The question was taken; and the motion that the gentleman from Missouri be allowed to proceed in order was agreed to.

Mr. RUCKER. Mr. Chairman, I would like to have the Chair direct that the rule be again read for my benefit.

The CHAIRMAN. The Clerk will again read the rule in the time of the gentleman from Missouri.

The Clerk read the rule.

Mr. RUCKER. Now, Mr. Chairman, a parliamentary inquiry: What is the meaning of those words "authority from the committee?"

The CHAIRMAN. If the gentleman from Missouri desires, the Clerk will read the whole precedent.

Mr. RUCKER. Not in my time.

The CHAIRMAN. No; not in the gentleman's time.

The Clerk read as follows:

713. It is not in order in the House to refer to the proceedings of a committee, or to read from the records thereof, except by authority of the committee. On February 19, 1840, the House was considering the report of the Committee on Elections in the New Jersey contested cases, when Mr. David Petrikin, of Pennsylvania, submitted the following as a question of order:

"That neither the chairman of a committee, nor any other member of the committee or of the House, can be permitted to allude on the floor to anything which has taken place in committee, or in any way relate in debate what was done by said committee or by the individual members of that committee, except it is done by a written report made to the House by authority of a majority of the committee.

The Chair decided generally that the point of order was well taken.

The debate proceeding, Mr. Millard Fillmore, of New York, made allusions to the proceedings in the Committee on Elections, and, while reading a resolution which had been adopted in that committee, was called to order by the Speaker on the ground that a Member had no right to read papers containing the proceedings of the committee (not reported by the committee), although the amendment under consideration proposed to print their proceedings.

Mr. Fillmore then took his seat.

Mr. John Quincy Adams, of Massachusetts, appealed from the decision of the Chair in its calling of Mr. Fillmore to order, on the ground that the proposition of the Committee on Elections to authorize that committee to have papers printed necessarily brought all such papers before the House. Furthermore, any Member of the House had the right to call for the reading of papers which it was proposed to print. The rules were already too rigid for the rights of Members.

Mr. Petrikin maintained that a committee was a distinct body of individuals and that it was entirely out of order to read papers and arraign its proceedings before the House. Mr. John Pope, of Kentucky, thought they should not discuss any papers and proceedings of a committee until they were reported to the House. Mr. Linn Banks, of Virginia, spoke of the importance of the precedent. He favored preserving the rights of the minority, but this case involved rather the integrity of committee proceedings. If it was allowable to go into committee and drag forth their records to be commented on in the House jealousy would be endangered and the usefulness of committees impaired. The consequences of reversing the settled practice of the House should be looked to rather than the particular case before them.

The decision of the Chair was sustained by a vote of 98 yeas to 84 nays.

The CHAIRMAN. This decision was made by Mr. Speaker Howell Cobb, of Georgia. The gentleman from Missouri [Mr. RUCKER] is recognized in his own right and will now proceed in order.

Mr. RUCKER. Mr. Chairman, I hope that extensive reading does not come out of my time. Does it?

The CHAIRMAN. No.

Mr. RUCKER. Mr. Chairman, though I am hardly able to

comprehend all the rules of the House, I will assume, for the moment, that every rule is adopted for some wise purpose. Now, with reference to the point of order made, I want to address myself to that for a moment. I take it that if the committee permits me to use the record made by that committee that my friend from Pennsylvania [Mr. OLMSTED] will not object to it. Before I took this floor, I want to say to the Chair and to this House that I asked the gentlemen of that committee for permission to use these records, and I say that the gentlemen of that committee said the use to be made of the records was a question for each individual to determine for himself, and I have determined it for myself, and whatever may be the ruling of the Chair I am willing to let the country pass upon the question. I want to state here what occurred in preventing legislation and to show why a publicity bill has not been reported. Mr. Chairman, every day we hear gentlemen on this floor say that such and such a bill has a unanimous report of the committee. Does not that carry with it a suggestion that the committee all favored it? All that I want to do is to show that the reason we have not come in here with a bill on this great question, which is agitating and engaging the thoughts of men throughout this whole United States, is because our committee is not unanimous * * * . [Words stricken out by direction of Chairman.]

Mr. PAYNE. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The gentleman is out of order.

Mr. RUCKER. Mr. Chairman, can I withdraw the language?

The CHAIRMAN. The gentleman is out of order and will take his seat.

Mr. RUCKER. Can not I withdraw the language?

The CHAIRMAN. The Chair will recognize the gentleman to withdraw the language, and if he does not withdraw it, it will be stricken from the RECORD.

Mr. RUCKER. Then I shall let the Chair strike it out. Its suppression will serve my purpose nearly as well as its insertion.

The CHAIRMAN. The Reporter is directed to strike the remarks of the gentleman which are out of order from the RECORD.

Mr. BARTLETT. Mr. Chairman, I raise the point of order that the Chairman of the Committee of the Whole has no control over the RECORD; that it is the Speaker who has the right to do that, and not the Chairman of the Committee of the Whole House, and that the Chair usurps power when he does it.

The CHAIRMAN. The Chair has jurisdiction over matters spoken in the Committee of the Whole.

Mr. BARTLETT. No; I submit the Speaker has control and not the Chairman of the Committee of the Whole House, and I make the point of order that the Chair has no power over it.

Mr. GROSVENOR. Mr. Chairman, the gentleman from Georgia [Mr. BARTLETT] will permit——

Mr. BARTLETT. Oh, all of us are out of order, I admit.

The CHAIRMAN. All gentlemen will take their seats. The gentleman from Missouri [Mr. RUCKER] is recognized to proceed in order and has fourteen minutes remaining.

Mr. RUCKER. Well, Mr. Chairman, I will try to proceed in order and yield as respectfully and submissively as I can to the ruling of the Chair, induced, as it is, by the distinguished leader of the majority, the gentleman from New York [Mr. PAYNE], and I will say, Mr. Chairman, that I shall not tell this House what is in the record, since gentlemen on the other side desire that the record shall not have publicity. I shall not quote the record any more, but, proceeding, as I trust I may now proceed, in order, I desire to say that if the bill H. R. 19078 were up for consideration before this committee and a vote should be taken on a motion to report that bill back to the House of Representatives, then, on such a motion as that, I say that the gentleman from Missouri [Mr. RUCKER], the gentleman from Texas [Mr. GILLESPIE], the gentleman from Georgia [Mr. HARDWICK], the gentleman from South Carolina [Mr. ELLERBE], and the gentleman from Louisiana [Mr. WATKINS] would vote in the affirmative, and on such a motion as that in this House—now, mark you, not in the House committee—the gentleman from West Virginia [Mr. GAINES], the gentleman from Nebraska [Mr. MORRIS], the gentleman from Oregon [Mr. HERMANN], the gentleman from Colorado [Mr. BROOKS], the gentleman from New York [Mr. DUNWELL], the gentleman from Ohio [Mr. CAMPBELL], and the gentleman from Pennsylvania [Mr. BURKE] would all vote in the negative. [Applause and laughter on the Democratic side.] And if they did not do it, they would contradict themselves.

Mr. GRIGGS. Are they Republicans or Democrats?

Mr. RUCKER. All that I named last are Republicans, of course. Mr. Chairman, I am not going to mention anything that occurred in the committee, but the next meeting of the committee—and I believe I can state that, because it is a historical fact that we had a meeting on the 19th day of May—the chairman of the committee—mark you, Mr. Chairman, I am not going to say what occurred in the committee—the chairman of that committee, my distinguished friend from West Virginia [Mr. GAINES], submitted a bill that he had prepared at the suggestion and the request of the committee for the consideration of that committee, and I want to say that if the bill, reported by the distinguished chairman of that committee, instead of being reported to the committee had been reported to *this* Committee of the Whole House, and I had made the motion like this, "that the committee proceed now to the consideration of the draft of the bill just submitted by the chairman of the Committee on Election of President, Vice-President, and Representatives in Congress, and that the Committee of the Whole hold daily sessions, only taking recess for meals, from 10.30 a. m. until 5 p. m. of each day, until a final vote on the bill be had, and that question were submitted on this floor to a vote, on the roll call I want to say to the House and to the country that the gentleman from Texas [Mr. GILLESPIE], the gentleman from Louisiana [Mr. WATKINS], the gentleman from South Carolina [Mr. ELLERBE], the gentleman from Georgia [Mr. HARDWICK], and the gentleman from Missouri [Mr. RUCKER], would vote in the affirmative, and every gentleman on the majority side of that committee except one would vote in the negative, *or else they would again contradict themselves.*

Now, Mr. Chairman, I am proceeding in order, I hope. [Laughter.] Then, Mr. Chairman, I want to suggest another fact. If this Committee of the Whole had under consideration publicity measures, and if this committee had agreed solemnly to meet three times a week for the purpose of giving consideration to this great and important subject, I believe that at a meeting like this on a pleasant forenoon, that perhaps the gentleman—Mr. BURKE of Pennsylvania—would move that hereafter instead of meeting three times a week that we only meet once a week. If he had so moved—*in this committee, mark you*—I would seek to amend the motion by moving "that the meetings be Mondays, Thursdays, and Saturdays at 10 o'clock, and with recess only for lunch, remain in session until 5 p. m., until the publicity bill submitted by the gentleman from West Virginia [Mr. GAINES] was fully considered and voted out; and on such a vote as that, if one could be had, I want to say that all of my Democratic colleagues would vote in the affirmative and all of my Republican colleagues—I will not say that, but Mr. GAINES of West Virginia, Mr. NORRIS of Nebraska, Mr. BROOKS of Colorado, Mr. DUNWELL, Mr. CAMPBELL of Ohio, and Mr. BURKE of Pennsylvania, if here—would vote in the negative, *or again contradict themselves.*

Then, Mr. Chairman, I want to say, if I may be permitted to proceed in order, that when the hour of adjournment of that committee should arrive, and a gentleman on that side of the aisle should move to adjourn, I would move, in view of the importance of this great question, "that the committee adjourn until 2 o'clock to-day, and at that hour reconvene and remain in session until 5 o'clock this evening, giving consideration to the bill heretofore submitted by the distinguished gentleman from West Virginia;" and on that motion I ought to say to this committee, if a vote was had here, every one of the Republicans whose names I have heretofore given and whose names I will put in the RECORD would vote against the motion and all the Democrats whose names I have used would vote for it. Then, Mr. Chairman, I want to say now, because I think I have passed beyond the point where there can be differences, that I regret very much gentlemen have such a fellow-feeling for members of our committee that they will not let us fight this out among ourselves. I regret that the distinguished gentleman from New York [Mr. PAYNE], who favors publicity and opposes these great corruption funds, I suppose, and the distinguished gentleman from Pennsylvania [Mr. OLMSTED], whom I also know to be an honorable man, and who does not approve of the use of the $16,000,000 by which voters of our country were debauched and the best and purest man that ever shone in the political firmament of this country was robbed of an election to the Presidency [applause on the Democratic side]—I regret, I repeat, that this small handful of Democrats, only five, and that great majority of eight Republicans on the committee can not fight this out without the great, ponderous weight of the gentleman from New York being thrown upon that side of the scales. So far as I am concerned, Mr. Chairman, I want to serve notice here now that while I respect for the time being, under compulsion, the rules of this House [laughter], I want to say to you, sir, that I have more supreme regard for the approval of the humblest citizen of my district on a question of duty performed than I have for

the approval of the entire majority membership of this House when it comes to the observance of a mere rule which covers up and hides from view the acts of men who are charged with official responsibility. [Applause on the Democratic side.] Of course, gentlemen of the committee, those who constitute the majority of the Committee on Election of the President and Vice-President and Members of Congress, are in favor of publicity. They say so, and the newspapers quote them thus; but, unfortunately, every act, except expressions which have gone to the country through the columns of newspapers, contradicts their statements. I make no accusation against anybody, but I want to suggest that the record which I am forbidden to read, if read to this House, would justify a strong suspicion that some at least of the gentlemen whose names I have called are at heart opposed to publicity legislation. And why? Every member of one political party, the Democratic, if this question was submitted here, where I have a right to say what my colleagues would do, would vote for publicity in its widest and broadest form, and, judging the future by the past, every gentleman on the majority side of that committee would vote against it *or again contradict themselves.* I do not propose to allow blame to attach unjustly to the minority of that committee if I can prevent it, rules or no rules. As members of that committee it is our duty to aid and not stifle legislation. We of the minority spurn the protection of the arbitrary rules of this House.

We have performed our duty and our record is clear. I invite gentlemen to read it. The more it is read the more the country will condemn the party in power for its inaction and its obstruction. [Applause on the Democratic side.] We do not apprehend, Mr. Chairman, that there is any dread consequence in publicity to the Democratic party. We do not think it is necessary to rely upon great sums of boodle and slush in order to retain our numerical strength upon this floor, but we know, or we think we know, if we can prevent the Republican party from using boodle we will be strong enough to elect the distinguished gentleman from Mississippi [Mr. WILLIAMS] Speaker of the House in the Sixtieth Congress [applause on the Democratic side], provided, of course, that my good friend and colleague from Missouri [Mr. CLARK] is not a candidate. [Applause on the Democratic side.] Not only that, but with such legislation as this we will yet elect to the Chief Magistracy of the United States that peerless—yes, I say peerless, because the brightest star in your party when compared with the grandeur of William J. Bryan suffers as doth the lightning bug when compared with the brilliancy and glory of the sun. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield the gentleman five minutes more.

The CHAIRMAN. How much time?

Mr. RUCKER. Five minutes, and I will proceed in order. Mr. Chairman, quoting a phrase quite familiar to Members of Congress, I ask "why hesitate" about giving this House in its wisdom an opportunity to express its judgment upon the great question of publicity? Is it possible that publicity will reveal in either party a putrid, leprous condition, so foul that its stench in the nostrils of good men would cause them to flee from that party as from a pestilence? The principle of publicity is nonpartisan. Its enactment into law *is demanded by good men,* and Mr. Chairman, if I may do so, I want to italicize the words, "is demanded by good men" of all parties. Every man who really loves his country and who desires to elevate and not degrade public morals is an advocate of this form of legislation. The honor of the Republic and the purity and sanctity of its elections demand publicity of campaign contributions. Every man worthy of a position of honor, confidence, and trust demands or ought to demand to know that the commission he bears from a proud constituency is unsullied and unstained by crime. The people demand a law of publicity, and if the party in power neglects to enact it, then, in my judgment, the anathemas of an outraged populace will be hurled against those responsible for the failure. Now, Mr. Chairman, I ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. Under the wise and just rulings of the Chair, may I be permitted to have access to the CONGRESSIONAL RECORD to publish anything I have said?

The CHAIRMAN. Anything that is in order.

Mr. RUCKER. I would like to know how far your censorship extends?

The CHAIRMAN. The Chair has ruled on that question and the rule of the House has been read, and the gentleman knows when he is in and when he is out of order.

Mr. PALMER. Before the gentleman sits down, I would like to ask him a question.

The CHAIRMAN. Will the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. RUCKER. Certainly. And I would like for some members of my committee to ask me a question also.

Mr. PALMER. I have had a bill or two before your committee on this subject, and I have not succeeded in getting them out.

Mr. RUCKER. Until we get a new deal they will never be acted on, my good friend.

Mr. PALMER. Is not this your complaint now, that the committee has not reported your bill?

Mr. RUCKER. May I ask you a question?

Mr. PALMER. I am asking you a question now. I say, is not your complaint that the committee declines or refuses to report your bill?

Mr. RUCKER. The gentleman knows that is not true. I have said repeatedly that I favor any publicity measure, and that I am not wedded to the bill I introduced or to any particular phrase in it.

Mr. PALMER. Is not the reason because the committee did not report your bill?

Mr. GRIGGS. Mr. Chairman, I make the point of order that the question is entirely out of order.

Mr. RUCKER. If you will allow me to go into the committee room and state what occurred——

Mr. PALMER. Do you think your bill is perfect and that it ought to be reported in preference to any other bill?

Mr. RUCKER. I will put in the RECORD, with the Chairman's consent, an admission of the fact that my bill may be imperfect and perhaps is imperfect, but it is the best I can draft. I wish the gentleman would help me to perfect it. My bill is not as complete as the Commandments, I admit, but it would catch many a corruptionist, some of whom live not a thousand miles from Pennsylvania. [Laughter.] And I have no reference to the gentleman.

Mr. PALMER. That is what I want. I want the bill to be broad enough and good enough when it is brought in here to accomplish something. I do not think your bill will catch anything.

Mr. RUCKER. Let me say to the gentleman from Pennsylvania that the better the bill is the less chance it has of enactment.

Mr. PALMER. The what?

Mr. RUCKER. The better a bill is the more certain it is to be condemned and doomed in that committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. I ask that the gentleman may be allowed to proceed for ten minutes.

Mr. RUCKER. I will not infringe on the patience of the House to that extent, but in view of the pernicious activity of some gentlemen, and the pressure brought to bear on some others, I will consume a few minutes in which to say to my friend from Pennsylvania that he misquotes me, inadvertently, of course, because it is not in his heart to do a malicious, wanton wrong; and his error can not be due to ignorance, because he is one of the most distinguished lawyers of this House. But the gentleman, by reason of partisan bias, which blinds him, sees no merit in the bill I introduced. I invite him, and I invite his colleagues, I invite any of the distinguished members of this great reform organization to modify, to correct, or destroy my bill, and give us something better or as good in its place, and I will vote for it. Not only that, but I pledge the Democrats of this committee and I believe that I am not saying too much when I say that I pledge the Democratic party to do anything that will make the corruptionists of this country come from under cover so that honest men may see them, because any man—every honest man—will condemn them.

Now, Mr. Chairman, I thank the gentleman——

Mr. PALMER. If you will agree to vote for my bill, I will agree to help you perfect yours.

Mr. RUCKER. Why did not the gentleman offer that before Congress was about to adjourn? I really believe the gentleman favors publicity, because he introduced a bill upon that subject. Why did not the gentleman help me? I have been struggling and fighting before that committee, but it has been a fight of five against eight, a minority fighting to overcome a partisan majority. You gentlemen on the Republican side had better get active. You daily hear the murmuring of the people. You are witnessing with dismay the people of your own States instructing for a man so popular and so great that you realize that in the next election most of you, unless you become very proficient as apologists and cunning in explanation, will be relegated to the rear and Democrats will occupy this House clear over to the

Cherokee Strip on the other side. [Applause on the Democratic side.]

Now, Mr. Chairman, this is my last appearance, and I want to thank the committee for its courtesy, but before yielding the floor——

Mr. OLMSTED. Will the gentleman allow me to ask him a question——

Mr. RUCKER. I am just about to deliver my peroration.

Mr. OLMSTED. It will not interfere with your peroration.

Mr. RUCKER. Oh, it will not matter if it is lost.

Mr. OLMSTED. The Constitution provides that the States shall prescribe the times, manner, and method of elections of Congressmen——

Mr. RUCKER. That is enough; I catch the gentleman's point——

Mr. OLMSTED. Now, I want to state to you, inasmuch as you made some reference to Pennsylvania, we have just passed a law within the last six months, forty times stronger than your bill. It is so strict in its provisions against the expenditure of money improperly that if a man even thinks about it, it will bring him within the provisions of the law. If you pass such a law in Missouri you will have no trouble.

Mr. RUCKER. We have a good law in Missouri. My humble opinion is that in your State you can not prevent corruption in politics without hanging a lot of criminals. You can not stop political corruption there by law, because the law will not be enforced. Good people have got to take some of the criminals out and execute them. [Laughter and applause on the Democratic side.]

Mr. OLMSTED. We have got a law enacted in the last six months that practically provides execution for anybody that violates it.

Mr. RUCKER. The gentleman speaks of the law in Pennsylvania, and it really affords reason to hope, if the gentleman properly construes the law of his own State, that Pennsylvania is preparing to join the solid South and break into the Democratic column.

Mr. Chairman, I want to thank the committee now for the courtesy shown me and to express my appreciation of and obligation to the Chairman for his very kindly consideration on all the questions that have arisen during this brief discussion. [Applause on the Democratic side.]

Mr. Chairman, before I take my seat I desire to obtain unanimous consent to publish, as an appendix to my remarks, a list of the names of the members of the National Publicity bill organization. It is very short.

The CHAIRMAN. Is there objection?

Mr. PAYNE. I did not hear the gentleman's request.

The CHAIRMAN. His request is that he be permitted to append to his remarks a list of the names of the members of the National Publicity Bureau, which is very short. Is there objection?

There was no objection.

The list is as follows:

APPENDIX.

National publicity bill organization.

LIST OF MEMBERS.

Perry Belmont, New York.
Joseph W. Folk, governor of Missouri.
J. Frank Hanly, governor of Indiana.
A. J. Montague, governor of Virginia.
A. B. Cummins, governor of Iowa.
N. C. Blanchard, governor of Louisiana.
Louis Warfield, governor of Maryland.
W. M. O. Dawson, governor of West Virginia.
William D. Jenks, governor of Alabama.
Samuel W. Pennypacker, governor of Pennsylvania.
George E. Chamberlain, governor of Oregon.
Claude A. Swanson, governor of Virginia.
Grover Cleveland, former President of the United States.
Alton B. Parker, former chief justice court of appeals, New York.
William J. Bryan, Nebraska.
Frank H. Black, former governor of New York.
L. F. C. Garvin, former governor of Rhode Island.
Samuel Gompers, president American Federation of Labor, New York.
Charles W. Eliot, president Harvard University, Massachusetts.
Edward A. Alderman, president University of Virginia.
W. H. P. Faunce, president Brown University, Rhode Island.
Henry Hopkins, president Williams College, Massachusetts.
J. G. Schurman, president Cornell University, New York.
William Dew Hyde, president Bowdoin College, Maine.
Ira Remsen, president Johns Hopkins University, Maryland.
E. Benjamin Andrews, president Nebraska University.
George Harris, president Amherst College, Massachusetts.
M. W. Stryker, president Hamilton College, New York.
James A. Tate, president American University, Tennessee.
George L. Collie, president Beloit College, Wisconsin.
J. H. Kirkland, chancellor Vanderbilt University, Tennessee.
David S. Jordan, president Leland Stanford Junior University, California.
Charles H. Levermore, president Adelphi College, New York.
M. H. Chamberlain, president McKendree College, Lebanon, Ill.
Lorenzo J. Osborn, president Des Moines College, Iowa.
Stephen F. Weston, president Antioch College, Yellow Springs, Ohio.
Charles Noble Gregory, dean of Law College, Iowa State University, Iowa City.
W. L. Ward, New York, member Republican national committee.
Norman E. Mack, New York, member Democratic national committee.
William E. Chandler, former Secretary of the Navy, New Hampshire.
James K. Jones, former chairman Democratic national committee, Arkansas.
John Wanamaker, former Postmaster-General, Pennsylvania.
Oscar S. Strauss, former minister to Turkey, New York.
Charles E. Hughes, counsel to New York legislative insurance investigating committee.
Julius M. Mayer, attorney-general of New York.
Warner Miller, former United States Senator from New York.
John M. Thurston, former United States Senator from Nebraska.
William F. Vilas, former Postmaster-General, Wisconsin.
Everett Colby, State senator-elect, New Jersey.
August Belmont, treasurer Democratic national committee, New York.
Melville E. Ingalls, Cincinnati, Ohio.
Judson E. Harmon, former United States Attorney-General, Ohio.
John E. Lamb, former Member of Congress from Indiana.
J. W. Kern, former candidate for governor of Indiana.
T. M. PATTERSON, United States Senator from Colorado.
Clark Howell, member Democratic national committee from Georgia.
Carter Harrison, former mayor of Chicago.
Josiah Quincy, Boston, Mass.
Roger C. Sullivan, member Democratic national committee from Illinois.
Alexander Troup, New Haven, Conn.
Charles A. Gardiner, chairman law committee of the board of regents, New York State.
Andrew Carnegie, Pennsylvania.
John F. Dillon, former judge, New York.
John T. McGraw, member Democratic national committee from West Virginia.
D. L. D. GRANGER, Member of Congress from Rhode Island.
James H. Wilson, Wilmington, Del.
John G. Milburn, New York.
W. F. Harrity, former chairman Democratic national committee, Pennsylvania.
Henry Watterson, editor of Louisville Courier-Journal, Kentucky.
Melville E. Stone, New York.
W. B. Vandiver, superintendent insurance, Missouri.
R. R. Kenney, member Democratic national committee from Delaware.
Edward Lauterbach, member of New York State board of regents.
J. J. Willett, former judge, Alabama.
John Ford, former State senator, New York.
Hermann Ridder, publisher Staats-Zeitung, New York.
J. Hampden Robb, former State senator, New York.
D. N. Lockwood, Buffalo, N. Y.
George Haven Putnam, publisher, New York City.
Frances Lynde Stetson, New York City.
J. H. Clarke, Cleveland, Ohio.
B. B. Smalley, member Democratic national committee from Vermont.
R. B. Van Courtlandt, New York City.
WILLIAM SULZER, Member of Congress from New York.
Charles W. Knapp, St. Louis, Mo.
P. H. Quinn, member Democratic national committee from Rhode Island.
J. B. Sullivan, Des Moines, Iowa.
Charles S. Hamlin, Boston, Mass.
Eugene S. Ives, Tucson, Ariz.
Cromwell Gibbons, Jacksonville, Fla.
W. R. Nelson, Kansas City, Mo.
Frank K. Foster, Massachusetts Federation of Labor.
P. J. McCarthy, Providence, R. I.
P. S. Grosscup, United States circuit judge, Illinois.
James M. Lynch, president International Typographical Union, Indiana.
John Y. Terry, member Democratic national committee from State of Washington.
John W. Blodgett, member Republican national committee from Michigan.
J. M. Greene, member Republican national committee from South Dakota.
W. A. Coakley, general president International Lithographers and Press Feeders' Association, New York.
J. A. Springer, national organizer United Mine Workers, West Virginia.
Park Mitchell, former president New Hampshire State Federation of Labor.
Timothy Healy, president International Brotherhood of Stationary Firemen, New York.
John Nugent, president West Virginia State Federation of Labor.
William A. Gaston, member Democratic national committee from Massachusetts.
Hoke Smith, former Secretary of the Interior.
William J. Wallace, United States circuit judge, Albany, N. Y.
J. K. Richards, United States circuit judge, Cincinnati, Ohio.
Horace H. Lurton, United States circuit judge, Nashville, Tenn.
James G. Jenkins, United States circuit judge, Milwaukee, Wis.
L. E. McComas, judge court of appeals, Washington, D. C.
A. M. Stevenson, member Republican national committee, Denver, Colo.
Urey Woodson, member Democratic national committee, Owensboro, Ky.
H. S. Cummings, member Democratic national committee, Stamford, Conn.
T. E. Ryan, member Democratic national committee, Waukesha, Wis.
Frederick V. Holman, member Democratic national committee, Portland, Oreg.
T. T. Hudson, member Democratic national committee, Duluth, Minn.
Henry B. Thompson, former chairman Republican State committee, Wilmington, Del.
Henry T. Kent, St. Louis, Mo.
Martin Maginnis, president Soldiers' Home, Helena, Mont.
E. E. Clark, chief Order Railroad Conductors, Cedar Rapids, Iowa.
John T. Wilson, president of Maintenance of Way Employees, St. Louis, Mo.
Robert C. Houston, Georgetown, Del.
James Wilson, president National Pattern Makers' Union, New York.

Louis Wiley, New York.
Josephus Daniels, Raleigh, N. C.
Thomas C. McClellan, Albany, N. Y.
Hannis Taylor, Alabama, former minister to Spain.
D. R. Francis, St. Louis, Mo.
Crammond Kennedy, Washington, D. C.
HENRY D. CLAYTON, Member of Congress, member Democratic national committee from Alabama.
JOHN L. BURNETT, member Democratic Congressional committee for Alabama.
EATON J. BOWERS, member Democratic Congressional committee for Mississippi.
ROBERT F. BROUSSARD, member Democratic Congressional committee for Louisiana.
JOHN W. GAINES, member Democratic Congressional committee for Tennessee.
EDWARD W. CARMACK, United States Senator from Tennessee, and one of the nine members of the Senate who are members of the Democratic Congressional committee.
John Cadwalader, Philadelphia.
Henry W. Williams, Baltimore.

EXECUTIVE COMMITTEE.

Perry Belmont, of New York.
William E. Chandler, of New Hampshire.
J. G. Schurman, of New York.
James H. Wilson, of Delaware.
A. H. Stevenson, of Colorado.
Norman E. Mack, of New York.
John E. Lamb, of Indiana.
Charles S. Hamlin, of Massachusetts.
John H. Clarke, of Ohio.
Charles W. Knapp, of Missouri.
Alexander Troup, of Connecticut.
W. R. Nelson, of Missouri.
Cromwell Gibbons, of Florida.
John W. Blodgett, of Michigan.
Frank K. Foster, of Massachusetts, delegate for the American Federation of Labor to the British Trade Union Congress.
James M. Lynch, of Indiana, president of the International Typographical Union.
James Wilson, of Pennsylvania, president Pattern Makers' National League.

LAW COMMITTEE.

John M. Thurston, of Nebraska.
Charles A. Gardiner, of New York.
John T. McGraw, of West Virginia.
Louis E. McComas, of Maryland.
Crammond Kennedy, of the District of Columbia.
Hannis Taylor, of Alabama.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. I understood the Chair to order that the Official Reporters should strike from the RECORD certain remarks which the gentleman from Missouri [Mr. RUCKER] made. Now, the parliamentary inquiry is how the Chairman of the Committee of the Whole gets any control over the RECORD at all?

The CHAIRMAN. The rule gives the Chairman the right to enforce order in the Committee of the Whole, and such remarks as were made after the gentleman was called to order and after he was ruled out of order should be left out of the RECORD—that is, such remarks as were out of order after the gentleman was called to order.

Mr. CLARK of Missouri. But how do you get control over the RECORD?

The CHAIRMAN. The Speakers have always exercised it in the House, and the rule gives the Chairman of the Committee of the Whole the same right to enforce order in committee.

Mr. CLARK of Missouri. No. Now, if the Chair will bear with me a minute, the situation is this: The gentleman from Missouri [Mr. RUCKER] had pronounced but about one-half of one sentence. Then the gentleman from Pennsylvania objected, and the gentleman from Ohio [Mr. GROSVENOR] impinged into the situation and insisted not only that what the gentleman from Missouri was about to say was out of order, but that what he had said ought to be stricken out of the RECORD. My understanding was that the Chair sustained the contention of the gentleman from Ohio. Well, I submit now, with all good feeling for the Chair and for everybody else, that the Chair had no right to make any such order.

Mr. CRUMPACKER. Will the gentleman from Missouri allow a question?

Mr. CLARK of Missouri. Yes.

Mr. CRUMPACKER. Is it not true that the Committee of the Whole makes its own RECORD? The House can not know officially of the RECORD of the Committee of the Whole, and it can only revise the RECORD when the Committee of the Whole does an improper thing or puts an improper thing in the RECORD. It seems to me logically the Committee of the Whole must control its own record. It makes the RECORD and it must control it.

Mr. CLARK of Missouri. No; here is the procedure, Mr. Chairman. I will say in answer to the gentleman from Indiana [Mr. CRUMPACKER]: If anything is spoken on the floor in Committee of the Whole and any gentleman thinks that that language ought to go out of the RECORD, then it becomes the duty of the Committee of the Whole to rise and report the proceedings to the House and have it stricken out by the House or have it left in by the House. Now, just one word more, if the Chair will permit me. This is the first time I ever heard that rule invoked in this House anyhow. I have heard the gentleman from New York [Mr. PAYNE] and the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Mississippi [Mr. WILLIAMS] repeatedly refer on the floor of this House to things that happened in the committee, and I have done it myself.

Mr. KEIFER. That does not change the rule.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule. The committee will be in order. All gentlemen will please take their seats.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair will first answer the inquiry of the gentleman from Missouri [Mr. CLARK].

Mr. BARTLETT. I want to refer the Chair to the authority.

The CHAIRMAN. Gentlemen will please take their seats. The Chair desires to call the gentleman's attention to Hinds's Parliamentary Precedents, page 884:

Mr. Kem, of Nebraska, rising to a parliamentary inquiry, asked if the remarks made by the gentleman upon the floor, out of order, were entitled to go into the RECORD, when objection was made. Mr. GROSVENOR, of Ohio, made the point of order that the RECORD was not before the House and that the gentleman was not charged with any duty regarding it until the next morning. The Speaker said:

"The Chair is obliged to say that the question of what goes into the RECORD is somewhat of a disputed point. Whatever is presented as a question of privilege and as a part of the proceedings of the House ought to go into the RECORD, but what is said after the question has been ruled upon by the Chair the Chair thinks ought not to go into the RECORD."

Mr. CLARK of Missouri. But my understanding was that the Chair sustained the suggestion of the gentleman from Ohio [Mr. GROSVENOR] that what the gentleman from Missouri [Mr. RUCKER] had just said should be stricken out of the RECORD.

The CHAIRMAN. The gentleman from Missouri misunderstood the Chair, because the Chair distinctly said that what was said by the gentleman from Missouri after the point was made and sustained should not go into the RECORD.

Mr. GROSVENOR. Mr. Chairman, I took no interest in or thought of what was going on until I heard the gentleman from Missouri called to order, and then, in obedience to a mind I have had I made the suggestion, which I have more than once made when a Member has been called to order and proceeds to talk, that what he says ought not to go into the RECORD. I do not know what it was the gentleman was saying, and I do not care. I felt no interest in the question under discussion. Now, a single word further. How can you present to the House tomorrow morning the RECORD of the House truthfully as to what took place in the Committee of the Whole? And necessarily the gentleman from Missouri will find that the rulings upon questions of privilege all along the line are solved in this way, that whatever took place in Committee of the Whole can be regulated and controlled by the action of the Committee of the Whole.

Mr. GAINES of West Virginia. Mr. Chairman, a parliamentary inquiry. Is the Chair ready to rule?

The CHAIRMAN. The Chair has already ruled, and there is nothing before the committee.

Mr. CLARK of Missouri. I want to read one citation to show that the Chair ruled wrong.

The CHAIRMAN. The Chair will stand by his ruling.

Mr. CLARK of Missouri. Right or wrong?

The CHAIRMAN. Right or wrong. [Laughter.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GAINES of West Virginia) there were—ayes 141, noes 37.

So the committee determined to rise; accordingly the committee rose, and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union reported that that committee had had under consideration the consular and diplomatic appropriation bill, and had come to no resolution thereon.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report on the Indian appropriation bill, H. R. 15331, with the statement, for printing in the RECORD, under the rule.

The SPEAKER. The report and statement will be printed under the rule.

PROCEEDINGS IN COMMITTEE OF THE WHOLE.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Missouri. For the purpose of having a question of order settled.

The SPEAKER. About what?

Mr. CLARK of Missouri. A question of the highest privilege of the House.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. In the course of certain remarks by Judge RUCKER——

The SPEAKER. Where did the gentleman make the remarks?

Mr. CLARK of Missouri. In the Committee of the Whole. This affects the RECORD, if the Speaker pleases. The gentleman from Missouri, Judge RUCKER, was making remarks on the publicity bill and had delivered about one-half of a certain sentence when the gentleman from Pennsylvania [Mr. OLMSTED] raised the question of order that he was violating the rule that prohibits reference to what happened in a committee of the House. Then the gentleman from Ohio [Mr. GROSVENOR] insisted that not only what Judge RUCKER said subsequent to that in the same line should be stricken from the RECORD, but what he said prior to that, to which the gentleman from Pennsylvania objected, should be stricken out of the RECORD. The Chairman of the Committee of the Whole House on the state of the Union, Mr. CURTIS, for whom I have the kindliest feelings, sustained a part of the motion of the gentleman from Ohio; that is, as to what Judge RUCKER said after he was called to order.

The SPEAKER. The Chair is prepared to rule. The Chair has no knowledge of what took place in the Committee of the Whole House on the state of the Union. The Committee of the Whole House on the state of the Union is a committee consisting of all the Members, and the Chair has no means of ascertaining what took place in that committee except upon a report by the Chairman of that committee to the House. The Chair knows nothing from that report. The Chair has a precedent that is in hand, which will be found on page 403 of the Manual. It is as follows:

The Speaker can not rule in regard to what occurs in Committee of the Whole unless the point of order is reported to the House for decision.

Mr. CLARK of Missouri. That is exactly what I am doing now.

The SPEAKER. But some other Member might disagree with the gentleman. The gentleman from Missouri bears no mission from the Committee of the Whole House to report to the House what happened there.

Mr. CLARK of Missouri. Mr. Speaker, I do not want to be overpersistent, but I have two citations in point also which I will read, if the Speaker will permit me.

The SPEAKER. The Chair, through courtesy, will hear the gentleman.

Mr. CLARK of Missouri. I do not care how I obtain the right, if I can read it. [Laughter.] I read from page 403 of the Manual, near the middle of the page:

The Committee of the Whole, having no control over the CONGRESSIONAL RECORD, reported to the House an alleged breach of privilege involved in the reading of an anonymous letter in the committee, and the House struck the letter from the RECORD.

The SPEAKER. Precisely, but the gentleman is hoist by his own——

Mr. CLARK of Missouri. I wish the Speaker would proceed, for that is a good quotation from Shakespeare. [Laughter.]

The SPEAKER. What the gentleman has just read is exactly in point as sustaining the Chair.

The Committee of the Whole, having no control over the CONGRESSIONAL RECORD, reported to the House an alleged breach of privilege involved in the reading of an anonymous letter in the committee, and the House struck the letter from the RECORD.

Now, there is no report touching this matter made from the committee to the House, and therefore there is nothing upon which to base action.

Mr. CLARK of Missouri. Let me make just two remarks. The first one is that the first half of that quotation shows that the Committee of the Whole has no control over the CONGRESSIONAL RECORD, and the second is that while it is true, as the Speaker stated, that I bear no commission to report from the Committee of the Whole, the Speaker of this House has an absolute machine whereby he may find out what the Committee of the Whole did. All that the Speaker has to do is to summon the Reporters and find out precisely what took place.

The SPEAKER. And then, under the rules of the House, the Speaker would become what the Speaker at times thinks his critics are not justified in calling him, a real czar.

ORDER OF BUSINESS.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the consular and diplomatic bill, and in connection therewith move that all general debate on the bill close at 3 o'clock, the time to be equally divided, one half to be controlled by the gentleman from Virginia [Mr. FLOOD] and the other half by myself, and on that I move the previous question.

The SPEAKER. The Chair will state the motion. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union, and pending that motion the gentleman moves that all general debate close at 3 o'clock.

Mr. ADAMS of Pennsylvania. To be equally divided, Mr. Speaker.

Mr. PAYNE. But that is not in order. That can not be done now.

Mr. PERKINS. Mr. Speaker, have I the right to be recognized on this question?

Mr. ADAMS of Pennsylvania. Mr. Speaker, on that I move the previous question.

The SPEAKER. The motion is not debatable.

Mr. PAYNE. Well, it is amendable, Mr. Speaker.

The SPEAKER. The motion is not debatable.

Mr. PERKINS. Mr. Speaker, I move——

The SPEAKER. The Chair is mistaken. The motion to go into the Committee of the Whole is not debatable or amendable, but the motion to limit the time of general debate is amendable, in the opinion of the Chair. The gentleman from Pennsylvania moves the previous question upon the motion.

Mr. PERKINS. Mr. Speaker, am I entitled to be recognized on that motion?

The SPEAKER. The previous question has been moved, and the very object of the previous question is to cut off debate and amendments. The question is on ordering the previous question on the motion of the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. PERKINS) there were—ayes 126, noes 86.

So the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Pennsylvania to close debate at 3 o'clock.

The question was taken; and on a division (demanded by Mr. PERKINS) there were—ayes 100, noes 93.

Mr. PERKINS. Mr. Speaker, I ask for tellers.

Mr. HAY. Mr. Speaker, I ask for tellers.

Mr. ALEXANDER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Six gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

Mr. PADGETT. Mr. Speaker, a demand for tellers was made.

Mr. ADAMS of Pennsylvania. Mr. Speaker, a point of order. I maintain that it is too late for tellers.

Mr. PERKINS. Mr. Speaker, a demand was made for tellers. It was not answered because a demand for the yeas and nays was made and took the place of it, and, as I understand, a demand for the yeas and nays takes the Member making the demand for tellers off his feet. The yeas and nays have been refused, and therefore I think the demand for tellers is now in order.

The SPEAKER. The Chair, after inquiry, does not find that this question is controlled or enlightened by a precedent. There may be precedents in the premises, but, if so, they can not be found after hasty examination. Now, the gentleman demanded tellers. Pending that demand the yeas and nays were demanded and the yeas and nays were refused. It does seem to the Chair that the demand for tellers, not having been disposed of, might be regarded as pending, because, perchance, the Chair may have miscounted, the vote being close, or, perchance, gentlemen may have changed their judgment between the time the count was made by the Chair and the present time. As many as are in favor of ordering tellers will rise and stand until counted.

Mr. ADAMS of Pennsylvania. Mr. Speaker, will the Chair hear me for a moment, or has the Chair decided the point.

The SPEAKER. The Chair will hear the gentleman.

Mr. ADAMS of Pennsylvania. Mr. Speaker, it has been the universal custom in this House that the call for the yeas and nays overrides the call for tellers as a higher parliamentary proceeding and privilege.

Mr. PERKINS. Mr. Speaker, that is why I yielded to the call for yeas and nays. That call for the yeas and nays, however, was not seconded by the House. I now make the call for tellers. I entirely agree with the gentleman. He is exactly right, and the Chair sustains the point.

The SPEAKER. As many as favor——

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent——

Mr. BURLESON. Regular order!

Mr. ADAMS of Pennsylvania. I ask unanimous consent, Mr. Speaker——

Mr. BURLESON. Regular order, Mr. Speaker.

Mr. ADAMS of Pennsylvania (continuing). That general debate on this bill close at the end of four hours, two hours on either side, one-half of the time to be controlled by the gentleman from Virginia and the other half by myself. I think that meets everybody's desires.

Mr. PERKINS. Mr. Speaker, am I entitled to be heard on any motion?

The SPEAKER. Is there objection?

Mr. PERKINS. Mr. Speaker, reserving the right to object, I would like to state the reasons for the position I have taken. I have no desire in any way to harass or delay the business of the House, but in this long debate upon the diplomatic bill Mr. FOSTER of Vermont and myself, of the committee, fourth and fifth on the committee, were each entitled to one hour in our own right. We have yielded and have been glad to yield to Mr. DALZELL and to others who have spoken on important questions all the time that they desired. Now, I have no desire, Mr. Speaker, nor has my associate, Mr. FOSTER, to occupy an hour in our own right, but I do desire the time I have promised certain gentlemen, who, I think, have the right to be heard—the balance of my hour. I wish to have the right to dispose of one hour of this debate, and I am sure that the House, when I have been willing to yield to others who have desired to speak on important questions, will not wish that any member of the committee shall lose his right to one hour for himself or to be given by himself to such other members of the House as have asked for the time and, in his opinion, are justly entitled to have it.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I am asking the time for these very two gentlemen.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. [Applause.]

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER. The question recurs to the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the diplomatic appropriation bill.

The question was taken; and the motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19264) making appropriations for the diplomatic and consular service, Mr. CURTIS in the chair.

The CHAIRMAN. Debate is limited to four hours, two hours to be controlled by the gentleman from Virginia, and two hours to be controlled by the gentleman from Pennsylvania.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. PERKINS.]

Mr. PERKINS. Mr. Chairman, I yield ten minutes to the gentleman from West Virginia [Mr. GAINES.]

Mr. GAINES of West Virginia. Mr. Chairman, I have some embarrassment in following the gentleman from Missouri [Mr. RUCKER] because I shall endeavor to be bound by the rules of the House, and in the outset I want to say that if at any time I transgress them, I shall be obliged if the Chair or any other Member will direct my attention to that fact. Also, I shall say in beginning, Mr. Chairman, as bearing on the subject of publicity in election expenses and of law relative to that subject, that the speech of the gentleman from Missouri shows how futile are rules to bind gentlemen who wish to evade and elude them. Early in this session, Mr. Chairman, a scheme to exploit a particular measure with reference to publicity in election expenses engrossed the attention of the press of this country, attracted the attention of the public to some extent and made considerable impression upon the Members of this House. The result of that exploitation in newspapers with reference to the subject of publicity in election contributions was a bill (H. R. 11642) known generally as the "Belmont bill," promoted by the energy of Mr. Perry Belmont, and introduced into this House by the distinguished gentleman from Massachusetts [Mr. MCCALL]. That bill upon the first reading recommends itself to the judgment of those people who desire to prevent election corruption by giving publicity to election contributions, but I submit to the judgment of anybody who will read it carefully this proposition, that no man can look into that bill without saying that it is drawn, not designedly, I believe, but successfully drawn for the purpose of giving no embarrassment to the man who wishes to contribute to election expenses; and that it would hamper only the man who is conscientious enough to pay attention to the spirit of the law, even when the letter of the law is easy to evade. This bill provides for publicity in election contributions that are made to aid elections of Members of Congress in two or more States of the Union, and made to a political committee having jurisdiction in two or more States of the Union. What futile nonsense, is this, Mr. Chairman!

Contributions to elect Members of Congress or Presidential electors in two or more States of the Union, and to a committee having jurisdiction in two or more States of the Union! It would look as though the gentleman who first drew this bill remembered the situation of the Democratic party. It would look as if he did not desire, for instance, to hamper contributions made to the city committee or the Tammany committee of the city of New York. A great corporation, under the Belmont bill, without any embarrassment whatever, any rich man who chose, could contribute all the millions he desired to the committee of the city of New York to any State committee in the State of New York, or Indiana, or West Virginia, or Missouri—the State of my distinguished colleague upon the committee, Mr. RUCKER. Persons or the corporations might contribute in every Congressional district in the United States, and in every county in the United States. Recognizing that condition, what happened? I shall not state what happened in the committee. I shall not state any conditional proposition, and evade the rule when the Chair calls me to order. As I have said once before, those are matters of propriety, and address themselves to the individual discretion and disposition of each particular gentleman. But I will——

Mr. RUCKER. Will the gentleman yield?

Mr. GAINES of West Virginia. I decline to yield. I have only ten minutes and the gentleman had twenty-five.

Mr. RUCKER. I advised the gentleman that I would make use of occurrences in committee.

Mr. GAINES of West Virginia. I admit that. I do not wish to attempt what the gentleman has just done, because I am trying to avoid your open breach of the rules of this House. I decline to yield further, and the gentleman must recognize the justice of it. I will tell you what did happen, from the records of this House. On the 8th day of this month the gentleman from Missouri [Mr. RUCKER] introduced H. R. 19078. An examination of that bill discloses—what? That the distinguished gentleman from Missouri [Mr. RUCKER] agrees with everything I have said—that the Belmont bill is so faulty that it would accomplish nothing in the way of publicity of elections, nor constitute one single influence toward honesty and decency of elections or publicity in election contributions. [Applause on the Republican side.] It shows, Mr. Chairman, further—it shows that the distinguished gentleman from Missouri [Mr. RUCKER] recognizes the fact that no Federal election law—and it is a strange thing that the Democratic party should be standing here as the champion of Federal election law in this Congress, I remark in passing—it shows that he has by his act admitted and by his bill asserted that no Federal election law can reach the difficulty sought to be reached unless we concede that the Government of the United States in matters of elections may not only regulate the contributions of money to elect Members of Congress and Presidential electors, but that it may go beyond it and take jurisdiction of every contribution with reference to every person to be voted for at any election where Members of Congress may by law be voted for.

The bill of the distinguished gentleman from Missouri [Mr. RUCKER] provides that Congress can take jurisdiction of contributions to State committees. It provides that punishment may be had through the Federal courts of anybody who contribute to a State committee pending any election at which Members of Congress and Presidential electors may by law be voted for. Therefore, Mr. Chairman, what reason was there for stopping there? If the Belmont bill was perfect, as you have asserted, notwithstanding your act here in introducing your bill, notwithstanding the flattery you put in the RECORD this morning concerning the Belmont bill, what is the reason for its being defective? Because it did not include State committees? What reasonable man can claim that your bill is other than mere nonsense and balderdash and claptrap and an appeal to the uninformed when it stops at State committees? [Applause on the Republican side.] What good was there in doing it? And what eulogy is to be made of that measure? The gentleman does not claim it is perfect. I announce and assert that no bill ever introduced in this or any other legislative body had fewer of the earmarks of perfection than that bill of yours.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. GAINES of West Virginia. No; I will not. If my time

be extended I will yield to anybody with great pleasure, and to no one with more pleasure than to the gentleman from Texas. Now, then, since it seems that public opinion was changed in this country, since it seemed that the Republican party was not to be denounced——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield five minutes more to the gentleman from West Virginia [Mr. GAINES].

Mr. GAINES of West Virginia. Since, Mr. Chairman, it seemed that the Republican party, which has been in the past so severely criticised by its Democratic friends because it favored a Federal election law, was now to be assailed from that same high source because it was not ready enough to take Federal jurisdiction of elections in this country, I myself, having none of the constitutional difficulties on that subject so offensive to my Democratic friends, until I found that the gentleman from Missouri had taken the lead and crossed the Rubicon, and asserted that every election in this country, for every officer voted for where a Member of Congress might be voted for, might be controlled and ought to be, at least, in part, controlled by the Federal Government, I introduced a measure on May 21, 1906, which provided for publicity not only for contributions made under the Belmont law, to elect Members of Congress and Presidential electors in two or more States, not only, as in the Rucker bill, contributions made to State committees, but to control contributions made to elect any officer, or to any person or committee in aid of the election of any officer, who was to be voted for at the same time that a Member of Congress was to be voted for. Unless we can wipe out the difficulties of State lines in the matter of Federal jurisdiction to control election expenses, it is absolute demagogy, in my opinion, to endeavor to pass any legislation at all on this subject. If we may go that far, then we may do it with success. It makes no difference whether the money contributed to influence elections be contributed to a Member of Congress, or a Presidential elector, or to elect a governor, or a State officer, or some county or city officer to be voted for in the same ballot box. Knowing this, I introduced the bill H. R. 19515. I repeat, Mr. Chairman, that it is absolutely useless and absurd for the people of this country to demand plenary relief at the hands of Congress, and not give full jurisdiction to deal with the subject or consent to the exercise of that full jurisdiction.

Mr. RUCKER. Will the gentleman yield for just a moment?

Mr. GAINES of West Virginia. Though it is not just, I will yield to the gentleman as the more polite course.

Mr. RUCKER. Did I not urge in every way that I could the taking up of the bill and reporting it?

Mr. GAINES of West Virginia. I shall not now, Mr. Chairman, criticise the ingenuousness, or lack of it, on the part of the gentleman who asks me to follow him into an open violation of the rules; but I say this, that an examination of this bill will, in my opinion, show that if the Federal Government has jurisdiction enough to accomplish anything the bill I introduced will reach the point. It may be violated. It can not be evaded. Now, the bill introduced by the gentleman from Massachusetts [Mr. MCCALL] and the one introduced by the gentleman from Missouri [Mr. RUCKER] nobody would violate, because the merest child could evade it with impunity, or know how to do it.

There are some people, it is to be remembered in matters of election laws, as I stated in the beginning, who do not need drastic rules to control them, and others, again, can not be controlled by any rule or the underlying sense of propriety which led to its adoption.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PERKINS. I yield the gentleman one minute more.

Mr. GAINES of West Virginia. I will say, however, to the gentleman from Missouri [Mr. RUCKER], in reply to his question, that if my bill be faulty in one particular matter, to which I myself called the attention of the committee and upon which I asked the committee's advice and suggestions—viz, with respect to the time when expenditures must be reported, as relating to the last expenditures made during any campaign—with that possible exception, I believe, it reaches the point. And the remarks made by the gentleman from Missouri, in violation of the rules of this House, show that if he filibustered against the consideration and consumed the time of the committee it is no fault of mine.

Mr. RUCKER. The gentleman knows that is not a fact, and he will not assert that as a fact.

Mr. GAINES of West Virginia. Your speech will prove it. [Loud applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, after we have had three or four days of exciting debate upon a question as burning as that of tariff legislation, it may be a soothing change to the committee if we return to the dignified calm of the diplomatic service.

Now, Mr. Chairman, what I wish to say in connection with the service may have some interest to the members of this House, because I wish to furnish some figures in connection with the civil service of the United States and the service of Members of this House of Representatives. Two or three weeks ago there was reported from the Committee on Foreign Affairs a bill in reference to the consular service, and at that time it was suggested that similar legislation might be unfavorably regarded, because it might tend to diminish the patronage sometimes exercised by Members of the House in reference to the appointment of those connected with the consular service. I might say, Mr. Chairman, that such bits of patronage as exist with reference to the consular service are absorbed at the other end of the Capitol, and rarely, indeed, do they reach this House. But beyond that I wish to suggest to the attention of the committee not only my own views, but my own views based upon the records of the House of Representatives, in reference to the usefulness of any form of patronage to us.

I should say in this connection a word in reference to a criticism often made outside as to the consular bill. There was a demand that came to many Members of this House from many organizations and leagues for the reformation of the consular service, asking that Congress insert in that bill a provision requiring that appointments to the consular service should in future be made by what is called a "civil service examination." Now, I wish to say, Mr. Chairman, that those demands, no matter how worthy the gentlemen or the organization from which they have come, seem to me essentially futile. Everyone of us knows, or should know, that under the Constitution the Congress of the United States has no power to limit the choice of the Executive, given him by the Constitution, with reference to foreign ambassadors and consuls. It is said that such a provision as is demanded might state and record the solemn opinion of Congress. I submit that it is not the business of Congress to pass what should be called a law that may be obeyed or that may be disobeyed. When we pass a law, we pass a law that must be obeyed. We do not pass a law that in the form of law is mere advice. Furthermore, the demand that is made upon us is made to the wrong place. If the gentlemen interested in a change, in a reformation or improvement of the consular service, wish to effect the change they ask for, they should turn their artillery not upon Congress, which does not have the power, but upon the Executive, which does have the power. If it is an improvement to have the members of the consular service chosen by a civil-service examination, to have it wholly taken out of political influence, that change can be made to-morrow by Executive order, and any President can follow it so long as he sees fit; but not for one single day is he bound to follow such a system, though Congress should pass laws from now until the end of this session upon the subject.

Now, Mr. Chairman, what I desired to say about the effects of the civil service was a little different. We have had very many Members of this House complaining in reference to the effects of the civil-service system. I am not here either to attack or to defend that system. I recognize the fact that there are many persons in the service of this Government who have attained their positions by the system now in force who have become inert from age, who are useless from indolence, who show their only signs of activity when they demand shorter hours of work or larger rates of pay. I recognize the fact, also, that in former days there were many persons appointed to the civil service whose activity displayed in carrying caucuses did not show in them any fitness to copy records of the Treasury Department.

But what I want to suggest is not the effect of our civil-service system upon the civil service itself, but its effect upon the tenure of office of Members of the House of Representatives.

I assume that in desiring the possession of patronage and the power of appointment no one of us is entirely altruistic. I assume that we gentlemen do not desire the possession of patronage solely to do good to somebody else without any thought of whether it will do good to ourselves; I assume, and it is neither a violent nor an improper assumption, that the desire of Members of this House is, as it properly may be, for such reasonable continuation of their own service in the House as they can properly obtain. And as bearing upon that I desire to submit to the Committee of the Whole some figures which I owe to my friend and colleague [Mr. ALEXANDER], whom I do not now see here, but whose valuable book upon the political history of the State of New York will soon appear, and will, I am certain, furnish both interest and profit to all who may read it.

It appears that the State of New York from the time of its organization down to the year 1860 was represented by about 600 Members of Congress in all. How many do the members of this committee suppose of those 600 Members of Congress served only one term? Four hundred Members, two-thirds of the entire number of Representatives from the State of New York from 1789 to 1860, served only one term in Congress. How many were able to stay in two terms? One hundred and fifty only. One hundred and fifty, one-quarter of the membership, were enabled to keep themselves in Congress for two Congressional terms. Of that whole 600 Members there were only 50, only one-twelfth, that were allowed to remain in Congress more than two terms, and there was only one out of the 600 during a period of seventy years that was elected by his constituents for ten terms in Congress. The name of that gentleman, whose career is so unique in our early history, I am sorry to say I have forgotten. [Laughter.]

Now, Mr. Chairman, during all that period Members of Congress had to the fullest extent the possession of political patronage; there was no civil service to rob them of their rights. Every man who got a position in Washington, and every man who got a position out of Washington, had to obtain the sign manual, the recommendation of the Member from his district. What does it show, Mr. Chairman, when 400 Members of Congress, although possessed of this political patronage, were cut off at the end of their first term of Congress? Does it show that political patronage is, as is supposed by some, a means to lengthen political life, or does it show, Mr. Chairman, that it is a means of hastening political death?

Similar figures are shown for the next period of twenty years, and then we come down to what may be called "the present time," to the period when patronage has been so largely cut off that you might almost say that it is nonexistent. What has been the effect of this change upon the terms of Members of Congress? For the purpose of this argument, I do not care what has been the effect upon the character of the men that have been appointed. The House of Representatives is a part of the Government; some think not an important part, but still it remains a part. We have a right to consider the effect upon the service, upon the House of Representatives of any change made in our political system.

Now, Mr. Chairman, let us take the present House of Representatives; and many changes have been made, because four years ago the size of the membership was increased, and, as a result, nearly 10 per cent of new members were added. Yet more than one-half of the present House of Representatives have served more than two terms. Of the 600 men sent by the State of New York during seventy years, two-thirds only got a chance to sit in Congress for two years. Their political lives were brought to an end, not in their political manhood, but in their political babyhood. They possessed all the powers of patronage, and yet they come to an early and untimely end. In this House of Representatives only one man in six or seven is now serving his first term, whereas in New York formerly two-thirds were first-term men. Take the delegation from the State of New York, and over one-half of them, nearly three-quarters, have served more than two terms. Formerly only one-third of the membership were allowed to serve two terms. In other words, the average length of service of Members of Congress either from New York or elsewhere has nearly doubled.

Let us take another figure. In the New York delegation, formerly only 1 man out of 600 served ten terms, and only 1 man out of 12 served more than two terms. Now one-twelfth of the House of Representatives have served seven terms or more. In the New York delegation, where for seventy long years we find only one man that could keep in Congress for ten terms, we have now three Members that have served more than ten terms, one Member who has served nine terms, and two-thirds have served three terms.

Now, Mr. Chairman, what is the explanation of this? Take the delegation of the State of New York. That delegation—I say it without any undue modesty—I do not believe that the delegation from the State of New York, on an average, is any better or is any wiser than the representation which that State had during those seventy long years. I am free to say, Mr. Chairman, that I do not think it is, on an average, any worse delegation. We hear talk about the superiority, the greater wisdom, and greater patriotism of the earlier Congresses, but I confess that in that I do not believe. I imagine that on an average we are just about as good as our predecessors were, and we are no better. So it is evident, Mr. Chairman, that our longer tenure of office is not to any large extent due to any superiority in wisdom or any superiority in virtue.

It will be said that there is a greater tendency in the country to continue the same men in Congress. That is undoubtedly the fact, Mr. Chairman, but the question is, What is the explanation of the fact? If you find any change in public opinion, you may be certain that there are reasons back of the change. It seems to me that the reasons are perfectly apparent. Our predecessors had unlimited patronage. Where they appointed one man they necessarily disappointed ten men. Those men at once formed a coherent body, who said, "If we can get out the man who is in, the man who is out will get us in." There was, when a new man came up for nomination to defeat the sitting Member, a coherent body of workers who were actuated by the hope—by the belief—that if they could get their man in there was a $1,200 job down in Washington waiting for them. Well, there is no use of promising those jobs now, because even the boys in the wards know there are no such jobs to give, and it results that instead of the constant presence of a coherent body working to get out the sitting Member in hopes of furthering their own personal interests, the sitting Member is left undisturbed unless he has given dissatisfaction to the community as a whole. Mr. Chairman, that is the explanation, it seems to me. It must be the chief and almost the only explanation of the notable fact of the gradually increasing tenure of office in the House of Representatives during the last twenty years.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman who is giving us such valuable information whether he has made any investigation as to how many of these Members were defeated because they were not renominated or how many were defeated because of the changeable politics of New York State.

Mr. PERKINS. Mr. Chairman, I say, in answer to that, the politics of New York State were changeable then, and they are changeable now. In our present delegation of thirty-seven Members there were seven or eight changes due to political changes, not due to defeats in nominations, but to defeats in elections. And that is always true in the State of New York. I do not think that there were any more changes due to changes in elections in the State of New York during the first seventy years than there have been during the last twenty-five years. The percentage of change is always larger in New York than it is in many other States, and it is for this reason that I have taken comparative statistics from the State of New York, where the same conditions still exist.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Certainly.

Mr. FITZGERALD. Is it not a fact that there has been a growing tendency in the State of New York to continue Members in the House from the State of New York because it has become apparent that States that have retained Members here continuously for a long time have had in proportion to the number of their delegation a much larger influence and domination in legislation in Congress; and was not that notably the fact in the case of the State of Maine a few years ago, and in the case of the State of Iowa? There are a number of other States that can be mentioned with a comparatively small number of representatives, who, by reason of their long service and power acquired by committee positions, have a much greater influence than a much larger delegation from a larger State.

Mr. PERKINS. Mr. Chairman, I would say in answer that the States of Maine and Iowa have always been represented with great ability undoubtedly, and yet no more so on an average than the State of New York. I do not think the explanation of the gentleman is an explanation of the problem. If there were 500 men in the gentleman's district who thought they could get some position in Washington if they could get him out and get somebody else in, they would not be hampered by any considerations of whether the good of the State at large would be benefited, because his longer service might make him more useful.

Mr. FITZGERALD. But the gentleman does not think that 500 men in any one district would believe that they could get one position or that there would be 500 positions that could be obtained by any one Member?

Mr. PERKINS. In answer to that I will say that in what are called the "good old days" it was a poor Congressman who did not have at least fifty positions he could give, and it was a poor candidate for Congress who could not promise each one of those to ten men. [Laughter.]

Mr. FITZGERALD. That would not be true of a Representative from a large city. It might be in the rural districts, where they have the post-office patronage.

Mr. PERKINS. But apart from that, let me suggest to my friend, it is not the patronage in the city itself. I have heard the incident told of one gentleman, from, I think, the State of Indiana, who came down here twenty-five years ago and in the Departments in Washington obtained from fifty to sixty positions, but who was defeated for his renomination because the

man in the next district, as was said, had obtained for his constituents between seventy and eighty positions. I will ask the gentleman from New York [Mr. FITZGERALD] to think for a moment of these great Departments in the city of Washington, with their thousands of employees, and of how many my friend would be entitled to under a Democratic administration, if he had the fair quota of his district, out of the thousands and thousands and thousands of employees in those different Departments here in the city of Washington.

Mr. FITZGERALD. Well, with sixteen Representatives from my city, my quota would be pretty small.

Mr. PERKINS. It might make his constituents so greedy with desire that even with his abilities they might make it impossible for him to retain his seat so long as I hope he may.

Mr. DRISCOLL. I have been very much interested in these figures, and I would like to ask the gentleman if he has any data as to the length of service of Members of the House from New York between 1860—the time that his data seems to close, according to his statement—and in 1882, when the civil-service law was first inaugurated?

Mr. PERKINS. I can only say in reference to that, I was informed by my friend, Colonel Alexander, that he had not the precise figures, but he thought that they did not vary largely. He thought, if I remember correctly, that they did not vary materially from the figures he had down to 1860. I must give you his answer just as he gave it to me. I would say, from my knowledge of the politics of western New York, which I have and as I remember as a boy and by reading, I do not think the gentleman would find much difference between 1860 and 1880 and 1790 and 1860.

Mr. DRISCOLL. May I ask another question? Is it not further true that terms of office in New York State, in the assembly and the senate and other official places, have been extended during this late period longer than they were years ago?

Mr. PERKINS. I do not know how that is.

Mr. DRISCOLL. Is not that the general tendency in New York State, to give officials longer periods in public office?

Mr. PERKINS. Well, I could not say they are materially longer in members of the lower house of the legislature. In western New York the term is still two years for about nine-tenths, and about one-tenth get a longer tenure up where we are and in Syracuse. You will not find many members of the assembly who get over two terms.

Mr. DRISCOLL. Some of them get five or six.

Mr. PERKINS. Yes; some.

Mr. FITZGERALD. Is not that because members are of such capacity that after two terms in the assembly they are candidates for what they term "higher places?"

Mr. PERKINS. Oh, no; I think not. I do not know what they are candidates for, but nine-tenths of them are retired without getting it.

Mr. FITZGERALD. A great many of the gentleman's party, I am sure, do advance to higher places, and that is one reason why they do not continue in the assembly.

Mr. PERKINS. Yes, sir; some of them do.

Mr. DRISCOLL. Does not the gentleman think at present there are other avenues of ambition, so that less men in New York care to go to Congress now than formerly?

Mr. PERKINS. No; I think the proportion is just the same. Formerly there was only one Member for every fifty or sixty thousand population; now there is one for 225,000. I can assure my friend that he would find among the people whom he represents so well just as many who would be glad to get his place, if they could, as was the case forty years ago.

Now, Mr. Chairman, I have already talked longer than I proposed. I only wish to suggest this to the gentlemen of the committee in closing. It seems to me that a man who desires to subject himself to all the annoyances and all the vexations of having to make political appointments, with a very good chance that he will get turned out of Congress as a reward for his pains, requires a high degree of political unselfishness. Whatever may be said of civil-service reform, to Members of Congress it has been an unmixed blessing. It has made our lives happier; it has made our term of service longer. If there is anybody who wants to overthrow that system in order that he may get a job for some ungrateful constituent, he may be a very philanthropic man for the interest of others, but if he considers his own interest, it seems to me that he is a good deal of a fool. [Applause.] Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has thirteen minutes remaining.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.; and

H. R. 17507. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 18537. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902; and

H. R. 15266. An act to amend existing laws relating to fortification of pure sweet wines.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;"

S. 4716. An act authorizing the procuring of additional lands for the enlargement of the site and for necessary improvements for the public building at Butte, Mont.; and

S. 4400. An act to grant certain lands to the town of Fruita, Colo.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

Mr. FLOOD. I yield one hour to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR. Mr. Chairman, I desire to address the Members during the time allotted to me upon a much-discussed, long-protracted, and debated question—the railroad rate question. One would think that the Members here and the public had heard that subject almost ad nauseam, to say nothing of ad infinitum, but when the Hepburn bill finally passes, even with the remedial amendments impressed upon it by the Senate, it will still leave the shippers of Florida and the consumers and producers of that State largely defenseless against railway extortion and railway exactions, and for that defenseless position the American Congress is responsible, Democrats and Republicans alike.

This question has been treated in the debates upon it as nonpartisan, and I am glad of it. It enables me to speak with freedom as to my own party's action upon railway rate legislation without having the hypocritical pretense made that it disturbs party harmony or in any way breaks in on the line of party allegiance. What the people of Florida want, what the people of the Third Congressional district in that State want, is for the American Congress to write into the laws of this land provisions that will entirely guard them against unreasonable and unjust railway rate charges and against every device known to railway cunning and railway ingenuity to accomplish that result. Unless the Congress yields that much, then the people of Florida have not obtained on the statute books of the United States that which they in part, at least, demand. It is with the voice and sentiment of my people, so far as I represent them upon this important occasion, that I propose to submit some reflections upon a yet unsettled problem. And I desire to say to my party colleagues, in all candor and in all sincerity, coming from a loyal Democratic constituency, that our people would have more pleasure in the criticisms, coming from my party side, of a Republican President upon the railway rate question if their official action on the floor of this House had one year ago measured up to the length of his recommendations to the Fifty-eighth Congress.

I say frankly that I speak in protest here against any shortcomings on the part of the Democracy of the House of Representatives, as well as upon the part of the Republicans, upon this great national nonpartisan question.

Mr. Chairman, it appears, out of a long-continued debate, that there are two questions of primary importance in the consideration of this great question. The controversy will never be ended, the subject of this debate will never be concluded, until these two questions are settled properly. As long as the American Congress leaves in the hands of the railroads the fundamental right of rate making, as long as the people of this country, through their legislative body, leave in the hands of the railroads the power to fix their own valuations of their own property, upon which just and reasonable rates are sought to be levied—as long as these two great powers are left in the hands

of the railroads, then I pronounce the Hepburn bill, with all the remedial amendments impressed upon it by the Senate, as a mere delusion and a snare.

It is not creditable to the American Congress that they failed to write into the laws of the land those wise and just provisions which their own expert governmental agencies advised them to do. And I say the American Congress for ten years has been wisely and properly advised by their own Interstate Commerce Commission, and by the Industrial Commission, which was composed of members of the House of Representatives and of the Senate and of ten prominent business men of the country. The members of this House and of the Senate have been properly advised by those voluminous and long-extended reports for years past of the great evils done to the shippers of this country and to the producers and the consumers by railway extortion. And the American Congress has flouted those reports—and I use the word advisedly. Whose opinion is to control in framing legislation upon this subject? Not mine, particularly; not yours, particularly; not the opinions of Democrats, particularly; not the opinions of Republicans, particularly. If this Congress does properly it will go to those reports and find out from them exactly wherein the shippers and producers and consumers in this country are injured by railway extortion. Now, Mr. Chairman, I propose to take up, first, the great subject of classification. When the Hepburn bill becomes a law without granting to the Interstate Commerce Commission full power and control over the great classification of freight, a great wrong and a great injury will have been done to the American producers, the American shippers, and the American consumers.

In not giving this power in the Hepburn bill to the Interstate Commerce Commission the members of Congress have thrown aside the report of the Industrial Commission made to the Fifty-seventh Congress, and have flouted and turned down the reports made to the Senate and the House of Representatives by their own governmental expert agents, the Interstate Commerce Commission.

I will discuss, first, the classification of freight rates. The classification of freight rates is the true rate-making power itself in another form. The House of Representatives is about to pass a bill which leaves this potent weapon of harm still unsheathed in the hands of the railroad companies. Mr. Chairman, if the American public fully understood these wise recommendations of the Interstate Commerce Commission and the report of the Industrial Commission upon this subject of classification, and if they believed them, there are not many men on the floor of this House who could secure their election to the Sixtieth Congress unless they would put themselves in accord with them. I wish, first, to read a letter that I addressed to the railroad commission in the State of Nebraska. A similar letter, exact in terms, was addressed by me to the railroad commissions in every other State.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 2, 1906.

PRESIDENT RAILROAD COMMISSION,
Lincoln, Nebr.

DEAR SIR: Can you send me a copy of your State railroad commission law? If so, I would be greatly pleased if you would send same to me at once. I thank you in advance now for your courtesy.

Will you also write me a short letter stating whether your commission has the power to make a change in classification of freight rates, and to what extent? Also your opinion as to the value of this power lodged in your State commission and in the National Commission.

I am very anxious, indeed, speaking for the shippers in the Third Congressional district of Florida, to see the Interstate Commerce Commission have this power over classification, at least over items and groups, as recommended by the Industrial Commission to the Fifty-seventh Congress. It seems to me that the Hepburn bill is very defective in not having this power lodged in the Commission.

It leaves it in the power of railroad companies to raise their rates at will through the medium of change of classification of rates. Your prompt reply, with a copy of your State railroad commission law, and your opinion in this matter will be greatly appreciated by me.

Very sincerely, yours,

W. B. LAMAR,
Member of Congress, Third District, Florida.

In reply, written on the back of my letter which was returned to me are the words, "No railroad commission in this State."

I am not astonished that William Jennings Bryan was beaten in his own State in the election for President of the United States when the Republican party had left in the hands of the railroads the power to control the business there without a State railroad commission. A great producing, a great consuming, and a great shipping State, without any protection from railway discrimination and railway extortion inside the borders of that State. It is almost impossible to beat the Republican party and its allies—the railroads.

Mr. Chairman, before reading the replies I received from some of the railroad commissioners, or their secretaries, let me very briefly call the attention of this House to the danger of leaving in the hands of the railroads this vital power to them for raising rates, this injurious power to ourselves and our constituents, this power over classification of freight. I shall quote in part from the report of the Industrial Commission made to the Fifty-seventh Congress five years ago:

FREIGHT CLASSIFICATION.

Attention has been directed to the significance and importance of freight classification of late, by reason of the use made of it in the recent notable advances of freight rates throughout the country. Shippers have awakened to the fact that classification is a factor of primary importance in the making of freight rates. From a public point of view, the topic is important because the supervision or control of classification apparently was not contemplated by the original act to regulate commerce. The anomalous situation is presented, therefore, of a grant of power intended to prevent discrimination in freight rates, while at the same time provision for control over an important element in such rate making was entirely omitted.

And again:

Without recommending arbitrarily the necessity for a uniform classification of freight in the United States, it seems that under the complicated system which exists at the present time there ought to be some public supervision and control. There is absolutely none at present, as will be shown in detail in a subsequent chapter dealing with the powers of the Interstate Commerce Commission. The mere adoption of a uniform classification, as proposed in the Cullom bill, can accomplish very little, unless with this there be coupled the proper legislation for the enlargement of the powers of the Interstate Commerce Commission in respect to the control of rates.

To show how railroads use the device of "classification" to raise rates I submit this further extract from the report of the Industrial Commission:

THE GENERAL FREIGHT RATE ADVANCES BY MEANS OF CLASSIFICATION CHANGES.

The long-continued and steady decline of freight rates since the civil war has given way in 1900 to a marked advance in the published rates. No similar attempt, with the exception, perhaps, of the year 1894, has been made to arrest, by concerted action of all the roads of the country, this progressive decline, due to a considerable degree, as it has appeared, to competition between the railroads themselves. The peculiarity of these advances of 1900 is that they have been made, not by direct changes of tariffs, but by modification of the freight classifications. Merchandise, as is well known, is thrown into various classes according to its value, bulk, risk, etc., and the charges are graded accordingly. Consequently the transfer of a particular commodity from one class to another may operate materially to increase the rate of freight charge. Thus, for instance, the freight rate from New York to Atlanta by any all-rail line is fixed by common agreement at $1.14 per 100 pounds.

The rate on second class is 98, on third class 86, on fourth class 73, etc. It is apparent that if goods—axes, for example—which were formerly fourth class are by a change in classification made third class, this operates to increase the rates between these points specified from 73 to 86 cents. Moreover, since these classifications, as will be shown later in this report, are agreed upon by all railroads operating within each specified territory, a change of classification operates simultaneously to increase rates throughout the entire section. The same result may be attained also by changing classification according as the goods are shipped in carloads or less than carload lots. Thus, if a commodity was formerly classified as fourth class when shipped in carloads and as third when in less than carload lots, if the distinction between these two classes of shipment be removed and all are classified as third, whether in large or small quantity, this likewise results in an increase of the freight rate to the large shipper by the difference in the rate between third and fourth class. Or, again, as will be shown, certain commodities are sometimes exempted from classification by a special or "commodity" rate, as it is called. This commodity rate is usually very much below the rate for classified merchandise. Thus corn by the Official Classification is sixth class, and the rate from Chicago to New York for that class is 25 cents. If, however, corn actually moves under a commodity rate of 17½ cents per 100 pounds, the cancellation of the commodity rate immediately operates to put corn in class 6, thereby raising the rate to 25 cents.

Among the general recommendations of the Industrial Commission was the following one:

(*f*) For a specific grant of power to the Interstate Commerce Commission over classification, both as to items and grouping.

Coupled with this, however, we dissent from the section of the so-called "Cullom bill" requiring the Interstate Commerce Commission within a certain period to promulgate a uniform classification for the United States. This is not intended to detract from the importance or desirability of greater uniformity in classification, but action to this end should be taken by the carriers on their own initiative.

In aid of this contention I offer an extract of a letter from Hon. R. Hudson Burr, a member of the Florida State railroad commission, with reference to the pending bill:

I see that it gives no supervision whatever over the classification. While this bill may prevent the railroads from raising or lowering a rate or freight tariff, it will amount to very little if the railroads are to be the sole judges of classification, for that has always been the favorite instrument in their hands for tampering with rates. It is possible to change whole tariffs almost by use of the classification, and it is done.

For instance, the Florida railroad commission when it first organized adopted what was known as "Southern Classification No. 25" as the Florida classification. In about two years' time the southern classification had been changed until something like 500 articles in classification No. 25 had been raised, and at that time the railroad commission revised the Florida classification, placing back the articles thus raised by the railroads, and adopted what was known as the "Florida Classification No. 1," and now we find that again each year, when the traffic managers have met for the purpose of going over these matters, they have raised items in the southern classification until it differs materially from our classification. If they used the Florida classification on interstate shipments into Florida, it would not affect us so badly; but where the southern classification is higher they use it, and if in a remote case an item should be higher in the Florida classification they would use that. In other words, they use that which results in the highest rate.

It seems to me that it would be a farce to pass a bill enlarging the

powers of the Interstate Commerce Commission in which they were given the right, where complaint is made of the unreasonableness of a rate, and after hearing, etc., to substitute in lieu thereof a just and reasonable rate to leave the classification entirely in the hands of the railroad people. The Commission should have supervision of the classification to the same extent that they are given supervision over the rate; that is, where an article is classed in a manner to make it unreasonable and unjust that upon complaint, investigation, and hearing the Commission should have the right, if found to be as complained of, to substitute in lieu thereof a reasonable and just classification of the article or articles complained of.

When the Hepburn rate bill was being considered in this House some weeks ago I used the following language:

I shall offer an amendment at the proper time giving the Interstate Commerce Commission the authority and power over items and grouping, in order that the Commission shall have some disposition over classifications of freight, in this bill, as follows:

"On page 10, section 4, line 15, after the word 'regulations,' insert the words 'or classifications;' and after the word 'regulation,' in line 23, insert the words 'or classification;' and on page 11, line 5, after the word 'regulation,' insert the words 'or classification.'"

I did offer that amendment to the Hepburn rate bill on this floor, and Democrats and Republicans united to vote it down.

Mr. BARTLETT. May I make a suggestion to the gentleman?

Mr. LAMAR. I yield to the gentleman.

Mr. BARTLETT. The gentleman will recollect that less than a week ago the Supreme Court of the United States decided what is known as the "Hay case," in which they decided that the railroad, by a mere change of classification, could immensely increase the rate of freight on hay; and the Supreme Court affirmed the decision of the lower court, saying that the Commission had no such power to fix the rate and that the railroads could do it at will.

Mr. LAMAR. Mr. Chairman, I make this address with a view of calling the attention of this House, without regard to party, to what I regard as the laches of this House and the laches of the body at the north end of this Capitol.

Mr. BARTLETT. I want to call the attention of the gentleman to the fact that there has been introduced into this House a bill by the gentleman from Louisiana, who represented the views, and it was drawn by him and other minority Members united expressly to give the Commission power to change the classification on rates.

Mr. LAMAR. I am making my remarks perfectly impersonal and addressing them to the Members of this body without regard to party. I am asking the attention of the committee to the fact that in legislating against railroad extortion we have left one of the most vital powers to extort still in the hands of the railroads, and flatter ourselves that we have taken this power from them in passing the Hepburn bill. The Hepburn bill permits the Interstate Commerce Commission to reduce only one unjust and unreasonable railroad rate at a time, and that can not be done by the Commission except when some one makes a complaint. It leaves the railroads with the power still to raise a thousand rates in a night by the covert and fraudulent device of a change in classification of freight. Commissioner Burr, of Florida, is correct when he characterizes the Hepburn rate bill as a "farce" in this respect.

I protest in advance against the passage of that bill, although I shall vote for it as the best that I can get at this session. I protest against it upon the very ground that it does not embrace in its terms the elimination of this dangerous and potent power for harm, the power of classification enjoyed by the railroads at the present time, and which will be enjoyed after the passage of the Hepburn bill, and I say it is not creditable to the American Congress that they leave the railroads in possession of that power.

I am not attempting to inflict my individual opinions upon this House. No Member will be able to rise and say, "You are quite vain in suggesting to me that I vote your way." Ah, no; I do not propose to do that. I propose to face the Members of this House, regardless of party, with those high recommendations from expert governmental agents, which they are bound to take or bound to reject, and the country will conclude that when they reject them the rejection must have proceeded with the idea that the governmental experts were wrong, and the country will never indorse that position—the position that has already been taken by this House.

I desire now to call attention to the fact that at the very time the Hepburn rate bill was being debated, there met in this city on April 2, 1906, the National Association of Railway Commissioners, composed of representatives from the different State railroad commissions, to consider this great railroad rate question. And upon this very point of classification I call attention to the resolutions adopted by that association:

Resolved, That it is the sense of this convention that Congress enact a law requiring the railroads engaged in interstate commerce throughout the United States to, within two years after the passage of such act, prepare and adopt a uniform classification of freight articles; and in case they failed to do so within the time required that the Interstate Commerce Commission at once proceed to make such classification and when so made by such Commission the same shall be the legal classification for interstate shipments.

That the secretary forward a copy of this report to the Senate and House of Representatives, and call their attention to the former reports of this association on this subject.

Mr. Chairman, I thank the railroad commissioners for those words, "former reports." This House of Representatives should reflect upon those words, and, more than all else, should profit by them.

Now, sir, let me call the attention of the House to some of the letters that I received in reply to my letters. I have selected the letters which I am about to read because they come from the States which are represented by members of the Interstate and Foreign Commerce Committee of this House. I have letters from other States, but I desire to quote from these letters at present, so that at the next session the Committee on Interstate and Foreign Commerce may not fail to report an amendment to the Hepburn bill upon this subject. First, I quote from a letter from the State of Louisiana, represented on that committee by Mr. DAVEY:

This commission has and exercises the power to make and change classifications and rates whenever it may appear necessary. The opinion of this commission is that the power to fix reasonable rates is absolutely essential to the usefulness of a State commission and that this is also true of the Interstate Commerce Commission.

But Mr. DAVEY is a member of the committee that did not report a provision covering "classification" in the Hepburn bill.

I have mislaid the report from the State of Alabama, and I have forgotten exactly the terms used by the Alabama commission, but I have their letter, and I say to my friend from Alabama [Mr. RICHARDSON], who is a member of that committee, that a great and important political election is now proceeding in the State of Alabama, turning upon the very question as to whether the railroads in that State shall be radically controlled, if anybody likes that term; and it is a known and conceded fact that the president of the present State railroad commission will be the governor of Alabama, and I predict that the legislature elected in accordance with his views on this subject will pass a statute not only giving original rate-making power to the commission, but will include also this power over classification.

From the State of Georgia, the State of my friend Mr. BARTLETT, I have the following:

With reference to the power of this commission in making changes in classification of freight rates, I beg to advise that the board has the power so to do, and in the opinion of the commission this authority is very essential to the regulation of railroads and should be vested in the national Commission as well as the State.

That is from the State of Georgia. Now, from the great State of Texas, represented on the same committee having charge of railway rate legislation:

I do not care to enter into a general discussion of the rate bill now pending in Congress. I think the general public sorely needs some relief from the power which the railroads now exercise in the matter of fixing rates. They can lower or raise them, and by manipulations discriminate in favor of persons and places. I must say, however, that if the Hepburn bill does not contemplate some protection to the public from an increase in rates by change in classification, that it falls short of what the public needs.

That is from the great State of Texas. Here is a letter from the State of Iowa, the home of the distinguished chairman of that committee [Mr. HEPBURN]:

Under this law this board is empowered to fix classification as well as rates.

Here is a letter from the State of Ohio, represented by another member of the Interstate and Foreign Commerce Committee [Mr. KENNEDY]:

Section 4, paragraph A, provides: "No change shall hereafter be made in any schedule, including schedule of joint rates, or in any classification, except upon ten days' notice to the commission." Section 7: "The classification of freight in the State shall be uniform on all railroads." It is my opinion that the sections above referred to bind the question of classification in such a manner that it will be almost impossible for the railroads to raise their rates through that medium.

Mr. Chairman, here is a letter from the State of Minnesota, which is represented by another member on the Interstate and Foreign Commerce Committee:

All rates can be raised or lowered, as the case may be, by changes in these classifications, and our commission is of the opinion that by lodging the power with the State or national commission, the abuse of indiscriminately raising or lowering the rate by this manner could be obviated.

Now, sir, here is a letter from the Washington railroad commission, which State has another member on that committee:

This commission has full authority in the matter of the classification and establishment of freight rates. The Washington law, in fact, is one of the most comprehensive commission laws enacted in any of the States, and clothes the commission with practically all the authority that could be desired, especially on the rate question.

Here, sir, is a letter from the secretary of the commission in

the State of South Dakota, which has another member on the Interstate and Foreign Commerce Committee:

This latter power is—

He is writing about the classification of freight—

I assume, as necessary as the power to fix rates; indeed, the one is so intimately associated with the other that the power to fix rates without the power of classification would, in many instances, be a dead letter.

Mr. Chairman, here is a letter from the State of Illinois, represented on the same committee by the Hon. JAMES R. MANN, whom I sincerely hope will be returned to this House (if we must have a Republican from his district), for I have been on the committee with him and can bear testimony to his faithfulness to his duty and earnestness and zeal in behalf of legislation; but, sir, I can not agree with him upon this question and some others. It is an honest difference between us, and it is a difference that must be fought out on the floor of the House without regard to party by individual views of what the law should be. The letter is as follows:

Answering your inquiry, this commission have authority under the statute to make a "reasonable maximum rate of charges for the transportation of passengers and freights and cars upon all of the railroads operating in the State of Illinois." This has been taken by the commission to include authority for a classification of freights, which, as a classification materially affects the rate, they have done and have issued a classification and schedule of rates for all classes of freight and cars.

I have not read the Hepburn bill in full, and do not know just exactly what power it proposes to confer upon the Interstate Commerce Commission. However, if they are to have the power to make a rate it would seem to me logical that they should also have the power to make a classification also.

Here is a letter from the State of Pennsylvania. Listen. I started to say, "The Lord have mercy on the State of Pennsylvania," but it is a great State, and it may be that it can take care of itself. This letter says:

The law governing railroads in this State is very meager, and the secretary of internal affairs has no control in regard to the fixing of railroad rates, etc.

Now, just a word of advice to the Members from Pennsylvania. Pass, as soon as possible, a law controlling your State rates. Lend me your votes and voices to enact this classification power into a future bill, and if we can not forgive the horrible railroad disclosures now occurring in your State, we will promise to forget them as soon as it is possible to do so. [Laughter.]

Here is a letter from the State of Wisconsin. It has a Member on the same committee:

Our commission has power to change either rates or classification on complaint of any shipper, and also has power to investigate any particular rate on its own motion and make an order reducing the same if found to be unreasonable.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Ohio?

Mr. LAMAR. Yes.

Mr. KEIFER. I have the curiosity to know why it has not been proposed to regulate through the Hepburn bill this classification. I would like to ask whether the gentleman or any of his colleagues on the Democratic side of the House have advocated this heretofore when the bill was under the control of the House?

Mr. LAMAR. That is a proper question. The distinguished gentleman from Ohio rises in his place and proposes a proper inquiry. It is an inquiry that is a proper one to address to me when I am addressing the House. Let me say in reply that when I had the honor to be a member of that committee a year ago I reported in an informal manner to this House—the best I could do at that time—the Hearst bill, a bill that carried far more remedial legislation in its terms than the Hepburn bill does of this date, and it carried the power over classification of freight rates. Lately in this House I offered an amendment to the Hepburn bill, giving this power to the Interstate Commerce Commission, and Democrats and Republicans voted it down.

I am glad the gentleman from Ohio asked the question for another reason.

This question is a nonpartisan one. We may meet it in this forum as legislators, be we right or be we wrong. I have the CONGRESSIONAL RECORD of a late date before me in which I addressed an inquiry to the gentleman from Alabama [Mr. RICHARDSON] upon certain points of agreement or difference in his committee. In the discussion that ensued upon my question and that of other Members he used this language:

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I would like just a few moments to refer to the question of classification. I am quite sure I am correct when I say that the Interstate and Foreign Commerce Committee were practically agreed that at this time it was best to leave out of the bill the power and jurisdiction of the Commission regulating classification.

Again:

It appears to me, Mr. Chairman, far best to let that for the present stand as it is, leaving out classification.

Again:

We all agree on that question; that is my recollection.

Again:

There is no great complaint about classification, as I am informed. Indeed, the committee has heard very little of it, and I pass it, Mr. Chairman, as a fit subject for other and future legislation.

Why, Mr. Chairman, where have been the ears of the gentleman from Alabama [Mr. RICHARDSON]? Has he ever heard the reports, figuratively speaking, rendered for years past by the governmental experts in this country, appointed by the Government itself, to take this very testimony as to what legislation Congress shall enact? I refer to the Interstate Commerce Commission reports. Has he ever read the report I quoted from above, the report of the Industrial Commission, made up of Senators and Members of this House and of representatives of great business interests of this country, who for a long period of time sat patiently, learnedly, honestly, and took testimony on this great transportation question? Has he ever read that report—he a member of one of the highest committees in this body, charged with the duty of framing legislation on this great subject that has occupied the minds of the American people for a year and a half, almost to the exclusion of any other great question? And then he, in the RECORD here at this session of Congress, says that the committee has heard very little complaint about classification.

Why, Mr. Chairman, the gentleman has not informed himself. That is all. In addition to all this, the Interstate Commerce Commission has repeatedly recommended that authority be given it by law over this subject of classification of freight. As far back as 1897 the Commission discusses this important subject on pages 62 to 71, inclusive, in their eleventh annual report. I quote the conclusion of their remarks:

These considerations of the necessity for reform in this regard, the universal demand for a uniform classification, the ten years of appeal to the carriers, by the Commission and by Congress, to adopt a consolidated and single system for the whole country, the "representations" by the carriers themselves, their former efforts to that end, the energy at one time displayed by them, and the apparent apathy that marks their attitude toward the subject to-day, all lead the Commission to the renewed recommendation that Congress provide for such uniformity by prompt and appropriate legislation. Carriers subject to the act should be required within a specified time, not longer than one year, to prepare, publish, and file with the Commission a uniform classification of freight as the basis of rates for the transportation of property in the United States; and the Commission should be authorized and directed, upon investigation from time to time, to make such amendments as may appear to be reasonable and necessary. In case the railroads refuse or neglect within the time specified to comply with this direction, the Commission should be authorized and required to prepare such classification, the adoption of which by all carriers subject to regulation shall be made compulsory by suitable penalty. In view of the continued nonaction of the carriers, and the action already had in Congress, it might be the wiser course to pass the bill now pending in the Senate.

And the bill drawn lately, at the request of the Senate committee by the Interstate Commerce Commission, contemplated this power over classification to be vested in it, as in section 6 in the printed bill, at the bottom of page 10, occurs this language:

The Commission may determine and prescribe the form, subjects to be contained in, and arrangement of the tariffs required to be published and filed, as aforesaid, and may change such form, subjects, or arrangement thereof from time to time as shall be found expedient.

But the Senate failed to impress that feature of classification upon the Hepburn bill. Other States besides those from which I read letters have vested their State railroad commissions with power over classification of freight. Virginia, Arkansas, North Carolina, Missouri, and Mississippi have each conferred this power upon their State railroad commissions. The letter from the president of the Mississippi railroad commission is as follows:

JACKSON, MISS., *April 9, 1906.*

Hon W. B. LAMAR, M. C.,
Washington, D. C.

DEAR SIR: Replying to your favor April 2, beg to advise that I am sending you, under separate cover, copy of Mississippi railroad commissioners' tenth biennial report, which will give you the information you ask for as to our rates and classification.

My observation is that the power lodged in the commission (and the Mississippi railroad commission is vested with such power under the laws of the State) to change or alter classification of freight rates between all points in said State is a wise provision. I agree with you that the Hepburn bill is defective in not having the power lodged in the Interstate Commission, for, as suggested by you, it leaves it in the power of the railroad company (without this provision) to raise rates at will through the medium of change of classification.

Yours, very truly,

S. D. MCNAIR, *President.*

These letters from these States show that the very States represented by these gentlemen on the Interstate and Foreign Commerce Committee, and other States also, have this power

over classification, and the writers almost unanimously concur that it is a just, a wise power, and a great many of them give expression to the view that not only should it be in State legislation, but also in national legislation. Mr. Chairman, I ask why the members of that committee and the Members of this House have not cooperated in putting this vast power for harm out of the possession of the railways of this country? I say that, regardless of party, there is a line of cleavage in this House, broad and deep and strong; and, without impugning the honesty of any man, I say that this House, regardless of party, is divided upon this great question upon the lines of "conservatism" and "radicalism." Many gentlemen have educated themselves to believe in the years past, many of them have read newspapers that taught the doctrine, many of them have had friendships of public men who did not believe that way, that to take out of the hands of railways any control over their property was radical, unjust, socialistic, and almost anarchistic legislation. That fundamental misleading thought in the American mind to-day operates upon Members of this House and of the Senate of the United States to restrain them from going up to the point where their own paid, highly expert governmental agents urge them to go by reports, and repeated reports, covering a long term of years. That is the reason. I quote now from the remarks lately made by the gentleman from Alabama [Mr. RICHARDSON] to illustrate the conservative and radical tendencies in opinion in this House. In answer to a question put by the gentleman from Texas [Mr. SHEPPARD], who asked him why the imprisonment penalty did not get into the Hepburn law, he replied:

All I can say to the gentleman from Texas [Mr. SHEPPARD] is that I am not advocating excessive fines or penalties.

The House of Representatives failed to put this feature in the Hepburn bill, a feature one would think that everybody was in favor of. Now, I will do the gentleman from Alabama [Mr. RICHARDSON] the justice to say that further on in his speech he said he was sorry and regretted the elimination of the penalty clause in the act passed some years ago and known as the Elkins law, but I say that that language is plain, palpable, and not to be misunderstood, that at the moment when he joined in reporting the Hepburn bill to this House he did not believe in excessive fines and penalties and classed among such the imprisonment feature. In other words, he did not believe in the feature of criminal punishment to reach the railway officers if they break the law, which has been put in that bill, remedially put there by the Senate of the United States. Judge RICHARDSON is now a member of the conferees appointed by the Speaker of this House to confer with those of the Senate, and he will have to take that amendment or reject it. Which will he do? That, Mr. Chairman, illustrates again the cleavage and divergence between Members on the floor of this House on this important subject.

A year ago I had the honor to report informally to this House a bill which I still believe is the best bill that ever appeared in the American Congress on this subject, a bill that contained this imprisonment feature, and that bill was introduced into this House by the distinguished Representative from New York, WILLIAM R. HEARST, in February, 1904. It is a tribute to that great bill, it is a tribute to its wise provisions, it is a tribute to Mr. HEARST, that this House finally, in enacting the Hepburn bill, and the United States Senate in impressing remedial amendments upon it, have largely followed either the recommendations of the Interstate Commerce Commission or the Industrial Commission, or they have gotten a great many of their ideas bodily out of the Hearst bill. It is very probable that Mr. HEARST got his knowledge of the law and his remedial measures out of those two great sources of information, and very justly so, but he is entitled to the highest credit before the American people. Two years ago, eight months before the President of the United States sent his memorable message to Congress, in December, 1904, Mr. HEARST proposed in his bill nearly all of the remedial features that are now being enacted into law by the joint wisdom of this House and the Senate.

Mr. Chairman, I now pass to another question: This House and the Senate must limit the right of railways to raise their rates at will, or the Hepburn bill, with all due respect to the name impressed upon it, with all due respect to the law body that adopted it, will still be a delusion and a snare to the American consumer, the American producer, and the American shipper. They must amend that bill not only as to classification, which is largely a fraudulent device to raise rates, they must not only put the power of classification in that bill, but they must, further, enact into that bill another amendment, viz, that no railroad company shall raise *an existing rate of charge* without that *proposed increase of rate* being submitted *in advance* to the judgment of the Interstate Commission, *with the power to approve or reject it.*

That amendment is vital. Without it this legislation, this Hepburn bill, is in a large degree a mockery. The weakness of the bill in leaving this amendment out is demonstrated by the action of the railroads in my State—Florida—twelve or fifteen years ago. The railroads had been carrying oranges from Florida to New York at 30 cents per box. But the railroads could not restrain their itching palms to get hold of more than they were warranted in getting, and in a night, without giving anybody notice, they raised the rate of carrying that fruit to market from 30 cents to 40 cents a box, an unjust, unreasonable, extortionate raise in price of 33⅓ per cent. I quote again from the report of the Industrial Commission, which treats of this iniquity and suggests the remedy that I stated above, and which I have taken from their report and from the Hearst bill, that also contained it:

The entire inadequacy of making rate regulation dependent upon the mere determination of rates as applied in the past without reference to the rates which shall prevail in the future is apparent on all sides. More than this, all remedy for the parties who have borne the burden of an unreasonable rate would seem to have been removed. This has been clearly described in the report of the Commission for 1897. It may be illustrated by the example of rates upon oranges. In 1890 there was a sudden advance on rates from Florida to New York from 30 to 40 cents. The Commission after an investigation ordered that the rate be reduced to 35 cents. As a matter of fact, how could this action redress grievances of those who had already paid 40 cents per box?

It was difficult, in the first place, to discover who bore the burden of the unreasonable charge; and, in the second place, it was certain that some of those who suffered could not legally sue in court. The actual shipper, who alone could sue for repayment of unreasonable charges, was a middleman, who recouped himself in any event, either from the grower, the consumer, or both. He lost nothing by reason of the unreasonable rate. As a matter of fact, not any single individual, but the locality had been mulcted by 5 cents per 100 pounds, supposing that a rate of 40 cents was unreasonable. Experience shows that almost no shippers or other parties injured actually attempt to secure the restitution of moneys already paid for unreasonable charges. In only 5 out of 225 cases down to 1897 was a rebate actually sought, and in those cases $100 was the maximum sought to be recovered. As a matter of fact, the damage inflicted by the existence of such an unreasonable rate could not be measured by hundreds or perhaps by hundreds of thousands of dollars. The bearing of this citation is to show that any effectual protection to the shipper must proceed from adjudication of the reasonableness of rates *before*, and not *after*, they have been paid—that is to say, in advance of their exaction by the carrier. *Power to pass upon the reasonableness of such rates prior to their enforcement, as a consequence, constitutes practically the only safeguard which the shipping public may enjoy.*

The Congress must protect the shippers, the consumers, and the producers against two outrageous forms of robbery, one being the direct raise of the rate, without any limitation upon it except the right to sue and have it cut down. The other is, you must not leave in the hands of the railroads the power to swindle the people under the devious, evasive, and fraudulent device of classification. The Congress will not do it, unless it desires to make itself a party to the extortion.

I offered the following amendment to the Hepburn rate bill recently, to prevent this evil, and Democrats united with Republicans to vote it down. The amendment is as follows:

That when any notice of advance in rates, fares, or charges shall be filed with the Commission, the said Commission shall have authority to inquire into the lawfulness of such advance and make orders in respect thereof to the same effect as if such advanced rate, fare, or charge were actually in force. The provisions of this section shall also apply to notice of any change in classification of freight or other regulations affecting rates.

I shall address myself, in conclusion, to the fraudulent overcapitalization of the railroads in the United States, and I will endeavor to show the essential relation between the earnings of the railroads and their capitalization. The higher the capitalization, then, the higher the rates. The total value of all railroads in the United States is estimated by the highest authorities to be $12,599,990,258, more than $12,000,000,000; and the testimony of the best informed writers and statisticians estimate that more than one-half of this great sum is mere "wind and water." They estimate that $7,000,000,000 of this gigantic value is a pure cheat and fraud, on which the American people pay annually in extortion, under the guise of railway rate charges, the great sum of $350,000,000.

I shall quote from the report of the Industrial Commission, made to the Fifty-seventh Congress, and will now give the testimony, contained in that report, of Professor Parsons, an expert judge in this matter, viz:

The prevalence of water in the railroad system is so well known that it is not necessary to do more than touch upon the matter. Vanderbilt set the pace in consolidating the eleven roads between Albany and Buffalo and increased the capitalization by nearly $9,000,000 in doing it, then added 50 per cent to the stock capitalization of the Hudson road, of which he was president; then extending his control over the Central and adopting the same tactics there he added 80 per cent to the New York Central; then he consolidated the two roads, and in doing it inflated the Central 27 per cent more and the Hudson 85 per cent; so that in the four years from 1866 to 1870 he brought the capitalization

up from $54,000,000, which was a little more than the total cost on the books of the company—about $4,000,000 more—to $103,000,000. The total cost on the books in 1870 was under $70,000 per mile, while under his capitalization it was $122,000 per mile.

That example has been followed to a great extent all over the country, so that our railroad capitalization is now about half water, or water and wind. The figures of construction and equipment cost given in Poor's Manual from time to time indicate that the railroads of the United States are capitalized at about double what they could be built and equipped for at the present time.

Mr. Parsons further stated that the total capitalization was a little over $60,000 a mile, and that the actual value, according to Poor's figures as to the cost of reproduction, would be under $30,000 a mile. (See Report of Industrial Commission, Vol. IX, pp. 154 and 155.)

On pages 405–407 of Volume XIX of the Industrial Commission's report the following appears:

Methods of inflating capitalization are various. Formerly sheer fraud was often practiced in issuing stock for speculative purposes. Between 1868 and 1872, for example, the share capital of the Erie road was increased from $17,000,000 to $78,000,000 for the purpose of manipulating the market. This action led the board of the New York Stock Exchange in 1869 to refuse to quote the Erie shares. Another fraudulent device consisted in paying excessive sums to dummy construction companies composed of members of the railroad company and their friends. For instance, the original Southern Pacific road cost actually only $6,500,000; altogether it is a matter of record that $15,000,000 was paid a construction company, and the bankers' syndicate which financed the road received $40,000,000 in securities, or an average of $6 in bonds and stock for each dollar of actual cost. The same thing happened in connection with the Pacific roads. It was also not uncommon for directors of railroad companies to purchase other railroad properties and then sell them to their own company at excessive prices. Again, stock has in many instances been given away by railroad companies simply as a bonus to bait purchasers of the bonds which the concerns were trying to float. It is well known that the New York Central, Erie, Reading, St. Paul, Chicago and Northwestern gave away in this manner a portion of their earlier stock issues. These flagrant methods of stock watering have been largely discontinued during recent years.

The principal methods of stock watering still employed are the following:

1. The commonest is the payment of so-called "stock dividends" to shareholders. These consist either of an outright bonus of new shares of stocks or bonds or, in a mitigated form, of stocks sold below par or at less than market quotations. Examples are the 80 per cent stock dividend of the New York Central, in 1868; the Reading scrip dividends, between the years 1871 and 1876; the Chicago, Burlington and Quincy and Atchison stock dividends of 20 per cent and 50 per cent, respectively, in 1880 and 1881, and the famous Boston and Albany distribution of State stock in 1882.

2. Consolidation of railroad properties offers opportunities to increase capital surreptitiously in various ways: (*a*) One is through the issue of new stock to defray the entire expenses of betterment of the operating plant. (*b*) Sometimes, again, the constituent companies are gerrymandered so that the successful concerns with surplus earnings are combined with roads less favorably situated, thus making it possible to distribute earnings at a comparatively low dividend rate. (*c*) The third device connected with consolidation consists in substituting a high-grade for a low-grade security. A weak company, whose stock is quoted, say, at 50, may be merged in a second corporation whose stock stands at 100. The latter may then issue new stock worth $100 in exchange for the $50 stock, share for share.

3. A third method is the substitution of stock issues for funded debt. It has the advantage of giving great elasticity to future dividend possibilities. The substitution of 8 per cent stock for 4 per cent bonds facilitates the absorption of increasing earnings in the future. The stocks also permit of cessation of dividends during periods of depression. The substitution of stock for bonds in this way is not, however, so harmful to the public interest, provided the stock issues are subject to control by State commissions.

4. Another expedient for increasing capitalization is the funding of contingent liabilities. Large amounts of such liabilities, in the form of bills payable, wages and salaries due, and the like, may be covered by issues of interest-bearing scrip. This is unquestionably bad financiering, as floating debts should, in general, be provided for out of earnings.

An excellent illustration of inflation of capitalization is furnished by the recent reorganization of the Chicago and Alton Railway Company. The old Alton management was extremely conservative. The stock had never been watered, and represented, before the recent deal, less than the probable cost of duplication. The company was capitalized at about $30,000,000, including $22,000,000 of stock and about $8,000,000 of bonds. It had a net earning capacity of $2,900,000 a year, paying regular dividends of 7 or 8 per cent on its common stock. In 1899 the road was bought by a syndicate, which paid $175 a share for the common stock and $200 a share for the preferred stock, making a total cost to the purchaser of $40,000,000 for the $22,000,000 of stock. The road was recapitalized at $94,000,000, or $54,000,000 of bonds and $40,000,000 of stock. The new bonds were floated at 3½ per cent. The fixed charges of the road as reorganized amount to $1,963,000 per year. On the basis of the former earning capacity of the road, which averaged considerably more than $3,000 net per mile, it is estimated that the company will have no difficulty in earning its fixed charges and paying a dividend on the preferred stock. The increase of capitalization in this case is defended on the ground that the road will not have to earn any more than formerly in order to pay interest and dividends on the new capital. It seems clear, however, that the doubling of the capital stock and the increasing of the bonded debt nearly sevenfold must impose a burden upon the rates that will tend to prevent any reduction which might otherwise naturally take place and afford a convenient reason for refusing to advance wages.

In the recent case, Northern Securities Company *v.* United States (193 U. S., 197), Mr. Justice Harlan, in delivering the opinion of the court, stated that the capital stock of the Northern Securities Company, $400,000,000, which was to be issued to purchase the capital stock of the Northern Pacific and Great Northern companies, was about $122,000,000 greater than the combined capital stock of the latter two companies.

The obvious purpose of increasing fraudulently railroad values, called "overcapitalization," is to sell on the market this fraudulent stock and bonds to purchasers, and then by increasing railway rates to earn sufficient money to pay dividends and interest on this fraudulent stock and bonds.

I append to my remarks a letter of Mr. William D. Marks, a high authority upon this subject, to show that $7,000,000,000 of the $12,599,990,258 railway values in the United States is an absolute and a palpable fraud. At 5 per cent interest this fraudulent $7,000,000,000 takes out of the pockets of the American people $350,000,000 each year, unjustly, wrongfully, and fraudulently. Will the Congress always continue to allow the railways to so unjustly tax the people, and do so under the apparent forms of law at that? Senator LA FOLLETTE lately proposed an amendment in the United States Senate to correct this great evil, and it was voted down, all the Democrats, I believe, voting for the amendment. I append his amendment in full at the conclusion of my remarks as a part thereof.

If the fraudulent value of railway property could be ascertained and fixed by law, then railway rates of charges could be fixed upon the honest value of such property, and it is obvious that such rates so based would be much lower than existing railway rates.

What does the Congress intend to do about this great question? What does the Congress want to do? Are we here to make party capital? Are we here to deploy and march forward and back again, in flank and side movements, merely to trip up somebody? That, sir, will do on some subjects. I am willing, sir, to join hands with the Democrats whenever they want to do a little filibustering in this House, whenever they want to take tactical advantage and put "our friends the enemy" in a hole, as it were, upon some subject of party dispute; but upon this vital question of rate making, upon this great question of transportation taxation, I say that my party and the other party must submit to the criticism that will fall upon them if they do not come out in the open and advocate this legislation, which has almost been forced upon them by the reports of the Interstate Commerce Commission and by the report of the Industrial Commission. Either those highly expert Governmental agencies are right or this House is right. I believe, sir, that those great bodies are correct, and that the Senate and this House are wrong.

Mr. Chairman, there is nothing that I enjoy more than a legitimate criticism of a Republican. If there is anything in the world I am opposed to in my whole political life, speaking in a party sense, it is Republicans and the Republican party. It would do me more good than I can express to see them beaten at the polls next November. I would like to see them routed, horse, foot, and dragoons, at the polls in 1908, but I warn my party colleagues that they will never defeat the Republican party in this nation and hold them defeated except by convincing the country that upon these great remedial questions legislation can be more safely turned over to them than to the Republicans. No factious party criticism on the floor of this House will avail with the 80,000,000 intelligent American citizens. There will be no responsive echo from the States that control the destinies of this country by majorities in the electoral colleges except in response to the Democratic showing made on the floor of these two Houses that the Democratic party, by virtue of honesty, intelligence, and of courage, can be more safely intrusted with political power than the Republican party. The election two years ago ought to be a warning to the Democratic party in this country. Bryan, the radical, defeated twice at the polls by about a half million votes each time; Parker, "the sane and safe" Democrat, was beaten by more than two million plurality and a million and a half majority. It would take four disastrous Bryan defeats to equal the one made by that representative of "safe and sane Democracy." I know not how it is in other States, but, sir, I can name the "safe and sane" Democrats in Florida. Show me one on this railroad rate question and I will show you a high railway lawyer, Democratic in politics, hired by the railways in Florida, whose head offices are centered in the city of New York, in Wall street, and composed alike of Democrats and Republicans. Show me the newspaper in Florida of the greatest circulation which condemns this railroad rate legislation and condemns the views of the men here who support it and I will show you a paper in part owned and controlled by Mr. Henry M. Flagler, a Republican Standard Oil millionaire, and whose bonds are in part the property of the Seaboard Air Line

Railway Company. This railroad company is controlled, I am informed, by men Democratic in politics. I say that without reflecting upon the personnel of the men who manage that paper. As far as I know, they are high-minded, reputable men. But all of this discloses that wide difference of views, inherent in my party and in the Republican party, between the "conservatives" and the "radicals" upon this railroad rate question.

How long will it be before the Congress, the representatives of the people, will amend the Hepburn railroad rate bill, soon to become a law, and place in the hands of the Interstate Commerce Commission the power over (1) classification; (2) to prohibit a railroad from increasing an existing rate, without its justness and reasonableness being first passed upon by the Interstate Commerce Commission; (3) to fix, by competent inquiry, the real value of railway property in the United States, that railway rates may be based upon this real value and not upon a fraudulent value, mere "wind and water." In the State of Florida many of the railroads have had large grants of land to aid in their construction. It is not thought that it would cost more than $15,000 per mile to build and equip the best built railroads in that State. But most of the railroads in Florida are capitalized at, I believe, from $25,000 per mile to $40,000 per mile.

Mr. Chairman, President Roosevelt deals with this very question of overcapitalization in his last message to Congress. Speaking of corporate abuses, he says:

> Of these abuses, perhaps the chief, although by no means the only one, is overcapitalization—generally itself the result of dishonest promotion—because of the myriad evils it brings in its train; for such overcapitalization often means an inflation that invites business panic; it always conceals the true relation of the profit earned to the capital actually invested, and it creates a burden of interest payments which is a fertile cause of improper reduction in or limitation of wages; it damages the small investor, discourages thrift, and encourages gambling and speculation; while perhaps worst of all is the trickiness and dishonesty which it implies—for harm to morals is worse than any possible harm to material interests, and the debauchery of politics and business by great dishonest corporations is far worse than any actual material evil they do the public. Until the National Government obtains, in some manner which the wisdom of the Congress may suggest, proper control over the big corporations engaged in interstate commerce—that is, over the great majority of the big corporations—it will be impossible to deal adequately with these evils.

The President did not in express terms name railroads, but if these reports I have quoted be true, if this information from the expert engineers that I shall place in the RECORD be true, then the President covered railroad overcapitalization as much as any industrial organization; and if this be true, that seven billions of this fourteen billions of capital is false and wrong and fraudulent, and that the American public for twenty-five years and longer has been paying tribute upon a falsehood, then the American Congress should come to the rescue of the President and enforce by adequate legislation his wise suggestion.

Now, sir, I have my party differences with the President. I saw him elected with the greatest reluctance. I wish he could have been defeated by the same majority that overwhelmed my own candidate; but I recognize the great obligations that the shippers of Florida owe to the President for recommending nearly two years ago to the Fifty-eighth Congress that the Interstate Commerce Commission have the power to substitute a just and reasonable rate on interstate freight for and in lieu of an unjust and unreasonable rate, and for his further recommendation that private car lines, with their icing charges, be put under the control of said Commission. It is remarkable to state that neither the Democratic caucus bill nor the Republican caucus bill in the Fifty-eighth Congress made any provision for controlling the outrageous and extortionate icing charges of the private car lines. High interstate freight rates and extortionate icing charges have broken down and driven out of business many growers of truck—early vegetables, melons, cantaloupes—in the State of Florida. The Supreme Court of the United States, in the "Maximum Rate case," decided in 1897, declared that the Interstate Commerce Commission did not have the rate-making power. Since that time the Congresses have known full well the public needs in reform railway rate legislation, but with a conservatism truly wonderful they have failed to give the public any relief against railway rate extortions in their varied forms. It took the writings of William J. Bryan—of the national Democratic plaforms—the bill of WILLIAM R. HEARST, and the message of the President to the Fifty-eighth Congress, thrown on its floors like a bombshell, to wake up the American Congress to a realization of the fact that the American people, regardless of political affiliations, desired immediate legislation against the railway wrongs from which they had so long suffered. How much longer will the people, the shippers, the producers, and consumers in this country have to wait for other and further relief against other and further railway wrongs? [Loud applause.]

[Senate Document No. 168, Fifty-ninth Congress, first session.]

Letter from William D. Marks, consulting engineer and statistician, of Philadelphia, Pa., regarding the overcapitalization of the steam-railway corporations of the United States.

DECEMBER 11, 1905.

HON. WHARTON BARKER,
Philadelphia, Pa.

DEAR SIR: Referring to our verbal interviews regarding the overcapitalization of the steam-railway corporations of the United States, and more particularly in reply to your query of the 5th, current, "Let me know what you think a fair capitalization of the railroads or capitalization the public should pay for," I would say that in my experience of late years as a consulting engineer I have been struck by the deplorable and almost universal "watering" of securities in railway corporations practiced by our promoters of these enterprises.

Not only are our railways often wastefully built wholly upon the proceeds of the sale of bonds at figures far below par, but the promoters frequently add to the burden of the earnings of their enterprises by issuing as a bonus (to go with the bonds or appropriated by themselves) an equal or greater amount of stock representing a speculative profit in the future.

So invariably have I found this to be the case that I felt justified, after numerous individual experiences, in saying to you that more than one-half of the railway securities issued represented no real property or investment of cash.

Besides the "water" injected into securities by the original builders of a new railway, other and often larger percentages of it are poured in by financiers who have found their profit in combining a number of individual railways into a "system" by means of a holding and operating corporation.

As a result we frequently find stratum of securities piled upon stratum of securities, until a chart of the securities of a system of some railway systems very closely resembles a geological section.

There can (if my statement is correct) be but one of two results of these manipulations.

Either the public is robbed by overcharging to render these watered securities valuable to their owners, or innocent purchasers of them lose all or a portion of their investments if they have been led to believe that their securities represent real property.

Tersely, either the traveler and shipper is robbed or the purchaser of securities is swindled if he buys believing them to have been honestly issued.

The purchaser of "water" securities is either helping thieves to rob the public or is himself the victim of thieves.

But probably my general experience and feeling in these matters will not serve to convince you or others, and I will ask your careful attention to an analysis of the Massachusetts railroad commissioner's report, 1904:

Returns of year ending June 30, 1903.

Massachusetts railways:	Miles owned.
Total length of line	3,794
Total length of single track	7,601

The cost of construction of these lines, excluding equipment, land and buildings, securities of other companies, cash, and miscellaneous assets, is given as $293,236,332. In round figures, $73,800 per mile of roadbed; $38,600 per mile of single track.

This single track valuation is the important item, for it includes every foot of track, wherever or however used.

Omitting long bridges, tunnels, heavy rock cuts, extraordinary excavations, allowing 10,000 cubic yards excavation per mile, the cash cost of the average standard-gauge railway to the top of the rail head is from many instances about as follows, when prudently constructed:

Preliminary legal papers and rights of way	$700
Civil engineering construction to top of rail	11,000
Arch, stations, shops, and houses	1,500
Total	13,200

Of course we have excepted long bridges (say over 60-foot span) and other unusual features, but throughout Massachusetts and the United States there are very few railways requiring 10,000 cubic yards excavation ($3,500) per mile.

There are notable individual instances of costly and unavoidable engineering expense, but these will be balanced by the average savings from $13,200 allowance per mile for construction.

We see that the average book cost ($38,600) of construction is nearly three times the necessary cost ($13,200) of steam railways to the rail top.

The cost of equipment of the Massachusetts railways is given as $32,957,122. By this is principally meant the rolling stock. For the purpose of this comparison I will place very high figures upon it, though much of it is old and largely depreciated in value.

Locomotives, 2,277, at $10,000 each	$22,770,000
Passenger cars, 3,338, at $5,000 each	16,690,000
Baggage and mail cars, 650, at $3,000 each	1,950,000
Freight cars, 34,825, at $500 each	17,412,500
Gravel and construction cars, 1,865, at $400 each	746,000
Total	59,568,500

Many of these locomotives and cars are leased, but for the purpose of our discussion they should be valued, and so we had better fix their total cost at, say, $76,000,000 instead of $33,000,000, book value given.

There are 7,601 miles of single track owned, and with sufficient accuracy for our purposes we can put the first cost of equipment with rolling stock at $10,000 per mile, a very liberal estimate for the Massachusetts railways, which serve a denser population than exists in any other portion of the United States, and which, being a manufacturing community, must use its railways largely.

We have omitted occasional extraordinary expenditures, say, for the tunnels and long bridges over rivers and also for rock cuts and deep excavations.

We are perfectly safe, however, in allowing an average of $2,000 per mile of track, or $15,202,000 to cover the cash cost of these extras.

Recapitulating for the average honest cash cost of Massachusetts railways we have for each mile of single track owned:

Preliminary legal papers and right of way	$700
Civil engineering and construction to top of rail	11,000
Minor stations, machine shops, and houses	1,500
Equipment of locomotives and cars	10,000
Extraordinary expenditures	2,000
Estimated cost of construction and equipment per mile	25,200

Massachusetts has been selected because its railroad commissioners have largely reduced the usual amount of corporate dishonesty by their most careful examinations and enforced publicity of corporate accounts.

Its dense population requires a larger equipment than the average of the rest of the United States. Its costs of construction are increased, by reason of its rocky soil and hilly topography, far above the average of many other sections.

I have increased the stated book value of equipment from $33,000,000 to $76,000,000; I have added $15,000,000 to well-known standard average costs of construction; I have allowed $11,400,000 for architectural work, and as a result I have obtained an average cash cost per mile of $25,200, which I have no doubt substantially exceeds the true cost of railways.

In education, frugality, industry, and honesty Massachusetts's population stands in the first rank of these United States, and yet we have the following capitalization of the Massachusetts railways:

Funded debt	$133,435,355
Mortgages, etc	25,007,318
Capital stock	235,834,466
Total capitalization	394,277,139

Dividing this by 7,601 miles of single track we obtain about $52,000 capitalization per mile—51½ per cent of water, probably more.

Referring to gross assets of companies given on page 9 of Massachusetts railroad commission's report, June 30, 1903, we find as book accounts, but probably not the practical truth:

Construction	$293,236,332
Equipment	32,957,122
Land and buildings	1,497,218
Cash	40,880,067
Total	368,570,739
Stocks, bonds, and other property	64,210,110
Gross assets	432,780,849

The item of $64,000,000 probably represents "strategic purchases," having no proper relation to expenditures required to operate the roads for the convenience of the public and the profit of the stockholders.

The Interstate Commerce Commission, June 30, 1903, reports total miles of single track 283,821.52 (this is not the length of roadbed, which is less; it is the total length of all the tracks, wherever placed). Outside of Massachusetts, with a few exceptions, in the Eastern and Middle States the equipment rarely costs as much as $5,000 per mile, and we are liberal in putting the cash cost of construction and equipment of all at an average of $20,000 per mile, or $5,676,420,000. The total railway capital June 30, 1903, was (Interstate Commerce Commission report) $12,599,990,258, or about $7,000,000,000 watered securities and $5,600,000,000 actual value.

Experienced engineers (I mean those who have been through the mill) will tell you the same as I do as to actual costs of constructions and equipment, if not (as in most cases) prevented by personal fear of consequences from disclosing the truth.

You may, and probably will, have many instances of extraordinary cost of construction brought to prove to you the higher cost of our railways. Many of these instances are both unwise and unnecessary expenditures.

Do not forget that for every such case there are hundreds of miles of railway which honestly have not cost $17,500 per mile to construct and equip; on the contrary, very much less.

The fairest index of the proper cost of a railway is not its length of roadbed, but its length of single track.

Twenty thousand dollars per mile is an overestimate of the average cost of most railways crossing the vast prairies of the West.

You will note that I have not brought forward the many individual instances which have come to my notice upon which I based my former statements to you, but have delayed long enough to enable me to verify them, generally by a consideration of all the railways of Massachusetts.

For thirty-four years, beginning on the Delaware, Lackawanna and Western Road, as a civil engineer, in the days of the crimes of Fisk and Gould, of the Erie, I have watched the growth of this criminal method called "watering" securities, and to-day we find that their success has led to the perpetration by their imitators of a colossal fraud reaching $7,000,000,000 upon the citizens of this United States.

I wish you godspeed in trying to put a stop to it. If you succeed you will earn the gratitude of every honest man.

I return to you the bill, which could be much improved, and I also hand you Engineering News, November 2, 1905, containing a brief article of mine on "Railway rates for an electric railway," and the following papers: "What are the facts?" by Slason Thompson; "Facts about railroad rates," by H. T. Newcomb; "Solution transportation problem," by P. S. Grosscup; "Mass. R. R. I. Comm. Rept., June 30, 1903."

After you have read my article in the Engineering News I wish you would refer to Census Bulletins Nos. 3 and 21 just to see how carefully they have avoided giving the required data enabling the fixing of the cost of construction, equipment, and operation of the railways they pretend to deal with.

To the engineer's lot it falls to deal with the concrete and tangible, and when he seeks help from these expensive publications by our Government he finds that because no one compiling the data in them appears to have power to demand replies, or practical experience and grasp, all our Government statisticians have fallen victims to the conspiracy of secrecy among railway promoters and operators, who above all things fear honest publicity for their deeds.

Very truly, yours,

WM. D. MARKS.

Amendment intended to be proposed by Mr. LA FOLLETTE to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, viz: After line 2, page 20, insert a new section, to be known as section 6a, to read as follows:

SEC. 6a. That section 19 of said act be amended by adding thereto a new section, to be known as section 19a, and to read as follows:

"SEC. 19a. That the Commission shall investigate and ascertain the fair value of the property of every railroad engaged in interstate commerce, as defined in this act, and used by it for the convenience of the public. For the purpose of such investigation the Commission is authorized to employ such engineers, experts, and other assistants as may be necessary. Such investigation shall be commenced as soon as may be after July 1, 1906, and shall be prosecuted with diligence and thoroughness and the results thereof and of additions and corrections thereto reported to Congress at the beginning of each regular session. Such valuation shall show the value of the property of every railroad as a whole, and the value of its property in each of the several States or Territories or the District of Columbia. Every such railroad shall furnish to the Commission, from time to time, and as the Commission may require, maps, profiles, contracts, reports of engineers, and other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said railroad, and every such railroad is required to cooperate with the Commission in the work of the valuation of its property in such further particulars and to such extent as the Commission may direct.

"The Commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the conditions of the property of the said railroads, and ascertain the fair value thereof, and from time to time, as may be required for the regulation of railways, under the provisions of this act, revise and correct its valuation of railway property. To enable the Commission to make such changes and corrections in its valuation, every railroad engaged in interstate commerce, as defined in this act, is required to report currently to the Commission, and as the Commission may require, all improvements and changes in its property, and to file with the Commission copies of all contracts for such improvements at the time the same are executed.

"Whenever the Commission shall have completed the valuation of the property of any railroad, and before said valuation shall be recorded as finally determined by said Commission, the Commission shall give notice by registered letter to the company or companies owning or operating said railroad, stating the valuation placed upon the several lines of road and classes of property of the said company used by it for the convenience of the public, and shall allow the company or companies twenty days in which to file a protest of the same with the Commission. If no protest is filed within twenty days, such valuation shall be made a matter of record by the Commission.

"If notice of contest is filed by any railroad the Commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto presented by such railroad in support of its protest so filed as aforesaid. If after hearing any contest of such valuation under the provisions of this act, the Commission is of the opinion that its valuation is incorrect, it shall correct the same and determine the fair valuation of such property, and shall make such determination a matter of record in the office of the Commission. All such valuations by the Commission shall be prima facie evidence of the fair value of the railroad property in all proceedings under this act."

Mr. PERKINS. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. FOSTER of Vermont. I yield to the gentleman from Michigan thirty minutes.

Mr. SAMUEL W. SMITH. Mr. Chairman, in these days of rate making and State making, I would like to invite your candid and careful consideration to the subject of postal telegraph and to the arbitrary and exorbitant telegraph rates that we are paying in this country.

I maintain that it is the duty of the Government, under the Constitution, to establish a postal telegraph system.

The Constitution has placed the Post-Office in the hands of the Government and conferred upon it exclusive operations. (See Article I, section 8 of the Constitution, which empowers Congress to declare war, coin money, regulate commerce, etc., and this same provision contains the words "to establish post-offices and post-roads.")

As all these powers are conferred by the same clause of the Constitution, it must be admitted that the Government has exclusive power as to the post-offices the same as to the other provisions.

In 1836 Hon. John C. Calhoun, in a report made by him as chairman of a committee in the United States Senate, said:

"It must be borne in mind that the power of Congress over the post-office and the mails is an exclusive power."

This language has been approved by the Supreme Court of the United States.

Gardner G. Hubbard, than whom there was no higher authority on the subject of telegraph and its relation to the Government, used these words, "that Congress had no more right to delegate the power of transmitting intelligence than the power to coin money or declare war."

The Senate Committee on Post-Offices and Post-Roads of 1874, which numbered among its members such men as Hannibal Hamlin and Alexander Ramsey, said, in its report on the telegraph, "The Constitution devolves upon Congress the duty of transmitting all correspondence, including that by telegraph as well as that by mail;" and for a further careful and convincing statement on this point I refer you to the report of the House Committee on Ways and Means of 1845. The Government had already built the first telegraph line, and the question of extending the service under Government ownership was before the committee.

On this principle the first telegraph line was built between Washington and Baltimore by a Congressional appropriation of $30,000, and the telegraph belonged to the Government from 1844 to 1847, when, under mistaken notions of economy, it was turned over to private ownership. Of the public men who earnestly protested against this course were Henry Clay, the great Whig leader, and Cave Johnson, the Democratic Postmaster-General.

If the words in the report referred to and the prophecies of Professor Morse and the appeals of such men as Clay and others had been heeded, the people of this country would be enjoying the telegraph even to a greater degree than the people of the Old World and millions would have been saved instead of going into the coffers of an odious monopoly.

Indeed, the Supreme Court of the United States (Pensacola Telegraph Co. *v.* West, etc., Telegraph Co., 96 U. S. Reports, p. 9) has held that the telegraph came within the grant of power to establish the post-office. The opinion was delivered by Chief Justice Waite:

"The powers thus granted are not confined to the instrumentalities of the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach; from the sailing vessel to the steamboat; from the coach and steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth."

And Justice H. B. Brown, of the United States Supreme Court, has said:

"If the Government may be safely intrusted with the transmission of our letters and papers, I see no reason why it may not also be intrusted with the transmission of our telegrams, as is almost universally the case in Europe."

We provide for carrying the mails by the swiftest known methods—steam, electric railways, and pneumatic tubes. Why deny the right to use the telegraph? We carry the mails at a loss. Why not use the telegraph, not only as a convenience and blessing to all our people, but in order to help wipe out the annual postal deficit?

Who, in this intelligent and progressive age, doubts that the telegraph is an essential part of an efficient postal service?

The postal telegraph is in use in most of the principal nations of the world. Honduras, Cyprus, Bolivia, Hawaii, Cuba, and the United States are among the number that do not use this system.

We should have a first-class postal telegraph in the United States in connection with our splendid postal facilities, and the rates can be reduced at least one-half, leaving a sufficient amount to dispose of the deficit, and have money left to extend the rural service to practically every home and pay the city and rural carriers a compensation fitting their services and expenses. In fact the surplus could be used in many ways to the great advantage of the general public.

I will not speak of Belgium, which is about three-quarters as large as the State of New York, nor of Switzerland, which is still smaller than Belgium, for if I should refer to them in this connection the claim would at once be made that they are small countries and would not be considered as fair comparisons in area, population, or distances with the United States, although an investigation of this subject in these countries is both interesting and profitable. I shall not attempt at this time to discuss in detail any other phase of this most interesting question, except the subject of rates. Wherever the postal telegraph has been adopted it has been at once followed by a reduction in price and by an increase in the number and kinds of messages, and notably has this been the case in what is known as "social messages."

The effect produced by high and low rates is forcibly illustrated in France, where the rate was reduced 35 per cent; it was followed by an increase of 64 per cent in messages. In Prussia a reduction of 33 per cent in the rate was followed the first month after the change by an increase of 70 per cent in messages. In Switzerland the rate was reduced 50 per cent, and in the first three months there was an increase of 90 per cent in the inland messages over the corresponding months in the preceding year. In England a reduction of 33 per cent on three-tenths of the messages and 50 per cent on the remainder caused an increase of 100 per cent in two years. In Belgium when the rates were high 13 per cent of the messages were on social matters; at low rates, 59 per cent. A reduction of 66 per cent in the rates increased the inland messages 800 per cent in five years and reduced the expenses on each message nearly 50 per cent. "The Belgian director writes that the reduction in rates has been a great boon to the people."

I might cite other countries to the same purpose, and I have no doubt that like or even better results would be produced in the United States.

The Western Union Telegraph Company has repeatedly asserted that rates is a matter of distance, and that the distances are greater here than in England, France, Belgium, and Switzerland, and tables of distances and charges have been presented from time to time for the purpose of proving this assertion, but I will be glad to know what reply they have to make in this connection when rates, distances, and population in Australia are compared with rates, distances, and population in America.

Through the kindness of the publishers of the North American Review I am permitted to use an article on "the Australian Telegraph System," by Hugh A. Lusk, barrister, which appeared in that popular magazine in the November number of 1904:

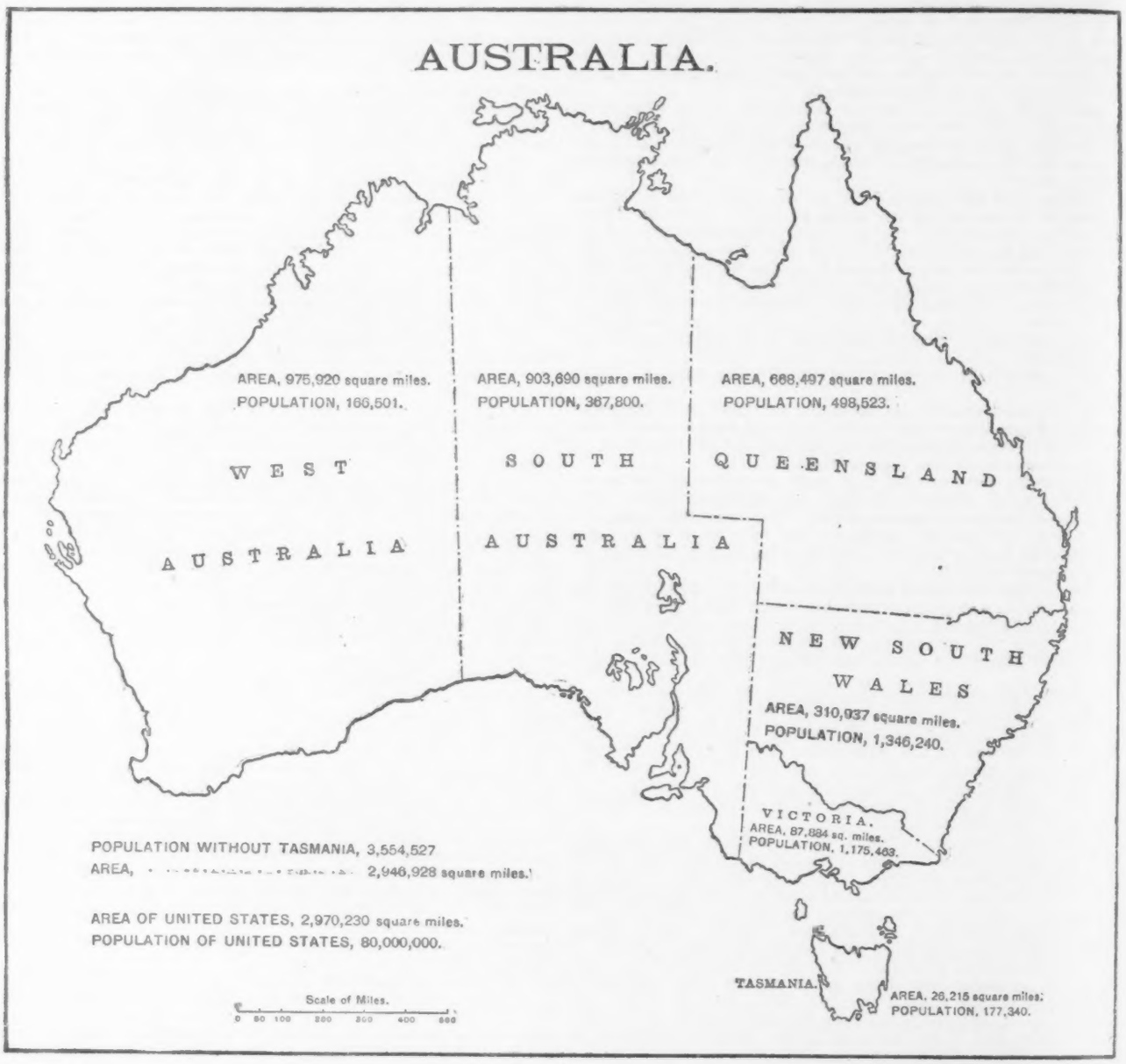
"The people of Australia own their own telegraph system, and it is managed as a part of the postal system of the country. This arose in the beginning from the fact that, when telegraphs were first constructed, no private company would have taken the risk of making telegraphic communication pay a dividend on the capital required to construct and work the lines. As in the case of the railroads, the choice lay between telegraphs constructed and managed by the Government and no telegraphs at all, and the people of Australia adopted a system of government ownership. Each of the five colonies into which the great island-continent was divided began the construction of telegraph lines, and pushed them forward as fast as the spread of population appeared likely to make any return on the outlay.

Australia has always been a wealthy country and especially so since the gold discoveries of half a century ago, and it has always had a tendency to be lavish rather than niggardly in all matters of public expenditure. This tendency has been illustrated in its telegraph system as much perhaps as anywhere. Lines were made, and afterwards extended, in districts where the demand seemed to be small, and where the population was certainly scanty, to an extent which would not have commended itself to the business instincts of a great corporation, and could not have been expected to yield a large return on the capital invested. The result has been that Australia, more than any other country in the world, presents a field for investigating the effects may be expected to flow from the public ownership of a great public convenience like the telegraph system of to-day.

"The whole question was brought into prominence by the debates that took place in the Federal Parliament in connection with the passage of the new postal act of the Commonwealth. In each of the colonies—now the States of the federation—the telegraph had always been treated as a part of the post-office system; and, therefore, when the Federal Constitution was framed it was agreed, as a matter of course, that the lines should go to the Commonwealth instead of remaining the property of the States, like the railroads. The fact that the colonies had been wholly distinct had led to considerable differences, both in administration and in charges, and the purpose of the new postal act was to establish uniform rates throughout the Commonwealth on a scale that should at once be liberal to the users and fair to the revenue. It was natural, therefore, that the whole question of cost, management, and charges should be thoroughly ventilated in the debates on the measure before it became law.

"The circumstances of Australia and the conditions of its settlement have had the effect of making both its railroads and its telegraphs unusually extensive in comparison with the numbers of its population, and this is markedly the case with its mileage of telegraph lines. At present the great island is only settled on a strip of country bordering on the coast, and even that strip does not include the more northern shores either on the east or west, and takes in no part of the north side at all. The consequence is that a line of telegraph which connects the settlements of Queensland, on the northeast of Australia, with those of West Australia, on the west coast—a distance, in a direct line, of about 2,500 miles—covers fully double that distance from the necessity of keeping in touch with the settled districts. There is, indeed, one line of telegraph which of necessity ignores this rule and passes for nearly its whole length of about 1,700 miles, from the south to the northwestern corner of the island, through an unsettled country. The purpose of this line is to connect settled Australia with the rest of the world by way of Java and India, and it passes through great districts of the interior, which were first explored for the purpose of its construction. Under the circumstances it was not possible that telegraph facilities could be supplied in Australia on a small scale or at a trifling cost.

"The telegraph lines now owned and operated by the Federal Government for the people of Australia have a length of fully 48,000 miles, while the length of the wires is considerably more than a hundred thousand miles. Thus it will be seen the people of Australia and their government have a considerable experience of the cost both of constructing and operating a telegraph system. The mileage of their lines is actually greater than that



of any European country, with the exception of Russia, Germany, and France, while in proportion to the number of inhabitants it is, probably, nearly six times as great as that of any other country in the world, with the single exception of its near neighbor, New Zealand. There are upward of 3,000 telegraph stations kept open for the convenience of a population which does not exceed 4,000,000, and the revenue derived from messages is shown to be sufficient to defray the cost of operating and maintaining the lines, as well as defraying the interest charges on the cost of construction at the annual rate of 3 per cent.

"Under the circumstances, it would be natural to suppose that the charges for telegraphic service in Australia must be very high, and it is here that the debates in the Commonwealth parliament and the schedule of rates finally appended to the act throw an unexpected light on the question. It appears that in no part of Australia has the cost of telegraphy *ever been high*, and the rates now adopted as those which will secure the revenue from loss under the three heads of operating, maintaining, and paying interest on the money invested are remarkably moderate when compared with those in force in most parts of the world, and not least in America. The rates finally settled were these: For town and suburban messages—suburban meaning practically a radius of 10 miles beyond the city limits—the rate fixed is 12 cents for a message not exceeding sixteen words, which includes the address and signature. For messages to any point within the same State from which they are sent the charge is fixed at 18 cents for the same number of words. For messages to any other State within the Commonwealth the charge for a message of similar length is 24 cents. In all cases the charge for extra words beyond the sixteen is a uniform rate of 2 cents a word. Delivery is made within a radius of 1 mile from the receiving office, and for this there is no extra charge.

"It will be seen at once that these charges are remarkable for their moderation, in comparison with any experience the people of America have yet had. They are, in fact, lower for the service rendered and the distances traversed than the rates established in any other country except New Zealand, but they are fully justified by the experience of the three principal States of the Commonwealth—New South Wales, Victoria, and Queensland—the tariffs of which have practically been adopted. When it is remembered that Australia, as a whole, is a country of the same area as the United States and that the distances actually traversed are very much greater than those between any points of telegraph communication in America, it will be seen that the charge of 24 cents for a sixteen-word message is very much less than one-half, and would probably work out at about one-third, the amount charged in America. The great area of the five

States occupying the mainland—three of the five being each more than two and a half times as large as Texas and a fourth four-fifths of its size—renders the State rate of 18 cents for similar messages equally cheap compared with American rates, while the city and suburban tariff of 12 cents has no parallel in American experience.

"The question which naturally arises at once is, How is it done? We have here a population of four millions of white men, scattered along a coastal belt of country some 5,000 miles in length, with widely separated centers of population, enjoying the most modern facilities of communication to an extent far greater in proportion to their numbers and at less than half the cost at which the same facilities are supplied to a population nearly twenty times as great and far less widely scattered. At the first glance there seems to be no reasonable way of accounting for the difference. To the advocates of public ownership and management of the great necessaries of modern civilized life it would seem that the problem is by no means so serious. In the course of the debate in the Australian Federal Parliament the postmaster-general of the Commonwealth stated boldly that not only was the Australian telegraph system as efficient as any in the world, and, with the single exception of that of New Zealand, by far the cheapest, but that it was so owing to its public ownership and to the economies naturally attending the system. A very brief examination of the facts will show that this claim is at any rate very largely founded on facts.

"The three branches of expenditure dealt with by the Australian minister for postal services were the interest on the cost of constructing the lines, the cost of maintaining the lines in good order when constructed, and the working expenses of the service, including, of course, salaries of officials and workmen of all grades, office expenses and rentals, and the supply of electricity. Every telegraph system must provide for all these in some form or other, but a government system, if honestly worked in the public interests, as the postal system is in this and other civilized countries, has great advantages in the direction of economy in two out of the three branches of expenditure. In the first place, the credit of a whole people is always better than the credit of any part of it, and therefore loans required by nations with a stable government and a reasonable character for honesty can always be obtained on the most favorable terms. Australia is a young though a wealthy community, and as a rule the value of money is somewhat higher there than in older countries; but the $18,000,000 of borrowed money spent by its various colonial governments on the construction of telegraph lines costs to-day in interest only a small fraction beyond 3 per cent. It need hardly be pointed out that such a return as this would not meet the views of any great mercantile corporation. It may fairly be said that the expenses coming under the second head of telegraph expenditure—that is to say, the actual cost of producing the necessary supply of electricity—would be quite as little in private hands as it could be made in the hands of a government department. This, of course, is true; but there is no reason why it should be any less, except the foolish and shameful one that intelligence and honesty are not to be obtained for the service of the public. It is in the third class of the expenditure requisite for conducting a telegraph system, however—the department of salaries and office-expenses—where, it is claimed, the advantage of public ownership becomes an element of startling magnitude.

"In Australia the telegraph and telephone services are both incorporated with the post-office, and as such they require few, if any, separate offices. There are fully 3,000 telegraph stations in the country for the convenience of the public, and nearly every one of these is also the district post-office. There are in the United States about 27,000 telegraph stations, but there are not less than 77,000 post-offices for the use of the people; that is to say, there is a post-office for every thousand, but a telegraph station for every three thousand. In the newer, poorer, and far less thickly settled country of Australia there are fully 6,000 post-offices to meet the requirements of 4,000,000 people, or 1 to every 666 people; and more than 3,000 of these are also telegraph stations, being 1 to about 1,300 persons. The contrast is suggestive, but it is most suggestive of all in its financial aspect. If every second post-office in this country were also a telegraph station, the public would be nearly as well supplied with the means of rapid communication as the settlers in Australia now are, instead of one-third as well, and they would also be saved a great deal of money. In America it would then be, as it now is in the commonwealth of the South Pacific, each telegraph station would be at the natural center of population, where it would require no separate offices and no separate staff of clerks and operators, except in cities of considerable size. Every country postmaster or clerk would in that case be required also to be a competent telegraph operator, and thus an endless duplication, both of offices and officials, would be avoided.

"It is in this way that the Australian postmaster-general accounts for the cheapness of his telegraph system when compared with the cost in other and older countries; but this is not all. The cost of production is low and the machinery for carrying on the service is economical indeed, but these things alone would not enable him to make both ends meet. The secret of its success is not only that it is economically conducted; not only that it is not loaded with heavy interest and big dividends, but, more than either, because it is appreciated and made use of by the people to an extent unknown where charges are higher and conveniences are less. Of European nations, Great Britain makes most use of the telegraph, but her population is concentrated within a small area and therefore is easily reached. Her people use the telegraph to the extent of rather more than two messages a year for every inhabitant of the country. In the United States the population is more scattered and therefore more difficult to reach. Three years ago the American people sent, as nearly as possible, one message over the telegraph wires for each inhabitant. In Australia population is more widely scattered than in America and vastly more so than in England, yet three years ago two and a half messages for every inhabitant of the country passed over the telegraph wires of the Government. There is, it appears from the statement of the Australian postmaster-general, only one country in the world that has supplied greater telegraphic facilities for its people, and has charged even lower rates than those of Australia, and that is in the neighboring country of New Zealand. There, he admits, the Government supplies a post-office for every 500 people and a telegraph station for every 800, and there, too, the rates are somewhat lower than even in Australia. He also adds, and the addition is a significant one, that there the people three years ago sent four telegrams for each inhabitant, and the revenue from the telegraphs was even more satisfactory than in Australia.

"The lesson taught by the experience of Australia and enforced by the official head of its postal department is by no means a new one. It is, after all, neither more nor less than the stock argument in favor of the system of trusts, which are advocated as a practical necessity in these days of competition, because, owing to the greatness of the scale on which they operate, they can save immensely on the cost of working, and therefore can, presumably, afford to give the public a better article at a lower price. This is exactly what, the Australian postmaster-general asserts (and apparently beyond the reach of contradiction), the system of government telegraphy does for the people of Australia. Only by the operation of this great public trust, managed for the people by the people, would it be possible in a new country of wide extent and thinly populated to supply the facilities for speedy and reliable communication, except at a cost so enormous as to be prohibitory. Only by giving the public the facilities which such a public trust alone can give can they be induced to use the convenience on a scale so large as to make it pay. Such would seem to be the experience of Australia, and to even a greater extent of New Zealand."

When one knows the results of the postal telegraph in Australia and then claims that it would cost our Government more to run the telegraph under Government than under private enterprise, it simply reflects upon the intelligence and honesty of our own people.

Here, then, are the Australian rates:

(*a*) For town and suburban messages—suburban meaning, practically, a radius of 10 miles beyond the city limits—the rate fixed is 12 cents for a message not exceeding sixteen words, which includes the address and signature.

There are in this body 225 Members from cities, to say nothing of those from towns of various sizes. What excuse can we give that equal, if not better, privileges are not accorded those whom we directly represent?

(*b*) For messages to any point within the same State from which they are sent the charge is fixed at 18 cents for the same number of words.

Suppose the Members from New York, Pennsylvania, Texas, or Illinois were to caucus upon this proposition and decide that the people of their respective States were justly entitled to as good, or even better, rates than the people of the respective States in Australia, who doubts what the result would be?

(*c*) For messages to any other States within the Commonwealth the charge for a similar message is 24 cents.

Think of it. Compare these rates with rates from one point to another in the United States. I beg to call your attention to rates from Washington—viz, the cheapest rate to some point in

every State in the Union by either the Western Union or the Postal Telegraph.

(A) Telegraphic rates from Washington, D. C., to—	No. 1.	No. 2.	No. 3.
Birmingham, Ala	50-3		22½-2
Prescott, Ariz	100-7		30 -2
Hot Springs, Ark	50-3	60-4	30 -2
San Francisco, Cal	100-7		30 -2
Denver, Colo	75-5		30 -2
Hartford, Conn	30-2	40-3	22½-2
Dover, Del	25-3		22½-2
Jacksonville, Fla	50-3		22½-2
Atlanta, Ga	50-3		22½-2
All Idaho	1 0-7		30 -2
Chicago, Ill	40-3	50-3	22½-2
Indianapolis, Ind	40-3	50-3	22½-2
Des Moines, Iowa	50-3	60-4	22½-2
Kansas City, Kans	50-3	60-4	30 -2
Lexington, Ky	40-3	50-3	22½-2
New Orleans, La	50-3	60-4	22½-2
Portland, Me	35-2	50-4	22½-2
Baltimore, Md	20-1	25-2	22½-2
Springfield, Mass	35-2	40-3	22½-2
Detroit, Mich	40-3	50-3	22½-2
St. Paul, Minn	50-3	60-4	22½-2
Jackson, Miss	50-3		22½-2
St. Louis, Mo	40-3	60-4	22½-2
Butte, Mont	75-5		30 -2
Omaha, Nebr	50-3	60-4	30 -2
Carson City, Nev	100-7		30 -2
Nashua, N. H	35-2	40-3	22½-2
Jersey City, N. J	25-2		22½-2
Santa Fe, N. Mex	75-5		30 -2
New York City, N. Y	25-2	40-3	22½-2
Raleigh, N. C	40-3		22½-2
Bismarck, N. Dak	75-5		30 -2
Cincinnati, Ohio	40-3		22½-2
Oklahoma City, Okla	75-5		30 -2
Portland, Oreg	100-7		30 -2
Philadelphia, Pa	25-2		22½-2
Providence, R. I	35-2	40-3	22½-2
Charleston, S. C	40-3		22½-2
Aberdeen, S. Dak	75-5		30 -2
Chattanooga, Tenn	25-2	50-3	22½-2
Fort Worth, Tex	75-5		30 -2
Salt Lake City, Utah	75-5		30 -2
Burlington, Vt	35-2	40-3	22½-2
Richmond, Va	25-2		22½-2
Seattle, Wash	100-7		30 -2
Wheeling, W. Va	25-2		22½-2
Madison, Wis	50-3		22½-2
Cheyenne, Wyo	75-5		30 -2

NOTE.—No. 1 shows the lowest day rate at place in given State. No. 2 shows highest day rate at different places in given State.

No. 3 shows Australian rate for twenty-word messages, including address and signature, to places named in column A, and you will note that we are giving the telegraph companies a decided advantage in this computation, for former President Green, of the Western Union Telegraph Company has testified that the average address and signature contains seven words, and in this computation we have allowed ten in addition to a ten-word message.

The uniform rate for each additional word in Australia is 2 cents. In the United States it is from 2 to 7 cents.

Behold an empire in itself stretching from the Mississippi to the Atlantic Ocean. South Australia has a greater area than all the twenty-six States east of the Mississippi River. (Population of twenty-six States, 54,744,795; area, 881,655 square miles.)

West Australia has an area even greater than all of these twenty-six States with either of the States Minnesota, Iowa, Arkansas, or Louisiana added. (Area of Minnesota, 83,365 square miles.)

West Australia is more than one and one-half times larger than North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. (Population of this group, 6,704,552.)

Larger than Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, and Oregon. (Population of this group, 2,563,961.)

Three and one-half times larger than Texas. (Population, 3,048,710.)

Six times larger than California. (Population, 1,485,053.)

Nine times larger than Colorado.

Ten times larger than either Idaho, Utah, or Oregon.

Fourteen times larger than either Washington or Missouri. (Population of Missouri, 3,106,665.)

Sixteen times larger than either Michigan, Illinois, Iowa, Arkansas, North Carolina, Louisiana, Mississippi, Alabama, Georgia, or Florida. (Population of Illinois, 4,821,550.)

Almost twenty times larger than New York. (Population, 7,268,894.)

Twenty-one and one-half times larger than either Pennsylvania, Virginia, Ohio, Kentucky, Indiana, Tennessee, or South Carolina. (Population of Pennsylvania, 6,302,115.)

Twenty-nine and one-half times larger than Maine. (Population, 694,466.)

When you consider the population of these several States and groups of States, which is many times more than the population of West Australia, you must be further convinced that we are paying exorbitant rates for telegraphing.

For example, in New York the population is thirty-nine times that of West Australia, yet in area it is not one-twentieth as large. Why should not the people in the State of New York enjoy even cheaper rates than they do in West Australia?

What would happen if two or three Members from each State would take an active interest in this question? What would happen if we all, who claim we are here in the interests of the people, became thoroughly aroused? Why, we would have postal telegraph and rates much less reduced from what we are now receiving. When you think of it and compare the distances and area of Australia and its population of three and one-half millions with distances and a like area in the United States and a population of eighty million, what can we say for ourselves and to our constituency except that telegraph rates ought, in right and justice, to be reduced, even though we might conclude that we would prefer some other method than by government ownership.

The Western Union Telegraph Company was incorporated under act of Wisconsin, March 4, 1856, and act of New York, April 4, 1856, through consolidation of "Erie and Michigan" and "New York and Mississippi Valley Printing Telegraph" companies, with a united capital of $500,000.

Its present capitalization is $97,370,000, having increased its capitalization almost $97,000,000 in fifty years.

Let us see how this has been done.

The following statement of Western Union transactions will give a good idea of their methods:

TABLE I.

Original investment	$150,000
Original capital (1852)	240,000
Capital stock (1858)	385,700
Brownsville line, worth $75,000, bought by issuing stock	2,000,000
1863, Western Union plant, worth $500,000, stock	3,000,000
Stock dividends (1863)	3,000,000
Total stock (1863)	6,000,000
Stock to buy other lines	3,322,000
Stock dividends	1,678,000
Total (1864)	11,000,000
Stock dividends	11,000,000
Total (January, 1866)	22,000,000
Stock to buy United States Telegraph Company, worth $1,443,000	7,216,300
Stock for American Telegraph Company, worth perhaps $1,500,000	11,833,100
Total (1866)	41,049,400
Stock dividends	5,060,000
Stock for American Union and Atlantic and Pacific companies (worth, together, about $3,232,000, aside from the franchises), over $23,000,000, but as Western Union already owned over $4,000,000 of Atlantic and Pacific the new issue was only	19,080,000
Stock dividends	15,000,000
Total (1884)	80,000,000
Stock for Mutual Union, worth about $3,000,000	15,000,000
Total stock (1895)	95,000,000

The National Board of Trade (by report of executive committee November 15, 1882) says: "In 1858 the Western Union had a capital of $385,700. Eight years later the stock had expanded to $22,000,000, of which $3,322,000 was issued in purchase of competing lines, while nearly $18,000,000 was issued as stock dividends. This was the first attempt to spread out an increased paper capital which should hereafter afford a plausible pretext for imposing on the public an oppressive tariff of charges. The next step was the purchase of the United States Telegraph Company, for which purpose $7,216,300 of stock was issued, an amount alleged to be five times the true value of the property. Next came the absorption of the American Telegraph Company. The stock of that company was almost as much inflated as that of the Western Union and amounted, water and all, to $3,833,100, yet $11,833,100 of Western Union stock was issued to get possession of that line."

"These are not the words of theorists or of enthusiastic reformers, but of hard-headed business men who are thoroughly familiar with corporation methods and know whereof they speak."

I quote from Senator Hill, from the Committee on Post-Offices and Post-Roads, for the year 1884:

"In respect to the stock capital of the Western Union Company, amounting to $80,000,000, nearly the whole of it has arisen from stock dividends and from purchases made of the lines of other companies which were paid for by issues of stock. In 1863 its stock capital was only $3,000,000, and even of that amount, small as it seems in comparison with the present stock capital of $80,000,000, it is quite certain that at least five-sixths consisted of what is known in stock manipulations as

'water.' The original line of the Western Union was from New York to Louisville, via Buffalo, Cleveland, and Cincinnati, and was constructed at a cost of about $150,000. It early acquired by purchase at very low rates the property of embarrassed western telegraph companies owning lines from Buffalo to Milwaukee and from Cleveland to Cincinnati, and built a line from Pittsburg to Philadelphia; but even then its actual cash investment is affirmed by those who have carefully investigated the subject not to have exceeded $300,000.

"In 1863 the stock property of $3,000,000 was doubled by a stock dividend, and during 1863 and 1864 $5,000,000 was added to represent extensions and purchases of new lines paid for in stock. The capital being thus swollen to $11,000,000, was, in 1864, doubled by a stock dividend, and thereby made $22,000,000.

"Eighteen hundred and sixty-six was a year memorable for new consolidations, the stock capital having then been increased to $41,000,000 by the issue of $19,000,000 of new stock. Since 1866 the stock capital has been carried up to its present amount of $80,000,000, partly by the issue of stock for the purchase of new lines, but mainly by the three following stock dividends: In 1879, $5,960,600; in 1881, $15,526,590 and $4,320,000; total, $25,807,190."

This nation will ever owe a debt of gratitude to Postmaster-General Wanamaker for his efforts in trying to secure postal telegraph while he was a member of President Harrison's Cabinet, during which time he made the following statement; and, so far as I know, it remains unchallenged:

"According to uncontroverted statements made before your honorable committee the capital stock of the Western Union Telegraph Company in 1858 was $385,700. The stock dividends declared between 1858 and 1866 amounted to $17,810,146, and the stock issued for new lines was $1,937,950, so that the capital stock on July 1, 1866, was $20,133,800. In 1866 new stock was created to the amount of $20,450,500, so that the total capital of the Western Union on the 1st of July, 1867, was $40,568,300. The largest dividend declared by the company up to 1874 was 414 per cent. The largest amount of stock ever divided at one time was $10,000,000, and for a period of seven years the dividends were about 100 per cent a year on its average capital. It was by adding dividends to dividends and by piling the one up on top of the other that this tremendous amount of $46,000,000 of capital and debt was created. The history of the company shows no change of policy.

"In 1874 the company bought up its own stock and the stock of other telegraph companies and accumulated a fund of over $15,000,000, which was held in one shape or another in the treasury of the company. An investment of $1,000 in 1858 in Western Union stock would have received up to the present time (1890) stock dividends of more than $50,000 and cash dividends equal to $100,000, or 300 per cent of dividends a year. These have been some of the dividends declared: In 1862, 27 per cent; in 1863, 100 per cent; in 1864, 100 per cent; in 1878, $6,000,000; in 1881, one of $15,000,000 and another of $4,300,000; in 1886, 25 per cent. The Western Union plant, exclusive of its contracts with railroads, could be duplicated for $35,000,000. Its present capital (1890) is $85,960,000. It has realized $100,000,000 of net profits in twenty-five years by its high charges."

Congressman RAYNER (now Senator) used this language:

"Of all the monopolies I submit that the telegraph system of this country, substantially owned and controlled by one man, is the worst and most dangerous of them all. It is no longer safe or expedient to intrust into the hands of one overpowering monopoly the telegraph business of this country. It is a power that not only can be used, but has been perverted, for purposes hostile to the best interests of the people. The markets of the country, its finances, and its commercial interests to so large an extent depend upon the honest and honorable administration of the business of this company that the people are not in a mood to repose a trust of this character any longer without competition in the hands of a stock-jobbing corporation."

Zachariah Chandler, from the Committee on Commerce, in the Senate of the United States, in 1872, said:

"The policy of the Western Union Telegraph Company from the beginning of its existence to the present time has been of a uniform character.

"It has been to ridicule, belittle, cripple, destroy, acquire, consolidate, and absorb all rival lines, until now it virtually controls the telegraph business of the whole country. The statements made in the report containing the history of this company, its unparalleled growth, and future possibilities are eloquent with meaning beyond that expressed in the words. With its network of wires covering the face of the land it holds the incalculable commercial interests of the people of this nation in its grasp as securely as the spider holds the struggling prey in the meshes of its web.

"There is no power but in Congress to grapple with this monster monopoly and afford adequate relief to the heavily taxed commercial interests of the country. Under the present telegraphic management, with its excessive rates and arbitrary restrictions, commerce has fastened upon it the most burdensome tax arising from any source, and the duty of Congress is clearly to devise and put in operation some measure whereby relief may be obtained, by unbinding the fetters and unloosening the chains by which she is now dragged helplessly bound to the victorious car of this grievous monopoly."

Senator Chandler was made of the right kind of stuff. He was one of the heroic men of Michigan who was admired for his rugged qualities of sincerity, honesty, and the courage of his convictions. What better can we, the Members from Michigan, do, who have been permitted to follow him into the halls of Congress, than to imitate his example and seek, so far as is within our power, to right the wrongs of the people.

I submit a list of the board of directors of the Western Union Telegraph Company:

Board of directors.—Thomas T. Eckert (chairman), Robert C. Clowry, John T. Terry, Russell Sage, George J. Gould, Samuel Sloan, Edwin Gould, Frank J. Gould, Jacob H. Schiff, James H. Hyde, William L. Bull, Louis Fitzgerald, J. Pierpont Morgan, Charles Lanier, Chauncey M. Depew, Henry M. Flagler, John Jacob Astor, Oliver Ames, C. Sidney Shepard, J. B. Van Every, James Stillman, Thomas F. Clark, Morris K. Jesup, E. H. Harriman, Samuel Spencer, Howard Gould, John J. Mitchell, Henry A. Bishop, Harris C. Fahnestock, Thomas H. Hubbard.

A glance at their names will be sufficient to satisfy anyone that it is not a case of dire necessity to continue to give these gentlemen the almost exclusive control of this monopoly to the great detriment and injury of millions of our people.

Every name represents some great interest. "They are among the richest, best, and most influential in the financial world." There are 12,932 registered holders of Western Union stock, but no doubt these gentlemen own and control the bulk of the stock.

The Postal Telegraph and Cable Company is only a side show—and I say it respectfully—to the main performance, to wit, the Western Union Telegraph Company, for in the main, where they have offices in the same locality, rates are identical.

A comparison of rates from Washington to points all over this broad Union shows but few slight differences in the rates charged by these two companies, leading one to believe and understand that this is not purely accidental, but that there must be some common understanding between these two great corporations, and if these conditions exist elsewhere, as they doubtless do, you will at once see that we are not enjoying any advantages by reason of competition, but we are led to the certain conclusion that these two great corporations are in collusion for the purpose of extracting from the people every dollar which they possibly can in order to add to their dividends.

The last dividend of the Western Union was 5 per cent annual, payable quarterly, on a capitalization nearly three times, if not quite, its true valuation, besides putting to the reserve fund $1,092,780.97, making a total surplus, June 30, 1905, of $15,974,209.25, equal to almost one-sixth of their present capitalization.

In the last annual report of the Western Union Company they give as the operating and general expenses, including taxes, $16,165,198.73. Who can tell how much of this was for salaries, and if you do not know, are you able to say where the information can be obtained? I have most respectfully asked for this information from the presidents of both the Western Union and Postal Telegraph companies, and have been unable to receive it. Can you conceive any reason why they should decline to give this information, except that it would demonstrate that a large portion of the receipts are being used for salaries in excess of what a fair and just compensation would be, which, added to the 5 per cent annual dividend upon a capitalization of nearly three times its true value, which added to the amount that is annually put to the reserve fund, would clearly demonstrate that instead of a 5 per cent dividend they are probably receiving nearly 25 or 30 per cent? I think there should be some power lodged in the Interstate Commerce Commission so that we may be able to get reliable information upon this subject.

Why are rates higher here than in Europe? Because the companies are seeking, in the main, for dividends, while public enterprise is usually satisfied to serve the people as near at cost as is possible. The Baltimore and Ohio Company had a 10-cent rate for a long time on nineteen routes and made a profit on their

business—for example, from New York to Portland, Me., and intermediate points, 10 cents; New York to Philadelphia, Baltimore, and Washington, 10 cents; New York to Chicago, 15 cents; New York to St. Louis, 20 cents; New York to New Orleans, 50 cents; from New York to Galveston, Tex., 75 cents. The average charge on all messages was 16½ cents; and at one time the Western Union carried from New York to Bradford, between the oil exchanges, a distance of four or five hundred miles, at the rate of 10 cents a message.

I know some one is waiting to ask if the Baltimore and Ohio Company did not lose money at the rates which I have quoted. D. H. Bates, manager of the Baltimore and Ohio Telegraph Company, testified that the company made a profit in spite of its low rates, and that the Western Union succeeded in buying up the Baltimore and Ohio lines, not because they proved unprofitable, but because disaster overtook the road in other departments, and it sold its telegraph business as the most available source of realizing the funds necessary to right itself.

I am indebted to my friend Mr. S. H. Bell, formerly of the International Union Telegraph committee, for many valuable suggestions, and especially for the following information:

"At one of the meetings of the National Board of Trade, held in the city of Washington a few years ago, reference was made to a line of telegraph connecting Chicago with Milwaukee, which line had been constructed by a number of business men of the two cities. Their patience had been exhausted by the inordinate greed of the Western Union, and rather than tamely submit to a continuance of the robbery they wisely concluded that it would be much better and cheaper to build, own, and operate a line of their own. This they proceeded to do, and the results were surprising.

Among the interesting speakers on that debate was Hon. R. W. Dunham, then a Member of Congress from Illinois and one of the delegates from the Chicago Board of Trade, who said:

"My friend Mr. Pope has alluded to a telegraph line running between Chicago and Milwaukee. I happen to have had some stock in that company from its commencement to this time. I know what it has been doing. That line between Chicago and Milwaukee—85 miles—cost about $14,000. As Mr. Pope has stated, it was built upon the highway. We were refused permission to run along the railroad lines. Within two years after commencing the business there was paid back to the stockholders 90 per cent of the money they had paid in. The business had been done for 10 cents a message, or 1 cent a word. After that time the company decided to be a little more liberal with their patrons than they had been at the start. They said to their patrons that from that time on they would do their business in this way—for instance, a party sending a message to Chicago or Milwaukee, containing an order to transact business, should pay a cent a word. A party in Chicago or Milwaukee desiring to telegraph simply the market to a friend at the other end of the line, that business could be done for 5 cents a message. We went further than that. At the end of each month we figured up the cost of doing the business, deducted 7 per cent per annum for the stockholders, and then paid all the balance back to the patrons. In my own business over the lines—and the same has been true of others—I have had as high as 40 per cent back at the end of the month after having paid only 5 cents a message. [Applause.] Business went on in that way for about two years. Then the stockholders concluded that as something might happen sometime in the way of unusual expense they would water the stock [laughter], and we doubled our stock, from $14,000 to $28,000. Still the result is about the same. From 25 to 40 per cent is still paid back on the 5 cents a message paid by the patrons, and we are getting our 14 per cent on nothing." [Applause.]

Mr. Bell says:

"A more convincing exhibit of the value of the telegraph as a money-maker can not very readily be produced. If a little line of only 85 miles, established by a few disgusted business men, mainly for their own convenience, has been able to show such surprising results, what may not reasonably be anticipated when we have a governmental system connecting every post-office in the land? With the above statement before us, it is not very much to be wondered at that the Western Union octopus in one year declared dividends which reached the astounding figures of 414 per cent. How much longer will the people of this country submit to such high-handed and barefaced robbery in connection with a business which is in every way as much of a public function as the transmission of letters, newspapers, and parcels, so satisfactorily and cheaply performed by the post-office?"

I do not believe any valid excuse can be given why there should not be a uniformity of rates in this country, as in Australia and in other countries. The claim is made by the telegraph companies that the country is divided into squares of 50 miles each, and in this respect that the rates are uniform; but this is not true, for I can telegraph by either the Western Union or the Postal Telegraph to Saginaw or Bay City, respectively, 60 and 70 miles beyond my home city, Pontiac, Mich., for 40 cents, while it costs 50 cents by either of these companies from Washington to Pontiac, and I assume this condition exists in many other portions of the country.

While I am a sincere believer in the Government ownership of the telegraph, I have introduced a bill for limited postal telegraph; but I am not a stickler for this particular legislation. I earnestly feel that we ought to have a reduction of telegraph rates, and believing that we can sooner and best accomplish these results in behalf of the people, I have introduced a bill which will avoid many complications which might longer delay this much-needed reform if we were to insist upon getting this relief only through the medium of Government ownership.

Here are a few of the leading objections: "A public telegraph will paternalize the Government," "It will put the Government into the field of private enterprise," "It is not the Government's business," "It is out of the Government's sphere," "The increase of patronage will be dangerous," "The Government could not be sued," "The secrecy of messages will be violated," "It will injure innocent purchasers" (for example, like the present officers of the Western Union). To all of these most satisfactory answers can be given, if time permitted. Here is perhaps the most serious objection: "It will cost too much." It need not cost the people one dollar of taxes to establish the postal telegraph. Capital has been ready to build the lines for the Government, introduce low rates, and agree to turn the plant over to the nation for actual value at the end of a period of years to be agreed upon, or allow the service to pay for the plant gradually. In this way the people will have a clear title in a few years, even at rates much lower than those now in force.

Here is still one further objection that has been often urged: "The postal telegraph may be all right in Europe, but not in America. We don't want to imitate the monarchial system and institutions of the Old World."

I hope the time has gone by when such silly and foolish objections will have any weight with our people. Let us seek for the best whenever and wherever we can find it, always bearing in mind that what is for the public good should be the supreme law.

The Western Union and the Postal Telegraph will be found to be the only visible opponents in this effort to secure for the people their just rights.

It is an undeniable fact that the present telegraph companies are honeycombed with rust and inefficiency, loaded with immense amounts of watered stock, and hampered by the most stupid exhibitions of nonprogressiveness to be seen in this enlightened age. It is literally true that in this electrical age, in this electrical country, telegraphy is the only thing touched by electricity that is still in the ox-cart condition.

"Telegraphy is still pounding along with hand labor, very much as Morse devised it nearly seventy-five years ago. It can never be cheap or fast until machinery is used to prepare the messages and to hurl them at higher speed over the wires."

I have no hesitancy in saying that, notwithstanding for many years over the doors of the telegraph companies has been written the legend, "No inventors or scientific men wanted," inventive genius has perfected, tried, and approved machines for telegraphing, which, if put into use, would revolutionize present conditions, and the fact that these modern inventions are not utilized by the telegraph companies is evidence to me that if they were used it would be apparent to all that telegraphy could be greatly cheapened.

It is sixty-two years since lightning was harnessed to language and literature, yet we are still practically in the hands of Russel Sage, the Goulds, and John T. Terry, for I have recently received from a most reliable source the information that the stock of the Western Union is almost wholly in the possession or control of these people.

I repeat, in substance, what I said in part in connection with the rate bill. It is my judgment that the people will never come into the full possession of all their rights and privileges until the legislative, judicial, and executive branches of our Government, both in the nation and State, shall be denied the right to use free passes and free transportation upon the railroads and telegraph and express franks, and I have felt that it would be bettter if these privileges were denied to all who are in either the national or State service in whatever capacity.

Here are a few of the papers, representing every phase of political opinion, that have advocated the measure: Chicago Tribune, New York Herald, Washington Post, Boston Globe, Washington Star, Omaha Bee, Denver Republican, Cincinnati

Enquirer, Atlanta Constitution, Buffalo Express, Galveston News, Harper's Weekly, New Haven Journal and Courier, New Haven Palladium, New Haven News, Hartford Times, Vicksburg Herald, Memphis Appeal, St. Paul Pioneer-Press, New York Evening Post, Reading Times, Mobile Register, New York Star, Boston Traveller, Boston Journal, Rome Sentinel, Detroit Free Press, Salt Lake Tribune, Wheeling Register, Springfield Republican, Trenton Times, Denver News, Sacramento Record-Union, San Francisco Examiner, Albany Express, Philadelphia Press, New Bedford Mercury, Erie Dispatch, Waterbury American, Rochester Herald, San Francisco Post, Adrian Times, New Orleans Times-Democrat, Pittsburg Dispatch, Richmond Dispatch, Macon Telegraph, and many more.

I appeal to the press throughout the land, to the national, State, and local; commercial, manufacturing, agricultural, and labor associations, and to all the people to use their influence and best efforts to encourage and help this movement to the end that we may have cheaper rates of telegraph, and if this question is not adjusted in the meantime—and I trust it may be—I hope the Republican, Democratic, and all other political parties will write a plank in their next national platform demanding that the Government adjust this matter in some satisfactory way to accomplish this purpose.

No one, however humble or distinguished, should fail to unite his efforts with those of President Grant, Senators Clay, Sumner, Hamlin, Edmunds, Dawes, Chandler, Ramsey, Hill, Sherman, and Platt; Representatives Palmer, C. C. Washburn, Butler, E. B. Washburn; Postmasters-General Johnson, Randall, Maynard, Howe, Cresswell, and Wanamaker; Professor Morse, the inventor of the telegraph; Cyrus W. Field, the founder of the Atlantic cable; James Gordon Bennett; Professors Parsons and Ely; Lyman Abbott, Judge Clark, B. O. Flower, T. V. Powderly, Samuel Gompers, and a host of other eminent men in every walk of life who have championed the cause of the people.

It was the late lamented Senator Platt who used this language, "The telegraph is the rich man's mail."

Let us hasten to give to the people, rich and poor, learned and unlearned, in all the walks of life a blessing commensurate and coextensive with that which was given to the farmers of the nation by the free delivery of the mails, the greatest boon that has come to them since the birth of the Republic.

I hope I have said something to enlist every lover of mankind, justice, and fair play for lower telegraph rates. [Loud applause.]

Mr. FOSTER of Vermont. Mr. Chairman, I have a very good speech prepared for this occasion, but there is another one prepared by my good friend the gentleman from Missouri [Mr. RHODES], and so I am going to yield to him twenty-five minutes.

Mr. RHODES. Mr. Chairman, I ask the indulgence of the House not that I have anything new to offer, either on the pending bill, or on any of the many interesting subjects that have occupied the attention of Congress thus far during the session; but I desire to call the attention of the House in a general way to a very old subject, one which is not only older than the Republic itself, but which is a well-defined and well-fixed policy of government, viz, to the subject of pension legislation. Particularly I desire to call the attention of the House to a bill in which many of the citizens of my State are interested, and in which the entire Missouri delegation in Congress is interested. This bill was introduced early in the session and has not yet been reported. It seeks to extend the provisions of the pension act of June 27, 1890, to certain militia organizations of the State of Missouri actually engaged in the military service of the United States under command of Regular Army officers of the military Department of the West, or the Department of the Missouri, in the suppression of the war of the rebellion. These organizations having been called into the service of the United States by virtue of a special agreement entered into between Abraham Lincoln, President of the United States, and Governor Gamble, of the State of Missouri, made necessary by certain local conditions existing in Missouri at that time, were not technically mustered into the United States service. These organizations are known in the official war records, or rebellion records, as militia of Missouri, and of this militia force there were several different organizations. These war records were compiled and published in 1902, under the direction of Hon. Elihu Root, Secretary of War, and are unquestionably authentic. It shall be my purpose in this discussion to show that these militia forces provided for in this bill were under command of regular United States Army officers, that their services were accepted by the United States, that they rendered substantial service to the United States in suppressing the rebellion as a part of the great Union Army. However, before entering into a discussion of the subject proper, I desire to address myself briefly to the history of pension legislation in the United States relating to the militia soldier. I wish to do this because I shall be able to show we are committed to a policy favoring liberal pensions to our loyal soldiers, which is so old that the memory of man runneth not to the contrary. I wish to show also our Government is committed to a policy which has recognized by general law the service of the militia soldier of every war through which our country has ever gone, except the war of the rebellion, and if I can but arrest the attention of Congress long enough to be heard on this question, I feel sure it will be decided the militia soldier of the great civil war should be no exception to the well-fixed rule.

Doctor Glasson, in his work on Military Pension Legislation, defines a military pension to be "A regular allowance made by a government to one who has been in its military service, or to his widow or dependent relatives." It occurs to me this definition is so comprehensive that no further proof ought to be required of the soldier claiming the right to participate in the benefits of pension laws than to prove he was in the military service of the United States. Since the Government has the right to demand the service of its citizen in time of war, it is but proper that the soldier be cared for by the Government in old age or in adversity. I believe the paying of a pension not only to be a proper act of gratuity, which the world concedes to be right, but the discharge of an equitable obligation. Pensions in our country by various acts of Congress have been classified as "invalid pensions" and "service pensions."

An invalid pension is one granted the soldier on account of wounds or injury received or disease contracted in the military service. A service pension is one granted the soldier who has been in the service a specified length of time, without regard to the question whether he has incurred injury or disability in the service. Our country at various times has granted both invalid and service pensions to its loyal soldiers. The act of June 27, 1890, partakes of both the invalid and service pension features. I say the policy of our Governemnt to grant liberal pensions to its loyal soldiers is older than the Republic. The first national pension law written upon the statute books in the United States was enacted August 26, 1776. This law was consistent with the colonial system of pension legislation which had been practiced in the New World for more than a century. It provided half pay for life or during disability to every officer, soldier, or sailor who lost a limb in any engagement, or being so disabled in the service of the United States as to render him incapable of earning a livelihood. The first colonial pension law was enacted by the Pilgrim fathers at Plymouth, in 1636, and was the first pension law enacted in America. Its provisions were very similar to the provisions of the act last mentioned, and contained these words: "Every man who shall be sent forth as a soldier and returned maimed shall be maintained competently during his life." You will observe the right of the government to demand the service of its citizen in time of war is clearly set out in this language, as well as the duty of the government to maintain its dependent loyal soldier. Washington was a strong advocate of pensions and advocated a policy so broad and liberal as to bring within its provisions all regulars, volunteers, and militia forces. The only requirement being that the soldier must have fought against the common enemy in defense of his country.

Formerly pension laws were more liberal than now. March 23, 1792, a law was enacted providing that judges of courts of record—State, Territorial, and Federal—were authorized to take testimony supporting the claim of a soldier for pension. The judge thus taking the testimony was then required to transmit the same to the Secretary of War, whose duty it was to enter the name of the applicant upon the pension rolls if found worthy. The effect of this law caused much friction between the legislative and judicial branches of the Government.

John Jay, then Chief Justice of the Supreme Court, in passing upon an application for a writ of mandamus relating to a certain claim for pension under the act of 1792, in refusing the writ, declared, with great boldness, the independence of the judiciary as a distinct and coordinate branch of Government. Congress soon repealed this act and created other methods by which proof was to be made.

April 10, 1806, Congress enacted its first general and most liberal invalid-pension law. This act provided pension for all volunteers, State troops, and militia forces who served against the common enemy in the Revolutionary war. To this act I invite your special attention for two particular reasons: First, it provided specifically a pensionable status for the militia soldier, and established the precedent for recognizing his services along with other loyal soldiers. In the second place, the result of this act was that regulations were established for the first

time in the history of our country providing that an increase of pension might be granted by Congress in cases where justice demanded—in other words, that Congress might grant special pension bills—and, I am advised, this practice has been followed even down to the first session of the Fifty-ninth Congress.

The important point I wish to make in this connection is, the militia soldier of the Revolutionary war was placed upon the same plane with the volunteer and the regular and with them given a pensionable status. By act of Congress approved April 24, 1816, Congress enacted an invalid-pension law providing pensions for the militia soldiers who served in the United States Army in the war of 1812.

Many acts were passed recognizing the militiaman, and by general law approved February 13, 1871, which was a service-pension act, the militia soldier of the war of 1812 was given a pensionable status. This act contained the following provision: "All surviving officers and enlisted and drafted men, including militia and volunteers, who served sixty days in the United States service in the second war with Great Britain" (war of 1812) were given a pensionable status. By act of March 9, 1878, the act of February 13, 1871, was amended by reducing the minimum service from sixty to fourteen days, but in other respects was left as in the original act—that is to say, a militiaman who fought in the war of 1812 against the common enemy for fourteen days was given a pensionable status. By act of Congress approved January 29, 1887, a pensionable status was granted the militia soldier of the war with Mexico, and contains the following provision: "All surviving officers and enlisted men, including marines, militia, and volunteers, who served sixty days in the Army or Navy of the United States in the war with Mexico shall be entitled to pensions."

Now, Mr. Chairman, I have cited a few of the many instances which show the militia soldier of every war through which our country has ever gone, except the great civil war, has been recognized and given a pensionable status. The period of time, however, from the close of each war to the date of the various acts having varied from twenty-three to fifty-six years.

One hundred and six years ago on the 12th day of last month Congress passed the first specific act placing the militia soldier upon the same basis with the volunteer and the regular. I believe in the philosophy of cycles and epicycles, and therefore am of the opinion the one hundredth anniversary of this act is the proper cycle in which this part of American history should repeat itself.

From the close of the Revolutionary war to the enactment of the first general militia pension law was twenty-three years. From the close of the war of 1812 to the enactment of the first general law which gave a pensionable status to the militia soldier of this war was fifty-six years, and from the close of the Mexican war to the enactment of the general law giving a pensionable status to the militia soldier of this war was thirty-nine years. It has now been forty-one years since the gallant Lee surrendered himself and what remained of his once proud army, on the 9th day of April, 1865, at Appomattox Court House, to the invincible Grant.

The fact is, Mr. Chairman, thirty-nine years is the mean average time between the close of our various wars, except the civil war, and the date when the Congress of the United States has, by legislative act, recognized the loyal militia soldier and given him a pensionable status with the regular and the volunteer. According to the figures just submitted, which can not lie, we have passed the average time by more than two years, and I hope we are not longer to defer this matter of simple justice. Has not the time fully come when we should recognize the service of the militiaman of the civil war? There are no good reasons why we should longer wait. To the many great and beneficent acts of the United States thus far achieved in the early part of the present century let us add the recognition of our worthy loyal militia soldiers. The time must surely come when this will be done.

But, Mr. Chairman, I must take no more of your time in this general discussion, and now ask permission to read the bill. Omitting the caption, the provisions of the bill are as follows:

Be it enacted, etc., That the provisions of the act of June 27, 1890, be, and are hereby, extended to include the officers and enlisted men of the Enrolled Missouri Militia organized under General Orders, No. 19, issued by Brig. Gen. John M. Schofield, of the United States Army, dated July 22, 1862; the six months' militia, organized under proclamation of August 24, 1861, issued by Governor Gamble, of the State of Missouri; the Provisional Enrolled Militia, organized under General Orders, No. 107, issued by General Rosecrans, of the United States Army, dated June 28, 1864; the Missouri Militia, organized under General Orders, No. 3, dated January 30, 1865, and each and every other company and militia organization, by whatsoever name known, organized for the defense of the Union in the State of Missouri during the war of the rebellion and cooperating with the military or naval forces of the United States in suppressing the war of the rebellion, who served ninety days or more in any of said military organizations in said war and were honorably discharged therefrom, or relieved from duty by orders of a military officer of the United States, or by legislative act of the State of Missouri, and that such certificate of discharge from said service from either the authority of the State of Missouri or the United States authority shall be conclusive evidence of such service, and to the widows and minor children of such persons: *Provided*, That no person, his widow, or minor children shall be entitled to benefits of said act unless the company or organization in which he served was organized under the orders of some commanding officer of the United States Army or served under the authority of an officer of the United States, or cooperated with the United States forces, or was paid or maintained by or performed service for the United States during his service in said militia, or was paid by or maintained by the State of Missouri, and such State reimbursed for same by the United States Government.

You will observe the bill seeks to extend the provisions of the pension act of June 27, 1890, to the Enrolled Missouri Militia and other military organizations of the State of Missouri actually engaged in the military service of the United States in the suppression of the rebellion whose services were accepted by the military Department of the West or the Department of the Missouri, as was done in the case of the Missouri Home Guards by act of Congress approved March 25, 1862, which extended the provisions of existing pension laws by providing pay, bounty, and pensions for them.

It should be remembered in this connection the act of March 25, 1862, extended the then existing pension laws to the Missouri Home Guards, who were not mustered into the United States service, and, of course, did not and could not have discharges from the United States service. This bill, I say, seeks to extend the provisions of the pension act of June 27, 1890, to the Enrolled Missouri Militia, and other military organizations of the State of Missouri, not only as was done in the case of the Missouri Home Guards by act of March 25, 1862, but as was also done in the case of the Missouri State Militia and the Provisional Missouri Militia by act of February 15, 1895.

Now, Mr. Chairman, in these acts, which were special acts, the provisions of all existing pension laws of the United States to-day have been extended to the Missouri Home Guards, the Missouri State Militia, and the Provisional Missouri Militia, but the provisions of existing laws have not been extended to the Enrolled Missouri Militia and the other organizations named in this bill. The truth is, however, the Enrolled Missouri Militia and the other organizations provided for in my bill, rendered the same substantial service to the Federal Government in suppressing the rebellion as did the Missouri Home Guards, the Missouri State Militia, and the Provisional Missouri Militia, and not one good reason exists why the pension laws should not be extended to include them. In other words, they stood absolutely upon the same plane with these organizations, and to them we ask that the act of June 27, 1890, be extended. When I say they stood upon the same plane, I mean they were called into the United States service by virtue of the same agreement entered into between Abraham Lincoln, President of the United States, and Governor Gamble, of Missouri, and rendered the same substantial service, under command of regular United States Army officers, and were subject to the same military orders emanating from the War Department of the United States.

I wish to say, Mr. Chairman, in all seriousness, I have studied this question earnestly and diligently for a year. I have waded patiently through those voluminous war records, and I must say it takes patience to do so, because there are 130 large volumes of them, and through various acts of Congress touching upon the subject, and I am fully convinced the time has come when the services of these soldiers should be recognized. First let me call your attention to the agreement entered into between President Lincoln and Governor Gamble, and some of the reasons which made it necessary. To begin with, Missouri did not occupy the same position with respect to the Federal Government as did most of the other States of the Union, because Missouri was the very border land between the North and the South, and party lines were so tensely drawn every citizen of the State either allied himself with the North or with the South, or fled the country. It will be remembered the southern boundary line of Missouri is not only a geographical line which separates Missouri from Arkansas, but is a line which was of historic consequence for more than a quarter of a century prior to the great civil war, and is recognized by historians as one of the pivotal points on which the peace of the nation rested for forty years.

The President realizing the necessity for holding Missouri in the Union (the reasons for which are unnecessary to state) was prompted to deviate from the well-fixed rules of military law and practice in dealing with the Missouri situation. President Lincoln, as Commander in Chief of the Army of the United States, had a right to make such executive orders affecting the Army as the exigencies required. I now submit a copy of this agreement entered into between President Lincoln and

Governor Gamble, of Missouri, which is recorded in volume 1, series 3, pages 618–619, inclusive, of the Official Records of the Union and Confederate Armies.

EXECUTIVE MANSION,
Washington, November 5, 1861.

The governor of the State of Missouri, acting under the direction of the convention of that State, proposes to the Government of the United States that he will raise a militia force to serve within the State as State militia during the war there, to cooperate with the troops in the service of the United States in repelling the invasion of the State and suppressing rebellion therein, the said State militia to be embodied and to be held in the camp and in the field, drilled, disciplined, and governed according to the Army Regulations and subject to the Articles of War; the said State militia not to be ordered out of the State, except for the immediate defense of the State of Missouri, but to cooperate with the troops in the service of the United States in military operations within the State or necessary to its defense, and when officers of the State militia act with officers in the service of the United States of the same grade the officers of the United States service shall command the combined force; the State militia to be armed, equipped, clothed, subsisted, transported, and paid by the United States during such time as they shall be actually engaged as an embodied military force in service, in accordance with regulations of the United States Army or general orders as issued from time to time. In order that the Treasury of the United States may not be burdened with the pay of unnecessary officers, the governor proposes that although the State law requires him to appoint upon the general staff an adjutant-general, a commissary-general, an inspector-general, a quartermaster-general, a paymaster-general, and a surgeon-general, each with the rank of colonel of cavalry, yet he proposes that the Government of the United States pay only the adjutant-general, the quartermaster-general, and inspector-general, their services being necessary in the relation which would exist between the State militia and the United States. The governor further proposes that while he is allowed by the State law to appoint aids-de-camp to the governor at his discretion, with the rank of colonel, three only shall be reported to the United States for payment.

He also proposes that the State militia shall be commanded by a single major-general and by such number of brigadier-generals as shall allow one for a brigade of not less than four regiments, and that no greater number of staff officers shall be appointed for regimental, brigade, and division duties than as provided for in the act of Congress of the 22d of July, 1861, and that whatever be the rank of such officers, as fixed by the law of the State, the compensation that they shall receive from the United States shall only be that which belongs to the rank given by said act of Congress to officers in the United States service performing the same duties. The field officers of a regiment in the State militia are one colonel, one lieutenant-colonel, and one major, and the company officers are a captain, a first lieutenant, and a second lieutenant.

The governor proposes that, as the money to be disbursed is the money of the United States, such staff officers in the services of the United States as may be necessary to act as disbursing officers of the State militia shall be assigned by the War Department for that duty; or, if such can not be spared from their present duty, he will appoint such persons disbursing officers for the State militia as the President of the United States may designate. Such regulations as may be required, in the judgment of the President, to insure regularity of returns and to protect the United States from any fraudulent practices shall be observed and obeyed by all in office in the State militia.

The above propositions are accepted on the part of the United States, and the Secretary of War is directed to make the necessary orders upon the Ordnance, Quartermaster, Commissary, Pay, and Medical departments to carry this agreement into effect. He will cause the necessary staff officers in the United States service to be detailed for duty in connection with the Missouri State Militia, and will order them to make the necessary provisions in their respective offices for fulfilling their agreement. All requisitions upon different officers of the United States, under this agreement, to be made in substance in the same mode of the Missouri State Militia as similar requisitions are made for troops in the service of the United States; and the Secretary of War will cause any additional regulations that may be necessary to insure regularity and economy in carrying this agreement into effect to be adopted and communicated to the governor of Missouri for the government of the Missouri State Militia.

[Indorsement.]

NOVEMBER 6, 1861.

This plan approved with the modification that the governor stipulates that when he commissions a major-general of militia it shall be the same person at the time in command of the United States Department of the West; and in case the United States shall change such commander of the department, he (the governor) will revoke the State commission given to the person relieved and give one to the person substituted to the United States command of said department.

A. LINCOLN.

As a result of this agreement General Orders, No. 96, was issued by the War Department of the United States, which legalized the agreement so far as the Federal Government was concerned and reduced it to the form of military law, by which these forces were to be enrolled, armed, equipped, and governed. General Orders, No. 96, is of record in series 1, volume 3, pages 505–506, inclusive, Official Records of the Union and Confederate Armies. The order reads as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 7, 1861.

General Orders, No. 96.]

Authority to raise a force of State militia to serve during the war is granted, by direction of the President, to the governor of Missouri. This force is to cooperate with the troops in the service of the United States in repelling the invasion of the State of Missouri and in supressing rebellion therein. It is to be held in camp and in the field, drilled, disciplined, and governed, according to the regulations of the United States Army, and subject to the Articles of War. But it is not to be ordered out of the State of Missouri except for the immediate defense of the said State. The State forces thus authorized will be, during such time as they shall be actually engaged as an embodied military force in active service, armed, equipped, clothed, subsisted, transported, and paid by the United States, in accordance with the regulations of the United States Army and such orders as may from time to time be issued from the War Department, and in no other manner; and they shall be considered as disbanded from the service of the United States whenever the President may so direct.

In connection with this force the governor is authorized to appoint the following officers, who will be recognized and paid by the United States, to wit: One major-general, to command the whole of the State forces brought into service, who shall be the same person appointed by the President to command the United States Military Department of the West, and shall retain his commission as major-general of the State forces only during his command of said department; one adjutant-general, one inspector-general, and one quartermaster-general, each with the rank and pay of a colonel of cavalry; three aides-de-camp to the governor, each with the rank and pay of a colonel of infantry; brigadier-generals at the rate of one to a brigade of not less than four regiments; and division, brigade, and regimental staff officers not to exceed in numbers those provided for in the organization prescribed by the act approved July 22, 1861, "for the employment of volunteers," nor to be more highly compensated by the United States, whatever their normal rank in the State service, than officers performing the same duties under that act.

The field officers of a regiment to be one colonel, one lieutenant-colonel, and one major; and the officers of the company to be one captain, one first, and one second lieutenant. When officers of the said State forces shall act in conjunction with officers of the United States Army of the same grade the latter shall command the combined force. All disbursements of money made to these troops, or in consequence of their employment by the United States, shall be made by disbursing officers of the United States Army, assigned by the War Department or especially appointed by the President for that purpose, who will make their requisitions upon the different supply departments in the same manner for the Missouri State forces as similar requisitions are made for other volunteer troops in the service of the United States. The Secretary of War will cause any additional regulations to be made that may be necessary for the purpose of promoting economy, insuring regularity of returns, and protecting the United States from fraudulent practices to be adopted and published for the government of the said State forces, and the same will be obeyed and observed by all in office under the authority of the State of Missouri.

By order:

JULIUS P. GARESCHE,
Assistant Adjutant-General.

November 25, 1861, General Orders, No. 1, was issued by the governor of the State of Missouri, in which he published the agreement entered into between the State and the United States authorities, thus giving official sanction to the agreement on the part of the State of Missouri. The order reads as follows:

General Orders, No. 1.] HDQRS. MISSOURI STATE MILITIA,
St. Louis, November 25, 1861.

This arrangement has been made in order to secure to the troops raised for the purpose of suppressing insurrection in and repelling invasion of the State of Missouri the same compensation as that received by the United States Volunteers. To the end that the State militia may be placed as nearly as possible upon the same footing with the United States Volunteers, the organization will be made the same, as follows, viz: Each regiment shall have one colonel, one lieutenant-colonel, one major, one adjutant (a lieutenant), one quartermaster (a lieutenant), one surgeon, and one assistant surgeon, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, and two principal musicians, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates. This force to be organized into brigades of not less than four regiments each; each brigade to have one brigadier-general, two aides-de-camp, one assistant adjutant-general, with the rank of captain; one surgeon, one assistant quartermaster, and one commissary of subsistence (captains). The company officers are to be elected by their respective companies, and the field and staff officers appointed by the governor. The troops already organized under the call of the executive of the State can have the benefits of the arrangement made with the Government of the United States by increasing the numbers in the companies and regiments to the requirements of the arrangement and being mustered into service for the war according to its terms, their officers having the rank they now hold.

Maj. Gen. Henry W. Halleck, of the United States Army, has been appointed and commissioned major-general of the Missouri State Militia.

H. R. GAMBLE,
Governor of Missouri.

(Senate Document 412, Fifty-ninth Congress, first session, page 23.)

The next step in carrying out the agreement was the appointment by the governor of Missouri of a brigadier-general of the Missouri State Militia, which he did within two days, viz, November 27, 1861, by appointing Brig. Gen. John M. Schofield, of the United States Army, who at once assumed command of all the militia of the State by virtue of the following order:

General Orders, No. 1.] HDQRS. MISSOURI STATE MILITIA,
St. Louis, November 27, 1861.

Brig. Gen. John M. Schofield, of the United States Volunteers, having been appointed and commissioned brigadier-general of the Missouri State Militia, is hereby placed in command of all the militia of the State.

H. W. HALLECK,
Major-General Missouri State Militia.

(Senate Document 412, Fifty-ninth Congress, first session, page 24.)

You will observe this order was from Major-General Halleck to General Schofield. The next general order is as follows:

General Orders, No. 1.] HDQRS. MISSOURI STATE MILITIA,
St. Louis, November 29, 1861.

In compliance with orders from Major-General Halleck, of the Missouri State Militia, dated St. Louis, November 27, 1861, I hereby assume command of all the militia of the State.

JOHN M. SCHOFIELD,
Brigadier-General Missouri State Militia.

(Ibid.)

This was the final step under which all the loyal militia of the State were placed under the control of General Schofield, thus bringing them practically in the United States service. I should not only say bringing them de facto in the United States service, but brought them de jure in the United States service, and were so continued under General Schofield until he was relieved by General Rosecrans January 30, 1864. Immediately on General Rosecrans assuming command of the Department of the Missouri, Governor Gamble issued General Orders, No. 4, dated February 2, 1864, which placed all the militia of the State under him, who continued in command of the militia of the State until relieved by Major-General Dodge December 9, 1864. See page 76, Senate document 412. The term of service of the various militia organizations of the State having expired in the early part of 1865, and General Dodge having succeeded General Rosecrans, and Governor Fletcher having been inaugurated governor of Missouri to succeed Governor Gamble, it was found necessary to revive the old agreement that was made in 1861 between President Lincoln and Governor Gamble, which was done by General Orders, No. 3, dated January 30, 1865, and General Orders, No. 28, dated February 1, 1865, which I shall not take the time to read, as I shall again refer to them. Suffice it to say, these orders were based upon an agreement entered into between Abraham Lincoln and General Dodge, of the United States Army, on the one hand, and Governor Fletcher on the other, and was in substance the same as the agreement between Governor Gamble and Lincoln in 1861, and based absolutely upon the same conditions. It occurs to me that no further proof should be required to establish the fact that these forces were in the United States service than to show they actually fought against the common enemy.

July 22, 1862, General Schofield issued General Orders, No. 19, which brought into existence the Enrolled Missouri Militia. This force remained in active service and subject to duty until March 12, 1865, thus serving two years and eight months, and many of them furnishing their own horses and horse equipment. It is now forty-one years since the close of the great civil war, and these gallant Missouri soldiers have not even been recognized as having been in the United States service, much less paid for the loss of a horse or for the value of the services of their horses. No, Congress has not taken the time to look into this matter since the act of March 25, 1862, which created the Hawkins Taylor Commission, whose business it was to audit the claims and fix the status of the Home Guards of 1861. I have just referred to the fact that the Enrolled Missouri Militia was called into service July 22, 1862, and served until March 12, 1865.

It will be remembered they were placed at once under command of General Schofield, as is shown in paragraphs 5 and 9 of General Order No. 19, which are as follows:

> Paragraph 5: The militia thus organized (the Enrolled Missouri Militia) will be governed by the Articles of War and Army Regulations, and will be subject to do duty under orders of commanding officers of the posts where enrolled, or such other officers of the United States troops or Missouri Militia regularly mustered into service as may be assigned to their command.
>
> Paragraph 9: The same strict discipline and obedience to orders will be enforced among the militia in service under this order as among other troops, and commanding officers will be held strictly responsible for all unauthorized acts of the men.

(Senate Document 412, Fifty-ninth Congress, first session, page 48.)

I have only quoted two paragraphs of this order, because it is quite long. Subsequent orders were issued from time to time by General Schofield and his successors relating to the organization, equipment, and discipline of the Enrolled Missouri Militia. For example, General Order No. 4, dated January 9, 1863, and issued by General Curtis, reads as follows:

> Pursuant to authority of the Secretary of War, the Enrolled Missouri Militia will be entitled to draw forage and subsistence, and to be furnished transportation, when in actual service, upon requisitions properly approved by the United States officer commanding the district in which they may be serving. But such militia will in no case be considered in actual service except when called out by the governor of the State or a commander of a district, and only while they are retained in service by such commander.
>
> By command of Major-General Curtis:
>
> H. Z. CURTIS,
> *Assistant Adjutant-General.*

(Senate Document 412, Fifty-ninth Congress, first session, page 59.)

This order shows that the Enrolled Missouri Militia was provided forage, subsistence, and transportation when in actual service by the United States, and of course means they were preparing the entire force for the United States service. I now wish to submit a copy of the order which shows these forces were armed and equipped by the United States. I shall only recite paragraph 1 of General Order No. 47, as this is also quite long:

> HEADQUARTERS DEPARTMENT OF THE MISSOURI MILITIA,
> *June 7, 1863.*
>
> Authority having been given by the War Department to furnish clothing, camp and garrison equipage, and medical supplies to the Enrolled Missouri Militia in continuous active service under the command of the commanding-general of the department, requisitions will be made in due form by the proper officers for such of the above-named supplies as are required by the eight provisional regiments now in service.

(Senate Document 412, Fifty-ninth Congress, first session, page 60.)

By way of explanation, I wish to call attention to the provisional regiments which were in active service at this time. These provisional regiments were of the same class of militia as were the Enrolled Missouri Militia, the only difference being they were put into active service earlier than the other companies and regiments. I have just quoted Mr. Root in his comment on this subject on page 85, Senate Document 412. I should also say Congress opened its heart in 1873, and gave a pensionable status to these provisional regiments, and again by act of February 15, 1895, as I said before, extended to them the provisions of the act of June 27, 1890.

Secretary Root, in response to a request by the United States Senate, made a compilation of the various military organizations of the State of Missouri. This document is known as "Senate Document No. 412," dated June 16, 1902, and in it Mr. Root states the provisional regiments were simply detailed from the regiments of the Enrolled Missouri Militia, and their military status was precisely the same as the original force. He says further on page 85:

> They were Missouri militia, organized under the militia law of the State for State service, were paid by the State, and while on duty, under command of United States officers, were clothed and subsisted by the United States. Like the original force, they served in defense of the State of Missouri and incidentally in the defense of the United States.

Secretary Root might well have said in this connection, while these militia forces were paid by the State of Missouri, the State was reimbursed by the United States Government for the money thus expended by act of April 17, 1866, which is further recognition by the Federal Government that they were in the military service of the United States. But I promised to submit proof showing these forces were at least *de facto* in the United States service and so recognized by President Lincoln and by General Schofield and his successors. In a letter written by President Lincoln at the Executive Mansion, October 5, 1863, to Charles Drake et al., of Missouri, in a reply to a demand for the removal of General Schofield as commander of the Department of the West, or the Department of the Missouri, and the disbanding of the Enrolled Missouri Militia. Among other things, the President said:

> As to the Enrolled Missouri Militia, I shall endeavor to ascertain better than I now know what is its exact value. Let me say, however, that your proposal to substitute national force for the enrolled militia implies, in your judgment, the latter is doing something which needs to be done; and if so, the proposition to throw that force away and to supply the place by bringing other forces from the field where they are equally needed seems to be very extraordinary. Whence shall they come? Shall they be withdrawn from Grant, or Banks, or Steel, or Rosecrans? Few things have been so gratifying to my anxious feelings as when in June last the local force in Missouri aided General Schofield to so promptly send so large a general force to the relief of General Grant, then investing Vicksburg and menaced from without by General Johnston. Was this all wrong? Should the enrolled militia then have been broken up and General Herron detached from Grant to police Missouri? So far from finding cause to object, I confess to a sympathy for whatever relieves our general force in Missouri and allows it to serve elsewhere. I therefore, as at present advised, can not attempt the destruction of the enrolled militia in Missouri. I may add that, the force being under the national military control, it is also within the proclamation in regard to the habeas corpus.
>
> A. LINCOLN.

(See volume 22, series 1, part 2, page 604, Rebellion Records.)

You will observe President Lincoln, the great emancipator of human souls, states, over his own signature, the enrolled militia of Missouri was under the national military control and within the proclamation suspending the privilege of the writ of habeas corpus in cases of persons belonging to the land and naval forces of the United States. In other words, the President proclaimed these forces in the United States service; and I here wish to submit the official order in which it was held the proclamation of September 15, 1863, the proclamation to which I have just referred, issued by the President, applied to all Missouri militia:

> General Orders, No. 96.] HDQRS. DEPARTMENT OF THE MISSOURI.
> *St. Louis, September 17, 1863.*
>
> The proclamation of the President, dated Washington, September 15, 1863, suspending the privilege of the writ of habeas corpus in the cases of persons belonging to the land and naval forces of the United States, and other persons therein described, will be held to apply to all Mis-

souri militia called into active service under the orders of the department commander. By command of Major-General Schofield.

J. A. CAMPBELL,
Assistant Adjutant-General.

(Senate Document 412, Fifty-ninth Congress, first session, page 75.)

Mr. Chairman, this letter from President Lincoln and the official promulgation of the proclamation of September 15, 1863, in my humble judgment brings these militia forces legally into the United States service for all purposes, and ought, forever and forever, settle this question. I say this recognition of the services of these men brings them into the service of the United States as much so as had they been formally mustered in, mustered out, and discharged from the United States service. In truth and in fact, by virtue of the agreement to which I have referred, the proclamation of the President and the fact that they fought under command of United States Army officers against the common enemy, they were in the United States service, and all decisions and rulings of the War Department and the Pension Office to the contrary notwithstanding do not and can not affect their equitable rights. This Congress, or rather the committee before which this bill is now pending, may fail to take cognizance of these official acts, but I am going on record now by making this prophecy, viz: A time will come in the near future when this proclamation of President Lincoln will be declared the law affecting the rights of these loyal soldiers for pensionable purposes. I feel nothing more ought to be said so far as the law and the equity of the case is concerned. What are the facts? These forces served two years and eight months in the United States Army. How did they serve? Were they kept in holiday attire at the expense of the nation, and on exhibition, as are the United States forces of to-day? No; they went through the heat of summer, the cold of winter; endured the hardships and privations of that awful war, many of them furnishing their own horses and horse equipment free of cost to the Government; faced shot and shell at the hands of rebels, guerrillas, and bushwhackers as a part of the great Union Army, to which our party, Mr. Chairman, has stood pledged for a quarter of a century, and stands pledged to-day, for just and liberal pensions to the Union soldiers of the civil war.

But where shall I go to produce substantial evidence that these men were in the United States service and that they actually rendered substantial service to the cause of the Union in the suppression of the rebellion? Can I go to the Army rolls in the War Department for this information? No; not there, because, technically speaking, these forces were not mustered into the service and their names are not written there. But, Mr. Chairman, there is a place to which I can go, and it is to what is known as the "Official Rebellion Records of the Union and Confederate Armies."

These militia forces were actively brought into service in 1863, when General Shelby invaded Missouri. They successfully resisted the advance of Shelby toward Springfield, and Britton says after fighting more than twenty skirmishes, or small battles, Shelby withdrew from southwest Missouri, having only captured 180 of the militia at Neosho and a small force of militia at Lamine and Warsaw. This fighting was all with militia. Captain McAfee, reporting the battle of Neosho, stated he surrendered his militia upon the condition that they were to be treated as prisoners of war, and after they had been paroled by General Shelby two of the Enrolled Missouri Militia were killed by General Coffee's men, one of them being Lieut. Elijah Waters. In fact, these militia forces fought in every engagement during the year 1863. In the early part of 1864 no particular movements of these forces are mentioned, but beginning with September, 1864, when General Price made his second invasion of Missouri with 15,000 troops, the very flower of his great army, with St. Louis and Jefferson City as the objective points, they were again called into active service. We find them fighting battles and winning victories all over the State, including the battles of Pilot Knob, Boomville, Jefferson City, Warrensburg, and a hundred other minor battles. In fact, it is stated a greater number of engagements were fought in Missouri than in any other State of the Union. Britton, in his history, in describing the battle of Boomville, speaks of Capt. H. Shoemaker and his company of Enrolled Missouri Militia that were captured by General Shelby, the terms of surrender being, of course, they were to be treated as prisoners of war, but were permitted to fall into the hands of southern men and, destitute of that chivalry for which the South is universally known, brutally murdered.

I shall now submit a few of the many official orders and some of the correspondence showing when and where these militia forces were in active service.

PEVELY, MO., *October 2, 1864.*

Major-General PLEASANTON: Two men left Richwoods Thursday and report 300 rebel troops in Old Mines, headquarters of rebel forces, near Potosi. The reported force of rebels is about 3,000. They intend to remain there until driven out. They are working all the mineral into lead mills and say they will burn up the lead mills as soon as they get through with them. Lieut. Col. I. K. Walker and six others, of the Enrolled Missouri Militia, were killed at Potosi. Captain Cook, of the Forty-seventh, and his men in the court-house in Potosi, all prisoners.

A. N. GRISSOM.

Special Orders, No. 211.] HDQRS. DISTRICT OF CENTRAL MISSOURI,
Jefferson City, Mo., October 2, 1864.

Col. R. Paser, commanding Thirty-fourth Enrolled Missouri Militia, will order four companies of his command to move to-morrow morning at 7 o'clock, 3d instant, by train and take post as follows: Two companies at the Osage bridge and two companies at the Gasconade bridge. The command will be provided with ten days' rations and 100 rounds of ammunition to each man.

J. H. STEGER,
Assistant Adjutant-General.

Special Orders, No. 181.] HDQRS. DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., July 5, 1863.

* * * * * * *

8. The regiments of General Edwards's brigade, Enrolled Missouri Militia, to be designated by the brigade commander, will be sent by rail to Rolla, Mo., to report to Brigadier-General Davies, commanding District of Rolla. Each regiment will take with it all camp and garrison equipage.

9. One regiment of General Edwards's brigade will report to Brigadier-General Strong, commanding district of St. Louis, to relieve the Twenty-third Missouri Infantry, as provost of St. Louis.

10. The Ninth Wisconsin Infantry, Tenth Kansas Infantry, and First Kansas Battery will move immediately to St. Louis and prepare to embark. The regiments will take all their camp and garrison equipage and five six-mule teams each.

11. The Twenty-third Missouri Infantry and Twenty-ninth Illinois Infantry will be prepared and held in readiness to embark, with all their camp and garrison equipage, and transportation to the amount of five six-mule teams for the Twenty-third Missouri and Ninety-first Illinois Infantry and three six-mule teams for the Twenty-ninth Illinois Infantry.

By command of Major-General Schofield:

J. A. CAMPBELL,
Assistant Adjutant-General.

(See page 561, volume 53, series 1, Rebellion Records.)

I reproduce this order for the purpose of showing the Enrolled Missouri Militia were subject to the same orders to which the regulars were subject; that, as President Lincoln said, they took the place of regular soldiers and relieved the general force in Missouri when needed elsewhere. Hence it must be admitted they were actively in the United States service.

Special Orders, No. 189.] HDQRS. DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., July 13, 1863.

* * * * * * *

2. The Twenty-third Missouri Infantry will move by rail to Rolla, Mo., on the 14th instant, and report for duty to Brigadier-General Davis. * * *

3. On the arrival of the Twenty-third Missouri Infantry at Rolla the Fourth and Sixth Regiments Enrolled Missouri Militia will move by rail to St. Louis and report to Brigadier-General Edwards.

* * * * * * *

4. The Ninth Wisconsin Infantry will relieve the regiments of Enrolled Missouri Militia now on duty as provost guard of St. Louis.

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General Edwards's brigade, Enrolled Missouri Militia, will be mustered out of service on the 15th instant.

* * * * * * *

By command of Major-General Schofield:

J. A. CAMPBELL,
Assistant Adjutant-General.

(See volume 53, series 1, page 563, Rebellion Records.)

HEADQUARTERS DISTRICT OF SOUTHWEST MISSOURI,
Springfield, Mo., July 20, 1864.

Maj. O. D. GREEN,
Assistant Adjutant-General,
Department of the Missouri.

MAJOR: I have the honor to report for the information of the major-general commanding, that the following regiments of cavalry now on duty in this district own their own horse equipments, viz: Sixth Cavalry Missouri State Militia, Seventh Cavalry Enrolled Missouri Militia, mustered and to be mustered into the twenty-months' service. The term of service of all these regiments expire on or about the 1st day of June, 1865. Nearly all the men comprising these regiments are farmers residing within the district or State, and have been and are able to keep themselves well supplied with horses. None of these troops desire to turn over their horses or equipments to the Government, and considering the short time these troops have to serve, the fact that they are serving near home, where they can supply their own horses constantly, I consider it to be to the best interest of the Government to allow them to retain and furnish their own horses in the same manner as heretofore. But if the law is construed as prohibiting any payment for the use of private horses, the troops would, of course, have to turn them in. I would respectfully request that special instruction and construction of the law by the War Department be communicated on the point, whether it is optional for the troops to turn in or otherwise dispose of their horses, or compulsory.

I have the honor to be,
Very respectfully,

JOHN B. SANBORN,
Brigadier-General Commanding.

(Vol. 41, series 1, serial No. 84, p. 293, Rebellion Records.)

I desire to say I have been unable to find any construction of the law by the War Department relieving the Government of

liability on account of the loss of horses by these forces, and infer the Government was considered liable, yet in many instances soldiers were not paid for the loss of horses, much less for the services of horses thus furnished. I am here reminded that Congress in 1818 provided pay of 40 cents per day to the militia soldier of the war of 1812 who furnished his own horse. I received a letter from John L. Cornue, now of Colfax, Kans., a few days ago, in which he gives his experience as a member of the Enrolled Missouri Militia.

By the way, I am unable to reproduce the letter, as it was the request of Mr. Cornue that I present it to the President, and believing Mr. Roosevelt would likely see fit to make a proper recommendation to Congress on this subject, I accordingly did so. As yet, I am advised, no recommendation has been received from the President by the House. The facts were as follows: Mr. Cornue was riding a horse belonging to a comrade, and in a certain engagement with rebels the horse was killed. He was required to pay the owner the sum of $80 for the animal. The salary of Mr. Cornue was $12 per month. He served six months, thus drawing $72; hence was required to pay $8 more than his six months' salary. The net result to Mr. Cornue being that he had the experience of having served his country six months for nothing and sustained the loss of $8 in cash. It is unnecessary to state Mr. Cornue did not reenlist on the expiration of his term of service.

FRANKLIN, MO., *October 29, 1864.*

Brigadier-General EWING: The work of bridges goes on well. The cars will cross first bridge in one week from to-day. Volunteers for thirty days can not be had from my command, but I think the Forty-fourth could be kept in service without any trouble. There is also at Herman part of the Thirty-fourth, who would remain without a murmur. My own men seem determined not to stay. There were only 170 of the Thirteenth left yesterday at Franklin, and one company First Battalion Cavalry, Enrolled Missouri Militia. At Franklin and bridges, for duty 440 men of the Enrolled Missouri Militia.

E. C. PIKE, *Brigadier-General.*

(See p. 312, vol. 41, pt. 4, ser. 1, serial 86, Rebellion Records.)

HEADQUARTERS ST. LOUIS DISTRICT,
St. Louis, Mo., October 29, 1864.

Brigadier-General PIKE, *Franklin:*

Please send by telegraph a list of Enrolled Missouri Militia regiments under your command at the present time, including those under General Myers. By order of Brigadier-General Ewing.

H. HANNOHS,
Acting Assistant Adjutant-General.

(Ibid.)

FRANKLIN, MO., *October 29, 1864.*

Brigadier-General EWING: At Herman five companies Enrolled Missouri Militia, Eleventh Regiment, for duty 146 men. Three companies First Battalion Cavalry, Enrolled Missouri Militia, for duty 78 men. At Washington one company Fifty-fourth Regiment Enrolled Missouri Militia, for duty 100 men. At Franklin Thirteenth Enrolled Missouri Militia, for duty 200 men, and General Wolf telegraphed the Third at Jefferson had refused to do any more.

E. C. PIKE, *Brigadier-General.*

(Ibid.)

HEADQUARTERS ST. LOUIS DISTRICT,
St. Louis, Mo., October 29, 1864.

Brig. Gen. PIKE, *Franklin, Mo.*

Where is the Tenth Regiment Enrolled Missouri Militia?

THOMAS EWING, Jr., *Brigadier-General.*

FRANKLIN, MO., *October 29, 1864.*

Brigadier-General EWING: The Tenth Regiment is at Jefferson City.

E. C. PIKE, *Brigadier-General.*

(See p. 313, vol. 41, pt. 4, ser. 1, serial 86, Rebellion Records.)

I shall now call your attention to the Provisional Enrolled Militia, which was an organization called into service by virtue of General Orders, No. 107, dated June 28, 1864, issued by General Rosecrans. I shall not take the time of the House or burden the RECORD with a reproduction of this order. Suffice it to say this organization was of close kin to the Enrolled Missouri Militia, and was based upon the same agreement with the President, heretofore mentioned, and designed to perform the same military service.

Secretary Root, in Senate Document 412, at page 88, states:

From data filed in the office of the Commissioner of Pensions, it is known some of the Provisional Enrolled Militia were brought into active service and sustained heavy losses.

But, like the Enrolled Militia, are not considered to have been regularly in the United States service; consequently do not have a pensionable status. Of this organization there were sixty-two companies, approximately 6,000 officers and men, but all of former enlistments in various militia organizations of the State.

The next organization to which I invite your attention is the Missouri Militia, organized under General Orders, No. 3, dated January 30, 1865. This organization was made necessary because the term of service of the Missouri State Militia, the Enrolled Missouri Militia, and the Provisional Enrolled Militia were about to be disbanded, and because peace had not been restored. It will be remembered I have shown the organizations heretofore mentioned were called into the service by virtue of general orders based upon an agreement entered into between Abraham Lincoln and Governor Gamble, of Missouri. Now, as Governor Gamble was succeeded by Governor Fletcher January 1, 1865, as governor of Missouri, and the agreement formerly made could not bind Governor Fletcher, it was found necessary for Governor Fletcher to renew the agreement with the President, which he did, with the assistance of General Dodge, who was in command of the Department of the West at that time. As this organization occupied the same position with respect to the Federal Government, as did the other organizations mentioned, I deem it unnecessary to reproduce either the special agreement or the military orders which brought them into the service.

Secretary Root, in Senate Document 412, at pages 95 and 96, says:

It will be observed these companies were organized for active service under United States officers and that they were to be clothed and subsisted by the General Government, and armed, equipped, and paid by the State. The State was reimbursed by the Federal Government by act of April 17, 1866.

As was done in the case of each of the other organizations, Secretary Root further states:

The status of these troops was that of the militia of the State of Missouri, which, though serving under United States officers, was not accepted into the military service of the United States.

The adjutant-general of the State reports that there were only fifty-eight companies of this organization placed in the field. It must be remembered these forces were organized by United States officers. Yet they are not considered to have been in the United States service for pensionable purposes. Secretary Root further says:

It is known these forces remained on duty from January, 1865, the date of their organization, until relieved from duty in June and July, 1865, by the department commander, and were engaged in doing escort duty, guarding posts and lines of communication, and hunting guerrillas and fighting bushwackers.

Mr. Chairman, here is a condition of things which has not a parallel in American history. Think of it! Soldiers called into active service by United States officers, held in service and commanded by United States officers, and relieved from duty by orders of United States officers. These soldiers were a part of the great Union Army, and are so recognized in the history of their country; and, Mr. Chairman, I am sorry our party, which has declared for just and liberal pensions for the Union soldier for more than twenty years, hesitates to make good its pledges. But, knowing the Republican party can always be trusted and that it is the friend of pensions and of the old soldier, I confidently expect to see my bill become a law.

There is one other organization specifically named in my bill to which I desire to call your attention, viz, the six months' militia, which was called into service by proclamation of Governor Gamble, dated August 24, 1861. This was an organization, while not called into the service by and placed under command of United States officers, as was done in the case of these other militia forces, yet they performed valuable service as an auxiliary force to the Regular Army by acting as scouts and guides to the various bodies of volunteers and scouring the country in search of rebels and guerrillas. These forces, like those just mentioned, are considered a part of the Union Army in the Rebellion Records. I should also add the State was reimbursed by the Federal Government for money expended in the organization and equipment of these forces by act of April 17, 1866. The records show about 6,000 soldiers enlisted under this call. However, as a matter of fact, there are very few of this organization but what enlisted in some one or more of the subsequent organizations. In fact, some of these militia of 1861 served in all subsequent organizations, therefore their names appear many times on the muster-in rolls, thus swelling the total enlistment, but, of course, could only be counted once for pensionable purposes. Now, to one other provision of the bill and I am done. The concluding provision of the bill is that the provisions of the act shall apply "to each and every other military organization of the State of Missouri organized for the defense of the Union and cooperating with the military or naval forces of the United States in suppressing the rebellion." Some question as to the necessity for this provision has been raised. This is a necessary provision for the reason there were a few independent companies in Missouri that were in the United States service by virtue of the same agreements and general orders as were in the other organizations mentioned. For instance, the records in the Auditor's office for the War Department here in Washington show John R. Cochran, of Bollinger County, Mo., commanded an independent company of six months' volunteers, Enrolled Missouri Militia, who were ordered into active service August 10, 1863, and not relieved from duty until February 24, 1865. The Official War Records show this organization was in active service, doing duty in

southeast Missouri and northeast Arkansas, from August 10, 1863, to February 24, 1865, making a continuous term of service of one year six months and twelve days. The records further show on the expiration of this service they reenlisted under Captain Cochran March 17, 1865, under General Order No. 3, and were under this enlistment termed "Missouri Militia," an organization heretofore mentioned, thus making a total term of service of practically two years.

This independent company of Captain Cochran appears on the rolls in the Auditor's office for the War Department as "Company C, Six Months Volunteers, Enrolled Missouri Militia," and is evidently the organization referred to on page 229, Senate Document No. 412, denominated "Bollinger County company (unattached), commanded by Capt. John R. Cochran," and is not the organization named on page 227 of same document as "Cochran's Independent Company C, Six Months Militia."

The Six Months Independent Company C, on page 227, was organized in 1861 under the proclamation of Governor Gamble and relieved from duty January 25, 1862, whereas the unattached company of Captain Cochran, named on page 229, under the title of "Enrolled Missouri Militia," must be the organization which appears of record in the office of the Auditor for the War Department as "John R. Cochran's Company C, Six Months Volunteers, Enrolled Missouri Militia." For proof to support this contention, I wish to give the substance of an official communication dated January 4, 1865, written by Col. J. B. Rodgers, of the United States Army, to Brig. Gen. Thomas Ewing. The communication is found on page 997, series 1, vol. 41, part 1, serial 83, War Records, and entitled "December 20, 1864, to January 4, 1865. Expeditions from Cape Girardeau and Dallas, Mo., to Cherokee Bay, Arkansas, and the St. Francis River, with skirmishes." The report states that Colonel Rodgers, stationed at Cape Girardeau, on the 20th of December, 1864, ordered Maj. Josephus Robbins, Second Cavalry, Missouri State Militia, with a detachment of 30 men of the Second Cavalry, Missouri State Militia, and Lieutenant Rinne, with a detachment of Battery C, Second Missouri Artillery, to move from Cape Girardeau to Bloomfield, with directions to search for the enemy (rebels and guerrillas) in the vicinity of Cherokee Bay, Arkansas. Major Robbins was also ordered to search Horse Island, which was near the Arkansas line, at once with his command of 50 men and 50 men from the Enrolled Missouri Militia. I desire to state Cherokee Bay is located in Randolph County, Ark., on the St. Francis River, showing the Government ordered these forces out of the State. Colonel Rodgers, in the meantime, ordered Captain Cochran, commanding a company of the "Six Months Volunteers, Enrolled Missouri Militia," to march from Dallas, now Marble Hill, to Poplar Bluff and to report to Major Robbins. Owing to swollen streams, Captain Cochran could not reach Major Robbins and was ordered to return to Dallas, thoroughly scouring the country for guerrillas. At Ash Mills he encountered the enemy and killed 4 of their number and captured a number of horses and quantity of arms. He routed other bands and killed a number of guerrillas. I mention this circumstance to show this independent company denominated "John R. Cochran's Company C, Six Months Volunteers, Enrolled Missouri Militia," was actively in the United States service. In fact, I could submit a great number of instances, not only showing there were other independent organizations in the United States service, but showing when and where they rendered particular service. I now wish to submit a letter written by the Auditor for the War Department to Oliver Masters, of Bessville, Mo. Mr. Masters has long since crossed the river and his good old wife has joined him on the other shore, and they could never be a source of expense to the country should my bill become a law.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, D. C., January 4, 1898.

OLIVER MASTERS, *Bessville, Mo.*

SIR: In reply to your letter of the 29th ultimo, you are informed that the name "Oliver Masters" is found borne as fifth sergeant on the rolls of Capt. John R. Cochran's company, C, Six Months Volunteers, Enrolled Missouri Militia, on file in this office.

The rolls show the soldier to have been enrolled at Dallas, Mo., July 30, 1863; ordered into active service August 10, 1863; relieved from further duty with the company February 24, 1865.

The soldier's name is also found borne as a corporal on the roll of Capt. John R. Cochran's company, Bollinger County Missouri Militia, enrolled at Dallas, Mo., March 17, 1865; ordered into active service April 8, 1865; relieved from further duty July 8, 1865.

Respectfully, yours,

W. W. BROWN, *Auditor,*
By M. J. H.

Here is a case, Mr. Chairman, in which the Government admits the soldier was in active service of the United States. A case where the soldier rendered faithful service for nearly two years, yet was denied a pension and permitted to live hard and die poor under a policy of Government favoring just and liberal pensions for the Union soldier. There are a few of the old comrades of Oliver Masters left behind who have not yet answered the last roll call. They, too, are old and most of them poor, like Oliver Masters, and need the little pension to which they are justly entitled that the wolf may be kept from the door in their declining years. The little pension which means so much to the old soldier and so little to our great Government ought not longer be withheld. I trust a case similar to the Oliver Masters case may never again occur in the history of our beloved country. Can not Congress stop long enough to listen to the facts in the case, or shall we go on doing big things and overlook important little things which directly affect a certain class of our humble citizens?

We have undertaken to cut the Western Hemisphere in two parts by the construction of the Panama Canal, to cost so much money no living man dares approximate the expense. Seventy million dollars spent to date and very little dirt moved. We have indulged in international expositions. We have exploited to the world our great achievements at the cost of millions and are now contemplating another international exhibition at Jamestown in 1907, yet the weak and puny excuse is offered there are too many of the loyal militia soldiers to undertake to pension, because it would cost too much.

Mr. Chairman, I for one will never vote another dollar out of the Public Treasury to hold a world's fair or international exhibition until a pensionable status is given these deserving Union soldiers. I do not wish to be understood as opposing the Panama Canal or any other laudable public enterprise, but I do say it is our plain duty to do justice to these soldiers. Now, as to the extra burden or cost that would result should this bill become a law. Some gentlemen believe the passage of this bill would mean great expense to the Government. In this they are mistaken. The cost would hardly be perceptible. According to the statement of Mr. Root, in Senate Document No. 412, the total enlistment of the six months militia of 1861 was about 6,000. The total enlistment of the Enrolled Missouri Militia of 1862 to 1865 was about 24,000.

The total number of the Provisional Enrolled Militia was about 6,000, and of those enlisting under General Orders, No. 3, the Missouri Militia of 1865, there were fifty-eight companies, or approximately 6,000, and perhaps 1,000 all told belonging to the independent companies. Thus we have an aggregate enlistment of 43,000 men. The fact is, as I have said before, practically all of the six months' militia of 1861 enlisted in the Enrolled Missouri Militia of 1862 to 1865. The further fact is, the Provisional Enrolled Militia were organized in 1864 and were made up of the Enrolled Missouri Militia. The Missouri Militia of 1865 consisted of an organization made up of those who were formerly in the Enrolled Missouri Militia, because all the militia of the State had been disbanded early in 1865. Hence it can safely be stated that the total enlistment of the Enrolled Missouri Militia represents about the sum total of all these militia forces. In other words, there were about 24,000 men all told who enlisted in the various organizations provided for in the bill. The difference between 43,000, the total enlistments in the various organizations, and 24,000, the actual number of soldiers enlisting, represents the number of reenlistments, which, of course, could not count for pensionable purposes. The adjutant-general of Missouri in a letter to me of April 14, 1906, gives it as his opinion that the average term of service of these organizations is less than ninety days. Taking the opinion of General Dearmond as a correct basis, we may reasonably suppose that not over 50 per cent of the total number of men enlisting, were they all living, could meet the ninety-day requirement. Fifty per cent of this number, if all living, would be 12,000. According to most reliable statisticians, there are not over 25 per cent of the soldiers of the civil war living to-day. If this is true, we have as a net result not over 3,000 living soldiers in Missouri who could be affected by the passage of such a bill, because 25 per cent of 12,000 is 3,000. I have figured on this proposition in another way. In Missouri we have 114 counties. In each county, I believe, not more than fifteen of these soldiers, the State over, can be found. Fifteen times 114 equals 1,710. Now, to this number we may add 1,000 for those living in the cities of the State and soldiers of independent companies, which would make 2,700. In fact my best judgment is, there are not over 2,000 in Missouri who could meet the ninety-day requirement. But accepting the first calculation as most authentic, we have this result: Admitting there are 3,000 such soldiers in Missouri, and this bill should become a law, and each man at once be placed upon the pension roll at the maximum rate of $12 per month, which, of course, would be impossible, the entire annual cost could only be $432,000. My best judgment is, the cost to the Gov-

ernment the first year, under such a law, would not exceed $100,000, and at the rapid rate at which the old soldiers and their widows are passing away, I doubt if at any future period the total annual cost to the Government would exceed this amount. Yet it is thought there are too many to pension. This is but another way of pleading poverty on the part of the Government, but an earthquake can shake $2,500,000 out of the Public Treasury in a single night without producing a ripple on the surface of the commercial world, and the machinery of Government continue to move without a tremor. I would not have anyone on the floor of this House, or in the world, believe for a moment I am opposed to what the Congress did for San Francisco. I voted for those appropriations myself, and should do so again under like circumstances. I mention this, Mr. Chairman, to show we are not poor as a nation, not too poor to pay a little pension to a few deserving loyal soldiers. Ay, Mr. Chairman, it ill becomes our party after having stood pledged for more than twenty years to just and liberal pensions to the Union soldiers who saved the nation, to fail or refuse to make good our party pledges. According to the Scriptures, we can sin by omission as well as commission, and while we all agree our Democratic friends have sinned much by commission, let the Republican party sin not by omission.

In national convention assembled in 1884 the Republican party expressed its grateful thanks and pledged liberal pensions to the Union soldiers of the civil war. In each succeeding national convention our party has reaffirmed this pledge. To whom did our party refer when it pledged just and liberal pensions to the Union soldiers? Our Missouri soldiers thought they were included in these pledges, because they are a part of the Union Army. They had a right to think the pledge was made to them, because they were Union soldiers during the civil war, and are to-day members of the Grand Army of the Republic. In truth and in fact they have been and are to-day Union soldiers for all purposes, except for pensionable purposes. I think, Mr. Chairman, we had better make good. I have shown that the militia soldier from the foundation of the Government has participated in all our wars. I have shown, too, the militia soldier of every war except the civil war has been given a pensionable status. The history of our country is teeming with instances which show not only the militia soldier has been a valuable adjunct to the regular, but has taken the place of the regular. One of the most important battles ever fought on American soil, viz, the battle of New Orleans, was fought by militia soldiers. In fact, Andrew Jackson fought the battle and won the victory at New Orleans, commanding militia soldiers from Kentucky and Tennessee, principally from Tennessee. Mr. Chairman, I am sincerely convinced this is a just cause. I believe this not only from the records, which warrant this belief and which are certainly authentic, but from having talked with such men as Capt. W. T. Hunter, of Potosi; Col. Lindsey Murdoch, of Marble Hill; Col. Gustavus St. Gem, of Ste. Genevieve; Capt. John J. Siebel, of Perryville, and Capt. Charles A. Weber, of Perryville, all of Missouri. These are of our foremost citizens to-day. They were members of these organizations, and have a vivid recollection of those turbulent days and the relation these organizations sustained to the Federal Government, and are all of the opinion the services of these soldiers should be recognized. I wish to say, by way of explanation, these gentlemen are all drawing pensions as a result of having served in other organizations; consequently have no personal interest in the matter. In fact, I have received hundreds of letters from Missouri, Illinois, Arkansas, Kansas, and Iowa, in which the writers thereof express the belief that this is a just cause. I here wish to submit two letters, one from Captain Siebel, the other from Colonel St. Gem. I have never yet had the pleasure of meeting Captain Siebel, and his letter came unsolicited. Hence I prize it all the more highly. In this letter Captain Siebel sets out the facts as he understands them, and quotes from the Lincoln letter. It is evident he offered the suggestions in this letter purely as a patriotic duty, for which he is entitled to great credit.

PERRYVILLE, MO., *March 31, 1906.*

Hon. M. E. RHODES, *Washington, D. C.*

DEAR SIR: I see from proceedings as published in the St. Louis papers that you have introduced a measure to give the Enrolled Missouri Militia some sort of a pensionable status. In this connection I desire to call your attention to a document, or rather a letter, written by President Lincoln at the "Executive Mansion, Washington, October 5, 1863," and addressed to "Hon. Charles D. Drake and others, committee," which document and the circumstances in connection therewith at the time ought to be of great weight with the committee and Members of Congress at this time.

In September, 1863, a committee headed by Lane, of Kansas, Drake, of St. Louis, et al., presented to the President a petition or demand requesting, among other things, first, the removal of General Schofield from the command of the Missouri district and General Butler's appointment; second, that the system of enrolled militia in Missouri be broken up and national forces be substituted for it, etc.

I quote from the President's letter of October 5, 1863, as to the Enrolled Missouri Militia: "As to the 'enrolled militia,' I shall endeavor to ascertain better than I now know what is its exact value. Let me say now, however, that your proposal to substitute national force for the 'enrolled militia' implies that in your judgment the latter is doing something which needs to be done; and if so, the proposition to throw that force away and to supply its place by bringing other forces from the field where they are urgently needed seems to me very extraordinary. Whence shall they come? Shall they be withdrawn from Blank, or Grant, or Steel, or Rosecrans? Few things have been so grateful to my anxious feeling as when in June last the local force in Missouri aided General Schofield to so promptly send a large force to the relief of General Grant, then investing Vicksburg, and menaced from without by General Johnston. Was this all wrong? Should the enrolled militia then have been broken up and General Herron kept from General Grant to police Missouri? So far from finding cause to object, I confess to a sympathy for whatever relieves our general force in Missouri and allows it to serve elsewhere. I therefore at present advise I can not attempt the destruction of the enrolled militia of Missouri. I may add that the force being under the national military control, it is also within the proclamation with regard to the habeas corpus."

Allow me to suggest that if you are not now in possession of that part of Missouri's war history you might have it looked up for your assistance. I have never seen any reference made to the President's letter of October 5, 1863, in Congress in the past when matters pertaining to the enrolled militia were up for action.

I am not writing this out of any personal motive, for I am now drawing a pension as a late member of the Provisional Regiment, Enrolled Missouri Militia, which was organized by order of General Schofield, United States Army, in May, 1863.

I beg to remain,
Very truly, yours,
JOHN J. SIEBEL.

STE. GENEVIEVE, MO., *April 15, 1906.*

Hon. MARION E. RHODES, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am again favored in the receipt of your letter of 6th instant, and I can not too highly praise your untiring efforts to pension those found worthy of the Enrolled Missouri Militia for loyal service during the war of the rebellion. I am still of the opinion that the words "a certificate of" should be stricken out of line 15, on page 2 of your bill, and the word "such" inserted instead, so as to read: "and that such discharge from such service, etc.," and that this amendment will surmount all obstacles to prove the desired service of not less than ninety days to obtain a pension, for I feel certain that "certificates of discharge" can be had by but few, if any, from the adjutant-general of the State. Also the amendment of the twenty-third line of page 2, as suggested in my previous letter, I consider very important, as this would insure a proof of service by Captain Miller's company under me as a United States military officer for the required ninety days or more.

I called on Captain Miller and found he has safely preserved his commission and all the orders issued to him by me; also the pay roll of his company when he was paid by the State for one month's service when called during the Price invasion.

The loyal people of southeast Missouri can never forget their defense and protection by the Enrolled Missouri Militia under the gallant commands of Col. William H. McLane, Col. R. M. Brewer, and Col. James Linsay, now all gone to their eternal reward, and my modesty forbids me to mention the service performed as commander of the eighth subdistrict of the St. Louis military district in this part of Missouri, comprising the counties of Perry, Ste. Genevieve, and Jefferson.

In answer to your inquiry, I will say that there were no Enrolled Missouri Militia at the battle of Pilot Knob, as they were called out immediately by the governor, but too late for that battle. It is no more than right that your Republican colleagues should support your bill, and I rejoice to see that you have also assistance from Democratic Members.

Wishing you full success, I am, with sincerest regards,
Yours, very truly,
GUSTAVUS ST. GEM.

You will observe Colonel St. Gem states he was in command of the eighth military subdistrict of Missouri, and of his own knowledge knows these forces rendered substantial service to the cause of the Union. I should state Colonel St. Gem was in charge of the eighth subdistrict of Missouri, under General Schofield, who was in command of all the militia of the State at that time. This is the testimony of Colonel St. Gem, who was a subordinate to General Schofield, and I am sorry I am unable to call on General Schofield for his testimony to-day. I can not do this because I am here reminded it was only a few short weeks ago when the last sad funeral rites were held in the little brown church across the avenue in front of the White House over all that was mortal of Gen. John M. Schofield, but I imagine if the gallant old hero, who now sleeps just across the placid waters of the Potomac on yonder hillside in majestic Arlington, could rise up and give his testimony it would be substantially the same as that of his subordinate, Colonel St. Gem. You will remember I called your attention to a letter written by Abraham Lincoln to Charles Drake et al., of Missouri, in which Mr. Lincoln refused to remove General Schofield from the command of the Department of the Missouri, and in the same decree refused to disband the Enrolled Missouri Militia. In my investigation of this subject I have been surprised to see how the immortal Lincoln watched the Missouri situation, and, sirs, I imagine if he too could be called upon to testify in this cause he would not only repeat the substance of that letter, but would insist at this late day that long-delayed justice be done. But he, with the majority of his contemporaries, have long since

answered the final roll call, and now, in his name and in the name of all those gallant heroes whose names I have mentioned, I ask that you, like Lincoln, recognize the services of these loyal soldiers, and by legislative act at an early date declare them, for pensionable purposes, to have been in the great Union Army. [Loud applause.]

Mr. FOSTER of Vermont. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I rise to perform an annual duty, a duty which I perform regularly once a year, and that is to disabuse the minds of my Democratic friends on the other side of the House about the tradition of the United States Treasury at the time the Treasurer, under Republican Administration, turned over the Treasury to the Democratic Administration under Cleveland. I have done this regularly in every Congress, and the last time was in November, 1903. Every new Member who comes here, who desires to exploit his knowledge of the financial history of the country, renews the same attack, and I usually answer it in the same way. I desire to have read from the Clerk's desk a letter of Secretary Foster, written to Senator FORAKER, explanatory of the whole situation, which will point out, first, that there was no deficit in the Treasury, but that there was a surplus of $103,000,000; and second, that he did not issue any bonds nor did he ever prepare to issue any bonds *for the purpose of meeting any deficiency*. He did make an order for the construction of a plate upon which certificates of bonds might be engraved, for the purpose of purchasing fifty millions of gold to maintain the gold reserve, if necessary. This was done after consultation with Secretary Carlisle, and was abandoned at once upon the suggestion from Mr. Cleveland himself.

Now, then, I wish in this connection to refer to the fact that this duty will have to be turned over after a year from now to some other Member of the House, and I beg that some young man will remember where in the RECORD this letter of Mr. Foster's is placed. The gentleman from New York [Mr. TOWNE] yesterday reminded me of the fact that I was rapidly becoming, or about to become, a "reminiscence," or "memory," or some such thing. Now, I want to say to the gentleman that, while I admit the fact, I assure him that should anything happen that I should come back to public life I shall come back from the same party that I have served in from the date of its organization [applause on the Republican side], bearing the same old flag of the Republican party; and if I should not come back, it will never be said of me that I was a buccaneer in public life, and that I had sailed the seas of American politics always bearing letters of marque and reprisal, fighting sometimes on one side and sometimes on the other, always looking out for myself. [Laughter and applause on the Republican side.]

Now, Mr. Chairman, I wish to send to the Clerk's desk and avail myself of the brief period that it will take the Clerk to read a letter of Secretary Foster drawn out by a letter from the honorable Senator from Ohio, Mr. FORAKER, in answer to his letter and in answer to my letter of the same date.

The CHAIRMAN. The Clerk will read the paper presented by the gentleman from Ohio.

The Clerk read as follows:

FOSTORIA, OHIO, *October 28, 1903.*

Hon. J. B. FORAKER,
Cincinnati, Ohio.

MY DEAR SENATOR: Your favor of the 27th this moment received. Harmon's statement is quite vague. He says: "In 1893 when the Democratic party came into power the Republican Administration had bankrupted the Government. When Cleveland entered the White House there were bonds already signed by the Republican Administration. They had barely managed to tide over until we got into office, and then we had to take the stigma that came as the result of their unwise administration."

The charge that the Government was bankrupt when Cleveland came into power is ridiculous. The revenues up to that time, and until the end of that fiscal year, exceeded the expenditures. The usual charge is the one made by GAINES in the Nashville American, copied in the Enquirer of the 21st, that "Secretary Foster prepared plates for bonds to tide over a deficit." The facts are that as soon as it was known that Cleveland was elected in November, 1892, it became apparent that there was great danger, on account of importations being held back for lower duties, that the gold reserve would fall below $100,000,000 required, not by law, but by implication of law. After consulting fully with Senator Sherman, I made up my mind that it was my duty to maintain the gold reserve even if I had to do it by the sale of bonds. The only bonds authorized were those of the resumption act of 1875, all bearing high rates of interest and running a long time.

I suppose to assist me, Senator Sherman introduced an amendment to an appropriation bill in the Senate authorizing an issue of a 3 per cent short-time bond. Mr. Carlisle, who was then known to be the incoming Secretary, was consulted by the Senator and approved Mr. Sherman's amendment. It passed the Senate by an almost unanimous vote. This was about the 22d of February. Upon its passage, fearing that I might be compelled to use bonds for the purchase of gold, I directed the superintendent of the proper office to prepare plates for this bond—a better bond for my purposes than those already authorized. I did this upon the belief at the time that an act approved by the incoming Secretary that passed the Senate, receiving a large share of the Democratic votes of that body, would also pass the House. But in this I was mistaken. The House refused to pass it, and the plates were not prepared, and there were no bonds already signed, as stated by Mr. Harmon. But my letter directing the preparation is used in evidence that the plates were prepared and that a deficit existed.

To go a little further in this matter, I had fixed upon $50,000,000 as the amount of gold I would buy, and I had an understanding with the bankers in New York to this effect, but they stipulated they would take the bonds in installments of $10,000,000 a week. If this was done it would devolve upon Secretary Carlisle to execute a part of my contract. The bankers desired Secretary Carlisle's concurrence in the arrangement. In this emergency I called upon Senator GORMAN, stating the facts to him and saying that many of my Republican friends thought I had better not do anything in the way of the maintenance of the gold reserve, yet I deemed it my duty as Secretary of the Treasury to continue to do until the last hour of my term what I would do if I were to be continued in office. In this I was sustained by Senator Sherman.

Mr. GORMAN heartily approved and sent a messenger for Mr. Carlisle. Mr. Carlisle soon made his appearance, and seemed greatly pleased at what I proposed, and next day went to see Mr. Cleveland. Upon his return I was informed that he would execute the part of the plan that would devolve upon him, and that Mr. Cleveland also approved.

To sum up, the Treasury was not bankrupt at any time, and there was no deficit at any time, no plates for bonds, and no bonds were signed.

No bonds were sold. I managed to maintain the gold reserve, turning over to my successor about $103,000,000.

I believe that if the Harrison Administration had been continued the revenues and the gold reserve would have increased and the condition then prevailing would have improved.

The panic and deplorable condition following Cleveland's election was wholly due to two causes: First, the known purpose of the Democratic party to adopt a revenue tariff, which at once affected the imports and paralyzed all industries and business, and, secondly, the known incapacity of the Democratic party then coming into power to agree upon efficient legislation, afterwards so painfully demonstrated.

Very truly, etc.,

CHARLES FOSTER.

[Loud applause on the Republican side.]

Mr. GROSVENOR. Mr. Chairman, that seems to be a candid, straightforward statement, but it will not do any good. The same statement will be repeated just as often as this has by those who have not heard the reading of this letter. Now, what happened following this? Let us see who was the wise man and who was the mistaken man.

Mr. Secretary Foster looked forward into the future and saw that the Treasury of the United States must, under Democratic administration, become helplessly insolvent; and before the Administration of Grover Cleveland closed we who were Members then of the House were called upon to vote for loans amounting in the aggregate to $262,500,000 upon a long-time bond at 4 per cent interest, which was taken by syndicates at about the par value—although I am not clear upon that point—and which stand to-day in the markets at one hundred and thirty-odd cents on the dollar.

Mr. FLOOD. Mr. Chairman, I yield the gentleman from Massachusetts [Mr. MCNARY] such time as he may desire.

[Mr. MCNARY addressed the committee. See Appendix.]

Mr. FLOOD. Mr. Chairman, I yield thirty minutes to the gentleman from Missouri [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, for many years Missouri has been represented in this House by fifteen Democrats and one Republican. At the election held on November 8, 1904, the Republicans carried nine of the sixteen districts in the State, and a majority of the legislature, which elected a Republican United States Senator, Maj. WILLIAM WARNER. Therefore in this, the Fifty-ninth Congress, the representation from that State in this body consists of nine Republicans and seven Democrats.

Shortly after the election our colleague, Mr. SHARTEL, called a meeting of the Republican delegation at the office of Senator WARNER in Kansas City, which was attended by all save one, possibly two, the object being, principally, to consider committee preferences. At that meeting it was the unanimous opinion, shared in by the Senator, an ex-Member of this House, that we could only hope to secure representation on one or two of the important committees. Shortly prior to that time Kansas City had been visited by two serious and very disastrous floods resulting from the condition of Kaw River, and the topic was uppermost in the minds of the citizens of that portion of the State, various plans being under discussion for some method to prevent a repetition thereof. My colleague, Mr. ELLIS, won his campaign on the issue that something along this line should be done, and that a Republican was in a better position to secure Government aid for the improvement of that river. This fact was impressed upon us, and that we could do and would be doing a great service to our State for one of our number to be assigned to the Committee on Rivers and Harbors, to procure, at this session of Congress, an appropriation for the Kaw to protect Kansas City from future devastation; and, as our colleague lived in that city, it was but proper he should be and was so selected. The meeting was harmonious in every respect, good feeling prevailed, and each of us selected such committeeships as we would prefer, and agreed with the Senator to work to that end. In fact, all of us at that time, as we did later, sacrificed

our personal ambitions in order that our colleague might be appointed to that committee, and after Congress convened personal appeals were made to the Speaker to give him that assignment, and when the committees were announced we were delighted to know that we had been successful as to our first choice. I was exceedingly anxious that our colleague, Mr. RHODES, should be assigned to the Committee on Invalid Pensions; in fact, I urged his selection for that place as a first consideration; but, as I have stated, each of us buried our personal desires for our colleague from Kansas City that the Kaw River might receive that attention it so justly deserves, and which is of such vast import to that city.

On the western border of Missouri we have two great cities, St. Joseph and Kansas City, some 60 miles apart. Both are great commercial and railroad centers. Both are on the Missouri River. Both are represented on this floor by Republicans, Mr. FULKERSON and Mr. ELLIS. The latter city obtains a greater portion of its trade from Indian Territory and Oklahoma, and, in order that their business might be increased, the Commercial Club arranged a trip by special train to tour the two Territories. Aboard was a representative of almost every business interest of Kansas City, as well as Senator WARNER and my colleague, Mr. ELLIS. It left that city some time about May 1, 1905. By invitation I met the train at Tahlequah, Ind. T., and accompanied the party to Muscogee, and were entertained by the Commercial Club, of that city. It was late in the evening when we reached there, and we were immediately conveyed to the club rooms, where the business element of Muscogee were assembled. Each of us was called upon for an address, and each responded. My colleague delivered an elegant speech. He knew what was wanted, and he satisfied their every desire—*at that time*. He was applauded time and time again, and when he waxed most eloquent I heard him say: "You ought to have statehood; you must have statehood; you shall have statehood, and I pledge you here and now to work and vote for statehood as you want it and when you want it." His hearers fairly went wild. His words were taken up by the press in every part of the Indian Territory, and the people called him blessed. His name was on every tongue, and they began to claim him as their own, the one who should be their Moses to "lead them from darkness unto light." I had been associated with the people of that Territory in a business way for more than two years. I had an extended acquaintance therein, and it was a source of deep gratification to me to hear my colleague unbosom himself, and I assured them that he would have my humble but earnest support. The people of that Territory became active. They held conventions and elected delegates to a constitutional convention, which was held in Muscogee. After days of work a constitution was framed for the State of Sequoyah, one of the best that was ever devised for any State. It was submitted to a vote of the people and carried by a vote of some 65,000 to 9,000, in round numbers. Copies of the constitution and the vote were placed in the hands of my colleague and myself, and those people, under the assurances we had given them, expected us to work to give them statehood "as they wanted it and when they wanted it." Their cause was just, and the Government of the United States had solemnly promised them as much on more than one occasion.

On the first day of the present session of Congress I introduced into this House two bills—H. R. 78, "A bill providing for the admission of the State of Sequoyah into the Union, and for other purposes," and H. R. 97, "A bill to enable the people of Oklahoma to form a constitution and State government and be admitted into the Union on an equal footing with the original States"—both of which were referred to the Committee on Territories. Other statehood bills were introduced, but the mention of the two is sufficient for the purpose of my argument. Shortly thereafter a conference of Republicans was called in relation to statehood. The gentleman from Iowa [Mr. HEPBURN] was chairman. Before proceeding with the conference, we resolved into a caucus for the purpose of accepting the resignation of the gentleman from Minnesota as Republican whip, then went back into conference. Before participating or proceeding it was definitely asked of the chairman whether it was a caucus or a conference. The chairman replied: "The Chair will hold that it is a conference, not a caucus; merely advisory and not binding." After the gentleman from Michigan [Mr. HAMILTON] proceeded with a forty-minute argument on an omnibus bill all others were "choked off" with five minutes each. It finally came to a vote as to whether there should be an omnibus bill, providing for Oklahoma and Indian Territory as the State of Oklahoma and Arizona and New Mexico as the State of Arizona, all in the one bill. The majority favored it, but sixty-five voted against the Arizona-New Mexico proposition, among the number being my colleague, Mr. ELLIS, and myself. The Committee on Territories proceeded to work, and had almost daily hearings on the statehood question, when, finally, on January 23, 1906, the gentleman from Michigan [Mr. HAMILTON] introduced H. R. 12707, which became known as the "Hamilton bill," and which provided for the admission of Oklahoma and Indian Territory as one State and Arizona and New Mexico as one State—an omnibus bill. It was apparent that a goodly number on this side of the House would oppose that character of a bill. It was conceded that not one opposed the admission of Oklahoma and Indian Territory as one State. The introduction of this bill and the report of the committee was withheld for the specific purpose of whipping into line what was then began to be termed "insurgents." Propositions were made and suggestions offered. I was termed as an insurgent. My colleague, as I afterwards learned, was on the inside, and knew that we insurgents were willing to vote for statehood in any form for Oklahoma and Indian Territory, or for an omnibus bill for all four Territories, providing Arizona and New Mexico were allowed to vote separately on the proposition. All overtures were rejected, and when it was believed enough insurgents had been conquered and enough votes procured in a manner and by means which are not at this time necessary to relate, the bill and report was brought in. Then we insurgents offered to support the bill if they would amend it by inserting the word "each" in the Arizona-New Mexico portion, which would have provided that each Territory vote on the proposition separately, and this my colleague well knew, being on the inside. On January 24, 1906, as will fully appear on page 1498 of the CONGRESSIONAL RECORD, the following proceedings were had:

STATEHOOD BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

"The Committee on Rules, to whom was referred House resolution No. 181, have had the same under consideration and respectfully report the following resolution in lieu thereof:

"'*Resolved*, That immediately upon the adoption of this order, and daily hereafter, immediately on the approval of the Journal, so long as the bill hereinafter referred to shall be pending in Committee of the Whole House on the state of the Union, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; that after the said bill shall have been read general debate shall continue until Thursday next at 3 p. m.; and at that hour, or, if general debate shall be concluded before that hour, immediately upon the conclusion of said general debate, the Committee of the Whole House on the state of the Union shall rise and report the bill to the House; whereupon immediately, without debate, intervening motion, or appeal, a vote shall be taken on the bill to a final passage: *Provided further*, That general leave to print remarks on the bill is hereby granted for six legislative days after Thursday, the 25th day of January next.'"

This was and is gag rule; its purpose was to bind hand and foot every Member on this side of the House, and was for the express purpose of preventing any amendments to the bill. It was and is sharp practice and resorted to to defeat the will of the majority. It was and is tyrannical. My colleague being "on the inside," must have known that this rule was to be brought in and that it was a vehicle to destroy free representation in the Congress. The gentleman from Pennsylvania [Mr. DALZELL] moved the previous question. The yeas and nays were ordered. The vote is recorded on pages 1505 and 1506 of the CONGRESSIONAL RECORD; the yeas were 192 and the nays 165. Among the yeas is found the name "ELLIS," and in the negative the name "MURPHY." So the previous question was ordered. Then came the vote upon the rule. The yeas and nays were ordered, and the vote will be found on pages 1506 and 1507 of the CONGRESSIONAL RECORD. The yeas were 188 and the nays 158. Among the yeas is found the name "ELLIS," and in the negative "MURPHY."

In accordance with the rule, the bill came to a vote on January 25, 1906, as will be found on page 1557 of the CONGRESSIONAL RECORD. The yeas and nays were ordered, resulting in 195 yeas and 150 nays. Among the yeas is found the name "ELLIS," and in the negative "MURPHY." So the bill was passed.

Mr. Chairman, the whole matter was prearranged to refuse statehood for Oklahoma and Indian Territory unless it carried Arizona and New Mexico. I was informed that the Committee on Territories had been framed for that purpose and that no man would be placed upon it who did not declare for and assent to that programme. It was then, Mr. Chairman, I learned that my colleague, Mr. ELLIS, was not in favor of granting statehood to the Indian Territory "as they wanted it and when they

wanted it." It was then, Mr. Chairman, I discovered he had surrendered to the whims and caprice of mere politicians, who seem to have forgotten the welfare of the people, who are drunk with their own power, blind and deaf to all sense of reason, right, and justice. And, Mr. Chairman, I afterwards learned that my colleague, through his own confession, was "on the inside," and necessarily must have been a party to arranging the entire plan and programme. I do not charge that he was, neither do I question his motives nor his good faith, but will submit to this House his own words, that it and the people may draw their conclusions.

The bill was sent to the Senate, and on March 9, 1906, it struck out all provisions relating to Arizona and New Mexico, as will be found by reference to page 3659 of the CONGRESSIONAL RECORD. After the bill was reported back to the House with the Senate amendments, the so-called "insurgents" offered to support a rule sending the bill to conference on the minor amendments in relation to Oklahoma and agree to the Senate amendment striking out Arizona and New Mexico. But no; it was the omnibus programme and must be carried out. Besides, the Senate must be rebuked for having the audacity to emasculate a House bill conceived and born in such fashion. The matter dragged along but a short time only. The people were growing impatient and began to demand that we resume our rôle as their servants and do the square thing. The politicians were still drunken with their power and, facing the Senate, exclaimed:

Upon what meat doth this our Cæsar feed that he hath grown so great?

The onlookers and those who were "on the inside" shouted "Bravo, bravo, my lord!"

Among the countless telegrams the following was received by each Member of Congress from Missouri, regardless of politics:

KANSAS CITY, MO., *March 14, 1906.*

Hon. A. P. MURPHY,
Washington, D. C.:

The Commercial Club respectfully urges you to support Senate amended bill for statehood for Oklahoma and Indian Territories. The business interests of Missouri think they are entitled to this consideration at your hands. Our organization has passed strong resolutions. The people of these Territories are looking to Missouri and Kansas for loyal support.

T. M. CLENDENING, *Secretary.*

This message is from the same club who made the tour of Indian Territory and Oklahoma; aye, sir, it was from the same men in whose presence my colleague and I had pledged our sacred honor ten months before to give statehood "as you want it and when you want it." We could not, we dare not heed their appeal; we had grown deaf from the buzzing of public buildings, pneumatic-tube service, subsidies for fast mails, and what not; we were dizzy with our own greatness; we were "on the inside;" yes, we knew more what the people wanted than the people knew themselves.

Another conference was called; dust had to be thrown in the eyes of the people by making them believe this was a deliberate and truly representative body; they were asking too much. But it was the same old thing; the edict had gone forth, and we must carry out the programme. Arizona and New Mexico was a millstone about the neck of fair Oklahoma, whose people were begging and crying and praying to be cut loose. The demands of our constituents grew stronger and more emphatic. Agree to the Senate bill, was the demand on every hand. Therefore, Oklahoma must work overtime in utter disregard of the eight-hour law and furnish more steam. On March 22, 1906, as appears on page 4223 of the CONGRESSIONAL RECORD, the gentleman from Pennsylvania [Mr. DALZELL], from the Committee on Rules, reported a resolution to take the bill from the Speaker's table and send it to conference, moving the previous question thereon. The yeas and nays were ordered, resulting in 173 yeas and 153 nays. Among the yeas is found the name "ELLIS," and in the negative "FULKERSON, MURPHY." (P. 4224, CONGRESSIONAL RECORD.)

During the debate on the resolution, under the rules of the House, the gentleman from Pennsylvania [Mr. DALZELL] said:

It is manifest, therefore, that if we are to have *speedy* legislation and an adjustment of differences between the two Houses, the bill must be *at once* sent to conference, and that is the purpose of the rule I have introduced.

There was no difference between the House and the Senate. The difference was between a few Members "on the inside" and a very large majority of the House, for, if left alone to act as their conscience dictated, free from gag rule and threats of ostracism, failure to get recognition, and other influences, which it is not necessary here to mention, the bill as it came from the Senate would have carried by an overwhelming majority. And, Mr. Chairman, when the time comes to revise our dictionaries the word "speedy" will be given a new definition as a testimonial of the Fifty-ninth Congress. Debate proceeded under the rule. My colleague [Mr. FULKERSON] said:

* * * To-day we are face to face with a new order of things. "The best laid schemes o' mice and men gang aft agley." The bill passed by the House did not receive the enthusiastic approval of the Senate, nor did its terms measure up to the requirements and demands of the people. That measure was not right when it left this body. It has been taken by another body, corrected, perfected, and passed by it, and returned here for our concurrence. The opportunity is now presented to us to correct our former blunder. The case is before us on a motion for a rehearing—a very fortunate thing for us. It does seem that there is something in that old adage that "God takes care of fools and children," for the error committed by us having been pointed out, it is not yet too late, and, indeed, the opportunity is now afforded us to make the much-needed correction. * * * Why not come out of the brush of error and defeat and do our duty, our whole duty, by these people of Oklahoma and Indian Territory, and give them statehood? Let us concur in the Senate amendment, and concur now. To longer delay is only to invite further criticism. Every hour we delay this matter will only add to the humiliation of our past error, the humiliation of continued defeat. * * * The Senate has the people of this country with them on this proposition, a fact worthy of note and consideration. * * * It will be easier and much less expensive to vote to concur in that part of the Senate amendment which strikes out all reference to New Mexico and Arizona than to delay this matter indefinitely and have to include in our expense bill an additional outlay for materials with which to besalve our irritated and inflamed, if not wounded, pride. * * * You have your minds made up and are determined to delay matters. You say your course will eventually bring in the new State of Oklahoma. I hope you are right in your belief. But I am in favor of bringing it in now.

It might not be out of place here to remark that this speech has been reprinted by the St. Joseph Commercial Club, and is being scattered broadcast throughout Indian Territory and Oklahoma as a reason why those Territories should divert their trade from Kansas City to St. Joseph. The gentleman from Washington [Mr. HUMPHREY] (Republican) said:

* * * It is useless to discuss the purpose of this rule. It is perfectly apparent it is part of a prearranged programme. The object of this rule is to coerce the minority on this side of the House to vote against their honest judgment. * * * This rule links the iniquitous with the righteous and demands that we take both or nothing. The only reply to these statements is that you are an insurgent. * * * I am comforted with the thought that the regular of to-day is the insurgent of to-morrow. * * * We may be insurgents in this House, we may be in the minority here; but throughout the country we are in the countless majority. Public sentiment in favor of admitting Oklahoma and Indian Territory, without regard to New Mexico and Arizona, is making the atmosphere so hot that those who are opposed to it can not long breath it and live. Mark the prediction! The insurgents of to-day will be the victors of to-morrow. * * * The people are looking on in amazement and disgust. It is our duty to vote down this rule and settle this question here and now.

The gentleman from Minnesota [Mr. BEDE] (Republican) said:

Mr. Chairman, if there is any gentleman in this Chamber who is opposed to the admission of Oklahoma, I pause here to give him an opportunity to say so now; and if he does not, I will ask him forever after to hold his peace. If we are all in favor of admitting Oklahoma—and you say it is one of the Administration measures—you have an opportunity to do it now in ten minutes. Why do you not get busy and admit Oklahoma, and not hitch it up with some other proposition that is not an Administration measure?

My colleague, Mr. DE ARMOND, said:

* * * A vote for this rule is distinctly, directly, positively, knowingly a vote to keep Oklahoma and the Indian Territory out of the Union. Cast that vote if you please, but in casting it know what you do. Know that others know what you do. * * * Do not attempt elsewhere, as you seem to be attempting here, to delude anybody into the belief that principle or right or precedents or justice or any other thing that you can stand upon—that can be explained, declared, or defended—can justify your action.

The vote being taken on the rule as reported on page 4229 of the CONGRESSIONAL RECORD, resulted in 175 yeas and 156 nays. Among the yeas is found the name "ELLIS" and in the negative "FULKERSON and MURPHY." So the bill was sent to conference, where it peacefully rests, and we are face to face with an outraged and a justly indignant people. Mark the prediction of the gentleman from Washington; the air is becoming hotter and hotter; blue blazes are apparent on every hand. The people, not only of Missouri, but of the whole country, are asking why it is we seek to crucify Oklahoma on a cross of political dishonor. Explanations are demanded, and a short time after the last vote I noticed in the Kansas City Journal the following:

The following is from a letter by Mr. ELLIS to one of his constituents excusing himself for voting with the Speaker on the statehood question:

"I wired you yesterday assurances that Oklahoma will be admitted this session. Sorry I could not be more explicit as to my attitude toward the bill as it came from the Senate. If the statehood matter were the only matter upon my hands here, I could more easily determine my course; but I have many matters, as you know, of great import to Kansas City, and I must be tactful. I am on the inside—understand exactly what is going on. Things will work out to our satisfaction ultimately."

It will not be amiss here to incorporate the definition of the word "tactful." I am free to confess I had not heard of it before, and after some difficulty I found it in the supplement to Webster's Unabridged Dictionary, which defined it as "full of

tact." The same authority defined "tact" as "ready power of appreciating and doing what is required by circumstances." Worcester defines "tact" as "adroitness in adapting one's words or actions to circumstances; cleverness; dexterity; knack." The same authority defines "dexterity" as "readiness of contrivance or invention," and defines "knack" as "a little machine; a nice trick."

But other excuses must be found to appease, if possible, our indignant constituency, and it, among other things, is contained in the following item clipped from the Daily Oklahoman, published at Oklahoma City, Okla., from the issue bearing date of April 4, 1906:

JUST AN AFTERTHOUGHT.

Congressman ELLIS, of Kansas City, who, by the way, is one of the ten Kansas and Missouri Republicans who voted with "Uncle Joe" CANNON to send the statehood bill to conference instead of concurring in the Senate amendments to the same, and thereby avoiding the possibility of defeat in the case of Oklahoma and Indian Territory, is evidently one of those fellows who, in common parlance, are known as "four flushers." In any event, his talk and his vote are in such direct conflict that the natural presumption is he is afraid to show his hand.

In an interview given out in Kansas City Monday to the Star he is quoted as follows:

"Personally I never thought the omnibus bill was the right way to deal with the statehood question. I did think Arizona and New Mexico ought not to come into the Union with the same representation in the Senate as Missouri and Kansas, while there is no prospect of the two ever having half the present population of Kansas. However, it was the omnibus bill that was taken up. I voted for it.

"When it came back from the Senate separated, the House would have voted for Oklahoma statehood promptly if the bill had come back in proper form. But it came back carrying an amendment that, in justice to Oklahoma, we could not adopt. Legislation for years had retained the ownership of sections 13, 16, 33, and 36 out of each township for the use of the future State. Two of them are for school purposes, sections 16 and 36. Our bill had provided that sections 33 of each township should go to definite institutions, and 13 was to go to the new State to be used for what purpose the State should dictate.

"When the bill came back to us section 13 in each township was to go to the State, unless claimed by some one filing a mineral claim on it. That meant a graft."

For artistic and ingenuous evasion the above is almost the limit. It is so far from the facts in the case that it will produce a tumultous smile wherever they are known. And down here in Oklahoma, where the people have been watching this matter and know something of its ins and outs, Mr. ELLIS is going to experience no little difficulty in getting the people to accept his miserable excuse.

Here is the first intimation anyone has had that it was the Warren amendment which sent the bill to conference. From all that it was possible to glean from Washington in this connection at the time, it is evident that the Speaker and organization Republicans stood together to send the bill to conference because Arizona and New Mexico had been stricken out. No other reason was assigned or suggested. It remained for Mr. ELLIS, two weeks after the matter came up in the House, to get away out to Kansas City, where the people were not watching closely, and spring an alleged reason for his action which is both unique and flimsy.

In the light of the same, the conclusion is forced that Mr. ELLIS is put to the extremity of doing some rapid side-stepping in this matter. His people are after him, and he must offer some sort of an excuse for voting in conflict with the way he has talked. The one he hits upon here, however, appears to have been hastily and loosely contrived, and a moment's reflection is sufficient to convince anyone familiar with the facts in the case that it is nothing but an afterthought.

Shortly thereafter I was asked by some one, I do not now recall whom—it may possibly have been the reporter of the Kansas City Journal—what I thought about statehood. I replied: "In my opinion, statehood is dead." This was published in that paper. My colleague, Mr. ELLIS, was in Kansas City at the time, and seems to have taken it seriously, and felt it his duty to take me to task, I presume; therefore he carefully, in his statesmanlike manner, prepared a reply and hastened into print. It appeared in the Kansas City Journal of May 15, 1906, and can only "produce a tumultuous smile." It is as follows:

MR. ELLIS SAYS STATEHOOD IS SURE AT THIS SESSION.

Congressman ELLIS declares a statehood bill is sure to be passed at this session. "If Congress should attempt to adjourn without giving statehood to these Territories I believe it would break up in the worst row they ever had in Washington," Mr. ELLIS said. "The reason I say that is that practically every member of both Houses is in favor of statehood for Oklahoma and Indian Territory. There is really no difference of opinion in that matter. There is a diversity of opinion upon the subject of statehood for Arizona and New Mexico. I think the prevailing view in the East is that they ought to come in as one State, and that the prevailing view in the West is that they should come in as two States. Then there is an element that would not have either of them in, either separately or together.

"The delay down there on Oklahoma and Indian Territory has been due to this programme of tying the Western Territories to Oklahoma and Indian Territory—the omnibus programme. From that programme I have dissented from the start. I opposed it in caucus and have used my influence against it at every step. I regard it as wholly unjustifiable and indefensible upon any ground."

The attention of Mr. ELLIS was called to the declaration of Congressman MURPHY that statehood was dead, so far as this session was concerned, and possibly for this entire Congress.

"Quite to the contrary," he said, "statehood is the livest question in Congress to-day. Members visiting their respective constituencies come back from day to day and say they are sometimes asked about the rate bill and other matters, but that they are always, everywhere they go, asked why they don't give statehood to Oklahoma and Indian Territory. There is no matter upon which you would find such general assent in both Houses as upon the proposition that Oklahoma and Indian Territory be made a State at this session. One does not hear any other sentiment, except among those who are opposed to joining the two Territories as one State and are hoping that nothing will be done.

SAYS CANNON WAS BLUFFING.

"The one thing that has caused greatest apprehension in Oklahoma and Indian Territory, and in the Southwest generally, was the statement made by Speaker CANNON, or attributed to him, when the bill came back from the Senate, that the House would 'stand pat' and insist upon its programme of two States of the four Territories or nothing. Now, that statement, if made at all, was not made for currency in the Southwest. 'Uncle Joe' enjoys the reputation of understanding the general points of the national game, and he knows the commercial value of a good bluff. That remark of his was a bluff for the Senate and in connection with his determination to protest against the Senate's action, and the announcement of his purpose to go into conference and thrash the matter out with the Senate.

"Not unnaturally, the people of the Territories, who are so vitally interested in the matter, did not understand this. They thought it was said for their benefit and discouragement."

Mr. Chairman, that interview occasions these few remarks I have made. I introduced the bills for two States. He is "on the inside," as he stated, and speaks officially, and now seeks to discredit me through the metropolitan press of our State by creating, or attempting to create, the impression that I had opposed joining the two Territories—Oklahoma and Indian Territory—as one State, and am "hoping nothing will be done," and I deem it my duty to set myself right by giving the record as it is and was made. "The delay down there on Oklahoma and Indian Territory has been due to the programme of tying the western Territories to Oklahoma and Indian Territory—the omnibus programme. From that programme I have dissented from the start. I opposed it in caucus and have used my influence against it at every step. I regard it as wholly unjustifiable and indefensible upon any ground." How well does my colleague picture the insurgent. But it is not the record of a single Member who voted in the affirmative on the various propositions, and unfortunately he is in that category. If the omnibus programme "is unjustifiable and indefensible upon any ground," then each and every vote cast by him on this proposition "is unjustifiable and indefensible upon any ground;" and by the same process of reasoning, in the very nature of things, the only reasonable and logical conclusion that can be drawn is that every vote cast by an insurgent was and is fully justified and needs no defense. If, as he says, "that practically every Member of both Houses is in favor of statehood for Oklahoma and Indian Territory," and "there is no matter upon which you would find such general assent in both Houses as upon the proposition that Oklahoma and Indian Territory be made a State at this session," what and who is delaying it? Who stands in the way, and who is it seeking to defeat the will of "practically every Member of both Houses?" If my colleague is "on the inside and understands exactly what is going on," will he answer these questions, and will he tell us when action will be taken? The people of Missouri and the country are entitled to this information, and I am anxious they should have it.

Mr. Chairman, I have a high regard for my colleague; we are the best of friends, and no one regrets more than I that he has wandered in a strange land and after a strange god. Were it in my power I would give him a passport of an insurgent that he may return to our people and receive their blessings. Had I the power I would blot out this entire record and banish it from the memory of all men forever, so it could not stand for all time to come as an everlasting disgrace to this Congress.

My colleague says the Speaker is "bluffing," and his "stand-pat" policy on this bill "was not for currency in the Southwest;" that the Speaker knows the "commercial value of a good bluff." I must confess that I do not, and as I am not "on the inside" I am unwilling to accept his statement. I do not know whether the bill will be brought in or not; but I do say, without fear of contradiction, that if it is, it will contain exactly that amendment for which the insurgents have all along contended, viz, giving New Mexico and Arizona the right to vote separately on the proposition. And then the prediction of the gentleman from Washington made on this floor on March 22 last will come true, "The insurgents of to-day will be the victors of to-morrow." And then, Mr. Chairman, we will witness the finale of the first chapter of the greatest exhibition of "horseplay" in the annals of American history. And then, Mr. Chairman, the opening of the second chapter will witness those who have been playing "horse" at Oklahoma's expense, reciting from every hilltop the old, old story of "How me and Betty killed the bear."

Was it not a statesman from Illinois who said something about fooling the people? [Loud applause.]

Mr. FLOOD. Mr. Chairman, I wish to make a few remarks upon the pending bill. This bill comes to this House with the unanimous report of the Committee on Foreign Affairs. The Secretary of State submitted estimates to the Committee on

Foreign Affairs for the diplomatic and consular appropriations carrying a very considerable increase over the appropriations of last year. The apparent increase carried by his estimates is $1,681,000, but there should be deducted from that the sum of $396,000, which is the amount made necessary by the enactment of the consular-reform bill which became a law on the 5th of April of this year. If that is deducted, it will appear that his estimates call for an increase of $1,151,000. The Committee on Foreign Affairs reduced these estimates and made an increase of $221,000. I consider, Mr. Chairman, that the most of these increases are conservative, wise, and necessary. They added $34,000 to the amount paid ambassadors. There is a reduction of $2,500 in the amount paid ministers. Secretaries to embassies and legations have an increased appropriation for their salary of over $20,000. Clerks in embassies and legations are increased $32,500. The contingent fund to the embassies and legations is increased $67,500. For clerks to the consulates, $24,000, and the contingent fund for consulates, $20,000.

The other increases are small and absolutely necessary, and most of them were fully and ably explained by the acting chairman of the committee, the gentleman from Pennsylvania [Mr. ADAMS]. There were a good many of the estimates submitted by the State Department, as the committee will see, which were not reported favorably by the Committee on Foreign Affairs. I believe the committee acted wisely in the action it took in reference to these matters. I was particularly pleased, Mr. Chairman, to see the Committee on Foreign Affairs decline to comply with the request of the Secretary of State to increase the salary of the minister resident and consul-general to Santo Domingo from $5,000 to $10,000. It was stated as a reason why this salary should be increased that the duties and responsibilities of our representative at this point had been greatly added to of late. That may be true or it may not be true, but if it is true it is due to the fact that the President of the United States has undertaken to exericise in that direction powers and functions alone which the Constitution of the United States empowers him to exercise only by and with the advice and consent of the Senate.

I do not believe the people approve the act of the President in practically putting into effect the treaty with Santo Domingo when the Senate had failed to ratify it, and I do not think that Congress should acquiesce in or approve this unconstitutional course on the part of the President, even to the extent of increasing the salary of our representative at Santo Domingo, whose labors may have been added to by reason of this unconstitutional act of the executive branch of the Government. The Santo Domingo treaty was negotiated prior to the adjournment of the Senate in March, 1905. The treaty was sufficiently discussed in the Senate to leave no doubt that it would not be ratified by that body. Some time after the Senate adjourned on the 18th of March, 1905, the President entered into an agreement with the Dominican Government, which was to all intents and purposes the same agreement contained in the treaty which the Senate refused to ratify; and this agreement or modus vivendi is still in operation, though the Senate still refuses to ratify it.

The defenders of Mr. Roosevelt claim that in taking the action he has in this matter he is acting within the principle laid down by President Monroe in a message sent to Congress and which has become known as the "Monroe doctrine."

This claim stretches the Monroe doctrine beyond what has ever been suggested before, and has given it an interpretation not intended by its author or justified by its context.

A few years, before the publication of the Monroe doctrine, the South American states had thrown off their allegiance to Spain and set up independent governments. The United States had recognized the independence of these South American republics and was not disposed to see their independence subverted. Not long after the recognition of the independence of these republics by the United States, the "Holy Alliance" encouraged Spain to attempt to recover her revolted colonies in South America. President Monroe, in a message to Congress on December 2, 1823, said that—

> The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power.

After pointing out that the political system of the European powers was essentially different from that of America, the President said:

> We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

These two declarations embrace the Monroe doctrine as originally enunciated.

To make a little clearer their meaning I will state them in a more succinct form. They were, first, a declaration that the United States would look with disfavor upon the attempt of any European power to subvert the governments of the South American republics which had recently achieved their independence, and whose independence the United States had recognized; and, secondly, a declaration that the United States would resist the introduction upon the American continent of the monarchical ideas and institutions of Europe.

This was the whole purport of the Monroe doctrine. It was not a doctrine incorporated into the Federal Constitution. It was not a law of Congress. It was only a dictum of the President.

Nearly every President from that day to this has reaffirmed this doctrine, and some of them have slightly enlarged its scope, and now the present occupant of the White House undertakes to stretch it to the alarming dimensions of a doctrine that makes the United States a protector over the Caribbean Islands and the Latin-American republics of South America and a receiver to collect the revenues of these islands and republics and pay them over to the creditors to whom they are indebted.

To this dangerous policy I do not think Congress should permit the President to commit this country.

To increase the salary of our minister resident at Santo Domingo would to some extent be a recognition and approval of the acts of the President in this matter, and the committee, therefore, declined to do so.

There are other omissions from those estimates which were wise and which I will not discuss here to-day.

Mr. PALMER. Mr. Chairman, I observe that the Department of State asks for an increase of about $1,150,000, and that the committee has granted an increase amounting to $260,000. That is a wide difference. What did the State Department want that much money for?

Mr. FLOOD. Mr. Chairman, the Department asked for an increase of $1,150,000 besides the $396,000 necessary to carry into effect the provisions of the consular reform bill. A good deal of this $1,150,000 was for the purpose of building residences for our representatives abroad.

Mr. PALMER. Did the committee take up and consider that subject?

Mr. FLOOD. The committee took up and considered that subject at a former time, and reported to this House a bill carrying an appropriation of $5,000,000 for the purpose of building these residences.

Mr. PALMER. Then there has been a provision made for that purpose?

Mr. FLOOD. There has been a bill reported from the committee for that purpose, but it has not yet passed the House. The other items that go to make up this difference between what the Secretary of State asks for and what the committee reported were increases of salaries that we did not think were justified and other expenditures of a different character that we did not think were justified—such as a larger increase of his contingent fund, a larger increase of the emergency fund, and larger increases all along the line which the committee did not think were justified by the facts presented to it.

Mr. PALMER. As I understand the case, as it stands now, no man can represent this country in a foreign land unless he is a wealthy man. The choice is absolutely restricted to men of great wealth, because nobody can represent the United States in any foreign country as we hope or at least as we demand to be represented unless he has a private fortune that will enable him to expend a great deal more money than he gets in salary. As, for example, the minister to England expends twice as much money for his house rent as he gets in salary. Now, did the gentleman's committee think that it was decent for the people of the United States to send representatives abroad under those circumstances, and did the committee not think it would be better, if we are to send people abroad anyway, not to restrict the choice to those that we are fond of denouncing as the "vulgar rich."

Mr. FLOOD. Mr. Chairman, the committee considered that very point, and knowing that the Republican party was in power we arranged that a few of these embassies should have such salaries as would enable a man to live on them, and we wanted to see if a Republican Administration would appoint some one else than one of the "vulgar rich" to some of these posts. For instance, the embassy at Mexico was increased to $17,500, and no gentleman will deny that our representative can go there and live upon that salary.

Mr. McCLEARY of Minnesota. Has not that been the salary for some time?

Mr. FOSTER of Vermont. We did not increase that any.

Mr. ADAMS of Pennsylvania. We sent a poor one-armed

soldier to represent us at Mexico for the reason that he could live on that salary. The Republican party sent no "vulgar rich" man to that post.

Mr. FLOOD. The gentleman need not get red in the face at my using the expression the "vulgar rich." It was his colleague from Pennsylvania [Mr. PALMER] who introduced that phrase here. Now, the salary of our minister at Mexico at present is $12,000. This committee has brought in a bill here increasing it to $17,500, so that some poor man may be given an opportunity to accept this position if a Republican President will give it to him.

Mr. FOSTER of Vermont. The gentleman does not want to misstate the fact. You are mistaken about the particular place; you are talking about some other place.

Mr. FLOOD. I am mistaken. I was thinking of Brazil. We propose to make the salary of the ambassador there $17,500, and the salaries of the ambassadors to Austria-Hungary, Italy, and Japan we propose to increase from $12,000 to $17,500 in order that we need not have one of the "vulgar rich" representing us in these countries. Now, I think, Mr. Chairman, that answers the question of the gentleman from Pennsylvania. We did consider that proposition. We did put the salaries at embassies at an amount at which poor men can accept them and can live on the salaries. We have put into the bill, on page 3, after providing for the salaries for our ambassadors and ministers, this provision:

Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

All salaries that had been appropriated up to that point in the bill were from $7,500 up to $17,500. The committee thought that when a man was getting as much as $7,500 from this Government that he ought to give his entire services to the Government and should not be permitted to draw salaries from some other position which he might be occupying in the Government service. It was necessitated, too, Mr. Chairman, by a matter that was brought to the attention of the committee and the fact that the case that was brought to the attention of the committee was in violation of the statutory law of this country. We have a statute properly enacted, which you will find in the Revised Statutes of the United States, edition 2, section 1763, which reads as follows:

No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.

That is a statute which has been upon the law books of this Government for a number of years. It is a statute which the present Chief Executive of this country has disregarded. He seems not to regard the laws of the land, whether they be constitutional or statutory. We find that in the case of the minister to Panama there is a clear violation of that statute. Congress has fixed the salary of the minister to Panama at $10,000, quite a liberal salary for the dignity and importance of the country; quite a liberal salary when we consider the fact that our ministers to such countries as Norway, Sweden, and Denmark get only $7,500; but this was not considered a very desirable post, and Congress gave a liberal salary to our minister there.

We find that Mr. Charles E. Magoon is a member of the Panama Canal Commission; that he is a member of the executive committee of that Commission; he is also governor of the Canal Zone, and for his services in these positions he receives from the Government of the United States a salary or salaries amounting to $17,500. It would seem, Mr. Chairman, that this was salary enough to give Mr. Magoon; salary enough to give him for his entire time and all of his talents. Well may we conclude this when we recall the fact that the great States of New York and Pennsylvania only pay their governors for their entire time the sum of $10,000 a year, the State of Virginia and other State pay $5,000 a year to their chief executive, and many of them pay less than this, but the governor of this little strip of land 10 miles wide and 54 miles long is paid the princely salary of $17,500. And not satisfied with such a salary for its favorite, the President appoints him our minister to Panama, thus adding $10,000 to the salary which he gets.

Mr. McCLEARY of Minnesota. Making $27,500 altogether.

Mr. FLOOD. Yes.

Mr. MANN. Is the gentleman sure Mr. Magoon draws the salary of minister to Panama?

Mr. FLOOD. I do not know whether he draws it or not, but I presume he does. I never heard of a Republican official not drawing a salary that he could draw.

Mr. MANN. That is not a very clear——

Mr. FLOOD. Does the gentleman say he does not draw it?

Mr. MANN. My understanding is, he does not; I may be mistaken, but that has been my understanding from the start.

Mr. FLOOD. I never heard that before, Mr. Chairman. I have heard this matter discussed time and again, and I have seen it in the papers time and again, and this is the first time that I have heard it intimated that Mr. Magoon did not draw this salary.

Mr. MANN. It is the first time I have heard it intimated that he did draw it.

Mr. FLOOD. You have seen it in the newspapers that he drew it. I believe he has drawn the $10,000. I believe he is drawing from the Government this minute salaries aggregating $27,500 a year. I believe it is wrong. I believe it is a criminal waste of the people's money. I believe it is a criminal violation of that statute that was placed there in the wisdom of Congress and signed by a former President of the United States. [Applause.]

Mr. McCLEARY of Minnesota. If you found that you were wrong, what would you say?

Mr. FLOOD. If I found that I was wrong, I would say he ought to put somebody else there to discharge these duties.

Mr. McCLEARY of Minnesota. And if you found that the basis of your frenzy was ill founded, what would you say?

Mr. FLOOD. I have not shown any frenzy. I have shown a quiet and just indignation at what appears to me to be an outrageous waste of the people's money. [Applause on the Democratic side.]

Now, Mr. Chairman, I regard this as a particularly outrageous waste of money when we consider the attainments and the ability of Mr. Magoon, as shown by his record in the past. I looked up his history and I found out that he came to the bar in 1882, and that after practicing law seventeen years in his native State, after gathering all the clientage that his ability and his industry justified, he laid down that practice and came here to Washington and accepted a position as the law officer of the Bureau of Insular Affairs at a salary of $4,500 a year. And that position he occupied for a period of five years, showing that Mr. Magoon thought that his true worth and value was $4,500 a year. Less than two years ago he was transferred from that Bureau to the Canal Commission, and in the short space of two years we find that his salary has been so increased that now he is receiving nearly seven times as much as he received when he was here in the Departments at Washington.

This is but an illustration of the criminal and outrageous waste of the public money that is going on upon the Isthmus of Panama. I regard it as a fortunate thing that the Committee on Foreign Affairs put into this bill that provision which, as far as its jurisdiction will permit it, will prevent a repetition of such an incident as this.

I can not leave the discussion of this bill without calling attention to the injustice which is being done the South in the appointment of our diplomatic representatives. When the bill reorganizing the consular service was pending I submitted some remarks in which I pointed out the injustice that was done the South by the present Administration in the appointment of our consular agents. These remarks apply with equal force to the diplomatic service, and while I do not think it is of as much importance to the South that she should have representatives in that service as in the consular service, still it is of importance to her interests that foreign nations should know that the States from the Potomac to the Rio Grande constitute a portion of this country. There are only four representatives from Southern States in the diplomatic service. Three of these come from the State of Kentucky and one from the State of North Carolina. Mr. Leslie Coombs, of Kentucky, is minister to Guatamala, at $10,000 a year; Mr. Brutus Clay, of Kentucky, is minister to Switzerland, at $7,500 a year; Mr. James G. Bailey is secretary to the Costa Rican legation, at a salary of $1,800, and Mr. Richmond Pearson, of North Carolina, is minister to Persia, at a salary of $7,500. The other States have no representation.

Compare the number of representatives in the diplomatic service from the South with those from New York State.

That State has two ambassadors, one to England and one to Austria-Hungary; four ministers, one to Cuba, one to the Netherlands, one to Paraguay, and one to Spain; one diplomatic agent, ten secretaries, one interpreter, and one student interpreter—in all nineteen appointments. The salaries paid to representatives from the entire South amount to $26,800, as against an aggregate of $102,700 paid to those from the State of New York.

Mr. Chairman, let us have no more talk in this House or in the country about Mr. Roosevelt being the President of the whole country. He is a partisan, and a very narrow partisan at that. [Applause.]

Mr. LAMAR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask that the Clerk proceed with the reading of the bill.

The Clerk read as follows:

SCHEDULE A.

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Brazil, France, Germany, Great Britain, Italy, Japan, Mexico, and Russia, at $17,500 each, $157,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not know whether the gentleman who just addressed us is as correct in all of his statements as he was in one that he made here. He just stated to the House that this bill raised the salary of the minister to Mexico from $12,500 to $17,500, and then made an assault upon Governor Magoon, of Panama. I do not know whether Governor Magoon is in receipt of two salaries or not. I do not believe he is, and I apprehend that the gentleman was just as correct in his statement of that matter as he was about the plain, simple proposition which he ought to know about, namely, the salary of the ambassador to Mexico. I hold in my hand the last diplomatic appropriation bill, which provides a salary of $17,500 for the ambassador to Mexico. I commend to the gentleman from Virginia [Mr. FLOOD] the reading of the law which he helped to make last year on this subject.

Mr. WILLIAMS. Mr. Chairman, I wish to make a point of order.

The CHAIRMAN. Will the gentleman state it?

Mr. WILLIAMS. I see here that the salary of the ambassador to Brazil is placed at $17,500. My recollection is that last year it was $12,000. I wish to make the point of order that that is a change in existing law.

The CHAIRMAN. The point comes too late, if the gentleman please. The item has been read.

Mr. WILLIAMS. At the time the gentleman from Illinois [Mr. MANN] arose I arose also, and he received the recognition of the Chair. I could not take him off his feet.

The CHAIRMAN. If the gentleman states to the Chair that he had risen and was addressing the Chair with the view of making the point of order, the Chair will entertain it.

Mr. WILLIAMS. I was trying to get the attention of the Chair for the purpose of raising the point of order when the gentleman from Illinois was also attempting to get recognition.

The CHAIRMAN. What is the gentleman's point of order?

Mr. WILLIAMS. The point of order is that the salary of $17,500, fixed for the ambassador to Brazil, is a change of existing law.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I would like to be heard on that.

The CHAIRMAN. If the gentleman from Mississippi is through, the Chair will hear the gentleman from Pennsylvania.

Mr. ADAMS of Pennsylvania. I would like to submit to the Chair that the existing law is the precise law which can be found in the Constitution of the United States, which vests in the President authority to appoint ambassadors, ministers, and consuls, irrespective of any power in Congress save the one of confirmation by the Senate of the United States. I would also like to submit to the Chair that the act of March 1, 1893, had a provision, not giving the authority to appoint to the President of the United States, for it was already vested in him by the Constitution, construed almost to be mandatory, that when any other country raised the rank of its representative in this country from that of minister to ambassador the President should reciprocate. I should also like to submit to the Chair that the act of 1856, which, while not bearing directly on this subject—and the fact is well recognized in the law—provides that where the ministers and ambassadors are undergoing what is called their "instruction period," because the law reads that their pay does not commence until they reach their posts, it is not provided specifically that they shall be compensated during this period of thirty days, which is known as the "instruction period."

Mr. Chairman, with these three authorities and, more particularly, the right vested in the President by the Constitution of the United States to appoint is the authority for Congress to make this appropriation to carry out the original power vested in him.

The CHAIRMAN. Will the gentleman answer one question? Is the grade of the officer to Brazil the same in this bill as it was in the last appropriation bill?

Mr. ADAMS of Pennsylvania. No, sir. Whether that became a question was a doubt in my mind. If the President has a right to appoint an ambassador or minister, so far as this point of order bears, it has no bearing at all. As a matter of fact, this is a creation by the President and a raising in consonance with the act of March, 1893, and he has raised the rank of our representative at Brazil from that of minister to that of ambassador; hence the entire proprieties of law differ, and the salary should be raised to comport with the dignity, the increased expense, and putting it on the plane with the other ambassadors at $17,500.

Mr. MANN. Mr. Chairman, the gentleman is mistaken, I think, in saying that the change in grade of our foreign representative to Brazil has been made this year. The change was made from minister to ambassador last year, and the last appropriation bill contained an appropriation of $12,500 for the ambassador extraordinary and minister plenipotentiary at Brazil.

Mr. ADAMS of Pennsylvania. The gentleman is correct; I had forgotten that.

The CHAIRMAN. That being the fact, the Chair sustains the point of order raised by the gentleman from Mississippi.

Mr. WILLIAMS. Now, Mr. Chairman, one word. I move to strike out the last word. The salaries of our representatives in Austria-Hungary, Italy, and Japan have all been raised $5,500 a year. I do not desire that the representatives of the Republic abroad should be underpaid, and I think Austria-Hungary, Italy, and Japan should be put in the same class with England, France, and Germany, because they are all among the great powers. Therefore, I will not make the point of order on them, though I make it on Brazil. I will ask how far the Clerk has read?

The CLERK. Second line of page 2.

The CHAIRMAN. The amendment offered by the gentleman from Illinois is withdrawn.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, China, the Netherlands and Luxemburg, and Spain, at $12,000 each, $60,000.

Mr. WILLIAMS. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. I make the point of order against fixing the salary of the ministers at Belgium and the Netherlands at $12,000 each. The salary that they formerly received was $10,000, each one of them.

Mr. PAYNE. I would suggest to the gentleman from Pennsylvania that he fix the salary of the ambassador at Brazil. That having gone out, it makes it necessary to offer an mendment inserting $12,500.

Mr. ADAMS of Pennsylvania. I will as soon as I get an opportunity to do so; I can not take the gentleman from Mississippi off the floor.

Mr. PAYNE. There is no salary provided in the bill now.

Mr. WILLIAMS. I suppose the gentleman will in time make this appropriate motion.

Mr. ADAMS of Pennsylvania. I could not take the floor from the gentleman who raised the point of order.

Mr. WILLIAMS. I make the point of order, Mr. Chairman, that the provision for Belgium and the Netherlands is a change of existing law.

Mr. ADAMS of Pennsylvania. I submit the same argument as I did before.

Mr. WILLIAMS. If I can be heard for a moment, I desire to say this: I do not submit the point of order merely because I can make it. If I regarded this as a justifiable increase, I would not make the point of order. Our ministers to Belgium and to the Netherlands are not put to the expense of the extravagant living rendered necessary, or fancied to be necessary in Paris, Rome, or London. An American citizen can live very well in Belgium as the American representative on $10,000 a year, and ought not to receive any more, either there or at the Netherlands.

Mr. FLOOD. Will the gentleman permit me?

Mr. ADAMS of Pennsylvania. Will the gentleman permit me?

Mr. WILLIAMS. I will first yield to the gentleman from Virginia, who made the first request.

Mr. FLOOD. I will say to the gentleman from Mississippi that, in reference to the salary of the minister to the Netherlands, it was represented to the committee that, owing to the fact that The Hague was located there, he would have a good deal of expense that otherwise he would not have, and therefore that this increase of salary would be proper.

Mr. GROSVENOR. That is what I was going to suggest.

Mr. WILLIAMS. That would be a perfectly good reason for giving a special appropriation for a special purpose for one year.

Mr. FLOOD. That is all it gives it for.

Mr. WILLIAMS. Oh, no. I will show you in a moment that it is not. That would be a perfectly good reason for giving an appropriation to the minister to the Netherlands this year for this special purpose, but if this increase goes into the bill, then it becomes existing law for all time hereafter, except by a special law, and everybody with any knowledge of methods of procedure in our National Legislature knows that the minister there will continue to get that sum, whether he has to entertain any Hague court representatives or not, if only the sum be suffered to remain in this bill. Now, as I say, I would be perfectly willing to have an appropriation made to give the minister to the Netherlands this year an increased amount of money, if necessary, but not in this bill, and not in such a way as to entitle him to it for all time to come. I insist on the point of order.

Mr. PERKINS. I wish to be heard on the point of order. The gentleman himself, in discussing the point of order, has given his explanation or defense for making the point of order. It seems to me proper for me to reply to that.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. PERKINS. I wish to be heard in reply to the gentleman from Mississippi.

Mr. WILLIAMS. I yielded to the gentleman for an interruption. I have not yielded the floor.

Mr. PERKINS. I have a right to be heard on the point of order.

Mr. WILLIAMS. Certainly.

Mr. MANN. The gentleman has a right to be heard when the gentleman from Mississippi yields the floor.

Mr. WILLIAMS. I did not understand the gentleman. I thought he was making the point that he had a right to argue the merits of the case. Of course he has a right to do that under the guise of talking to the point of order, if he so desires.

Mr. PERKINS. That is exactly what the gentleman from Mississippi has done. He has discussed the merits of the question in discussing the point of order.

Mr. WILLIAMS. Certainly, and I accord exactly that right to the gentleman from New York. I thought the gentleman was trying to get beyond the point of order and onto the merits of the matter and I did not wish the point of order to be cut off.

Mr. PERKINS. Certainly not.

Mr. ADAMS of Pennsylvania. Will the gentleman from Mississippi permit me to ask him a question? He says he is perfectly willing that this amount of money shall be voted to the Netherlands for this year. Now, the court of arbitration is settled there not only for this year, but for every year, and in the judgment of the committee there will scarcely be a year in the future when some case of arbitrament will not be submitted to that court. Hence the expense of our representative there will be continuous. For that reason our representative will be obliged to entertain not only those who sit as members of the court, but the distinguished jurists who practice before the court; and it would certainly be proper that our representative should entertain them. It was in view of that fact, that cases will probably come before that court not only this year, but every year, that we thought it proper to raise this salary to this not very extravagant figure. More than that, Mr. Chairman, I doubt if the salary will anywhere near cover the expense that our representative there will be put to annually from the very fact of the establishment of this court. And as the gentleman says he is willing that the increase shall be made for this year——

Mr. WILLIAMS. Will the gentleman, in that connection, tell me why he also raised the salary of the minister to Belgium?

Mr. ADAMS of Pennsylvania. The argument that was submitted to the committee was that the expense of living at Belgium had increased quite as much as at Paris, and that an increased number of Americans pass through there and call at the legation.

Mr. WILLIAMS. There is no Hague situation in Belgium, is there?

Mr. ADAMS of Pennsylvania. Not the same thing. The gentleman admits that he will not object to this increase this year at the Netherlands, and so I appeal to him to allow——

Mr. WILLIAMS. I would not object to an appropriation for the specific purpose of entertaining the American delegates to The Hague or something of that sort, but I would object to this addition to the salary.

Now, Mr. Chairman, in that connection I think there is a good deal of very un-republican talk about salaries. I am using the word "un-republican," of course, not in a partisan sense, because if I were using it in that sense my observation would be totally inapplicable, as Republican with a capital R is a synonym for extravagant. I think there is a good deal of very un-republican talk and thought, too, about how men who represent the American Republic abroad should live. There is no reason why they should live in any way except in the proper condition of an American gentleman, and an American gentleman can certainly live upon the salaries that these people now have. If they wish to outshine this man or that, or if their wives and daughters foolishly wish to outshine other diplomatic wives or daughters, that is another question. The American Republic is not outshining anybody, and they would stand in a better attitude if instead of wishing to outshine people they tried to set an example to snobs and the nouveaux riches of how little money they could live upon with honor and with dignity.

Mr. ADAMS of Pennsylvania. I would like to state to the gentleman from Mississippi that one of the ablest ambassadors we ever had at the Court of St. James tried that experiment. Mr. Bayard tried to live as much within his means as he could, only in such a way as an American gentleman should, and only to return the actual hospitalities which every decent man ought to do, and he impoverished himself, so that it is well known that when he died he left very little property.

Mr. WILLIAMS. He did not have much, if any more, or as much, maybe, when he went there.

Mr. ADAMS of Pennsylvania. That is true; but he had less when he came back. Mr. Bayard tried to live just on the plan that the gentleman from Mississippi is now advocating—simply, decently, quietly as an American gentleman, performing his whole duty—and he could not do it, and no man can.

Mr. WILLIAMS. Then we should abolish the office.

Mr. PERKINS. Mr. Chairman, I must confess that I am surprised to hear the gentleman from Mississippi, with all his learning and knowledge of parliamentary law, state as a justification and excuse for not raising the point of order against this raise, when, as I understand, he concedes that for this year at least it would be proper that this increase should be made; that if we should make it for one year it would therefore become an established law, and that the point of order could not be again raised. Now, Mr. Chairman, as little as I know about parliamentary law, I have not sat here for five years without having it decided——

Mr. WILLIAMS. Oh, the gentleman from New York has misunderstood me.

Mr. PERKINS. The gentleman said that if this was put in this year it would become the law, because this bill would fix the salary.

Mr. WILLIAMS. Undoubtedly it would practically fix the salary. What I said was, taking it for granted that it could be established that he would need it for this year, and even if that could be established I would not be willing to give him the salary. I do not know whether he would need it or not; if he did, I would be willing to give it to him.

Mr. PERKINS. I think the gentleman from Mississippi is wrong in thinking that allowing $12,000 to the minister at Belgium makes it established law for any other year. As I understand the law of this House, to become established law there must be a legislative provision. If we allow a man $12,000 a year, his salary having been $10,000, it gives the gentleman from Mississippi the same right to raise his point of order against it next year that he has this year.

The CHAIRMAN. The Chair would like to have the following provision read by the Clerk.

The Clerk read as follows:

In the absence of a general law fixing a salary the amount appropriated in the last appropriation bill has been held to be the legal salary, although in violation of the general rule that the appropriation bill makes law only for the year.

Mr. PERKINS. Well, Mr. Chairman, speaking, then, to the point of order, and answering the argument that the gentleman made, the Committee on Foreign Affairs certainly tried to exercise all economy that was consistent with what I do not hesitate to call decency. For instance, take this clause: "The salaries of the ministers to the Argentine Republic and to Spain are allowed at $12,000." Does the gentleman claim that there is any right or reason why the salaries of the ministers to the Argentine Republic and Spain should have been fixed with his consent and with the consent of the House and should remain at a sum $2,000 higher than the minister to Belgium and the minister to The Hague? I do not believe any more than the gentleman from Mississippi in any undue splendor or display, but the gentleman knows, and everybody knows, that for a man to live with reasonable and proper regard for official decorum in this day and generation, with the prices that now prevail in any European capital, for $10,000 is impossible.

Mr. WILLIAMS. The gentleman from Mississippi knows no such thing.

Mr. PERKINS. Then the gentleman from Mississippi knows less than I supposed he did.

Mr. WILLIAMS. The gentleman from Mississippi may know much less than the gentleman from New York imagines he could possibly know, but that does not prove anything.

Mr. POU rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from North Carolina?

Mr. PERKINS. I will yield.

Mr. POU. Mr. Chairman, I desire to make an inquiry of the gentleman from New York [Mr. PERKINS], and that is this: If Representatives of the American people can live here in the city of Washington for $5,000, why is it that representatives of our country abroad can not live on $10,000 a year?

Mr. PERKINS. Mr. Chairman, I have known some Representatives of the American people who live with the utmost modesty and in the utmost simplicity and who are unable, I regret to say, to make ends meet with $5,000 a year here in the city of Washington.

Mr. FLOOD. Mr. Chairman, I would like to suggest to the gentleman from Mississippi [Mr. WILLIAMS] that he might at least trust the Committee on Foreign Affairs to some extent in this matter. He concedes that during the next fiscal year there will be some extraordinary expenses attached to the legation at The Hague.

Mr. WILLIAMS. I concede there may be. I do not know.

Mr. FLOOD. And if that is the case and this additional $2,000 will be proper this year, with a proper argument before the Foreign Affairs Committee he might trust it to reduce the amount next year, because here is an instance in the bill where that committee did make a reduction. The minister to Cuba during the present year is drawing a salary of $12,000 a year. This bill reduces the salary to $10,000 a year, and I think the gentleman can trust the committee to investigate these various matters and try to get a fair salary and a salary that is commensurate with the expenses that will be incurred at the time that the committee is considering the bill.

Mr. PERKINS. I will say just one word more for the benefit of the gentleman from Mississippi. The Foreign Affairs Committee unanimously, every Democratic member as well as every Republican member, as has been suggested by the gentleman from Virginia [Mr. FLOOD] who has just spoken, in considering the importance and the proper and necessary and reasonable and rational expenses of these posts, saw fit to reduce the salary of the minister to Cuba from $12,000 to $10,000, and saw fit to increase the salaries of the ministers to Belgium and the Netherlands from $10,000 to $12,000. It seems to me that the unanimous judgment of the judicious and economic members of the Democratic membership of that committee might have some weight even with my friend from Mississippi.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. WILLIAMS. Mr. Chairman, one word. The gentleman has called the attention of the House to the fact that the ministers at the Argentine, at China, and at Spain are receiving this salary, which he desires to give to the ministers at Belgium and the Netherlands. He has asked me if I can see any difference between them. As far as all of them except China are concerned, I frankly confess that I do not. We ought to have a high-priced man at Peking. If I had the opportunity to make a point of order whereby the Argentine and Spain could be reduced to $10,000, I would do it in a moment. I have no sort of doubt about the propriety of not making an increase in Belgium and very little about that at the Netherlands. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in order to keep the bill in shape I move the following amendment:

Page 2, line 1, strike out the word "fifty-seven" and insert in lieu thereof the word "forty."
Line 2, page 2, strike out the word "five."

Mr. Chairman, that is to correct the total, due to the fact that we have struck out the salary at Brazil.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I also offer the following amendment:

Page 2, insert between lines 2 and 3 the following:
"Ambassador extraordinary and minister plenipotentiary to Brazil, $12,000."

The CHAIRMAN. Without objection, the amendment will be considered as agreed to. [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I now desire to make an amendment to change the total.

Mr. MANN. As I understand it, the salaries at Belgium and at the Netherlands were stricken out and the salary at Brazil has been inserted.

The CHAIRMAN. Yes. The gentleman from Pennsylvania [Mr. ADAMS] now desires to correct the totals in the same paragraph.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to change the total from $60,000, so as to conform to the point of order which takes out the Netherlands and Luxemburg.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ADAMS of Pennsylvania. And that the Netherlands and Luxemburg be inserted in the same place as heretofore.

Mr. McCLEARY of Minnesota. But we have not yet reached that.

[Mr. CLARK of Missouri addressed the committee. See Appendix.]

Mr. WATSON. Mr. Chairman, a few moments ago the gentleman from Virginia [Mr. FLOOD], in a very vehement speech, charged Mr. Magoon, a representative on the Isthmian Canal Commission, with drawing a double salary of $17,500 in connection with his work as representative on the Canal Commission and $10,000 as minister or representative of this country to the Canal Zone. The gentleman from Vermont [Mr. FOSTER] communicated with the Department of State and I communicated with the Secretary of War by telephone, and they both denied that Mr. Magoon received any salary whatever as a representative of this country as a minister, and that the only salary that he did receive or has ever received was the $17,500 as governor of Panama. I make this statement in order that it may be corrected in the RECORD and that it will not go out to the country that this man receives or ever has received other than the $17,500 salary. I commend to my friend an investigation of facts before he so vehemently denounces public officials. [Applause on the Republican side.]

Mr. PERKINS. Mr. Chairman, I move to strike out the last two words. I wish to make a brief reply to the gentleman from Missouri, intending not to use my five minutes, but only one or two sentences. I wish to assure the gentleman from Missouri—who apparently is apprehensive, or his fears have been excited, I know not how and I know not where—that nobody has any more thought of breaking down the policy of this Government in reference to the exclusion of Chinese coolies than we have of abolishing any other part of the established and recognized law of the land. I will suggest to the gentleman from Missouri, with all his vigilance, which I entirely commend, that if the Department of Commerce, if the Bureau of Immigration—whose zeal certainly nobody has charged with being insufficient, but whose zeal has been sometimes charged as being excessive—if they should think there could be changes made in the method of examination, in the mode of entrance, that would be for everybody's benefit and nobody's harm; that would not admit one cooly not entitled to come into the country, but would perhaps sometimes save from unnecessary discourtesy those who by the law of the land and the consent of the gentleman from Missouri are entitled to come into the country, that such legislation certainly would meet his approval, and such legislation only will he meet with as reported from this committee.

Mr. CLARK of Missouri. Let me ask the gentleman a question before he sits down.

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. PERKINS. I do.

Mr. CLARK of Missouri. Do you believe it is wise to turn over to the consuls in China the privilege of certifying to these various Chinamen who are coming over here, as to their character and calling, and taking that as evidence?

Mr. PERKINS. I do not, and I should not for one moment approve of a bill that would put that matter entirely in the hands of the consuls.

Mr. CLARK of Missouri. I am very glad to hear it; I supposed you would be of that opinion——

Mr. PERKINS. The gentleman is entirely mistaken.

Mr. FOSTER of Vermont. Mr. Chairman, as a member of the committee and as the author of the Foster bill, I wish to corroborate everything that has been said by the distinguished gentleman from New York [Mr. PERKINS] and so to allay any fears that our good friend the gentleman from Missouri [Mr. CLARK] may have in reference to the Chinese-exclusion law. There never yet was a law that could not be improved, and it has been thought by some people and some officials who have this law to administer, who have been very industrious in ad-

ministering it during past years, that amendments could be made which would make it more effective. And we are considering some of their suggestions. In this connection, Mr. Chairman, let me call the attention of our good friend from Virginia [Mr. FLOOD] to another error which he insisted on making.

Mr. CLARK of Missouri. Before you make that statement, let me ask you the same question I did him. Do not these bills and this propaganda that is going on about the Chinese now look to the proposition that whenever one of our consuls in China certifies that—whatever his name is—does not belong to the cooly class on that certificate he will be admitted to the United States?

Mr. FOSTER of Vermont. Not at all. It has been suggested by the Commissioner of Immigration that a more rigid examination should be had before our consuls in China.

Mr. CLARK of Missouri. There has been a flood of literature of that kind.

Mr. FOSTER of Vermont. No. The suggestion came from the Bureau of Immigration.

Mr. CLARK of Missouri. Is the committee considering your bill now?

Mr. FOSTER of Vermont. Well, just now——

Mr. CLARK of Missouri. I do not mean just this minute.

Mr. FOSTER of Vermont. I am not on the subcommittee to which these bills were referred. The gentleman from New York [Mr. PERKINS] is the chairman of that subcommittee, and I will let him answer your inquiry.

Mr. PERKINS. I will say to the gentleman that we are considering the bill introduced by Mr. FOSTER, a bill introduced by Mr. DENBY, and a large number of propositions submitted by the Department of Commerce and Labor, and from them all we hope to evolve something that may ameliorate the service in a way that will meet the approval even of the gentleman from Missouri [Mr. CLARK] as to the Chinese.

Mr. CLARK of Missouri. Now, does not every one of these bills look to the certification of the consuls as to the Chinese?

Mr. PERKINS. My friend is mistaken in that. The certificate is signed by the consul now. The present law provides for a certificate made in China and viséed by the consul in China. There is also an examination at the American port by the officers of the Department of Commerce and Labor, and the certificate of the consul is not conclusive. It has been suggested that the examination to be made by the officers of the Department of Commerce and Labor, which is a requisite under any bill that has ever been suggested, might in some cases be more profitably made in every way in the interest of investigating the facts as well as in the convenience of anyone who was to be examined at certain treaty ports in China. It has never been suggested that the visé or the certificate of the consul alone should entitle the man to admission, and if it were suggested I can assure the gentleman such a bill would never be reported favorably from the committee as at present constituted.

Mr. SHERLEY. I would like to ask the gentleman from New York a question.

Mr. PERKINS. Certainly, if I am entitled to the floor.

Mr. FOSTER of Vermont. I yield to the gentleman.

Mr. SHERLEY. I should like to ask the gentleman from New York whether I am correctly informed in supposing that the decision of the officer of the Bureau of Commerce and Labor is a final decision, not reviewable by the court?

Mr. PERKINS. That is a very broad question. In certain cases it can be reviewed by the court. In certain cases they have held that the findings of the officers of the Department of Commerce and Labor and of the Secretary of Commerce and Labor were final upon the questions of fact, and if the disposition of the question of fact disposed of the appeal, as the finding of a jury often disposes of a question of fact and so the conclusions of law necessarily follow, to that extent their decisions are sometimes practically final.

Mr. SHERLEY. Has that gone to the extent of refusing the writ of habeas corpus to one claiming to be a citizen of the United States and who has been refused admission by the service?

Mr. PERKINS. It has not gone to the extent of denying the writ of habeas corpus, but it has gone to the extent of saying the finding of fact is final.

Mr. SHERLEY. Of course, I understand he could sue out the writ, but has the writ been denied because the court could not look into the question of fact?

Mr. PERKINS. There is that one case to which the gentleman has referred.

Mr. SHERLEY. I want to ask whether the committee has been considering the advisability of changing the law that prevents such consideration of the facts by a court whether——

Mr. PERKINS. We have considered it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. I would state, in answer to the gentleman from Kentucky, that that, as well as several other questions in reference to the administration of the Chinese-exclusion law, has been considered and is being considered. They are, as the gentleman can in a moment see, both of importance and delicacy. We are certainly considering them. What decision we may reach I can not say; but there are involved in that consideration—as, for instance, the decision in the Ju Toy case—questions of great legal importance and great legal delicacy that must be dealt with with care.

Mr. SHERLEY. My purpose in interrogating the gentleman was simply to call attention to this condition, because it seemed to me that was a rather dangerous condition of law that permitted a finding of facts as to citizenship by the officials of the Department of Labor and prevented them from being reviewable by a court.

Mr. PERKINS. I entirely appreciate the force of the gentleman's statement.

Mr. FOSTER of Vermont. Mr. Chairman, I want to say just one word to correct my friend the gentleman from Virginia, who insists on his statement that we had increased the salary of the minister to Mexico. Now, if he had just read the first page of our report he would have found out the mistake, and that the salary there has been $17,500 for some years.

Mr. FLOOD. I move to strike out the last word. I did make a mistake in saying that the ambassador to Mexico received only $12,000 a year. He receives $17,500. I do not know how I made the mistake, as I have a statement of it here before me, but I did, and that is all about it. But I did not make a mistake about the Panama minister; I do not care how many telephone messages come from the State Department or the War Department, it does not show that Mr. Magoon is not going to draw the $10,000 salary as minister to Panama. Now, who makes any statement from the War Department, saying he is not going to draw his $10,000 as salary as minister to Panama?

Mr. FOSTER of Vermont. I did not ask if he was going to draw it. I asked if he was receiving any salary from the State Department as minister, and was informed that he was not.

Mr. FLOOD. Mr. Chairman, that is just a subterfuge to fool this House and the American people. Mr. Magoon was appointed minister to Panama on the 7th of July, 1905, less than a year ago, and if he is not drawing his salary, there is no guaranty that he is not going to do so. He can draw it within two years from this time; and I do not believe there is a man on the floor of this House who does not believe that within that time he will draw that salary.

Mr. FOSTER of Vermont. I certainly can say that there is one man who does not believe he will.

Mr. FLOOD. I believe that he will draw his salary.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. FLOOD. Certainly.

Mr. WILLIAMS. The gentleman from Vermont will, I suppose, admit that the appropriation is made of $10,000.

Mr. FLOOD. I was coming to that point.

Mr. WILLIAMS. And he will admit that Mr. Magoon has been appointed minister to Panama; and therefore Mr. Magoon may at any time claim that salary and the Government can not refuse to pay it.

Mr. FOSTER of Vermont. I do not concede it.

Mr. WILLIAMS. He certainly has the right to demand it and draw it.

Mr. ADAMS of Pennsylvania. I would like to say this to the gentleman from Mississippi: That it was this peculiar situation that influenced the judgment of the committee in putting this provision into this bill.

Mr. WILLIAMS. Which was precisely right.

Mr. ADAMS of Pennsylvania. That if anybody draws a salary as minister he can not draw any other salary from the United States Government; and I think as the committee has seen the wisdom of this provision and put it into the bill there is no good object in all this debate.

Mr. FLOOD. I have commended the provision. I simply insist that I was right in reference to the criticism of the appointment of the minister to Panama. When the gentleman from Indiana comes here with information from the State Department he should be full handed and be able to tell us not only that Mr. Magoon has not drawn that salary, but he will not draw it.

Mr. WATSON. Will the gentleman yield to me?

Mr. FLOOD. Certainly.

Mr. WATSON. The Secretary of War stated to me that Mr. Magoon not only did not draw the salary, but he had no intention of drawing the salary, and that it was against existing law, and that he could not draw the salary if he desired to do so.

Mr. FLOOD. That is the very point I made, Mr. Chairman.

Mr. PAYNE. Mr. Chairman, I do not think that the gentleman from Virginia understood the statement made by the gentleman from Indiana.

Mr. FLOOD. I think I do.

Mr. Chairman, I said it was against existing law. I said it was an illegal act of the Chief Executive, and for that reason that the Committee on Foreign Affairs put that provision into this bill. No one here knows whether or not Mr. Magoon will draw that salary. I for one believe he will draw it.

Mr. PALMER. Can he draw it without violating existing law?

Mr. FLOOD. Yes; he can.

Mr. MANN. You just stated that he could not.

Mr. PALMER. You said just a moment ago that he could not.

Mr. FLOOD. I said he could not be appointed to the position without violating existing law. If I said he could not draw the salary, I did not measure my words. The point I made was that he could not be appointed to this position without violating the law.

Mr. PALMER. That is another mistake you made.

Mr. KEIFER. Will the gentleman quote the section of the statute which he has just looked at.

Mr. FLOOD. I have read the statute, and I believe I am mistaken about it. It is section 1763 which would prohibit Mr. Magoon from drawing the salary as minister while he is drawing other salaries which amount to $2,500 or more, and with the statement of the gentleman from Indiana [Mr. WATSON] that the Secretary of War says the salary as minister was not paid to Mr. Magoon on account of this statute, I must admit that I am wrong so far as the Panama salary is concerned; and if he is not to draw it, why not strike it out of the bill?

Mr. PAYNE. Mr. Chairman, I want to answer the gentleman's last question. We should not strike it out, because there may be another person minister to Panama next year, and we want a provision for the salary for such minister.

Now, I was going to reply to the gentleman's other reflection upon myself, but he has confessed that he was wrong entirely about it and that I was right. So it is unnecessary for me to reply to that at all. He said he agreed with the statement of the gentleman from Indiana [Mr. WATSON] as to what the Secretary of War had said. He did not mean to say that, but he meant to say something else, that Mr. Magoon could not hold two offices at the same time. Now he states that the statement made by the Secretary of War was correct, and that he could not draw this additional salary under the law.

Mr. GARNER. Mr. Chairman——

Mr. ADAMS of Pennsylvania. Regular order!

Mr. GARNER. Mr. Chairman, I want the regular order. I think it is about time we were taking out, and I move that the committee do now rise.

Mr. ADAMS of Pennsylvania. I should like to finish this paragraph, I will say to my colleague on the committee.

Mr. GARNER. For that purpose I withdraw my motion, Mr. Chairman.

The CHAIRMAN. The motion is withdrawn.

Mr. MANN. Mr. Chairman, I renew the motion to strike out the last word. When the gentleman from Virginia [Mr. FLOOD] made his outrageous attack upon Governor Magoon I called his attention to the fact that he might be mistaken; that having some knowledge of those matters myself, I had never heard that Governor Magoon drew two salaries or that such a proposition had ever been made. The gentleman, with a considerable degree of rankness, it seems to me, talked for campaign purposes, denouncing the action of Governor Magoon in very strong language, which was utterly unjustifiable unless he knew his facts. Now, the truth is, Mr. Chairman, that before Governor Magoon was appointed governor of the Panama Zone, Governor Davis was the governor, and Mr. Barrett was the minister. It was ascertained not only that there was the expense of a governor and a minister, but that two men there, dealing both of them with the Panama Republic, were not as satisfactory as one man would be; that it was far better, apparently, for our Government to deal with the Panama Republic through one source, rather than through two sources. And Minister Barrett, himself recognizing the situation, recommended that the place of minister to Panama be left unfilled. When the President appointed Governor Magoon a member of the Isthmian Canal Commission and assigned him as governor of the Panama Zone, the provision which the President had already put into the rules and regulations for the Isthmian Canal Commission provided that not one of them should draw any additional salary in any way or from any source whatever. If the gentleman from Virginia [Mr. FLOOD] had desired to know the facts, he could have learned them from many men on the floor of this House. He could have ascertained, at a moment's notice, either through the Department of State or the Department of War, or through the Isthmian Canal Commission; but apparently without caring for the truth in the matter he makes an outrageous charge against a man who is, in his knowledge of the law, the peer of any man in this country; a man who has demonstrated his capacity as the adviser of the Insular Bureau, demonstrated his capacity as a great and wise counselor, and in his capacity as governor of the Canal Zone has demonstrated his ability to preserve harmony and good relations between our Republic and the little Republic of Panama. Instead of deserving the denunciation of partisans, Governor Magoon should receive the appreciation of his countrymen without regard to party. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Chairman, I rise for the purpose of suggesting to the gentleman from Pennsylvania that it is after 5 o'clock.

Mr. ADAMS of Pennsylvania. I would like to complete this section of the bill before we rise.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Chile, Colombia, Cuba, Panama, Peru, Turkey, and Venezuela, at $10,000 each, $70,000.

Mr. ADAMS of Pennsylvania. Mr. Chairman, on page 2, line 8, before the word "Chile," I move to insert the word "Belgium;" and after the word "Cuba," insert "the Netherlands and Luxembourg." And I ask the Clerk to be authorized to correct the totals.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania.

The question was considered; and the amendments were agreed to.

The Clerk read as follows:

Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question for information.

Mr. MANN. Mr. Chairman, I wish to reserve a point of order on that paragraph until we have an explanation.

Mr. WILLIAMS. This language provides that no salary herein appropriated shall be paid to any official receiving another salary from the United States Government. Now, if that is already existing law, what is the necessity for it being inserted in this bill?

Mr. ADAMS of Pennsylvania. This was inserted to cover the case about which we have heard so much—the case of Mr. Magoon.

Mr. WILLIAMS. We have been informed that existing law covered that.

Mr. ADAMS of Pennsylvania. This is a little different, and for this reason: He was appointed minister after he was appointed governor and a member of the Commission, and this was inserted so as to insure that he could not draw any salary as minister. I think the gentleman will see that it was intended to cover this particular case.

Mr. WILLIAMS. Now, then, Mr. Chairman, I do not yet comprehend that; if it be existing law that nobody shall draw two salaries for two different offices, then this is not a necessary provision. According to the views of the chairman of the committee, it could not possibly be a change of existing law, as it would appear to be in the opinion of the gentleman from Illinois who has just made the point of order. I confess I am a bit woolgathering about this. Perhaps the gentleman from Vermont can explain it.

Mr. FOSTER of Vermont. I think it is a mistake, Mr. Chairman. I did not understand that there was this existing law.

Mr. WILLIAMS. I want to ask the gentleman from Vermont something else. I have not the statutes before me, but in the statute in regard to the Panama Canal Zone and the Panama Canal we made some exceptions, it seems to me; I have an indefinite impression or a vague recollection about it, and it may have applied only to Army officers, but it seems to me that we made in that act some exceptions to the general law about a man's holding two offices. Does the gentleman from Vermont remember about it?

Mr. FOSTER of Vermont. I do not.

Mr. WILLIAMS. If we did make any exception there, then this provision is necessary.

Mr. HINSHAW. It can do no harm, anyway.

Mr. WILLIAMS. I understand that, but on that supposition it is not a change of existing law.

Mr. MANN. Mr. Chairman, I may say to the gentleman that

so far as the original Panama act is concerned, it does not provide for anybody drawing two salaries. It does provide that the President may detail officers from the Army or the Navy, and if he does do so the salary which shall be allowed to that officer by the Isthmian Commission shall have deducted from it the salary that he receives as an officer in the Army or Navy; so that they do not receive two salaries.

Mr. WILLIAMS. That probably is the provision that I had in my mind, though perhaps nearly backwards.

Mr. MANN. They are not allowed to receive two salaries, but they receive the Army salary and the additional amount which they would receive if they were civilians.

Mr. WILLIAMS. They merely receive the civilian salary if it is the highest, and if the military salary is the highest they receive that?

Mr. MANN. Yes, but they do not receive the two. Mr. Chairman, I am convinced that the point of order is not good; it is a limitation, although I can see no object in having it put in, if it is put in to cover the Magoon case, because it is not only covered by law, but it is covered by the rules and regulations established by the President in relation to the Panama Canal Zone.

Mr. TAWNEY. Mr. Chairman, I want to make a statement about this. In the urgent deficiency bill passed at the beginning of this session, or early in the session, it carried a provision which prevented the payment of but one salary to any member of the Commission. Secretary Taft, before the Committee on Appropriations yesterday, when he was asked the question whether Mr. Magoon was receiving a salary as governor of the Canal Zone and also a salary as minister, stated positively that he was receiving no salary either as governor of the Canal Zone or as minister; that he was receiving only his salary as a Commissioner, and that that salary was fixed by the President of the United States.

Mr. MANN. Mr. Chairman, the gentleman ought not to unintentionally misstate Secretary Taft. Governor Magoon receives a salary of $17,500 a year. If he were merely a Commissioner he would receive but $7,500 a year.

Mr. TAWNEY. I beg the gentleman's pardon. There is no limitation fixed by law.

Mr. MANN. Oh, I understand.

Mr. TAWNEY. Upon the discretion of the President as to the amount of salary he can fix for a member of the Commission, and the urgent deficiency bill expressly provided that no Commissioner could receive any salary for any office he might fill other than the salary of Commissioner, but the amount of that salary is in the discretion of the President. Now, the President has fixed his salary as a Commissioner at $17,500.

Mr. MANN. Yes; but he fixed it at that rate because he is governor of the Canal Zone.

Mr. TAWNEY. I do not know that. He is the only Commissioner serving in the Zone. He has fixed the salary of Mr. Shonts as chairman of the Commission at $30,000.

Mr. MANN. Because he is chairman of the Commission. Mr. Chairman, I move to strike out the proviso.

Mr. WILLIAMS. Mr. Chairman, I wish to be heard on that proposition.

Mr. PERKINS. Mr. Chairman, I wish also to be heard on that proposition.

Mr. WILLIAMS. Mr. Chairman, the gentleman from Illinois [Mr. MANN] made a motion to strike out that proviso.

The CHAIRMAN. But the gentleman was not recognized for that purpose.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I think I am beginning to understand this affair. My intellect has been rather muddy about it. It appears that the law provides a salary "for the minister of Panama" at $10,000. I find that here on page 2, and it is not a change of the law hitherto prevailing. It appears by the statement of the gentleman from Illinois [Mr. MANN] that the salary of "a Commissioner" is $7,500. The sum total of these salaries would be $17,500. It appears by the statement of the gentleman from New York [Mr. PAYNE] and the gentleman from Indiana [Mr. WATSON], as well as by the admission of the gentleman from Virginia [Mr. FLOOD], after reading the statute, that there is an existing statute which prevents any one man from obtaining two different salaries for two different offices. That is, Governor Magoon could not draw a salary as minister for $10,000 and a salary as Commissioner for $7,500, making a total of $17,500, without a violation of the law; but it appears, then, by the statement of the gentleman from Minnesota [Mr. TAWNEY] that Governor Magoon is now receiving a sum of money which accidentally happens to be these two sums added together, and he is receiving it under an act "to govern" the Panama slip, giving discretion to the President which is not limited. The President can fix whatever salary he pleases for a Commissioner, and the President, in his discretion, being desirous not to violate existing law, could not permit Governor Magoon to draw $10,000 as minister to Panama and then $7,500 more as a Commissioner, $7,500 being the ordinary Commissioner's salary. He therefore fixed Mr. Mcgoon's salary as a Commissioner, acting "governor," at $17,500, which Magoon draws as Commissioner, and which merely *happens to be* the sum of these two added together.

I know nothing about those facts; but this is the evidence that has come to me upon the floor here in the last three-quarters of an hour, and if the evidence is correct, then what I have said appears to be a statement of the case. I do not make this statement for the purpose of criticism, and I make no criticism, but having been myself muddy and unclear upon the proposition, having had an awfully hard time to understand it, I thought I would see if I had gotten it right, so that the House and the country might know.

Mr. MANN. Mr. Chairman, will the gentleman permit me to say that Governor Magoon gets the same salary that Governor Davis got when he was both governor and minister, and that Governor Davis's salary was fixed long ago?

Mr. WILLIAMS. The salary of the governor before Governor Magoon was appointed was $17,500?

Mr. MANN. The salary of Governor Davis, as member of the Isthmian Canal Commission, while he was acting as governor of Panama, was $17,500.

Mr. WILLIAMS. Did he get it under that law or under the designation of the President as governor of Panama or as Commissioner?

Mr. MANN. He acted as Commissioner; he was a member of the Commission, assigned as governor.

Mr. WILLIAMS. Then it appears by the latest information, which is absolutely correct, because the gentleman from Illinois [Mr. MANN] is one of the men in this House who never makes a statement without knowing what he is talking about, that not only has Governor Magoon received this queerly aggregated sum, queerly equaling these two salaries of the two offices which he holds, but his predecessor received it also?

Mr. TAWNEY. Mr. Chairman, will the gentleman permit a statement?

Mr. WILLIAMS. Yes.

Mr. TAWNEY. I want to say that Governor Magoon is the only member of the Commission who devotes all of his time to the work of the canal and the administration of the Canal Zone on the Isthmus. The other Commissioners, except the chairman, namely, the four Commissioners, including the three engineers of the War and Navy Departments, are merely consulting Commissioners. They receive salaries of $7,500, or the difference between their Army and Navy pay and $7,500. They are not serving on the Isthmus of Panama, but are serving here in connection with the work of the Commission in an advisory capacity, while Governor Magoon is spending all of his time on the canal, lives on the Isthmus, and is devoting his time and energy to the construction of the canal and to the administration of the government in the Canal Zone. He is also performing the duties as minister to that country from the United States. I think it is because of his exceptional services that he is receiving the salary fixed by the President.

Mr. WILLIAMS. Mr. Chairman, I am not arguing the merits or official excellencies of Governor Magoon. I want to get this exactly right, and I want to ask the gentleman from Minnesota a question in order to get it exactly right and see if I understand it correctly. There is no such thing as governor of the Panama strip by statute, is there?

Mr. TAWNEY. No; but it is claimed he is governor de facto.

Mr. WILLIAMS. As I understand, the President designates one of the Commissioners as governor.

Mr. TAWNEY. The gentleman remembers, I suppose, what is commonly known as the "Spooner Act," which is a mere repetition of the act providing for a government for the Louisiana purchase——

Mr. WILLIAMS. Oh, I deny that. Yes; I remember the statute.

Mr. TAWNEY. We reenacted that and made it applicable to the Canal Zone. That law has expired. Under that law the President designated a governor of the Canal Zone.

Mr. WILLIAMS. And notwithstanding the expiration of the law and the absence of legal authority, the President keeps it up. Now, this is what I am getting at; the only officers designated in the act are Commissioners, are they not?

Mr. TAWNEY. There is——

Mr. WILLIAMS. I mean in the Spooner Act.

Mr. MANN. The President could name anybody he pleased.

Mr. WILLIAMS. I know; but is there any statute which designates specifically a governor and fixes his salary?

Mr. MANN. The only statute, I will say to the gentleman, authorizes the President through such officials as he might appoint to govern the Canal Zone. That statute expired by limitation, and the President continued the government which was organized under that statute.

Mr. WILLIAMS. Now, then, what I am getting at is this: There is no such official known to the law specifically as governor of the Panama Canal strip?

Mr. TAWNEY. The gentleman is not exactly correct there.

Mr. WILLIAMS. Wait a minute—but there is a general law under which the President could govern the canal strip by designation simply. Is that correct?

Mr. TAWNEY. Not entirely; you could not say "no person known to the law," but no person known to the law of this country except Mr. Magoon, a member of the Isthmian Canal Commission, is by designation of the President the governor of the Canal Zone.

Mr. WILLIAMS. Now, there is under our statute law such an officer as minister to Panama, drawing $10,000.

Mr. TAWNEY. He is not drawing $10,000.

Mr. WILLIAMS. He is not?

Mr. TAWNEY. He is not drawing a cent.

Mr. WILLIAMS. That is a mistake, then, of the bill I hold in my hand.

Mr. TAWNEY. He may be authorized to draw it.

Mr. WILLIAMS. Oh, I mean authorized to draw it. I will take that, if the gentleman understands it that way, but I mean such an officer by name as "minister to Panama" is authorized by a statute law, whose salary as fixed by statute law is $10,000. There is also such an officer, whose name and salary is fixed by statute law as "Commissioner," drawing $7,500. There is not statutory——

Mr. TAWNEY. Again I desire to correct the gentleman. There is no law fixing the salary of a Commissioner at $7,500.

Mr. WILLIAMS. Is there none?

Mr. TAWNEY. None whatever. That is entirely within the discretion of the President of the United States.

Mr. WILLIAMS. Then we are gradually getting it; we are going to have it nicely understood in a minute. There is no statute law fixing the salary of the Commission. There is a statutory law fixing the power of the President to appoint Commissioners and to fix their salaries, and under that general power to govern the canal he also gives one of these Commissioners the title and authority of governor and calls him by that name. Now, then, he fixes by his own ipse dixit—using the word respectfully, because the law gives him the right of ipse dixit, and it is legal—he fixes the salary of the Commissioners at $7,500, and then he fixes the salary of a particular Commissioner, whether Davis or Magoon, who is to act as governor, at $17,500, and then it merely accidentally happens that that is the same salary that Magoon would have drawn as "minister to Panama" and "Canal Commissioner," except that if he had pocketed the identical sum he now pockets, but had pocketed it as the sum of the two salaries of the two offices he holds, it would have been in violation of law, and he could have been impeached.

Mr. PERKINS. Mr. Chairman, did the gentleman from Mississippi [Mr. WILLIAMS] make a motion to strike out this clause?

Mr. WILLIAMS. No, sir; I did not.

Mr. PERKINS. All right. It should not be stricken out, because it is entirely right.

Mr. WILLIAMS. My motion was to strike out the last word.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] withdraw his point of order?

Mr. PERKINS. The point of order has been withdrawn.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Chargés d'affaires ad interim and diplomatic officers abroad, $40,000.

Mr. WILLIAMS. Mr. Chairman, I make the point of order to get some information from the chairman of the committee. I think I will probably withdraw it.

Mr. PAYNE. Why not make a motion to strike out the last word and be in order?

Mr. WILLIAMS. I reserve the point of order. I want to ask the chairman of the committee why that $5,000 increase was made?

Mr. ADAMS of Pennsylvania. I will say that the statement of the Department shows that on the 31st of March they were $3,000 behindhand, having no fund in hand whatever with which to pay the salaries of the chargés d'affaires ad interim. I suppose that the gentleman understands that under the law when a minister leaves his post the secretary receives during his absence half of the salary of the minister. That has been used. There has generally been a deficit. The State Department asked an increase of $10,000, and we only allowed them $5,000, and when I state to the gentleman the condition of the exchequer of the State Department to-day——

Mr. WILLIAMS. Mr. Chairman, I withdraw the point of order.

Mr. MANN. I would like to ask the gentleman a question.

Mr. ADAMS of Pennsylvania. One minute, please. I want to make an amendment. I move to strike out, in line 9, "and diplomatic officers," and, in line 10, "abroad."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 9 and 10, strike out "and diplomatic officers abroad."

Mr. ADAMS of Pennsylvania. Now, Mr. Chairman, I will ask that the Clerk be authorized to change the total.

Mr. PAYNE. Let the committee change it. Why not offer an amendment.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move to strike out the word "five," in lines 11 and 12——

The CHAIRMAN. Lines 11 and 12 have not been read yet. The Clerk will read.

The Clerk read as follows:

Total, $467,500.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amend the total, $467,500, so as to read "$458,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19264—the diplomatic and consular appropriation bill—and had come to no conclusion thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands"—to the Committee on Insular Affairs.

S. 4716. An act authorizing the procuring of additional lands for the enlargement of the site and for necessary improvements for the public building at Butte, Mont.—to the Committee on Public Buildings and Grounds.

S. 4440. An act to grant certain lands to the town of Fruita, Colo.—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 98. Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.;

H. R. 8952. An act for the relief of the trustees of Weir's Chapel, Tippah County, Miss.;

H. R. 17114. An act to provide for the disposition under the public-land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 17220. An act providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory;

H. R. 16672. An act to punish the cutting, shipping, or boxing of trees on the public lands; and

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River.

PERSONAL REQUESTS.

Mr. SAMUEL requested leave of absence for a few days, on account of important business.

Mr. BISHOP requested leave of absence for one week, on account of important business.

Mr. WEBBER requested leave of absence until June 10, on account of important business and sickness in family.

Mr. CURTIS asked leave to withdraw from the files of the House, without leaving copies, the papers in the case of D. W. Boutwell, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the several requests be granted.

The motion was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

Accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for judgments rendered in Indian depredation cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of judgments entered against the United States by circuit and district courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for replacement of property of the California Débris Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for erection of a court-house at Fairbanks, Alaska—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16386) to fix the time of holding the circuit and district courts for the northern district of West Virginia, reported the same with amendment, accompanied by a report (No. 4437); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14587) to authorize the Secretary of the Treasury to issue duplicate gold certificates in lieu of ones lost or destroyed, reported the same with amendment, accompanied by a report (No. 4439); which said bill and report were referred to the House Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18716) to extend the authority of the Commissioners of the District of Columbia over all street railway companies operating in the streets of the city of Washington, reported the same with amendment, accompanied by a report (No. 4441); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8631) for the relief of James M. Darling, reported the same without amendment, accompanied by a report (No. 4440); which said bill and report were referred to the Private Calendar.

Mr. LOUD, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 16763) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson, reported the same without amendment, accompanied by a report (No. 4442); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2484) for the relief of Charles W. Howard, reported the same adversely, accompanied by a report (No. 4438); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SAMUEL W. SMITH: A bill (H. R. 19714) to establish a limited post and telegraph service, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. ZENOR: A joint resolution (H. J. Res. 163) to extend the provisions of the act of June 27, 1890, to include the officers and privates of Capt. Adam Knapp's Company A, Seventh Regiment Indiana Legion Volunteers, and to the widows and minor children of such persons—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A joint resolution (H. J. Res. 164) proposing an amendment to the Constitution of the United States, and providing for the election of United States Senators by the direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 19715) granting an increase of pension to Susan M. Brunson—to the Committee on Pensions.

Also, a bill (H. R. 19716) granting an increase of pension to Mary F. Johnson—to the Committee on Pensions.

By Mr. AMES: A bill (H. R. 19717) granting a pension to John Sullivan—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 19718) for the relief of New Hope Baptist Church, of Bartow County, Ga.—to the Committee on War Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 19719) granting an increase of pension to James Jackson—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 19720) granting a pension to Etta S. Jeffrey—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 19721) granting an increase of pension to Louis H. Way—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 19722) granting an increase of pension to William H. Burns—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 19723) granting a pension to Philip Jones—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19724) granting an increase of pension to Anna Bussdicker—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 19725) granting an increase of pension to Howard V. Bennett—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 19726) granting an increase of pension to Thomas Winn—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19727) granting a pension to Elizabeth McKinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19728) granting a pension to Melissa Tilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19729) granting an increase of pension to John White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19730) granting an increase of pension to James W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19731) granting an increase of pension to David Reeder—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 19732) granting a pension to Mary S. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19733) to remove the charge of desertion from the record of William M. Reals—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 19734) granting an increase of pension to James M. Felts—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 19735) granting an increase of pension to James N. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19736) granting an increase of pension to Omar Dimmock—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 19737) granting an increase of pension to Martha E. Carter—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 19738) granting an increase

of pension to Benjamin St. Clair—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 19739) granting an increase of pension to Henry D. Miner—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19740) for the relief of Martin Ball, heir of Stephen Ball, deceased—to the Committee on War Claims.

By Mr. McLAIN: A bill (H. R. 19741) granting a pension to Walter E. Fitzpatrick—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 19742) for the relief of the estate of George E. House, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 19743) granting an increase of pension to W. P. McMichael—to the Committee on Pensions.

Also, a bill (H. R. 19744) granting an increase of pension to George C. H. Hummel—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19745) granting an increase of pension to Charles M. Asbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19746) granting an increase of pension to John Halestock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19747) granting an increase of pension to H. M. Beardsley—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19705) granting an increase of pension to Francis M. Glasscock, and it was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Washington Camp, No. 677, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ANDREWS: Petition of F. A. Stewart and others, of Roswell and Hagerman, N. Mex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of A. J. Byles, asking an appropriation to assist the State of New Jersey in marking the Princeton battlefields—to the Committee on Appropriations.

Also, petition of C. C. Kirkland, master of Grange No. 1305, of Girard, Pa., in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Petition of the New York Retail Grocers' Union, for a duty of 10 per cent on teas imported into the United States—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of James Jackson—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of Lewis H. Way—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of William H. Burns, asking for an increase of pension—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Philip Jones—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of citizens of Williamsport and Union Township, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOVENER: Paper to accompany bill for relief of Henry Chase—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the New York Retail Grocers' Union, for an increase of salaries of tea examiners to $5,000 per annum—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, favoring a 10 per cent duty on teas imported from Canada, as per bill now before the Committee on Ways and Means—to the Committee on Ways and Means.

By Mr. FULLER: Paper to accompany bill for relief of Joseph B. Pettey—to the Committee on Invalid Pensions.

Also, petition of the Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARRETT: Paper to accompany bill for relief of Benjamin St. Clair—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: Petition of citizens of Russiaville, Ind., and vicinity, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEE: Paper to accompany bill for relief of C. C. Bryan—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the New York Retail Grocers' Union, favoring a duty of 10 per cent on teas imported from Canada, as per bill now before the Committee on Ways and Means—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for increasing the pay of tea examiners to $5,000 per annum—to the Committee on Ways and Means.

By Mr. McCARTHY: Petition of the faculty of the University of Nebraska, favoring measures calculated to attract students from China and Japan to study the institutions and laws of the United States—to the Committee on Foreign Affairs.

By Mr. PEARRE: Paper to accompany bill for relief of the estate of George E. House—to the Committee on War Claims.

By Mr. RYAN: Petition of the New York Retail Grocers' Union, favoring an increase of salaries of tea inspectors to $5,000 per annum—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on teas imported into the United States—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Papers to accompany bill granting a pension to George C. H. Hummel, and to accompany bill granting a pension to N. P. McMichael—to the Committee on Pensions.

By Mr. SMYSER: Petition of citizens of Coshocton, Ohio, and Sanford Woods et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

MONDAY, *May 28, 1906.*

Prayer by Rev. JOSHUA STANSFIELD, of Indianapolis, Ind.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Friday last.

Mr. GALLINGER. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none, and it is so ordered.

The VICE-PRESIDENT. The Journal stands approved.

DOCUMENTS RELATING TO INSULAR POSSESSIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, recommending the printing of a compilation of documents relating to the affairs of Cuba and of Porto Rico, the Philippine Islands, and other insular possessions made by the Bureau of Insular Affairs during the past five years; which was referred to the Committee on Printing, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Grove Baptist Church, of Fauquier County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 584) for the relief of David H. Moffat.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902;

H. R. 12135. An act granting an increase of pension to William Landahn;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 15869. An act granting an increase of pension to Wilson H. McCune;

H. R. 17072. An act granting an increase of pension to Joseph French;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington;

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials; and

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 609. An act granting an increase of pension to Horace H. Sickels;

H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 1206. An act granting an increase of pension to Allen Crow;

H. R. 1238. An act granting a pension to Susan R. Stalcup;

H. R. 1294. An act granting an increase of pension to George W. Van De Bogert;

H. R. 1326. An act granting an increase of pension to Ora P. Howland;

H. R. 1507. An act granting an increase of pension to Henry D. Jordan;

H. R. 1689. An act granting an increase of pension to William A. Bailor;

H. R. 2053. An act granting an increase of pension to Annie A. Townsend;

H. R. 2223. An act granting an increase of pension to John A. Blanton;

H. R. 2229. An act granting an increase of pension to Lytle McCracken;

H. R. 2410. An act granting an increase of pension to Saturnin Jasnowski;

H. R. 2714. An act granting an increase of pension to Charles H. Charles;

H. R. 2759. An act granting an increase of pension to Daniel Eaton;

H. R. 2867. An act granting an increase of pension to Leah Bedford;

H. R. 3238. An act granting an increase of pension to Samuel Hartley;

H. R. 3369. An act granting an increase of pension to Albert Sriver;

H. R. 3724. An act granting an increase of pension to Samuel Likens;

H. R. 4397. An act granting an increase of pension to John M. Byers;

H. R. 4647. An act granting an increase of pension to David C. Austin;

H. R. 4885. An act granting an increase of pension to James Hennon;

H. R. 4887. An act granting an increase of pension to John F. Brown;

H. R. 4891. An act granting an increase of pension to George W. Swadley;

H. R. 5509. An act for the relief of Russell Savage;

H. R. 5554. An act granting an increase of pension to James T. Saunderson, alias Sanderson;

H. R. 5567. An act granting an increase of pension to Sanford Weaver;

H. R. 5707. An act granting an increase of pension to John P. Veach;

H. R. 5834. An act granting an increase of pension to Ethan A. Willey;

H. R. 6181. An act granting an increase of pension to Fayette E. Ford;

H. R. 6336. An act granting a pension to Elizabeth A. Ames;

H. R. 6421. An act granting an increase of pension to Reuben Van Buskirk;

H. R. 6423. An act granting an increase of pension to Levi A. Canfield;

H. R. 6510. An act granting an increase of pension to Richard A. Roberts;

H. R. 6893. An act granting a pension to Augusta C. Reichburg;

H. R. 6900. An act granting an increase of pension to John Rawlins;

H. R. 7226. An act for the relief of Patrick Conlin;

H. R. 7539. An act granting an increase of pension to David H. Hair;

H. R. 7543. An act granting an increase of pension to Prior M. Pavy;

H. R. 7635. An act granting a pension to Delia Gibbs;

H. R. 7683. An act granting an increase of pension to James Ross;

H. R. 7763. An act granting a pension to James S. King;

H. R. 7910. An act granting an increase of pension to Nicholas Karns;

H. R. 8285. An act granting an increase of pension to Daniel Sharpley;

H. R. 8291. An act granting an increase of pension to Daniel S. Chase;

H. R. 8660. An act granting a pension to William Mabery;

H. R. 8903. An act granting an increase of pension to John W. Dawes;

H. R. 8920. An act granting an increase of pension to Andrew J. Lane;

H. R. 8934. An act granting an increase of pension to Wesley A. J. Mavity;

H. R. 9159. An act granting an increase of pension to John S. McClary;

H. R. 9838. An act granting an increase of pension to Joseph Fergerson;

H. R. 9841. An act to correct the military record of James H. Davis;

H. R. 9876. An act granting an increase of pension to William H. H. Mallalieu;

H. R. 10031. An act granting an increase of pension to Martin Haley;

H. R. 10224. An act granting an increase of pension to David Bussey, alias George Brown;

H. R. 10280. An act granting an increase of pension to James Spencer;

H. R. 10282. An act granting an increase of pension to Emma E. Goodwin;

H. R. 10356. An act granting an increase of pension to Martin B. Doty;

H. R. 10394. An act granting an increase of pension to John Behymer;

H. R. 10474. An act granting an increase of pension to Lewis F. Davis;

H. R. 10563. An act granting an increase of pension to Joseph D. Cummins;

H. R. 10604. An act granting an increase of pension to Martin L. Holcomb;

H. R. 10808. An act granting an increase of pension to Michael Kearns;

H. R. 10902. An act granting an increase of pension to James Holderby;

H. R. 10965. An act granting an increase of pension to Mortimer F. Sperry;

H. R. 10998. An act granting a pension to Helen G. Powell;

H. R. 11072. An act granting an increase of pension to William T. Hosley;

H. R. 11100. An act granting an increase of pension to John Browne;

H. R. 11217. An act granting an increase of pension to Jordan H. Banks;

H. R. 11422. An act granting an increase of pension to George B. True;

H. R. 11655. An act granting an increase of pension to Theodore Cole;

H. R. 11780. An act granting an increase of pension to Charles Stair;

H. R. 11811. An act granting an increase of pension to John Kamerer;

H. R. 11841. An act granting an increase of pension to Isaac A. McCulley;

H. R. 12013. An act granting a pension to Emma Fox;

H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;

H. R. 12347. An act granting an increase of pension to Samuel Palmer;

H. R. 12400. An act granting an increase of pension to Charles H. Sweeney;

H. R. 12531. An act granting a pension to Charles Collins;

H. R. 13032. An act granting an increase of pension to Stewart McKeney;

H. R. 13058. An act granting an increase of pension to Thomas J. Baum;

H. R. 13466. An act granting an increase of pension to Albert H. Bradish;

H. R. 13609. An act granting an increase of pension to Charles H. Guile;

H. R. 13631. An act granting an increase of pension to James H. Morrill;

H. R. 13652. An act granting an increase of pension to William O. Tobey;
H. R. 13836. An act for the relief of Taylor Ware;
H. R. 13949. An act granting an increase of pension to Mary A. Duryea;
H. R. 13967. An act granting a pension to Sophie M. Staab;
H. R. 13998. An act granting an increase of pension to John J. C. Barnwell;
H. R. 14107. An act granting an increase of pension to Isaac Maines;
H. R. 14323. An act granting an increase of pension to Thomas Thornton;
H. R. 14345. An act granting an increase of pension to Peter Noblet;
H. R. 14505. An act granting an increase of pension to John L. Clifton;
H. R. 14544. An act granting an increase of pension to William A. Carroll;
H. R. 14554. An act granting an increase of pension to John Welch;
H. R. 14558. An act granting an increase of pension to Martha L. Wood;
H. R. 14705. An act granting an increase of pension to Alva Beebe;
H. R. 14774. An act granting an increase of pension to Levi M. Hall;
H. R. 14798. An act granting a pension to Lucinda Brady;
H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;
H. R. 14930. An act granting a pension to Mary Whisler;
H. R. 15063. An act granting an increase of pension to Henry W. Brown;
H. R. 15105. An act granting an increase of pension to Jacob Sheil;
H. R. 15502. An act granting an increase of pension to Harman Houck;
H. R. 15542. An act granting an increase of pension to Charles E. Tompkins;
H. R. 15547. An act granting an increase of pension to Henry D. Duffield;
H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;
H. R. 15674. An act granting an increase of pension to Susan Campbell;
H. R. 15676. An act granting an increase of pension to Samuel B. Smith;
H. R. 16371. An act granting an increase of pension to Peter Eberts;
H. R. 16399. An act granting an increase of pension to James H. Warford;
H. R. 16571. An act granting an increase of pension to Mary L. Overley;
H. R. 16613. An act granting an increase of pension to William C. Fox;
H. R. 16620. An act granting a pension to Jackson Adkins;
H. R. 16836. An act granting an increase of pension to David C. Winebrener;
H. R. 16973. An act granting an increase of pension to John H. Smith;
H. R. 17102. An act granting a pension to Katherine Studdert;
H. R. 17271. An act granting an increase of pension to James D. Taylor;
H. R. 17332. An act granting an increase of pension to Joseph H. Truax;
H. R. 17393. An act granting an increase of pension to George S. Green;
H. R. 17603. An act granting an increase of pension to George E. Yager;
H. R. 17632. An act granting an increase of pension to John Frick;
H. R. 17652. An act granting an increase of pension to Joseph Lawrence;
H. R. 17673. An act granting an increase of pension to Jacob H. Heck;
H. R. 17705. An act granting an increase of pension to John A. Lovens;
H. R. 17780. An act granting a pension to Caroline E. Perry;
H. R. 17809. An act granting a pension to William Barrett;
H. R. 17896. An act granting an increase of pension to James K. Dickinson;
H. R. 17901. An act granting an increase of pension to Douglas A. Hunt;
H. R. 18092. An act granting an increase of pension to Andrew M. Logan;
H. R. 18109. An act granting an increase of pension to Abraham E. Sheppard;
H. R. 18124. An act granting an increase of pension to Theodore T. Davis;
H. R. 18320. An act granting an increase of pension to Jonathan M. Hunter;
H. R. 18324. An act granting a pension to Charles H. Lunger;
H. R. 18360. An act granting an increase of pension to Fanny G. Pomeroy;
H. R. 18384. An act granting an increase of pension to James F. Young;
H. R. 18398. An act granting an increase of pension to Susan R. Freeman;
H. R. 18409. An act granting an increase of pension to Joel Gay;
H. R. 18428. An act granting an increase of pension to James L. Gamble;
H. R. 18433. An act granting an increase of pension to William Wentz;
H. R. 18451. An act granting an increase of pension to Alexander B. Wilson;
H. R. 18462. An act granting an increase of pension to Samuel Dailey;
H. R. 18475. An act granting an increase of pension to Joseph F. Cook;
H. R. 18504. An act granting an increase of pension to James T. Rambo;
H. R. 18523. An act granting an increase of pension to Hugh Reid;
H. R. 18587. An act granting a pension to Catherine Bausman;
H. R. 18609. An act granting an increase of pension to Henry Delong;
H. R. 18623. An act granting an increase of pension to John H. Bradbury;
H. R. 18624. An act granting an increase of pension to Robert L. Fulton;
H. R. 18631. An act granting an increase of pension to Daniel Whalen;
H. R. 18656. An act granting an increase of pension to George W. Gordon;
H. R. 18694. An act granting an increase of pension to Eliza Rebecca Sims;
H. R. 18720. An act granting an increase of pension to Ella Donnald;
H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;
H. R. 18732. An act granting a pension to James J. Christie;
H. R. 18764. An act granting an increase of pension to Mary M. Stone;
H. R. 18772. An act granting an increase of pension to Lorenzo G. Tomaselli;
H. R. 18784. An act granting an increase of pension to Patrick Fitzgerald;
H. R. 18790. An act granting an increase of pension to James Murphy;
H. R. 18813. An act granting an increase of pension to Sarah A. Dawson;
H. R. 18829. An act granting an increase of pension to William Fox;
H. R. 18833. An act granting an increase of pension to Henry Horton;
H. R. 18836. An act granting an increase of pension to John N. Burton;
H. R. 18869. An act granting an increase of pension to Ellis L. Ayers;
H. R. 18876. An act granting an increase of pension to Lemuel Hand;
H. R. 18888. An act granting an increase of pension to Samuel Lambert;
H. R. 18896. An act granting an increase of pension to Samuel Smith;
H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;
H. R. 18901. An act granting an increase of pension to John E. English;
H. R. 18903. An act granting an increase of pension to Julia A. Abney;
H. R. 18904. An act granting an increase of pension to Henrietta G. Carter;
H. R. 18905. An act granting an increase of pension to Samuel H. Davis;
H. R. 18911. An act granting an increase of pension to Frances Becker;
H. R. 18954. An act granting an increase of pension to John E. Minnick;
H. R. 18956. An act granting an increase of pension to Joseph Scattergood;

H. R. 18974. An act granting an increase of pension to Minna Hildebrand;

H. R. 18997. An act granting an increase of pension to Josephine Hardester;

H. R. 19009. An act granting an increase of pension to Lafayette H. McClung;

H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;

H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;

H. R. 19025. An act granting an increase of pension to Milton McFarland;

H. R. 19026. An act granting an increase of pension to Mary Navy;

H. R. 19043. An act granting an increase of pension to Sarah V. Malone;

H. R. 19047. An act granting an increase of pension to Susan C. Smith;

H. R. 19053. An act granting an increase of pension to John T. Heaney;

H. R. 19061. An act granting an increase of pension to Mary E. Mundy;

H. R. 19068. An act granting an increase of pension to William Adams;

H. R. 19099. An act granting an increase of pension to Columbus Cox;

H. R. 19120. An act granting a pension to Eliza E. Whitley;

H. R. 19121. An act granting an increase of pension to Isaac Overton;

H. R. 19128. An act granting a pension to Alexander McAlister;

H. R. 19130. An act granting an increase of pension to Larsey Bolt;

H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;

H. R. 19179. An act granting an increase of pension to Eliza A. Smith;

H. R. 19217. An act granting an increase of pension to William H. Burns;

H. R. 19220. An act granting an increase of pension to Calvin Corsine;

H. R. 19221. An act granting an increase of pension to Emma Byles;

H. R. 19222. An act granting an increase of pension to Catherine Warnock;

H. R. 19238. An act granting an increase of pension to Daniel S. Conover;

H. R. 19242. An act granting an increase of pension to Anthony W. Miller;

H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;

H. R. 19253. An act granting an increase of pension to Charles H. Thompson;

H. R. 19255. An act granting an increase of pension to John Bradford;

H. R. 19262. An act granting an increase of pension to John Wickline;

H. R. 19272. An act granting an increase of pension to Alice Morrill;

H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;

H. R. 19279. An act granting an increase of pension to Peter Cramer;

H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;

H. R. 19305. An act granting an increase of pension to Almus Harrington;

H. R. 19351. An act granting an increase of pension to William C. Mankin;

H. R. 19264. An act granting an increase of pension to Anna Ring;

H. R. 19408. An act granting an increase of pension to Elisha Brown;

H. R. 19457. An act granting an increase of pension to Charles H. Prince; and

H. R. 19495. An act granting an increase of pension to Andrew P. Glaspie.

Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

H. R. 8952. An act for the relief of the trustees of Weir's Chapel, Tippah County, Miss.;

H. R. 16672. An act to punish the cutting, chipping, or boxing of trees on the public lands;

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River;

H. R. 17114. An act to provide for the disposition under the public land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 17220. An act providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory; and

H. J. Res. 98. Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Baldwin-Miller Company, of Indianapolis, Ind., praying for the enactment of legislation to prohibit the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold and silver or their alloys, and for other purposes; which was ordered to lie on the table.

He also presented a petition of the General Conference of the Methodist Episcopal Church South, of Birmingham, Ala., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the territory on the Isthmus of Panama under the control of the United States; which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the International Brotherhood of Locomotive Engineers, of Memphis, Tenn., remonstrating against the adoption of a certain amendment to the so-called "employers' liability bill;" which was ordered to lie on the table.

Mr. PLATT presented a petition of Local Union, American Federation of Musicians, of Albany, N. Y., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which was referred to the Committee on Military Affairs.

He also presented a petition of the New York Retail Grocers' Union, of New York City, N. Y., praying for the enactment of legislation to increase the salaries of tea examiners; which was referred to the Committee on Appropriations.

He also presented a petition of the Minidoka Settlers' Association, of Heyburn, Idaho, praying for the enactment of legislation providing for the subdivision of lands entered under the reclamation act; which was referred to the Committee on Public Lands.

He also presented a petition of the New York Retail Grocers' Union, of New York City, N. Y., praying for the enactment of legislation to remove the duty on tea imported into Canada from the United States; which was referred to the Committee on Finance.

Mr. CLAPP presented petitions of 6,802 women of the State of Minnesota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HEMENWAY presented petitions of 8,341 women of the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented petitions of 3,265 citizens of the State of New Hampshire, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PERKINS presented a petition of the Merchants' Exchange of San Francisco, Cal., praying for the enactment of legislation granting a drawback on building materials imported for use in that city; which was referred to the Committee on Finance.

Mr. MORGAN presented petitions of 801 women of the State of Alabama, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. LONG presented petitions of 14,862 women of the State of Kansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of the Woman's Missionary Society of Point Breeze and Pittsburg, Pa., praying for

the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of 250 citizens of Norristown, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of 250 citizens of Norristown, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of citizens of Coatesville, Pa., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. BLACKBURN presented petitions of 2,703 women of the State of Kentucky, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. SIMMONS presented petitions of 2,098 women of the State of North Carolina, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. ELKINS presented a petition of Parkersburg Chapter, No. 385, United Daughters of the Confederacy, of Parkersburg, W. Va., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

INTERSTATE TRANSPORTATION OF INTOXICATING LIQUORS.

Mr. CARMACK. I present the petition of John O. Smith, O. C. Brown, and other citizens of Tennessee, praying for the passage of what is known as the "Hepburn-Dolliver bill" in regard to intoxicating liquors transported from one State to another State.

The VICE-PRESIDENT. The petition will be referred to the Committee on the Judiciary.

Mr. CARMACK. If in order, I should like to know from some member of the Judiciary Committee what chance there is for an early report on that bill? I see that the chairman of the committee is present.

Mr. CLARK of Wyoming. I beg the Senator's pardon.

Mr. CARMACK. I ask the Senator if he can tell me what chances there are for an early report on the bill known as the "Hepburn-Dolliver bill," now pending in the Judiciary Committee, in regard to intoxicating liquors.

Mr. CLARK of Wyoming. I will say to the Senator that that committee is holding daily sessions in an earnest endeavor to get out all the legislation now pending before it. That is as definite an answer as I can give the Senator.

Mr. CARMACK. The Senator can give me no certain information about this particular bill?

Mr. CLARK of Wyoming. I can give the Senator no definite information. I will state to the Senator that the committee held a regular session this morning; that numerous subcommittees were ready to report, and that their reports consumed the entire time. The committee will meet again to-morrow morning, at half past 10.

REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 1936) granting an increase of pension to Lorenzo W. Smith, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5148) granting an increase of pension to Mildred McCorkle, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2501) granting an increase of pension to Jessie E. Foster;

A bill (H. R. 18551) granting an increase of pension to William D. Drown;

A bill (H. R. 18862) granting an increase of pension to Joseph H. Weaver;

A bill (H. R. 18249) granting an increase of pension to Hiram G. Hunt;

A bill (H. R. 18399) granting an increase of pension to Pauline Bietry;

A bill (H. R. 18400) granting an increase of pension to Elmira M. Gause;

A bill (H. R. 18402) granting an increase of pension to Lucy W. Powell;

A bill (H. R. 18073) granting an increase of pension to Mary McFarlane;

A bill (H. R. 17340) granting a pension to Julia Walz;

A bill (H. R. 17346) granting an increase of pension to Newton S. Davis;

A bill (H. R. 17891) granting an increase of pension to Eliza M. Buice;

A bill (H. R. 17935) granting an increase of pension to Andrew C. Woodard; and

A bill (H. R. 16662) granting an increase of pension to Van Buren Beam.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 3122) granting an increase of pension to E. C. Clark, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6272) granting an increase of pension to Harvey Gamble;

A bill (H. R. 18486) granting an increase of pension to William F. Walker;

A bill (H. R. 18542) granting an increase of pension to Sarah Ann Day;

A bill (H. R. 18319) granting an increase of pension to Newton Kinnison;

A bill (H. R. 17637) granting an increase of pension to Gardiner K. Haskell;

A bill (H. R. 16915) granting an increase of pension to Orange Bugbee; and

A bill (H. R. 17210) granting an increase of pension to Daniel M. Vertner.

Mr. CULBERSON, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States; and

A bill (S. 6288) to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body created under the laws of the United States, reported it without amendment, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 2887) granting increase of pensions to soldiers and widows of the Indian wars, under the acts of July 27, 1892, and June 27, 1902, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18469) granting an increase of pension to Samuel C. Dean;

A bill (H. R. 18794) granting an increase of pension to William C. McRoy;

A bill (H. R. 18795) granting an increase of pension to James E. Raney;

A bill (H. R. 18308) granting an increase of pension to Clay Riggs;

A bill (H. R. 18310) granting an increase of pension to Virgil A. Bayley;

A bill (H. R. 18356) granting an increase of pension to William A. Custer;

A bill (H. R. 18467) granting an increase of pension to Rudolph W. H. Swendt; and

A bill (H. R. 16812) granting an increase of pension to Dudley McKibben.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendment, and submitted reports thereon:

A bill (S. 6222) granting an increase of pension to John A. Alden;

A bill (S. 5810) granting an increase of pension to Thomas McGowan;

A bill (S. 4459) granting an increase of pension to Edwin K. Lamson; and

A bill (S. 6240) granting an increase of pension to John G. Fonda.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6192) granting an increase of pension to John Coker, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6264) granting a pension to Cornelius Sullivan;

A bill (H. R. 13149) granting an increase of pension to Ida L. Martin;

A bill (H. R. 18678) granting an increase of pension to Evans P. Hoover;

A bill (H. R. 18724) granting an increase of pension to Alfred Gude;

A bill (H. R. 18239) granting an increase of pension to Bryant Brown;

A bill (H. R. 18426) granting a pension to Elizabeth Hathaway;

A bill (H. R. 8722) granting an increase of pension to Arthur M. Lee;

A bill (H. R. 6120) granting a pension to Harriet M. Smithers;

A bill (H. R. 18076) granting an increase of pension to Elizabeth Bartley;

A bill (H. R. 17938) granting an increase of pension to Clarissa L. Dowling;

A bill (H. R. 16595) granting a pension to James R. Hicks; and

A bill (H. R. 17309) granting an increase of pension to John W. Chase.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 5684) for the relief of the Compañía de los Ferrocarriles de Puerto Rico, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, reported it with amendments, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4741) granting an increase of pension to Andrew J. Workman; and

A bill (S. 5898) granting a pension to Louisa A. Clark.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18572) granting an increase of pension to Allamanza M. Harrison;

A bill (H. R. 18651) granting an increase of pension to Elizabeth Thomas;

A bill (H. R. 19001) granting an increase of pension to Elizabeth A. McKay;

A bill (H. R. 18132) granting an increase of pension to John W. Blanchard;

A bill (H. R. 18357) granting an increase of pension to William E. Starr; and

A bill (H. R. 16998) granting an increase of pension to Elijah Curtis.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7836) granting an increase of pension to Alexander G. Patton;

A bill (H. R. 18505) granting an increase of pension to M. Belle May;

A bill (H. R. 18560) granting an increase of pension to John Hamilton;

A bill (H. R. 18930) granting an increase of pension to Eliza J. Mays;

A bill (H. R. 17445) granting an increase of pension to William H. Farrell; and

A bill (H. R. 16842) granting an increase of pension to Thomas H. Thornburgh.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 18561) granting an increase of pension to Jonathan Skeans; and

A bill (H. R. 18116) granting an increase of pension to Green Evans.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5038) granting an increase of pension to James Richards;

A bill (S. 6006) granting an increase of pension to William H. Crouch;

A bill (H. R. 18633) granting an increase of pension to Jennie F. Belding;

A bill (H. R. 18654) granting an increase of pension to Robert D. Gardner;

A bill (H. R. 18655) granting an increase of pension to Leander Gilbert;

A bill (H. R. 18746) granting an increase of pension to Isaac Howard;

A bill (H. R. 18747) granting an increase of pension to William H. Colegate;

A bill (H. R. 18184) granting an increase of pension to John J. Howells;

A bill (H. R. 18243) granting an increase of pension to Jacob S. Rickard;

A bill (H. R. 17590) granting an increase of pension to Jacob Woodruff;

A bill (H. R. 17825) granting an increase of pension to Bolivar Ward;

A bill (H. R. 17999) granting an increase of pension to Samuel Yehl;

A bill (H. R. 16682) granting an increase of pension to William Hammond;

A bill (H. R. 16977) granting an increase of pension to Isabel Newlin;

A bill (H. R. 17170) granting an increase of pension to Jackson D. Turley; and

A bill (H. R. 17171) granting an increase of pension to David H. Parker.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (S. R. 29) authorizing the selection of a site and the erection of a pedestal for the Stephenson Grand Army memorial, in Washington, D. C., reported it with amendments, and submitted a report thereon.

Mr. NIXON (for Mr. ANKENY), from the Committee on Irrigation, to whom was referred the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6234) to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont., reported it without amendment, and submitted a report thereon.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (S. 6149) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes, reported it with an amendment.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6041) granting an increase of pension to James N. Brown;

A bill (S. 5877) granting an increase of pension to Charles O'Bryan;

A bill (H. R. 18510) granting an increase of pension to Hugh R. Rutledge;

A bill (H. R. 18524) granting an increase of pension to Julius Rector;

A bill (H. R. 18821) granting an increase of pension to Eliza Jane Witherspoon;

A bill (H. R. 18935) granting an increase of pension to Mima A. Boswell;

A bill (H. R. 18355) granting an increase of pension to Rachel A. Webster;

A bill (H. R. 18378) granting an increase of pension to Martha A. Dunlap;

A bill (H. R. 17920) granting an increase of pension to Sallie E. Blanding;

A bill (H. R. 17940) granting a pension to Rhetta Florence Tilton; and

A bill (H. R. 16565) granting an increase of pension to George H. Gordon, alias Gorton.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18573) granting an increase of pension to John M. Quinton;

A bill (H. R. 18605) granting an increase of pension to William Lawrence;

A bill (H. R. 18822) granting an increase of pension to Sophia S. Parker;

A bill (H. R. 18236) granting an increase of pension to Thomas Garratt;

A bill (H. R. 18449) granting an increase of pension to Hannah R. Jacobs;

A bill (H. R. 18460) granting a pension to Benjamin F. Tudor;

A bill (H. R. 18374) granting an increase of pension to Isom Wilkerson; and

A bill (H. R. 17542) granting an increase of pension to John Cain.

BILLS INTRODUCED.

Mr. SIMMONS introduced a bill (S. 6291) for the relief of the heirs of John R. Savage, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6292) for the relief of the heirs of Lemuel Freeman, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6293) for the relief of Susan Seymour, heir of Edward H. Wade, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 6294) granting a pension to Lizzie D. Newton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 6295) for the relief of the heirs of Thomas Miller, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6296) for the relief of the Shiloh Presbyterian Church, of Calhoun, Tenn.;

A bill (S. 6297) for the relief of the trustees of the Chickamauga Missionary Baptist Church, of Hamilton County, Tenn. (with accompanying papers); and

A bill (S. 6298) for the relief of Philip Cole and the estates of John D. Cole and Stephen W. Cole, deceased (with accompanying paper).

Mr. CULLOM introduced a bill (S. 6299) for the relief of Pollard & Wallace; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 6300) providing when patents shall issue to the purchasers of certain lands in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LONG introduced a bill (S. 6301) granting an increase of pension to William C. Long; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 6302) for the relief of William Radcliffe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WARNER (by request) introduced a bill (S. 6303) for the relief of Edward Cahalan; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 6304) for the relief of Thomas H. Reed; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6305) granting an increase of pension to Andrew J. Saulsburg; and

A bill (S. 6306) granting a pension to Ellen A. Corrie (with an accompanying paper).

Mr. GEARIN introduced a bill (S. 6307) granting an increase of pension to Cullen E. Cline; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6308) for the relief of William P. Wade (with an accompanying paper);

A bill (S. 6309) for the relief of the estate of John C. Russell, deceased (with an accompanying paper); and

A bill (S. 6310) for the relief of R. Z. Moss.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6311) for the relief of the estate of William A. Jeffries, deceased; and

A bill (S. 6312) for the relief of Nancy H. Jones (with an accompanying paper).

Mr. BURKETT introduced a bill (S. 6313) for the recognition of the military services of officers and enlisted men of certain State and Territorial military organizations; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 6314) for the relief of Martin Ball, heir of Stephen Ball, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 6315) granting an increase of pension to Joshua S. Gallaher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6316) for the relief of the trustees of the Presbyterian Episcopal Church at Keyser, formerly New Creek, W. Va; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 6317) for the relief of T. T. Ricketts and L. C. Ricketts; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6318) granting a pension to Lucy Keller (with accompanying paper); and

A bill (S. 6319) granting an increase of pension to Angus Fraser.

Mr. BRANDEGEE introduced a bill (S. 6320) authorizing the procuring of additional lands for the enlargement of the site and for necessary improvements for the public building at New London, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ELKINS introduced a joint resolution (S. R. 61) directing the Interstate Commerce Commission to investigate and report on block signals and appliances for the automatic control of railway trains; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CARMACK introduced a joint resolution (S. R. 62) authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTUS submitted an amendment proposing to appropriate $434.55 for the relief of Oscar Fulgham, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. KEAN submitted an amendment proposing to appropriate $1,983.06 to pay Durham W. Stevens, or his personal representatives, in satisfaction of his claim for services as chargé d'affaires ad interim at Tokyo from October 25, 1878, to May 21, 1879, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. MILLARD submitted an amendment proposing to appropriate $25,000 to pay William Radcliffe for damages caused by the destruction of his fish hatchery and property in Delta, Colo., in 1901, intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

AGRICULTURAL REPORTS.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President is hereby requested, if not incompatible with the public interests, to transmit to the Senate the reports of the Keep Commission on Department methods, relating to official crop statistics and the investigation of the Twelfth Census report on agriculture.

ACCOUNTS OF POSTMASTERS IN NORTH CAROLINA.

Mr. SIMMONS. I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in North Carolina in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified on memorandum schedule hereto attached, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified on the memorandum schedule hereto attached; and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready.

Memorandum schedule, North Carolina.

Post-office in North Carolina.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Abbottsburg	Alvin W. Osborn	1885	1872-1874	$400	$300	$100
Do	C. T. Sashwell	1884	1870-1872	187	41	146
Albemarle	J. M. Bivins	1884	1868-1870	188	162	26
Ansonville	W. S. Smith	1886	1866-1868	173	80	93
Ashboro	Mrs. E. B. McCain	1886	1866-1868	200	120	80
Bath	S. L. Ormond	1886	1868-1870	30	10	20
Battleboro	Jacob Ing	1886	1868-1870	148	45	103
Do	Geo. T. Davis	1886	1866-1868	66	45	21
Belvidere	Josiah Nicholson	1885	1866-1868	78	20	58
Do	do	1885	1868-1870	117	78	39
Do	do	1885	1870-1872	137	117	20
Black Creek	Elizabeth Christmas	1885	1868-1870	105	82	23
Black Creek	Elizabeth Christmas	1885	1870-1872	153	105	48
Bladenboro	Mrs. Sarah J. Monroe	1886	1866-1868	62	20	42
Do	do	1886	1870-1872	70	30	40
Brenard	D. W. Lee	1886	1872-1874	110	82	28
Brinkleyville	Geo. A. Bridges	1886	1870-1872	50	24	26
Brookston	Henry Church	1884	1870-1872	67	24	43
Burnsville	Joshua Williams	1886	1866-1868	56	27	29
Do	do	1886	1868-1870	87	75	12
Cane Creek	D. L. Lindley	1884	1866-1868	28	24	4
Do	do	1884	1868-1870	43	28	15
Do	do	1884	1872-1874	60	39	21
Carey	J. W. Mullett	1885	1870-1872	130	36	94
Carthage	Mary M. Brookshire	1884	1866-1868	143	79	64
Do	do	1884	1868-1870	230	190	40
Do	do	1884	1872-1874	350	260	90
Castalia	W. P. Marshal	1884	1870-1872	80	36	44
Catawba	Mrs. E. A. Lomance	1884	1866-1868	154	132	22
Do	do	1884	1868-1870	200	168	32
Cedar Grove	John D. Corbin	1885	1870-1872	107	20	87
Cerro Gordo	Jas. Campbell	1886	1866-1868	72	40	32
Do	do	1886	1870-1872	92	48	44
Chapel Hill	John White	1884	1866-1868	1,100	980	120
Cherryville	J. W. Quinn	1885	1868-1870	80	10	70
Clayton	Jas. T. Pool	1885	1872-1874	180	90	90
Clinton	Jos. Bamford	1884	1870-1872	630	360	270
Do	J. W. Roberts	1884	1866-1868	314	260	54
Do	do	1884	1868-1870	560	360	200
Coal Springs	G. F. Shepherd	1886	1868-1870	75	27	48
Colerain	Bettie A. Henry	1884	1866-1868	158	16	142
Do	do	1884	1868-1870	216	178	38
Columbia	E. W. Parker	1886	1868-1870	90	18	72
Do	P. H. Wilkins	1886	1870-1872	136	24	112
Company Shops	G. D. Boon	1884	1868-1870	765	460	305
Do	Thomas Sellars	1884	1866-1868	385	100	285
Concord	John O. Wallace	1883	1870-1872	1,230	1,080	150
Do	do	1883	1872-1874	1,450	1,280	170
Do	John Fink	1884	1866-1868	1,100	740	360
Dallas	E. C. Morris	1884	1864-1866	104	14	90
Do	Eli Pasour	1886	1868-1870	199	164	35
Do	do	1886	1870-1872	287	190	97
Davidson College	H. P. Helper	1884	1868-1870	552	280	272
Dudley	George H. Grantham	1886	1870-1872	270	215	55
Durham	D. C. Mangum	1884	1872-1874	1,000	700	300
Do	P. J. Mangum	1884	1866-1868	240	166	74
Do	do	1884	1868-1870	342	260	82
Do	do	1884	1870-1872	606	360	242
Eagle Mills	Jos. Cox	1884	1866-1868	58	40	18
Do	do	1884	1868-1870	69	58	11
East Bend	Evan Benbow	1886	1868-1870	65	42	23
Do	do	1886	1866-1868	.....	.....	15
Edenton	J. R. McCurdy	1884	1866-1868	1,020	820	200
Do	do	1884	1868-1870	1,250	1,120	130

Memorandum schedule, North Carolina—Continued.

Post-office in North Carolina.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Elizabeth City	W. A. Price	1884	1868-1870	.....	.....	$64
Do	do	1884	1870-1872	$1,700	$1,168	532
Do	do	1884	1872-1874	2,250	2,000	250
Enfield	Louisa Wooten	1884	1866-1868	630	560	70
Do	do	1884	1868-1870	800	680	120
Do	do	1884	1870-1872	980	840	140
Faison	Mary E. Lindsey	1884	1868-1870	33	22	11
Do	do	1884	1872-1874	75	34	41
Falling Creek	L. J. Edwards	1884	1870-1872	100	24	76
Fish Dam	Grandison Philpott	1886	1868-1870	37	12	25
Flat Rock	Cephas Stradley	1885	1866-1868	123	20	103
Forestville	E. F. Wyatt	1886	1866-1868	414	240	174
Forks of Pigeon	Wm. S. Evans	1886	1868-1870	37	22	15
Do	do	1886	1870-1872	54	37	17
Franklin	A. J. McConnell	1885	1870-1872	235	181	54
Franklinville	E. Burgess	1884	1866-1868	125	90	35
Do	do	1884	1868-1870	136	124	12
Do	do	1884	1870-1872	155	136	19
Franklinton	Mrs. A. E. Furman	1886	1866-1868	578	460	118
Garysburg	Jas. D. Garris	1886	1870-1872	.....	.....	70
Gatesville	Alonzo Green	1884	1870-1872	200	78	122
Do	do	1884	1872-1874	250	220	30
Do	E. J. Brady	1884	1866-1868	86	32	54
Germantown	S. E. Benton	1885	1866-1868	101	60	41
Gold Hill	John C. Snuggs	1884	1866-1868	114	86	28
Do	do	1884	1870-1872	150	134	16
Goldsboro	H. L. Grant	1884	1866-1868	2,300	1,740	560
Do	do	1884	1868-1870	2,831	2,400	431
Do	do	1884	1872-1874	3,800	3,200	600
Graham	J. W. Harden	1886	1870-1872	630	500	130
Do	do	1886	1872-1874	750	680	70
Do	J. B. McMurray	1884	1868-1870	485	380	105
Grantville	A. L. Logan	1885	1870-1872	.....	.....	60
Greenville	Jno. Congleton	1884	1866-1868	456	320	136
Do	do	1884	1870-1872	630	540	90
Halifax	Nich Fitz Patrick	1884	1866-1868	840	740	100
Do	Mrs. Mary Webb	1884	1870-1872	930	820	110
Hamilton	W. W. Gardiner	1884	1870-1872	300	196	104
Happy Home	Miss L. C. Connelly	1884	1870-1872	108	24	84
Harrells Store	Jas. W. Bland	1886	1866-1868	46	28	18
Do	do	1886	1870-1872	68	48	20
Harrellsville	N. L. Shaw	1884	1866-1868	88	52	36
Do	do	1884	1868-1870	131	96	35
Do	do	1884	1870-1872	176	156	20
Do	do	1884	1872-1874	202	182	20
Haw River	I. E. Randleman	1886	1866-1868	190	76	114
Do	John Bason	1886	1870-1872	230	166	64
Do	do	1886	1872-1874	300	260	40
Hayes Store	J. D. Hays	1884	1872-1874	.....	.....	70
Haywood	John B. Drake	1886	1870-1872	94	66	28
Hendersonville	Wesley M. Justis	1884	1866-1868	140	34	106
Do	do	1884	1870-1872	380	320	60
Do	do	1884	1872-1874	475	400	75
Do	T. C. Blanchard	1886	1868-1870	466	380	86
Hertford	W. J. Skinner	1884	1866-1868	200	43	157
Do	T. J. Elliott	1886	1870-1872	610	466	144
Hickory Tavern	Wm. H. Ellis	1884	1868-1870	285	142	143
Do	do	1884	1870-1872	460	320	140
Highpoint	Eli Denny	1885	1866-1868	640	520	120
Do	do	1885	1868-1870	778	620	158
Hillsboro	Dennis Heartt	1885	1866-1868	1,296	1,180	116
Do	H. H. Strayborn	1886	1872-1874	1,500	1,280	220
Holly Grove	F. M. Lawson	1886	1868-1870	47	18	29
Jackson	Jos. Copeland	1884	1866-1868	250	90	160
Jacobs Fork	F. R. Beck	1886	1868-1870	37	30	7
Do	do	1886	1870-1872	62	37	25
Jamestown	Minerva T. Mendenhall	1884	1870-1872	365	339	26
Jamesville	E. H. Bailey	1885	1866-1868	140	40	100
Jefferson	Frank Harden	1886	1872-1874	.....	.....	75
Jonesboro	S. H. Buchanan	1885	1872-1874	500	366	134
Do	Thomas Rollins	1884	1866-1868	277	20	257
Joyners Depot	Geo. W. Griffin	1886	1866-1868	280	146	134
Do	do	1886	1868-1870	329	240	89
Kernesville	John T. Kerner	1886	1868-1870	68	26	42
Kittrell	Mary E. Overton	1884	1866-1868	427	320	107
Do	Jas. C. Reid	1884	1872-1874	560	480	80
Lagrange	Martha Cox	1884	1870-1872	340	272	68
Lake Landing	Bannister Midyett	1886	1868-1870	72	38	34
Do	do	1886	1870-1872	111	72	39
Laurelsprings	Wyatt Ross	1886	1868-1870	25	12	13
Do	do	1886	1866-1868	22	8	14
Do	do	1886	1870-1872	42	24	18
Leachburg	C. H. Holland	1886	1866-1868	30	10	20
Leasburg	S. B. Paylor	1885	1866-1868	160	50	110
Do	do	1885	1868-1870	196	172	24
Do	Benj. F. Stanfield	1885	1870-1872	218	193	25
Leicester	John Carpenter	1886	1866-1868	50	10	40
Do	do	1886	1868-1870	144	32	112
Do	do	1886	1870-1872	256	144	112
Lenoir	M. E. Shell	1884	1868-1870	524	420	104
Do	Clinton A. Cilley	1884	1866-1868	300	120	180
Do	R. B. Bogle	1886	1872-1874	750	600	150
Lylesville	W. H. Barnwell	1885	1866-1868	90	24	66
Lincolnton	Mrs. H. E. Bonar	1884	1866-1868	670	480	190
Do	Jas. H. Marsh	1884	1870-1872	880	720	160
Littleton	Jas. M. Newson	1884	1866-1868	256	110	146
Do	do	1884	1868-1870	430	380	50
Do	do	1884	1870-1872	550	440	110
Lockville	D. S. Burns	1884	1870-1872	122	24	98
Locust Hill	Martha F. Paschal	1886	1868-1870	62	54	8

Memorandum schedule, North Carolina—Continued.

Post-office in North Carolina.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Locust Hill	Martha F. Paschal	1886	1870–1872	$83	$62	$21
Louisburg	S. E. Jones	1886	1866–1868	890	720	170
Do	do	1886	1872–1874	772	700	72
Madison	M. S. Black	1884	1866–1868	244	140	104
Do	do	1884	1868–1870	327	260	67
Do	do	1884	1870–1872	390	327	63
Manson	A. Smith	1885	1868–1870	196	46	150
Do	do	1885	1870–1872	245	200	45
Marion	Jas. McCormick	1884	1866–1868	159	80	79
Do	W. F. Craig	1884	1872–1874	380	280	100
Marshall	A. B. Sams	1886	1866–1868	92	46	46
Melvanesville	Stephen White	1884	1866–1868	556	500	56
Do	do	1884	1870–1872	600	520	80
Merry Oak	W. T. Gunter	1884	1870–1872	38	16	22
Do	do	1884	1872–1874	70	42	28
Milton	S. W. Taylor	1885	1866–1868	370	275	95
Do	do	1885	1868–1870	471	400	71
Monroe	A. N. Lawson	1886	1868–1870	276	200	76
Do	do	1886	1872–1874	400	300	100
Mooresville	W. A. Wilson	1886	1870–1872	100	24	76
Mooshawnee	Joe F. Seawell	1886	1868–1870	9	2	7
Do	do	1886	1870–1872	12	9	3
Morgantown	J. E. McElrath	1884	1866–1868	565	400	165
Mount Airy	Jas. H. Sparger	1885	1868–1870	154	110	44
Do	do	1885	1870–1872	425	220	205
Mount Gilead	Mary McLenden	1886	1870–1872	60	38	22
Do	do	1886	1868–1870	38	24	14
Mount Pleasant	A. Foil	1886	1872–1874	200	172	28
Do	L. A. Leffler	1885	1866–1868	93	26	67
Mulberry	Wm. B. Siegrist	1886	1868–1870	40	10	30
Murfreesboro	Jas. M. Trader	1884	1872–1874	770	680	90
Do	M. E. Trader	1884	1866–1868	629	560	69
Do	do	1884	1868–1870	693	629	64
Murphy	J. D. Abbott	1886	1870–1872	220	186	34
Do	do	1886	1872–1874	300	240	60
Nahunta	W. E. Fountain	1886	1868–1870	160	24	136
Nashville	J. W. Harper	1884	1866–1868	120	20	100
Nease	Robert N. Wynne	1885	1872–1874	.....	.....	50
Newport	J. B. Mann	1886	1866–1868	79	40	39
Do	do	1886	1870–1872	176	114	62
Newton	Miss H. E. Bost	1885	1866–1868	280	180	100
Do	do	1885	1868–1870	370	320	50
North Brook	O. B. Jenks	1886	1868–1870	45	34	11
Do	do	1886	1870–1872	88	34	54
Old Fort	W. J. Lowther	1886	1868–1870	367	10	357
Orange Factory	S. W. Holman	1886	1866–1868	40	27	13
Do	do	1886	1868–1870	41	30	11
Do	do	1886	1870–1872	51	41	10
Do	do	1886	1872–1874	85	51	34
Otter Creek	S. Mitchell	1884	1868–1870	37	18	19
Oxford	Bettie G. Jones	1884	1866–1868	980	700	280
Do	do	1884	1868–1870	1,070	940	130
Do	do	1884	1870–1872	1,290	1,040	250
Pacific	John Young, jr	1884	1870–1872	125	108	17
Do	do	1884	1872–1874	165	130	35
Palmyra	Edward P. Hyman	1886	1870–1872	60	24	36
Do	do	1886	1872–1874	100	72	28
Pantego	S. S. Latham	1884	1868–1870	86	40	46
Do	do	1884	1872–1874	135	93	42
Pekin	Margaret McKenzie	1886	1868–1870	28	22	6
Do	do	1886	1870–1872	86	37	49
Pine Level	T. G. Hinnant	1886	1866–1868	44	14	30
Do	do	1886	1868–1870	50	38	12
Pleasant Hill	Benj. Brewer	1884	1866–1868	106	42	64
Do	do	1884	1868–1870	132	106	26
Poplar Branch	Benj. F. Taylor	1886	1868–1870	21	10	11
Do	do	1886	1870–1872	48	21	27
Red Bank	Elias H. Paul	1886	1870–1872	80	52	28
Do	do	1886	1872–1874	60	13	47
Reidsville	S. F. Terry	1884	1866–1868	266	54	212
Do	do	1884	1868–1870	378	340	38
Do	do	1884	1870–1872	520	400	120
Richards	Zachariah Pittman	1886	1866–1868	100	32	68
Rich Square	W. H. Burgess	1885	1866–1868	152	66	86
Do	Jas. W. Conner	1884	1870–1872	89	69	20
Ridgeway	A. S. Webb	1884	1872–1874	500	460	40
Do	L. T. Watkins	1884	1868–1870	380	148	232
Ringwood	Hardy Pitts	1885	1868–1870	96	40	56
Rockingham	Wm. S. Foulkes	1885	1868–1870	718	340	378
Do	do	1885	1870–1872	997	718	279
Do	do	1885	1872–1874	1,200	1,020	180
Do	M. V. Terry	1884	1866–1868	140	81	59
Rocky Mount	Mrs. E. V. Fountain	1884	1868–1870	479	400	79
Roxboro	Elizabeth Wiles	1884	1866–1868	190	132	58
Do	do	1884	1868–1870	249	200	49
Roxobel	Mrs. M. C. Cox	1886	1866–1868	84	16	68
Do	do	1886	1868–1870	136	84	52
Ruffin	Mrs. S. T. Strader	1885	1870–1872	290	236	54
Rutherfordton	A. D. Wallace	1884	1868–1870	500	400	100
St. John	Richard T. Weaver	1886	1868–1870	33	10	23
Salem	A. T. Lively	1884	1866–1868	1,500	1,240	260
Sandy Grove	Louis Hornaday	1886	1866–1868	24	10	14
Do	do	1886	1870–1872	24	18	6
Scotland Neck	J. L. Ware	1886	1868–1870	440	146	294
Scottville	W. G. Lane	1886	1866–1868	24	10	14
Do	do	1886	1868–1870	32	24	8
Do	do	1886	1872–1874	60	46	14
Scuppernong	Thos. J. Basnight	1884	1870–1872	300	130	70
Selma	Mary Hood	1886	1868–1870	280	198	82

Memorandum schedule, North Carolina—Continued.

Post-office in North Carolina.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Selma	Mary Hood	1886	1872–1874	$350	$300	$50
Shaws Mills	R. P. Shaw	1886	1866–1868	54	32	22
Shelby	John L. Moore	1885	1868–1870	250	210	40
Do	W. W. Green	1885	1868–1870	100	84	16
Do	do	1885	1870–1872	520	408	112
Do	do	1885	1872–1874	650	580	70
Do	do	1885	1866–1868	337	184	153
Shoe Heel	O. S. Hayes	1886	1866–1868	357	196	161
Do	do	1886	1868–1870	525	340	185
Smithfield	W. D. Stanley	1884	1868–1870	242	150	92
Do	Mrs. P. T. Morning	1886	1868–1870	.....	.....	53
Do	do	1886	1870–1872	.....	.....	65
Smithville	Chas. H. Legg	1884	1870–1872	440	340	100
Do	do	1884	1872–1874	500	440	60
Snow Hill	Catharine A. Potter	1884	1870–1872	156	100	56
South Mills	John O. Kelley	1885	1870–1872	200	164	36
Do	Henrietta Jacobs	1884	1866–1868	130	76	54
Statesville	J. C. Anderson	1884	1866–1868	731	520	211
Do	do	1884	1868–1870	1,014	900	114
Do	do	1884	1870–1872	1,220	1,013	207
Do	O. M. Barkley	1885	1872–1874	1,650	1,340	310
Swan Station	J. M. Cameron	1886	1870–1872	65	20	45
Do	do	1886	1872–1874	95	80	15
Thomasville	E. H. McCutchen	1885	1866–1868	550	380	170
Trap Hill	A. C. Bryan	1884	1868–1870	49	34	15
Do	do	1884	1872–1874	40	32	8
Vienna	Philip Mock	1886	1868–1870	24	2	22
Wadesboro	Wm. I. Patrick	1885	1872–1874	750	600	150
Do	Marion E. Patrick	1884	1866–1868	337	220	117
Do	do	1884	1868–1870	451	380	71
Wallace	David E. Boney	1885	1866–1868	63	28	35
Do	do	1885	1868–1870	115	64	51
Do	do	1885	1870–1872	148	94	54
Washington	S. F. Stilley	1885	1872–1874	2,000	1,600	400
Do	Wm. Ebom	1884	1866–1868	1,100	620	480
Weldon	John H. Reimpo	1884	1866–1868	990	660	330
Whitesville	H. C. Moffit	1884	1868–1870	330	220	110
Do	do	1884	1870–1872	430	360	70
Wilkesboro	J. B. Simonton	1885	1872–1874	280	240	40
Williamston	A. Jackson	1886	1866–1868	350	140	210
Wilson	M. C. Daniels	1884	1866–1868	873	210	663
Do	do	1884	1870–1872	1,748	1,240	508
Do	do	1884	1872–1874	2,200	1,790	410
Windsor	Capt. F. W. Bell	1885	1866–1868	312	187	125
Do	Ann P. Bell	1884	1872–1874	695	580	95
Winston	W. W. Allea	1884	1870–1872	300	144	156
Do	do	1884	1872–1874	.....	.....	100
Winton	A. J. Northcott	1886	1866–1868	95	45	50
Do	do	1886	1868–1870	310	148	162
Woodville	Mrs. P. Hill	1884	1870–1872	124	24	100
Yadkin College	H. T. Philips	1884	1872–1874	58	27	31
Yanceyville	Thos. J. Brown	1884	1868–1870	176	100	76

Mr. PENROSE. I move that the resolution be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On May 25:

S. 6128. An act to authorize the construction of a bridge across the Pend d'Oreille River, in Stevens County, Wash., by the Pend d'Oreille Development Company.

On May 26:

S. 1739. An act granting a pension to Henry Sistrunk;

S. 5670. An act granting an increase of pension to Isaac L. Duggar;

S. 4129. An act to regulate enlistments and punishments in the United States Revenue-Cutter Service;

S. 5533. An act to appoint an additional judge for the southern district of New York;

S. 6022. An act to amend section 6 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900;

S. 5131. An act incorporating the Archæological Institute of America; and

S. 5513. An act to provide for the disposition of certain property in the Territory of Hawaii.

On May 28;

S. 6129. An act to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers.

PURCHASE OF MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

Mr. HALE. I move that the Senate proceed to the consideration of the joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Mr. PENROSE. I ask that the joint resolution be read for information.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. PENROSE. I should like to ask the Senator from Maine whether he expects the joint resolution to lead to any extended debate. I am heartily in favor of the measure just read, but I had intended to call up to-day the bill making appropriations for the expenses of the Post-Office Department. I shall have to leave Washington at the end of this week, to be gone for a week or ten days. If the joint resolution is, as I have been informed, likely to lead to a long and desultory discussion, extending over a day, or it may be two days, I can not give the Senate any assurance that I can be present myself to present the Post-Office appropriation bill before the middle of June. If the Senate is willing to go on with the bill in charge of some other member of the Committee on Post-Offices and Post-Roads, I shall not object, but, of course, personally I would prefer to be here and to be in a position to expalin to the Senate any items or any questions which may arise in connection with the bill.

Mr. HALE. Mr. President, it is very important that the joint resolution should be considered. It was reported last week, and on the request of some Senators went over. It ought to be passed. I can not control the Senate or control the debate. I see the force of passing the appropriation bills, but if I can get up the joint resolution, then I will see. I do not expect to occupy the day upon it, but we will see how it runs.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. MORGAN. I object to its consideration.

Mr. HALE. I move, then, that the Senate proceed to its consideration.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that the Senate proceed to the consideration of the joint resolution which has been read.

Mr. PENROSE. Do I understand that the joint resolution will be subject to objection if it becomes evident that it is going to lead to continued discussion extending over a day or so?

Mr. HALE. I have stated that if I find it leads to a long debate and interferes with appropriation bills I shall not ask that it occupy the time of the Senate, although it is a very important measure.

Mr. PENROSE. Then I withdraw any opposition to proceeding to its consideration.

Mr. HALE. Let us go on with it for a time and see how it runs.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Mr. HALE. The Senator from Maryland [Mr. RAYNER] will take the floor.

Mr. RAYNER. Mr. President, I should like to have the joint resolution read again. It is very short.

The Secretary again read the joint resolution.

Mr. RAYNER. I shall occupy the Senate only about ten minutes or so upon this measure.

Mr. GALLINGER. Will the Senator from Maryland yield to me?

Mr. RAYNER. Certainly.

Mr. GALLINGER. I offer the following amendment to follow the text of the joint resolution.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the joint resolution the following words:

Carriage of such material shall be exclusively in American vessels, unless the President shall deem the rates asked by American vessel owners unreasonable or extortionate.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. RAYNER. Certainly.

Mr. MALLORY. Is it in order to offer an amendment to the joint resolution?

The VICE PRESIDENT. There is an amendment pending, just offered by the Senator from New Hampshire.

Mr. HALE. I ask the Senator from New Hampshire to withhold his amendment for the present.

Mr. GALLINGER. I will do so, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire withholds his amendment.

Mr. MALLORY. I send up an amendment and ask that it be read for information.

The VICE-PRESIDENT. The Secretary will read the amendment sent to the desk by the Senator from Florida.

The SECRETARY. Strike out the words "extortionate or" in line 7 of the joint resolution.

The VICE-PRESIDENT. The Senator from Maryland will proceed.

Mr. RAYNER. Mr. President, I do not think I would occupy the time of the Senate at all if it were not for the fact that one of the largest corporations in the State of Maryland is the beneficiary of the joint resolution, and as I am opposed to the measure, I thought it proper under the circumstances to give my reasons for opposing it.

The Maryland Steel Company is located in the State of Maryland. It is a great industry, employing many mechanics and workmen in the prosecution of its business, and we are all, in the city and State that I have the honor in part of representing upon this floor, deeply interested in its success and prosperity. I am inclined to think that upon the ground set forth in the Senate document that has been reported with this resolution it should have been awarded the contract therein referred to. I believe that upon the merits it is entitled to this contract, and that upon a careful calculation it will be found that the cost to the Government would ultimately have been less if the offer of this company had been accepted. I desire particularly to advert to the fact that if these seagoing dredges are built in a foreign country it will be doubtful whether it is permissible under the law to use them in the waters of the United States, if they last beyond the period of the construction of the canal, while if they are built in the United States they can be of subsequent service to the Government. If this resolution passes, the contract for the dredges will be awarded to the Maryland Steel Company, as it is conceded to be the lowest American bidder.

I can not, however, vote for the resolution. I can not change the principles in which I believe and for which I have contended during the whole of my public career for the purpose of securing a contract for an enterprise in my State, or because it confers a benefit upon its citizens. I have always advocated the doctrine that the people of this country have the right to purchase every article of consumption in the cheapest and most desirable markets of the world, and I must apply to the Government the same rule that I apply to its citizens. It is impossible for me to shape my political principles or policies according to two different standards and to advocate for the advantage of my own State a governmental principle inconsistent with the principle that I contend for in every other State of the Union.

It is true that the tariff is not directly involved in this discussion, but the theory upon which it rests is indirectly and collaterally affected. I have always favored a tariff for revenue and not a tariff for protection. I have been against a prohibitive tariff, because it compels the consumer to purchase in a home market at any price that may dictated to him by the monopoly that manufactures the product and controls the supply. The principle is the same in this case. The money of the Government is the money of the people. We have no right to take the money of the people and expend it in a market where it possesses the smallest amount of purchasing power. This is robbing the Treasury, and however important the advantage may be to my constituency, it is impossible for me to abandon a great principle upon any such paltry ground as this. The Democratic party, in my opinion, can not afford to do so unless it is prepared to go down to its irretrievable defeat and doom.

The American Protective Tariff League, in an article which I send to the desk and ask to have read, has strongly indorsed this scheme.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

That materials and supplies used in the construction and equipment of the Panama Canal should be furnished by American industry and labor, and not by foreigners, is the emphatic judgment of the employers of this country.

Three thousand of these employers, represented in the eleventh annual convention of the National Association of Manufacturers, have appealed to the Congress of the United States to order and direct that the people who are to pay for the canal shall have the first call in

providing the necessaries for building and operating the canal. The appeal takes the form of the following resolution, unanimously adopted May 15, 1906:

"Whereas the Panama Canal, one of the greatest public enterprises of modern times, will be constructed and equipped by the United States Government, and paid for with American dollars drawn from American labor and industry: Be it

"*Resolved*, That the National Association of Manufacturers, in annual convention assembled at New York City, earnestly requests that American materials be exclusively used in the construction and equipment of the canal."

It is beyond question that this request voices the sentiment of the producing interests of the United States. When we say "producing interests" we include the men who work for wages as well as the men who pay wages.

Employed and employers are equally concerned in having the $500,000,000 that will probably be spent in the next twenty years in constructing a sea-level canal paid to American labor and not to foreign labor.

They want that $500,000,000 kept in this country, and distributed back into American channels of trade.

They do not want any part of that $500,000,000 of American money sent abroad for materials and supplies that can and should be furnished at home.

They do not, for example, want the United States Government to buy dredges in Scotland or cement in Germany, even though, because of lower wages, the Scotch dredges may be bought a little cheaper; even though the lower freight charges of foreign steamship lines may enable the Germans to underbid American cement makers.

It is the people's money that is to pay for these things, and the people want their own money paid out among themselves.

Congress has the power to grant this request. It can be done easily by adding to the canal appropriation bill the following brief amendment:

"*Provided*, That no part of the money herein appropriated shall be expended for supplies and materials purchased outside of the United States."

This is what the resolution of the National Association of Manufacturers means.

This is what the producers and the wage-earners of the country want.

The Secretary of War, persistently intent upon "buying in the cheapest market," awaits the instructions of Congress.

There should be no hesitation and no delay on the part of Congress in instructing the Secretary of War to buy in the American market exclusively. (From the American Economist, Friday, May 25, 1906.)

Mr. RAYNER. Mr. President, I stand upon an entirely different platform from the American Protective Tariff League, and can not join hands with it, even if by so doing I could benefit every industry in the country. In this article it is stated that $500,000,000 will be expended in the construction of the canal and its equipment.

Some time ago the executive committee of the Isthmian Canal Commission concluded to purchase in the open market the materials and ships necessary for the building of the Panama Canal. The committee, as I understand it, came to the conclusion that upon an average 50 per cent more would be charged here for materials needed in canal construction than the price at which the same materials could be purchased in Europe. At that time Chief Engineer Wallace claimed that several more ships were necessary for the work to carry supplies and materials to the canal, in addition to those running between New York and Colon and owned by the Panama Railroad Company. The statement was made at that time publicly that the Secretary of War had said that while he could purchase two 6,000-ton ships in Europe for $750,000, it would cost $1,400,000 to build such ships here. It was also stated that the Commission had decided that by reserving to themselves the right to purchase in the world's markets, it would at least oblige American manufacturers to give them the benefit of their foreign prices if they desired to sell the supplies and articles necessary for the construction of the canal and the prosecution of this work.

The effect of this joint resolution will be that perhaps $100,000,000 of money will be wrung as a tribute from the people to increase the profits of our protected industries.

It is therefore not a question whether the dredges referred to shall be purchased either in Scotland or in the United States. It is a much more comprehensive subject than this. This resolution closes to the Government of the United States every market in the world, with the exception of the home market, in connection with these enormous expenditures. We do not know how the President stands in relation to this matter. It has been claimed all along that he was in favor of purchasing the material and equipment for the canal, other things being equal, in the market where they could be purchased the cheapest. It is earnestly hoped that he has not changed his mind in reference to this matter, and that he is not now, either tacitly or by active participation, lending his aid to the passage of this resolution. Let this be as it may. I care not who may favor it. I raise my voice and enter my protest against the imposition of such an unnecessary and unjustifiable burden upon the American people as is contemplated by this measure.

The bond between the protected beneficiaries and the Treasury of the United States should be broken. The contract between them should long since have expired by limitation. This is a renewal in a new form of this unholy combination. It announces the doctrine that the Government of the United States has the right to take the hard-earned savings of the people collected by taxation and still further enrich its protected favorites. It is said it is in the interest of the wage-earners of the country. I deny it. It is claimed that the consumers of the country will profit by it. I deny it. It is an attack upon the rights of the people for the benefit of their financial oppressors. It is in the interest of the American Protective Tariff League, which, notwithstanding the respectable membership that composes it, represents every monopoly upon the American continent that is plundering the homes of the American people.

I can not remain silent and permit such a doctrine to be ingrafted upon our institutions without announcing my unalterable opposition to it. It embodies a policy that has enslaved the consumers of this country, and, feeling as I do, I shall fight it at every step wherever it makes its appearance until the hour arrives when the partnership between this Government and monopoly shall be dissolved and the people shall be liberated and disenthralled.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator——

Mr. BERRY. The Senator from Florida [Mr. MALLORY] offered an amendment, I think, which is pending.

The VICE-PRESIDENT. The Senator from Florida is not present at the moment.

Mr. BERRY. He offered an amendment to strike certain words out of the joint resolution.

The VICE-PRESIDENT. The Senator from Florida sent his amendment to the desk to be read; but he did not formally offer it.

Mr. MORGAN. Mr. President, I hope some way can be found by which the people of the United States shall enjoy what I venture to call the "monopoly" of furnishing products and materials of every kind for the construction of the canal at Panama. It is due to them, because we have entered upon a great altruistic work for the benefit of the nations of the earth, as we say, forgetting, I think very much too readily, to measure those advantages and benefits by the necessity and by the policy of the people and the Government of the United States, including a vast burden of taxation. In our sentiments and in our views on this subject we are going quite too far, in my judgment, either for safety or for the purpose of winning reputation for generosity in the minds of sensible people throughout the world. I think that every great nation in the world expects the United States Government to take care of its people as its first duty; and I am very anxious, in regard to the material, machinery, and supplies which are needed for the Panama Canal, that our people shall have the right and privilege of supplying such material, if it can be done by a proper arrangement of our own legislation. I think that is quite easy; but there is such a rush in the United States in the direction of conferring unlimited, uncontrollable, and almost unimaginable powers upon the President of the United States in regard to the construction of this canal that I despair, at present at least, to do more than merely make some suggestions, which I think worth while to be considered by the Senate of the United States. They may go for nothing now, but after a while they may answer a good purpose.

When France, contrary to our resolutions voted in this House and in the other House on more than one occasion, actually participated in the construction of the Panama Canal by authorizing the application of a lottery bond scheme, which is one of the general policies of that Government, by the old Panama Canal Company, which was also extended to the new company—a provision of law in France, Mr. President, that violated every resolution that the Government of the United States had ever adopted on the subject of our rightful control of that canal.

France enacted, as a condition or a part of that grant of authority and right, a provision that all the machinery that should be used in the construction of the works of the canal should be manufactured in France, and a further provision that all the material to be imported into Panama for the purpose of constructing the canal should have its origin in some French possession. France thought it was necessary to violate her duty to the United States Government by enacting this law; to throw a challenge in our faces that they thought we were afraid to meet, and I fear we were afraid to meet it.

France found no difficulty in her national policy or constitution in arriving at the power to make these provisions. Spain has never found any difficulty in her constitution and laws in arriving at the power to make such provisions; but when we come to the Government of the United States we have a Government of laws based on a Constitution, which is an ordinance or a law that is expected to be followed out by the acts of Congress in respect of all national matters and to every possible

extent. It has been supposed that we have, by copying the act of 1803, for which Mr. Jefferson was responsible, and applying it to the Canal Zone, conferred unlimited powers on the President of the United States to enact laws for the government of that Zone; and he has gone on in the use and in the abuse of that power, and has enacted a number of laws there which the Congress of the United States would not dare to enact. No member of this body would venture to propose in this body any such laws as the President of the United States and the Canal Commission have enacted in that Zone. I will cite one of them—I will not quote it, but I call attention to it. The Congress of the United States would not undertake to enact a law for the banishment of a citizen of the United States from any part of our territory, whether it is under statehood or whether it is Territorial or whether it was a sort of territorial appendix. No member of Congress would get up here and propose a bill in this body by which the governor of the Canal Zone should have the right, and it should be made his duty, to banish men from the Canal Zone who are citizens of the United States, or even inhabitants, occupants, or denizens. No member of this body would undertake to propose the enactment of such a law as that; and yet the President has required the Canal Commission to enact such a law, and it is on the statute book there and has been frequently used, and men have been banished from that Zone without a hearing, without any trial, without a summons or warrant or any cause shown, except the judgment of the governor of the Zone that such a person was an improper person or a dangerous person to be there.

Mr. President, it may surprise some of my political brethren in the Senate when I shall announce my firm and sober conviction that such a law on the Zone is an absolute necessity. We can never control the Canal Zone with that law absent from its statutes; and yet the President of the United States can not enact it; Congress can not enact it.

What are we to do, then, in order to get things in such a shape that any such law can be enacted and can be enforced, which, as I have just observed, is absolutely indispensable to the peace, safety, and welfare of that Zone? We have got to contrive in that Zone some situation, some form of legal authority, some entity, where such a law as that can have full force and effect and can not be interrupted by a writ of habeas corpus, or by any other such motion that the citizen might make whenever he is arrested and taken into custody or ordered off the Zone. Is it possible under our own system of government and under our precedents that we have very frequently established and very frequently enforced to put that Zone in such a condition as that such a law as I have indicated would not only be constitutional, but in every respect justifiable? I maintain that it is.

There is a doctrine in the United States that in times of peace the civil authority of this Government is paramount to the military power. When a national state of war supervenes, by the declaration of Congress that doctrine is changed to suit certain localities and certain conditions where it is necessary that the military law shall be paramount. We all know, without quoting instances, how very frequently that doctrine has been applied throughout the United States and all of its possessions in time of public war. Can such a condition as that exist in time of peace? That is the question. It certainly can, Mr. President, in a certain locality; that is to say, in a military reservation, and it can not exist anywhere else in the United States. Within a military reservation the military law is paramount, but the civil law can be permitted to have its full sway except as to that one proposition, the paramountcy of the military law. If the Canal Zone were declared to be a military reservation of the United States, every institution of civil government that obtains there can be maintained in its full force and vigor in the presence of such a declaration, but the power to which I have adverted, of banishing a man from a military reservation, will exist there and be in full force and effect in a military reservation, notwithstanding the presence within that Zone of all the civil functions that are necessary for the execution of the purposes of the Government of the United States in this great work that we are trying to conduct there.

The first element of safety in the Zone is obedience to authority on the part of persons of every rank and condition who are there present. Obedience to civil authority can be secured there by appealing to certain courts that the Commission have established, even extending to an appellate court on appeal from the circuit courts—three of which exist, and the circuits are defined by that law.

The civil powers, to the extent that they are granted in the Zone, are just as complete as they are in the District of Columbia or in any State in the American Union. Yet over all of this there is the supremacy of the military power, by which and under which alone the President of the United States and his subordinates, clothed with authority by him, can take a man in that Zone, banish him from it, and forbid his ever returning. So that the conditions now exist in the Zone as I have described them. They are not otherwise; they are not different from the description I am now giving, as to the actual conditions that obtain there.

There, then, Mr. President, is a Territory of the United States—I call it a Territory of the United States upon the highest possible authority, because it has been frequently held and stated both by Governor Magoon, by Secretary Taft, and by other lawyers who have looked over the subject, that our rights in the Canal Zone are as perfect as our rights are to the island of Porto Rico itself, except that we have not got there what is called a technical political supremacy, something that I am unable to define, something that I am unable even to conceive of. Our rights in the Zone are quite as perfect under the Hay-Varilla treaty as they are in Porto Rico, or in the Philippine Islands, or anywhere else. We have, in virtue of those rights, established there what is in fact, but not in name, or not by the declaration of Congress, a military reservation, and in that reservation we exercise these powers.

There are certain necessary provisions of law to be made by somebody in regard to the conduct of business in that Zone—the purchase of material and supplies of every kind. That is one of the elementary and necessary prerequisites for doing any work at all in the Zone. What law shall obtain in respect of the purchase of these supplies for that Zone—materials, machinery, etc.? Such laws as Congress shall enact within its powers under the Constitution of the United States.

I do not make any question, Mr. President, that the Congress of the United States can enact a law that arms and munitions of war imported from a foreign country might enter into a military reservation of the United States without taxation, nor do I imagine that in passing laws of that kind we would make the slightest impression upon the general tariff system of the United States.

The tariff system of the United States is intended for the support of the Government of the United States, and all the regulations and restrictions that are imposed in the Constitution upon the method of levying, assessing, and collecting these taxes have reference to the revenues of the United States and only to that. In this military reservation at Panama—I call it such because that is what it is—the Government of the United States will not attempt, and does not attempt, to collect revenue for its support. It is as clearly excluded from that idea of taxation for the support of the Government of the United States as if it were on the planet Mars. They have no relation to each other at all; but the Government of the United States has got the right to levy and assess taxes, whether upon imports or exports, if you please, or upon the people or upon the property in that Zone. For what purpose? For the purpose of providing for the support of the Zone itself, the support of civil and military law within the Zone.

Mr. President, we have the power to levy such taxes in that Zone upon property imported, and we have levied them upon property imported and upon property held there, real and personal. We have levied it upon vocations, such as carrying on distilleries and keeping rum shops. We collect a steady revenue from these sources right there in the Zone, and the distilleries and the rum shops are conducted within 50 yards of the chapels which we have also erected there for the worship of the Almighty.

We have exercised a great deal of power there, as much as has been exercised, according to my limited reading, by any autocrat in any part of the world. We are exercising those powers now. The statutes are all displayed on the statute books of the Commission. The report of the Isthmian Canal Commission shows every statute. Each one is numbered. Each one is passed through the legislative body there under certain parliamentary rules which have been observed; they have received the approval of the President of the United States, and they have become laws. I have referred to just a few of them merely for the purpose of showing how much power we are exercising there.

Beyond that, the Secretary of War has made a provision—which is not perhaps to be considered as a final and conclusive provision of law; that is to say, it can be revoked upon the will and consent of either of the parties concerned—but he has arranged a tariff between Panama and the Zone. He has demarked ports there—ports of entry for the United States and ports of entry for Panama—and has provided that property not intended exclusively for the United States, but property that may enter in consumption at large within the Zone, shall pass through the Panama ports and shall not pay a duty exceeding

10 per cent, Panama getting the benefit of the duty, and it goes into her treasury. That is the law of the Zone. It is as much the law as any other law on the statute book there, and it is being executed to-day.

We have made other arrangements there, by the same officer, with the banks in Panama to control the rates of exchange, to control the supply of money, and to pay the laborers in the Canal Zone through the banks of Panama. We have made arrangements in regard to the sale of provisions to the laborers within the Zone whereby the Panama merchants have a virtual monopoly of the sale of provisions, unless it turns out that, in the opinion of the governor or the Isthmian Canal Commission, they are crowding matters too heavily and charging too much, in which event we claim the right to withdraw from that agreement and set up an establishment of our own.

I am not here now, Mr. President, to complain of these arrangements, although I think in some respects they are exceedingly unfortunate and in some they are very questionable, but I am illustrating now my proposition as to what law obtains in that Zone. I find there a 10 per cent duty levied upon all articles for consumption that go into the Zone under the requirement that they shall pass through the Panama ports and shall pay that duty to Panama. After they have paid that duty, then, of course, commerce is free between the Zone and the State of Panama, just as it is between Alabama and Mississippi. I am describing situations as they exist, Mr. President. I am not making any argument for the purpose of distorting the situation in the slightest degree.

Mr. MONEY. Will the Senator permit me to ask him a question for information?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. MORGAN. Yes.

Mr. MONEY. I am being instructed by the remarks of the Senator from Alabama, as I always am when I have the honor to hear him. He remarked a while ago that the laws there were on the statute book plainly to be read. I presume he meant the laws of the legislature of Panama?

Mr. MORGAN. Oh, no.

Mr. MONEY. The Senator did not mean that?

Mr. MORGAN. I mean the legislation of the Isthmian Canal Commission.

Mr. MONEY. They have their statutes?

Mr. MORGAN. They have their code of statutes—a very good code.

Mr. MONEY. Enacted by whom?

Mr. MORGAN. Enacted by the Isthmian Canal Commission and most of them drawn up by a Panama lawyer.

Mr. MONEY. That is it?

Mr. MORGAN. Yes. Mr. President, this situation presented to the Senate of the United States is satisfactory to me as a modus vivendi, as a method of living, as a necessary condition upon which affairs of great moment in Panama can possibly be conducted. I say it is satisfactory to me, because it appears that the Congress of the United States will not permit anything better to be done. They intend to surrender all the powers of control of every kind and character, including the salaries of officers, to the President of the United States. I do not expect, Mr. President, to throw myself in the way of that flood—disastrous as it is—of legislation that we have been indulging here since the Panama Canal Zone was instituted. I do not expect to do anything so vain and foolish as to resist and to claim that the Congress of the United States shall, after all, maintain some power in the exercise of authority in the Zone. But I am describing conditions as they exist.

How would I apply, under existing conditions, the principle of the resolution that is before the Senate, that a fair and just discrimination shall be made between the people of the United States and foreign people, as France, as I have observed, made exactly such a discrimination? How shall I apply it to the situation at present?

Before I state my proposition I wish to advert to another matter, which is entirely germane to the situation. The Panama Railroad produces a very considerable amount of money in transporting goods across the Isthmus for the commerce of the world. It has produced many, many millions of wealth in its fifty or fifty-five years of history. It continues to produce. But although the Panama Railroad and every piece of property connected with it, and every dollar of stock in the corporation—a New York corporation—belong to the United States, the money that comes in from that railroad does not go into the Treasury of the United States. It is purposely withheld from the Treasury of the United States and is administered locally in respect of railroad affairs and in respect of the affairs of the Isthmus. It is kept out of the Treasury of the United States. Some very singular, peculiar, and unfortunate arrangements have been made upon that predicate for the purpose of keeping the money arising from the Panama Railroad Company out of the Treasury of the United States and out of the power of appropriation by Congress.

So we see in the existing condition of affairs there a very abnormal situation, one that Congress never contemplated, and one that nothing but the most fertile and grasping imagination of an Executive could ever have devised. On some other day, perhaps on an appropriation bill, I may take occasion to bring up these instances, merely to present them to the Congress of the United States, if I may, for the purpose of showing the direction in which we are going and the rapidity of the pace. Here, then, is power exercised over a piece of property that unquestionably belongs to the Government of the United States, whereby its income is kept from the Treasury of the United States and put under the administration exclusively of the Isthmian Canal Commission. It is a great property, an enormous interest; but still there is where it is.

Now, if the Congress of the United States and the President of the United States, under the broad authority which we have ventured to confer upon him, can do these things, can enact a tariff as between Panama and the United States, a 10 per cent ad valorem duty, a common duty, applying to all imports, why can not the Congress of the United States enact that goods imported from abroad for the supply of the canal, whether in the form of machinery or any other form that you can conceive of, shall be put under a duty of 10 per cent, and allow the money that arises from the collection of such duties to be administered by the consent of Congress within that Zone?

I can see the necessity, the apparent necessity, at least, for the administration of it there by the Zone authorities without it passing through the long circuit it would have to taken in getting into the Treasury and again out of the Treasury under our complex system of appropriations and expenditures. The emergency of the work requires that there should be some provision of that kind, and while I look upon the situation created there by the President and the Isthmian Canal Commission through their legislative powers with apprehension and alarm, yet I understand perfectly well that if the Congress of the United States would vouchsafe to give its imprimatur, its stamp of authority, to that same line of transactions, the evils and difficulties would disappear, and we should have an open road down there to the progress of this canal under such liberal conditions as to money and as to men and as to banishments, etc., as would assure the final success of this work.

Mr. President, two years' experience there by the Government of the United States has established the proposition finally that this Government can never build that canal under existing laws. This failure—it is obvious and is the mockery of the world—this great failure has come from the fact that Congress has refused to take the time to understand the question, to penetrate it to its bottom, and to legislate justly and properly in respect of the Canal Zone. It is our fault, Mr. President. We have committed the whole subject into the hands of men who have no boundaries of power, except of their own prescription, and who, accepting the situation, go ahead and take all the liberties they choose to take in the enactment of laws.

If the Congress would say that the two ports of Cristobal and Ancon (which have been delimited by an arrangement not final, it is true, but just and proper, between General Davis, when he was governor, and President Amador and his Government) are ports of the United States for all purposes whatsoever, thereby removing all doubt as to their actual legal state; and if it should go further and say that all goods imported into the Canal Zone for consumption or for the use of the Government of the United States from countries foreign to the United States should bear an ad valorem duty of 10 per cent, we would thereupon get a margin of advantage which would enable us to countervail what I am sure do exist—combinations amongst European manufacturers to underbid American manufacturers and to put prices down, so that they can usurp the market in Panama. That is what is going on.

This bid from somewhere in Europe, with which we are now contending and trying to get rid of and trying to find an excuse for throwing overboard, is a bid gotten up in virtue of a combination in Europe for the purpose of breaking down our local manufacturers. It is a hostile act. I do not concede that it is anything else; and I want to meet it, I want to resent it, and to resist it. I do not propose, by my silence or by my acquiescence, to submit to it if I can avoid it.

If we had a tariff of 10 per cent ad valorem upon these two dredges, to be collected at Panama, in the Zone, and applied by act of Congress to the local purposes of government in the

Zone, we should not violate any principle of the Constitution of the United States, and we would be doing precisely what we are doing in regard to articles imported for consumption by an agreement between the Secretary of War and President Amador. That is what we are doing to-day.

If the honorable committee which reported the joint resolution will take the time to look over this subject and to understand it perfectly, they will see they can reach this result constitutionally and properly and with due respect, which I am always ready to pay, to the preference which ought to be given to American manufacturers, simply by the device I suggest. I can not see how any tariff question comes up in this; how any great question of tariff taxation arises under such a plan as this, because it is an arrangement intended to last during the period of the construction of the canal. After that it will be entirely useless. It is intended for a local purpose, in which the Government of the United States has undertaken to do a great work in a country that was fo. ign, and in respect to which there are many things as yet foreign.

That act of Congress and that treaty which authorized us to go there and do this great work separate that Zone in every legal and proper sense, certainly in every logical sense, from the balance of the United States and make it a peculiar location for the purpose of doing a peculiar piece of work, requiring peculiar skill and persistence and an enormous outlay of money. That can be done. There is no difficulty in doing it, and it ought to be done.

Then the President of the United States, instead of being called upon to pass on a question of extortion or too high prices being charged by one of our own manufacturers, would have nothing to do but to appeal to the law and say to the foreign people who want to import cement, as they have imported a great deal of it into that Zone, and machinery and materials of every character. "You can not come in here without paying a duty of 10 per cent ad valorem." That gives 10 per cent advantage to our contractors, our material men, our food supply men, etc., and that is enough. It is enough to warn the foreigners off. It is enough to notify them that they can not conspire against American production and American manufactures and come in here and take from us not a market, but the opportunity to supply a material for a certain job of work. It is not any market. I submit now to the Senate that it is our duty to look into this thing more particularly than we have been in the habit of doing and to study the situation.

Mr. President, there can not be any declaration made by the Senate of the United States or by the Congress of the United States to-day in respect of that Zone which is as important as the first I propose as an amendment, by way of substitute for the joint resolution—that the Panama Canal Zone is declared to be a military reservation of the United States. For every reason that can be stated or imagined it is necessary to put it in that shape. It is in that shape virtually now, but it is necessary to have this Congressional declaration. Put it in that shape, and then you have the right constitutionally and under all precedents of legislation heretofore to say to anyone who wants to go into that Zone, that reservation, that military camp, if you please to call it such, "You can come here subject to conditions; you are not going to be allowed to trade here at all unless we want your goods and unless you are the right sort of person. We want to keep you and all speculators and thieves and promoters outside of this Zone. We want to control the labor of this Zone."

What does that mean? If you will read back in the history of affairs in Panama, you will find that strike after strike has occurred at Colon during a period of nearly fifty years, and the Government of the United States has been twice called upon by the Panama Railroad Company to go down there and suppress strikes. What is going to take place there? With 30,000 employees, whether they are under the control of contractors or under the control of the Government, what is going to take place down there? The walking delegate will appear. He has appeared already and has been ordered off. Leaving matters in the shape in which they are now, he will enter into lawsuits with you and apply for a writ of habeas corpus. We will have it in the Supreme Court of the United States, and this Government and this people will be turned upside down upon a labor question affecting the Canal Zone. How will the labor question affect the canal government? Fatally. You can not use any other word than that—fatally. The power must be there to suppress it, and there is but one power that can suppress it, and that is the power which is exercised by the governor of that Zone under a statute of the Isthmian Canal Commission—to banish the walking delegate or any other man who comes there to interfere with them.

That condition, thus established, for that purpose and for many other purposes, authorizes us to regard that as a special reservation outside of the political limits of the United States and to use within that reservation all the powers that are necessary, not merely for the control of the situation and the preservation of peace and order, but all the powers necessary in regard to the importation of materials. We have the perfect right to control it, and we ought to declare that right. We ought to put it upon record that this is the basis of it, and then the nations of the earth would understand us. They do not understand us now. These people in Scotland who are making this combination to underbid our workmen would understand, when they saw this declaration, that the Government of the United States was, after all, in earnest about this business and intended to exercise all of its powers over the situation.

Mr. President, I can not conceive of anything that is more important than such a declaration. Just now we are informed by the morning paper that the Vice-President, or the person who is called the Vice-President, of Panama, with a suite of politicians, is coming here for the purpose of getting Mr. Taft to interfere down there and have an honest election held in the State of Panama. Drawn into the political situations there in spite of ourselves, because of our too free and familiar intercourse with that Government, it is plain that we have not exercised the power of shutting out from that Zone people who are not needed there and are not useful there. Now, for the next three months, perhaps, after the election, which is to occur early in June in Panama, is held, the people of the United States are to be aroused and excited and agitated about some political affair down there between the Liberals and the Conservatives, as they are called.

What we need there is a Zone devoted to business, not in any sense devoted to the art of government or of politics. We are not going down there to establish manufactures or agriculture or the fine arts or anything of that kind. We are going down there to build a canal, and only for that business, and we ought to go attended with all the powers of government that are necessary to be focalized upon that one spot so that we will have an unimpeded way to success. Put your Zone there under a major-general of the United States as a commandant. Do not let him have anything to do with the building of the canal, the buying of material, politics in Panama, or finance or postal matters. Let it be his business there to conduct the government of that Zone and to do it under the rules and regulations provided by the President of the United States and the Secretary of War applicable to the particular situation. Then you would have a man there and you would have a power there that the Spaniard and the dago and the negro and the Chinaman and all of the other races of the earth would respect with absolute submission. There could be nothing placed in the Zone to-day that would be more beneficial to us than a major-general of the United States Army in control and in command of everything that relates to police affairs in that Zone. You could not put anything there that would make a finer impression; and then the Republic of Panama, instead of sending her messengers and missionaries to confer with the Secretary of War about politics in an election to occur next June, would stay at home and respect the man and the situation. They would understand then that we are not there, as I said, for the purpose of ordaining civil government.

But keep your institutions that are there now if you want them. I think they are useless, many of them; but if you want them keep them. There are circuit judges, there is an appellate court, and there is everything connected with the law, except the writ of habeas corpus. There is a penitentiary with eighty-odd convicts in it. There is the pardoning power. The governor of the Zone has pardoned men who have been convicted of high felonies without ever coming to the President of the United States to exercise the pardoning power. It is an imperium in imperio, strictly, so called—the first instance, and I hope it will be the last instance that will ever occur in the history of this country, and that we will never be so put to it, either by our want of attention and diligence to our highest duties or by the creation of autocratic power.

At the proper time, Mr. President, I shall offer this amendment in the nature of a substitute. I have made my remarks upon it. I do not know that it will receive the approbation of any Senator in this body except myself, but I want to go on record, for I will not have many years, or many days even, to put myself on record here, in favor of the proposition that I conceive to be absolutely indispensable to the welfare of the Canal Zone and the canal. I ask to print it as part of my remarks, as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That the Panama Canal Zone is declared to be a military reservation of the United States.

"SEC. 2. That all revenues collected in said Zone, except the receipts and income of the Panama Railroad, are set apart for the use of said Zone, under the direction of the President of the United States, through the Isthmian Canal Commission or the authorities of government in said Zone, to be administered without being covered in the Treasury of the United States.

"SEC. 3. That a duty of 10 per cent ad valorem shall be levied and collected on all merchandise, machinery, or material imported into said Zone from any country that is not within the limits or jurisdiction of the United States, except freights arriving by sea that are destined or consigned for transportation across the Isthmus of Panama to or from a foreign country: *Provided*, That the President may remit such duties, in whole or in part, when the same apply to imports for consumption in the State of Panama.

"SEC. 4. That the ports of Cristobal and Ancon, as the same are now delimited under agreement with the Republic of Panama, are ports of the United States for all purposes."

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. At the request of the Senator from Maine, the amendment will be read.

The SECRETARY. It is proposed to strike out all after the resolving clause and insert as a substitute therefor the following:

That the Panama Canal Zone is declared to be a military reservation of the United States.

SEC. 2. That all revenues collected in said Zone, except the receipts and income of the Panama Railroad, are set apart for the use of said Zone, under the direction of the President of the United States, through the Isthmian Canal Commission or the authorities of government in said Zone, to be administered without being covered in the Treasury of the United States.

SEC. 3. That a duty of 10 per cent ad valorem shall be levied and collected on all merchandise, machinery, or material imported into said Zone from any country that is not within the limits or jurisdiction of the United States, except freights arriving by sea that are destined or consigned for transportation across the Isthmus of Panama to or from a foreign country: *Provided*, That the President may remit such duties, in whole or in part, when the same apply to imports for consumption in the State of Panama.

SEC. 4. That the ports of Cristobal and Ancon, as the same are now delimited under agreement with the Republic of Panama, are ports of the United States for all purposes.

Mr. HALE. I might make the point upon it that the amendment is not germane, and I think it is not; but I do not make the point. I am willing to take the vote of the Senate on it.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. STONE. Mr. President, I desire to address the Senate briefly at this time. The amendment pending is the one offered by the Senator from Florida, as I understand.

The VICE-PRESIDENT. It is not pending. The amendment read at the Secretary's desk was not formally offered.

Mr. MORGAN. It has not been offered. I will let my amendment stand aside until the Senator from Florida has an opportunity to present his amendment, if he desires.

The VICE-PRESIDENT. The Senator from Florida has a right to offer his amendment in the way of perfecting the text of the joint resolution.

Mr. HALE. I had hoped that the Senate might come to a vote upon the proposition covered by the joint resolution—either adopt it or reject it—so that the Department would have a rule of proceeding in reference to these necessary operations on the Isthmus. I should like very much now, without in any way seeking to interfere with any Senator who desires to debate it, if I could, before 2 o'clock, to get the joint resolution out of the way. I do not object to a vote upon any amendment that is offered or upon the joint resolution itself. I do not desire to take up any time myself—I shall not say a word—but I should like very much, for the guidance of the Departments, to have the joint resolution out of the way.

Mr. CARMACK. What is the Senator's proposition?

Mr. HALE. Of course, it is in the hands of the Senate, but I desire very much to get a vote upon the matter and dispose of it in one way or the other; either adopt the joint resolution or reject it, as a guidance to the Departments, who are waiting for the action of Congress as to how they shall conduct this dredging business.

Mr. CARMACK. I thought the Senator from Maine proposed that a vote be taken at a certain hour.

Mr. HALE. Oh, no; that is only done upon subjects of great public interest and the disposition of which requires a great deal of time. No, I do not ask anything of that kind. I am entirely at the mercy of the Senate.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. STONE. Certainly.

Mr. MALLORY. I should like to inquire if the Senator from Alabama has withdrawn his amendment?

Mr. STONE. He has.

Mr. MORGAN. I withdrew it temporarily. Mine is a substitute, and the amendment of the Senator from Florida would have preference over mine.

Mr. MALLORY. Then I offer the amendment now.

The VICE-PRESIDENT. The Senator from Florida offers an amendment, which will be stated.

The SECRETARY. In line 7 of the joint resolution it is proposed to strike out the words "extortionate or;" so as to read:

Unless the President shall, in any case, deem the bids or tenders therefor to be unreasonable.

Mr. STONE. Mr. President, I have no desire to unduly delay the final consideration of the resolution. I have no objection to a vote upon it at any time. But this joint resolution, it seems to me, should and ordinarily would provoke a good deal of discussion. I can not but feel surprise that so little interest appears to be taken in the measure by Senators, at least by Senators on this side. I desire to submit some observations before a vote is taken.

The Senator from Florida [Mr. MALLORY] proposes to strike out the word "extortionate" from the joint resolution. If that should be done, then canal supplies could be purchased outside the United States if the prices offered here were regarded by the President as unreasonable. I can not see why there should be any objection to striking out that word. "Extortionate" is a word of larger reach and more drastic than the word "unreasonable." A bid could not well be extortionate without being unreasonable. The price of material could not be extortionate without being unreasonable. But it is possible that a price might be considered as unreasonable which would not be extortionate. The term is in the disjunctive—that is to say, it reads "extortionate or unreasonable"—and the President may decline to purchase American products and go abroad if, in his opinion, the prices offered are either the one or the other. In that view the word "extortionate" is not significant.

However, I am personally not importunate about this. I do not care very much about it. I did not arise to discuss this amendment, but the resolution itself. Mr. President, I have been wholly unable to comprehend just why this joint resolution is proposed. It seems to me to be meaningless, absolutely so in a practical sense. It is useless, needless, and without any practical meaning. What is intended to be accomplished by it? It declares "that purchase of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable." Restricted? Why, I presume no one imagines that the President would purchase any material outside of the United States if like material could be purchased at home for substantially the same price, all things considered. It is inconceivable that any American official would buy abroad in preference to buying at home when the conditions upon which purchases could be made were substantially the same.

The joint resolution does not absolutely restrict the President to purchases in the United States. It restricts him only in cases where the bids made or the prices demanded are extortionate or unreasonable.

I do not see that any substantial thing is accomplished by the joint resolution, either of good or evil. Then, Mr. President, what is the real purpose of the resolution? Is the President or his subordinates asking Congress to provide an easy place for them to fall? Are they asking the Congress to give them an excuse for not doing something they have boldly proclaimed they intended to do?

Mr. MORGAN. And have done.

Mr. STONE. The Secretary of War, a gentleman for whom personally I entertain an unusually high regard, both as a man and as an official, declared some months ago that he would consider it his duty to purchase canal supplies in the open markets of the world; that he considered it his duty to build the canal as cheaply as possible, and that if the supplies necessary for the construction of the canal could be had in other markets than our own at prices materially less, he would feel it to be his official duty, under his oath and in the proper administration of his office, to purchase the supplies wherever they could be had the cheapest. The head of the Canal Commission made similar statements, and all these statements have had the official indorsement of the President.

Some months ago, when this canal business was before the Senate in some form, I had occasion to call the attention of the Senate to some expressions from these high official sources on this subject. I want again to call the attention of the Senate to some of them. I read at that time an article which appeared in the Washington Post May 16, 1905, now just about a year ago, and I wish to read it again. It is as follows:

A new and very important policy was entered upon yesterday by the Isthmian Canal Commission, when members of its executive committee decided to purchase both materials and ships in the markets of the world. This was approved by Secretary Taft.

* * * * * * *

This decision with regard to the canal was reached with some reluctance, because it was appreciated by Secretary Taft and the executive committee that there would surely be a great outcry from two great interests in this country—the producers of material and the shipowners—if the purchases were not limited to the American product.

But it was decided that the money consideration was so great that it could not be ignored, for it was held that in cases fully 50 per cent more would be charged for material needed in canal construction than the same goods could be produced for in Europe.

Chief Engineer Wallace, for instance, showed that two ships, in addition to those running between New York and Colon and owned by the Panama Railroad Company, were absolutely necessary to carry the food supply and material needed for the work. No American ships could be bought at any reasonable price, and when it came to building such ships it was found, according to Secretary Taft's statement, that while you could buy two 6,000-ton ships in Europe for $750,000, it would cost $1,400,000 to build such ships here. And, in addition, while the European ships could be had at once, it would take at least eighteen months to secure American boats. Therefore it was decided to buy the ships in Europe, or, rather, in any port where they could be had the cheapest and obtained the quickest.

* * * * * * *

Secretary Taft explained yesterday that he felt obliged to indorse this decision. * * * And in this connection he called attention to the following recommendation contained in the first report of the Isthmian Canal Commission.

And now I quote from that report:

An important question of policy is yet to be determined. If the Isthmian Canal Commission is not bound by any restriction of Congress as to where it shall purchase machinery, material, and supplies, then it would seem to be its duty to construct the canal as cheaply as possible, and buy what it needs where it can get it cheapest.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. HALE. The Senator from North Dakota [Mr. KITTREDGE] is, of course, entitled to the floor, and I understand he is ready to submit some remarks to the Senate. But could not the Senator yield and allow the joint resolution to be proceeded with until it is finished?

Mr. KITTREDGE rose.

Mr. STONE. I will say at this point, if I may be permitted, that I understand possibly there is to be some additional debate on this side, and the matter can go over if the Senator from South Dakota wishes to proceed with the unfinished business.

Mr. KITTREDGE. I would be very happy, of course, to yield to the Senator from Maine to continue the consideration of the joint resolution if I felt that I ought to do so in duty to the unfinished business. I had expected to ask that the unfinished business be laid before the Senate at an earlier hour to-day, and I must ask that it be proceeded with at this time.

Mr. HALE. The Senator desires to submit some remarks?

Mr. KITTREDGE. I have that purpose, Mr. President.

Mr. HALE. Of course I can not interfere with that. The joint resolution will then go over for the present. I give notice that I shall call it up as soon as possible after the Senator from South Dakota has concluded his remarks.

Mr. CARMACK. I submit an amendment as a substitute for the joint resolution which has been under consideration.

The amendment was ordered to lie on the table, and to be printed, as follows:

Strike out all after the resolving clause and insert:

"That in all contracts for the purchase of material and equipment for use in the construction of the Panama Canal preference shall be given to articles of domestic production or manufacture, conditions of quality and price being equal."

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. Mr. President——

Mr. STONE. Before the Senator proceeds, I ask permission to say to the Senator from Maine that when the joint resolution which has been under consideration was called up I was notified by three Senators on this side that they desire to debate it.

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. I do, for an inquiry.

Mr. PENROSE. I simply want to make a statement. I am as strongly in favor of the joint resolution as the Senator from Maine, but it is very plain that it is going to lead to prolonged discussion. I stated to the Senate this morning the absolute necessity, as far as I am personally concerned, of being relieved of the Post-Office appropriation bill before the middle of the week. I should like to ask the Senator from South Dakota whether he will have any objection, as far as the unfinished business is concerned, if I should move to proceed to the consideration of the Post-Office appropriation bill at the close of his remarks?

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. KITTREDGE. Answering the question of the Senator from Pennsylvania first, I would simply say that at the conclusion of my remarks I expect to ask to have the unfinished business temporarily laid aside.

Mr. PENROSE. Then I shall move at that time that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. CLAPP. Before that is settled I wish to make a statement.

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. KITTREDGE. I do, for an inquiry.

Mr. CLAPP. In an informal talk with the Senator from South Dakota I notified him that I was going to ask to bring up the conference report on the Indian appropriation bill at the close of his speech. The report was brought in on Friday, and I should like to call it up as early as possible.

Mr. PENROSE. I should like to ask the Senator from Minnesota whether the conference report will lead to any extended discussion?

Mr. CLAPP. I would not suppose that it would, but of course I can not tell what might happen.

Mr. PENROSE. I do not know whether the Senator from Minnesota was in the Chamber this morning when I made a statement in regard to the Post-Office appropriation bill. If I can not have the bill disposed of by the middle of this week, I can not assure the Senate that I can call it up until the middle of June. While I know the conference report is entitled to precedence, and I have every desire to facilitate the Senator's work, I sincerely hope that he will let me have the appropriation bill disposed of. He will doubtless be here all week, and he will have ample opportunity to have the conference report disposed of. My personal engagements are such that I want to be relieved of the appropriation bill by Wednesday.

Mr. CLAPP. May I ask the Senator from Pennsylvania how long he expects it will take to complete the Post-Office appropriation bill?

Mr. PENROSE. The Post-Office appropriation bill seldom takes very long in the Senate. It has not done so in recent years. I do not know of any matters in controversy in the bill that will lead to any extended discussion.

Mr. KITTREDGE. So far as the consideration of the appropriation bill and of the conference report is concerned, I assume that is a matter for the Senate to determine after I have concluded such remarks as I may submit.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Maine?

Mr. KITTREDGE. I do.

Mr. HALE. As the Senator from South Dakota is prepared to go on with his remarks, and has also stated that at the conclusion of his remarks he will ask that the unfinished business be temporarily laid aside, I was going to ask that he be allowed now to go on and the Senate then will decide what it will take up. I hope the Senator from South Dakota will be allowed to go on with his remarks.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 5509. An act for the relief of Russell Savage;

H. R. 7226. An act for the relief of Patrick Conlin;

H. R. 9841. An act to correct the military record of James H. Davis;

H. R. 13836. An act for the relief of Taylor Ware; and

H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TILLMAN. I move that the Senate insist upon its amendments and consent to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. BAILEY. Mr. President, pending that motion, I shall not

move, because I doubt if it would be in order, an instruction to the conferees of the Senate, but I want to call the attention of the Senate and of the Senate conferees to an amendment to an exception which seems to have been ingrafted upon amendment No. 5 on page 5. I sincerely hope that the conferees on the part of the Senate will agree to so much of the disagreement of the House as strikes out the words "other than timber and the manufactured products thereof."

The original Senate amendment was intended to divorce the business of transportation from the business of manufacture and distribution, and I do not believe that any living man can assign a valid reason against carriers producing and transporting coal, iron, and other commodities that will not apply with equal or greater force to lumber.

I think this exception is equivalent to an admission that the entire amendment is of doubtful wisdom and of doubtful utility. I can not myself comprehend what better right a railroad company has to buy a pine forest and engage in the manufacture and transportation of lumber than a railroad company has to buy a coal mine and engage in the business of producing and transporting coal.

Without intending to detain the Senate, I venture to express the hope that those words which constitute that exception will be stricken out of the bill. I did not, I frankly say, know that such an exception had been adopted by the Senate until last night. I remembered the speech of the Senator from the State of Washington [Mr. PILES] in favor of it, and while he was on the floor some constituents of mine called me into the Marble Room, and supposing that an exception so important as that could not be adopted without a roll call, and no roll call having been ordered, the matter passed out of my mind as having been defeated.

I discovered last night that this provision is in the bill, and I think it is equivalent to conceding that the whole proposition is a vicious one. I sincerely hope that the people who produce lumber will be put on precisely the same plane as the people who produce coal. If there is any wisdom in the effort of the Senate to divorce transportation from manufactures, mining, and production, that wisdom reaches to and includes lumber as well as it does coal, iron, and other products. If we are in earnest, and I hope we are, in this effort to separate the business of a common carrier from the business of manufacturers, producers, and merchants, that exception ought to be eliminated.

The VICE-PRESIDENT. The Senator from South Carolina moves that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. TILLMAN, Mr. ELKINS, and Mr. CULLOM as the conferees on the part of the Senate.

PANAMA CANAL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. Mr. President, the Spooner law, approved June 28, 1902, provided, conditionally, that a canal connecting the waters of the Atlantic and Pacific oceans should be located at Panama. The first section of that act authorized the President to acquire for and on behalf of the United States all the properties of the New Panama Canal Company, of France, paying therefor the sum of $40,000,000, provided a satisfactory title to said property could be obtained.

That condition was satisfied, as is evidenced by the opinion of the then Attorney-General of the United States, now a member of this body, the Senator from Pennsylvania [Mr. KNOX]. The second section of that act authorized the President to acquire from the Republic of Colombia for and on behalf of the United States, upon such terms as he might deem reasonable, perpetual control of a strip of land across the Isthmus of Panama, which is therein described, and authorized the payment of $10,000,000 for such property so to be acquired.

This condition was satisfied by the ratification of what is known as the "Hay-Varilla treaty," which the Senate ratified on the 23d of February, 1904, and it was duly proclaimed on the 26th of February, 1904.

The Spooner law which I have mentioned made an appropriation of the sum of $60,000,000, $40,000,000 to pay for the property which was to be acquired from the New Panama Canal Company, $10,000,000 for the purpose of paying the Republic of Panama, or Colombia, as it then was, for the right we acquired from that Government, and $10,000,000 for general purposes. Sixteen million five hundred thousand dollars additional has been appropriated by the present Congress.

By the act of April 28, 1904, the President was authorized and directed to take possession of the properties acquired from the Republic of Panama and from the New Panama Canal Company. That was accomplished early in May of that year. In the same act certain governmental powers were vested in such persons as the President might direct.

Under section 3 of the Spooner law to which I have referred it was required that the canal to be constructed across the Isthmus of Panama should be of sufficient capacity and depth as should afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated.

By the seventh section of the same act an Isthmian Canal Commission was created, composed of seven members. That Commission was organized in March, 1904. It consisted of Admiral Walker; General Davis; of Mr. Burr and Mr. Parsons, both of New York; Mr. Harrod, of New Orleans; Mr. Grunsky, of California, and Mr. Hecker, of Michigan. Mr. Hecker resigned from that Commission early in November, 1904, and all the other members of that Commission resigned in March, 1905. On the 1st of April, 1905, a new commission was appointed. Mr. Shonts was made chairman; Judge Magoon was made a member; Mr. Wallace, then the chief engineer, as he had been from the May previous, was also made a member; General Hains, General Ernst, Mr. Harrod, and Admiral Endicott were also made members of it. That Commission continues as at first appointed, except in the latter part of June, 1905, Mr. Wallace resigned.

On the 24th day of June, 1905, the President created a board of consulting engineers, as he was authorized to do by section 7 of the Spooner law to which I have referred. The language is as follows:

> In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work.

General Davis was designated by the President as the chairman of the board. As before stated, he had been a member of the first Isthmian Canal Commission, as had also Mr. Burr and Mr. Parsons, of New York. The other members of the board—ten besides those above named—were General Abbott, of the Army, retired; Mr. Noble, of New York; Mr. Randolph, of Chicago; Mr. Ripley, of Michigan; Mr. Stearns, of Boston; Mr. Hunter, of England, who is the chief engineer of the Manchester Ship Canal; Herr Tincauzer, of Germany, at the head of the Kiel Canal; Mr. Welcker, of The Netherlands, at the head of the canals of that country; M. Guerard and M. Quellennec, of France, connected with the Suez Canal, the latter being now the chief engineer of that work, and the former connected with it in an advisory capacity.

The board met early, September 1, 1905, and in November, 1905, reached a conclusion, eight of the members of that board favoring a sea-level canal, which the majority of the Interoceanic Canal Committee approve and adopt, while five members of the board recommend a lock canal of the type and character I will later mention.

These reports were not at that time made public. They were first, as I understand, submitted to the Isthmian Canal Commission. The board of which I have been speaking, the Board of Consulting Engineers, reported, as I have stated, to the Isthmian Canal Commission, and they in turn submitted their findings to the Secretary of War.

On the 19th day of February, 1906, the President transmitted to Congress the report of the Board of Consulting Engineers, which I have mentioned, also the report of the Isthmian Canal Commission upon the type of canal, together with a letter of the Secretary of War submitting to the President, with comments, said report. That document was on the desks of Senators some time ago. It is Document No. 231 of the present session. Immediately after the submission of the message with the reports the Interoceanic Canal Committee began its investigations. With careful and painstaking attention they heard numerous engineers upon this question. The testimony so given is to be found in a volume of evidence, nearly a thousand pages, which can also be procured by Senators. The Committee on Interoceanic Canals having this subject in charge based its finding upon all the testimony that has been presented to the committee, and its conclusion is now before the Senate. I ask that the bill, which is the unfinished business, may be read for the information of this body.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That a sea-level canal, connecting the waters of the Atlantic and Pacific oceans, be constructed in accordance with the report and plans of the Board of Consulting Engineers for the Panama Canal created by the order of the President dated June 24, 1905, in pursuance of an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

Mr. KITTREDGE. Mr. President, thus far we have not had the benefit of any suggestions on the part of the minority of the Interoceanic Canal Committee concerning their recommendations. Neither in the committee nor as yet in this body has the minority of that committee presented its views. It is only fair to say, however, that the chairman of the committee has informed me that in the near future he will submit the views of the minority. This is regretted on my part, as I can not have the opportunity, in this opening presentation, of commenting, so far as I may, upon the points or arguments they will cite in discussing this measure. However, it will be assumed in these remarks that the minority of that committee will base their conclusions upon the minority report of the Board of Consulting Engineers, to which reference has been made.

At this point it may be well to call attention to one or two of the maps upon the walls of this Chamber. The canal at Panama runs east of south from Colon; that is to say, the city of Panama is east of the city of Colon, which is the Caribbean, or Atlantic, port of entrance to the canal. It is 50 miles, in round figures, from the point where dredging begins in the Atlantic Ocean to where it ends on the Pacific Ocean. The high-tide waters of the Atlantic and Pacific oceans are only 24 miles apart. That, of course, means that, except for 24 miles of the distance I have mentioned, the work is that of dredging, presenting absolutely no unusual, untried, or doubtful problems of engineering.

Of the 24 miles to which allusion has been made, the maximum height above sea level now is only 160 feet, which, for a sea-level canal, means simply the excavation of the material for the distance of about 24 miles to the height of 160 feet and of the width provided for by the majority of the Board of Consulting Engineers, plus, of course, the 40-foot depth of water, as provided in that plan of canal.

At a very early date, so the geologists suggest, an arm of the Atlantic Ocean or of the Caribbean Sea extended 30 miles from the point where land now begins to Gamboa. At that point—Gamboa—the solid rock is at sea level, and we are told that all the lowland now existing in the valley of the Chagres from Gamboa to the Caribbean Sea, or Atlantic Ocean, has been made ground. It has been formed by the wash, silt, and drift of the river Chagres and deposited in the valley, gradually filling it up and making the land as it now appears.

The highest point on the Isthmus traversed by the canal is what is known as the "Culebra divide." Before any work was done by the French company the maximum height along the route of this canal was a little more than 330 feet, but it had been excavated by the French to the extent already mentioned.

If the sea-level canal shall be adopted, there are only two structures of importance to be made—one a dam at Gamboa, restraining and controlling the waters of the Chagres River, and the other (possibly necessary) a tidal lock or gate near the Pacific terminus, in order to restrain the waters at high tide from rushing into the canal, the gate operating as a dam, and also to enable ships to emerge from the canal and pass out to the Pacific at all stages of tide. The tidal lock is not regarded as necessary by all the engineers who have appeared before us. It is, however, recommended, in order that by no chance can the flood waters, or the tide waters, rush through the canal and injure it or any shipping that may be passing through.

The structure at Gamboa would not be a very large one. By that I mean that in this country and in all countries where works of this sort are constructed, many dams of greater magnitude have long been in existence and are being built. The rock at that point is only 50 or 55 feet below the surface of the ground. At present surface the distance across the valley is only 600 feet; at the surface of the ground 1,150 feet; and at the top of the dam the distance across will be only 2,250 feet. One of many strong points in favor of the dam at that place, is the fact that on either side are hills of solid rock, and the dam, if constructed there, will not only be placed on solid rock, but will be buttressed on either flank by rock as solid and firm as can anywhere be found.

These, as has been stated, are the only two structures of any importance that are contemplated by the sea-level type of canal. I do not forget the fact that some of the little streams that flow into the canal are to have dams across them, throwing the water back upon their source and to the ocean in another way, but those are inconsiderable in size and of no moment so far as any vital feature is concerned.

On the other hand the lock canal would require structures of unusual, doubtful, and experimental features. The first structure of importance required would be at Gatun. There it would be necessary to construct a dam one mile and a half in length, a half mile in width, and 135 feet in height, supporting a head of 85 feet of water. At one end three locks are proposed, with an aggregate lift of 85 feet.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. BACON. Will the Senator pardon me if I ask him what he means by the width of the dam being half a mile?

Mr. KITTREDGE. I mean it is half a mile up and down stream.

Mr. DRYDEN. The thickness?

Mr. BACON. The thickness of the dam would be half a mile?

Mr. KITTREDGE. Yes. I will explain that feature a little later on.

These locks, as has been stated, are in flights, in steps one above the other, all in direct contact. As the ship leaves one lock it enters the next above it, or below, as the case may be. The same is true upon the other side, except one of the locks is to be located at Pedro Miguel or Miraflores, and two at or near La Boca.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. KITTREDGE. Certainly, I do.

Mr. HOPKINS. If the interruption will not disturb the Senator, I understood him to say that under the sea-level type of canal the only dams that would be required would be the one at Gamboa and one on the Panama side——

Mr. KITTREDGE. A dam at Gamboa and a tidal lock near Panama.

Mr. HOPKINS. Yes. I want to call the Senator's attention to the fact that there are some other dams which have been proposed as being involved in the construction of the sea-level type of canal. As I understand, there will be three other dams necessary, one controlling the River Caño, one the River Gigantito, and a third controlling the Rio Gigante. One of those dams will be 2,800 feet long. Does the Senator understand that it will be necessary to construct such a dam as that under the sea-level plan?

Mr. KITTREDGE. I am not sure about the length of the dams, but they are small structures and unimportant.

Mr. HOPKINS. The evidence shows that one dam would have to be 2,800 feet long, and that another dam would have to be 490 feet long, and another 820 feet long. The height of these dams will be 75 feet above the ground. I want to call the Senator's attention also to the fact that there is no evidence showing how deep, for a sea-level canal, it will be necessary to go in order to get a foundation for any one of these dams designed to check the rivers which it will be necessary to control. Unless those dams are constructed, the flow of water from the rivers referred to would go into and practically destroy the navigation of the sea-level canal by making cross currents in the canal.

Mr. KITTREDGE. That, Mr. President, is the Senator's statement of what will happen.

Mr. HOPKINS. I will ask the Senator if it is not the fact that the sea-level canal plan involves the construction of the three dams I have named?

Mr. KITTREDGE. There is no doubt about that.

Mr. HOPKINS. Yes. Is it not also a fact that there have been no borings to determine how low it will be necessary to go to find a rock foundation for any one of these three dams?

Mr. KITTREDGE. Those dams, Mr. President, and the rivers which they are to cross are of such inconsiderable importance as not to be worthy of any attention in the settlement of this question.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. KITTREDGE. Certainly.

Mr. GALLINGER. The Senator from Illinois [Mr. HOPKINS] lays stress upon the depth it will be necessary to go to find rock foundations for these small dams. Am I correct, I will ask the Senator from South Dakota, in supposing that the enormous dam at Gatun, that will be necessary if we have a lock canal, a mile and a half long, half a mile wide, and I have forgotten how high, will necessarily be built upon a mud foundation?

Mr. KITTREDGE. The Senator is absolutely correct, as I will later show.

Mr. HOPKINS. Mr. President, inasmuch as the Senator from New Hampshire has referred to me, by the permission of the Senator from South Dakota, I want to say that the dam at Gatun is going to be upon a rock foundation. There are two depressions, one 258 feet and another 205 feet, that will be required to go below the rock level of the dam, but at every point it will strike a rock foundation.

Mr. DRYDEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. KITTREDGE. Will the Senator pardon me just a moment, and then I will yield to him?

Mr. DRYDEN. Certainly.

Mr. KITTREDGE. Before I leave the question asked by the Senator from Illinois, let me read what Mr. Hunter states regarding the dams which the Senator from Illinois has mentioned. It is found in the letter which was presented to this body one day last week and placed upon the desk of each member of the Senate. I read from page 9 of that letter.

Mr. FORAKER. What is the date of the letter?

Mr. KITTREDGE. The letter is dated April 28, 1906, and is written by Mr. Hunter, who was a member of the Board of Consulting Engineers. He is now, and has been for many years—in fact nearly all his life—connected with, and at the present time is the chief engineer of, the Manchester Ship Canal.

He says:

Much unnecessary apprehension has been expressed, both as to the effect and as to the probable cost of the works required for the regulation of the side streams which will flow into the sea-level canal. The works will be very simple in their design, and very direct in their operation. No elaborate systems of masonry construction, for the purpose of converting the streams into cascades, will be required or need be contemplated. It will suffice if the streams when not diverted altogether, whether higher or lower in level (as compared with the level of water in the canal) are in each case allowed to fall directly into a pool to be formed at the foot of each, from which pool the water will flow over a weir into the canal, the short channel from the weir being laid out on such lines, and at such depths, as will reduce velocity to the point required to eliminate appreciable current. This, in principle, was the method adopted for dealing with the flood waters from the river Mersey, which pass into the Manchester Canal, and has, in practice, proved to be entirely successful, as even in times of very heavy flood, when the quantities discharged from the Mersey are much greater than those which will be discharged from any of the subsidiary streams on the line of the Panama Canal, the current velocity in the waterway never exceeds 2 miles per hour, which velocity has had no effect whatever upon passing steamers, whether moving with or against the current.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. I had promised to yield to the Senator from New Jersey [Mr. DRYDEN]. I will yield to whichever desires to proceed first.

Mr. DRYDEN. I merely wanted to make a brief statement, and it is very pertinent in view of the testimony of Mr. Hunter.

The Senator from South Dakota, who is thoroughly informed upon this whole subject, is well aware that there are seventeen different streams which will enter into the canal, the mouths of which streams are all the way from 13 to 130 feet above the surface of a sea-level canal. Now, let Senators imagine for a moment, when these great floods which take place from time to time in that territory occur, when the Chagres River is so filled that it overflows everything and carries everything in its course, what will be the effect upon the sea-level canal, getting water into it from a height of 130 feet above the canal, and what is going to be the condition of these great ships which will undertake to navigate the canal when they meet these cross currents.

Mr. KNOX. Mr. President——

Mr. KITTREDGE. Just a moment. Permit me first to answer the question of the Senator from New Jersey.

The effect of these dams across the little streams which would pass into the prism of the canal if the dams were not constructed is to reverse the flow of the streams and turn them altogether the other way and out of the Chagres Valley or the prism of the canal.

Mr. DRYDEN. Does the Senator mean to say that these streams will not empty into the canal?

Mr. KITTREDGE. They will if the dams are not constructed, but the dams which the Senator has in mind will accomplish the purpose I have stated.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. I yield to the Senator from Pennsylvania.

Mr. KNOX. I simply wish to make an inquiry. Is not Mr. Hunter, whose letter seemed to have been of sufficient importance to have it printed and laid upon the desk of each Senator, and who testifies in favor of a sea-level canal, the same Mr. Hunter who was a member of the technical commission of France, appointed by the French canal company to report upon the question of a sea-level or lock canal, and did not report against a sea-level canal and in favor of a lock canal, with two locks at Bohio not very much smaller in size and height than the flight of locks at Gatun?

Mr. MORGAN. I suppose, if the Senator from South Dakota will permit me——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. KITTREDGE. I yield.

Mr. MORGAN. I suppose those facts must have been known to the President when he invited Mr. Hunter to come over here and take a place on this Commission. He invited Mr. Hunter to come here. The President had confidence in his judgment and in his integrity; and I think there will be difficulty in submitting Mr. Hunter to any impeachment whatever before the Senate.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. Certainly.

Mr. KNOX. I only want to have an answer from the Senator from South Dakota as to whether or not those are the facts?

Mr. KITTREDGE. The statement of the Senator from Pennsylvania is correct. Mr. Hunter was a member of what is known as the "technical committee" of the New Panama Canal Company. But it must not be forgotten that at the time the committee was investigating, that company was in financial difficulties, and their study was to discover the cheapest form of canal, the one soonest made and earning tolls, and at that time they did recommend the construction of a lock canal of small capacity, and it included locks at Bohio. But in that connection it must be further remembered that at that time it was supposed that the rock foundation at Bohio was less than 130 feet. It has since developed, upon investigation made by former Chief Engineer Wallace, that a rock foundation can not be reached at Bohio unless at a depth of 168 feet below sea level, which makes absolutely impossible the securing of a rock foundation for the dam at that point.

It must not be forgotten, further in this connection, that notwithstanding that fact a minority of the board of engineers abandoned Bohio, for the reason I have stated, and have gone to Gatun. There they have already made borings to a depth of 258 feeet, and they discover sand, gravel, mud, decayed vegetable matter, trees, seashells, and water bubbling at varying distances from the grass roots to that depth. Upon such a foundation the minority propose to put in the Gatun dam, which is the very key to the integrity of the entire canal structure.

Mr. MORGAN. Will the Senator allow me to ask him a question?

Mr. KITTREDGE. Certainly.

Mr. MORGAN. The Senator from Illinois [Mr. HOPKINS] said, as I understood, that the borings across the mile and a half at Gatun had reached rock foundations except in those two cavernous places, one being 258 and the other 200 feet deep. I do not understand the evidence if a rock foundation has been touched with an auger anywhere in that mile and a half. They have stuff there which they call indurated clay, which is far from being rock—so far from it, indeed, that either by earthquake disturbance or by the washing of the waters of the Chagres River one channel has been cut through it 228 feet deep, and within a few hundred yards another channel has been cut through it 200 feet deep. It is not rock, and it is not correct to say that it is. I ask the Senator from South Dakota if I am right about that?

Mr. HOPKINS. Mr. President——

Mr. KITTREDGE. The Senator from Alabama is entirely correct in his statement of the facts regarding the underlying material at the Gatun dam. Mr. Stevens in his testimony before the committee referred to this material as "so-called rock."

Mr. HOPKINS. Will the Senator from South Dakota allow me right here?

Mr. KITTREDGE. I will allow this question——

Mr. HOPKINS. If it disturbs you——

Mr. KITTREDGE. It does not disturb me at all, but I should like to submit my remarks in more consecutive form.

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. KITTREDGE. I yield.

Mr. HOPKINS. Do not the present chief engineer and five American engineers all agree that what the Senator from Alabama calls "indurated clay"——

Mr. MORGAN. I take that from the report.

Mr. HOPKINS. Is as good rock foundation as it is possible to find anywhere for the construction of a dam of the character proposed at Gatun?

Mr. KITTREDGE. I do not understand that they go that far.

Mr. HOPKINS. They all do.

Mr. KITTREDGE. In making the suggestion regarding interruptions, I do not wish to have it understood that I shall decline to yield for the purpose of permitting a Senator to ask a question for information. I shall be very happy to do that. But I should much prefer not to engage in argument regarding the facts during the remainder of my remarks.

Mr. President, the selection of the best type for the Panama Canal for the United States Government is a much greater question than would arise if the canal were to serve a commercial purpose only. The canal which could be constructed in the shortest period of time and at the least cost would be a lock canal of comparatively high summit level, higher than has been considered suitable by the Board of Consulting Engineers, with locks of less dimensions than would meet the exacting requirements of the law under which the subject is now being considered. Such locks, and a corresponding canal prism between them, while sufficient to afford a measure of accommodation for nearly all the ocean traffic seeking such a waterway, would be highly unsatisfactory for the purposes contemplated by the Government. Its locks would be too small to give accommodation either for the largest ships afloat or for the largest of those now in process of construction, nor would it give that freedom of passage for war vessels of the United States Navy from one ocean to another which is one of the most important services of the contemplated waterway.

The cost of maintenance of such a high-level canal would be unduly high and the dangers of its navigation far greater than should characterize a suitable passage for a great traffic between oceans. These objections would be to a considerable extent removed by reducing the summit level of the canal and by increasing the size of a lessened number of locks. Even with these desirable modifications the main broad question still exists whether the selected type shall be that of a canal with summit level above mean tide or a sea-level canal with a tidal lock only at its Panama end, where the maximum range of tide is about 21 feet, but where the tidal lock may have its gates wide open at least one-half of the time.

There is one crucial question to be considered and answered at the very outset of the contemplation of such a lock canal with its summit level above high tide. The employment of locks requires the supply of a lock full of water for every use of a lock. With great locks of the size required by the isthmian canal, if the traffic is considerable, a relatively large daily flow of water is required to feed the locks. There is but one river on the Isthmus of Panama whose size and location is such as to supply a sufficient volume of water for the feeding of a lock ship canal, and that is the Chagres. Its high and low water discharges have been continuously observed throughout a considerable period of years, and its adequacy for the purpose has been thoroughly discussed by the first Isthmian Canal Commission as well as by the present Commission. It appears that that river may be confidently expected to furnish sufficient water for the operation of a lock canal, even with locks of a usable length of 1,000 feet, and of a usable width of 100 feet, for a tonnage variously estimated from 30,000 to 35,000 tons up to 50,000, or even 70,000 tons. Both the majority and the minority of the Board of Consulting Engineers appear to have accepted these results as being impregnable to criticism.

The main terminal harbor features outside of the shore lines are practically the same for both sea-level and lock plans, and the general conditions of approach at each end of the canal proper are to be treated in practically the same way whether one type be selected or the other. A wide and deep approach channel must be constructed from the 7-fathom contour on either side of the Isthmus to the canal proper, which may be taken as lying wholly within the shore lines at the two extremities of the Canal Zone. As the Bay of Limon is directly open to the north, the harbor of Cristobal, at the Caribbean end of the canal, must be protected from the violent "northers," although these dangerous storms occur on the average not more than three or four days in the year. On the Pacific side, on the other hand, no harbor protection is needed, as the Pacific terminus of the canal is never visited by storms. There are times when there is considerable breeze, but there is no record of winds whose severity is such as to class them among storms. The terminal approach channel on the Pacific side lies between the shore and the group of four islands, about 4 miles offshore, which would afford much protection were it needed. Obviously all these terminal harbor features are not affected by the type of canal.

THE SEA-LEVEL CANAL.

The majority report of the Board of Consulting Engineers has set forth a complete plan for a sea-level canal, and has recommended its adoption for the ship waterway to be constructed across the Isthmus of Panama. The main features of this plan for the waterway between the terminal harbors are a channel prism with the surface at the elevation of mean tide from one ocean tide water to the other, but with a tidal lock at the Pacific end of the canal to afford suitable provision for exit from and entrance to the canal at the extreme ranges of spring tides, the extreme range being 21 feet in Panama Bay, the mean range being about 14 feet.

In this connection it may be an interesting fact to note that the mean tide level of the Atlantic and the Pacific are practically the same; and were it not for the high tide of Panama, if a sea-level canal should be constructed, the difference between the two oceans would not form a current.

These extreme spring tides are of rare occurrence, and the majority report sets forth the fact that the gates of this tidal lock will be wide open for at least one-half of the total time. Some engineers of repute believe that the experience gained in the construction of the canal will show that the entrance from Panama Bay into the canal may be so devised as to make a tidal lock there unnecessary. The majority, however, has assumed that the lock will be necessary to the extent stated, and it is provided for in the estimated costs of construction, operation, and maintenance. As the extreme range of tide at the Colon end of the canal never exceeds about 2.5 feet, obviously no tidal lock would be needed there.

The Chagres River, having a total watershed variously estimated from 700 to 800 square miles above Bohio, the point where it leaves the higher ground of the Isthmus and enters what may be called the "coastal plain" on the Caribbean side, cuts the canal line in its downward flow at Gamboa, 30 miles from Colon. The great tropical rainfall on the Atlantic slope of the Cordillera, varying from 100 to 125 inches per year, subjects the Chagres River to sudden and high floods. The rate of discharge of this river may vary from about 300 cubic feet feet per second at Gamboa to possibly nearly 80,000 cubic feet per second at the same point, although there is no flood on record of over 65,000 cubic feet per second.

These great floods occur at rare intervals, as but five have been recorded during a period of nearly fifty years. Smaller floods or freshets, however, varying from 5,000 cubic feet per second to 20,000 or 25,000 cubic feet per second are comparatively common. As such floods from any one stream might cause destruction to a ship canal if allowed to flow directly into it, adequate controlling works must be constructed in connection with any type of canal, for the Chagres River or for other streams even of a much less magnitude. The only other river of considerable magnitude beside the Chagres is that known as the "Gatuncillo," or, as the Isthmian Canal Commission now call it, the "Gatun River," which is a tributary of the Chagres and empties into that river at the little native village of Gatun, 7 miles from Colon. The main features of control of these streams, as planned by the majority of the Board of Consulting Engineers, consist of a great dam across the Chagres at Gamboa, with the proper regulating sluices. An independent diversion channel, already nearly completed, will carry the waters of the Gatun River from Gatun to an easterly arm of Limon Bay, thus preventing any discharge of that river from entering the canal prism. Obviously the latter plan makes any further treatment of the waters of the Gatun River unnecessary.

The superficial area of Gamboa Lake is about 39 square miles with its water surface at its maximum height at the elevation of 170 feet above the sea. The reserve storage capacity in this lake is abundant to receive any two of the greatest possible floods of the Chagres River in succession without discharging any of the flow into the canal prism and without exceeding the highest water surface given above. The regulating sluices at the Gamboa dam are so designed as to permit at will any rate of discharge of the flood waters from the Chagres River into the canal up to a maximum of 15,000 cubic feet per second, producing no greater current in the canal than 1¼ miles per hour, which is negligible as to its effect upon navigation. Some of the streams, having small discharges at most, are retained by suitable dams so as to be compelled to reverse their flows over dividing ridges into other streams which discharge into the ocean without entering the canal; while others, still smaller in their volume of flow, are caught in receiving basins alongside of the canal prism and are discharged into it over masonry

weirs. By these means all the streams which affect the canal throughout its entire length are not only controlled at their flood stages, but they are also prevented from discharging silt into the canal prism. This result eliminates nearly all dredging required to maintain the channel prism, and correspondingly reduces the cost of maintenance.

In general the prism of the canal is designed to be 150 feet wide on the bottom, with a minimum depth of water of 40 feet, but for a distance of about 8 miles through the great divide cut known as Culebra, where the canal prism would be entirely in rock, the width is made 200 feet, with sides of the prism proper nearly vertical. In all other rock sections these dimensions are also found.

In firm earth the side slopes of the prism are taken at one vertical on one and one-half horizontal, which would make the width of the canal at the surface of the water 270 feet. These widths exceed any widths of maritime canals now in use in the world. The bottom width at 150 feet is greater than that of the turning out places in the Suez Canal. Ample width is thus afforded for the passing of large steamers without tying up on either bank up to a length of 500 to 550 feet, or possibly more. It would only be necessary for ships of that size to decrease speed and pass each other without actually coming to a stop. Great ships, 600 to 800 feet in length, would not pass each other in motion, but one would be obliged to tie up at the bank while the other passed. Inasmuch as there would be few of the latter size for a number of years, or perhaps many years, it is clear that the actual capacity of the canal for carrying traffic would scarcely be affected by the meeting of the largest ships stopping in the canal. It would not be necessary for a large ship to stop for the passing of a small one.

Nor would the capacity of the sea-level canal be materially affected by the presence of the tidal lock already alluded to at the Panama end. Inasmuch as the gates of this lock would be open at least one-half of the time, and that would mean a considerable portion even of the extreme spring tides, there could be no congestion, for any group of ships seeking the canal would be relieved during the period of the open gates. Within wide range, therefore, it may be assumed that the traffic capacity of the sea-level canal would be practically unlimited. If, however, it were desired at any time in the future to secure greater freedom of navigation, the desired widening or deepening of the canal could be made expeditiously and economically by ordinary excavation of those portions of the material to be removed above water and by well-known and economical methods of excavating either earth or rock under water.

The least radius of curvature in the sea-level plan is 8,200 feet, and the total curvature measured in degrees is but little different from that of the Suez Canal, only that many of the Suez curves are sharper. Taking the width of prism and its easy curvature, a free and ample waterway is offered for the greatest volume of traffic and for the largest ships which will seek the canal in the future. The Consulting Board recognizes the fact that ships 800 feet in length and of 88 feet beam are now being constructed, and, apparently, has extended its anticipation in the future to the construction of ships 1,000 feet long and of nearly or quite 100 feet beam. The sea-level canal, as planned and recommended, is sufficient to give convenient accommodations for the greatest traffic that can reasonably be anticipated, and for ships of the maximum dimensions stated. Such ships of maximum size could readily pass through the canal, as planned, but at a speed reduced below that which would be permtited for smaller ships.

Mr. President, the minority of the Board of Consulting Engineers, and those engineers who appeared before us, complained that the canal proposed by the majority of the Board was too restricted. That was an argument not appealing strongly to the majority of the committee, for the reason that the proposed prism of the canal at Panama is much larger than that at Suez, in which the largest war ships and commercial steamers conveniently pass. But that there might be an opportunity for practical business men, practical seamen, to express themselves, I secured some letters upon this subject, one or two of which I ask the Secretary to read, and ask that the rest be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Secretary read as follows:

UNITED HARBOR NO. 1, AMERICAN ASSOCIATION OF MASTERS AND PILOTS OF STEAM VESSELS,
OFFICE OF THE GENERAL MANAGER,
New York, May 10, 1906.

Mr. FREMONT HILL,
No. 17 State Street, New York, N. Y.

DEAR SIR: I have the honor to inform you that at our last regular meeting, held at Grand Opera House, May 5, 1906, the matter of lock canal and sea-level canal was taken up and most thoroughly discussed.

I am directed to inform you that this association indorses the sea-level canal, for the reason that a ship can make very much better time and not running the risk of damage to ship and cargo. This is the unanimous opinion of all present at the meeting and who have had experience with both sea level and lock canals.

Yours, very truly,

WILBUR E. DOW, *Secretary.*

Approved.

JOHN C. SILVA, *National President.*
American Association of Masters, Mates, and Pilots.

NEW YORK, *May 11, 1906.*

Senator A. B. KITTREDGE,
Washington, D. C.

DEAR SIR: I have been following closely the arguments pro and con on the sea-level and lock canal types, being much interested in a correct solution thereof.

Being of the opinion that two points, viz, "speed in passage" and "safety during passage," could be passed on best by those who are daily handling ships as masters and pilots, practical men whose views would eliminate the theoretical viewpoint, of which we have had a surfeit, I submitted the two points to the American Association of Masters and Pilots, with the inclosed result.

It is hardly possible that any sane man will set up his opinion contrary to the judgment of such men as these.

By reference to the Blue Book of American Shipping you will find that this association includes all the men in the United States who are in actual charge of the operation of ships.

Hoping that this opinion may have its proper consideration, I am,

Yours, truly,

FREMONT HILL, C. E.

NORTH GERMAN LLOYD STEAMSHIP COMPANY,
OELRICHS & CO., AGENTS,
New York, April 17, 1906.

The Hon. A. B. KITTREDGE,
United States Senate, Washington, D. C.

DEAR SIR: I beg leave to acknowledge receipt of your valued favor of 11th instant, relative to the type of canal to be constructed by the Government across the Isthmus of Panama, and would say that I have taken some time to give proper consideration to the important questions involved and have laid them before the masters of a number of the steamers of our line, who have had experience in the navigation of the Suez Canal, and also before other experts, who would be in a position to give an intelligent opinion as to the questions involved.

The replies that I give you are the result of my own consideration, as well as of the united thought of those whom I have consulted.

In reply to your questions I answer as follows:

(*a*) Which type of canal do you advise? A sea-level canal and no other.

The chief reason for this answer is the constant possibility of a derangement of or accident to the lock gates or other parts of canal locks, which would paralyze traffic and might place in jeopardy very valuable property.

The size and number of locks proposed in the Panama lock canal plan, in my opinion, render a comparison with the Soo Canal out of place. I am informed that the Dortmund-Ems Canal, in Germany, was closed for several months two or three years ago by an accident that put the hydraulic-lift lock on that canal out of commission. Such an accident might at any time occur on the Panama lock canal, and the results might be disastrous.

It is doubtful, in my judgment, if a large amount of tonnage to the East that would naturally use the Panama Canal, would not preferably take the Suez sea-level route rather than be exposed to the possible danger of delay, damage, and loss in a lock canal across the Isthmus of Panama. This applies, of course, to those lines of traffic in which the advantage of one route over the other in point of time is not too great a consideration, but it might involve a very appreciable loss in business to the Panama Canal.

It is an open question in my mind if our Government might not find itself obliged to insure or guarantee safe passage through the lock canal in order to secure a satisfactory amount of traffic.

In my judgment, the supreme importance of the Panama Canal to us as a nation lies in its use in time of war, and any delay or damage to war vessels in time of war in a lock canal might be fatal to the issue of a campaign and might involve consequences of extreme gravity to the nation. For this reason a sea-level canal appears to me to be absolutely essential to the future safeguarding of our interests on the Pacific, as well as on the Atlantic.

As well from an economic standpoint as from that of our safety as a nation, I regard the question of expense and also of time to weigh nothing, as compared with the advantages that would accrue to the United States by the construction of a sea-level canal. No other canal, in my opinion, is worthy of this nation.

To your second question (*b*), Would a sea-level canal of the dimensions proposed provide an adequate, safe, and convenient waterway? I answer "Yes."

My reasons are based upon the experience of shipmasters in the Suez Canal.

To your third question (*c*), Does the idea of passing your ship through the locks above described, being joined in flights of steps, impress you as attractive and practicable from the standpoint of facility, delay, and danger? I answer "No."

My reasons are based upon my experience in the management of steamships and upon the experience of shipmasters consulted.

With reference to the proposed tidal lock at Panama Bay, while I regret the necessity for any lock, I admit that the varying height of the tidal levels of the two oceans to be connected by the canal render such a tidal lock unavoidable. I assume that such tidal lock would be placed at some distance from the open sea, or would be protected by an adequate breakwater, so that the lock would be entirely uninfluenced by the varying conditions at sea and could be used in any weather.

Trusting that I have covered the ground sufficiently, I am, sir,

Your very obedient servant,

GUSTAV H. SCHWAB.

The remaining letters referred to are as follows:

W. R. GRACE & CO.,
New York, April 14, 1906.

Hon. A. B. KITTREDGE,
Chairman Interoceanic Canal Committee,
United States Senate.

DEAR SIR: We acknowledge your letter of April 11, and note the question which you ask us to deal with. In complying with this re-

quest we can not claim such knowledge as qualifies us to criticise the views of the eminent experts who, having gone over the ground, have made their reports, which were transmitted by the President to the United States Senate February 19, 1906.

Our standpoint is that of shippers and shipowners who will naturally use this waterway when completed.

To question "A" we answer: The voyage of a ship always is regarded as involving dangers, and the prudent shipowner seeks to minimize these hazards. In this view we regard the sea-level canal as being safest in respect to possible accidents and detentions, and consequently advise that type.

To question "B" we reply: In our opinion, the sea-level canal, having a bottom width of not less than 150 feet, curves of a minimum radius not less than 8,200 feet, with 200 feet width at the bottom, where the material excavated is rock, and a uniform depth of 40 feet, would be an adequate, safe, and convenient waterway.

To question "C" we reply: It appears to us, as stated in our answer to question "A," that the sea-level plan presents fewer dangers to navigation. We are not favorably impressed by the idea of passing through a large system of locks, having the safety of the ship in view, and the danger of such accidents to the locks themselves, as might obstruct the traffic or damage the canal itself, seems to us a very serious objection to that type.

Very truly, yours,

W. R. GRACE & CO.,
E. EYRE, *Vice-President.*

T. HOGAN & SONS,
MANAGERS NORTH ATLANTIC S. S. CO. (LIMITED),
New York, April 16, 1906.

Hon A. B. KITTREDGE.
United States Senate, Washington, D. C.

DEAR SIR: In reply to your communication of April 11, answering your questions, I prefer a sea-level canal. I consider the dimensions proposed would be adequate, safe, and form a convenient waterway. With regard to question "C," I do not like the idea of passing large steamships through steps of locks, as there would be, in my opinion, an element of risk should even a slight accident occur to the lock gates, and, in addition, there would be more or less delay in handling a large number of steamers.

I must apologize for the delay in answering your communication, but I waited to obtain the opinion of our marine superintendent.

Yours, very truly,

CHAS. W. HOGAN.

PHELPS BROTHERS & CO.,
AGENTS UNIONE AUSTRIACA DI NAVIGAZIONE OF TRIESTE,
New York, April 16, 1906.

Hon. A. B. KITTREDGE,
Acting Chairman Interoceanic Canal Committee,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your letter of April 12 on the proposition as to whether the canal to be constructed by the Government across the Isthmus of Panama should be sea level or a lock canal, I would state in response to the stated questions:

(*a*) Without question in my mind, if cost is not to be taken into account, a sea-level canal is the more desirable, if for no other reason than that of the congestion it seems to me certain would result in the lock operation.

(*b*) I think the dimensions stated for a sea-level canal would prove adequate, safe, and convenient.

(*c*) Passing of ships through the locks described in your letter does not seem attractive, and, while doubtless practicable, for reasons stated in reply to "(*a*)" does not seem to me desirable.

Yours, respectfully,

HOWARD PHELPS.

Mr. KITTREDGE. Mr. President, a most important provision to be afforded by any canal across the Isthmus is that for the rapid and safe transference of a naval fleet of the United States Government from one ocean to another. The sea-level canal is the only one which can truly fulfill this condition. In an exigency requiring such transference all commercial traffic would be stopped in the canal, so that the fleet could rapidly pass through in procession from one ocean to the other without the delay of meeting other ships. If the conditions of the tide were such as to leave the tidal gates open a fleet of at least twenty or twenty-five ships could be passed through the canal in eight to ten hours, for manifestly the ordinary limitations put upon commercial traffic would not control the speed of naval vessels in an emergency. If the stage of extreme spring tides existed at the time of the desired transference both of the twin tidal locks would be in use, and the interval between two ships passing either lock would be but half that determined by a maximum lift or lowering of 10½ feet only.

The time of passage of a ship through the sea-level canal would not be much affected by the order of arrival of ships at either port, whether singly or in groups or fleets, as will be the case much of the time. Whenever such congestions of arrival should take place during extreme spring tides, that portion of those tides during which the gates would be open would so completely relieve the congestion that no ship would be waiting at the end of that period of open gates. The average time required, therefore, for the passage of ships through the canal, even if the average speed be taken no higher than 6 miles per hour, aside from such delays at either terminal as would be required for the receiving of supplies, completing ships' papers, and other similar delays of a business character, would not exceed eight to nine hours, including the passage of the tidal lock at the Pacific terminus whenever necessary.

The estimated cost of the sea-level canal, like that of the lock canal, is based upon unit prices fixed by unanimous action of the Board. The evidence taken before the Senate committee shows that those unit prices are adequately high, and that there is even a probability of the work being done at unit prices less than those used in the estimates rather than more. The allowances for contingencies and for exigencies of construction are well considered and ample for the purpose. It may be confidently assumed, therefore, that the total cost of the sea-level canal will not exceed the estimate found in the majority report.

One of the most disputed points in connection with the proposed construction of this ship waterway is the estimated time required for the completion of the entire work. The majority estimate of time necessary for the completion of the sea-level canal is from twelve to thirteen years.

I will explain later regarding the way that was reached. As a matter of fact, from the testimony appearing before the committee, based upon the manner in which it was acquired, the majority of the Committee on Interoceanic Canals is convinced that a sea-level canal can be constructed in not to exceed ten or eleven years. Mr. Hunter in his letter, to which reference has already been made, states that that period, in his judgment, is ample for the completion of a sea-level canal, and that if the work is performed by contract and more than one shift each day is operated, the time can be considerably lessened.

Mr. DRYDEN. Will the Senator allow me to ask him a question?

Mr. KITTREDGE. Certainly.

Mr. DRYDEN. Did not Mr. Stevens, after being on the ground and speaking from practical observation of the conditions, state that, in his judgment, it would take from eighteen to twenty years to complete a sea-level canal?

Mr. KITTREDGE. Mr. Stevens so stated. Mr. Stevens also stated on the 16th of January, before the committee, that he was not at that time ready to talk to the committee regarding the type of the canal, explaining that at that time he had been so busy in administrative matters he had time to read only the majority report twice. One week later, on the 23d day of January of this year, he appeared before the committee and stated that since he had been before the committee he had had time to read the minority report twice, and upon that basis gave the testimony to which the Senator has made reference.

In that connection the former chief engineer, Mr. Wallace, who had been in charge of all the engineering work on the canal from May, 1904, until the 1st of July, 1905, testified that, in his judgment, from his experience and his observation and his calculations, a sea-level canal could be constructed within ten or eleven years. I call attention further to the statement of Mr. Hunter upon that point, and read from page 8 of his letter:

> It is agreed on all hands that the duration of time required to complete the excavation of the length of 8 or 9 miles of the canal, commonly known as the Culebra cut, will furnish the measure of the time required for the completion of the sea-level plan, as from that length a quantity of excavation amounting to 110,000,000 cubic yards is to be removed, and as the removal of such quantity will be the major operation in the execution of the project.
>
> It seems unnecessary to consider further the schemes for the removal of a part of this excavation by means of dredging operations; such schemes are wildly chimerical, and are based upon no experience.
>
> The excavation must be effected in the dry, and I beg leave to refer to the diagram showing the manner and times of its removal, which is appended to the report of the Board.
>
> In the preparation of the diagram it was assumed that there would be no limitation of plant; that all the plant which would reasonably be required would be furnished. It was further assumed that the ordinary working year of a steam shovel of three hundred days would be reduced to two hundred and forty days, owing to the climatic conditions of the Isthmus, and that owing to the same cause the daily output of each shovel—working during the day only, no night work having been included in the calculation—would not average more than 800 cubic yards. That is to say, that the annual average output of steam shovels of the exceptional size and power of those about to be employed in Culebra would not be more than 192,000 cubic yards. These figures are beyond the scope of reasonable and unprejudiced criticism, especially when the allowances made in the diagram for delay in getting into full work at the outset of the contractors' operations and for diminution of output toward the close of those operations are duly considered, and they show that the excavation of the Culebra cut can be completed in nine years.
>
> I have added a year to this term for contingencies, and have thus arrived at the time of ten years for the completion of the sea-level canal, as to the feasibility of which I have expressed and do again express so confident an opinion.

Mr. MILLARD. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. KITTREDGE. Certainly.

Mr. MILLARD. I will state to the Senator that the chief engineer is now in the city, and he states that the testimony which he gave before the committee as to the different types of canal he stands by at the present time.

Mr. KITTREDGE. The examinations made by the Senate committee disclose the important fact that this estimate of time has been based upon results obtained in actual excavation work since the creation of the Isthmian Canal Commission about two years ago, under most disadvantageous conditions of exceedingly

deficient track conditions, ill-adapted plant, and incomplete organization. The estimate has further been made with allowance for extreme inefficiency of labor on the Isthmus, for the interruptions and damages caused to work during the rainy season, with provision for the usual laying off of excavating machinery and other plant for repairs and maintenance, and finally on the assumption of but one shift of laborers per day of eight hours only.

These elements of the time estimate show that the entire excavation of the great Culebra cut, which is the controlling element in the time required for the construction of the whole work, can be brought within ten years, to which period, however, an addition is made of 25 per cent, which was done by the Board of Consulting Engineers to secure, if possible, an agreement by the minority, giving the maximum period of construction of ten or twelve years only, as is found in the report.

When it is remembered that it is entirely feasible, and from some points of view desirable, to work two shifts per day during the greater part of the time at least, it is reasonable to anticipate that the sea-level canal could be constructed certainly in a period not exceeding ten to eleven years, and probably within a sensibly less time.

As has been stated, Mr. President, the minority of the Canal Committee has not as yet presented its views to the committee or to the Senate.

Mr. MILLARD. I will say for the benefit of the Senate and Senators that those having charge of the work for the minority have been unable to get their report ready. We hope to present it to the committee to-morrow afternoon.

Mr. KITTREDGE. What I shall say will be upon the assumption of the minority report following the plans proposed by the minority Board of Consulting Engineers and by the Isthmian Canal Commission, or a majority of that Board.

THE RECOMMENDED LOCK PLAN.

The recommended lock plan has a summit level to be maintained at an elevation of 85 feet above mean tide, chiefly by a great earth dam across the Chagres River at Gatun, 7 miles from Colon, but also by a lock and relatively small embankments or other approach works at Pedro Miguel, about 39 miles from Colon and 6 miles from Panama. The superficial area of this great terminal lake on the Carribean side of the Cordillera is over 160 square miles. It receives directly the flow of the Chagres River and all the small streams tributary to it down to Gatun, the location of the dam, including the Gatun and Trinidad rivers.

A terminal lake on the Panama end of the canal called "Lake Sosa," with its water surface 55 feet above mean tide, is formed by three earth dams, one called the "Ancon-Corozal," another the "Ancon-Sosa," and the other the "La Boca dam," the latter extending across the Rio Grande estuary near the La Boca pier. The total superficial area of Lakes Gatun and Sosa is 118 square miles. The flood discharges of the Chagres River and all its tributaries, including the Gatun and the Trinidad, are received into the Gatun Lake, which constitutes therefore a complete control of the Chagres River. A waste waterway or weir with suitable controlling sluices is designed to be placed in the natural hills at one end of the Gatun dam, over which will be discharged the waste waters of the lake.

A wide channel leads from Cristobal Harbor to the Gatun dam, in which are constructed three masonry twin locks in series or flight, constituting the ascent to the summit level of the lake. Each lock has a usable length of 900 feet and a usable width of 95 feet and a maximum lift of about 28½ feet. As these three locks are in a flight or series a ship is lifted by three steps in rising from mean sea level to the summit level, each step constituting a lock. In the operation of either locking up to the summit level, or down from the summit level to mean tide, a ship would pass from one lock chamber directly to another without any space between.

In passing down from the summit level at its southern end there are also three twin locks, each of which has a maximum level of about 32 feet; one is located at Pedro Miguel and the other two are on the westerly side of Sosa Hill, the latter constituting a series of two locks. The increased lift of each of the three locks on the Pacific side is due to the fact that extreme low spring tide is taken to be 10½ feet below mean tide, making the total lift of that extreme low tide to the summit level 95½ feet. The lower of the two locks at Sosa Hill is partly a tidal lock, and it is reached by the wide approach channel leading to it from the deep water of Panama Bay precisely as the tidal lock of the sea-level plan east of Sosa Hill is approached by a similar channel.

In passing from Colon toward the Pacific the first feature of prominence in this plan is the great earth dam across the Chagres Valley at Gatun. This dam is a mound of earth resting directly upon the alluvial, sandy, and gravelly material found there after stripping the surface soil and vegetation growing upon it. There is no core wall or other device extending from the surface down to bed rock, or partially so, for the purpose of cutting off any possible underground seepage or flow of water which might be induced by the head of water of 85 feet produced by the lake behind the dam. The minority do not consider this a serious feature in the design of this dam, as involving hazard of its stability. The majority, on the other hand, regard this feature of the recommended lock plan with disapproval.

The testimony before the Senate committee showed a very strong feeling on the part of some of the members of the Consulting Board that the new conditions created by an unbalanced head of water of 85 feet behind the dam might induce a dangerous seepage or flow of water through the porous subsurface material under the dam, although the maximum thicknesses of the latter might be as much as 2,000 feet. Instances were cited in the testimony taken where such subsurface or underground flow is found in large volumes, even in the absence of any such unbalanced head of water as that acting upon the Gatun dam. These observations acquire much significance and weight in consequence of the fact, not disclosed on the plans submitted with the minority report, that the borings made at Gatun dam site show the subsurface material to be permeable and freely water bearing at various depths from 32 feet below the surface to about 250 feet, the deepest being 258 feet below the surface. This permeable material was found to be so freely water bearing at the various depths named that water flowed over the tops of the casing pipes used in the boring operations as the permeable strata were penetrated. The freely water-bearing character of these strata might lead to conditions highly dangerous to the stability of the dam. The building of such a structure on which the safety of the entire canal and the ship navigating it must depend would be most injudicious.

The Gatun dam site has an interesting history. The occasion on which the conclusion reached by the minority of the Board of Consulting Engineers regarding the location at Gatun was not the first time that this site had been considered. As early as 1878 it was seriously taken up by De Lesseps and his consulting engineers in Paris. I have here a history of those investigations, and I will briefly call attention to them and ask that the paper be printed in full in connection with my remarks.

The first mention made in the literature of the Panama Canal of the idea of constructing a dam at Gatun appears in the report of the International Canal Congress, held in Paris in 1878 under the auspices of De Lesseps. Mr. Kleitz, inspector-general of high roads and bridges, dissented from the views expressed by others favoring a sea-level canal, and urged that the Chagres Valley should be inundated, converting the same into an interior lake at an elevation of 78½ feet, proposing to maintain this level by a dam at Gatun, which, he remarked, was the point nearest the Atlantic which seemed to offer a favorable site for such a structure. This suggestion was disapproved by the technical committee.

The next was in 1880, when it was recommended by Mr. Welch and considered.

The third time it was considered was shortly before the collapse of the old Panama Canal Company, when De Lesseps, finding that company in financial difficulties, called together a number of his engineers to determine some cheaper method of construction. At that time he adopted a suggestion made by M. Eiffel, by whom it was proposed that a lock canal be constructed. The points proposed for the location of the dam by him were eight or ten in number. The one nearest to the Atlantic side of the Isthmus was at Bohio.

The fourth time it was considered was in 1889. At that time the old Panama Canal Company had gone into liquidation, and a liquidator had appointed a commission to study a plan and make recommendations. A lock at Bohio was proposed, but none at any lower point was considered feasible.

The next study for the canal at Panama was made by N. B. Wyse, to whom the original concession from the Republic of Colombia for the construction of the canal was granted, which was transferred by him to the old Panama Canal Company. He proposed six locks in the Panama Canal, three of which were to be at Bohio, and he rejected the idea of a lock at any lower point on the Chagres.

In 1892 Bunau-Varilla prepared a project for the completion of the work, and recommended a series of locks. The nearest lock to the Caribbean Sea on the Atlantic Ocean was at Peña Blanca, about 1 mile distant from Bohio toward the sea.

Soon after the organization of the New Panama Canal Company, which took place in 1894, a technical commission was appointed. That is the commission to which the Senator from

Pennsylvania [Mr. KNOX] referred. The members of that commission were, as he has stated, Mr. Hunter, whose letter is upon our desks, and also General Abbott, who was one of the minority board of consulting engineers. As appears from a report dated November 16, 1898, they recommended a series of locks with a summit level at 90 feet, two of them at Bohio, and they signed this recommendation:

In the whole valley of the lower Chagres, between Gamboa and the sea, only one location showed favorable conditions for the building of a high dam capable of impounding a lake which could become the summit level.

At that time, as was stated in answer to the inquiry made by the Senator from Pennsylvania, it was supposed from the borings then made that solid rock could be obtained by going to a depth of 128 feet below sea level.

In 1898 the further fact appears that Chagres Valley at Gatun was filled with sand, gravel, clay, shells, and wood to the depth of 258 feet.

The first study of the Panama Canal under the authority of the United States Government was intrusted by the President to the Isthmian Canal Commission, of which Admiral Walker was chairman, and General Hains, General Ernst, and Mr. Noble were members. Mr. Noble, who was mentioned here, was a member of the minority of the consulting engineers who recommended the dam at Gatun. General Hains and General Ernst are members of the Isthmian Canal Commission who also recommend that Congress approve of the plan of locating a dam at Gatun.

Mr. DRYDEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. KITTREDGE. I do.

Mr. DRYDEN. Has not every project, with the exception of the original project of De Lesseps, contemplated the construction of a lock canal?

Mr. KITTREDGE. Every project after De Lesseps's proposition was for a lock canal, but the reason that a sea-level canal, as proposed by De Lesseps and the old Panama Canal Company, was abandoned was because of the lack of funds. The old Panama Canal Company found itself in financial troubles, and it went into the hands of a receiver. The New Panama Canal Company, being organized upon the ruins of the old, was anxious to construct the canal with the least possible expenditure of money.

Mr. DRYDEN. I ask the Senator if lack of funds troubled the United States Commission which recommended the several projects for a lock canal?

Mr. KITTREDGE. In 1899, when the Walker Commission, as it is called, was created and appointed, it was not for the purpose of locating canals and determining their types, but it was simply and solely for the purpose of recommending to this Government the location of an isthmian canal. Bear in mind, Mr. President, that upon the Walker Commission, to which allusion has been made, Mr. Noble, who is a member of the Board of Consulting Engineers, was a member of that Commission, and General Hains and General Ernst, who are members of the Isthmian Canal Commission, were also members of the Walker Commission.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. CLAY. If it will not trouble the Senator from South Dakota——

Mr. KITTREDGE. Not at all.

Mr. CLAY. If it be convenient for him to do so, I should be glad if the Senator would state about what would be the difference in cost of the two types of canal—one a sea-level canal and the other a lock canal.

Mr. KITTREDGE. I shall be glad to do that presently when I reach that point in my argument.

Mr. CLAY. All right.

Mr. KITTREDGE. I will state it now, however, if the Senator so desires.

Mr. CLAY. Oh, no; it will be entirely satisfactory to me if the Senator intends to state it later.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. KITTREDGE. I do.

Mr. TELLER. I should like to suggest to the Senator from South Dakota, following the question which the Senator from New Jersey [Mr. DRYDEN] propounded, that the Walker Commission considered, first, the proposition as to a canal by the Nicaragua route, and not by Panama at all; and on the Nicaraguan route there would necessarily have to be a lock canal.

If I may be permitted to say a word further, I will suggest that when the De Lesseps canal was determined upon by France every American engineer, without a single exception, based his objection to a sea-level canal on the ground that it was too expensive.

Mr. KITTREDGE. I am very grateful to the Senator from Colorado for recalling to my mind that fact. It has been accurately stated by him, of course.

Mr. DRYDEN. Mr. President, I wish to ask the Senator is it not true that De Lesseps collected and had more money at his disposal to carry out his project of a sea-level canal than the majority report states will be necessary to build a sea-level canal?

Mr. KITTREDGE. Mr. President, it has been stated that there was squandered by the old Panama Canal Company the sum of $260,000,000, and I hope that this Government will not have such an experience in constructing this canal.

Mr. DRYDEN. The point is that it was not lack of funds which influenced De Lesseps, for he had the funds.

Mr. KITTREDGE. Mr. President, in the beginning De Lesseps had ample funds, but in 1889, before any steps were taken toward the construction of a lock canal, the company had become bankrupt in fact, or, at least, it was in serious financial trouble.

Mr. DRYDEN. I was only speaking, Mr. President, of course, of the funds he had at the inception of the enterprise.

Mr. KITTREDGE. And he then was constructing a sea-level canal.

Mr. DRYDEN. Which he was not successful in carrying through.

Mr. KITTREDGE. Which he was not successful in carrying through at that time, Mr. President, because he failed in funds, and for no other reason.

The gentlemen whom I have named signed a report which contains a statement which I will read. To repeat, so that it may be well understood, Mr. Noble, a member of the Board of Consulting Engineers, now recommending to us this lock canal; General Hains and General Ernst, also members of the Walker Commission signing this report and now members of the Isthmian Canal Commission, recommending the lock plan, state:

No location suitable for a dam exists in the Chagres River below Bohio.

That is quoted, and it is found on page 62 of the Commission's report.

In the paper read before the American Society of Civil Engineers the late Mr. George S. Morison, a member of the Walker Commission and one of the most noted engineers in this or in any other country, stated:

All engineers who have examined the route of the Panama Canal agree that the neighborhood of Bohio is the only available location for a dam by which the summit level must be maintained.

In 1904 Congress authorized the commencement of the work of the construction of the Panama Canal. A commission was appointed under the Spooner law. That Commission had an engineering committee consisting of General Davis, Mr. Burr, and Mr. Parsons; and they recommended, the chief engineer, Mr. Wallace, concurring, the establishment of a sea-level canal. The report was submitted to the Commission, and at one of its meetings in March, 1904, Mr. Harrod, a member of the first Commission and a member of the present Commission, who now recommends a lock canal, with the dam at Gatun, moved that the report of the engineering committee, as respects the type of canal, be adopted by the Commission. So that of the five members of the minority of the Board of Consulting Engineers now recommending that Congress adopt a lock canal, two—General Abbott and Mr. Noble—stated in writing that it was not possible to construct a dam nearer the sea than Bohio; and three—General Hains, General Ernst, and Mr. Harrod—directly, or indirectly in the case of Mr. Harrod, reached the same conclusion and put it in writing.

Gatun was again rejected by the Board of Consulting Engineers.

I ask to have this statement inserted in the RECORD at length, without reading.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The statement referred to is as follows:

MEMORANDUM.

1. The first mention in the literature of the Panama Canal of the idea of constructing a dam at Gatun appears in the report of the International Canal Congress, held in Paris in 1878, under the auspices of M. de Lesseps. M. Kleitz, inspector-general of highroads and bridges, a Government engineer of the French Republic, dissented from the view expressed by others favoring a sea-level canal, and urged that the Chagres Valley should be inundated, converting the same into an

interior lake at an elevation of 78½ feet, proposing to maintain this level by a dam at Gatun, which he remarked was the point nearest the Atlantic which seemed to offer a favorable site for such a structure.

This suggestion was disapproved by the technical committee appointed by M. de Lesseps and a sea-level canal was favored, thus disposing of the proposition to erect a dam at Gatun.

2. The next mention observed in the literature of a dam at Gatun was by Ashbel Welch, former president of the Society of Civil Engineers of the United States, who in 1880 proposed that an artificial lake in the Chagres Valley be maintained by a dam at Gatun, its height not mentioned. Mr. Welch refers to Mr. C. D. Ward, member of the Society of Civil Engineers, as having first proposed a dam at this place, but no action by anybody authorized to express an opinion on this subject appears to have been taken.

3. Shortly before the collapse of the old Panama Canal Company, M. de Lesseps, realizing that funds could not be raised in sufficient amount to complete the sea-level canal, adopted a suggestion made to him by M. Eiffel, who conceived the novel idea of constructing locks, to be located at various points along the canal line, these to be made of metal, the intention being to utilize them for the interoceanic transit for a few years and then to displace them and convert the lock transit into one at sea level. The points proposed for location of dams by M. Eiffel were eight or ten in number, the one nearest the Atlantic side of the Isthmus to be placed at Bohio.

4. In 1889 the old Panama Canal Company went into liquidation. The liquidateur appointed a commission, which made a study respecting the then condition of the works of the canal enterprise, and recommended to the liquidateur that the canal be completed, utilizing for this purpose all the work so far accomplished, but to introduce a system of lockage. A lock or locks at Bohio were proposed, but none at any lower point on the Chagres River. It was, of course, known to this commission that Gatun had previously been proposed for a dam and locks, but the liquidateur's commission rejected this idea.

5. The next study for a canal at Panama is embodied in a report made upon the proposition by N. B. Wyse, who was the officer of the French navy who had obtained from Colombia the original concession under which M. de Lesseps proposed to operate, and which concession is the basis of all work that has since been done at Panama. This gentleman proposed six locks in the Panama Canal, three of them to be at Bohio. He rejected the idea of a lock at any lower point on the Chagres. The report was addressed to the liquidateur of the old Panama Canal Company.

6. In 1892 M. P. Bunau-Varilla prepared a project for the completion of the Panama Canal. He proposed five locks on each side of the divide, the summit level to be raised to about 130 feet. The lock nearest the Atlantic side, recommended by M. Bunau-Varilla, was to be at Peña Blanca, about 1 mile below Bohio, but he suggested no lock at any point below Peña Blanca.

7. Soon after the organization of the New Panama Canal Company, which took place in 1894, a technical committee was appointed for the purpose of making a study of plans for the completion of the Panama Canal. The committee consisted of twelve eminent engineers. Included in that number were Gen. Henry L. Abbot, of the United States Corps of Engineers, and Mr. Hunter, recently member of the Board of Consulting Engineers for the Panama Canal. This committee reported to the New Panama Canal Company on November 16, 1898, and recommended a series of locks with a summit level at 90 feet. The locks on the Atlantic side were to be located two at Bohio and two at Obispo, but none at any point on the Chagres below Bohio, thus again rejecting Gatun as a site for a dam and locks. The report of this technical committee, which be it remembered was signed by General Abbot, contains the following:

"In the whole valley of the lower Chagres, between Gamboa and the sea, only one location showed favorable conditions for the building of a high dam capable of impounding a lake which could become the summit level." (See page 97, Part II, data on Panama Canal submitted to the Board of Consulting Engineers by the Isthmian Canal Commission September 1, 1905.)

In 1898 it was not known that the Chagres Valley at Gatun was filled with sand, gravel, clay, shells, and wood to a depth of 258 feet; yet General Abbot now thinks this site for a dam is available and suitable.

8. The first study made of the Panama Canal under United States Government authority was intrusted by the President to an Isthmian Canal Commission, of which Admiral Walker was chairman and Generals Hains and Ernst and Mr. Noble were members, and its report is dated November 16, 1901. A lock canal was proposed by this commission, with summit level at 90 feet, to be maintained by locks on each side of the Isthmus. With respect to location of locks, the Commission remarked in its report: "No location suitable for a dam exists in the Chagres River below Bohio." General Hains and Colonel Ernst, present members of the Isthmian Canal Commission, signed this report. (See page 62 of the Commission's report, Government print.) In a paper read before the American Society of Civil Engineers on the 5th of March, 1902, Mr. George S. Morison, a very distinguished American engineer, who had been a member of the Walker Isthmian Canal Commission, remarked: "All engineers who have examined the route of the Panama Canal agree that the neighborhood of Bohio is the only available location for a dam by which the summit level must be maintained." It therefore appears that the Isthmian Canal Commission unanimously and Mr. Morison specially rejected the idea of a dam at Gatun.

9. In 1904 Congress authorized the commencement of the work of constructing the Panama Canal, having previously purchased all the rights and franchises and property that belonged to the old French companies, and having acquired a right of way from the sovereign Republic of Panama. This Commission as a body never took any definite action with respect to the type of the canal that was to be constructed beyond ordering new examinations and consideration; but an engineering committee of its own members, consisting of Messrs. Burr, Parsons, and Davis, in February, 1904, recommended, the then chief engineer concurring, that no lift locks be utilized in the transit route that the Government was proceeding to construct, but, instead, that the canal be made at sea level. The report of this engineering committee was submitted to the Commission, and at one of its metings in March, 1904, Mr. Harrod moved "that the report of the engineering committee as respects a type of canal be adopted by the Commission." (See p. 426, Proceedings of the Isthmian Canal Commission.) Action, however, upon this resolution was confined to a reference of the subject to a committee on engineering plans of the whole Commission, and no further action by the Commission has resulted.

10. Under authority of the President, by Executive order dated June 24, 1905, a board of consulting engineers was appointed "for the purpose of considering the various plans proposed to and by the Isthmian Canal Commission for the construction of a canal across the Isthmus of Panama." This board consisted of eight American and five European engineers, the latter nominated, by request of the President, by the diplomatic representatives of foreign governments, and their report has been submitted to Congress. All plans for a canal at Panama that were on file in the office of the Isthmian Canal Commission were considered by the Board of Engineers. Their report is dated January 10, 1906, and a canal at sea level was recommended by the Board, the report being signed by eight of the engineers composing it. But a minority report was submitted by five of the members, recommending a lock canal, three locks on either side of the Isthmus, with summit level at 85 feet. In the report of the minority of this board Gatun was selected as the site for the three locks on the Atlantic side, this summit of 85 feet to be maintained by a high earth dam at this point and the valley of the Chagres submerged and inundated throughout its whole extent, the lake extending nearly to Alhajuela. The majority of the board, eight to five, strenuously opposed the idea of a dam and locks at Gatun on two grounds: First, that the introduction of locks in a treatment of the question was objectionable from many points of view; and, second, that the maintenance of a summit level by means of an earth dam of immense magnitude to control the flood waters of this river introduced an element of great danger, since the dam, without sheet piling, was proposed to be founded on the alluvial filled gorges of the Chagres River, where the depth at one point extended 258 feet below the level of the sea.

Of this minority one member, Mr. Noble, was a member of the former Isthmian Canal Commission, who, as above stated, had reported that Bohio was the lowest point on the Chagres where a dam was practicable.

11. The report of the Board of Engineers was reviewed by the present Isthmian Canal Commission, which then and now comprises Major Harrod and Generals Hains and Ernst. These three engineer members indorsed the recommendations of the minority of the Consulting Board for the lock canal with dam at Gatun, while Admiral Endicott, the fourth engineering member, indorsed the views of the majority for a canal at sea level.

It appears that in March, 1905, Major Harrod was, as above shown, opposed to any lock plan, and that his two associates favoring locks and the dam had said in 1901 that no proper site for a dam existed below Bohio.

It therefore appears that every consideration of the Panama Canal type by any unauthorized body, either corporate or governmental, rejected the idea of a dam at Gatun, and its indorsement is confined to a minority of the Board of Consulting Engineers which was called by the President to advise him upon the type of canal that ought to be adopted, and to three members of the Commission who had previously either been in favor of a sea-level canal or who had said, in effect, that Gatun was not a proper site for any dam.

Those who earlier proposed Gatun as a dam site, Messrs. Kleitz, Welch, and Ward, had no technical information whatever as to the physical characteristics of this site. Had these three engineers known that the dam would have to be nearly a mile and a half long, and that the alluvium in the gorge upon which the structure was to rest was 258 feet deep, it may be safely doubted if they would ever have proposed so hazardous a project.

Mr. KITTREDGE. In this connection I will read a few sentences from the report of the Board of Consulting Engineers upon the subject of the Gatun dam. They say:

The United States Government is proposing to expend many millions of dollars for the construction of this great waterway, which is to serve the commerce of the world for all time and the very existence of which would depend upon the permanent stability and unquestioned safety of all dams. The Board is therefore of opinion that the existence of such costly facilities for the world's commerce should not depend upon great reservoirs held by earth embankments resting literally upon mud foundations or those of even sand and gravel. The Board is unqualifiedly of opinion that no such vast and doubtful experiment should be indulged in, but, on the contrary, that every work of whatever nature should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient.

In the face of these facts, Mr. President, with this record before them, it remained for the minority of the Board of Consulting Engineers to advise the Congress to recommend the construction of a multilock canal, with locks of absolutely unprecedented size and yet of dimensions too small to fulfill the requirements of the present statutes.

Mr. OVERMAN. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. KITTREDGE. Certainly.

Mr. OVERMAN. Do I understand the Senator to say that the engineers who said that a dam could not be built at Gatun now recommend a lock canal with a dam built at Gatun?

Mr. KITTREDGE. That is true, Mr. President, in the case of General Abbot, a member of the Board of Consulting Engineers; that is true in the case of Mr. Noble, a member who signed the minority report of the Board of Consulting Engineers; it is true of General Hains and General Ernst, who signed the majority report of the Isthmian Canal Commission, and it is true by indirection in the case of Mr. Harrod in the manner I have suggested.

Mr. OVERMAN. Do they give any reasons for the change in their recommendation?

Mr. KITTREDGE. None whatever, except that they had changed their minds.

Mr. DRYDEN. And I suppose, Mr. President, that they have changed their minds because further investigation and a more complete knowledge of the conditions there convinced them that the dam could be built at Gatun.

Mr. KITTREDGE. The dam can be built there, Mr. President. The question is, How long will it stay if it be built?

Mr. BACON. I should like to ask the Senator in that connection——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. BACON. If the dam should be built and by any possible contingency it should be swept away, what would be the result as to the construction of the canal?

Mr. KITTREDGE. The dam would be ruined completely and absolutely.

Mr. BACON. The dam would be ruined, of course; but I am speaking of the canal itself. What would be the effect on the canal?

Mr. KITTREDGE. The canal itself would be ruined, because the Gatun dam is the key to the integrity of the entire work.

Mr. BACON. In other words, the maintenance of the dam is necessary to preserve the water level?

Mr. KITTREDGE. Absolutely. It would be by means of this dam that the water would be raised to the height of 85 feet, thus enabling the shipping to pass across the Isthmus.

Mr. BACON. That was the fact I wished the Senator to state.

Mr. DRYDEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. KITTREDGE. Yes.

Mr. DRYDEN. It can be just as appropriately asked, What would happen in case the dam at Gamboa should be carried away? Of course, if the foundation and everything else connected with any structure is carried away, there will be ruin in the pathway; but it will be shown before this debate closes that some of the greatest authorities in the world upon dam building have staked their words and their reputations that a dam at Gatun can be built which will endure any attack upon it by the Chagres River under the most violent conditions that have ever been recorded with regard to that river.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. Will the Senator permit me to first answer the question of the Senator from New Jersey?

Mr. KNOX. Certainly. I did not understand that a question had been asked.

Mr. KITTREDGE. It had been, as I understand. If the dam at Gamboa be destroyed, which by no possibility will happen any more than in the case of the Croton dam near New York City, or the simplest dam that you can find on any river in the United States, the canal itself would not be destroyed. Upon the question if eminent engineers have not recommended the Gatun dam, I agree with the Senator that they have. The minority of the Board of Engineers have told us by their report and in oral testimony before the committee that that dam would stand. My point in reference to it is that the fact that just as eminent engineers say that it will not stand creates such a doubt in reference to its stability that this Congress ought not to take any chances upon a structure that is the key to the integrity of the entire work. I now yield to the Senator from Pennsylvania.

Mr. KNOX. I wish to ask the Senator if it is not true that Mr. Barclay Parsons, who is one of the most eminent engineers who favor the sea-level canal, testified that his objection to the lock canal did not depend upon any doubt as to the stability of the dam at Gatun; and did he not, in reply to the specific question, say that he thought the dam at Gatun would be a stable dam?

Mr. KITTREDGE. Mr. Barclay Parsons so stated in substance. He also stated—I read from page 1786 of the testimony, in reply to a question asked by the Senator from Florida [Mr. TALIAFERRO]:

Senator TALIAFERRO. Do you consider the dam as proposed by the minority at Gatun, is it not?
Mr. PARSONS. At Gatun; yes.
Senator TALIAFERRO (continuing). Do you consider that a safe dam?
Mr. PARSONS (after a pause)—

I do not read it all, but it is in substance as the Senator has stated—

I do not know that I quite go to the length that some of them do—

Speaking of the integrity of that structure—

but when you have a question mark opposite the key detail of your whole structure one naturally hesitates.

That was the testimony of Mr. Parsons.

Mr. KNOX. Will the Senator be kind enough—he has the testimony before him and I have not—to read what Mr. Parsons replied to the question that I asked him specifically whether it would be a stable dam? If the Senator has not the testimony at hand, of course I will not ask him to read it.

Mr. KITTREDGE. I have it; but the Senator, Mr. President, has stated with substantial accuracy Mr. Parsons's testimony upon that point.

Before leaving the point suggested by the Senator from Pennsylvania, I submit that Mr. Parsons's testimony is absolutely against the Gatun dam. He covers and touches upon the precise question that must appeal to every thoughtful man, and that is, in a great work of this kind, why leave any one of the great structures in any possible doubt? If a man has a business proposition that he may accomplish by pursuing either of two ways, one a safe way and one involved in doubt, it requires no statement from me to convince, I hope, every Senator that the man of prudence takes the safe course, and that is the course the majority of your Committee on Interoceanic Canals have advised the Senate to take. Eliminate all the doubtful, unusual, and untried propositions that are involved in the construction of a lock canal at Panama and take the safe course, the sea-level course, where every doubtful, unusual, untried, and experimental proposition is absolutely eliminated.

With a sea-level canal there is left a single simple question—the excavation of an immense quantity of material, it is true, but not so much that this Government, strong in resources, should balk at the proposition of digging out a few miles of rock and earth.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. I do.

Mr. CLAY. Do I understand the Senator to say that the majority of the committee recommend a sea-level canal because, in their judgment, a lock canal would be unsafe? And do I understand the Senator to say that a majority of the Board of Consulting Engineers take that course, basing their report upon the fact that the lock canal would be unsafe?

Mr. KITTREDGE. The Senator is absolutely right. I might go further and state that there are other reasons in addition to the one suggested, but that is the prime reason.

Mr. DRYDEN. Will the Senator from South Dakota permit me?

Mr. KITTREDGE. Certainly.

Mr. DRYDEN. I suppose the Senator will admit with equal grace that the minority members of the committee do not concede any such thing?

Mr. KITTREDGE. We are not advised what their course is.

Mr. DRYDEN. You will be.

Mr. MILLARD. The Senator will be.

Mr. KITTREDGE. We will be by to-morrow, I am told.

Mr. MILLARD. We expect so.

Mr. KITTREDGE. Mr. President, I turn to the testimony of Mr. Parsons and will read a few sentences in connection with the lock feature of the canal, which I had not yet reached.

Senator DRYDEN. Do you consider that the flights of locks, as provided by the minority, are dangerous or impracticable?
Mr. PARSONS. I consider them exceedingly dangerous, Senator.
Senator DRYDEN. You think that the machinery is liable to get out of order so that there will be difficulty in operating the locks?
Mr. PARSONS. It is not merely the question of machinery; it is the question of human fallibility. Take the Manchester Canal, for instance. There have been three cases in the history of that canal where vessels have actually gone through a lock.
Senator DRYDEN. Gone through? You mean where they have broken it down?
Mr. PARSONS. They have broken it right down—charged and gone through; and the day will come at Gatun—it may not come the first year, it may not come for ten years, it may not come for twenty years, but that it will come I do not think there is the slightest doubt—when some steamer will go plunging down that ladder.
Senator DRYDEN. And the effect of that would be to put the locks out of business for a long time?
Mr. PARSONS. The effect of that would be to put the canal out of business for a period of anywhere from one to five years. In other words, you would have to rebuild the locks; you would have to refill the lake; you would have to reconstruct the channel below the locks, to say nothing of the damage that would result from such an accident.
Senator DRYDEN. I understood you to say that such an accident would delay the use of the canal for from three to five years, possibly?
Mr. PARSONS. Probably. You would have to reconstruct the canal.

I will not read further, because it is plain to every Senator, and substantially the same facts appear in the letter from Mr. Hunter, to which reference has been made.

Passing now from Gatun to the dams on the Panama side, the same general considerations and corresponding hazards to stability are applicable to a more or less degree to the earth dams designed to be built in the same general way at the Pacific end of the canal for the creation of Sosa Lake, involving the same grave hazards to stability, except that the La Boca dam would rest upon the slippery mud and silt found at the mouth of the Rio Grande estuary. In consequence of this latter condition the majority of the Consulting Board regard the stability

of that dam to be further endangered by the possibility of its being pushed completely out of position by this mud and silt acting as a lubricant, in spite of its great mass.

Returning for a moment to the Gatun dam, although perhaps I have dwelt at too great length upon it, the minority propose simply to strip off the surface of the earth, the decayed vegetable matter, for a depth of from 10 to 20 feet, and on that foundation—not pretending to go to solid rock, because it is an impossibility, not pretending to put down any core wall or any other means to cut off the seepage of water, or further protect the dam—to pile in this mountain of earth, as it is, upon a foundation of the character I have mentioned. And the same is true at Panama, with the further additional fact that the surface at that point is of the character just stated.

When it is remembered that the actual existence of the entire canal, as designed in the recommended plan, would depend wholly upon the safe maintenance of these terminal lakes, it will be seen that any element of the situation which hazards the existence of those lakes jeopardizes not only the safety but the actual existence of the entire canal. It is a grave question whether the United States Government should enter upon an expenditure amounting in the total to nearly $200,000,000 for the attainment of a project the very existence of which is threatened by so serious a danger.

The flight or series of three locks at the Gatun dam, which must be passed by any ship using the canal, is a dangerous menace to the safety both of the canal and of the ships seeking its use. It has been the experience of every lock and lock canal, as exemplified by the Manchester Ship Canal and the great locks at Sault Ste. Marie, that ships will inevitably be brought into dangerous collision with lock gates in consequence of the engineman misunderstanding the signals given by the pilot. The latter may signal to go ahead or to stop or to reverse, and in each instance the engineman may misunderstand the signal and do precisely what he has been signaled not to do. A considerable number of serious accidents of this kind have been brought out by the Consulting Board. Three times have the lock gates at the "Soo" been put in serious jeopardy in precisely the manner described, and this experience has been more than duplicated on the Manchester Canal. On a number of occasions the complete wreckage of the gates in the one case, and putting the canal out of commission in another, has been narrowly escaped. If serious accidents can occur in the single lock (the Poe lock) at the Sault Ste. Marie, where ships run practically on schedule time and pass and repass so often as to make the passage of the lock a matter of weekly or fortnightly routine, they would be practically certain, with much greater frequency, in the six great locks in the Panama Canal, each with 50 per cent greater lift than at the "Soo."

As pointed out in the majority report, a ship might easily ram the gates of the upper end of the Gatun locks and plunge down through the whole series of three, destroying the lock gates and itself, and destroying the canal, as well, by draining the summit level. The possibility of such a catastrophe is greatly enhanced by the fact that both shipmasters and crews would be unfamiliar, in consequence of rarely visiting the Panama Canal, with the operation of locking up and down through these flights or series of locks. Nor would it be safe to pass ships up and down the Gatun lock flights by permitting one ship to follow another as closely as possible, a procedure which would put two ships at the same time in the flight separated at most by one lock chamber. So much hazard would attach to this operation that doubtless traffic regulations would be so made that but one ship only would be permitted in one series or flight at a time. While this would enhance the safety of the ships using the locks it would also materially increase the time required for the passage of the ships.

The hazards to passing ships would become more serious still if it were desired to put a fleet of United States naval vessels through the canal in the shortest possible time in consequence of some pressing exigency. In any case there would be great danger of losing a ship by accident and putting the canal out of commission at the same time. All these hazards are too great to be permitted if it is feasible to build a canal in which they are avoided. These hazards are enhanced in the proposed plan by the fact that ships 850 to 900 feet long can not pass the upper lock of the Gatun flight without dispensing with the use of the safety gate. In other words, the safety gate can not be employed when it is most needed—that is, with the greatest ships.

In this connection I ask to have inserted, without reading, two letters from Mr. Parsons upon the subject of earthquakes, calling attention simply to the last sentence in one letter, in which he says:

As I wrote you in my last letter, I am more than ever convinced since the earthquake—

Referring to the California earthquake—

that our Government should not expend its money in a canal with elaborate locks. If the Government does do so, it will regret it and will undo the mistake at a later period at a very greatly increased cost.

I also present a little memorandum upon the subject of earthquakes and their possible effect, and I also call the attention of Senators to Senate Document No. 264 of this session of Congress; and, if I may be pardoned the further suggestion, this subject is briefly treated in the report of the majority of the Committee on Interoceanic Canals, accompanying this bill, to the Senate.

The VICE-PRESIDENT. Without objection, the matter referred to will be inserted in the RECORD.

The matter referred to is as follows:

60 WALL STREET, NEW YORK, *April 19, 1906.*

MY DEAR SIR: The terrible disaster that has occurred in San Francisco should be considered in connection with the Panama Canal. While it appears from the papers that there was no disturbance of the ground or any movement in the hills which compose San Francisco sufficient to produce topographical changes, or that would have altered any channel cut through the hills, nevertheless the disturbance was sufficiently great to throw down houses and destroy great masonry buildings, such as the city hall.

Had a similar movement, or even one of very much less intensity, occured at Panama, while the canal itself would not have been damaged, it is a certainty that the lock mechanism and the lock gates would have been disturbed enough to have stopped them from working, even though they had not been damaged enough to permit water to pass through. In the case of the three-lock scheme this would have involved at the minimum the drawing off of the water from the upper level, and might have involved the destruction of the canal.

Of course this was all gone into in the testimony taken by your committee, but I call it to your attention so that the committee may have it fully in mind when they come to make a desision.

The building of three locks in flight is, in my mind, as I stated to the committee, an absolutely unwarrantable risk for the United States Government to take.

Very truly, yours, WM. BARCLAY PARSONS.

Hon. ALFRED B. KITTREDGE,
Committee on Isthmian Canal Affairs,
United States Senate.

60 WALL STREET, NEW YORK, *April 24, 1906.*

MY DEAR SENATOR KITTREDGE: I have your letter of April 20, which has been unanswered on account of my absence from the city.

I do not consider that either the Gamboa dam or the Gatun dam would have been injuriously affected by such an earthquake as they had in San Francisco. To throw down a dam of the dimensions of either of these dams would be practically impossible. A dam that is built of masonry could not be destroyed, and the worst that could possibly happen to it would be a crack, which would allow the reservoir behind it to leak off; the dam itself would not be washed away. In the case of an earthen dam, especially where the foundations could not go to rock, it is conceivable that a great earthquake might open the underlying seams of impervious material and allow a dangerous amount of water to escape. A big crack in an earthen dam would allow the water to rush through and wash the dam away, as was the case at Johnstown. Personally I should not be afraid of either dam.

With the locks, however, the case is quite different, and an earthquake, such as they had at San Francisco or even one of much less intensity, would throw the lock mechanism out of order, and might throw the locks themselves so much out of position as to draw off the water in the summit level, which it would take a year to replace. With the locks all located at one place, as the minority report proposes, I think it is safe to assume that such an earthquake as the one we have just had in San Francisco would have rendered the canal useless for some months.

It is true that a tidal lock would also have been damaged, but even if the tidal lock had been destroyed the canal would still have been serviceable. During the neap-tide period, or one-half of the month, a tidal lock is not necessary, and during the spring-tide period a tidal lock will not be necessary except at the extreme range of high and low water for three or four hours of the twenty-four. Herein lies the great advantage of the sea-level canal. The damage to its lock is not fatal.

As I wrote you in my last letter, I am more than ever convinced since the earthquake that our Government should not expend its money in a canal with elaborate locks. If the Government does do so, it will regret it and will undo the mistake at a later period at a very greatly increased cost.

Very truly, yours, WM. BARCLAY PARSONS.

Hon. A. B. KITTREDGE,
United States Senate, Washington, D. C.

EARTHQUAKES.

The most pertinent discussion of the danger to the Panama Canal from earthquakes, found in the canal literature, will be seen in the report of the first Walker Commission, pages 113–114 of the Government print, as follows:

"The effect of the undulations of the earth's surface upon any structure increases with the height of the structure above the ground. A force which would leave the foundation intact might throw down a high wall.

"The works of the canal will nearly all of them be underground. Even the dams are low, compared with the general surface of the country, and with their broad and massive foundations may be said to form part of the ground itself, as they are intended to do. The locks will all be founded upon rock. It does not seem probable that works of this kind are in any serious danger of destruction by earthquakes in a country where lofty churches of masonry have escaped with a few minor injuries.

* * * * * * *

"It is possible and even probable that the more accurately fitting portions of the canal, such as the lock gates, may at times be distorted by earthquakes, and some inconvenience may result therefrom. That contingency may be classed with the accidental collision of ships

with the gates, and is to be provided for in the same way—by duplicate gates.

"It is possible also that a fissure might open which would drain the canal, and, if it remained open, might destroy it."

In the report of the majority and minority of the Board of Consulting Engineers, and in the canal hearings before the Senate committee, are references to the danger to be apprehended from earthquakes and their effects upon the different structures proposed. The dangers to be apprehended from these earth shakes that have been forecasted are the following:

1. A disturbance of the alignment of the lock walls, either by overthrowing, cracking, or tilting them.
2. The fissuring or overthrowing of masonry dams.
3. The formation of fissures in earthern dams.
4. The sliding into the canal of the upper masses of earth and rocks along the deep excavations at Culebra.

The masonry work least liable to destruction or serious injury is a masonry dam reenforced with steel bars, with wide base founded upon rock and joining two or more hills of rock, or of a masonry core wall similarly strengthened and founded, also reenforced or buttressed, one might say, above and below with great masses of earth piled against it. This proposition is obvious.

The Culebra upper slopes might, if previously saturated with water from long rains and followed by a quake, become loosened and slide into the canal; but the only earth on those slopes at all liable to such action is the upper strata at Culebra, and the danger from its loosening or sliding is precisely as great with a lock type as with the sea-level type. The lower rock masses will be no more liable to move than are the hill slopes, which are as nature, through the ages, has left them, and they are found all along the Isthmus near Culebra with slopes sometimes almost vertical.

If an earth wave passed the site of an earthen dam on an alluvial base with a high head of water against the structure, disaster would almost certainly result.

If such a wave passed the site of a lock or a double series of them—six in all, which, empty, would show parallel walls over 40 feet high above water and 40 feet below—the alignment would almost certainly be disturbed, to say the least, so that the gates would not close, for any movement at all would almost certainly result in tilting the walls inward or toward one another. Extra gates, prepared against such an emergency, would be useless, for no one could say to what extent the tilting or leaning might go, and the new gates would not fit, for the former vertical walls would be so no longer.

Again, such a wave would almost certainly result in the fracture of the filling and emptying pipes, conduits, or tubes, relied on to let in and out the lockage water.

The above is all that can be said or predicted respecting the effect of earthquakes on the Panama Canal.

The least structures there are the safer the canal will be. A ditch is less liable to disturbance than any structure.

The accounts we have read of the San Francisco earthquake tell us that the destruction was greatest to those buildings founded on filled in material and on the low alluvial material. They also tell us that the water pipes fetching water, relied on for extinguishing fires, though buried in earth, were cracked and broken and the whole system of water supply put out of commission for many days—a result that could easily and almost certainly be foretold at Panama of the cast-iron conduits or pipes used for filling and emptying the Gatun, Pedro Miguel, and La Boca locks.

Mr. KITTREDGE. The small map at the left shows the number of borings that have been made under the proposed Gatun dam site and the locks at that point. An examination of the map will disclose the fact that in that area of ground, a mile and a half long and a half mile wide, and under these great locks as the minority propose to construct them, they have taken not over forty borings to determine the character of the foundation upon which they propose to rest that great dam, and especially the lock structures. They propose to construct locks having a usable dimension of 900 feet in length and 95 feet in width, three in flight, and the lock structure, the guard walls, approach walls, and all the other necessary elements of that design will make a structure more than 1 mile long. It will be observed, if one examines the map, that with one or two exceptions not a boring has been made under the site of the proposed locks at Gatun to determine the foundation.

In this connection I again remind the Senate of the fact that four years ago before the Interoceanic Canal Committee, as well as in the report of the Walker Commission, filed in November, 1901, it was confidently and positively stated that at Bohio a solid rock foundation could be secured at a depth of only 128 feet. When Mr. Wallace visited the Isthmus to begin his operations as chief engineer and began his explorations, he discovered that the rock at Bohio, instead of being 128 feet, as stated, was 168 feet, a depth that absolutely precluded the possibility of a dam at Bohio with a rock foundation.

I now present and ask to have incorporated in my remarks a statement from the address of Mr. William R. Hill, the engineer in charge of the Croton dam, the great water reservoir for the city of New York. It gives his experience in the foundation of that structure. I will read just a word:

Such a structure—

Referring to the Croton dam, where they made a few borings and put up their wall, and it appearing defective, caused them to take it down because they discovered trouble not anticipated—

Such a structure can not be regarded as anything but an experiment. It is abnormal and unprecedented in all its dangerous features. The engineer might apply in vain to science for aid in computing the efficiency of such a structure; he could get no light, for he could find not even the slightest guaranty of safety in a structure so built.

The same would be especially true in any dam at Gatun and the locks connected with it, as well as the dams on the Panama side.

The matter referred to is as follows:

Before the writer assumed the responsibility of this work, the foundation of the stone dam had been completed to the surface of the ground and the core wall had been completed, excepting the stretch between the stone dam and the gate house, which lacked about 60 feet of its height.

In the spring of 1901 this core wall cracked in five places within a length of 100 feet. This caused the writer to believe that some serious disturbance had taken place, as in his opinion the cracks were too close together to be caused by contraction. After close study of the conditions there was no conclusion to be arrived at except that there was a fundamental weakness here, and therefore it would be unsafe to proceed with the work. This close study brought to view objectionable features of the plans of the embankment and core wall, the most conspicuous of which were three. First, the excessive height, narrow base, and unstable foundation of the embankment; second, the great height of the core wall, and, third, the double means afforded the water to reach the core wall.

To take up the first, the embankment: It was to be 150 feet high and only 650 feet thick at the base. This section would be not only about 40 per cent higher than any heretofore built, but in comparison with other high embankments its base was narrow for its height. As an example, the Amawalk dam, which forms one of the upper Croton reservoirs, while only about half the height—85 feet—yet has a base even wider than that of this embapkment of unprecedented height. And further, this embankment was hazardous because of the unstable nature of its foundation. It was founded over a great refilled pit, which was 360 feet wide at the top, 170 feet at the base, and 70 feet deep. This pit was a necessary excavation for the foundation of the end of the stone dam, which was 164 feet wide at the base, as before stated. It would be impossible to refill this pit as compactly as original ground; hence the safety of the reservoir was dependent not only on an embankment of a problematic section, but this problematic section rested upon an unstable foundation.

The second of the objections: The core wall of this embankment was 200 feet high and with no lateral protection or support from original ground whatsoever, as the artificially placed earth on each side of the wall had the height of the wall itself, 200 feet. Considering the height of the wall, and this in artificially placed earth, it could be but an experimental structure, inasmuch as it would be about twice the height of any heretofore built.

The third objection, the double means afforded the water to reach the core wall. This is another serious objection, as the water, by starting at the end of the embankment in the reservoir and following between the face of the stone dam and the embankment would inevitably reach the core wall. It would be impossible to puddle or otherwise compact the embankment against the dam to prevent this, as settlement would surely follow in any embankment of this great height. This objectionable feature here exists because of the combination of a stone dam and an embankment, while it could not exist in either a continuous stone dam or, on the other hand, a continuous embankment and core wall. As to the second channel by which the water could reach the wall there is also little doubt, for it would be afforded freer access through the refilled material of the great pit than it would have in ordinary cases, where the wall below the original surface of the ground is in a narrow trench and protected by original soil. It would be useless to consider any proposition to increase the width of the embankment, because the means afforded the water to reach the core wall along the face of the dam would always remain. This is a most dangerous feature, as the core wall would not have sufficient weight or strength to resist the pressure of the water that would come against it.

A fourth objection might here be stated, namely, the permeable and light character of the earth of which the embankment was made, but even with the best of material, an embankment so constructed would be insecure.

Thus it will be seen that the safety of this reservoir was dependent not only upon an embankment of a problematic section, resting upon an unstable foundation, but also upon a core wall of phenomenal height, unprotected and unsupported by original soil and attended with the greatest of all possible risks—that is, the means afforded water to reach the center of the embankment against the core wall.

Such a structure can not be regarded as anything but an experiment. It is abnormal and unprecedented in all its dangerous features. The engineer might apply in vain to science for aid in computing the efficiency of such a structure; he could get no light, for he could find not even the slightest guaranty of safety in a structure so built.

The failure of this embankment might not only create a devastating flood in the valley below, but also cause a current above of such irresistible velocity as would destroy the earthen part of the old Croton dam, thus at once cutting off the supply of water to the city until the old dam could be repaired, and in addition postponing indefinitely the time when the city could have the additional supply of water which the enlarged reservoir was to furnish.

Mr. KITTREDGE. Mr. President, furthermore, it is shown in the testimony taken that inasmuch as the summit level of a lock plan is necessarily of fresh water, the locks proposed by the minority do not afford sufficient depth of water in them to pass ships drawing 38 feet of water, which the largest ships now building will require.

A large portion of the lake channels contemplated in this plan have submerged banks, which are sources of much danger to navigation. These dangers, it is true, may be lessened by buoys, if they are placed sufficiently near together. The submerged banks of such channels, however, do not lose all their dangers by buoying even when those buoys are comparatively close together, as the eye of the pilot is not clearly informed of the limits of a channel by anything short of a continual visible bank. Whenever submerged banks are found it is customary, in order to avoid as much danger as possible, to give as much increased width as practicable. This has been done in the recommended plan, but there still remain the dangerously objectionable features of submerged channels, which experience

in the interlake navigation through St. Marys River and the shallow portions of Lake Huron and Lake St. Clair has shown by years of inconvenience and many groundings, should be avoided whenever practicable. A continuous visible bank is such a sure and unerring guide for a pilot that scarcely any practical width in connection with submerged banks will compensate for its absence. Any plan of canal which involves submerged channel banks contains in it a dangerous and unsatisfactory element.

The cost of annual maintenance of a great ship waterway of this character should be kept as low as practicable. There should be no feature of an adopted plan which would entail increased cost of maintenance or which would enhance the difficulties of operation. It was brought out in the testimony taken before the Senate committee, as also appears from the reading of the minority report of the consulting engineers, that inasmuch as the Chagres and all its tributary streams discharge directly into the Gatun Lake, all the silt, sand, and other similar material eroded from the banks and beds of rivers by floods and freshets will be discharged directly into the terminal lakes. In the case of the Chagres River and some of its tributary streams, all the solid material or sediment brought down by the river from above Gamboa and from some distance below that point will largely be deposited in the channel of the canal between Gamboa and Tavernilla and below the latter place, a distance of over 8 miles. Throughout this distance the lake is narrower than it is both above and below, and the natural concentration of sediment-bearing current in the canal channel, not only below Gamboa, but above it, will invariably result in serious silting or deposition of sediment. A large annual expenditure will therefore have to be made in order to meet this single serious feature of maintenance. Other streams also bring their sediment directly into the lake, in some cases where material sedimentation is practically certain to occur, with the corresponding annual charge for its removal.

The actual time of passage of a ship through the canal proper, after having actually entered it at either terminus, in the recommended plan, will be largely affected by the time required to pass the locks, although it will be affected by some other considerations, such as the size of ship, the largest ship contemplated to be passed by the canal requiring more time in consequence of less speed than smaller ships. The minority count on one ship following another in the shortest possible time in passing the series of three locks in flight at Gatun, but in the actual working of the canal doubtless but one ship at a time would be permitted in the Gatun flight. If all the lock machinery and all the appliances were to work with ideal perfection, each ship moving promptly into and away from a lock or a series of locks, and without delays of any kind, the time of passage of a ship 400 to 500 feet long would probably require eight to ten hours. Without such perfection of working of machinery and appliances, and with the usual derangement of machinery and such other delays as in the long run would be covered under the head of "repairs and maintenance," the time of actual passage would be at least 50 per cent greater.

Ocean steamships seeking the passage through the canal would, in the long run, largely or mainly arrive in groups or fleets of greater or less number within short periods of time. In such cases those ships which fail to pass into the canal promptly would be delayed by waiting frequently a considerable number of hours. Again, the annual experience of such a canal would show the locks to be out of commission at least a number of weeks each year, in consequence of repairs and work of maintenance always consequent upon the installation and use of such great masses of machinery and appliances. The locks at the Soo are laid up each year about one-third of the time in consequence of the severe winter of that locality. A considerable portion, or perhaps nearly all of this part of nonuse, is then required for repairs, reconstruction, and other similar work. Hence, the time consumed for the much greater repairs and works of maintenance at Panama, when distributed over all the ships delayed, would be a material amount, although it can not be exactly estimated. If both these classes of delays to vessels be added, as they must be, to the time of actual passage, it is scarcely possible that the average time of each vessel in this lock plan can be less than from two to three times required for passage through a sea-level canal.

These delays, due to lock passages and other retarding influences, would act in a manner most gravely objectionable if the United States Government should desire to pass a fleet of twenty or twenty-five naval vessels from one ocean to the other in the shortest possible time to meet some extraordinary exigency. It may be presumed that all commercial traffic would be stopped in such a case, leaving the entire canal free for emergency use. The period of time between two consecutive vessels would be that required to pass the flight of three locks, which would not be less than one and one-half to two hours. If it be assumed that both sets of locks are in order and used for passage in the same direction, as may be supposed, it would require from twenty-eight to thirty-six hours to accomplish the transference, provided no accident happened to any of the locks during their use, or that no vicious enemy put one or more of them out of commission by the use of a small quantity of high explosive. The manner of passage of the ships would be a slow procession, with an interval of at least one hour between consecutive ships, whereas in a sea-level canal they would pass through in close order in about one-third the time required by the lock canal. In the sea-level canal, at the worst, there would be a period of separation between two successive ships of one-half the time required to pass one tidal lock with a lift of only 10½ feet.

The capacity of the recommended lock plan has been estimated by the minority at 70,000,000 tons annually. This capacity is estimated essentially on the assumption that all ships reach the terminal ports in proper order and at suitable times to enter the locks immediately, and that they pass through all the locks of the canal without any accident or delay whatever. The estimate is further based upon the assumption that the machinery and appliances of all locks work promptly, without defect or failure from any cause, and that two ships passing in the same direction may be in triple flight of locks in the Gatun dam at the same time. Nor is provision made for those periods in each year when individual locks would be out of commission for repairs and overhauling. It was shown in the majority report, and in the testimony before the committee, making due allowance for these various sources of delay, and recognizing the fact that the lockage of a ship in the general use of the canal would occupy much more time than that computed, that while the exact annual capacity can not be reliably estimated, it can not reasonably be expected to be more than about 35,000,000 tons, and perhaps materially less.

Although much reference is made by the minority in this connection to the capacity of the single lock at Sault Ste. Marie, it was shown that such a reference is greatly misleading. The navigation of the St. Marys Falls Canal is of a highly specialized character. It consists of ships of various sizes plying with almost the regularity of a railroad schedule between lake ports, so that there is practically no congestion of ships arriving in groups. Each ship, arriving essentially on its schedule time, generally passes the lock without delay. Furthermore, there is but one lock at the Soo, so that the delays and internal congestion of a multilock plan, which increase in a much higher ratio than the number of locks, are entirely absent. The facility with which a large traffic passes the Poe lock at the Soo is correspondingly no indication whatever of the lack of facility which would characterize the passage of a Panama lock canal by ocean ships, arriving frequently in groups or fleets, with crews untrained for the special canal navigation.

The proposal to lock two or more vessels at one time through the series of two or three locks in flight in order to increase the capacity of the minority plan is delusive. It was shown in the testimony before the Senate committee that that operation involves too much danger and delay in a flight of locks to be permissible. It would be fortunate if the capacity of the recommended lock plan should in actual use even approach 35,000,000 tons annually.

These considerations regarding the annual capacity of the lock plan acquire a most serious significance when it is observed that any amount of widening or deepening of the canal between the locks will not increase the capacity of the canal by even a single ton of traffic without the reconstruction of the locks, the latter feature absolutely limiting the capacity of the canal. While it would be possible to reconstruct the locks in order to give them greater capacity, it would be a long and very costly operation. After such reconstruction the locks originally built still be retained for the passage of smaller ships, should there would practically be wastage, although, if desired, they could be a sufficient water supply.

The President emphasized, to the Consulting Board, in his instructions of September last, the importance of the transformability to a sea-level plan of any lock plan that might be considered for recommendation. The minority plan possesses practically the minimum of transformability of any lock plan that can be devised. The existence of the great terminal lakes with the twin triple series of locks in the Gatun dam render the operation of transformation, after the canal is once in use, very difficult and expensive. The great dams and all the locks and other subsidiary works, amounting in the aggregate to upwards of $60,000,000, would be absolutely wasted. All the money which the Government would have expended in paying for the submerged lands would also have been practically

wasted, although, after the draining of the lakes, those lands might in time become salable.

The cost of transformation of a lock canal, almost identical with that recommended by the minority to a sea-level canal, with the sections recommended by the majority, was found to be $208,985,000, without any allowance for contingencies. If there be added to this sum the usual 20 per cent for allowance, employed by the board in its regular estimates, and the estimated cost of the lock plan, $139,705,000, the total cost of the sea-level canal, ultimately attained in this manner, would be $390,487,000. To this sum again must be added the land damages paid by the United States Government for the lands submerged by the terminal lakes, which would bring the total cost up to a sum of over $400,000,000. It is not surprising, therefore, that both the majority and minority of the Board of Consulting Engineers believe that if the recommended lock plan should be adopted the attainment of a sea-level canal would never be realized in any reasonable future period of time.

The total curvature in the sea-level plan is sensibly less than the total curvature in the lock plan. The former therefore gives an easier and safer navigation. The banks of the sea-level channel are everywhere visible, giving a constant and more easily followed course than the submerged banks of the lock plan. Although it is the intention in the lock plan to buoy the submerged banks at all turns and probably at intervals along straight courses, the invisibility of the banks of the channel where submerged is a source of constant danger. Although this danger may be reduced by placing buoys close together, it can not be removed in the absence of visible limits to the channel, unless the latter be much wider than generally contemplated by the minority.

The smallest radius of curvature in the sea-level plan is 8,200 feet, or over 1½ miles. The greatest radius of curvature reaches 13,222 feet. In the lock plan the curvature as laid down on the plan of the minority indicates a radius of curvature as small as 1,700 feet.

If a model in plan of a ship 1,000 feet long and 100-foot beam be moved along the plan of the sea-level canal proposed, it will be found that it can be passed freely around all curves, and that in no case when it is moved centrally along the canal will the prolongation of its center line strike the bank of the canal ahead of it within a distance of nearly the ship's length. This condition has been shown by experience in the Suez Canal to give sufficient freedom in rounding curves. All these considerations show that the sea-level canal prism, as proposed in the majority report, will give complete facility and ample freedom for its navigation by the largest ships contemplated by the consulting board—a conclusion which is justified by experience in navigating existing maritime canals in Europe, including the canal at Suez, whose prism is much less in dimensions than that proposed by the majority. On the other hand, it has been shown in the testimony before the committee that if the full usable dimensions of 900 by 95 feet for the locks of the minority plan be allowed, those locks, on the completion of the canal, will fail to accommodate ships then afloat, if the rate of increase in ships' dimensions during the past ten years continues during the next ten years.

The estimated costs of the canal under both plans is based upon unit prices determined by the whole board. The testimony taken before the Senate committee indicates that these unit prices are more likely to be found too high than too low for all classes of excavation. This observation is justified by the actual work of excavation which has been done since the American occupation of the Canal Zone. Owing to the difficulty in securing suitable sand for concrete on the Isthmus, and the necessity of transporting the great quantity of cement required in the masonry of the lock plan, and the further necessity of skilled labor to manufacture and put the concrete in place, the unit price for concrete may be found a little low. As the lock plan requires far greater amounts of concrete masonry than the sea-level plan, any shortness of unit price for the concrete would affect the estimate for the lock plan much more than that for the sea-level plan.

The criticism of the Commission and the minority on the unit price of $1.25 per cubic yard for the excavation at the bottom of the Culebra cut below the elevation of 10 feet above mean tide is without any foundation. The canal prism in the bottom of the Culebra cut would not be excavated under water. That excavation would be an ordinary open excavation in the dry. Any small amount of water flowing into the excavation from springs or from rainfall could readily be pumped out in the ordinary way. No water from the sea can possibly get into the bottom of the Culebra cut until it is permitted to come in. Natural bulkheads of rock or temporary dams at the Pacific end of the excavation for the prism would keep out all sea water until the completion of the excavation. Excavation of the bottom 40 or 50 feet of the Culebra cut for the sea-level canal presents no unusual feature. Every part of the process is common to similar work being done all over the United States many times every season.

The testimony given before the committee shows that a reasonable estimate for the annual cost of maintenance of a sea-level canal would be not to exceed $1,600,000, whereas the annual cost of maintenance of the lock canal, as estimated by the minority, would be at least $2,400,000, or at least $800,000 more than that of the sea-level canal.

The dredging in the Suez Canal between the two terminal ports is chiefly caused by the wind blowing into the canal each year about 2,500,000 cubic yards of sand. No such element of maintenance is required on the Isthmus. All streams tributary to the two terminal lakes in the recommended lock plan bring in great quantities of silt, which would result in the serious silting of the channels for considerable distances, whereas in the sea-level plan practically no heavy silt is brought into the canal prism at all. The tributary streams either pass through sedimentation basins, which catch practically all the silt, or, as in the case of the Gatun and other rivers, the discharge reaches the ocean without passing into the canal prism at all.

In answer to the inquiry of the junior Senator from Georgia [Mr. CLAY] regarding cost, I will say that the cost of a sea-level canal on the plan proposed, agreed to by all the engineers, the minority as well as the majority, with the addition of 20 per cent for contingencies, was, in round figures, $247,000,000; for the lock canal, in round figures, $139,000,000, leaving a difference, in round figures, of a hundred million in first cost between the two plans.

I am now proceeding to show that if the decreased cost of maintenance and operation of a sea-level canal as compared with a lock canal be capitalized, as is proper, and if account is taken of the submerged land, the actual difference in cost between the two will not exceed fifty or sixty million dollars.

The charge for maintenance of the sea-level canal prism is therefore relatively very small. In the recommended lock plan the annual maintenance charge for dredging the deposited silt out of the channel, added to the costs of repairs and maintenance of the six locks, makes a large sum. Erroneous estimates have been made by the minority for the maintenance of the sea-level plan, which the testimony before the committee showed to be about $800,000 per year too great. If this excess of annual maintenance charge for the lock plan be capitalized at 2 per cent the total estimated cost of the minority plan should be increased by the resulting sum of $40,000,000.

It was further shown in the testimony before the Senate committee that the damage costs to the United States Government for the 118 square miles of land submerged by the proposed terminal lakes in the lock plan might reach from fifteen to twenty millions of dollars. This estimate also should be added to the estimate of the minority for the cost of the recommended lock plan.

Regarding these estimates, I will say they have been stated to be as high as $25,000,000. For the purpose of this estimate I am dividing it, and place it at $10,000,000, and the experience of this Government in the condemnation of land on the Isthmus justifies that estimate. If to that is added $40,000,000 as the capitalized amount of the decreased cost of maintenance and operation, it leaves the extra cost not more than $50,000,000 or $60,000,000.

Mr. DRYDEN. Does it not also appear in the testimony that the estimate for the purchase of the submerged lands, including an estimate by Mr. Stevens, does not exceed $300,000?

Mr. KITTREDGE. Oh, yes, it is so stated; but the committee find otherwise, and it bases it upon the experience of the United States Government in the matter of condemnation and acquisition of land upon the Isthmus during the time it has been on the Isthmus.

The total cost of that plan, estimated upon all the detailed items of expenditure, would thus be about $195,000,000. As the total estimated cost of the sea-level plan is about $247,000,000, it is seen that the actual cost of the completed sea-level plan is about $50,000,000 in excess of the recommended lock plan. The computed interest charges upon the cost of the sea-level plan would necessarily be greater than those resulting from the construction of the lock plan, but it has been shown that the latter would be defective and insufficient in capacity as well as dangerous to operate and costly to maintain. The excess of cost of annual maintenance for the lock plan would probably balance the greater interest charge of the sea-level canal.

The more complicated character of the work required in the locks and other great masonry structures of the lock plan involves correspondingly great uncertainties as to the time re-

quired to complete them. These more involved classes of work requiring the building and transporting of great quantities of heavy machinery to the Isthmus and installing them, the fabrication and placing of great quantities of concrete masonry, the total being not far from 3,500,000 cubic yards, together with the securing and maintaining of the requisite force of skilled labor, give to any estimate of time for the completion of such constructive work great uncertainty. The estimated period for completing the lock canal is almost certain to be overrun, so that the actual time of completion of each plan would not be very different from the other. Any estimated amount of interest charges on the cost of the sea-level plan, based upon any such period of construction as fifteen to twenty years, as found in the minority report, is without any real foundation.

Mr. BACON. Will the Senator from South Dakota permit me to ask him a question?

Mr. KITTREDGE. Certainly.

Mr. BACON. I presume the Senator recognizes that in the case of a sea-level canal it would be entirely practicable, as the necessities might develop, to deepen the canal. I think the Commission itself states that fact. Is that true of a lock canal? If a lock canal is built, is it not necessary that its maximum depth shall be established in the beginning? In other words, to increase the depth of a lock canal would it not necessitate a rearrangement of all the locks and everything connected with it? I am led to make that inquiry from the fact that I noticed in the report of the Commission they speak of the fact that the canal, if the sea-level plan be adopted, might originally be at a depth of 35 feet, and thereafter 5 feet more could be readily added, when the larger ships made that necessary, without stopping the operation of the canal.

Mr. KITTREDGE. The Senator is absolutely right in his statement, and the reason clearly appears from the report to which he refers. It may be added that the capacity of the lock canal is absolutely limited by the capacity of the locks. You can not get a ship through the canal greater than can pass the locks, and once you limit the lock capacity, as is done in this case, the only remedy to increase the capacity is to tear down the lock structures and build anew.

Mr. BACON. Whereas with a sea-level canal the capacity of enlargement is not limited by any such condition?

Mr. KITTREDGE. The Senator is absolutely right. It can be enlarged in any direction to accommodate the necessities of commerce or the desire of the Government.

Mr. CLAY. With the Senator's permission——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. KITTREDGE. Certainly.

Mr. CLAY. If the Senator has any information on the subject, how much longer would it take a ship to go through a lock canal than a sea-level canal? Is it not also true that there would be more danger to a ship going through a lock canal than a sea-level canal? I presume the committee has investigated all those questions.

Mr. KITTREDGE. There is, of course, greater danger to a ship going through a lock canal than a sea-level canal. That point is thoroughly and completely determined by the testimony given before the committee, as well as in the report.

It will take between two and three hours longer to pass through the lock canal than a sea-level canal when the locks work well. It will require between four and five hours to pass through the locks that are proposed by the minority of the Board of Consulting Engineers, and, I presume, by the minority of the committee. In other words, it will take more than half the time necessary to pass the entire distance of a sea-level canal to get through the locks alone.

Mr. CLAY. I will ask the Senator is it not also true that insurance would necessarily be a great deal higher on ships going through a lock canal than a sea-level canal?

Mr. KITTREDGE. I am unable to answer that question. It is possible that it is.

Mr. CLAY. Is it not probable?

Mr. KITTREDGE. It is possible that in the testimony we have covered that subject, but there has been such a great mass of it I have for the moment forgotten. My impression is that it would cost more in the way of insurance to pass through a lock canal than a sea-level canal.

Mr. DRYDEN. Mr. President, the Senator has been very accommodating in permitting me to interrupt him, and I hesitate to do so again.

Mr. KITTREDGE. I yield to the Senator from New Jersey.

Mr. DRYDEN. I think I shall not interrupt the Senator again, but I simply want to say here that as to certain statements which the Senator makes from his point of view, and which he thinks are substantiated, the minority, of course, have a different view of this matter. I am only going to add that if issue is not taken as to certain matters stated it is not that they are to be considered as admitted by the minority. The minority will have their day, and they will present their views.

Mr. KITTREDGE. I assume that I am not expected to answer that inquiry.

Mr. President, the only material difference in the elements of time and cost in these two types of construction is about $50,000,000, estimated upon a correct basis for the lock plan; but that plan has been shown to be seriously defective in capacity, falling far short of the requirements of the statute, and likely to be inadequate for the ships afloat at the time of its completion, and, as has also been clearly shown, involving grave dangers in operation and high cost in maintenance. In other words, the great advantages of various kinds possessed by the sea-level plan far more than compensate for its small additional cost.

On the question of cost I again refer to the letter of Mr. Hunter. He says:

> It can not be denied that a lock canal, of whatever type, can be constructed at less cost in money than a sea-level canal. But when the estimates of cost contained in the report of the board and in the minority report are compared, and when to the latter are added the additional costs required (*a*) for removing the kinks from the line of the channel through the Gatun Lake, (*b*) for increasing the locks to the dimensions called for by the Spooner Act, (*c*) for adding cut-offs and core walls to the dams, (*d*) for clearing so much of the tropical growth from the areas to be submerged as will be absolutely necessary for navigation purposes, the difference between the two projects will be reduced to a capital sum, which will be insignificant when compared with the relative advantages and disadvantages of the projects particularly when the volume of the traffic which must, in the natural development of the world's commerce and the inevitable increase in the world's population, pass over the isthmian canal, be taken into consideration, as there seems no reason to doubt that the revenue from that traffic will afford a return satisfactory to the citizens of the United States for their expenditure on the waterway.

Now, Mr. President, with an apology to the Senate for having taken so much time, I submit this question for the present. During the progress of the debate I shall, with the permission of the Senate, if it becomes necessary, take occasion to reply to some of the arguments which I infer from the junior Senator from New Jersey may be submitted.

The VICE-PRESIDENT. Does the Senator wish to have the unfinished business temporarily laid aside?

Mr. KITTREDGE. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business. I understand that the Senator from Pennsylvania does not desire to call up the Post-Office appropriation bill until to-morrow.

The VICE-PRESIDENT. The Senator from Pennsylvania gave notice this morning that he would call it up to-day.

Mr. KEAN. If he desires to call up the appropriation bill, I will give way to him. I withhold my motion for the present. The Senator from Pennsylvania will be here in a moment.

FALSE ALARMS OF FIRES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 14513) to prevent the giving of false alarms of fires in the District of Columbia.

Mr. KEAN. That is a very proper bill, and it ought to be passed.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask the Senate to proceed to the consideration of the Post-Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. PENROSE. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Without objection, it is so ordered. The Secretary will read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Postmaster-General," on page 1,

line 8, to reduce the appropriation for advertising from $5,000 to $3,500.

The amendment was agreed to.

The next amendment was, on page 1, after line 9, to insert:

For traveling and other necessary expenses of three experienced postal officials, to be designated by the Postmaster-General, whose duty it shall be to investigate postal systems and conditions in Great Britain and the continent of Europe, and submit to the Postmaster-General detailed report of the results of their inquiries, with such recommendations as to improvements in the postal establishment and service of the United States as may seem desirable, $10,000.

Mr. GALLINGER. I should like to inquire of the chairman of the Committee on Post-Offices and Post-Roads the necessity for this provision. I had supposed that we already knew about as much in regard to postal matters as they do in Great Britain or on the Continent.

Mr. PENROSE. That item was put in the bill on the special recommendation of the Postmaster-General. He seems to be of the opinion that if he can have this appropriation to send skilled officials from the Department here to keep abreast of improvements and to compare our system with the system abroad, probable results will ensue. The amendment was put in by the committee on the special request of the Postmaster-General. It is not a very large amount. I myself am of the opinion, after an investigation, that it would be profitable for the Government to keep in touch with improvements in the postal service in foreign countries.

It may be said that our consuls have, as a part of their duty, the keeping of the Government advised as to such improvements. But, as a matter of fact, the consuls have not the skill and the technical knowledge of postal methods to enable them to profit by investigations into the postal systems of other countries.

It is not a very large appropriation. There is no branch of the Government that, in its mechanical and administrative features, is improving every year more than the postal service in new methods of distribution, transportation, and postage. I believe this is a good provision.

Mr. GALLINGER. I am not going to oppose it in any captious way. It occurred to me that our consuls might, with great propriety, look after a matter of this kind, and I think now that it properly belongs to them. But if the Senator has done this at the suggestion of the Postmaster-General I assume that is probably a reason we ought to acknowledge without question.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. NELSON. I do not see the occasion of sending three men. I think one good man would accomplish all necessary purposes.

Mr. GALLINGER. Of course they want companionship.

Mr. PENROSE. I do not understand that it is a question of companionship, but, as I understand it, the office of the First Assistant would have a specialist from his bureau skilled in the various matters arising under the office of the First Assistant. The Second Assistant, having a vast and important branch of the postal service, might want to investigate and compare matters abroad relating to his department. There are several great departments of the postal service somewhat different and considerably segregated.

Mr. NELSON. Who are these men to be? Are they to be men already in the service?

Mr. PENROSE. As I understand it, they are supposed to be employees of the Department.

Mr. NELSON. Detailed from that Department?

Mr. PENROSE. Detailed from that Department. The appropriation is simply for their traveling expenses. I do not understand that it is the creation of any extra places or any junkets for visiting statesmen.

I know that General Shallenberger two years ago went abroad and made some valuable investigations in the transportation of the mails, especially in the great cities of London, Paris, and Berlin, and on his return he was able to advise the Postmaster-General and the Senate Committee on Post-Offices and Post-Roads in a very lucid and important way as to the methods of transportation and the delivery of mails in the city of London and in other places.

Mr. GALLINGER. Mr. President, I trust that the $10,000 appropriated will result in that amount of good to the service. I have my doubts, but I raise no further objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SPOONER. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be again read.

The Secretary again read the amendment.

The amendment was agreed to.

The next amendment was, on page 2, line 8, before the word "dollars," to strike out "two thousand seven hundred and fifty" and insert "three thousand;" in line 9, before the word "inspectors," to strike out "six" and insert "ten;" in line 13, before the word "inspectors," to strike out "ninety-five" and insert "one hundred and thirty;" in line 15, before the word "inspectors," to strike out "eighteen inspectors, at $1,500 each; seventy-eight" and insert "one hundred and ten;" in line 16, after the word "each," to strike out "twenty-five inspectors, at $1,300 each;" in line 18, before the word "inspectors," to strike out "one hundred" and insert "thirty-five;" and in line 21, before the word "dollars," to strike out "five hundred and seventy-eight thousand one hundred" and insert "five hundred and fifty-four thousand seven hundred and fifty;" so as to read:

Salaries of post-office inspectors: For salaries of fifteen inspectors in charge of divisions, at $3,000 each; ten inspectors, at $2,400 each; fifteen inspectors, at $2,250 each; fifteen inspectors, at $2,000 each; ten inspectors, at $1,800 each; 130 inspectors, at $1,600 each; 110 inspectors, at $1,400 each, and thirty-five inspectors, at $1,200 each; in all, $554,750.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the word "inspectors," to strike out "as of the same grade of salary which said persons were, on June 30, 1906, receiving as rural agents;" and in line 6, after the word "exceed," to strike out "one hundred and forty-two" and insert "ninety-four;" so as to make the additional proviso read:

And provided further, That all persons employed on June 30, 1906, as rural agents shall, on July 1, 1906, be appointed as post-office inspectors, except not to exceed ninety-four of such agents shall be so appointed as post-office inspectors.

The amendment was agreed to.

The next amendment was, on page 3, line 13, to reduce the appropriation for per diem allowance of inspectors in the field while actually traveling on official business away from their homes, etc., at a rate not to exceed $4 per day, from $350,000 to $320,000.

The amendment was agreed to.

The next amendment was, on page 3, line 24, to increase the appropriation for compensation to clerks and laborers at division headquarters from $90,000 to $105,000.

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "inspectors," to strike out "field;" so as to make the clause read:

For traveling expenses of inspectors without per diem, and of inspectors in charge, expenses incurred by inspectors not covered by per diem allowance, and traveling expenses of the chief post-office inspector, $70,000.

The amendment was agreed to.

The next amendment was, on page 4, line 6, to increase the appropriation for necessary miscellaneous expenses at division headquarters from $5,000 to $8,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster-General," on page 5, line 15, before the words "of delivery," to strike out "Superintendent" and insert "Superintendents;" in line 16, before the words "of mails," to strike out "superintendent" and insert "superintendents;" in line 17, before the words "of money order," to strike out "superintendent" and insert "superintendents;" in the same line, before the words "of registry," to strike out "superintendent" and insert "superintendents;" and in line 18, after the word "registry," to strike out "four" and insert "eight;" so as to make the clause read:

Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, eight, at not exceeding $3,200 each.

The amendment was agreed to.

The next amendment was, on page 5, line 20, after the word "Auditors," to strike out "superintendent of delivery, superintendent of mails, superintendent of money order, and superintendent of registry, six" and insert "two;" so as to make the clause read:

Auditors, two, at not exceeding $3,000 each.

The amendment was agreed to.

The next amendment was, on page 6, line 10, after the word "private," to strike out "secretary" and insert "secretaries;" and in line 12, after the word "registry," to strike out "twenty-five" and insert "twenty-six;" so as to make the clause read:

Assistant superintendent of delivery, assistant superintendent of mails, assistant superintendent of money order, assistant superintendent of registry, bookkeeper, cashiers, finance clerk, private secretaries, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, twenty-six, at not exceeding $2,400 each.

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the word

"and," to strike out "nineteen" and insert "eighteen;" so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 118, at not exceeding $1,700 each.

The amendment was agreed to.

The next amendment was, on page 12, line 2, after the word "sum," to insert "and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof;" so as to make the clause read:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum, and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof.

The amendment was agreed to.

The next amendment was, on page 12, line 9, after the word "dollars," to insert the following proviso:

Provided, That the leave of absence authorized by law to clerks in post-offices shall be construed exclusive of Sundays and holidays.

The amendment was agreed to.

The next amendment was, on page 12, line 12, after the word "post-offices," to strike out "including temporary clerk hire at summer and winter resorts;" so as to make the clause read:

For temporary clerk hire at first and second class post-offices, $152,000: *Provided*, That the Postmaster-General may, in the disbursement of this appropriation, allow postmasters at first-class offices to employ temporary clerks at the rate of 25 cents an hour during the rush or busy hours of the day.

The amendment was agreed to.

The next amendment was, on page 14, line 1, to increase the appropriation for necessary miscellaneous and incidental items directly connected with first and second class post-offices and money-order service, etc., from $225,000 to $250,000.

The amendment was agreed to.

The next amendment was, on page 14, line 7, before the word "assistant," to strike out "seven" and insert "ten;" in line 9, after the word "each," to strike out "$14,000" and insert "and for their;" in line 10, before the words "per diem," to strike out "For;" in the same line, after the word "allowance," to strike out "for seven assistant superintendents, salary and allowance division;" and in line 16, before the word "dollars," to strike out "ten thousand two hundred and twenty" and insert "thirty-four thousand six hundred;" so as to make the clause read:

For compensation to ten assistant superintendents, salary and allowance division, at the rate of $2,000 per annum each, and for their per diem allowance when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General not to exceed $4 per day, and for other necessary official expenses, $34,600.

The amendment was agreed to.

The next amendment was, on page 14, line 25, to reduce the appropriation for pay of letter carriers and substitute letter carriers at new offices entitled to city delivery service under existing law, from $75,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 15, line 10, before the word "incidental," to strike out "other;" in the same line, after the word "expenses," to strike out "in offices of the first and second class" and insert "of the city delivery service;" and in line 13, before the word "letter," to strike out "city;" so as to make the clause read:

For all incidental expenses of the city delivery service, including freight and drayage on equipment, furniture, and supplies, painting, repairing, and erecting letter and package boxes and posts, repairing clocks and other equipments, maps, and miscellaneous items, $40,000.

The amendment was agreed to.

The next amendment was, on page 15, line 20, before the word "miscellaneous," to strike out "travel and;" in line 21, after the words "First Assistant Postmaster-General," to strike out "$1,000" and insert "$500;" and in line 22, after the word "dollars," to strike out "*Provided*, That a sum not exceeding $300 may be used for the purchase of city directories and books of reference;" so as to make the clause read:

For miscellaneous expenses in the postal service, office of the First Assistant Postmaster-General, $500.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster-General," on page 16, line 3, to increase the appropriation for inland transportation by star routes, including temporary service to newly established offices, from $7,100,000 to $7,370,000.

The amendment was agreed to.

The next amendment was, on page 16, line 17, to increase the appropriation for inland transportation by steamboat, or other power-boat routes, from $775,000 to $830,000.

The amendment was agreed to.

The next amendment was, on page 16, line 24, after the words "one million," to strike out "one hundred and sixty-one thousand two hundred and sixty-five dollars and eighty-four cents" and to insert "two hundred and fifty thousand dollars;" and in line 3, after the word "years," to strike out "and with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice;" so as to read:

For the transmission of mail by pneumatic tubes or other similar devices, $900,000, and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, $1,250,000, under the provisions of the law, for a period not exceeding ten years.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after the words "cities of," to strike out "Cincinnati, Kansas City, and Pittsburg" and insert "Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal.;" so as to make the proviso read:

Provided, That said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the borough of Brooklyn of the city of New York and the cities of Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal.

Mr. CLAY. Mr. President, I call the attention of the chairman of the committee to the three lines on page 17 which are proposed to be stricken out by the committee, and which had escaped my attention. On page 17, beginning in line 3, the part I refer to is as follows:

And with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice.

I will read the entire sentence, beginning in line 21, on page 16:

For the transmission of mail by pneumatic tubes or other similar devices, $900,000, and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, one million—

The words "one hundred and sixty-one thousand two hundred and sixty-five dollars and eighty-four cents" are stricken out and the words "two hundred and fifty thousand dollars" are inserted. Then it continues:

under the provisions of the law, for a period not exceeding ten years, and with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice.

It appears from the bill as printed that the words "and with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice" are stricken out.

As the bill originally stood as it came from the other House, if the Postmaster-General made a contract for ten years for pneumatic tubes, he had a right to cancel such a contract on giving a year's notice.

Mr. GALLINGER. After four years.

Mr. CLAY. Yes; after four years. That provision of the House bill has been stricken out in this connection. It was a wise provision. The words to which I have referred were stricken out probably when I was not attending the committee meeting, although I was there most of the time. I should be glad to have the chairman of the committee explain how that amendment came to be proposed.

Mr. PENROSE. Mr. President, the lines to which the Senator from Georgia [Mr. CLAY] refers were stricken from the bill after some discussion in committee. I do not recall whether the Senator from Georgia was present while the committee was discussing that particular branch of the paragraph, although he was one of the most faithful members of the committee in general attendance during the discussion of the bill.

The principle involved is that these people are entitled to a ten years' contract from the Government for this service. It has been found extremely difficult to get capital to invest in the construction of pneumatic tubes unless there is assurance of some duration of the contract; and I understand the work has been very much delayed and embarrassed in several cities—in New York, I believe, among others—by reason of the difficulty of getting the very large and considerable amount of money necessary to construct these works invested by the corporation doing it.

My recollection is that the Department itself recommends the

striking out of those words. I have the letter of the Department somewhere, though I can not lay my hand upon it at this moment. Anyway, the purpose of the amendment is to give the people who invest in this pneumatic-tube service contracts for ten years, with the assurance that the Government will not abandon the service and render their investment useless and valueless, but that they will have some justification for going into the very considerable expenditures involved in this work, by giving them a ten years' contract.

Mr. NELSON. I wish to make an inquiry in regard to these contracts.

Mr. CLAY. If the Senator from Minnesota [Mr. NELSON] will permit me, I will say to the Senator from Pennsylvania [Mr. PENROSE] that my understanding is that we now have pneumatic-tube service in operation in Boston, Chicago, Pittsburg, Philadelphia, and New York, and that those contracts were made with the existing law in force, which authorizes the Postmaster-General to make contracts with those people for ten years for the purpose of putting in and operating these tubes. Those contracts provided that the Postmaster-General, after a service of four years, should have the right to terminate them if he so desired. In other words, all the contracts which have been heretofore made have been made with the distinct understanding that existing law gave the Postmaster-General the right to terminate them after they had been in operation for four years if he deemed it proper to do so.

Mr. PENROSE. Mr. President——

Mr. FORAKER. Will the Senator allow me to ask him a question?

Mr. PENROSE. Certainly.

Mr. FORAKER. This provision authorizes the granting of contracts for the transmission of mail by pneumatic tubes in the cities where pneumatic tubes have heretofore been put in operation, and the sum appropriated is $1,250,000. Can the Senator tell me how much of that sum is intended, or whether the whole of that sum is intended, for contracts with respect to the cities in which these tubes have already been put? If so, what is the Senator's idea as to the effectiveness of the proviso excepting the cities of Baltimore, Cincinnati, etc.?

Mr. PENROSE. I can not tell the Senator exactly how much of this item would go to any particular locality. All I know is that the amount was agreed on after conference with the chairman of the Committee on Post-Offices and Post-Roads in the House of Representatives and with the Department, and the committee was informed that it was satisfactory and amply sufficient to carry out all the recommendations of the Department for the cities mentioned in the bill.

Mr. FORAKER. It must be obvious to the Senator that the whole of this sum will have to be expended upon contracts for the transmission of the mail in pneumatic tubes in the cities where those tubes are now in existence. Therefore it does not seem to me that any part of that sum, or any other sum, so far as I can see, is available for the extension of pneumatic tubes in the other cities that are named.

Mr. PENROSE. As I understand, the money will not be required immediately. This bill simply authorizes the contract, and this amount is all that the Department thinks it will require during the current fiscal year for which this appropriation is made.

Mr. FORAKER. Then the Department is of the opinion that part of this sum of $1,250,000 will be available for putting in pneumatic tubes in Baltimore, Cincinnati, etc.?

Mr. PENROSE. They think this is all the money they can spend, assuming that they will go ahead as fast as they can secure service in the cities mentioned in the bill.

Mr. FORAKER. I do not know what the amount is estimated to be that would be required for putting in pneumatic tubes in these additional cities.

Mr. PENROSE. The amount was very carefully considered. It is the result of the recommendation of the Department, after conference with the House committee, and is considered sufficient for the interests represented by the Senator from Ohio [Mr. FORAKER] and the Senator from Maryland [Mr. RAYNER].

As to the point raised by the Senator from Georgia [Mr. CLAY], I do not think it of any importance whether or not those words remain in the bill.

Mr. CLAY. I was going to say to the Senator that he will remember that the Second Assistant Postmaster-General did state to the committee that he hoped to see the time come, and he believed the time would come, when the Government could construct these tubes and carry this character of mail cheaper than the Government is able to do at present prices. I hope the Senator, in view of what has been said, will simply let this amendment go over until to-morrow, so that I can look further into it.

Mr. PENROSE. I am perfectly willing to let the amendment go over or to let it go out of the bill—either one.

Mr. CLAY. Well, let it go over until to-morrow morning.

Mr. MARTIN (to Mr. CLAY). Let it go out of the bill.

Mr. CLAY. Very well; let it go out of the bill, then.

Mr. PENROSE. I have no objection, Mr. President.

The VICE-PRESIDENT. Then the amendment of the committee on page 17, striking out lines 3, 4, and 5, which has been agreed to, will be regarded as disagreed to in the absence of objection. The Chair hears no objection, and it is disagreed to.

Mr. FORAKER. As to the other amendment, I have no doubt as to what the Senator from Pennsylvania has said, but I should like an opportunity to investigate it.

Mr. PENROSE. Then I will ask that that amendment go over.

The VICE-PRESIDENT. Without objection, the amendment reported by the committee striking out the words in lines 9 and 10, on page 17, and inserting certain other words which have been read, will go over.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 17, line 22, before the word "for," where it occurs the second time, to strike out "building," and insert "buildings;" and in line 25, before the word "thousand," to strike out "nine," and insert "fourteen;" so as to make the clause read:

For rent of buildings for a mail-bag repair shop and lock repair shop, and for fuel, electric power, light, gas, watchmen, charwomen, oil, and repair of machinery for said shops, 14,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

For rent of buildings to be erected for the use of the division of supplies and the mail-bag and mail-lock repair shops, $17,500, and the Postmaster-General may enter into a lease for buildings to be erected for the use of the division of supplies and the mail-bag and mail-lock repair shops for a term not exceeding ten years at an annual rental not to exceed $35,000, to be paid quarterly.

The amendment was agreed to.

The next amendment was, on page 18, line 10, after the word "dollars," to insert the following proviso:

Provided, That on account of the earthquake calamity in California on April 18, 1906, authority is hereby given to the Postmaster-General to use the average daily weight of mails for a period not less than thirty successive working days ascertained during the period from February 20 to April 17, 1906, in adjusting the compensation, according to law, on all railroad routes in the fourth section for the transportation of mails during the quadrennial term beginning July 1, 1906, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days not less than ninety.

The amendment was agreed to.

The next amendment was, on page 18, after line 23, to strike out:

For pay of freight on postal cards, stamped envelopes, stamped paper, empty mail bags, furniture, equipment, and other supplies for the postal service, $250,000. And the Postmaster-General shall require, when in freightable lots and wherever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, stamped paper, empty mail bags, furniture, equipment, and other supplies for the postal service in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and thereafter such postal cards, stamped envelopes, stamped paper, empty mail bags, furniture, equipment, and other supplies for the postal service shall be transmitted by freight.

And in lieu thereof to insert:

For pay of freight or expressage on postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, $250,000. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, shall be, whenever practicable, transmitted by either freight or express.

Mr. STONE. Mr. President, I wish to inquire if that amendment is open to amendment?

The VICE-PRESIDENT. It is open to amendment.

Mr. STONE. I desire to offer an amendment, and then I will ask that it may go over.

Mr. PENROSE. I do not understand the Senator.

The VICE-PRESIDENT. The Senator from Missouri desires to offer an amendment to the amendment, and then to have it go over.

Mr. STONE. I desire to add, after the word "quarterly," in line 8, on page 18, the amendment which I send to the desk.

The VICE-PRESIDENT. The Chair understood the amendment of the Senator from Missouri to be addressed to the amendment that is before the Senate. The amendment to which the amendment is now proposed has been agreed to, but, in the

absence of objection, the amendment will be regarded as open to amendment. The Secretary will state the amendment to the amendment proposed by the Senator from Missouri.

The SECRETARY. At the top of page 18 of the committee amendment——

Mr. STONE. I made a mistake in the place where the amendment should come in. I wish it to follow the word "express," in line 2, on page 20.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 20, line 2, after the word "express" in the amendment of the committee, it is proposed to insert the following:

Provided, That from and after the passage of this act the Postmaster-General shall include periodical publications issued in magazine form by alumni associations of any university as second-class matter, and the same shall be admitted to the mails as such, and the postage thereon shall be the same as on other second-class matter and no more.

Mr. PENROSE. Mr. President, I shall have to object to that amendment, among other reasons, for the reason that, upon the recommendation of the Postmaster-General, the committee has added at the end of the bill a provision for a joint committee of both branches of Congress to investigate the whole question of second-class mail matter and to report next winter. This is only one of a score of questions raised under that classification of mail matter. I think it would be improper to single out these publications to be provided for in the bill. I would suggest that the Senator wait and allow the question to come up before the Commission this summer.

Mr. STONE. Mr. President, I understood the Senator desired simply to complete the reading of the bill this evening. I wish to say something to the Senate upon this amendment, and I suggest to the Senator from Pennsylvania that the amendment go over.

Mr. PENROSE. I was going to suggest to the Chair that perhaps this amendment is not in order now anyway. Only committee amendments are being considered. The Senator from Missouri can offer his amendment when the bill is reported to the Senate.

Mr. STONE. I wish to offer it as an amendment to the committee amendment.

Mr. PENROSE. It would properly come in, I think, when the bill is reported to the Senate——

Mr. STONE. I supposed it could come in here.

Mr. PENROSE. Or in Committee of the Whole itself after the committee amendments have been disposed of. What I ask now is that the Senate complete the consideration of the committee amendments. The Senator will then be at liberty to offer his amendment, and speak thereon if he desires.

Mr. STONE. I prefer to offer it as an amendment to the committee amendment.

Mr. PENROSE. The Senator has offered his amendment, and it will be considered at the proper time. It can not be considered now.

Mr. STONE. What do I understand the Senator from Pennsylvania to propose?

The VICE-PRESIDENT. The Chair would call the attention of Senators to the fact that the proposed amendment is in the form of a proviso to the committee amendment, and is in order as an amendment to the committee amendment.

Mr. PENROSE. Do I understand that the Senator from Missouri now desires to address the Senate upon his amendment?

Mr. STONE. I should prefer to let it go over until to-morrow morning.

Mr. PENROSE. I do not want to rush this bill unduly; but, of course, I want to dispose of it as early as I can.

Mr. STONE. Let this amendment be passed over.

Mr. PENROSE. All right. I ask that the consideration of this amendment go over until to-morrow, and that the Senate proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 21, line 7, to increase the appropriation for railway post-office car service from $5,875,000 to $6,000,000.

The amendment was agreed to.

The next amendment was, on page 21, line 19, before the word "assistant," to strike out "nineteen" and insert "twenty-one;" in line 21, before the words "chief clerks," to strike out "one hundred and twenty-five" and insert "one hundred and thirty-five;" in line 23, before the word "clerks," to strike out "two hundred and fifty-nine" and insert "two hundred and seventy;" on page 22, line 1, before the word "clerks," to strike out "one thousand two hundred and fifty" and insert "one thousand two hundred and ninety-three;" in line 3, before the word "clerks," to strike out "five hundred and twenty-eight," and insert "five hundred and thirty-seven;" in line 5, before the word "clerks," to strike out "one thousand eight hundred and fifty" and insert "one thousand eight hundred and fifty-four;" in line 8, before the word "clerks," to strike out "one thousand seven hundred and fifty" and insert "one thousand eight hundred and seventy-nine;" in line 10, before the word "clerks," to strike out "five thousand four hundred" and insert "five thousand four hundred and fifty;" in line 13, before the word "clerks," to strike out "two thousand one hundred and seventy" and insert "two thousand one hundred and seventy-one;" and in line 17, before the word "dollars," to insert "three hundred and twenty-two thousand two hundred;" so as to read:

Railway Mail Service: One general superintendent, at $4,000; 1 assistant general superintendent, at $3,500; 1 chief clerk, office of general superintendent, at $2,000; 1 assistant chief clerk, office of general superintendent, at $1,800; 11 division superintendents, at $3,000 each; 11 assistant division superintendents, at $1,800 each; 5 assistant superintendents, at $1,800 each; 21 assistant superintendents, at $1,600 each; 135 chief clerks, at $1,600 each; 270 clerks, class 6, at not exceeding $1,500 each; 1,293 clerks, class 5, at not exceeding $1,400 each; 537 clerks, class 5, at not exceeding $1,300 each; 1,854 clerks, class 4, at not exceeding $1,200 each; 1,879 clerks, class 4, at not exceeding $1,100 each; 5,450 clerks, class 3, at not exceeding $1,000 each; 2,171 clerks, class 2, at not exceeding $900 each; 905 clerks, class 1, at not exceeding $800 each; in all, $15,322,200.

The amendment was agreed to.

The next amendment was, on page 24, line 13, before the word "thousand," to strike out "twenty-five" and insert "thirty;" and in line 16, before the word "thousand," to strike out "twenty-seven" and insert "thirty-two;" so as to make the clause read:

Per diem allowance of assistant superintendents, $30,000; and for their necessary official expenses not covered by their per diem allowance, not exceeding $2,500; in all, $32,500: *Provided*, That assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses at the rate of $4 per day while actually traveling on business of the Department.

The amendment was agreed to.

The next amendment was, on page 24, line 22, to reduce the appropriation for inland transportation of mail by electric and cable cars from $940,000 to $793,600.

The amendment was agreed to.

The next amendment was, on page 25, line 21, after the word "shall," to strike out "deem such expenditure necessary in order to promote the interest of the postal service" and insert "consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines;" so as to make the proviso read:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

Mr. MALLORY. I desire to inquire why that change in phraseology is proposed to be made?

Mr. PENROSE. I do not hear the Senator.

Mr. MALLORY. I should like to inquire why this amendment is reported by the committee?

Mr. PENROSE. The amendment was offered on the earnest representations of a member of the committee living along the route of the road, who thought it ought to be in, and the committee agreed to it. Heretofore the Postmaster-General has expended the whole amount regardless of the necessity for the service. He has taken it for granted that Congress thought the service was necessary and that the amount should be expended. This amendment speaks for itself.

Mr. GALLINGER. Will the Senator permit me?

Mr. PENROSE. Certainly.

Mr. GALLINGER. Has that provision ever before been in a Post-Office appropriation bill?

Mr. PENROSE. Never.

Mr. GALLINGER. It is entirely new.

Mr. PENROSE. It is entirely new. Of course the subsidy has been in for many years.

Mr. GALLINGER. The subsidy for this service?

Mr. HOPKINS. For over twenty years.

Mr. PENROSE. The Southern mail appropriation has been in for many years.

Mr. GALLINGER. But it is in a different form this year?

Mr. PENROSE. There is different phraseology applying to the expenditure of it.

Mr. MONEY. Mr. President——

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Mississippi?

Mr. MONEY (to Mr. MALLORY). Did you have the floor?

Mr. MALLORY. I thought so, but it seems I had not.

The VICE-PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. MONEY. I desire to say a few words on this amendment.

Mr. PENROSE. I yield.

Mr. MONEY. Mr. President, this amendment has been in the Post-Office appropriation bill for a great many years. I was the author of it a great many years ago; I suppose twenty-five or more, possibly twenty-eight. I was chairman of the Committee on Post-Offices in the House, and the Postmaster-General——

Mr. PENROSE. To set the matter right, the Senator from Mississippi, in speaking of "this amendment" refers more, I take it, to the appropriation.

Mr. MONEY. I am speaking to the subject, not to this particular amendment.

Mr. PENROSE. The Senator does not refer to the amendment of the committee, as I understand.

Mr. MONEY. No; I am talking of the general subject of extra money being expended for mail service on that route.

Mr. PENROSE. That is contained in the bill as it came from the House.

Mr. MONEY. I will ask the Secretary to read the amendment, that I may understand exactly what it is.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 25, line 21, after the word "shall," strike out "deem such expenditure necessary in order to promote the interest of the postal service" and insert:

> Consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

So as to make the clause read:

> For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

Mr. MONEY. Mr. President, I was not aware of the nature of the amendment. I supposed the question to be the general one. But I should like to say a few words on the amendment.

In the first place, it is pretty well known to the gentlemen who have made up this bill that the Postmaster-General has refused to recommend this appropriation for quite a number of years. He has failed to recommend it, and he has also said very positively that he did not want it, but he has expended it because he considered an appropriation as a direction or instruction from Congress to him so to expend it. I for one should not like to see this proviso put in, because, contrary to the opinion of the Postmaster-General, I believe it is very highly necessary to facilitate and expedite the mails from here to New Orleans, and it continues in that expedition very far to the west. It is a service that has been enjoyed for a number of years, and as I happen to live directly on one of the railroads, the Louisville and Nashville, that carries part of this mail, I know that the train that carries the mail carries nothing else, and it goes thundering by at tremendous speed.

I do not think the railroads get too much for the service. When the service was first established, it was intended to have a fast mail from Boston to Habana, and the contract was given, I think, to the Atlantic Coast Line, or the Seaboard Air Line, I forget which. That road carried the mail to Tampa, but under the law giving only inland and ocean postage to the steamships for their service, it was impossible to get the mails carried from Tampa to Habana.

I had placed in a bill a paragraph that brought Habana within the postal delivery of the United States, which permitted the Postmaster-General to make a contract for a rate of compensation that was greater than the inland and sea postage. By that arrangement he made a contract which put the *Mascotte* and the *Olivette* into the trade, which fully justified the wisdom of the measure by very largely increased mail and travel facilities.

The roads that enjoyed this expedition subsidy or bonus threw up the contract after several years of service, on the ground that they could not meet the schedule of the Postmaster-General without loss. When they threw it up it was transferred to the Southern and the Louisville and Nashville to New Orleans. In other words, instead of going to Tampa the mail was carried to New Orleans. It has been very much of a benefit to the domestic postal service. About that time I had a table prepared by quite a distinguished statistician to show the number of cities and the population and the business tributary to each of those lines, and I was preparing to make a proposition to have it transferred to this other line, when the Seaboard or the Atlantic Coast Line, I forget which, threw up the contract.

The cities along this route and the people served by it would be very unwilling to have this service cut off at the pleasure or judgment or discretion of the Postmaster-General. The hostility of that public functionary to this appropriation is well known. I do not mean the present incumbent, but I mean the Postmaster-General. For several years he has been against it. But he has constantly been overruled by Congress, and the people have continued to enjoy the extra facilities it afforded. They want those facilities continued, and, in my opinion, they should have them. To put this proviso in the bill means, I believe, to expunge from the bill the appropriation. Therefore I hope that the proviso will not stand.

Mr. PENROSE. Mr. President, I do not understand that the Department is against this appropriation. As I have already stated, it has been in the bill for many years. The appropriation for the special facilities from Washington to Atlanta and New Orleans and the appropriation in the following paragraph of $25,000 for similar facilities from Kansas City, Mo., to Newton, Kans., which has likewise remained in the bill for many years, are the last remaining traces of a system of appropriation for certain special facilities which have from time to time and gradually been abandoned by the Government.

Mr. GALLINGER. Subsidies, so to speak.

Mr. PENROSE. Subsidies in their nature. And in some cases they have been voluntarily surrendered. The reason for not specifically recommending it is stated by the Postmaster-General:

> It appears to be a discrimination in favor of a road or of a section of the country. Personally, I am not in favor of anything in the nature of a special privilege to a road or to a section.

At the same time, the Department does not say to the committee or to Congress that these extra facilities are not secured by this appropriation. The committee, ever since I have been connected with it, has felt convinced that these additional facility appropriations did give a service of a very important and valuable character to a vast stretch of country lying south of Washington, which, perhaps, notwithstanding the theoretical objection to this last remaining subsidy in our postal system, would not be obtained by the inhabitants of that great section.

I for one believe that the appropriation might fairly remain in the bill for some years longer, until that section of the country, now growing and increasing so rapidly in population and prosperity, catches up to the rest of the country, when, perhaps, this subsidy will no longer be asked for even by the railroads.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. PENROSE. Certainly.

Mr. MALLORY. Mr. President, the language which it is proposed to strike out is, if I am not mistaken, the language which has been used in this appropriation for many years past. It will be observed that in the succeeding paragraph the same language that is stricken out in this paragraph is employed with reference to the appropriation for the service from Kansas City, Mo., to Newton, Kans., $25,000. The language there is the same as the language that it is proposed to strike out in this paragraph.

I have understood—I do not know whether correctly or not—that the Postmaster-General has expressed the opinion that the special mail facilities between Washington, Atlanta, and New Orleans is not necessary. I do not assert that to be the fact, but I have understood that he has expressed that opinion. I happen to live in close proximity to that line, and I have every day very positive evidence of the benefit which these special mail facilities confer, at least upon certain sections of the country.

At my home I can get by 9 or half past 9 o'clock on Tuesday morning the New York Herald of the previous morning, a thing which, until these special mail facilities were established, was an impossibility. If the mail facilities are taken away, it will make a difference in the arrival of the mail in my home of seven or eight hours. The reason for it, of course, is obvious to anyone who has given the matter any attention. The railroads can not afford to run fast mail trains over a route so long and so sparsely settled as is the route between Washington and New Orleans. If they could dispatch five or six fast trains a day carrying passengers and mail, there would not be any necessity for this item. If conditions with us were such as they are in New England and other thickly settled portions of the country, there would be no occasion for it. But this service is a great benefit to a large area of country, not only along the route, but on each side of it for from a hundred

to a hundred and fifty miles, and the sudden taking of it off, I think, would be very injurious to the interests of the country affected.

Whether this language is, in effect, an inhibition on the Postmaster-General, I will not undertake to say, but if it is a fact that the Postmaster-General has expressed the opinion that it is not necessary to have these special mail facilities, I am inclined to think the language which has been inserted by the committee will debar him from making any contract or allowing these special-facilities appropriations to be expended.

Mr. MONEY. He has not recommended it for years.

Mr. MALLORY. I know he has not; but the language is:

Unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

We fix the sum at $142,000, and then say it shall be determined by the judgment of the Postmaster-General. I hope it is not the intention of the committee to destroy this facility. I am only taking up the time of the Senate in alluding to it, because I am very apprehensive that the substitution of this language for the language which has been employed heretofore for many years regarding these facilities will result in stopping the fast mail.

Mr. SIMMONS. Mr. President, the proviso under discussion was placed in the bill at my instance. I had given considerable investigation to this subject, and at my request the Postmaster-General came before the committee and was exhaustively examined with reference to it. As the result of those investigations and the testimony of the Postmaster-General, this state of facts was disclosed: For a long time—that is, for quite a number of years—the Postmaster-General has not recommended this appropriation. I believe Postmaster-General Wanamaker was the first Postmaster-General to refuse to recommend it.

Mr. MALLORY. That was when it was under the Atlantic Coast Line.

Mr. SIMMONS. That is when it was under the Atlantic Coast Line. But the service was very much the same as it is now.

In refusing to recommend it he discussed the subject, and reached the conclusion that it was not necessary; on the contrary, that it was really an embarrassment to securing the best mail service for that section. It was also disclosed that the proviso in the present law, for which the amendment now under discussion is to be substituted, has been in the law as a part of this particular provision or appropriation for a great number of years, but that neither the present Postmaster-General nor any other Postmaster-General has ever given the slightest consideration or effect to that proviso. I have here the testimony both of General Shallenberger and of Mr. Cortelyou, the Postmaster-General, in which they say that they have not regarded this proviso as it appears in the present law; that they have held that the action of Congress in making the appropriation and then attaching this proviso—that so much of it should be expended as in the judgment of the Postmaster-General was in the interest of the postal service—was in the nature of an instruction to the Postmaster-General to expend the money. In other words, they regarded the appropriation as mandatory; they have regarded the appropriation as controlling the proviso, and they have never given any effect whatever to the proviso.

When the Postmaster-General was asked why he did not recommend this appropriation, he said he did not recommend it because he did not think it was wise to make a distinction in favor of the postal service facilities of one section over those of another section. He was then asked the direct question if in his judgment this appropriation was needed for the purpose of securing proper mail expedition for the section of country interested; and he answered that he had never investigated that question, and that he had no opinion with reference to it. When he was asked why he had not investigated it, in view of the fact that here was a proviso which said to him he should spend no part of this money except as might, in his judgment, be necessary, he said he had not investigated it because he did not consider that proviso as binding upon him.

I do not desire to discuss the matter, but my object and purpose in changing the form of this proviso was to make it a mandatory proviso, because the Postmaster-General has said he regarded it simply as a directory proviso. The Postmaster-General said he did not know whether the appropriation was necessary or not, but he said, while he had never given any effect to the old proviso, if the proviso which is now in the bill was adopted, he would regard it as a direction to him by Congress to make an investigation into this matter, and that he would make an investigation, and if he found, as a result of that investigation, that this appropriation was needed, that an extra train was necessary, he would hire the extra train and pay whatever the service might be worth out of the appropriation.

I do not think the Senator from Florida [Mr. MALLORY] is at all correct when he says the Postmaster-General expressed an emphatic opinion.

Mr. MALLORY. I did not say that.

Mr. SIMMONS. I withdraw the word "emphatic."

Mr. MALLORY. I said I understood he had stated it. I did not assert it as a fact.

Mr. SIMMONS. I beg pardon of the Senator if he understood me to say that he asserted it as a fact. However, he is mistaken in his information. The Postmaster-General did not express an opinion about that matter one way or the other. He said he had no opinion about it, and that he had no opinion about it because he had never regarded the old proviso of binding force and never made any investigation. But he said if the proviso now proposed was adopted, he would deem it his duty to make an investigation, and he would make an investigation, and he would make a finding of facts, and if he found that this extra service was needed, he would use the money for the purpose of engaging such additional service as might be necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Post-Offices and Post-Roads.

Mr. MALLORY. I hope the Senator from Pennsylvania will permit this matter to go over until to-morrow morning.

Mr. PENROSE. If that is the wish of the Senator from Florida, I will not ask the Senate to proceed further with the consideration of the bill to-night. The hour is getting late, and I will move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. Will the Senator permit me for one moment?

The VICE-PRESIDENT. Does the Senator from Pennsylvania withdraw his motion?

Mr. PENROSE. I do.

Mr. TILLMAN. I ask that the amendment beginning in line 10 and ending in line 23, on page 18, be considered open, for the purpose of offering an amendment to it.

The VICE-PRESIDENT. Without objection, it will be regarded as open to amendment.

EXECUTIVE SESSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 29, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 28, 1906.

COMMISSIONER OF FISH AND FISHERIES.

George M. Bowers, of West Virginia, to be Commissioner of Fish and Fisheries in the Department of Commerce and Labor. (Reappointment.)

DISTRICT ATTORNEY.

James W. Ownby, of Texas, to be United States attorney for the eastern district of Texas. A reappointment, his term expiring June 30, 1906.

COLLECTOR OF CUSTOMS.

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Wyllys A. Hedges, of Yale, Mont., to be receiver of public moneys at Lewistown, Mont., vice Louis W. Eldridge, term expired.

Chauncey C. Bever, of Billings, Mont., to be receiver of public moneys at Billings, Mont., a newly created office.

George O. Freeman, of Montana, to be receiver of public moneys at Helena, Mont., to take effect June 30, 1906, at the expiration of his term. (Reappointment.)

REGISTERS OF LAND OFFICES.

Clarence E. McKoin, of Gilt Edge, Mont., to be register of the land office at Lewistown, Mont., vice Edward Brassey, term expired.

Elmer E. Esselstyn, of Red Lodge, Mont., to be register of the land office at Billings, Mont., a newly created office.

Frank D. Miracle, of Montana, to be register of the land office at Helena, Mont., his term having expired. (Reappointment.)

James M. Burlingame, of Montana, to be register of the land office at Great Falls, Mont., his term having expired. (Reappointment.)

PROMOTIONS IN THE NAVY.

P. A. Paymaster Donald W. Nesbit to be a paymaster in the Navy from the 18th day of March, 1906, vice Paymaster Howard P. Ash, deceased.

P. A. Paymaster John S. Higgins to be a paymaster in the Navy from the 4th day of May, 1906, vice Paymaster Ulysses G. Ammen, retired.

PROMOTIONS IN THE ARMY.

Capt. Edwin A. Root, Tenth Infantry, to be major from May 25, 1906, vice Miller, Nineteenth Infantry, detailed as inspector-general.

First Lieut. John L. De Witt, Twenty-first Infantry, to be captain from May 25, 1906, vice Ahern, Ninth Infantry, retired from active service.

First Lieut. Charles E. Morton, Sixteenth Infantry, to be captain from May 25, 1906, vice Root, Tenth Infantry, promoted.

Capt. John S. Kulp, assistant surgeon, to be surgeon with the rank of major from May 26, 1906, vice Lippitt, resigned.

POSTMASTERS.

ALABAMA.

Joseph P. Dimmick to be postmaster at Montgomery, in the county of Montgomery and State of Alabama, in place of Charles W. Buckley. Incumbent's commission expired May 19, 1906.

CALIFORNIA.

James C. Allen to be postmaster at Tracy, in the county of San Joaquin and State of California, in place of Clayton A. Douglas, resigned.

Robert G. Benson to be postmaster at Oakdale, in the county of Stanislaus and State of California, in place of Alice A. Hanna. Incumbent's commission expires June 24, 1906.

C. J. McDivitt to be postmaster at Randsburg, in the county of Kern and State of California, in place of Austin Young. Incumbent's commission expired May 16, 1906.

IDAHO.

Grace H. Woolley to be postmaster at Preston, in the county of Oneida and State of Idaho. Office became Presidential January 1, 1906.

INDIAN TERRITORY.

J. F. Long to be postmaster at Stigler, District 14, Indian Territory. Office became Presidential April 1, 1906.

KANSAS.

Luther M. Axline to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas, in place of James N. Titus, resigned.

Frank Hobart to be postmaster at Glen Elder, in the county of Mitchell and State of Kansas, in place of Frank Hobart. Incumbent's commission expired January 16, 1906.

Henry B. Van Nest to be postmaster at Peabody, in the county of Marion and State of Kansas, in place of Henry B. Van Nest. Incumbent's commission expires June 25, 1906.

MASSACHUSETTS.

George A. Ballard to be postmaster at Fall River, in the county of Bristol and State of Massachusetts, in place of George A. Ballard. Incumbent's commission expires June 24, 1906.

Augustus W. Bearse to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts, in place of Augustus W. Bearse. Incumbent's commission expired May 8, 1906.

MICHIGAN.

Chauncey J. Halbert to be postmaster at Sturgis, in the county of St. Joseph and State of Michigan, in place of Charles McKerlie. Incumbent's commission expires June 6, 1906.

NEW JERSEY.

John J. McGarry to be postmaster at Edgewater, in the county of Bergen and State of New Jersey. Office became Presidential April 1, 1906.

NEW YORK.

W. E. Hughes to be postmaster at Fulton, in the county of Oswego and State of New York, in place of Amos Youmans. Incumbent's commission expired April 22, 1906.

NORTH CAROLINA.

Branson R. Beeson to be postmaster at Kernersville, in the county of Forsyth and State of North Carolina, in place of Branson R. Beeson. Incumbent's commission expires July 1, 1906.

OHIO.

Augustus J. Eminger to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio, in place of Augustus J. Eminger. Incumbent's commission expires June 9, 1906.

Albert W. McCune to be postmaster at Bradford, in the county of Miami and State of Ohio, in place of Albert W. McCune. Incumbent's commission expired April 30, 1906.

SOUTH DAKOTA.

Charles W. Siglinger to be postmaster at Webster, in the county of Day and State of South Dakota, in place of Charles W. Siglinger. Incumbent's commission expired May 9, 1906.

VIRGINIA.

Archibald M. McClintic to be postmaster at Fincastle, in the county of Botetourt and State of Virginia. Office became Presidential April 1, 1906.

WISCONSIN.

Levi L. Odell to be postmaster at Galesville, in the county of Trempealeau and State of Wisconsin, in place of Levi L. Odell. Incumbent's commission expired May 19, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28, 1906.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. William G. Stimpson to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from February 10, 1906.

P. A. Surg. George B. Young to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 10, 1905.

REGISTER OF LAND OFFICE.

Fred W. Stocking, of Washington, to be register of the land office at Olympia, Wash., his term having expired May 8.

POSTMASTERS.

MISSOURI.

Edmond L. Schofield to be postmaster at Bolivar, in the county of Polk and State of Missouri.

NEW YORK.

James T. Larmonth to be postmaster at Jamestown, in the county of Chautauqua and State of New York.

Joseph D. Senn to be postmaster at Morrisville, in the county of Madison and State of New York.

PENNSYLVANIA.

William H. Baker to be postmaster at Ridgway, in the county of Elk and State of Pennsylvania.

James C. Brown to be postmaster at Bloomsburg, in the county of Columbia and State of Pennsylvania.

TEXAS.

Harry A. Griffin to be postmaster at Galveston, in the county of Galveston and State of Texas.

Richard B. Harrison to be postmaster at New Boston, in the county of Bowie and State of Texas.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 28, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday last was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The question was taken; and the motion was agreed to.

WILLIAM H. OSENBURG.

Mr. CUSHMAN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move the change of reference of the bill (S. 5352) for the relief of William H. Osenburg, to the Committee on Naval Affairs from the Committee on Interstate and Foreign Commerce.

The question was taken; and the motion was agreed to.

CHANGES OF REFERENCE.

Mr. SULLOWAY. Mr. Speaker, I am directed by the Committee on Invalid Pensions to move the reference of the bill (S. 4585) granting an increase of pension to Mary A. Counts, from the Committee on Invalid Pensions to the Committee on Pensions.

The question was taken; and the motion was agreed to.

Mr. SULLOWAY. Also, the bill (S. 3697) granting an increase of pension to Sarah A. Petherbridge, from the Committee on Invalid Pensions to the Committee on Pensions.

The question was taken; and the motion was agreed to.

REPRINT OF SENATE BILLS.

Mr. GROSVENOR. Mr. Speaker, I want a reprint of two Senate bills—Senate 4805 and Senate 4806—with the committee amendments. I asked this same thing a few days ago, but did

not think at the time of the committee amendments, therefore the reprint was valueless; and I ask to get a reprint of these bills with the amendments of the committee.

The SPEAKER. The gentleman from Ohio asks a reprint of the following Senate bills, of which the Clerk will report the titles:

The Clerk read as follows:

A bill (S. 4805) to prohibit aliens from taking or gathering sponge in the waters of the United States.

A bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponge.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Objection is made.

The SPEAKER. The gentleman from Mississippi objects.

Mr. GROSVENOR. Mr. Speaker, I move to reprint these bills.

The SPEAKER. The Chair will state to the gentleman from Ohio that his request can only be granted by unanimous consent. The Chair would also state to the gentleman that if he desires it the bills can be referred to the Committee on Printing, and, as the Chair is at present advised, their report will be privileged. What disposition does the gentleman desire to make of the bills?

Mr. GROSVENOR. I think I had better make the motion that the bills be reprinted. There will be no objection to that, as I understand. I move that the two bills, with the committee amendments, be printed.

The SPEAKER. That takes unanimous consent at this stage. The gentleman can arrive at what he desires in the matter by referring the bills to the Committee on Printing.

Mr. GROSVENOR. Very well; they may be referred.

PENSIONABLE STATUS FOR MISSOURI MILITIA.

Mr. RHODES. Mr. Speaker, I desire to ask unanimous consent that the bill H. R. 11503 be reprinted, for the reason that the supply has been exhausted.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the reprint of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11503) to extend the provisions of the pension act of June 27, 1890, to the Enrolled Missouri Militia and other militia organizations of the State of Missouri that cooperated with the military or naval forces of the United States in suppressing the war of the rebellion.

The SPEAKER. The gentleman from Missouri asks unanimous consent for a reprint of this bill. Is there objection?

Mr. GROSVENOR. I think we better treat all alike. I object.

The SPEAKER. The gentleman from Ohio objects.

Mr. RHODES. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RHODES. If "the gentleman from Missouri" asks unanimous consent to reprint a bill, and the gentleman from Ohio should object, then what course is open to "the gentleman from Missouri?"

Mr. GROSVENOR. I withdraw my objection. I do not desire to play baby because somebody else plays baby.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DENATURED ALCOHOL.

Mr. PAYNE. Mr. Speaker, I desire to call up from the Speaker's table the bill H. R. 17453, with Senate amendments.

The SPEAKER laid before the House the bill (H. R. 17453) for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials, with Senate amendments, which were read.

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. BARTLETT. Mr. Speaker——

Mr. PAYNE. I yield to the gentleman for a question.

Mr. BARTLETT. I want to ask the gentleman if the provisions of this act with reference to forfeiting to the Government all personal property, and also all real estate upon which the operations are carried on illegally, are the same as those now in existence in cases of violation of the internal-revenue law, or if they are new provisions? For instance, it is provided that the person who violates this act shall forfeit to the Government all personal property, and in addition thereto all real estate upon which the illegal acts are committed.

Mr. PAYNE. I understand that a similar provision is contained in the law against "moonshiners," to use a popular term, people who violate the act with regard to distilling. I think the provision is drawn after that one. I have not read it carefully, but my recollection is that it is the same.

Mr. BARTLETT. The gentleman will understand that one of these illegal manufacturers of this kind of alcohol might be occupying rented or leased premises, and it would be very difficult for the Government to forfeit the property upon which the operations were carried on, unless it was the property of the man who violated the law.

Mr. PAYNE. Well, that is a question of law, whether we could forfeit any more than what the person engaged in the illegal distilling owned in the premises.

Mr. BARTLETT. My recollection of the law against illicit distilling is that in order to forfeit real estate it must be the property of the person violating the law, or the violation must be done with the knowledge or consent of the owner.

Mr. PAYNE. That would seem to follow with reference to this provision.

Mr. BARTLETT. It does not say so.

Mr. PAYNE. You could not forfeit it unless he owned it.

Mr. BARTLETT. I understand you could not, but the bill provides that you can.

Mr. PAYNE. Oh, no. I think the gentleman will find the language exactly the same. I am not familiar with the construction of the law in this case, because we do not have any illicit distilleries anywhere near my district. [Laughter.] But I understand the language is exactly the same. I do not know what the courts have held.

I want to say just a word, Mr. Speaker. The House will remember that the House bill provided that this act should go into effect three months after its passage. The Senate has amended that and made it the 1st of January next. Possibly the postponement is for an unnecessarily long time, but we are content to accept that amendment. The other amendments of the Senate, except the one just referred to by the gentleman from Georgia, are, I think, harmless in either direction. Some of them are a little crudely drawn and show evidence of haste, but they do not seem to affect the bill as it passed the House. I think the bill is substantially the House bill, and I hope the House will concur in the amendments.

The question being taken, the Senate amendments were concurred in.

FORTIFICATION OF PURE SWEET WINES.

The SPEAKER also laid before the House the bill (H. R. 15206) to amend existing laws relating to the fortification of pure sweet wines, with Senate amendments thereto.

The Senate amendments were read.

Mr. NEEDHAM. Mr. Speaker, I move to concur in the Senate amendments.

Mr. WILLIAMS. I do not think the House understands the nature of the Senate amendments. I am sure I do not. I wish the gentleman from California would explain them so that we may understand them.

Mr. NEEDHAM. Under the present law there may be added to the must of wine beet or cane sugar. These amendments permit the addition also of pure anhydrous sugar, which is desired by eastern wine makers. I will say to the gentleman from Mississippi that I have consulted with the gentleman from Missouri [Mr. CLARK], and he is entirely satisfied with the amendments. They were placed in the bill in the Senate by Senator STONE, of Missouri, and the effect will be to allow another class of sugar to be added to the must of wine to sweeten it.

Mr. WILLIAMS. As well as cane sugar?

Mr. NEEDHAM. Yes.

The question being taken, the Senate amendments were concurred in.

THE CENSUS OFFICE.

The SPEAKER also laid before the House the bill (H. R. 12064) to amend section 7 of an act entitled "An act to provide for the permanent Census Office," approved March 6, 1902, with Senate amendments.

The Senate amendments were read.

Mr. CRUMPACKER. Mr. Speaker, I move that the House concur in the Senate amendments. The bill is amendatory of section 7 of the act to make the Census Office a permanent office, and it adds to the requirements contained in the original law the duty of collecting certain statistics of crime, statistics of savings institutions, and statistics of insurance. The bill provides that the Official Register shall be published by the Director of the Census instead of by the Secretary of the Interior. The bill passed the House and was amended verbally in the Senate in two or three instances, and the only material amendment made was striking out the provision requiring statistics of insurance. That is the only material amendment made in the House bill. The House bill provided for investigations for statistical purposes of life, marine, and fire insurance, casualty insurance, and all kinds of insurance. The Senate struck that out of the bill.

Mr. MANN. The Senate did not insert any new items?

Mr. CRUMPACKER. No new items. It changed the details in relation to the Official Register. The bill repealed the law authorizing the publication of the Official Register by the Secretary of the Interior, and the Senate struck that out and provided that the information which the law now requires to be sent to the Secretary of the Interior shall be transmitted to the Director of the Census. There is no material change in the bill except the elimination of statistics of insurance.

The question was taken, and the motion to concur in the Senate amendments was agreed to.

SUBDIVISION OF CERTAIN LANDS IN THE STATE OF WASHINGTON.

The SPEAKER also laid before the House the bill (H. R. 17127) to provide for the subdivision and sale of certain lands in the State of Washington.

The Senate amendments were read.

Mr. LACEY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

RELIEF FOR THE STATE OF RHODE ISLAND.

The SPEAKER also laid before the House the bill (H. R. 5539) for the relief of the State of Rhode Island, with Senate amendments.

The Senate amendments were read.

Mr. CAPRON. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. WILLIAMS. I would like to have the gentleman from Rhode Island give some explanation of the bill and the Senate amendments.

Mr. CAPRON. Mr. Speaker, when this bill came back from the Senate it contained amendments modifying the provisions which the House had enacted. It is a bill to reimburse the State of Rhode Island for certain moneys expended during the Spanish war. It passed the House, went to the Senate, and that body modified the House provisions. The gentleman from Kansas [Mr. MILLER] has the papers in his possession, but he seems to be out of the Chamber at this moment. I know that everything in the bill is exactly as it went from the House except some modifications, differing from the Iowa bill, which had previously passed, and which the House bill followed in the case of the Rhode Island claims, which makes the liability of the Government less than it was when it went from the House.

Mr. WILLIAMS. Can the gentleman give some idea of the Senate modifications?

Mr. CAPRON. I had them in my possession, and handed the papers to the chairman of the Claims Committee. He not expecting that the bill would come up at this time on District day, I presume, is the reason the gentleman from Kansas is out at this moment. I know it is a matter in which all parties are agreed. The amendment is this: Line 6, strike out all after the word "Spain," down to and including line 15, and insert "under the provisions of the acts of Congress approved July 8, 1898, March 3, 1899, April 27, 1904," making it entirely conformable to existing law which has been enacted in reference to all the other States, and in which, when the bill was before it, I said was in all respects like similar bills of other States except that the State of Rhode Island had not at that time formally presented its claim that the balance due it be paid as it had to the other States. This makes the law entirely conform to that passed to reimburse the other States.

Mr. WILLIAMS. Then do I understand there are outstanding claims of the State of Rhode Island against the Federal Government and of the Federal Government against the State of Rhode Island?

Mr. CAPRON. No; except in the case the gentleman first stated—that is, claims of the State of Rhode Island against the United States, which this seeks to adjust.

Mr. WILLIAMS. Why does the Senate put in this modification? If my recollection of the law referred to in the Senate amendment is correct, it is a law which requires a State coming to the Federal Government in order to receive an appropriation based upon a claim by the State against the Federal Government to have adjusted all claims of the Federal Government against the State.

Mr. CAPRON. Exactly that.

Mr. WILLIAMS. If there be no claim by the Federal Government against the State of Rhode Island, why the necessity of that amendment?

Mr. CAPRON. Because there is a claim of the State of Rhode Island remaining unsettled against the Federal Government, such as have been settled with the other States under the acts severally referred to in the Senate amendment, which modifies the bill as it went from the House to the Senate recently.

Mr. WILLIAMS. Does the Senate amendment decrease the possible liability of the Federal Government?

Mr. CAPRON. It decreases the possible liability; yes.

The SPEAKER. The question is on concurring with the Senate amendment.

The question was taken; and the motion was agreed to.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 16484) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, with Senate amendments thereto.

The Senate amendments were read.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. WILLIAMS. Mr. Speaker, before that is done I think we are pursuing a course here which is rather hurried. The House does not know what we are doing. How many Senate amendments are there?

Mr. CAMPBELL of Kansas. There are four, all relating to one subject. The Senate has amended the bill that we sent over from the House reorganizing the police force by striking out our provision for three police surgeons, at $1,800 a year, making it four, at $600 a year. That is the effect, and the whole effect, of the Senate amendments.

Mr. WILLIAMS. We had three, at $1,800?

Mr. CAMPBELL of Kansas. Three, at $1,800 each, and the Senate made it four, at $600 each.

Mr. WILLIAMS. A reduction of $1,200?

Mr. CAMPBELL of Kansas. Yes. The Senate made a cut of $1,200 each. Our provision was this: That the three surgeons give their whole time to the fire department and the police department, at a salary of $1,800 per year. The Senate amended the provision, creating four, giving them $600 each, and permitting them to practice their professions in the regular way, answering the call of the city when their services were needed.

Mr. WILLIAMS. Mr. Speaker, I suggest that the gentleman take a vote upon that amendment and then we will have an explanation of the other.

Mr. CAMPBELL of Kansas. Well, the other amendments all relate to this one subject.

Mr. WILLIAMS. So that the other amendments are practically the same—they are the same subject-matter?

Mr. CAMPBELL of Kansas. Yes.

Mr. WILLIAMS. In that event they can be voted on together.

Mr. KEIFER. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. KEIFER. I understand the House bill made an appropriation for three, at $1,800 each.

Mr. CAMPBELL of Kansas. Yes; that is right.

Mr. KEIFER. Not $1,800 for the three?

Mr. CAMPBELL of Kansas. No; $1,800 each.

Mr. KEIFER. That would be $5,400.

Mr. CAMPBELL of Kansas. Yes.

Mr. KEIFER. The Senate amendment is four, at $600, which makes $2,400, which would be a reduction of $3,000.

Mr. CAMPBELL of Kansas. The gentleman's mathematics are correct.

The SPEAKER. The question is on concurring with the Senate amendments.

The question was taken; and the motion was agreed to.

JOSEPH FRENCH.

The SPEAKER laid before the House the bill (H. R. 17072) granting an increase of pension to Joseph French, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. WILLIAMS. Mr. Speaker, will the gentleman from New Hampshire explain to us the nature of the Senate amendment?

Mr. SULLOWAY. The facts are these. Certain evidence went to the Senate committee that was not before the House committee, and on that evidence the gentleman is clearly entitled to his $72. We reported it at $50 on the evidence that was before us.

Mr. WILLIAMS. This is a case with different evidence before the two Houses?

Mr. SULLOWAY. Additional evidence before the Senate committee.

Mr. WILLIAMS. And the gentleman thinks that in analogy with the law the gentleman is entitled to the increase?

Mr. SULLOWAY. I have no doubt about that.

The SPEAKER. The question is on concurring with the Senate amendments.

The question was taken, and the motion was agreed to.

WILSON H. M'CUNE.

The SPEAKER also laid before the House the bill (H. R. 15869) granting an increase of pension to Wilson H. McCune, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the amendment was concurred in.

MALCOLM RAY.

The SPEAKER also laid before the House the bill (H. R. 15787) granting an increase of pension to Malcolm Ray, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the Senate amendment be concurred in.

Mr. WILLIAMS. Mr. Speaker, why was this change made?

Mr. SULLOWAY. Well, because the Senate thought we did not allow quite enough, and I presume they may be right.

Mr. WILLIAMS. But under the rules you pursue by analogy with the general law, could $30 have been possible in this case?

Mr. SULLOWAY. This gentleman is substantially a total wreck and $30 is the total amount. We made it, it seems by the report, at twenty-four.

The question was taken; and the amendment was concurred in.

SARAH L. GHRIST.

The SPEAKER also laid before the House the bill (H. R. 13022) granting an increase of pension to Sarah L. Ghrist, with a Senate amendment.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

Mr. WILLIAMS. Mr. Speaker, I would like to have an explanation concerning that increase.

Mr. SULLOWAY. My impression is that this is a case where we reported from $8 to $12, and the Senate on account of the necessities and physical condition of the lady doubled the $8 and made it sixteen.

Mr. WILLIAMS. Do you think that the $16 ought to be appropriated?

Mr. SULLOWAY. I do.

Mr. STEPHENS of Texas. I would like to ask the gentleman if this is the widow of a Mexican war veteran?

Mr. SULLOWAY. No, indeed; it would not come to our committee if it were.

Mr. STEPHENS of Texas. I understand those widows are not entitled and can not receive under special act or otherwise more than $12.

Mr. SULLOWAY. I do not know; another committee has charge of those matters.

Mr. STEPHENS of Texas. That is the reason of the inquiry. I thought perhaps it was.

The question was taken; and the amendment was concurred in.

WILLIAM LANDAHN.

The SPEAKER also laid before the House the following bill (H. R. 12135) granting an increase of pension to William Landahn, with Senate amendments.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendments.

The question was taken; and the amendments were concurred in.

COMBINATION BETWEEN THE AMERICAN TOBACCO COMPANY, THE CONTINENTAL TOBACCO COMPANY, AND THE IMPERIAL TOBACCO COMPANY, ETC.

Mr. STANLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. STANLEY. I wish to call up the following privileged report, and have the Clerk read it.

The SPEAKER. The gentleman offers the privileged resolution which the Clerk will report.

The Clerk read as follows:

Resolution No. 432.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to report to the House of Representatives, for its information, all facts within the knowledge of the Department of Commerce and Labor which show or tend to show that there exists at this time, or heretofore within the last twelve months has existed, a combination or arrangement between the American Tobacco Company, the Continental Tobacco Company, and the Imperial Tobacco Company, or any two of said companies, in violation of the act passed July 2, 1890, and entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or acts amendatory thereof.

And all facts which show or tend to show that the American Tobacco Company, the Continental Tobacco Company, or the Imperial Tobacco Company, or any one or more of said companies, in combination or singly, have, contrary to the laws of the United States in such cases made and provided, interfered with or injured, or attempted to interfere with, injure, or destroy the business of competing manufacturers of tobacco by the infringement of trade-marks or patents, or by surreptitiously adulterating or securing the adulteration of the brands or output of competing companies engaged in the manufacture and sale of tobacco.

And all other facts within the knowledge of the Department of Commerce and Labor which show or tend to show the impending, interference with, or destruction of competition on the part of independent companies engaged in the manufacture or sale of tobacco by the American Tobacco Company, the Imperial Tobacco Company, or the Continental Tobacco Company, or any one of them, by illicit and illegal methods and devices.

The SPEAKER. The motion is to discharge the Committee on the Judiciary from the further consideration of the resolution.

Mr. TAWNEY. Mr. Speaker, I want to ask the gentleman from Kentucky a question. I understand it is not the gentleman's purpose at this time to press the consideration of the resolution. Does he desire to make a statement in connection with it, or concerning it?

Mr. STANLEY. I simply wish, Mr. Speaker, to call up this resolution and to make a statement. I have reason to believe that it would not be wise perhaps at this time to take this matter out of the hands of those who have it in charge, but I do think it is absolutely necessary that the attention both of this House and of the country should be called to the importance of this investigation and to the violations of law of which these tobacco companies are at present guilty.

Mr. TAWNEY. Mr. Speaker, in view of the statement made by the gentleman from Kentucky, I ask unanimous consent that he may proceed in order to make a statement to the House.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. TAWNEY]? The Chair hears none.

Mr. STANLEY. Mr. Speaker, the American Tobacco Company was incorporated under the laws of New Jersey January 31, 1890. Its first purpose was to own, control, or destroy all other manufacturers of cigarettes in the United States. For this purpose W. Duke & Sons formed a combination with Allen & Ginter, of Richmond, Va.; Kinney Tobacco Company, of New York and Virginia; W. S. Kimball & Co., of Rochester, N. Y., and Oxford, N. C., and Goodwin & Co., of New York. It is stated that the capital stock of this great concern was $44,990,000, and that Duke's competitors received $20,000,000 in cash for their good will under the sale.

The nature and extent of this gigantic concern, even in its infancy, is manifest from their own statement filed in the New York Stock Exchange in September, 1890:

AMERICAN TOBACCO COMPANY.

[Application to the New York Stock Exchange.]

The company is organized for the purpose of curing leaf tobacco, to buy, manufacture, and sell tobacco in all its forms, to establish factories, agencies, and depots for the sale and distribution thereof, and to do all things incidental to the business of trading and manufacturing aforesaid, etc., with power to carry on its business in all the States and Territories of the United States, and in Canada, Great Britain, and all other foreign countries.

The company has purchased and is the owner of all real estate, cigarette and tobacco factories, storage warehouses, leaf-curing houses, machinery, fixtures, patents, trade-marks, brands, good will, etc., of Allen & Ginter, Richmond, Va.; W. Duke Sons & Co., New York, N. Y., and Durham, N. C.; Kinney Tobacco Co., New York, N. Y., and Virginia; William S. Kimball & Co., Rochester, N. Y., and Oxford, N. C.; Goodwin & Co., New York, N. Y.

The assets of the company consists of the above real estate, warehouses, factories, machinery, fixtures, patents, trade-marks, brands, and good will, leaf tobacco raw material, cash and cash assets as follows:

For real estate, patents, factories, brands, good will, etc	$22,365,353
Leaf tobacco and raw material	2,634,647
Total	25,000,000
Cash and cash assets	1,825,000

(Signed) THE FARMERS LOAN AND TRUST COMPANY,
By W. D. SEARLES, *Vice-President*.

All the remaining cigarette interests on this continent were soon absorbed according to the statement of the American Tobacco Company's treasurer. The cigarette interests in Canada were absorbed at a cost of $1,000,000.

The appetite grew with what it fed on. The treasurer's report for December, 1895, shows that this hungry cormorant was already becoming expert in the art of "benevolently assimilating" its competitors.

The business and assets of Hall's Between the Acts Cigarette Company, of New York, H. Ellis & Co., of Baltimore, Md., H. W. Meyer Tobacco Manufacturing Company, of New York, Consolidated Cigarette Company, of New York, and James B. Butler Tobacco Company, of St. Louis, Mo., were all forced to quit business or enter the combine. The amount paid for these

companies is reported at $1,340,000 in cash and $450,000 in scrip.

They were also mastering the art of inducing (?) competitors to sell much more reasonably.

ADVENT OF THE STANDARD OIL.

In 1898 an important new interest was now taken into the management of this trust and it was reported that Mr. Oliver H. Payne (of the Standard Oil Company) had acquired large amounts of the stock, and also that Grant B. Schley and John G. Moore and others had become interested in the trust.

The advent of the Standard Oil Company marks an era in the dark history of this organization.

Similar results might be expected if some arch fiend should assume the command of a company of familiar imps.

The American Tobacco Company was an apt scholar in this art of plunder by means of larcenies to which the statute has so far failed to fix a particular penitentiary sentence.

The remorseless rapacity, the unholy ambition to control or crush competition the world over, contempt for public opinion, and satanic defiance of all the laws of God and man, which had characterized the Standard Oil Company were from this time on to signalize the course of this monster monopoly.

In traveling to his home in Virginia, James B. Duke pointed from his car window and, seeing one of the tanks of the Standard Oil Company, declared—

I shall do for the tobacco business of this country what Rockefeller has done for Standard Oil.

Ignoble as was his ideal, base and cruel as have been his methods, it must be confessed with a sigh he has made good his promise, and as a ruthless and successful invader of property rights and human happiness he is in every way a worthy rival of his beau ideal, John D. Rockefeller.

CAPTURE OF PLUG INTERESTS—CONTINENTAL TOBACCO COMPANY FOUNDED FOR THAT PURPOSE.

Immediately after this union with the Standard Oil Company, there was in May, 1898, an additional issue of common stock to the extent of $3,100,000, and it was widely stated that this stock was issued for the purpose "of acquiring new properties."

The new properties to be acquired were the plug industries of America. Prior to this bold raid of the American Tobacco Company upon the manufacturers of plug tobacco the American Tobacco Company's output amounted to about thirty millions of pounds. The output of the great firm of Liggett & Meyer alone amounted to 27,000,000 pounds, and the ten leading manufacturers of plug tobacco had an annual output of nearly 100,000,000 pounds.

Yet this then comparatively small concern engaged in the making of cigarettes, boldly attempted to capture or destroy every competitor in the manufacture of plug tobacco between the two oceans.

The American Tobacco Company secured control of the following firms:

P. J. Sory Tobacco Company, Middleton, Ohio; P. Lorillard & Co., Jersey City, N. J.; John Finzer & Bros., Louisville, Ky.; P. H. Mayo & Bro., Richmond, Va.; Daniel Scotten & Co., Detroit, Mich.; Harry Weisenger Tobacco Company, Louisville, Ky., and Drummond & Co., St. Louis Mo.

Eight years after the American Tobacco Company had organized with a capital stock of $25,000,000 another organization is perfected as an integral part of it, and the Continental Tobacco Company is incorporated with a capital stock of $70,000,000. This new concern was to engage solely in the manufacture of plug tobacco.

This new and deadly branch of this commercial upas, this ugly oliroc, was soon destined to overshadow the business and to darken the hopes of more than a million men, and under its polluting shade all rival enterprise, all honest and honorable endeavor was to wither and decay.

Here is a part of their own official statement filed with the New York Stock Exchange:

Organization.—Organized December 9, 1898, under laws of New Jersey. Authorized capital; preferred noncumulative 7 per cent stock, $37,500,000; common stock, $37,500,000. Par value of shares, $100 each. No personal liability. Amount outstanding: preferred, $31,145,000; common, $31,146,500. Registrar, Chase National Bank, New York. Transfer agent, Manhattan Trust Company.

Owns the properties, rights, trade-marks, trade names, and assets of every kind heretofore owned by the following concerns: John Finzer & Bro., Louisville, Ky.; P. H. Mayo & Co. (Incorporated), Richmond, Va.; Daniel Scotten & Co., Detroit, Mich.; P. J. Sorg & Co., Middletown, Ohio; Drummond Tobacco Company, St. Louis, Mo.; Brown Tobacco Company, St. Louis, Mo.; J. Wright Company, Richmond, Va.; Wright Brothers Tobacco Company, St. Charles, Mo. Also owns the common stock, amounting to $3,000,000 par value, of the P. Lorillard Company, Jersey City, N. J., and the plug-tobacco business and assets pertaining thereto of the American Tobacco Company.

Leggett & Myers were at this time perhaps the largest and most successful manufacturers of plug tobacco on the globe. Their plant occupied an area 271 by 2,400 feet. President Wetmore declared that its earnings were nearly one million annually, on output of 27,000,000 pounds, and the plant, good will, etc., were valued at $15,000,000.

This great industry refused to be seduced, bought, or bullied and accepted the gauge of battle. They were the manufacturers of that popular brand of chewing tobacco known as "Star," and sold all over the United States.

The American Tobacco Company entered the field with a rival brand known as "Battle Ax." In this daring device was embodied the rude and imperious spirit of those who adopted it.

It was not competition; it was war to the death. At the close of the nineteenth century these mercenary marauders adopted methods which would have been scorned by those barbarous bands who first wielded a "battle ax" in medieval slaughter. With this savage weapon, which combined the weight of a mace and the cleaving edge of a saber, they determined to cut and batter to destruction both Leggett & Meyers and every other enterprise which dared to impede or oppose their omniverous and law-defying lust for pelf and power.

"Battle Ax" was sold for cost—then for less than the actual cost of the leaf and the tax—according to Duke's sworn statement $4,000,000 of money were thrown to the winds in this titanic conflict between this aspiring combine and the great firm which refused to surrender its right to conduct its own business with independence and integrity.

Neither the good name nor the excellence of its product, established for a generation, nor millions of capital, could avail against this fierce and determined onslaught of this terrible battle ax. The great firm of Leggett & Meyers went to the wall and was swallowed into the insatiate maw of this all-devouring trust.

With the fall of this great firm the doom of every manufacturer of plug tobacco in the United States was sealed. Stuffed with its costly booty, we find on April 21, 1899, the stock was increased to $100,000,000 by the addition of $12,500,000 preferred stock and $12,500,000 common stock. There is outstanding at present $48,844,600 (par value) of preferred stock and $48,846,100 (par value) common stock.

Rice & Vaughn, of Louisville, Ky., were captured September, 1900.

SNUFF.

The American Tobacco Company now determined to take possession of the manufacture and sale of snuff.

At this time about 15,000,000 pounds of tobacco were annually manufactured into snuff, and there was invested in this business over $17,000,000.

Ivy Owen & Co., of Lynchburg; Gail & Ax, of Baltimore; W. E. Garrett & Sons, Philadelphia; Stewart, Ralph & Co., Philadelphia; Held & Co., New Jersey; Lorillard & Co., New Jersey; Burton & Condy and Blackwell & Co., of Nashville; Atlantic Snuff Company, Philadelphia; Geo. W. Helm Company, Henriette, N. J.; Southern Snuff Company, Memphis, Tenn., were soon forced to surrender, and from the ruins of these great companies the American Tobacco Company developed another large tentacle, and this new arm of the octopus was known as the American Snuff Company, with a capital stock of $23,001,700.

ROLLS FOR AFRICAN TRADE.

Cheap leaf and lugs were made into a long twist by taking a small hand of tobacco in this way [illustrating], just three or four leaves bound together and roughly formed in the shape of a cigar and packed between cotton-seed oil or linseed oil in a cask, the oil being used to keep one of these strings from sticking to the other. It was the cheapest tobacco known to the markets. This tobacco was sold in Mexico, in Central America, and on the coasts of Africa. It was manufactured by Hernshein Brothers, New Orleans; W. S. Matthews & Sons, and Dortch & Co., Louisville, Ky. They, too, met the common fate of all. This trade is entirely gone; the American Company today controls it absolutely.

CIGAR BUSINESS.

But one interest remained. The cigar business escaped destruction until 1901, when the American Cigar Company was organized and absolutely controlled by the American and Continental companies, with a capital stock of $10,000,000. The amazing power of assimilation possessed by this voracious concern is illustrated by the fact that the $10,000,000 anaconda succeeded in swallowing without effort the Havana Commercial Company, a consolidation of a number of manufacturers of cigars and cigarettes, including the great firm of F. Garcia Brothers & Co. The Havana Commercial Company had a capacity of over 100,000,000 cigars annually and was capitalized at $20,000,000.

The American Cigar Company soon had the following costly commercial scalps dangling from its belt: The Hummel-Voght

Company, Louisville, Ky.; the Wellman-Duree Tobacco Company, St. Louis, Mo.; the Cheroot factory of P. Whittock, Richmond, Va. The Havana American Cigar Company, which is a consolidation of ten large cigar factories, was next induced to accept $4,000,000 in 4 per cent bonds, which were guaranteed by the American and Continental companies. Roth, Bruner & Feist, of Cincinnati, Ohio, were, in the year following, forced to strike their colors.

When the Great Cubanas Company and the Henry Clay and Bock & Co. were "hors de combat," the last battle had been fought, and the American Tobacco Company, its allies and secret emissaries were in absolute control of the great industry in all its forms.

DOMINION OF THE WORLD.

And now this monster monopoly did girt about its loins for its last supreme effort the absolute mastery of this great industry wherever it flourished on the globe. For that purpose it determined to bind together in a more compact and deadly union all its allied companies and accomplices, and to defy at once the majesty of the law at home and the hostile millions of the Old World beyond the seas.

I make no charge not abundantly and absolutely sustained by their own records.

In April, 1901, the shareholders of both the American and continental companies approved amendments to their certificates of incorporation "*permitting the directors of each, by a two-thirds vote, to guarantee the principal or interest, or both, of securities issued by allied companies.*"

CONSOLIDATED COMPANY.

A new security-holding corporation, entitled the Consolidated Tobacco Company, was incorporated under New Jersey laws June 5, 1901, with an authorized capital of $30,000,000.

The entire capital was immediately paid in cash, and the interests dominant in the control of the American and Continental companies acquired all of the stock. No shares were offered to the public.

On the 15th of June it was announced that "*the leading consideration of the consolidation of the Consolidated Tobacco Company is the importance of concentrating the control of the American and Continental companies so as to insure their harmonious operation.*"

To facilitate the exchange of securities a syndicate was formed, which was managed by Messrs. Kuhn, Loeb & Co. and Thomas F. Ryan, which agreed to provide $25,000,000 in cash.

A mortgage of the Consolidated Company was filed in August, 1901, in favor of the Martin Trust Company, and was limited to $158,000,000.

This mortgage was a lien upon the present and future income, earning, and profits of the American and Continental companies. Upon the culmination of this commercial conspiracy, these two companies boldly attempted to capture the markets of the British Isles. They moved on the Old World. At that time in England the principal handlers and buyers of tobacco were composed of seventeen different firms. You will remember that in order to ship tobacco into Great Britain it must pay an initial tax of 72 cents. Now, in order to handle this product, which paid an import duty of 72 cents a pound alone before landing it in your warehouse, required an enormous amount of money. These seventeen purchasers and importers of tobacco had a capital stock of $75,000,000; and yet when it was known that James B. Duke & Co., commonly called the "American Tobacco Company," had invaded the territory of Great Britain, that announcement was followed first by a panic and then by rage. They carried it to the extent of a propaganda. Hostility to this American invasion was almost preached in the pulpit.

The common people took it up; no shop, no retailer who was known to handle the American Tobacco Company's products could command the trade of his friends. Their product was boycotted in every city, in every crossroad, in every hamlet. Undismayed by the tremendous and stubborn opposition of the British Empire, they captured the great firm of Ogden & Co., perhaps the wealthiest of all importers of tobacco in the world. The Imperial Company, to hold the ground that it had gained, actually offered to divide among the dealers not handling the American Tobacco Company's products the sum of $500,000 in six months.

They agreed to divide among these same dealers one-fifth of the entire profits of a business of a capital stock of $75,000,000. The American Company, not to be outdone, offered to dealers handling their goods within the confines of Great Britain the staggering sum of $1,000,000 a year for four successive years, and all the profits of the American Tobacco Company in Great Britain for the same period. That brought the Imperial Company to their knees, and then they more than surrendered. They betrayed the interests of the people who had trusted them. They were conquered and then prostituted by this company. Under the terms of the agreement between the American Company and the Imperial Company, the Imperial Company of Great Britain, now itself a trust, was to have absolute control of the markets in Great Britain. The American Company was to have absolute control of the markets of the world. Here are the terms of an abject surrender and shameless betrayal of the people's interests:

As a matter of fact, the treaty of peace was as follows: The Imperial purchased Ogden's at Mr. Duke's own valuation and gave the American a large, though not a controlling, interest in their company. It was agreed that the Imperial should have the trade of Great Britain and Ireland itself. It was likewise arranged that the American company, in which, of course, the British had no interest, should remain in undisputed possession of the United States, Cuba, and the Philippines. To deal with the outside trade the British-American Tobacco Company was formed, with both British and American directors, but with the Americans in control. In other words, the Imperial surrendered the entire foreign market to the control of the Americans and gave them an interest in its own business as the price of the peace.

THE REGIES.

We are doubly barred from the ports of Europe. In 1902 we exported to Italy 37,536,942 pounds of American tobacco; to France, 31,557,215 pounds; to Spain, 28,792,693 pounds. In 1902 to the United Kingdom, 98,727,979 pounds, and in 1901 to Austria, 273,937 pounds.

Notwithstanding this enormous demand, not one ounce of this tobacco was landed or received in any of the five European countries named, except Great Britain, by any private individual.

In all the countries named, save Great Britain alone, the government has an absolute monopoly of this product, and the importation of tobacco in any form, by any person or company not duly authorized by the Government, is positively forbidden, and these restrictions are enforced with tireless and merciless exactness by the powerful beneficiaries of this business.

In each of these countries the governments, through their agents, known as "Regie contractors," buy for their respective governments such tobacco as in their opinion will satisfy the market therein. This tobacco is the property of the government to which it is consigned, is manufactured and sold by the duly authorized agents and officials of these various governments, and all the profits derived therefrom go as revenue directly into the coffers of the state.

The enormous profits derived from the government monopolies in this product are clearly illustrated from the following table, giving the number of pounds exported from the United States and the revenues derived. The import duty of Great Britain amounts practically to a government monopoly, and for that reason I have placed this in the category of governmental monopolies:

Country.	Exported from the United States.	Revenue from tobacco monopoly.
	Pounds.	
Italy, 1903	37,530,942	$40,905,256
France, 1903	31,557,215	82,635,652
Spain, 1903	28,792,693	25,809,890
United Kingdom, 1902	98,728,979	60,335,085
Austria, 1901	273,937	44,675,450
Total	196,888,766	253,965,933

An examination of the foregoing table demonstrates that tobacco under these oppressive trade restrictions pays into the treasuries of five European countries annually the sum of $253,965,933.

The producer of tobacco finding competition destroyed at home, debarred from Italy, France, Spain, the United Kingdom, and Austria, and the coast of South Africa had but one market remaining—Germany. About 6,000,000 pounds of this product were annually shipped to Bremen, and from that point were distributed to Sweden, Norway, Switzerland, Morocco and other countries. I insert the following table, taken from Special Consular Reports, showing the sale of tobacco distributed from Bremen in the year 1899:

American tobacco sold from Bremen to—

SWEDEN.

In 1899, 2,182,000 pounds. Value, $992,949. (Special Consular Reports 1900, p. 94.)

NORWAY.

In 1898, from Germany (Bremen), 2,554,300 pounds. (Special Consular Reports, p. 98.)

SWITZERLAND.

In 1899, 403,679 pounds. Value, $46,135. (Special Consular Reports 1900, p. 99.)

MOROCCO.

In 1899, 110,000 pounds. (Special Consular Reports 1900, p. 118.)

Morocco	pounds	110,000
Switzerland	do	403,679
Norway	do	2,554,300
Sweden	do	2,182,000
		5,249,979

The tobacco trust found that those producers and handlers of tobacco whom they had marked for destruction were finding a sale for their product which it, for sinister reasons, often refused to accept, by shipping it to Germany and distributing it from that point to the countries which I have named. The tobacco trust immediately shipped millions of pounds of tobacco into Bremen, ordered the sale of it for less than cost, as little as they paid for it. When advised by their factors in Germany that this tobacco could be sold for much more than the price demanded, they were peremptorily ordered to sell as per their instructions. Independent tobacco handlers whose all had been invested in these shipments of tobacco found that it was impossible to sell a pound of it at anything approaching its original cost; they were driven to bankruptcy and ruin, and to-day the trust absolutely controls this market.

With the destruction of the Bremen market the combine was the complete and absolute master of the world.

Now, the American Tobacco Company, the Continental Tobacco Company, and the Imperial Tobacco Company called into its councils the official buyers of France, Italy, The Netherlands, Spain, and Portugal, and they said to them: "We have it within our power to say that no two men shall ever bid upon the same tobacco plant anywhere in the world." They said to the buyer from Spain: "Where have you been buying tobacco?" "Why, in Robertson County, Tenn." They said to the buyer from Italy: "Where have you been buying your tobacco?" "In Graves County, Ky." "How many acres of tobacco can your Government consume in a year?" So many hundred acres. "We will give you dominion over that, and no other one of us will go into that territory." And so these men, these imperial agents, these buyers for Kings, and still more powerful than Kings and princes—the Imperial and the American tobacco companies—looked out from their lofty height and parceled out your country, sir, and mine, to be henceforth the home alone for vassals and for slaves.

Mr. Speaker, there has occupied the attention of the American people for the last 90 days, inquiry after inquiry of one kind or another into the violation of the law by various trusts and combinations. I want to say, not in the way of philippic, not as a loose, unfounded denunciation, but quietly, calmly, and deliberately, and to support what I say by absolutely uncontrovertible proof and by documentary evidence, that neither the Standard Oil Company, nor the Pennsylvania Railroad, nor any other combination of men outside of the penitentiary, have ever as openly and flagrantly violated the law and the rights of American citizens as has the American Tobacco Company in the last two years. I wish to say more than that, that it is the most perfectly organized, the most powerfully equipped, of all the trusts and combinations that to-day weigh upon the shoulders of the American people.

There are independent refineries to-day that manage to live, notwithstanding the efforts of the Standard Oil Company to destroy independent competition everywhere. There are independent makers of steel rails and wire nails, there are men who are conducting a business independently and lawfully in defiance of every other trust in the United States, but the time is here when, from the plant in the ground to the finished product, no man can engage in this business without doing fealty in money and in manhood to James B. Duke, the president of the American Tobacco Company.

Mr. MUDD. Will the gentleman object to an interruption?

Mr. STANLEY. Certainly not.

Mr. MUDD. I would like, if the gentleman sees no objecttion to it, for him to take the House in his confidence and indicate why he does not press his resolution. I, for one, would like to vote for it.

Mr. STANLEY. I will say frankly after I introduced this resolution the gentlemen who had this matter in charge took me into their confidence, and I was assured by Mr. Garfield that the Department was not ready to report at this time. I was assured by those in charge that they are hot on their trail. More than that, under the decision of Judge Humphreys in the case against the beef trust, if they were forced to answer under an investigation conducted by this House, instead of an investigation conducted by the Department, the Department is afraid that some scoundrel will get an immunity bath, and I would not dip him in there even to save my political head.

I am here to drive them to punishment if I can, and it is because that I believe it is better to wait for a time on the Department that I do not now push this resolution. It is because I fear the result of Judge Humphrey's decision. I do not criticise that judge. I shall bow to the majesty of the law and the wisdom of the court, but I will say in that connection that I do devoutly pray that the good Lord in his wisdom, and the Presidents in their discretion, will not inflict us with any more like him. A brief résumé of the history of this company is absolutely astounding. In 1890 Duke & Sons were engaged in the manufacture of cigarettes. They determined to organize a corporation that should control the cigarette industry in the United States. That was the extent of its purpose and operation. The American Tobacco Company was originally incorporated with a capitalization of $25,000,000.

In a little while this company, with a capitalization of $25,000,000, had formed out of its loins the Continental Tobacco Company, which I have shown is an integral part of the American Tobacco Company, with a capitalization of $100,000,000. This little $25,000,000 corporation, in order to control the snuff companies, formed the American Snuff Company, which I have proved by their own records is an integral part of the American Tobacco Company, with a capitalization of $25,100,000. In order to control the making and manufacturing of cigars, this $25,000,000 corporation formed another corporation—the American Cigar Company—with a capitalization of $10,000,000.

To-day the American Tobacco Company and its allies have a capitalization of $500,000,000. In other words, since 1890, when these people began a business that for two hundred years has paid only a fair profit to men who honestly conducted it, without inventing any patents, without discovering any gold mine, who have injured every brand of tobacco they have ever touched, whether cigar, cigarette, or plug, yet they have actually made, according to their own statement filed with the New York Stock Exchange, 100 per cent on their investment every ninety days since first beginning this wholesale robbery of the American people.

Now to my resolution. I want a searching inquiry, which will and can not fail to discover a combination in restraint of trade between the American, Imperial, and Continental Tobacco companies. I will say to the Department of Justice—and I have turned over a bushel basket of papers to them—that if they will go to Henderson, Ky.; if they will go to Owensboro, Ky., or to Nashville, Tenn., or to Clarksville, Tenn., they can lay their hands upon the men who are instructed to buy within a certain fixed and stated limit, and to buy for the Imperial Company, and to buy for the American Company. If they will go to Henderson they can lay their hands upon one man who represented in one office all three of these companies. If they will inquire to-day, they will find that where the grand juries were about to take that matter up they have turned over the county of Daviess to the American Tobacco Company, they have turned over the county of Henderson to the Continental Tobacco Company, and they have divided this country into sections composed of various districts, and that to-day they have absolutely throttled competition.

I want the Department of Justice to get Mr. Ferrego, who is occasionally in New York, an official buyer for the Italian Government, before this committee. I desire that they bring the buyers for France, for Spain, and for Austria before them, and I want them to unveil, as they could and will, I hope, the most cruel, most nefarious, most far-reaching conspiracy to rob and plunder that ever brought the blush of shame to American manhood or the specter of want to American toil. A foul compact, in which James B. Duke and his cohorts and emissaries went into a deliberate agreement with the buyers of Great Britain and with the buyers of France, Italy, and Spain, by which they agreed that those Governments may parcel out Kentucky, and Tennessee, and your State (I will state to my friend from Connecticut [Mr. HILL]), and they might buy within certain restricted territories at their own price, and that the American Tobacco Company would stand like an armed bandit and prevent honest competition anywhere in defiance of its hated fiat; and they have done it.

You may have some idea what this means when I tell you that there are no quotations on tobacco at all. You can see from the paper what wheat will bring, or what corn will bring, or what cotton will bring, but no man ever did read in the paper a quotation on the stock exchange of what tobacco would bring. It is sold at auction like household plunder. It is put upon the brakes and its price is fixed then and there by open competition between buyers, and having destroyed competition they have the power to take, without reward, without price, without giving its value, the product of all the tobacco growers in Kentucky, Tennessee, and everywhere else in the United States.

Mr. KELIHER. Were the prices of tobacco quoted prior to this organization?

Mr. STANLEY. Never. This tobacco is placed on the brakes, in hogsheads, and the buyers from 100 or 200 different factories, the buyers from France, Germany, Italy, and Spain would meet around that hogshead and bid on it, and a hogshead of tobacco would bring just what they would make it bring by active competition, and no man, until his tobacco was put on the brakes, could tell what it would bring.

Mr. KELIHER. What I wish to know is whether prior to the formation of this gigantic trust which he speaks of the prices of tobacco were quoted in the market like wheat.

Mr. STANLEY. No, and we did not care, because we had active competition.

Mr. HILL of Connecticut. I have not the slightest doubt that the same combination has been very successful in preventing the passage of the Philippine tariff bill.

Mr. GAINES of Tennessee. And they are preventing the repeal of the 6 cents tax on leaf tobacco in the United States Senate now.

Mr. STANLEY. I have the proof of that in cold type.

Now, I charge on the floor of this House that there exists to-day in defiance and in violation of law, State and national, a combination in restraint of trade between these great companies whose purpose is not only to restrict but to exterminate all competition, to reduce to bankruptcy and ruin the independent dealer, and to reduce to penury, to the level of a vassal and a slave, the unfortunate wretch who finds it necessary to cultivate this once expensive and coveted product of the soil, and I propose to lay before this House competent and undisputed proof of my assertions.

It is true that the president of these great companies denies that any such combination exists. He was asked:

Q. What are the relations between these two companies?

Here is his sworn statement:

A. There are no relations other than the American owns quite a large amount of stock in the Continental Company. (Statement of J. B. Duke before Industrial Commission, May 9, 1901, vol. 13, p. 317.)

That is his sworn statement before the Industrial Commission. Again:

Q. Is the American Cigar Company a new company?—A. Yes.—Q. Is it organized or controlled by either of your companies?—A. The Continental Company owns 35 per cent, the American Company owns 35 per cent, and 35 per cent by individuals.

Now, I will read the statement of Mr. H. G. Lee, treasurer of the American Tobacco Company, in which he swears that they are practically one company, and that they have their offices in the same building, and almost the same desk.

WASHINGTON, D. C., *May 9, 1901.*

TESTIMONY OF MR. H. D. LEE, TREASURER AMERICAN TOBACCO COMPANY, NEW YORK CITY.

Q. Do you know whether the Continental Tobacco Company has issued a circular letter of the general nature of this copy which was presented here a few moments ago?—A. My impression is they issued a circular about that date. Whether that is a true copy or not, I do not know.

Q. The business of the American Tobacco Company and the Continental Tobacco Company are carried on in the same building?—A. Yes.

Q. And the relations of the officials of the two companies are close?—A. Well, reasonably so; neighborly, at least.

(Rep. Ind. Com. vol. 13, p. 340.)

I want to file here a bill of exceptions, taken in the superior court of Massachusetts, in the case of the Commonwealth against Abe Strauss, in which case the American and Continental Tobacco companies were being tried and fined for an illicit combination between the two, and where witness after witness, employees of this company, came on the stand and swore that they were one.

Mr. GAINES of Tennessee. When was that?

Mr. STANLEY. This is the case of Abe Strauss, decided the other day in Massachusetts, where he was fined for the very devilment that this man Duke swore he did not know anything about.

Mr. KELIHER. Was not that in a Massachusetts court, and under a Massachusetts law?

Mr. STANLEY. Yes. Thank God for one good act Massachusetts did, even if she never does another. [Laughter.]

In this very trial to which I have referred one Charles R. Seaward was called as a witness for the defendant, and here is his idea of the relation existing between the American and Continental companies:

Q. (By Mr. French) Your name?—A. Charles R. Seaward.
Q. You live here?—A. Wellesley Hill.
Q. What is your occupation?—A. Salesman.
Q. In January or February of last year, what concern were you salesman for?—A. I was with L. D. Mayhew.
Q. In whose employ were you?—A. Mr. Mayhew's employ.
Q. Anybody's else?—A. Well, I was selling the product of the American Tobacco Company, or Continental Tobacco Company.

Here is another significant bit of evidence from the mouth of the same witness:

Q. What were your duties in January and February of last year?—A. Salesman.
Q. Calling on the trade?—A. Yes, sir.
Q. For what purpose?—A. To sell them tobacco.
Q. Sell whose goods?—A. American Tobacco Company's goods.
Q. Any other company?—A. Continental Tobacco Company.

(See testimony of Charles R. Seward, defendant's bill of exceptions. Commonwealth *v.* Abe Strauss, pp. 19 and 20.

Mr. Chairman, I have further asked that this House be informed as to whether or not the American Tobacco Company, the Continental Tobacco Company, or the Imperial Tobacco Company, or any one or more of said companies in combination or singly have contrary to the law of the United States in such cases made and provided, interfered with or injured, or have attempted to interfere with or injure or destroy the business of competing manufacturers of tobacco, by infringement of trademarks or patents, or by surreptitiously adulterating or securing the adulteration of the brands or output of competing companies.

I am prepared here and now to answer that query put to the Department and to the President. I have before me proof which has convinced more than one court of their deep guilt.

I charge that these companies have driven from the market honest competitors by the score by means of a despicable and secret method of commercial assassination known as a boycott.

When the tobacco trust secured control of ninety-five per cent of the plants engaged in the manufacture of tobacco, it purchased more than the materials and the plant—they demanded the good will, and enforced that demand, in other words, they bought "the brands," and well it knew the value of the brand.

Before the accursed advent of this trust, these brands of tobacco were all established after years of honest labor, the result of skill and experience on the part of the manufacturers, and at an infinite expense in advertising.

Mr. Hugh Campbell, of Richmond, Va., who is now making a noble fight for his life against this greedy combine, in his testimony before the Industrial Commission, speaking of the value of a brand of tobacco, says:

VALUE OF REPUTATION POSSESSED BY POPULAR BRANDS OF TOBACCO.

Q. You have spoken of the fact that these contracts were made with reference to brands. Are the brands themselves in the tobacco business of large value? Does the brand get an established reputation and help the sale materially?—A. It does, unquestionably. When a brand becomes known and the consumer becomes acquainted with it, he calls upon his dealer for it, and the dealer is very anxious to get it. The better the consumer knows the brand, if he likes it, the more he wants it, and the more valuable it becomes, because the more readily it is sold.

Q. So you consider the brand itself a valuable asset?—A. Unquestionably. (Rept. Ind. Com., vol. 13, p. 307.)

James B. Duke not only corroborates this statement, but he gives the reasons why. I quote his own words before the Industrial Commission:

You find it necessary, in order to meet competition in certain localities, to cut prices temporarily to push a brand?—A. No; because really each brand stands upon its own bottom. It is not sold as tobacco; it is sold as a brand. The consumer goes into the market and asks for a 10-cent piece of Star. He does not ask for tobacco, and, of course, it is not necessary for us to meet the competition. Some other fellow may go and sell the same class of tobacco for 10 cents a pound less, and the consumer would not be induced to change, because he knows no difference, and he does not care so much about the price. He wants what he has been in the habit of getting. (Rept. Ind. Com., Vol. 13, p. 319.)

And for once Duke is correct. People do not buy tobacco as they do calico or wheat; they do not call for 10 cents worth of tobacco or 5 cents worth of cigarettes, they call for "Battle Ax" or "Star," or a "Cremo" cigar or "Sweet Caporal" cigarettes. A man always buys tobacco by the brand. If he can not get his brand, it is a matter of taste—he will go somewhere else.

A man will spend his money for tobacco when he will not for bread or anything else in the world. He will feed his nerves and starve his vitals, but it is always some favorite plug, some particular cigar, that he must have, and usually without especial regard to the price.

Now, this trust is to-day the absolute and sole owner of more than 90 per cent of all the established brands of smoking and plug tobacco. Says Mr. Duke:

Q. About how many brands of cigarettes do you have?—A. That would be entirely a guess; 100, probably.

Q. And can you give an estimate as to the number of brands of plug tobacco that the Continental has?—A. I should think we would have 50 or 75 probably. That is all, I guess. I could not be positive about that. (Rept. Ind. Com., Vol. 13, p. 318.)

It is absolutely necessary to the very life of the jobber and retailer that he should have these well known and long-established brands in stock. If for any reason the dealer fails to secure the brands of the trust, while his competitor is offering them for sale, his business is destroyed.

Says Mr. Campbell, in discussing this matter before the Industrial Commission:

THE AGREEMENT BETWEEN THE CONTINENTAL TOBACCO COMPANY AND ITS JOBBERS.

Q. Your information is directly from jobbers who have themselves made these contracts?—A. Who have themselves agreed to these propositions. In many cases jobbers who have refused to handle our goods and who are still refusing to handle them, have told me that they would be glad to handle them, but they couldn't; they dared not. I went into Fall River last October and found from our salesmen there that the three jobbers who were handling our goods there at that time were about to throw them out. I went around to see them. They all told me they had to do it; they could not live without Continental goods, and that, although they were doing very well with ours, still they would have to put them out, because our goods and independent goods were only a small proportion of the business they did, and they were afraid to do anything else. (Report Ind. Com., vol. 13, p. 311.)

Now, I charge that this lawless combine is to-day holding the sword of Damocles over the head of every dealer in smoking and plug tobacco in the United States. And unless these helpless victims of criminal and heartless rapacity are not immediately protected by the law the last struggling independent wholesaler and retailer alike will be driven from the field.

The jobber—that is, the middleman who buys from the manufacturer in wholesale lots and distributes to the retail dealer—must sell his purchase for at least 2 per cent more than the cost price in order to make a living profit.

Now, I charge that the tobacco trust, in selling to jobbers, has made it a condition precedent that these persons who handle their goods shall not offer for sale the product of any independent dealer. In this way it has determined to both crush all present competition and to prevent forever the introduction of any new brands.

The subservience of the jobber has been secured in two ways:

First. By offering special inducements and secret rebates to those dealers who handle trust goods exclusively.

Second. By peremptorily forbidding the jobber to offer for sale tobacco of any kind not manufactured or controlled by the combine.

I am well aware that the president of the American and Continental companies has solemnly sworn that he would never—no, never—think of doing such a thing, or of permitting it to be done. I again quote his testimony before the Industrial Commission:

Q. And do you give special advantages if they handle only your brands?—A. No.

Q. Has that at any time been the policy of the American Tobacco Company?—A. No.

Q. Has the American Tobacco Company had any lawsuits in New Jersey or elsewhere concerning that practice?—A. Yes; the other companies claimed that we were excluding them; but people would not buy their goods because they made a good profit on ours at that time.

Q. And complaints were made that you were giving special discounts in order to secure business?—A. That is their claim. It was not the fact, though.

Q. Do you recall the point of the New Jersey decisions?—A. No; I do not. We won the case. I do not know what the real decision was. I suppose you could get a copy of it.

Q. Did I understand you to say that at the present time in New England you had no contracts of that kind?—A. Yes.

Q. That covers oral contracts as well as written?—A. Yes.

Q. No understanding of that kind at all?—A. No.

Q. Have any of your agents or any officers that you know of offered special terms for using your goods exclusively?—A. No; not with our authority.

Q. Do you think it has been done by any of your agents?—A. I do not think so; no. We state on the bottom of all our price lists and circulars that no agent has any right to change any conditions on our price lists and circulars.

Q. And you have uniformly, in New England, lived up to those conditions printed in your price lists and circulars?—A. So far as I know; yes.

Q. Can you furnish the commission a copy of your price lists and circulars?—A. I suppose that could be done. They are issued every month.

Q. Can you furnish those for the last 2 or 3 months, giving the general terms?—A. I guess so. I have no objections unless some one has who has general charge of it. They are open to the public; they are issued to everybody. There is nothing secret about them. (Rept. Ind. Com., vol. 13, p. 321.)

On the same day Mr. Hugh Campbell, before the same commission, contradicted point blank every statement of Mr. Duke, and more, he gives in detail a secret and execrable condition forced upon the jobber, upon pain of certain ruin, a compact whose purpose and effect was to destroy the business and confiscate the property of competitors everywhere. This infamous secret, oft and earnestly denied boycott, is unlike highway robbery only as a sneak thief differs from a bandit. Here is what Mr. Campbell has to say of this effort to drive him and his company out of New England:

RESTRICTIONS PLACED UPON THE TOBACCO TRADE BY THE CONTINENTAL TOBACCO COMPANY.

Q. You spoke of doing business in New England and throughout the United States so far as you are allowed. What do you mean by "so far as you are allowed?"—A. I mean that a year ago the Continental Tobacco Company, manufacturing, owning, and controlling the brands of between 80 and 90 per cent of the tobacco sold in New England, went to the jobbers, through whom only it is possible to do a profitable and living business, and made this proposition: "Hereafter we will give you an extra discount of 3 per cent, provided you do not handle the brands of certain other companies—new companies just starting, one of which is the United States Tobacco Company." At the same time the jobbers were getting 2 cents a pound on the tobacco sold to the retailers. So that proposition gave to the jobber 2 cents a pound plus 3 per cent. That made quite a difference to us and to other independent companies—made it practically impossible to do business in New England. There are many small retailers who can only buy in very small quantities, and the manufacturer can not deliver to the small retailers. For instance, a newspaper stand carries a few brands of tobacco, and, since the manufacturer can not deliver to him, he must employ the jobber. There are several different brands of different manufacturers which the retailer can buy from the jobber, but, if he were to purchase directly from the manufacturer, he would probably want only one of the manufacturer's brands, and the cost of delivery would be too much. So by this action they shut off the channels through which the manufacturer reached the retailer, and through the retailer the consumer.

Q. They offered this extra 3 per cent discount provided the jobbers would handle no brands but their own?—A. At that time the restriction did not go so far, but simply prohibited their handling the brands manufactured by four new companies, of which ours was one. Later, on the 1st of January this year, that proposition was changed. They found that some jobbers were willing to do business for the 2 cents per pound and lose the 3 per cent. A jobber might be able to make a living, do business, and cover his expenses at a profit of 2 cents a pound. Some few did continue to sell outside goods. On the 1st of January, or about that time, the proposition was changed, and instead of giving 2 cents a pound the manufacturers gave 1 cent a pound, and if the jobbers refused to handle independent goods they got 5½ per cent extra discount. No jobber can do business on 1 cent a pound.

Between May, 1900, and this time here and there throughout New England, a few jobbers have been cut off from getting the trust's brands altogether by reason of their independence. The trust refused to sell them goods, not because there was a question of credit at all, but simply and only because they persisted in handling independent goods. That has had a deterring effect on others, of course. They have been held up as a warning to all who might be inclined to go and do likewise; and to-day, and for the last twelve months, there has been a "reign of terror" in New England. Dealers are afraid to sell, as they would like to do, goods that they have bought and paid for. (Rept. Ind. Com., vol. 13, p. 306.)

It may be said that this is a question of veracity "between two distinguished gentlemen," and so far it is. Fortunately for Mr. Campbell and the country, this very question has been tried before a court of justice, and I will let the records speak for themselves. On the 1st of June, 1904, the grand jury of Plymouth County, Mass., indicted Mr. Abe Strauss, the duly authorized agent of this trust, *for making the exact contract* described by Mr. Campbell, and of course Mr. Strauss and his master pleaded not guilty. The jury thought otherwise. The trust appeared, and I have here a copy of the bill of exceptions prepared by the *defendant*.

Here is what the witnesses had to say in discussing this charge which Mr. Duke denied with such a show of righteous indignation:

Frank J. Dutra, a tobacco dealer of Brockton, Mass., being asked about this boycotting of independent dealers, said (read from the record):

COMMONWEALTH OF MASSACHUSETTS.

Supreme court. Plymouth, ss. June sitting.

COMMONWEALTH (by indictment) *v.* ABE STRAUSS.

[Defendant's bill of exceptions. Extracts from defendant's bill of exceptions. Frank J. Dutra. Page 3.]

Q. Give, as nearly as you can remember, the substance of the conversation.—A. He told me they were going to have a new deal in this way, that there would be a 2 per cent—if we would deal in his goods exclusively and throw out the independent goods we should go 2 and 2 and a rebate of 6 per cent later.

Q. You say "2 and 2 and a rebate of 6 per cent;" that makes an entire discount of 10 per cent.—A. Yes, sir.

Q. What was the first 2 per cent for? What discount was that?—A. I don't know. They took that off themselves on the bill. When we paid the bill in ten days we took 2 per cent off that.

Q. The first discount was what is called "trade discount;" that was taken off the bill before it was rendered?—A. Yes, sir.

Q. Two per cent off the list price; that is their list price, I suppose, was it?—A. Well, if there was a bill for $100, they would take 2 per cent right off and make the bill $98; if I paid the bill in ten days I took 2 per cent off that.

Q. How many was this—on what condition was the 6 per cent——

Mr. BIXBY. What was said?

Q. What was said about 6 per cent?—A. If I would stop handling union goods we would get 6 per cent; if not, all we got was 2 and 2; that is the way I understand it.

Q. What do you mean by "independent tobacco"?—A. Well, it is made by the union factories; goods that are made by the independent or union factories. He saw the tobacco on the floor and asked me where I got it. I told him I bought it and paid for it, and he asked me if it was not understood that I shouldn't buy any more goods that way. I told him that I never made any agreement with him to that effect; I listened to his story before, and I told him that I couldn't pick up that brand around there, as there was no one handled it but me; that he didn't job it at all; I wanted it for retail trade.

Q. Give us briefly what was the burden of his conversation in that connection.—A. I couldn't tell you anything more than when he went away he wanted to know what I was going to do. I told him I would think it over, so he went away, and I think it was the following Monday that I wrote to him and told him I was going to handle independent goods because customers called for them, and if they saw fit to drop me they could do so. I was dropped.

Q. And you would send your check to whom?—A. To the Continental Tobacco Company, 111 Fifth avenue, New York.

Richard J. Casey, a tobacconist of Bridgeport, Mass., being examined to the same purpose, said:

Q. Well, then, I will ask you if this was it: "He said he had a new proposition which would give us 2, 2, and 6 per cent. Two per cent in trade discount, 2 per cent in cash discount, and 6 per cent was for handling their goods exclusively."—A. Yes, sir.
Q. That was the proposition, was it?—A. Yes, sir.
Q. Did you say anything to him with reference to it?—A. Yes, sir.
Q. Did you accept the proposition?—A. Yes, sir.
Q. Up to that time had you been dealing in the plug tobacco of the so-called independent concerns?—A. Yes, sir.
Q. And in consequence of the acceptance of that proposition did you cease to deal in their tobacco?—A. Yes, sir.

In this celebrated trial we see a startling and pathetic picture of the result of this diabolical scheme. I shall let the witnesses speak for themselves.

Mr. Edwin U. Harrington, an independent dealer, swears as follows:

Q. (By Mr. French.) What is your name?—A. Edwin U. Harrington.
Q. Where do you live?—A. Cambridge.
Q. How long have you lived there?—A. Not quite a year.
Q. What is your business?—A. New England agent for Larus & Brother Company, factory at Richmond.
Q. Manufacturers of what?—A. Of plug and smoking tobacco.
Q. Is your company connected with the Continental Tobacco Company?—A. No, sir.
Q. Is it one of the so-called independent manufacturers?—A. Yes, sir.
Q. How long have you personally been in the tobacco business in New England?—A. About twenty-one years; a little over twenty years.
Q. Will you state in what capacity—in connection with what concern?—A. Fifteen years I was salesman for John Findland Brothers; was with them until their absorption by the Continental Tobacco Company.
Q. Was your attention called to the proposition of the Continental Tobacco Company to their customers, that they would give them 2 per cent trade discount, 2 per cent cash, and 6 per cent if they would agree not to deal in goods of other concerns?—A. Yes, sir.
Q. What effect did that have on the independent business?—A. Well, practically every jobber stopped purchasing the goods of the independent factories.
Q. In Massachusetts?—A. Practically.
Q. How many jobbers were there in Massachusetts then?—A. About two hundred and ten.
Q. How many of them stopped buying independent goods when that proposition was made?—A. Well, all but two or three.

Here is a note or two from the death song of another victim, a once prosperous merchant, whose epitaph appears in this record:

Q. (By Mr. FRENCH). Your name?—A. Nathan F. Ives.
Q. Where do you live?—A. In North Weymouth.
Q. What is your business?—A. I am manager for the United States Tobacco Company.
Q. Is that one of the so-called independent concerns?—A. It is.
Q. How long have you been in the tobacco business?—A. Over twenty years.
Q. How long have you been familiar with the market for plug tobacco in Massachusetts and in Plymouth County?—A. During the time I have been in the tobacco business.
Q. Twenty years?—A. Yes, sir.
Q. Were you familiar with the conditions of that trade prior to January 1, last year?—A. Yes, sir.
Q. Do you know how many jobbers there were in Massachusetts at that time?—A. About 210.
Q. Was your attention called to the proposition which was made by the salesmen of the Continental Tobacco Company in January, 1904, with reference to the sale of tobacco to jobbers?—A. It was.
Q. Plug tobacco, I mean?—A. It was.
Q. Did you observe the effect upon the trade which that proposition had?—A. I did.
Q. What was it?—A. We lost all the jobbers; practically all of them.
Q. That is, the independent companies practically lost all the jobbers?—A. Yes, sir.

A few days ago the Supreme Court of Massachusetts sustained the finding of the lower court, and Mr. Strauss and his master will be compelled to pay the penalty for this ruthless destruction of the business of 200 firms whose only offense was that they dared to transact a legitimate business in a free country without wearing the collar of the trust.

I will here file the affidavits of reputable merchants to the same effect, and more. I have before me the circular letters issued by this piratical monopoly in which they demand their "pound of flesh." These same papers were produced before the Industrial Commission *on the very day Mr. Duke denied that such documents were ever issued.* Here are the affidavits and circular letters:

AFFIDAVIT OF MR. HARRY M. CHAPMAN, OF NEW BEDFORD, MASS.

I, Harry M. Chapman, of New Bedford, in the county of Bristol and Commonwealth of Massachusetts, being duly sworn, depose and say that I am a member of the firm of E. T. Chapman & Co., said firm doing a business of wholesalers and jobbers in tobacco in New Bedford, and having been engaged in said business during the last thirty years in said New Bedford. That since the formation of the Continental Tobacco Company of New Jersey, and prior to that time, our firm has dealt extensively in the brands of plug tobacco acquired by said corporation and now owned by it. That 90 per cent of our business in plug tobacco during the years 1898, 1899, and 1900 was in the goods owned and controlled by said Continental Tobacco Company. That in April, 1900, Charles Keene, transportation agent of said Continental Tobacco Company, and one Strauss, the regular salesman for said Continental Tobacco Company for this district, called at our place of business and informed us that thereafter there would be a fixed price at which the wholesalers and tobacco jobbers should sell the goods of the Continental Tobacco Company to the retail trade. The jobbers, however, were to be allowed to purchase these goods at 2 cents a pound less than the fixed price. If, however, we agreed to exclude from our stock, and refused to sell or handle any goods made by any manufacturer other than the Continental Tobacco Company, we were to be allowed a discount of 5 per cent. Our firm asked time to consider this proposition. We subsequently learned that the offer made by these agents to us was somewhat different from the offer made to other wholesalers in our district. Our firm, not being an agent in any way of said Continental Tobacco Company, declined to be dictated to as to what goods we should sell. About three weeks later Mr. L. D. Mayhew, the New England manager of said Continental Tobacco Company, together with said Strauss, again called at our place of business, and, upon observing that we were continuing to carry in stock goods of other manufacturers, informed us that we were thereupon cut off from any more purchases of the goods of said Continental Tobacco Company. That subsequently to this we sent to said Continental Tobacco Company an order for goods, which order was not filled. That later we sent an order by registered mail, and accompanied the order with a letter requesting the reasons why said Continental Tobacco Company had declined or neglected to fill our orders. In response to this letter we received a letter of the Continental Tobacco Company from their headquarters in New York, signed by W. H. McAllister, secretary, in which they informed us, in reply to our letter to them, that they had concluded that it was not to their interest to maintain business relations with us, and that they had decided to cease such relations. We were informed that we might be supplied with their products by application to jobbers in our section, but upon application to said jobbers, we found that said goods were refused to us.

And your deponent says that from his own knowledge the other jobbers and wholesalers of tobacco in this city, who are now purchasing and having for sale the goods of the Continental Tobacco Company, do not now keep and expose for sale the goods of other new tobacco manufacturers discriminated against by said Continental Tobacco Company, although prior to the inauguration of said policy of said Continental Tobacco Company said wholesalers and jobbers did keep and expose for sale said brands.

And your deponent is informed that said Continental Tobacco Company claims that all jobbers and wholesalers may purchase their products, irrespective of whose goods they handle, at a price 1 cent a pound below the price fixed for the retailers, and your deponent says that such a price is a prohibitive price and does not enable the wholesaler or jobber in tobacco to handle said goods at a profit, but would compel a loss to said wholesaler or jobber.

HARRY M. CHAPMAN.

COMMONWEALTH OF MASSACHUSETTS,
New Bedford, April 16, 1901.

BRISTOL, *ss:*

Then personally appeared the above-named Harry M. Chapman, to me personally known, and subscribed and made oath to the above affidavit.
Before me,
[SEAL.] A. EDWIN CLAKE, *Justice of the Peace.*

AFFIDAVIT OF MR. ALBINI SUMNER HOVEY, OF LYNN, MASS.

I, Albini Sumner Hovey, of Lynn, in the county of Essex and Commonwealth of Massachusetts, being duly sworn, depose and say that I am engaged in the tobacco business in Lynn, and have been for nine years; that prior to January, 1901, I had been purchasing of the Continental Tobacco Company certain of its plug tobacco goods; that some time in January, 1901, one Edward M. Langley, the representative and salesman of the Continental Tobbaco Company for my city, called upon me at my store and asked me if I was going to fall into line. I replied, "What line?" He said, "The same as the rest of the jobbers and subjobbers." I asked him what that was, and he said, "To sell whatever we say." I said, "who are 'we?'" He replied, "The Continental Tobacco Company. I said, "What do you want me to do?" He said, "Would you throw out Butler's, 'B. and W.,' and 'Sensible' brands of tobacco?" I said, "No, sir; I have too good a sale on them." He called my attention to the fact that "Sensible" tobacco (made by persons other than the Continental Tobacco Company) was displayed on my shelf. I replied that it was my tobacco, which I had paid for; that some people might keep their tobbaco under their counters, but I saw no reason why I shouldn't display it. As he went away from the store I said, "Don't do anything to be sorry for;" and he replied that he shouldn't do anything until I heard from him again. Within a few days after that I received a letter from L. D. Mayhew, departmental manager of the Continental Tobacco Company for New England, informing me that I had been cut off as a subjobber by the Continental Tobacco Company. I afterwards called upon Mr. Manning, of the firm of McGreanery Bros. & Manning, the largest distributers of tobacco goods in New England, and of whom I had been purchasing tobacco, and asked him if I had got to pay the advanced price for the Continental Tobacco Company's goods which I purchased of him. He said he was sorry, but he didn't dare to do any different than to charge me that price. This was a price at which I could not sell the goods to retailers at a profit. I had previously been regarded by the Continental Tobacco Company as a jobber, and later as a subjobber. The only reason within my knowledge why I was cut off was because I declined to throw out of my stock certain goods of independent manufacturers.

ALBINI S. HOVEY.

COMMONWEALTH OF MASSACHUSETTS,
Boston, April 16, 1901.

SUFFOLK, *ss:*

Then personally appeared the above-named Albini Sumner Hovey, to me personally known, and made oath and subscribed to the above affidavit.
Before me,
[SEAL.] PAUL R. BLACKMUR, *Notary Public.*

AFFIDAVIT OF MR. CHARLES H. TILTON, OF BOSTON, MASS.

I, Charles H. Tilton, of Boston, in the county of Suffolk and Commonwealth of Massachusetts, being duly sworn, depose and say that I am a member of the firm of Stephen Tilton & Co., of Boston, established in 1836, which firm is engaged in selling plug tobacco throughout New England to the tobacco jobbers and others, and represents as selling agents three independent manufacturers of plug tobacco, viz, the United States Tobacco Company, Butler & Bosher, and W. J. Yarborough, all of Richmond, Va.

And your deponent says that the Continental Tobacco Company, a

corporation established under the laws of New Jersey, was formed in December, 1898, having purchased the factories owning and making substantially all the leading brands of plug tobacco sold and used in the market of New England; that said Continental Tobacco Company now supplies to the plug tobacco trade of New England 85 or 90 per cent of all the plug tobacco sold and consumed within said district.

And your deponent says that prior to April, 1900, there was open and free competition in New England in the sale to all jobbers of plug tobacco; that neither said Continental Tobacco Company nor any other manufacturer discriminated against the purchasers or jobbers of tobacco goods who carried or had for sale the goods of other manufacturers, and that said Continental Tobacco Company sold its goods to said jobbers, who paid for the same at substantially the same rates or prices.

And your deponent says that during the month of April, 1900, certain officers of the Continental Tobacco Company, viz, H. D. Kingsbury, treasurer, and C. C. Dula, third vice-president, empowered to act for said corporation in pursuance of an agreement and understanding entered into with one F. C. Bushnell, president, and representing an association of wholesale grocers known as the New England Grocers' Association, visited the tobacco jobbers and wholesale grocers of New England, and notified them that thereafter the jobbers could purchase the goods of the Continental Tobacco Company at a price upon which said tobacco jobbers and wholesale grocers could make 2 cents per pound, but that if said jobbers and grocers would agree to exclude from their stock, and refuse to handle, all plug tobacco goods of tobacco manufacturers established and beginning business since the formation of said Continental Tobacco Company, and all new brands of any manufacturer, they would give to said tobacco jobbers and wholesale grocers an extra discount of 3 per cent upon all bills of purchases made by said jobbers or grocers of the goods of said Continental Tobacco Company.

And your deponent says that the profit of 2 cents a pound on said tobacco to said tobacco jobbers and wholesale grocers was hardly adequate to enable said trade to do business at a profit.

And your deponent says that said agreement entered into between said Bushnell and said Continental Tobacco Company was an agreement to prevent the introduction of new brands of plug tobacco and to exclude certain old brands, and was in effect an agreement to restrain trade and commerce in said tobacco in the market of New England and designed to create a monopoly in the Continental Tobacco Company of the plug tobacco business in New England.

And your deponent says that said arrangement of prices inaugurated by the Continental Tobacco Company went into effect May 1, 1900; that subsequently said Continental Tobacco Company, through its officers and agents, again visited said tobacco jobbers and wholesale grocers of New England, and changed the price at which the goods of the Continental Tobacco Company could be purchased, so that said jobbers and grocers could get but 1 cent per pound profit instead of 2 cents as heretofore, but to said tobacco jobbers and wholesale grocers who agreed to exclude from their stock all plug tobacco goods of new factories as well as all new brands of old factories, together with all goods of certain designated old-established factories, an extra discount of 5½ per cent would be given; that the 5½ per cent discount was a large and material discount in the handling of said tobacco; that said 1 cent a pound without the discount was a price at which it was impossible for the tobacco jobber or wholesale grocer to do business at a profit in said goods, and was in effect a refusal to sell to the trade or jobbers the goods of said Continental Tobacco Company, or to sell them only at a prohibitive price; that further, in order to close up all the channels of distribution for the goods of all said independent manufacturers, said agents and officers of said Continental Tobacco Company visited the largest retail dealers of tobacco in New England, and notified them that if they would exclude from their stock the goods of all new tobacco concerns, and further refuse to handle any new brands of the old tobacco concerns, said retailers' names would be placed upon a list known as the "Subjobbers list," which would entitle said retailers to buy from the jobbers at a less price than their competitors by 2 cents a pound, provided, however, that they complied with the request to exclude the tobacco goods of other designated manufacturers; that said Continental Tobacco Company did not deal or bill any goods directly to said retailers, but notified the jobbers to give to the retailers the discriminating rates on their purchases as aforesaid.

And your deponent says that all these arrangements, agreements, or prices have been put into effect by the agents and officers of said Continental Tobacco Company. And your deponent says that many of his former customers have ceased to purchase the goods of your deponent, and give as a reason that they do not dare to purchase the tobacco goods of your deponent for fear that they will be cut off from the old-established brands and goods controlled by said Continental Tobacco Company, the sale of which goods forms 85 to 90 per cent of their business. And your deponent, from his experience of 32 years in the tobacco business in New England, is of the opinion and believes that this action on the part of the Continental Tobacco Company, if allowed to prevail, will create a monopoly in said Continental Tobacco Company of the plug tobacco business; that the shutting off through all the channels of trade to the consumer of the product of new manufacturers, and also, of the new brands of old manufacturers, will bring about that end; that it is essential to the life of every manufacturer of plug tobacco, whether the business is long established or not, to from time to time bring out new brands, and that if they have not that opportunity, the business is certain to die of dry rot; that the action of the Continental Tobacco Company heretofore set forth and complained of has and will greatly damage the business of your deponent.

CHAS. H. TILTON.

COMMONWEALTH OF MASSACHUSETTS,
Boston, April 26, 1901.

SUFFOLK, *ss:*

Then personally appeared Charles H. Tilton, to me personally known, and subscribed and made oath to the above affidavit.

Before me,
[SEAL.] PAUL R. BLACKMUR,
Notary Public.

CIRCULAR LETTERS ISSUED BY THE CONTINENTAL TOBACCO COMPANY RELATIVE TO ITS TERMS TO JOBBERS.

Q. (By Mr. JENKS.) Have you any direct information regarding any circular letter from the Continental Tobacco Company to the same effect?—A. I have here two circulars.

Q. Was this circular issued by the company, or is this a copy of one so issued?—A. This is a copy of a circular issued by the Continental Tobacco Company.

Q. Have you seen the circular itself?—A. I have seen the original.

Q. And you know this is an exact copy of the original?—A. Yes.

Q. This circular letter was sent to a specific individual or firm?—A. To a dealer in tobacco in Massachusetts. At his request his name is not given. He claimed that he would be cut off from buying their goods if his name were known.

Q. You yourself saw the original on which the name appeared?—A. Yes.

Q. (By Mr. LITCHMAN.) And you know this to be an exact copy of the document he received?—A. I do. (Reading:)

"DEAR SIR: Our offer heretofore made you to pay you 5½ per cent on purchases from us under certain conditions named at the time such offer was made is hereby withdrawn, and in lieu thereof we make you the following proposition:

"If, during the four months beginning May 1, 1901, and ending August 31, 1901 (unless we sooner withdraw this offer, as stated below), your direct purchases from us for distribution to your regular trade aggregate not less than ———, we will pay you 5½ per cent extra on the entire amount of such purchases.

"If your business during that period does not aggregate as much as the sum stipulated above, or if you combine with any person, firm, or company to make joint purchases, you will not be entitled to this 5½ per cent on any of your purchases during said period.

"We reserve the right to discontinue this plan and withdraw this offer at any time, though if we do withdraw it before the expiration of the period named above, we will pay you 5½ per cent extra on the entire amount of your direct purchases from us for distribution to your regular trade between May 1, 1901, and the date of such withdrawal.

"We will withdraw this offer from any customer in Massachusetts who sells or offers to sell our goods, directly or indirectly, in the States of Maine, New Hampshire, Vermont, Rhode Island, and Connecticut at less than jobbers' selling price list, effective in those States.

"No employee of this company has any authority whatever to change or modify, in any respect, or to any extent, this letter, or any other letter, circular, price list, or offer of this company.

"Yours, very truly,

"CONTINENTAL TOBACCO CO.,
"(Signed) C. C. DULA.
"Third Vice-President."

Q. (By Mr. JENKS.) This circular letter does not put in that other condition with reference to selling exclusively the goods of the Continental Tobacco Company?—A. I do not think you will find that in print.

Q. I was going to ask you whether the person from whom you received this letter said that the conditions referred to in it were those conditions? In this circular it says this: "Our offer heretofore made you to pay you 5½ per cent on purchases from us under certain conditions named at the time such offer was made * * *." Did the person to whom this letter was written state that the conditions referred to here were to the effect that they should deal exclusively in the goods of the Continental Tobacco Company?—A. That was his statement, and not only his statement, but the universal statement of all dealers.

Q. (By Mr. LITCHMAN.) Do I understand this circular letter was sent out, and that aside from this there was an oral agreement with the dealers?—A. Yes.

Q. And you find that so far as your investigation goes in every case where you have learned of these instances?—A. In every case. This circular accompanied the other one. (Reading:)

"To our customers in Massachusetts:

"Referring to our circular, under date of August 6, 1900, addressed to our customers in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, we quote from said circular as follows:

"'We shall decline to fill orders from any customer in the above-named States who sells, or offers to sell, either directly or indirectly, any of the listed brands of tobacco manufactured by this company at less than the prices appearing in the jobbers' selling price list; this price list applies to sales made by you either to jobbers or retailers.'

"We now wish to advise that this circular is hereby abrogated so far as it applies to sales made by our customers to merchants located in the State of Massachusetts, but it will remain effective and continue to apply on sales made by our customers to merchants located in the States of Maine, New Hampshire, Vermont, Rhode Island, and Connecticut.

"No employee of this company has any authority whatever to change or modify in any respect, or to any extent, this circular, or any circular, letter, price list, or offer of this company.

"Very truly, yours, "CONTINENTAL TOBACCO CO."

I charge that this trust has not only offered secret rebates and inducements to these dealers handling their goods exclusively, but that they have refused to fill orders at any price to jobbers, or to independent dealers, whose destruction it had decreed, or whose property it coveted, and this charge has been more than established in the celebrated suit of E. Locker & Co. against the Metropolitan Tobacco Company, filed in Brooklyn in September, 1905, for $50,000, caused by the destruction of the once great and prosperous business of this company.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. LONGWORTH. Has the gentleman information as to how many of the cigar factories in Habana are under their control or affiliated with them?

Mr. STANLEY. Yes; practically all of them. All of the Garcias are under their control. The Henry Clay cigar is under their control, and in response to the gentleman's question, to show the power of benevolent assimilation, I have shown that these thieves, after they formed the American Cigar Company, with a capitalization of $10,000,000 absorbed the great work of Garcia & Co. with ten associated companies, which was capitalized at $20,000,000, and swallowed it without making a face. I wish to file here the most pathetic appeal that was ever made to the public by A. Locker & Co. These are the plaintiffs in the celebrated suit of Locker against the American

Tobacco Company. It is a circualr letter to the trade in which they swear to the wrongs that were done them, and in which they point out the fact that with their millions and with their well-established reputation it is utterly impossible to secure any of the well-known brands of the American Tobacco Company unless they will cut the throat of every independent dealer.

IMPORTANT TO THE ENTIRE TOBACCO TRADE.

BOROUGH OF BROOKLYN, NEW YORK CITY, 1904.

We have recently begun a suit in the New York supreme court against the American Tobacco Company and the Metropolitan Tobacco Company, representing the tobacco trust.

This suit we have undertaken in order to protect ourselves against what we regard as an unlawful combination in restraint of trade whereby the free pursuit of our lawful business in this State is restricted, and, in view of many references made to our litigation in the public journals, we have decided to make the following statement concerning it to the trade:

In the year 1862, long prior to the organization of the tobacco trust, our predecessor in business, the late Henry Berbert, and his associates founded and built up our tobacco house in this place, where for more than forty years it has continued to do an extensive and prosperous business. By a large investment of capital, by strict integrity, and by unremitting effort this business has earned and established a valuable good will and reputation throughout the Greater New York and elsewhere, and has become generally known throughout the country to be, as it is, the largest tobacco establishment in the United States doing business *both* at wholesale *and* retail.

About 1890 the American Tobacco Company was incorporated, and as it gradually absorbed many of the tobacco-manufacturing houses with whom our establishment had previously done business it solicited us to give to it our patronage, and through its representatives constantly urged us to deal with it, and assured our predecessors and ourselves that at all times our orders should receive the promptest attention on the most favorable ruling terms. Relying upon its solicitations, representations, and constant assurances of fair dealing at all times, we continued to have large transactions with the American Tobacco Company and to be active in the introduction of its products to our customers until about the year 1899, when the Metropolitan Tobacco Company was formed. Then the American Tobacco Company, having quietly secured and put out of business all the concerns of which we could buy the merchandise which had thus by its act become indispensable to our business, notified us, in substance, that under arrangements made with the Metropolitan Tobacco Company the tobacco trade in the Greater New York, including ourselves, would thereafter be supplied with its goods only through the Metropolitan Tobacco Company as its representative and distributor, and that thereafter it would not fill any further orders in the Greater New York, except those which came through the Metropolitan Tobacco Company.

The Metropolitan Tobacco Company, and likewise the American Tobacco Company itself, then urgently solicited and urged our business house to continue to it the dealings which for so many years we had had directly with the American Tobacco Company, and with other companies which had meanwhile become absorbed in it. Through its representatives it renewed to us the assurances which we had formerly received from the American Tobacco Company that our orders should *at all times* receive prompt and favorable attention, and reaffirmed that every possible consideration should always be shown us. Special rewards were offered by the American Tobacco Company to our salesmen for persuading our house to purchase its merchandise and for identifying ourselves with the sale of the various tobacco products—cigarettes, etc.—marketed by it.

After the formation of the Metropolitan Tobacco Company, and the secret combination made between the American Tobacco Company and itself whereby the Metropolitan Tobacco Company became the sole distributing agent for the American Tobacco Company in the Greater New York, still the American Tobacco Company continued frequently to send to us, and to others similarly situated, its agents or salesmen to solicit the continuation of our orders to the Metropolitan Tobacco Company for the goods marketed by the American Tobacco Company, etc. In continued reliance upon the representations, promises, and course of business above outlined our house has in good faith for years largely devoted the facilities of its great establishment to the sale of the products of the American Tobacco Company. To such an extent has this been done that our customers have come to require, to a great degree, the various articles of merchandise dealt in by the American Tobacco Company and now controlled in this vicinity by the Metropolitan Tobacco Company.

Recently, and without any just cause or complaint of our course of business, and in defiance of our previous understanding and course of trade and of every principle of fair dealing, the Metropolitan Tobacco Company, as we believe, by the direction of the American Tobacco Company, has refused to fill any of our orders at any price for any of the merchandise marketed or controlled by the American Tobacco Company. This is the same merchandise with which for years past these two companies have so earnestly solicited us to identify ourselves, and which in reliance upon their assurances has been made important to our business, as shown above. Simultaneously with this refusal to fill our further orders the representatives of these companies have notified us, in substance, that our business was too prosperous, and that unless we would consent to sell out to them upon their own terms and would agree never again to go into the same business they would boycott us and prevent our purchasing anywhere the merchandise necessary for the conduct of our business and would drive us out of business. In partial execution of that threat they have, as above stated, refused to sell us any merchandise on any terms whatever; have, as we are informed, forbidden their customers to sell to us on penalty of ruining them also, and have discriminated against us in the trade. Their representatives have, as we are informed, circulated stories about us which are grossly untrue, have tried to influence our employees, and in a variety of ways appear to be attempting to make good their threats.

These circumstances and others, the public statement of which we are advised for the present to withhold, force us to believe that they are but steps in an unlawful scheme which if continued will presently stifle all competition, either in the wholesale or retail tobacco trade, will destroy every independent tobacco manufacturer and dealer in the country, and will flood the land with inferior products at excessive prices. We are also assured that many others throughout the country have suffered and will suffer like injustice at the hands of this gigantic monopoly.

We have, therefore, for our protection, begun this suit in the New York supreme court against the American Tobacco Company and the Metropolitan Tobacco Company, which, if necessary, we propose to take to the Supreme Court of the United States.

These corporations, although now controlling hundreds of millions of dollars capital and upward of 80 per cent of the entire tobacco output, are but artificial creations of the Government, which owe their very existence and right to do business wholly to franchises and privileges which the State has granted, and over which the Government, by proper procedure, can always exercise a very considerable control and restraint.

We do not believe that where the laws, both State and national, have so vigorously condemned monopolies and combinations in restraint of trade, the effect of which are to control prices to prevent competition, and to ruin legitimate business, even this great trust can in our case escape such a judicial condemnation as will forever afterwards protect us and others similarly situated, provided the case be properly presented to our highest courts.

We are convinced also that this litigation, and others like it, with the publicity, full discussion, and investigation which we ask all interested to give to it, and which the trust will doubtless do all in its power to prevent, may in the present excited condition of public opinion on the general subject eventually lead to such a modification of existing laws, both State and national, as hereafter will save others from the necessity of fighting for their lives, as we are now compelled to do.

We think it is clear that in a short time, unless the courts or the laws give some relief, the independent tobacco manufacturers will find themselves unable to market their product, because there will be no jobbers and no retail dealers left in the country, or in the great business centers like New York, who will handle their merchandise, for the American Tobacco Company and its associates in the tobacco trust will have driven them all out of business, or will control them absolutely.

We do not therefore regard this suit as our suit alone, but we are compelled to look at it as a struggle in which every independent tobacco manufacturer, jobber, or retailer, from the largest to the smallest, has a direct personal interest, and we invite the active cooperation and assistance and suggestions of all, because all are necessarily interested and must necessarily be affected by the result.

We do not forget, and we ask you to remember, that our adversaries have enormous resources of money and influence, and that to insure the complete success we aim at we greatly need the encouragement and the generous help, pecuniary and otherwise, of the whole body of independent manufacturers and dealers throughout the country, for such litigation as this is necessarily difficult and expensive. The valuable help we have already received from strong sources justifies us in believing that as soon as our action has become generally known we shall receive the cordial cooperation and the pecuniary support of the entire trade everywhere. We consider that the prominence given to the question of the trusts in the recent national election makes this a most opportune time to press this suit.

We invite correspondence, information, and suggestions as to the experience of others with the tobacco trust, whether the facts are believed to be available in our present trial or not. Much which seems now irrelevant may later become most important.

We have several other plans in contemplation, and also propose to undertake through the proper official channels a more effective form of investigation into the methods of the trust than has hitherto been attempted. We are resolved to leave no stone unturned and no legitimate avenue for relief untried.

It may not be generally known that besides the various United States statutes against restraint of trade an antitrust law was passed in the year 1901 by the State of Massachusetts, covering substantially many of the points which we raise in this suit. Under this law at last there appears to be in Massachusetts an effective method of fighting the great trusts. In Plymouth, Mass., during the month of October last, the first action brought under this law of 1901 was tried, and the superior court there has indicted and fined the Continental Tobacco Company for violating this law. By this decision every representative of every such corporation using rebates to secure a monopoly and to prevent fair competition becomes in the State of Massachusetts a criminal liable to criminal punishment. In some of the other States, as well as in Canada, effective laws to remedy this wrong have already been passed and others will follow as the people come to realize their rights.

Fortunately, in the State of New York a somewhat similar law was passed in the year 1899, condemning monopolies in the articles of common use. This law, which has been overlooked by many who are deeply interested, is chapter 690 of the Laws of 1899, and provides, among other things, as follows: *"Every contract, agreement, arrangement, or combination whereby a monopoly in the manufacture, production, or sale in this State of any article or commodity of common use is, or may be created, established, or maintained, or whereby competition in this State in the supply or price of any such article or commodity is, or may be restrained or prevented, or whereby for the purpose of creating, establishing, or maintaining a monopoly within this State of the manufacture, production, or sale of any such article or commodity, the free pursuit in this State of any lawful business, trade, or occupation is or may be restrained or prevented, is hereby declared to be against public policy, illegal, and void."* This law has already been approved by a decision of the New York court of appeals, and we trust that under it, and under the laws and statutes of the United States previously passed to prevent unlawful restraint of trade, we can secure such a decision as will be just and equitable, and will protect ourselves, and all others similarly situated, from future unlawful interference.

The principle involved in this controversy affects not only the Tobacco Trust, but every like combination and monopoly in this country.

For obvious reasons we do not here fully disclose our legal status and the entire basis of our claims for relief before the courts, but all persons interested in the question at issue and desiring further information concerning it, or wishing to cooperate with us in any way, are invited to address our counsel in the suit, Frederick P. Bellamy, esq., whose offices are at 204 Montague street, Borough of Brooklyn, City of New York.

Very truly, yours,

E. LOCKER & CO.,
Successor to H. Berbert.

Wholesale and retail tobacconists, 267–273 Bushwick avenue, Brooklyn, New York City. Telephone, 1398 Williamsburg. (Established, 1862.)

I blush to confess it, that in "this land of liberty," where the right to property is guaranteed and where the pickpocket

and petit thief are imprisoned and infamous, that an army of men, sober, honest, and industrious, have been literally driven to bankruptcy and ruin by the operation of this infamous boycott. I am indebted to Mr. Hugh Campbell, of Richmond, for the following "list of the slain." Men who a few years ago were happy, hopeful, and prosperous, whose occupation is gone and whose business is destroyed, their substance devoured by a loathsome and insatiate cormorant, they have been turned adrift "to hang, beg, or starve," for all their soulless despoilers care.

These people were of course permitted to continue in business upon the condition that they would take "the oath of allegiance."

The trust resembles those piratical crews who after robbing their captors give them the hard choice of "walking the plank" or joining the bandits in scouring the seas for other victims. Here is the list of those who have been forced to become either pirates or paupers.

List of jobbers who have either sold or have gone into the New Jersey Tobacco Company or the Tonn Tobacco Company:

Meyer Brothers, Montgomery avenue, Jersey City, N. J.; T. W. Decker, Central avenue, Jersey City, N. J.; J. G. Crawford's Son, Orange street, Newark, N. J.; J. Goehring, Newark, N. J.; J. P. Turbett, Ferry street, Newark, N. J.; P. Turbett, Madison street, Newark, N. J.; Diamond Brothers, Rutgers street, Newark, N. J.; Langstoff's Son, Burnett street, Newark, N. J.; J. R. Miller & Son, Austin street, Newark, N. J.; Patterson Brothers, Plainfield, N. J.; B. Feeney Tobacco Company, Paterson, N. J.; A. Meyer, Paterson, N. J.; Conover & Bernhardt, New Brunswick, N. J.; M. Pach & Son, Red Bank, N. J.; J. Bailey, Red Bank, N. J.; Barringer, Asbury Park, N. J.

Those forming the Delaware Tobacco Company are:

Robt. Kenyon, Wilmington, Del.

Those forming the Washington Tobacco Company are:

Luchs Brothers, Washington, D. C.; C. W. Plugge, Washington, D. C.

Those forming the Neudéker Tobacco Company are:

Fink & Co., Baltimore, Md.; Caulk Brothers, Baltimore, Md.

The following jobbers were included in the original formation of the Metropolitan Tobacco Company, New York, viz.:

Bondheim Brothers, formerly at Grand street, New York; M. Weinstock, formerly at Fifty-second street, New York; H. Mendelbaum, formerly at New York; Arnold diamond, formerly at Canal street, New York; Henry Lehman, formerly at East Houston street, New York; Joseph Lehman, formerly at East Fourth street, New York; Fred Wachtel, formerly at East Eighth street, New York; Kaufman, formerly at Canal street, New York; Straus, formerly at Eighth avenue, New York; H. Rieders, formerly at Third avenue, New York; L. Arensberg, formerly at Myrtle avenue, Brooklyn; Stern Brothers, formerly at Fulton street, Brooklyn; J. Wolff, formerly at Yonkers, N. Y.

The following jobbers have been absorbed by the Metropolitan Tobacco Company since its formation, viz:

Hooks Brothers, formerly at Park avenue, New York; Lewin & Vogel, formerly at Eighth avenue, New York; Weis, formerly at avenue C, New York; Weis, formerly at Tenth avenue, New York; Levy, formerly at Second avenue, New York; Marum & Heflich, formerly at East Houston street, New York; T. J. Donigan, formerly of Center street, New York; C. Freytag, formerly at Second avenue, New York; L. Monday, formerly at Third avenue, New York; Isaac Lefkowitch, formerly at Fulton street, Brooklyn; Fred Jacobs, formerly at Broadway, Brooklyn; William Moore, formerly at Fortieth street, Brooklyn; M. Graner & Son, formerly at Flushing avenue, Brooklyn; Butterfield, formerly at Bushwick avenue, Brooklyn; B. Donop's Son, formerly at Montrose avenue, Brooklyn; John Kriete & Son, formerly at Furman street, Brooklyn; Kuehler & Son, formerly at New Rochelle, N. Y.; Howard, formerly at Port Richmond, N. Y.

The following jobbers have either failed or been driven out of business since the formation of the Metropolitan Tobacco Company:

Asa Lemlein Company, formerly at Third avenue, New York; L. Nykerk, formerly at Fortieth street, New York; L. Worlfow, formerly at Forsyth street, New York; J. H. Rosen, formerly at One hundred and thirty-eighth street, New York; Butterfass & Valentine, formerly at Manhattan avenue, Brooklyn; Emil Brook, formerly at Melrose avenue, Brooklyn.

Note.—Asa Lemlein & Co. were formerly the largest jobbers in New York and Brooklyn, doing a business of about $500,000 per year. They would not go into the original formation of the Metropolitan Tobacco Company, because they did not care to lose their identity with the trade. They were eventually compelled to go out of business after losing almost all their money. Mr. Asa Lemelin is now the New York representative of the E. H. Gato Cigar Company.

The following jobbers were included in the formation of the Brooklyn Tobacco Company, viz:

Frank Lorenz, formerly at 507 Graham avenue, Brooklyn; L. Schwager, formerly at Washington street, Brooklyn.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Kentucky may be extended. Is there objection?

There was no objection.

Mr. STANLEY. And in this connection, Mr. Speaker, I ask permission to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GAINES of Tennessee. Mr. Speaker, before the gentleman proceeds, is it not a fact that when the American combination swallowed the English combination they agreed that the English combination would work over there and the American combination over here—they divided up the whole world in that way?

Mr. STANLEY. Certainly.

I have asked the President and the Secretary of Commerce and Labor to furnish information to this House as to the infringement of trade-marks and patents, and I charge that this trust has counterfeited the brands and trade-marks of independent dealers, and in support of this ugly assertion I offer a letter of Mr. Hugh Campbell, to whom I have previously referred:

THE UNITED STATES TOBACCO CO., TOBACCO MANUFACTURERS,
NEW ENGLAND OFFICE 176–178 MILK ST., BOSTON, MASS.,
Richmond, Va., May 10, 1906.

Hon. A. O. STANLEY, *Washington, D. C.*

DEAR SIR:

* * * * * * *

To give you an understanding of the sort of competition to which the trust resorts, I send you to-day samples of our brand "Central Union" cut plug, which has especially aroused the trust's antagonism and against which they have been pushing their brand of "Union Leader." This brand "Union Leader" was bought from Butler & Bosher Company in the form of package No. 1. As soon as they bought it they changed the shape of the package so as to more nearly conform to that of our package. This package is marked No. 2. On that second package Butler & Bosher's name still continued as manufacturers, although it had passed under the control of the trust. Later, this package not proving a success, they changed its place of manufacture to New Jersey, where it was put up by the P. Lorillard Company, and then took their name off altogether and pushed it upon the market, especially through the jobbers who had accepted their proposition of January, 1904.

In May, 1905, we ventured to bring suit against The American Tobacco Company for infringement of trade-mark and unfair competition, and their reply was on June 17 to begin sending out with every 2 pounds of tobacco which they manufactured and sold in the States where we are doing our principal business one 5-cent package of "Union Leader." This of course placed this brand in every retail store in these States, and the small retailer getting it for nothing, of course, to realize upon it had to sell it. I inclose you herewith some of the circulars which they issued at the time, and which I will be obliged by your returning to me after you have finished perusing them. Our suit was brought before the United States circuit court of Massachusetts, and although we seemed to have a very strong case, such as Mr. Moody had before Judge Humphreys in the Beef Trust case, we have lost.

* * * * * * *

Yours, truly,

HUGH CAMPBELL.

Here is a package of tobacco manufactured by the United States Tobacco Company called "Central Union," and which has had an extensive sale all over New England, Virginia, and the Carolinas.

Here is a package, its exact counterpart in color, form, size, and weight, which is called "Union Leader;" this package was made and placed upon the market to destroy the sale of the old and established brand made by Mr. Campbell's company. No man can tell these two packages apart when placed on a shelf ten feet away. In order to force the introduction of this spurious package, the trust actually sent it to jobbers in the territory where "Central Union" had hitherto commanded a ready sale, and by the express command of the American Tobacco Company this tobacco was given away.

I have here the original circular sent out by the American Company, blatantly proclaiming their infamous design, and I offer it to the inspection of this House:

UNION LEADER CUT PLUG FREE WITH ALL LISTED BRANDS OF TOBACCO OF THE AMERICAN TOBACCO COMPANY.

For salesmen: Effective on and after this date, we will give to retail dealers one (1) 5 cent foil package of "Union Leader" cut plug free with each two pounds of the listed brands of plug chewing, fine cut, twist, "Old Virginia" cheroots, and all brands of smoking tobacco (including "Union Leader" cut plug) of The American Tobacco Company. One hundred "Old Virginia" cheroots count as two (2) pounds of tobacco.

This offer is both liberal and attractive, and we desire that you push the sale of The American Tobacco Company's tobaccos vigorously while it lasts.

JUNE 17, 1905.

THE AMERICAN TOBACCO COMPANY,
111 Fifth Avenue, New York, June 17, 1905.

UNION LEADER CUT PLUG FREE.

With all our listed brands of tobacco to our customers in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and District of Columbia.

1. On and after this date, until further advised, you are authorized to give to retail dealers in the above-named States one five-cent (5c) foil package of Union Leader cut plug, free, with each two (2) pounds of any of our listed brands of plug chewing, fine cut, twist, Old Virginia Cheroots, and all brands of smoking tobacco, including Union Leader cut plug, that appear on our price list dated April 1, 1905, and also Town Talk plug; 100 Old Virginia Cheroots will count as two (2) pounds of tobacco.

2. We have advised retail dealers, direct from this office, that this offer is in effect, commencing this date, and we would thank you to begin immediately to put the deal in operation.

3. Should you not have in stock sufficient Union Leader cut plug in the 1⅛-ounce foil package to commence operations under this deal at

once, we would thank you to place an order immediately for same, and the goods will be promptly shipped. Union Leader so shipped will be billed to you in the regular way and at the regular price.

4. We would request that you report to us at the end of each month, during the life of this offer, on blanks we will furnish you for that purpose, your total shipments and deliveries in pounds, by brands, of our goods covered by this offer and also the quantity of Union Leader given away in connection with same. On receipt of such report we will ship you, gratis, Union Leader in 1⅛-ounce foil, to reimburse you. Note carefully, however, that in no case will we reimburse you with Union Leader to cover sales in excess of the quantity of tobacco we shall have shipped you since May 1, 1905, after deducting such quantity as has already been covered by remittance of 1 cent per pound to the retail dealer under our former offer.

5. No jobber will be permitted to buy from retailers the Union Leader given to said retailers, exchange other goods for it, or in any way divert it from reaching and being sold to consumers by retail dealers.

6. The privileges conveyed by this offer will positively and promptly be withdrawn from any customer who fails to deliver the free Union Leader with shipments or deliveries of our tobaccos as above provided.

7. The giving or offering to give free Union Leader at any point or points outside the above-named States will be a violation of the provisions of this offer, followed by forfeiture of its privileges.

8. Free Union Leader must not be given with sales made to jobbers or direct customers of this company.

9. Heretofore some of our customers have taken the liberty of changing our offer by substituting some other brand in lieu of that set forth in the offer, or reducing the price on the brands covered by the offer in lieu of giving the gratis goods. This will not be permitted under this offer.

10. This offer will be withdrawn from any jobber who violates or evades its provisions or who does not act in good faith with us in carrying out all its provisions in letter and spirit.

11. No representative or employee of this company has authority to change any circular, letter, or price list issued by this company.

Very respectfully,

THE AMERICAN TOBACCO CO.

N. B.—We have made arrangements with Blackwell's Durham Tobacco Company whereby your shipments of Bull Durham and Sweet Caporal, granulated, will apply under this offer. That is to say, you may give one five-cent (5c) foil package of Union Leader with each shipment of two (2) pounds of these brands to the retailer.

THE AMERICAN TOBACCO COMPANY, 111 FIFTH AVENUE,
New York, June 20, 1905.

To all retailers of tobaccos in the States of Maine New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and District of Columbia.

1. For a limited time you are entitled to receive free with every 2 pounds of our listed brands of tobaccos, one five (5) cent foil package of Union Leader.

2. We have notified our customers (jobbers), that we will give them this tobacco gratis on condition that they in turn give it to you in the same proportion. See that you get it, for you are entitled to it.

3. As this package retails for 5 cents, this offer increases your profit 2½ cents per pound on every pound of our tobaccos that you buy, whether plug chewing, plug smoking, long cut, fine cut, or granulated.

4. Union Leader is the very best grade of Burley tobacco, and has already received the support of the consumer, notwithstanding the limited time in which it has been offered to the trade.

5. Don't forget that with every 2 pounds of any of our listed brands or combinations of listed brands you are entitled to receive one foil package of 1⅛ ounces Union Leader free. This offer is for a limited time only, and you should purchase your tobacco freely while it is in effect.

6. Old Virginia cheroots are counted as tobaccos on the basis of 100 cheroots counting as 2 pounds. We have arranged with the Blackwell's Bull Durham Tobacco Company whereby your purchases of Bull Durham and Sweet Caporal granulated are included in this offer. That is to say, with every 2 pounds of these brands you buy you will receive one package of Union Leader free.

7. Please report to us promptly the name of any jobber who fails to give you (gratis) one 5-cent foil package of Union Leader with each 2 pounds of our listed brands of tobaccos that you buy from him.

Very respectfully,

THE AMERICAN TOBACCO CO.

Now, I know that Mr. Duke has declared that he is very fond of giving tobacco away; he is at times almost as liberal with his counterfeits of an honest man's product as Carnegie is with libraries. He declares that this is an old approved method of establishing "new brands."

I here offer his evidence, in which he confesses, with a native and childlike simplicity, that he sold "Battle Ax," to which I have referred, for less than the cost of the tobacco in it, and actually gave away "American Beauty" cigarettes. Here is his statement made under oath before the Industrial Commission:

REDUCED PRICES AS A MEANS OF INTRODUCING NEW BRANDS.

Q. The statement has been made at different times that the American Tobacco Company and the other large concerns, in order to introduce brands, cut prices very low, substantially down to the amount of the revenue tax. Have you had experience of that kind?—A. Oh, yes; that is only one method of introducing a brand. Instead of spending so much money on advertising in newspapers and bill posters, a cheap price is made, and the dealers are left to do the advertising and work up the market themselves.

Q. Can you give one or two instances of that kind?—A. Take Battle Ax; we made a low price on that and got it into the market that way; but on some others it would not work.

Q. Take the case of Battle Ax; that is an older brand, is it not?—A. Yes; that we got out and pushed as early as 1895.

Q. About what was the difference between the price you made then and the price you made after it became known?—A. Under the 6-cent tax at one time we got the price as low as 13 cents a pound.

Q. That was while it was made by the American Company, and before the Continental was organized?—A. Yes.

Q. And about where has the price gone to now, since the Continental has been organized?—A. Since the change in the tax we have raised the price, I think, up to 30 cents.

Q. That is a plug tobacco?—A. Yes.

Q. Can you give any similar illustration with reference to cigarettes?—A. In 1883, when Duke, Sons & Co. got into business, we cut the price of cigarettes three or four months before the change in the tax; we got the market before the change came, and then afterwards we had it on a profitable basis.

Q. Have you any special brands of that kind that you are introducing now?—A. Yes; we are working one in North Carolina.

Q. What?—A. I forget the name of it.

Q. American Beauty?—A. Yes.

Q. Can you state about what you are selling that for?—A. I forget whether it is $1.50 or $1.60.

Q. Per thousand?—A. Yes.

Q. What is the revenue tax?—A. $1.50.

Q. So you are putting that down in order to get it started in that way?—A. Yes.

Q. Do you have any specially strong competitors in that locality?—A. No. We are making a test of it there to see whether a price of 20 cigarettes for 5 cents will bring back the business we have lost since the tax was changed to its present rate. You know the tax was raised from 50 cents to $1.50. Before that we had been selling cigarettes to the dealer so he could resell them to the consumer at 20 for 5 cents. But on account of the increased price necessitated by the new tax, the cigarette business has shrunk nearly two-fifths, I should think. When you can sell 20 for 5 cents, it is stronger.

Q. All over the country?—A. Yes; and since the change in the tax we have put out the 20 for 5 cents, and we want to find out whether the cheap price will bring back the consumer to the 20 for 5 again.

Q. How long is it since you started doing that?—A. I do not know. I think we began sometime after the change in the tax.

Q. (By Mr. LITCHMAN.) Do I understand that the cigarette on which the tax is $1.50 is being sold at $1.50?—A. Yes; we frequently give a brand away in order to get it introduced. It is sometimes cheaper to do that way than it is to spend money to go around and sell them. (Rept. Ind. Com., vol. 13, p. 319.)

To a poor layman—a stranger, thank Heaven, to the peculiar methods and morals of a trust—it strikes me as just a little bit peculiar that this particular brand should have been benevolently bestowed upon the public only in that particular territory in which Mr. Campbell had established a sale for a brand of tobacco that the American Company had determined to destroy. An inadvertence, no doubt.

It is both instructing and amusing to note the estimate in which this great "captain of industry" holds his own business methods. It will be remembered that at this time the combine, according to Duke's own statement, only owned about 100 brands of cigaretts and 75 brands of tobacco. About 95 per cent of all the known brands in the world. Now, the same day and before the same Commission to which he confessed that he often gave away tobacco and cigarettes as the best and most approved method of introducing new brands, he has this to say about the wisdom of his own course:

You can not introduce a brand of tobacco in a few years. It takes a long period of years to establish a brand of tobacco. Even the Continental Tobacco Company, with all the experience they have in the business, would not expect to put a brand in the market and establish a demand for it at once. We lost money for ten years on "Duke's Mixture."

Here is another sworn statement. Oh, he is a smooth swearer. [Laughter.]

A great loss to the manufacturer is the attempted introduction of so many new brands. It is of no benefit to the consumer, a disadvantage to the retail dealer, a disadvantage to the jobber and to the manufacturer. There is where the main sacrifice and loss of the manufacturer is—continually getting out new things to try to attract the consumer when the consumer is satisfied with what he has and will not change; spending a lot of money without accomplishing anything, either by way of benefiting themselves or anybody else. (Rept. Ind. Com., vol. 13, pp. 327–328.)

If, according to Mr. Duke, it is folly for a poor manufacturer to give away his one brand for the purpose of introducing it, what consummate folly to give a new and spurious brand away when he was then manufacturing hundreds of old, well-established brands. This tobacco was given away, not to introduce a new brand, but to drive from the market an old one, and that the property of an honest and struggling competitor.

This combine has not only destroyed the business of its competitors or forced them to surrender plants, trade-marks, brands, and good will by the lawless methods I have just described, but it has attempted to force honest men to become their subservient tools, to lie and to masquerade like bondsmen in obedience to the nefarious designs of their shameless master. Yea, more; the president of the American and Continental companies stooped to give his personal supervision to this infamous business. I here offer the statement of Mr. St. Claire Butler as to his own experience with the head of the Continental and American Tobacco companies:

IN RE SECRET CONTROL.

In January, 1903, Mr. A. St. Clair Butler, of Butler & Bosher Company, Richmond, Va., and a friend spent a day at No. 111 Fifth avenue, New York, with Mr. Duke, Mr. Fuller, and one other trust representative. Mr. Duke wanted to buy and offered to buy 51 per centum of the capital stock of the Butler & Bosher Company, whose business for several years previously has been supplying the Navy Department with tobacco, and manufacturing and selling tobacco in the South and New England. Mr. Duke, in offering to buy 51 per centum of the stock, told Mr. Butler that the business was to continue just as it had been managed, and their interest in it to remain a secret. Mr. Butler was to continue an independent manufacturer, continue to use the union

label, and continue to associate with independent manufacturers. When Mr. Butler said that this would not be honest, Mr. Duke replied, "Plenty are doing it to-day, and if you do not do it, we will ruin you and drive you out of business." Mr. Butler asked time to consider the proposition, and returning home consulted his lawyer, who, happily, was a lawyer of the old school, as he advised Mr. Butler he would not be able to do what was proposed and be honest. Then Mr. Butler declined to sell. Thereupon the trust started out in its campaign against him. Mr. Butler had worked up quite a trade in New England on a smoking plug under the brand "Butler's Light and Dark," which was much the same as Mayo's "Eglantine" and "Ivy," brands owned by the trust, and which were large sellers, and on these the trust placed a deal, which so cut down Mr. Butler's business that he was greatly demoralized. Later the Navy contract was again awarded to Mr. Butler, and then the trust began bidding up the price of sun-cured tobacco, out of which the contract had to be made, and when Mr. Butler was thoroughly frightened, again offered to buy him. This time, however, they offered to buy his business outright, and finally they did so, continuing him as manager upon a salary.

The foregoing is a copy of the statement made January 20, 1905, to the Hon. James R. Garfield, Commissioner of Corporations. Mr. Butler was continued as manager of the business of Butler & Bosher Company, owned and controlled by the American Tobacco Company, from the time of its purchase, July 1, 1903, until March, 1906. Then the factory was closed, and Mr. Butler thrown out of employment. He, like 98 per cent of the manufacturers who have sold out, being under contract not again to enter into business, is now in the prime of life unable to engage in a business in which his whole life has been spent. Thus his experience as a tobacco manufacturer is lost to the country.

Now, I charge that these stool pigeons are created by this trust for the accomplishment of three infamous purposes. First. To deceive the producer and consumer of tobacco who desires to sell to or purchase from an independent dealer.

Second. For the purpose of deceiving and defrauding the Federal Government.

Third. For the purpose of throttling honest, patriotic, and wholesome legislation for the relief of the tobacco growers in this country.

I make these serious and terrible accusations deliberately and after a careful examination of the incontrovertible proof which I shall produce in their support.

I know full well, Mr. Speaker, that the men or corporations at whose door these heinous wrongs are laid are guilty of dishonesty to their competitors and treason to their country.

The Navy Department, by a wise and well-known regulation, has provided that the same firm or corporation shall not furnish more than one bid to the Navy for the furnishing of tobacco to it. Upon these bids the contracts are annually made. I wish here to call the attention of the House to an extract which appeared June 22, 1905, in that excellent and ably edited journal, Tobacco, published in New York:

THE NAVY TOBACCO CONTRACT.

Independent manufacturers say that the outcome of the recent hearing was not unexpected. What they sought was publicity and moral effect.

RICHMOND, VA., *June 20.*

The independent tobacco manufacturers of Richmond characterized as high-handed the way in which the trust was allowed to carry things in connection with the so-called hearing, which was given them in Washington, on their protest against the alleged violation of the law in the award of the contract for tobacco for the Navy.

The independents claim that this so-called hearing was not only grudgingly granted them, but that matter had been so cut and dried that it was already settled in advance that no matter how strong a case they might present, the award of the contract to the trust would be permitted to stand.

In discussing the matter to-day a prominent independent manufacturer says:

Just how tight a grip the trust has upon the Navy Department may be judged by the fact that among those present at the so-called hearing was Junius Parker, the chief of the legal department of the trust. To thoroughly appreciate the significance of his presence, it must be remembered that Mr. Parker is not a lawyer in general practice who appears for the trust as he might for any other client. He has his headquarters in the office of the trust, at 111 Fifth avenue, New York, and devotes his entire time and attention to its affairs. As a matter of fact, he is just as much an officer of the trust as James B. Duke, the president, or William H. McAllister, the secretary.

Now, while Mr. Parker took no active part in the proceedings before Assistant Secretary of the Navy Darling, that was entirely unnecessary, because of the attitude of the Navy Department, which seems to have had everything prearranged, so that the award of the contract to the trust should stand in any event. It goes without saying that Mr. Parker did not take the journey from New York to Washington and attend the so-called hearings out of mere idle curiosity, and his presence stamped the proceedings as farcical in the extreme.

As a sample of the attitude assumed by Assistant Secretary Darling when President Hugh Campbell, of the United States Tobacco Company, presented documents in support of what has long been a matter of common knowledge in trade circles, that the P. Lorillard Company and Butler & Bosher are both owned and controlled by the American Tobacco Company, Secretary Darling announced that the Government did not recognize the absorption of the two companies by the American Tobacco Company, and so far as the Department was concerned, they were independent companies.

When President Campbell retorted that the Department of Justice already had on file evidence that the two firms were the property of the trust, which evidence had been collected in course of the investigation of the selling methods of the trust now being conducted with a view to prosecution for conspiracy in restraint of trade, Secretary Darling replied:

The tobacco trust is not known here and is not represented.

It may not be known, but it is certainly represented, replied President Campbell, as he pointed to Mr. Parker.

Now, Butler & Bosher and Lorillard & Co. were both bidders. I have already shown that the former firm had been absorbed by the trust in 1903 by the statement of Mr. St. Claire Butler. I have here the solemn finding of the supreme court of Missouri, where, in the case of the State *v.* Continental Tobacco Company, this same trust admitted that it owned Drummond & Co., "boots and breeches," and the court, after a careful hearing of the case, so found. I here offer an extract from the decision of the referee which was affirmed by the court:

EXCERPT FROM REFEREE'S DECISION.

(1) The American Tobacco Company was and is a corporation organized and existing under the laws of New Jersey, with authority, among other things, to purchase and operate tobacco factories and warehouses and to cure, manufacture, and sell all kinds of chewing and smoking tobacco. The exact date of its charter has not been proven, but it is shown by the evidence to have been engaged in business as far back as 1899. In 1895 the above-named American Tobacco Company purchased for cash the property, trade-marks, business, and good will of the respondent, the J. G. Butler Tobacco Company, a corporation under the laws of Missouri, and doing business in St. Louis, and since the said sale and purchase the said J. G. Butler Tobacco Company has ceased to exist as a corporate entity under its charter. In September, 1898, the American Tobacco Company made a like purchase for cash of the property, trade-marks, business, and good will of the respondent, the Drummond Tobacco Company, a corporation under the laws of Missouri, and doing business at the city of St. Louis, and the latter likewise ceased to do business as a separate entity under its charter. (State *v.* Continental Tobacco Company, 75 Southwestern Reporter, p. 742.)

In the manufacture of chewing tobacco, licorice paste is an essential ingredient; it is utterly impossible to conduct this business without this substance, which is a component part of all plug tobacco. This licorice paste is protected by a tariff duty of 6 cents a pound. Before the advent of the trust this paste sold for not to exceed 5 cents per pound. It will be seen that the duty was practically prohibitive.

This combine seeing in the control of the manufacture and sale of this substance an additional weapon for the annihilation of all future competition, proceeded to secure absolute control of all the makers and handlers of licorice in the United States; in this they have succeeded, and to-day the independent manufacturer of tobacco must apply on bended knee to this octopus for every pound of this substance, which is doled out to him upon hard conditions and at ruinous prices. Since this business has passed into the hands of the tobacco trust the price of licorice paste in the United States has increased 100 per cent.

The Federal authorities succeeded in getting an unpenitentiaried thief by the name of Hale on the stand, in an investigation of trust methods conducted in New York last October, when he refused to answer questions which would have established this unlawful combination. His reason for this refusal was *that he might degrade and incriminate himself.*

The trust immediately secured the services of the most distinguished counsel in America—the Hon. Elihu Root, De Lancy Nicoll, and Junius Parker—and while these illustrious legal lights were solemnly protesting against the "outrage" of forcing this sweet-scented geranium to say anything which might peradventure leave a stain upon the spotless escutcheon of his honor the scoundrel actually stole thousands of dollars from his protectors and champions. That excellent journal Tobacco, in its issue of October 5, 1905, tells the story better than I can:

TRUST MAN TAKEN TO TOMBS—OFFICER FOUND IN CONTEMPT OF COURT FOR REFUSING TO REVEAL TRUST SECRETS INDICTED FOR LARCENY OF LARGE SUMS FROM THE COMBINATION.

Edwin F. Hale, the trusted secretary and treasurer of the McAndrews & Forbes Co., one of the subsidiary branches of the tobacco trust, who was last May found to be in contempt of court for refusing to answer questions put by the Federal grand jury at that time engaged in probing into the affairs of the trust, has been indicted for grand larceny on complaint of Karl Jungbluth, president of the McAndrews & Forbes Co.

Harry Smock, the auditor of the McAndrews & Forbes Co., was jointly indicted with Hale, and both were arrested and taken to the Tombs prison last Thursday afternoon. President Jungbluth said that both Hale and Smock, who had been implicitly trusted, had authority to sign checks jointly for meeting the obligations of the firm, and had also had free access to the contingent fund of the company, which seems to have been of a size to meet unusual exigencies.

It was announced that the prisoners would be taken before Judge Cowing in general sessions court to plead to the indictment on Friday. This was done, and it is now reported that the matter may be settled out of court. The amount it is alleged they had misappropriated was said to reach thousands of dollars.

Secretary Hale, it will be recalled, was summoned before the Federal grand jury last May, and among the questions asked him were the following:

Are you employed by the American Tobacco Company?

Who is the president of the McAndrews & Forbes Co.?

Where is the office of the company?

Is there is any agreement, or understanding, or arrangement between the American Tobacco Company and the McAndrews & Forbes Co. in relation to the trade or business in licorice affecting the business between the several States of the United States?

These questions, which Hale refused to answer on the ground that it might tend to degrade and incriminate him, were considered important, by reason of a report which had gained currency that the tobacco trust had secured a corner on the licorice output of the world, and

that independent manufacturers of cigars and tobacco could obtain no licorice or licorice paste unless they bought it through the tobacco trust or some of its subsidiary companies.

The trust brought its heaviest legal batteries to bear to save Hale from imprisonment for contempt, including their regular counsel, Junius Parker, as well as Elihu Root and De Lancy Nicoll, who were specially retained for this case. Hale was assessed a nominal fine and technically committed to the custody of the United States marshal, Henkel, until a writ of habeas corpus could be sued out by the trust counsel; and when he was taken before Judge Wallace, at Albany, and admitted to bail in the sum of $1,000, briefs were submitted and the case taken under advisement.

It is said that since these proceedings Hale has been seen frequently at the race tracks and pool rooms, and during the summer Hale and Auditor Smock visited Saratoga, where they not only frequented the race track, but were more or less conspicuous figures in Canfield's and other big gambling houses. President Jungbluth has been quoted by the daily newspapers as saying that Hale and Smock had confessed to him that they had lost considerable money in gambling. He was further quoted as saying that they had drawn freely upon the contingent fund of the company, and when questioned as to one item of $1,100 which had disappeared, they had replied unhesitatingly that they had drawn the money and "used it for the good of the firm."

It is intimated that they were led to make this free use of the company's funds because Hale relied upon his possession of trust secrets to render him immune from prosecution.

I am sorry I have not that Christian spirit which should prompt me to sympathize with the trust in its loss of many thousands at the hands of this beautiful blackmailer, this highly sensitive thief. There is a kind of retributive justice in the ingratitude of this pitiful creature, schooled by his makers in the art of perjury and fraud. In the language of Queen Marguerite, I could almost exclaim:

> Most righteous, just, and all avenging God!
> How I do thank Thee, that this carnal cur
> Preys upon the issue of his mother's body,
> And makes her poor fellow with others mourn.

If further proof of this lawless combination were necessary, here it is: Here is a copy of the "death warrant," which J. S. Young & Co., of Baltimore, independent tobacco manufacturers, were forced to sign by another "stool pigeon" of the trust before they could secure a pound of licorice paste, so necessary to their business. No man would voluntarily submit to such hard and humiliating conditions. This modern Shylock stands to-day at the door of every licorice plant in this union, and in defiance of law and decency enforces his hard conditions. "It is so stipulated in the bond," and you sign or close your doors.

I offer to this House an authentic copy of the iniquitous instrument:

BALTIMORE, MD.

GENTLEMEN: We make you the following proposition for furnishing you licorice paste for your use in the business of manufacturing tobacco:

We are to furnish you, and you are to buy from us during the year beginning August 24, 1904, not less than 180 cases of about 250 pounds each, and we are to furnish you as many more cases as you will need for your actual current manufacturing requirements during the term of said year, not to exceed in the aggregate 360 cases, the same to be of the quality of that heretofore sold you by us at the price of 9¾ cents per pound f. o. b. Baltimore, Md., sixty days net, or cash in ten days less a discount of 1 per cent. The number of cases of licorice paste above mentioned shall all be called for and delivered within the period called for by this contract, and shall be ordered by you in quantities not less that the rate of 15 cases per month, and not exceeding the rate of 30 cases per month, from said August 24, 1904, to August 24, 1905. It is also understood that the price heretofore mentioned shall be subject to an equitable advance if there should be any impost duty imposed on licorice root.

In consideration of our furnishing you with licorice paste as hereinbefore provided, we are to have the option to supply you during the year that begins August 24, 1905, licorice paste under the same maximum and minimum as is provided for the first year of this arrangement, and with all conditions the same, we are to notify you promptly on your written demand made at any time within thirty days after July 1, 1905, whether we elect to furnish you this licorice paste under the option retained by us as hereinbefore provided.

In the event of the interruption of operations at the plant of either party by fire, elements, or unavoidable accidents, this contract not to be void, but deliveries thereon to be suspended for such reasonable time as may be required to resume operations.

This contract shall not be deemed a personal one, but it shall inure to the benefit of and be binding upon us and our successors and assigns in the ownership of our plant, and you and your successors and assigns in the ownership of your brands of tobacco.

Please denote your acceptance of this proposition below, and the proposition and its acceptance in duplicate, without a more formal paper, shall be taken to constitute the memorandum of contract between us.

Yours, truly,

(Signed) J. S. YOUNG COMPANY,
By H. E. YOUNG, *President*.

The foregoing proposition is accepted this 24th day of August, 1904.

The trust is not satisfied with the rascals within the organization—God knows it ought to be.

It has its pestiferous vermin buzzing in the lobbies of every State legislature in this Union, ready to bully the weak and to buy the venial, to prevent the passage of just and righteous laws, and to secure by any indirection greater license to prey upon the merchant and plunder the planter.

I do not know whether it is a fellow-feeling or instinct, but this trust has the finest "nose" for a scoundrel of any organization in America.

I have here an article which appears in to-day's Washington Post, which aptly illustrates their peculiar methods of manipulating deliberative bodies. In this case the trust was endeavoring to secure a "price list" of the Indiana legislature:

WABASH, IND., May 26. Arthur L. Hughes, a member of the Wabash bar, to-day made public the fact that he has a large number of letters which are the property of O. A. Baker, who is in hiding to escape an indictment on the charge of attempted bribery in the last legislature in connection with the passage of the anticigarette law. Mr. Hughes agreed to place the letters in the hands of the governor if assured of immunity for Baker. The governor declined this proposition.

Mr. Hughes in discussing these letters to-day said that one letter of the lot was signed by a man named Gibbs, whose office was in New York City, and who, Hughes explained, was connected with the so-called tobacco trust. The contents of this letter referred to the purchase of legislative votes and appraised one member as worth $1,000 and another at $500 and a third at $250.

VALUATION ABOUT RIGHT.

"I know who these men are," said Hughes, "and Gibbs was not far astray in his valuation. I know, too, what members of the legislature were approachable and those who were not, and a lot of them belonged in the first class. Gibbs was succeeded by a man named Cole, who was connected with the so-called tobacco trust, and here is a telegram to Baker in cipher. Translated, it instructs Baker to 'go ahead with the deal' whereby certain votes were to be obtained against the cigarette bill.

"Baker was in communication with the insurance companies during the session of the legislature. He was not employed by the tobacco trust alone, and the work done for the insurance organizations was quite as nefarious as that of the tobacco trust. Baker has the documents to show that to be the truth."

And now, Mr. Speaker, I come to "the most unkindest cut of all;" to the most cruel, the most inexcusable and dastardly stab which this incorporate assassin has ever driven into the back of commerce, or the tired heart of unrequited toil. It will be remembered, Mr. Speaker, that twice within the last three years the Committee on Ways and Means, without a dissenting voice, have favorably reported a bill to this House repealing the tax of 6 cents a pound upon tobacco in the natural leaf, and twice has this House unanimously passed that bill. In three years no one of the 386 Members of this body has ever raised his voice except in hearty approval of this most righteous, just, and long-delayed relief, demanded by more than 3,000,000 men, women, and children, oppressed both by the greed of this combine and by unjust, unwise, and indefensible taxation on the part of the Federal Government.

There is not within the sound of my voice, not upon the muster roll of this body at this hour, a single Representative in the Federal Congress who does not favor the repeal of this tax and the passage of this bill, and yet, Mr. Speaker, that bill has twice been doomed to an ignominious death. It has twice been strangled in silence and in the dark. No measure has ever been passed by this House, or offered to its consideration, more necessary or more just. From the hour I entered this body until now I have given to it my most earnest effort and followed it with most ardent hope, until that hope, long delayed, made the heart sick; and now I charge—and I make no accusation without the proof—I charge that this measure has been throttled by a criminal conspiracy that is worse than theft; it is treason. I charge that the foul, false, traitorous emissaries of Rockefeller and of Duke have stood in the corridors of this Capitol waiting for this bill, freighted with the hopes and the prayers of my people, to start on its way to the Senate, and they have clutched it in their cruel hands, reeking with crime, and have strangled it to death.

I charge that the very men who appeared, acting and speaking a falsehood, who claimed to the Committee on Finance, to whom this bill was referred, that they represented independent dealers and appeared actuated by no other motive than the common good, were at that very hour the effigies and the hirelings of the trust. I charge that this incorporate marauder, this daring, law-defying, home-destroying bandit, the American Tobacco Company, masked its Madusa head and spoke in the name and of the weal of the very interests and the very victims it has marked for destruction. I charge that there is not to-day an independent dealer in the United States free from the clanking shackles of this commercial pirate who does not earnestly pray for the passage of that bill.

I have traveled all over Kentucky, Tennessee, and Virginia; I have met time and again with the representatives of tobacco growers all over this Union, and I am here to declare that there is not a tobacco planter from Connecticut to Florida who is not directly interested in the passage of that bill and who does not give to it his hearty and unqualified assent, and I am here to declare that this monopoly to-day sits sinister and serene with the hellish delight of a triumphant fiend, defying the law, blind, deaf, and callous to public sentiment and to the ruin and misery of 3,000,000 people; and, more than that, it resists, perverts, and annuls the expressed will of the representatives of 80,000,000 of people in this Congress assembled.

I charge that this bill when it had passed the House of Representatives without a dissenting voice had hardly found its

place in its duly appointed pigeonhole in the Committee on Finance before it was electrocuted by a telegram sent from 111 Fifth avenue, New York—the den of the robber, the home of the trust.

The SPEAKER. The Chair merely desires to admonish the gentleman that under the rules it is hardly proper to discuss anything that has happened in the Senate or even pending in the Senate.

Mr. STANLEY. I am not reflecting upon the Senate at all. I am merely stating the fact that the American Tobacco Company sent this telegram. I am not claiming that the Senate knew this duplicity was practiced on them. I can lay my hand on that telegram. It went to the chairman of the Finance Committee.

Mr. GAINES of Tennessee. What did they tell him to do?

Mr. STANLEY. They told him to fight that bill, and I have the sworn statement of the man who went before the committee that he was told by the American Tobacco Company to do so as an independent. I wish to file here as a part of this record that statement.

Mr. JAMES. Did the chairman of the Finance Committee of the Senate treat this telegram as confidential, coming to him from a trust representative to suppress legislation in favor of the people?

Mr. STANLEY. I have never heard that he has ever mentioned this communication. I got this information from the other end of the line. I have got a copy of it.

Mr. GAINES of Tennessee. The telegram was sent, I want to say.

Mr. STANLEY. Yes, it was sent. It was sent by a member of the firm of Martin & Co. It was sent from 111 Fifth avenue, New York, and the man who was forced to do it has the manhood to say that he did not then and does not now believe in the truth of that message. He was bound by a cruel, remorseless master, and forced to this miserable attempt to deceive the Senate and betray his countrymen.

I am ready to give his name to outraged justice when it shall demand it; and more, the man is yet alive to confront and confound the oppressors of my people.

Here is the statement:

Q. What has been and where have been your headquarters; what is or has been your business? How long were you engaged in that business?—A. I was engaged in the tobacco business in Louisville, Ky., for about six years; my father was engaged in same before that at Greenville, Ky.

Q. If disengaged in that business, why, when, and how did it occur?—A. I have been out of the business since January, 1905; was out fourteen months prior to that time. Two-thirds of the stock of the company in which I was interested, H. N. Martin & Co., was controlled by the Continental Tobacco Company, and owing to their manipulations, etc., of the business it was necessary to make changes, buy back the interest, and finally to sell out the business to other parties, to save it from total wreck. It was finally sold to the Blue Grass Tobacco Company, at Lexington, Ky., on or about April 15.

Q. Did you incur any loss? If so, how and why?—A. We incurred great loss, because under the management of the Continental Tobacco Company the assets shrunk to such proportions as to make the capital stock worthless, and we were bound to sell the plant for a certain amount of money to pay off the indebtedness.

Q. Was this the purpose of the Continental Tobacco Company—that is, to crush you out?—A. Apparently it was.

Q. Do you understand how they manipulate such business?—A. It is cheaper for them to come in and buy, as they did in this case, controlling interest in the stock and crush out the plant than it is to go and buy it outright at first. It would have cost them about five to one if they had bought us out, but instead they purchased two-thirds controlling interest and so manipulated it as to destroy the value of the plant, and we bought it back and sold it out to the Blue Grass Company.

Q. While you were in existence—that is, while the Continental concern owned two-thirds of the stock—were you not known to the outer world as an independent tobacco manufacturing concern?—A. Yes, sir; strictly so, using the union label of the International Tobacco Workers' Union.

Q. Was this done with the consent of the Continental Tobacco Company?—A. Yes, sir.

Q. Is it the policy and plan of the Continental Tobacco Company to establish these psuedo independent companies around through the country, for what they term legitimate competition, but as a matter of fact, it is not competition, is it, but a mere blind?—A. It is not competition, and it is their purpose and plan to establish such companies, or to buy up the controlling stock of already existing companies that have the trade, and merely as a blind, so far as competition is concerned.

Q. They then get control of an existing independent concern, and turn it into a pseudo independent concern, for the purpose of wiping out real competition?—A. Yes, sir.

Q. Do you know of any other instances of this being done?—A. I don't know of my certain knowledge of such cases, but is generally supposed and is almost a fact that they own a controlling interest in almost every factory in existence.

Q. That is to say, they own these pseudo independent factories; they establish and run them throughout the country?—A. Yes, sir.

Q. Have you at any time taken any position against the repeal of six cents tax on tobacco that was under discussion in the last Congress?—A. Yes, sir.

Q. Tell all that you did, if you will, and how it was done, and by whom.—A. I was instructed to send a telegram to Senator Aldrich, over the signature of H. N. Martin & Co., protesting against the repeal of the 6-cent tax. My instructions came from C. C. Dula, who was then the vice-president of the Continental Tobacco Company.

Q. Where did the instructions come from, what city, and what was the substance?—A. From New York City, and the substance was that the repeal of the law would be unjust, etc.

Q. Did it come from any particular house, do you remember?—A. From 111 Fifth avenue, New York City.

Q. What is that number?—A. It is the number of the headquarters of the American Tobacco Company.

Q. The Continental Company was then and is a member of the American tobacco trust, of which Mr. Dula is an officer?—A. Yes, sir.

Q. Did you hear of other firms being thus instructed in sending these telegrams?—A. I have heard of none having been instructed along that line, but I am under the impression that Noll & Williams Tobacco Co., and perhaps the Monarch Tobacco Company, of Louisville, sent telegrams protesting against the passage of the bill.

Q. To whom did you send the telegrams?—A. I sent telegrams to Senator Aldrich.

Q. Would you have sent these telegrams if you had not been so instructed?—A. No, sir; I would not.

Q. Were these other two firms that you think sent these telegrams psuedo independent concerns?—A. I could not say about that.

Q. What objection did you then have, or now have, to the repeal of the tax? It produces no revenue.—A. I had no objection whatsoever to the repeal of the law.

Q. Did the other member of the firm of Martin & Co. have any objection?—A. No, sir.

Q. You sent it because you were directed to do so?—A. Yes, sir.

Q. You obeyed orders from 111 Fifth avenue, New York?—A. Promptly.

Q. Have you heard of other tobacco people receiving these instructions?—A. I have never heard of them, because such information is seriously guarded by each concern, and secretly kept, one from the other.

Q. Are you now in the tobacco business?—A. No, sir.

Q. You are entirely disconnected?—A. Entirely so.

Q. Are you in any business at this moment?—A. No, sir.

Q. Are you one of the victims of this tobacco trust crushing?—A. I am.

Q. When did you receive these instructions from 111 Fifth avenue, New York?—A. I can not specify the date, but I think it was in the spring of 1904.

Q. What became of all of your papers?—A. All of my papers are now in the hands of the Department of Labor and Commerce.

Q. Including this telegram?—A. Yes, sir.

I have spoken, Mr. Speaker, of the manufacturer driven from his factory—the despoiled factor—and the small dealer forced to slavery or want.

There is yet a sadder scene—victims more numerous and more helpless than all the rest. They have followed this plant into the very earth.

In Kentucky, Tennessee, and Virginia this plant has for years been carefully nurtured by humble, but hardy, happy sons of toil. Under free and unfettered competition, an acre of ground planted to tobacco would produce from $75 to $200. One man could by hard labor cultivate 3 acres. Not a great return for a year of toil, but they were content.

> Far from the madding crowd's ignoble strife,
> Their sober wishes never learned to stray;
> Along the cool sequestered vale of life
> They kept the even tenor of their way.

It is true this humble soul was the tenant of a cottage or a cabin, but he was happy and respected and content—can Rockefeller or Duke say as much? He had the bare comforts of life; he sat in the eventide and listened to the prattle of his babes, and gave from his brave heart sincere thanks to his God for the love of wife, and child, and friend. Yes, it was only a poor, unknown laborer seated at sunset in the door of his cabin; but how much bigger and better than all the mansions of Mammon is a cabin on the hillside hallowed by self-abnegating love and unsullied honor.

It was upon the backs of each of these poorly paid, contented, and laborious tillers of the soil that this hungry combine laid its heavy hand, and from their sweat and sorrow has in fifteen years wrung a colossal fortune that beggars all the wealth of princes and of kings.

In 1903 the trust priced and took this product with as little regard for justice or mercy as a Moroccan brigand.

Tobacco which had sold for from 6 to 8 cents brought barely 3—the tenant received less than 20 cents a day for his labor.

And then it was, Mr. Speaker, that I saw all over my fertile State a scene sad enough to "make the angels weep." I saw woman—woman in the South—made a beast of burden in the field, driven there not by the tyranny of him who had promised to love, honor, and protect her, not by her own choice, but by abject want. There was not in 1903 in all the world, not in the jungles of India nor on Siberia's frozen plains, in no pest-haunted, penury-cursed hole in the Orient, no Chinese cooley or San Domingo negro, in that fever-infested gehenna of disease and death yonder in Panama, not on God's footstool anywhere, was there a living slave to penury or power so wretched or so poor as the Kentuckian on his native heath. Still blessed by fertile soil, the sunshine, and the dew, but robbed of nature's abundance and God's goodness by the merciless machinations of this trust.

Other States, sir, may boast of the majesty of mountain and plain, of the energy and wealth in factory, mine, and mill, but

my people still shall cherish, as the dearest object of their love and pride, that "old Kentucky home." No marble walls or Corinthian columns, no costly tapestries or curtains of damask make it great. It is hospitality's holiest altar. It is love's purest shrine. Not his direst enemy has ever dared to charge that the son of the South has failed in gallant devotion, loving service, and deepest reverence for the honor and the helplessness of woman. The Kentuckian permits not the winds of summer to visit too roughly the face of her whose love has blessed and sanctified his whole existence. She commands, without asking it, his labor, his idolatrous devotion, and, if need be, his life.

And yet, in that fair Southland—I blush to confess it—I have seen a frail girl, God's ministering angel, at the holiest altar ever raised to His worship, a hearthstone, torn from the home where love had crowned her. I have seen her disentwine from about her white neck the ivory arms of her babes, seen her clad in rags, and before the aurora had gilded the dawn I have seen her like a beast of burden bowed in the dirt and dust and toil of the field.

And she was driven there by the wolverine teeth of want. She was there amidst the humiliation and tears of the man she loved, that she might with her frail and tender hands tear the skeleton clutch of famine from the throat of her child.

I charge she was driven there, not by the lash of a tyrant, not by lack of gallantry or love, but by the insatiate lust for gold—the remorseless, pitiless, accursed greed of this combine.

And when my wretched people have petitioned this House for relief these despicable conspirators have still pursued and betrayed them first by larceny, then by a lie.

I rejoice that Justice at last is ready to unsheath her tardy sword; that God's wrath no longer slumbers.

I demand, sir, that the law as it is written be rigidly, quickly, and mercilessly enforced by fine and by imprisonment; that these haughty bandits be brought to the bar of justice; that they be clad in the loathsome garb of guilt, and, if possible, confined in "a felon's cell—the fittest earthly type of hell." I declare that an ordinary convict should feel like an honest man when compared with the conduct of the American Tobacco Company in the last five years. [Loud applause.]

The SPEAKER. Does the gentleman from Kentucky withdraw his motion to discharge the committee?

Mr. STANLEY. I withdraw the motion to discharge the committee.

MASONIC MUTUAL RELIEF ASSOCIATION, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin calls up the following bill in order on District day, which the Clerk will report.

The Clerk read as follows:

An act (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901.

Be it enacted, etc., That the proviso at the end of section 5 of the act of Congress entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901, be, and the same is hereby, amended so that it will read as follows: "*Provided, however,* That no certificate of membership shall be issued by said corporation for an amount exceeding $5,000."

Mr. WILLIAMS. Mr. Speaker, upon last District day we were in the throes of discussion on the broad-tire matter. I would like to ask the gentleman from Wisconsin how it happens that we do not go on with that and finish it?

Mr. BABCOCK. That is on the Calendar.

Mr. WILLIAMS. It is not only on the Calendar, but when the House adjourned we were then considering it.

Mr. BABCOCK. There were some other matters which were of some importance—matters which would not provoke discussion—which we preferred to take up——

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry——

Mr. BABCOCK. But if the gentleman desires to take that bill up——

Mr. WILLIAMS. Having been engaged in the discussion of that bill at the time we adjourned on last District day, does it not come up on this District day as unfinished business?

Mr. PAYNE. Mr. Speaker, I would like to ask whether the bill was reported to the House or was in Committee of the Whole?

Mr. BABCOCK. It was reported to the House.

Mr. PAYNE. The bill was pending in the Committee of the Whole?

Mr. BABCOCK. It was reported to the House with a favorable recommendation.

The SPEAKER. Was the previous question ordered?

Mr. WILLIAMS. No; the previous question was not ordered, I think, but I am not certain of that, however.

Mr. BABCOCK. I believe the previous question was ordered. The gentleman, I think, himself discussed that motion on the floor as to whether the previous question had been ordered or not.

The SPEAKER. Was the previous question ordered?

Mr. BABCOCK. I am not sure about it.

Mr. WILLIAMS. I think not; I think we were discussing it.

The SPEAKER. On page 697 of the Manual is this memorandum: "Unfinished business on a day assigned to it goes over to the next day had by the committee." Now, the Chair is inclined to the opinion that unless the House desires to take up other matters that this would be the first matter. The Chair does not find any precedents. The Clerk informs the Chair, so far as he knows, there are no precedents, but the general theory as to unfinished business is that when it goes over from one day to another that it is the first matter that would be presented for consideration. Of course Congress might consider something else.

Mr. WILLIAMS. Yes; but the regular order is unfinished business.

The SPEAKER. The Chair is inclined to the opinion that, in the absence of action by the House——

Mr. PAYNE. Is that unfinished business unless the previous question is ordered? I do not know whether it appears on the Calendar as unfinished business or not.

The SPEAKER. It occurs to the Chair that the Committee on the District of Columbia has two certain days, Mondays, in the month. It also occurs to the Chair that, in the orderly transaction of business, the bill which had been considered in the Committee of the Whole House would have precedence.

However, the Clerk calls my attention to a ruling upon this subject in the Manual, as follows:

Business unfinished on a District of Columbia day does not come up on the next District day unless called up.

And further, on page 759 of Parliamentary Precedents, is the following:

The Speaker held that, pursuant to Rule XXVI, it was in order for the committee to present such business as they desired, and that the unfinished business did not recur unless presented by the committee.

That was the decision of Mr. Speaker Crisp. In light of this precedent the Chair would hold, while the Chair would have been inclined to hold that the question was open, according to the contention of the gentleman from Mississippi [Mr. WILLIAMS], as the Chair finds the precedent, and in the absence of further authority, the Chair will follow the ruling of Mr. Speaker Crisp and hold that it rests with the committee to call at this stage the bill referred to by the gentleman from Mississippi, and it is left to the Committee on the District of Columbia to call up such business as it sees proper. It rests not upon general parliamentary usage, but upon the special rule that gives certain Mondays in each month to the committee, as follows:

The second and fourth Mondays of each month are set apart for business presented by the Committee on the District of Columbia.

Mr. WILLIAMS. I see that under the language of the rule the ruling of Speaker Crisp must be correct.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. WILLIAMS. Mr. Speaker, there was a good deal of confusion in the Hall at the time the bill was called up, and therefore I would like to have it read again by the Clerk.

The SPEAKER. Without objection, the Clerk will report the bill.

The bill was again read.

Mr. WILLIAMS. Now, Mr. Speaker, I would like to ask the gentleman from Wisconsin [Mr. BABCOCK]——

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. SIMS] who reported the bill.

Mr. WILLIAMS. I would like to ask the gentleman from Tennessee precisely what change this amendment to the proviso of existing law makes?

Mr. SIMS. It increases the amount they may insure for. They issue certificates of insurance now to $2,000, and this increases it to $5,000.

Mr. WILLIAMS. Certificates of insurance?

Mr. SIMS. From two to five thousand dollars. If the gentleman desires, I will read the letter explaining the matter.

Mr. WILLIAMS. I think that is unnecessary.

Mr. SIMS. That is all there is in it.

The SPEAKER. The question is on the third reading of the bill.

The question was taken; and the bill was ordered to be read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 102, noes 3.

Mr. WILLIAMS. Mr. Speaker, I am afraid there is no quorum.

The SPEAKER. The gentleman from Mississippi makes the point that no quorum is present. The Sergeant-at-Arms will close the doors and bring in absentees. The Clerk will call the roll, and as many as favor the passage of the bill will, when their names are called, answer "aye;" as many as are opposed will answer "no," and those present will answer "present."

The question was taken; and there were—yeas 229, nays 3, answered "present" 17, not voting 132, as follows:

YEAS—229.

Acheson	Draper	Kinkaid	Richardson, Ky.
Adams, Pa.	Dunwell	Klepper	Rixey
Adams, Wis.	Edwards	Knowland	Rodenberg
Alexander	Ellis	Lacey	Rucker
Allen, Me.	Esch	Lafean	Ruppert
Ames	Fassett	Landis, Chas. B.	Ryan
Babcock	Fitzgerald	Landis, Frederick	Scott
Barchfeld	Fletcher	Lawrence	Shartel
Bartlett	Floyd	Lee	Sherman
Bates	Foss	Le Fevre	Sibley
Beall, Tex.	Foster, Ind.	Lester	Sims
Bede	Foster, Vt.	Lilley, Conn.	Smith, Cal.
Bennet, N. Y.	French	Littauer	Smith, Ill.
Bennett, Ky.	Fulkerson	Livingston	Smith, Iowa
Birdsall	Fuller	Lloyd	Smith, Md.
Bonynge	Garber	Longworth	Smith, Samuel W.
Bowersock	Gardner, Mass.	Loud	Smith, Pa.
Brantley	Gardner, N. J.	Loudenslager	Smith, Tex.
Brick	Garner	Lovering	Smyser
Broocks, Tex.	Garrett	McCarthy	Snapp
Brooks, Colo.	Gilbert, Ind.	McCleary, Minn.	Southard
Brown	Gillett, Cal.	McGavin	Southwick
Brownlow	Goebel	McKinlay, Cal.	Sperry
Buckman	Graff	McKinley, Ill.	Spight
Burgess	Graham	McKinney	Steenerson
Burke, Pa.	Granger	McLachlan	Stephens, Tex.
Burke, S. Dak.	Grosvenor	McLain	Sterling
Burleson	Hale	Macon	Stevens, Minn.
Burton, Del.	Hamilton	Madden	Sullivan, Mass.
Burton, Ohio	Hardwick	Mann	Sulloway
Butler, Pa.	Haugen	Miller	Sulzer
Calderhead	Hay	Mondell	Talbott
Campbell, Kans.	Hayes	Moon, Tenn.	Tawney
Campbell, Ohio	Hedge	Moore	Taylor, Ala.
Capron	Henry, Conn.	Morrell	Taylor, Ohio
Cassel	Henry, Tex.	Mudd	Thomas, Ohio
Chaney	Hepburn	Murphy	Tirrell
Clark, Fla.	Hermann	Needham	Townsend
Clark, Mo.	Higgins	Olcott	Underwood
Clayton	Hill, Conn.	Olmsted	Volstead
Cocks	Hinshaw	Otjen	Wachter
Cole	Hogg	Overstreet	Waldo
Connor	Holliday	Padgett	Wallace
Cooper, Wis.	Houston	Page	Watkins
Cousins	Howell, Utah	Palmer	Watson
Cromer	Hubbard	Parker	Weems
Crumpacker	Humphreys, Wash.	Parsons	Wharton
Curtis	Humphreys, Miss.	Payne	Wiley, N. J.
Cushman	Hunt	Perkins	Williams
Dalzell	James	Pollard	Wilson
Darragh	Jenkins	Pou	Wood, Mo.
Davis, Minn.	Johnson	Powers	Wood, N. J.
Davis, W. Va.	Jones, Wash.	Prince	Woodyard
Dawes	Kahn	Rainey	Young
Dawson	Keifer	Ransdell, La.	Zenor
Denby	Kelliher	Rhinock	
Dixon, Ind.	Kennedy, Nebr.	Rhodes	
Dixon, Mont.	Kennedy, Ohio	Richardson, Ala.	

NAYS—3.

Adamson	Gillespie	Wanger

ANSWERED "PRESENT"—17.

Andrus	Dickson, Ill.	Lilley, Pa.	Sparkman
Boutell	Driscoll	McCall	Stanley
Brundidge	Gaines, Tenn.	Shackleford	
Dale	Hull	Sheppard	
Davey, La.	Kline	Sherley	

NOT VOTING—132.

Aiken	Currier	Gregg	Law
Allen, N. J.	Davidson	Griggs	Legare
Bankhead	De Armond	Gronna	Lever
Bannon	Deemer	Gudger	Lewis
Bartholdt	Dovener	Haskins	Lindsay
Beidler	Dresser	Hearst	Little
Bell, Ga.	Dwight	Heflin	Littlefield
Bingham	Ellerbe	Hill, Miss.	Lorimer
Bishop	Field	Hitt	McCreary, Pa.
Blackburn	Finley	Hoar	McDermott
Bowers	Flack	Hopkins	McMorran
Bowie	Flood	Howard	McNary
Bradley	Fordney	Howell, N. J.	Mahon
Broussard	Fowler	Huff	Marshall
Burleigh	Gaines, W. Va.	Hughes	Martin
Burnett	Gardner, Mich.	Jones, Va.	Maynard
Butler, Tenn.	Gilbert, Ky.	Ketcham	Meyer
Byrd	Gill	Kitchin, Claude	Michalek
Calder	Gillett, Mass.	Kitchin, Wm. W.	Minor
Candler	Glass	Knapp	Moon, Pa.
Chapman	Goldfogle	Knopf	Mouser
Cockran	Goulden	Lamar	Murdock
Cooper, Pa.	Greene	Lamb	Nevin
Norris	Rives	Small	Van Duzer
Patterson, N. C.	Roberts	Smith, Ky.	Van Winkle
Patterson, S. C.	Robertson, La.	Smith, Wm. Alden	Vreeland
Patterson, Tenn.	Robinson, Ark.	Southall	Wadsworth
Pearre	Russell	Stafford	Webb
Pujo	Samuel	Sullivan, N. Y.	Webber
Randell, Tex.	Schneebeli	Thomas, N. C.	Weeks
Reeder	Scroggy	Towne	Weisse
Reid	Slayden	Trimble	Welborn
Reynolds	Slemp	Tyndall	Wiley, Ala.

So the bill was passed.

The following pairs were announced:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. HULL with Mr. SLAYDEN.

Until further notice:

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. WELBORN with Mr. GUDGER.

Mr. BARTHOLDT with Mr. LITTLE.

Mr. LITTLEFIELD with Mr. SMITH of Kentucky.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. BARCHFELD with Mr. HEARST.

Mr. GRONNA with Mr. HILL of Mississippi.

Mr. HITT with Mr. LEGARE.

Mr. REYNOLDS with Mr. MCDERMOTT.

Mr. HASKINS with Mr. LEVER.

Mr. DALE with Mr. BOWIE.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. DOVENER with Mr. SPARKMAN.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KNOPF with Mr. WEISSE.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. LAW with Mr. PATTERSON of South Carolina.

For Saturday and Monday:

Mr. GAINES of West Virginia with Mr. RUSSELL.

Until Tuesday:

Mr. WEEKS with Mr. STANLEY.

For this day:

Mr. BOUTELL with Mr. GRIGGS.

Mr. ALLEN of New Jersey with Mr. GREGG.

Mr. GARDNER of Michigan with Mr. MEYER.

Mr. TYNDALL with Mr. HEFLIN.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. DWIGHT with Mr. SULLIVAN of New York.

Mr. MARTIN with Mr. ROBINSON of Arkansas.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. BLACKBURN with Mr. SMALL.

Mr. KETCHAM with Mr. COCKRAN.

Mr. NEVIN with Mr. FIELD.

Mr. WADSWORTH with Mr. CANDLER.

Mr. VREELAND with Mr. BYRD.

Mr. SAMUEL with Mr. VAN DUZER.

Mr. ROBERTS with Mr. TRIMBLE.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. RIVES with Mr. TOWNE.

Mr. VAN WINKLE with Mr. WEBB.

Mr. PEARRE with Mr. SOUTHALL.

Mr. NORRIS with Mr. REID.

Mr. MOON of Pennsylvania with Mr. MCNARY.

Mr. MINOR with Mr. RANDELL of Texas.

Mr. MAHON with Mr. LINDSAY.

Mr. MCMORRAN with Mr. LEWIS.

Mr. MCCREARY of Pennsylvania with Mr. PUJO.

Mr. LORIMER with Mr. LAMB.

Mr. HUGHES with Mr. LAMAR.

Mr. HOWELL of New Jersey with Mr. CLAUDE KITCHIN.

Mr. HOAR with Mr. HOWARD.

Mr. FOWLER with Mr. GLASS.

Mr. FORDNEY with Mr. GILL.

Mr. DRESSER with Mr. ELLERBE.

Mr. DAVIDSON with Mr. BUTLER of Tennessee.

Mr. COOPER of Pennsylvania with Mr. BURNETT.

Mr. CALDER with Mr. BROUSSARD.

Mr. BURLEIGH with Mr. BOWERS.

Mr. BEIDLER with Mr. BANKHEAD.

Mr. BINGHAM with Mr. JONES of Virginia.

For this vote:

Mr. GILLETT of Massachusetts with Mr. FLOOD.

Mr. MURDOCK with Mr. MAYNARD.

Mr. MOUSER with Mr. WILEY of Alabama.

Mr. MARSHALL with Mr. DE ARMOND.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. BISHOP with Mr. BELL of Georgia.

Mr. BANNON with Mr. AIKEN.

The SPEAKER pro tempore (Mr. McKINLEY of Illinois). On this question the yeas are 229, the nays are 3, present 17; a quorum is present, the ayes have it, and the bill is passed.

KILLING OF WILD BIRDS AND OTHER ANIMALS IN THE DISTRICT.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 13193) to prohibit the killing of wild birds and other wild animals in the District of Columbia.

Be it enacted, etc., That no person shall at any time or at any place in the District of Columbia kill, or attempt to kill, any game bird or any other wild bird whatever, except the English sparrow, under a penalty of $5 or imprisonment in the workhouse for not more than six months, or both, for each bird killed or for each attempt as aforesaid: *Provided*, That birds or eggs may be collected for strictly scientific purposes under written permits issued by the superintendent of police of the District of Columbia, in accordance with such regulations as the Secretary of the Smithsonian Institution may prescribe, said permits not to exceed twenty-five at any one time, to be in force until the close of the calendar year in which issued, and shall be nontransferable.

SEC. 2. That no person shall at any time or at any place in the District of Columbia trap, catch, kill, injure, pursue, or attempt to trap, catch, kill, injure, or pursue any squirrel or any chipmunk, or shall shoot or hunt with a gun any rabbit or other wild animal without a special written permit so to do from such officer as the Commissioners of the District of Columbia may, by regulation or order, from time to time charge with that duty, under a penalty of $5 or imprisonment in the workhouse for not more than six months, or both, for each squirrel or chipmunk trapped, caught, killed, injured, or pursued, or for each rabbit or other animal killed as aforesaid: *Provided*, That any wild animal may be killed when suffering from injury or disease.

SEC. 3. That no person in the District of Columbia shall kill any English sparrow or any wild animal suffering from injury or disease, by means of any gun, air gun, rifle, air rifle, parlor rifle, pistol, revolver, or other firearm, without a special written permit so to do from such official as the Commissioners of the District of Columbia may, by regulation or order, from time to time charge with that duty, under a penalty of $5 or imprisonment in the workhouse for not more than six months, or both, for each sparrow or animal so killed.

SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce all such usual and reasonable police regulations, in addition to those already made under the act of January 26, 1887, and the joint resolution approved February 26, 1892, as they may deem necessary for the regulation of firearms, projectiles, explosives, or weapons of any kind in the District of Columbia.

SEC. 5. That no person in the District of Columbia shall at any time hunt, pursue, or needlessly disturb any wild duck, goose, or other waterfowl, on any of the waters of the District of Columbia, with any boat propelled by any means other than oars, under a penalty of $10 or imprisonment in the workhouse for not more than six months, or both, for each offense.

SEC. 6. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

The amendments recommended by the committee were read, as follows:

Page 1, strike out all after the word "*Provided*," in line 8, down to and including the words "nontransferable," in line 2, on page 2, and insert in lieu thereof the following: "That landowners or tenants may, under special written permit from the superintendent of the Metropolitan police, shoot or kill crows, Cooper hawks, sharp-shinned hawks, and great horned owls found destroying crops or poultry on their premises."

Page 2, lines 11 and 12, strike out "six months" and insert "thirty days."

Page 2, line 24, strike out "six months" and insert "thirty days."

Page 3, line 15, strike out "six months" and insert "thirty days."

Mr. CAMPBELL of Kansas. Mr. Speaker, the object of this bill is to prohibit hunting in the District of Columbia, in the interests of public safety and bird protection and to make the suburbs of Washington practically a refuge for native birds and mammals. Population is increasing so fast and the outlying sections of the city are being built up so rapidly that it is no longer safe to permit indiscriminate hunting, and, in fact, no longer possible to hunt without constantly trespassing on private property. The wild life that still remains should be carefully preserved in order to increase one of the most attractive features of the park system of the national capital. The measure is so drawn as to make ample provision for the destruction of injurious species and to safeguard the interests of persons whose gardens or poultry might suffer from the depredations of rabbits or birds of prey. The only objection which can be urged against it—namely, that it deprives residents of the privilege of hunting—disappears upon careful consideration of existing conditions.

The only game of any importance in the District of Columbia consists of quail or partridges, rail or ortolan, reedbirds, redwinged or marsh blackbirds, a few ducks and snipe, and squirrels and rabbits. Quail are scarce, and through the efforts of the Game and Fish Protective Association and the Audubon Society the few coveys which now remain are regularly fed during severe weather in winter. Under such conditions the prohibition of shooting affords no real hardship. Ducks and snipe are also scarce, and the few birds which occasionally wander into the District are constantly pursued and harassed until they are either killed or driven elsewhere. Section 5 of the bill, prohibiting the pursuit of waterfowl with certain kinds of boats, has been incorporated in the bill for the special purpose of correcting an evil which is largely responsible for the scarcity of ducks on local waters.

Most of the hunting in the District is confined to the marshes of the Eastern Branch, where, on the opening day of the season—September 1—hunters turn out in such numbers to shoot rail, reedbirds, and blackbirds that in the limited area it is almost impossible for them to keep out of range of one another. Accidents occur every year, and the number is certain to increase in the future. So thoroughly are the marshes shot over that in four or five days the birds are either killed or driven away, and during the remainder of the season the shooting amounts to practically nothing. The privilege of shooting on the Eastern Branch has already been practically withdrawn by an amendment to section 5 of Article IX of the Police Regulations, which took effect early in the present year, prohibiting shooting within 500 yards of the Potomac River, the Eastern Branch, Rock Creek, public roads and highways, buildings, parks, and reservations, etc. The present bill, therefore, does not prevent the enjoyment of any existing privilege, but simply strengthens this regulation and makes it applicable to the entire District.

Mr. Speaker, it is a common practice when certain kinds of game become scarce to prohibit shooting for a term of years or indefinitely. In the case of quail, five States—Maine, Michigan, Montana, Wisconsin, and Wyoming—now prohibit killing throughout the year. Five other States where the birds are locally scarce also prohibit killing in certain counties, and in the case of Kansas this prohibition extends to 19 counties, or nearly 20 per cent of the State. California, Kansas, and Nebraska likewise protect certain kinds of squirrels throughout the year. Legislation of this kind has recently been enacted in Virginia and Maryland for two of the counties adjoining the District. In 1904 the board of supervisors of Alexandria County, Va., extended protection to squirrels for six years, and at the last session of the legislature of Maryland an act was passed prohibiting the hunting of quail for two years in Montgomery County, which adjoins the north border of the District.

In Florida, by a special act of legislature, all hunting within one mile of the corporation limits of the town of West Palm Beach is absolutely prohibited, and somewhat similar regulations are in effect at St. Augustine and Tampa. In Massachusetts shooting is prohibited within the city limits of Boston and other cities in the State. Similar regulations are in effect at Providence (R. I.), Philadelphia, and New York. In the case of Philadelphia the city limits are coextensive with the county of Philadelphia, an area of about 130 square miles, or nearly twice that of the District of Columbia. In the case of New York section 721 of the Revised Ordinances of New York City provides substantially as follows:

No person shall fire or discharge any gun, pistol, fowling piece, or other firearms in the city of New York, under the penalty of $10 for each offense.

This restriction on hunting extends to Greater New York with the exception of a number of parks mentioned by name, an area of about 320 square miles, or more than four times that comprised in the District. In the West hunting is prohibited in the national parks and, except under permit, on some of the forest reserves. The area thus protected in the Yellowstone National Park comprises more than 3,000 square miles, or more than three times the area of the State of Rhode Island and nearly fifty times that of the District of Columbia.

Mr. Speaker, the District of Columbia is unusually fortunate in the variety of its bird life. Of the 1,200 or more species of birds which occur in the United States and Canada, 291 have thus far been found in the District. In other words, nearly one-fourth of all the birds which occur on the North American continent north of Mexico have been found within a radius of a few miles of the national capital. At least twenty-six species are known to breed within the limits of the city proper, and during the height of migration in the spring many different kinds may be found in the parks and about the suburbs, more than eighty species of native birds having been seen by one observer in a single day. The importance of protecting and, so far as possible, increasing this wealth of bird life is self-evident. It is one of the most attractive features of our parks, but, unlike the trees and flowers, if once destroyed it can not be replaced. It can only be preserved through adequate protection, and in proportion to its cost will afford one of the largest returns of any of the features which are under consideration for the improvement of the national capital. As our residents become better acquainted with the birds they become more insistent for their preservation, and the number of persons who now are interested in preserving or studying the habits of birds is probably greater than the number of those who hunt.

A striking illustration of the results of prohibiting shooting is afforded in the case of West Palm Beach, Fla., already mentioned, where a similar law was passed five years ago. During the winter wild ducks are very abundant, and within the protected zone about the town have become so tame that they come close about the boats and wharves and will almost feed from the hand.

The experiment already made of liberating gray squirrels in the grounds of the Capitol, the Smithsonian Institution, and the Department of Agriculture shows how much public interest is aroused in work of this kind. The National Zoological Park, the Game and Fish Protective Association, and private citizens are actively interested in increasing the number of gray squirrels, and are desirous of introducing and liberating waterfowl, pheasants, and other attractive birds in some of the parks. Under present conditions it is useless to attempt the introduction or increase of birds or game, as without some legislation of the kind contemplated in this bill they are certain to be trapped or shot as soon as the season opens.

THE PROPOSED LEGISLATION GENERALLY FAVORED.

The proposed legislation is favored by the President of the United States, the Commissioners of the District of Columbia, the Audubon societies of the District of Columbia and of various States, and by a large number of citizens of the District of Columbia. Only one letter in opposition has been received by the committee, and the arguments advanced in that communication were of a general rather than a specific nature. A just criticism of the measure as originally introduced, which asserted that the bill would not allow the killing of predatory birds, has been recognized by the committee, and an amendment is now proposed which allows the shooting or killing of crows, Cooper hawks, sharp-shinned hawks, and great horned owls, when found destroying crops or poultry on various premises.

The committee also deemed it wise to reduce the penalty originally proposed from six months to thirty days. The committee are of the opinion that the enactment of this proposed legislation will result in no real hardship to any citizen of the District of Columbia, while the advantage to be gained in the freedom from accident from indiscriminate discharge of firearms within the territory of the District of Columbia will safeguard human life and property to a large degree, which is now impossible. Instances could be given where prowlers after the few game birds which are to be found within the District of Columbia have inflicted serious injuries upon persons and valuable animals, in which instances redress could not be obtained because of the irresponsible character of those who used the firearms.

For the reasons stated I hope the bill will pass.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CAMPBELL of Kansas, the title was amended by striking out the word "other."

DISTRICT BUSINESS.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of bills on the Calendar reported from the Committee on the District of Columbia.

The question being taken on the motion of Mr. BABCOCK, Mr. WILLIAMS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 199, nays 6, answered "present" 12, not voting 164, as follows:

YEAS—199.

Acheson	Brownlow	Darragh	Gilbert, Ind.
Adams, Pa.	Buckman	Davis, Minn.	Gillett, Mass.
Adams, Wis.	Burgess	Davis, W. Va.	Goebel
Aiken	Burke, Pa.	Dawes	Graham
Alexander	Burton, Del.	Dawson	Granger
Allen, Me.	Burton, Ohio	De Armond	Grosvenor
Babcock	Butler, Pa.	Denby	Hale
Barchfeld	Calderhead	Dixon, Ind.	Hamilton
Bartlett	Campbell, Kans.	Draper	Hedge
Bates	Campbell, Ohio	Dunwell	Henry, Tex.
Beall, Tex.	Capron	Edwards	Hepburn
Bede	Clark, Fla.	Fassett	Hermann
Bell, Ga.	Clark, Mo.	Fitzgerald	Higgins
Bennet, N. Y.	Clayton	Floyd	Hinshaw
Bennett, Ky.	Cocks	Foss	Hogg
Birdsall	Cole	Foster, Vt.	Holliday
Bonynge	Cooper, Wis.	Fulkerson	Houston
Bowersock	Cousins	Fuller	Howell, Utah
Brantley	Cromer	Garber	Hubbard
Brick	Crumpacker	Gardner, Mass.	Humphrey, Wash.
Broocks, Tex.	Curtis	Gardner, N. J.	Humphreys, Miss.
Brooks, Colo.	Cushman	Garner	Hunt
Brown	Dalzell	Garrett	Jenkins
Jones, Wash.	Macon	Richardson, Ala.	Sullivan, Mass.
Kelfer	Madden	Richardson, Ky.	Sulloway
Kelliher	Mann	Rixey	Sulzer
Kennedy, Nebr.	Marshall	Robertson, La.	Talbott
Kinkaid	Maynard	Rucker	Tawney
Klepper	Miller	Ruppert	Taylor, Ala.
Knowland	Minor	Ryan	Taylor, Ohio
Lacey	Mondell	Scott	Thomas, Ohio
Lafean	Moon, Tenn.	Shartel	Townsend
Landis, Frederick	Moore	Sherley	Underwood
Lawrence	Morrell	Sherman	Volstead
Lee	Mouser	Sibley	Wachter
Le Fevre	Mudd	Sims	Waldo
Lester	Murphy	Smith, Cal.	Wallace
Lilley, Conn.	Norris	Smith, Ill.	Wanger
Littauer	Olcott	Smith, Iowa	Watkins
Lloyd	Olmsted	Smith, Md.	Watson
Longworth	Otjen	Smith, Samuel W.	Wharton
Loud	Page	Smith, Tex.	Wiley, N. J.
Lovering	Palmer	Smyser	Williams
McCarthy	Parsons	Southwick	Wilson
McCleary, Minn.	Payne	Sperry	Wood, Mo.
McGavin	Pollard	Spight	Wood, N. J.
McKinlay, Cal.	Pou	Steenerson	Woodyard
McKinley, Ill.	Powers	Stephens, Tex.	Young
McKinney	Prince	Sterling	Zenor
McLain	Rhodes	Stevens, Minn.	

NAYS—6.

Adamson	Burleson	Johnson	Rhinock
Brundidge	James		

ANSWERED "PRESENT"—12.

Boutell	Gaines, Tenn.	Kline	Southard
Dickson, Ill.	Greene	Lilley, Pa.	Sparkman
Driscoll	Hull	Sheppard	Stanley

NOT VOTING—164.

Allen, N. J.	Flack	Ketcham	Rainey
Ames	Fletcher	Kitchin, Claude	Randell, Tex.
Andrus	Flood	Kitchin, Wm. W.	Ransdell, La.
Bankhead	Fordney	Knapp	Reeder
Bannon	Foster, Ind.	Knopf	Reid
Bartholdt	Fowler	Lamar	Reynolds
Beidler	French	Lamb	Rives
Bingham	Gaines, W. Va.	Landis, Chas. B.	Roberts
Bishop	Gardner, Mich.	Law	Robinson, Ark.
Blackburn	Gilbert, Ky.	Legare	Rodenberg
Bowers	Gill	Lever	Russell
Bowie	Gillespie	Lewis	Samuel
Bradley	Gillett, Cal.	Lindsay	Schneebeli
Broussard	Glass	Little	Scroggy
Burke, S. Dak.	Goldfogle	Littlefield	Shackleford
Burleigh	Goulden	Livingston	Slayden
Burnett	Graff	Lorimer	Slemp
Butler, Tenn.	Gregg	Loudenslager	Small
Byrd	Griggs	McCall	Smith, Ky.
Calder	Gronna	McCreary, Pa.	Smith, Wm. Alden
Candler	Gudger	McDermott	Smith, Pa.
Cassel	Hardwick	McLachlan	Snapp
Chaney	Haskins	McMorran	Southall
Chapman	Haugen	McNary	Stafford
Cockran	Hay	Mahon	Sullivan, N. Y.
Conner	Hayes	Martin	Thomas, N. C.
Cooper, Pa.	Hearst	Meyer	Tirrell
Currier	Heflin	Michalek	Towne
Dale	Henry, Conn.	Moon, Pa.	Trimble
Davey, La.	Hill, Conn.	Murdock	Tyndall
Davidson	Hill, Miss.	Needham	Van Duzer
Deemer	Hitt	Nevin	Van Winkle
Dixon, Mont.	Hoar	Overstreet	Vreeland
Dovener	Hopkins	Padgett	Wadsworth
Dresser	Howard	Parker	Webb
Dwight	Howell, N. J.	Patterson, N. C.	Webber
Ellerbe	Huff	Patterson, S. C.	Weeks
Ellis	Hughes	Patterson, Tenn.	Weems
Esch	Jones, Va.	Pearre	Weisse
Field	Kahn	Perkins	Welborn
Finley	Kennedy, Ohio	Pujo	Wiley, Ala.

So the motion of Mr. BABCOCK was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SOUTHARD with Mr. HARDWICK.

For balance of day:

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

On this vote:

Mr. KAHN with Mr. HAY.

Mr. LOUDENSLAGER with Mr. SHACKLEFORD.

Mr. MCCALL with Mr. LIVINGSTON.

Mr. CASSEL with Mr. WILEY of Alabama.

Mr. BANNON with Mr. GILLESPIE.

Mr. FRENCH with Mr. PADGETT.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DALZELL in the chair, for the consideration of bills on the Calendar reported from the Committee on the District of Columbia.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I call up the bill (S. 1243) providing for compulsory education in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That every parent, guardian, or other person in the District of Columbia having charge and control of a child between the ages of 8 and 14 years shall cause such child to be regularly instructed in the elementary branches of knowledge, including reading,

writing, English grammar, geography, and arithmetic, and pursuant to this end every such parent, guardian, or other person aforesaid shall cause any child under his charge and control to attend some public, private, or parochial school during the period of each year the public schools in the District are in session, on the customary days and during the customary hours of the school term, or shall provide such child with equivalent daily instruction at home or elsewhere. No child shall be credited with attendance upon a private or parochial school unless the attendance officer hereinafter provided for receives a certificate of attendance signed by the person in charge of such school. A child between the ages aforesaid may be excused from school attendance or instruction upon presentation of satisfactory evidence that he has already been instructed a like period of time in the branches taught in the public schools, or that he has already acquired these branches of learning, or that his physical or mental condition is such as to render such attendance or instruction for the whole period required, or any part thereof, inexpedient or impracticable.

SEC. 2. That if any person having under his control a child, as described in section 1, shall neglect for three consecutive day sessions or six consecutive half-day sessions, within any period of five months to cause such child to attend school, a written notice shall be sent to him by an attendance officer, hereinafter provided for, informing him that the attendance of the child under his control is required at school within a period of three days. If such child is not excused as provided for in section 1, and is not in school within three days, prosecution shall be begun in the police court by the attendance officer against the parent or other person in control of the child, and upon conviction the parent or other person in control of the child shall be punished for each and every offense by a fine of not more than $50 or by imprisonment not to exceed sixty days.

SEC. 3. That any child between the ages of 8 and 14 who is an habitual truant, who is willfully and habitually absent from school, or who is incorrigible, vicious, or immoral while in attendance upon school shall be committed to a special or ungraded school for instruction. The board of education may set apart school buildings or special rooms in a school building for the establishment of ungraded schools to provide, under a qualified teacher, for the instruction of habitual truants or for pupils who may be incorrigible, vicious, or immoral in conduct while in attendance upon school, and such children may be restricted to such schools for instruction until satisfactory evidence of improvement is presented by the teacher in charge for his restoration to a graded school in the district in which he resides.

SEC. 4. That for the purposes of securing a strict compliance with every provision of this act the board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint a number of persons, not to exceed seven, who shall be designated as attendance officers, and who shall each receive a salary for such services of $600 per annum, and whose duties in the premises shall be prescribed by the said board.

SEC. 5. That no child in the District of Columbia under the age of 14 shall be employed by any person or persons to labor in any factory, workshop, mercantile establishment, or in any business whatsoever that will prevent such child from attending school during the days and hours of the school term, as determined by the board of education, or its equivalent, in private, parochial, or home instruction, as set forth in section 1, and any person who induces or attempts to induce any child to absent himself unlawfully from school, or employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor and be punished by a fine of not more than $50 or by imprisonment for not more than sixty days.

SEC. 6. That attendance officers shall visit any place or establishment where minor children are employed to ascertain whether the provisions of this law are duly complied with, and shall as often as twice a year demand from all employers of such children a list of children employed, with their names and ages.

SEC. 7. That any parent or other person who makes a false statement concerning the age or school attendance of a child between the ages of 8 and 14 who is under his control, such false statement being made with intent to deceive under this act, shall upon conviction thereof be punished by a fine not to exceed $20.

SEC. 8. That if any parent or guardian shall be unable by reason of poverty to send the child under his control to school as provided for in this act it shall be the duty of the board of education to take such action as in its discretion may best promote the purpose of this act in the particular case.

SEC. 9. That all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 10. That this act shall take effect on July 1, 1906.

Mr. WILLIAMS. Mr. Chairman, do I understand that the italics in the bill are Senate amendments?

Mr. MORRELL. The italics in the bill are the amendments made by the House Committee on the District of Columbia. The bill has passed the Senate, and such portions of it as were changed by the House are stricken out and the words in italics inserted.

Mr. WILLIAMS. These are, then, House committee amendments?

Mr. MORRELL. Yes.

Mr. WILLIAMS. I notice that wherever the figure "8" occurs in the bill in connection with the age of the pupil, the age at which compulsory education is to begin, it has been changed by the House committee to "6." Everybody is in favor of compulsory education in the District of Columbia, but I am not in favor, in my own family or in any other, of forcing a child at the tender age of 6 years to the public schools. I do not think the law ought to make it compulsory on parents to send children at that age to school. My idea is that most children of that age ought to be spending their time in growing, playing, and in physical development, and I hope the committee will strike out the word "six," where it occurs in the bill in that connection, and will substitute for it either what the Senate had in the bill, "8," or put the age at 7, which might do very well as a compromise between the two positions.

Mr. Chairman, we are getting to the point now in some communities where we are taking the blessed little tots of five years of age and sending them to the public schools to be nursed, not under the tender care of their mothers, but to be nursed by public officials on a salary, by school-teachers—strangers to them. I think it is absolute cruelty to children to send them to school at the age of 5 years, except in the case of an exceptionally well-developed child, and I would be bitterly opposed to making it compulsory on parents to send children of the age of 6 years to school.

Mr. MORRELL. In answer to the gentleman from Mississippi, Mr. Chairman, I would like to say that the reason the subcommittee on education changed the age to 6 was this: At the present time in the schools 20 per cent of those actually in school to-day are under the age of 8, and it was thought by the committee that if we are providing that all children of school age should go to school, we ought to provide for children below the age of 8; that there were probably the same proportion below the age of 8 not at school as there are now of that age in school.

Mr. WILLIAMS. That is my point; those at and below the age of 8 ought to be out of school, or below the age of 7 at any rate. The point I am making is that parents shall not be *compelled* to send children to school at either the age of 5 or 6. If a parent *wishes* to send to school his child who is only 5 years old, it is all right. Let him do it; but to say by law that the public arm shall reach into my household and make me send my child to school at 6 years of age, when I think it is too tender, physically or intellectually, to be thrown out of the household, is totally a different thing. The argument that there are children in the public schools who are 6 years of age or over 5 does not argue at all for the justice of the proposition that those who are not in the public schools who are at the age of 6 shall be made to go there.

Mr. MORRELL. The testimony of those who came before the committee was to the effect that a large number of children between the ages of 6 and 8 were practically allowed to run wild in the streets and were not taken care of by the parents, and it was for that reason that the committee inserted the word "six" instead of "eight." However, if the gentleman from Mississippi is disposed to prefer the age of 7 to the age of 6, I think the committee will be disposed to accept an amendment of that kind making the age 7.

Mr. WILLIAMS. I think 8 years is young enough for the age of compulsory education, although perhaps I might send one of my own children at the age of 7. I will move that wherever the word "six" appears in the bill that it be stricken out and the word "eight" be substituted for it.

Mr. OLMSTED. Would not the same thing be accomplished by voting down the committee amendment, as the bill reads "eight" now?

Mr. WILLIAMS. These are committee amendments since the bill was passed by the Senate?

Mr. OLMSTED. Yes.

Mr. WILLIAMS. Then, Mr. Chairman, we can accomplish the same result by voting down the committee amendment, and I will not offer the amendment. I hope, then, the committee amendment will be voted down.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MORRELL. I yield to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Chairman, I notice that the House Committee on the District of Columbia recommends the striking out of section 8, which provides that a parent or guardian who shall be unable by reason of poverty to send a child under his control to school some provision shall be made by the board of education, so that he may comply with the law. I would like to be informed by the gentleman from Pennsylvania [Mr. MORRELL] if there is any law that will authorize the board of school directors or commissioners to meet cases of that kind, where the parent or guardian by reason of poverty is unable to dress and equip the child to attend the public schools. Is there any provision made for it?

Mr. MORRELL. In answer to the gentleman I will say that the reason that that section was stricken out was because there was no such provision, no law of any kind in existence by which the board of education could supply those necessities; but, on the other hand, the Associated Charities of the District are prepared to take up any and all cases of that kind. They so stated at the hearings, and not only were they willing to provide for the child, but also to provide for the parents of the child when through compulsory education or through the child not being allowed to labor under the child-labor law the parents were deprived of sources of revenue.

Mr. CRUMPACKER. I believe that the law should not only authorize but require the school commissioners to make provision to meet those cases. There may occasionally be a widow

who is so poor that she is unable to supply her child with proper clothing to go to the public schools, and yet she is subject to the penalties provided in this bill if her child does not attend school.

Mr. MORRELL. In view of the offer made by the Associated Charities and also in view of the fact that there was no fund at the disposal of the board of education for any such purpose, the committee thought it was unwise to allow that section to remain in the bill.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MORRELL. Yes.

Mr. BARTLETT. I desire to call the attention of the gentleman from Pennsylvania and the committee to the following language in the bill in line 3, wherein it recites "that every parent, guardian, or other person in the District of Columbia," etc. It occurs to me that the word "residing" should be inserted there so as to include those who reside in the District of Columbia. As it is now this law applies to those who may be here for only twenty-four hours or for a week.

Mr. MORRELL. If the gentleman considers that that would make the bill more plain, the committee will accept the amendment if he will make it.

Mr. BARTLETT. Does not the gentleman agree with me?

Mr. MORRELL. I agree with the gentleman. I will offer that amendment then that the word "residing" be inserted there before the word "in."

The CHAIRMAN. Amendments will be in order when the bill is read under the five-minute rule.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question. On page 2 of the bill it provides that if the superintendent of schools is made to believe that the child is going to some other school or that the physical or mental condition of the child is such as to render attendance or instruction impracticable he is excused. I would like to ask the gentleman if he thinks that the opinion of the superintendent of the schools—I do not care a straw who he is—as to the mental or physical condition of the child ought to be substituted for the opinion of the parent of the child?

Mr. MORRELL. Mr. Chairman, in answer to the gentleman, I would say that I think the superintendent of schools, upon evidence furnished to him by the parent, in the shape of either a doctor's certificate or a statement signed by the parent, would have then before him ample evidence upon which to base a judgment in any particular case. The reason for inserting the superintendent of schools was that there had to be some authority named in the bill whose opinion would be final, as far as cases were concerned.

Mr. SIMS. Mr. Chairman, I understand that the bill has not yet been read by paragraphs.

The CHAIRMAN. No. The gentleman from Pennsylvania [Mr. MORRELL] has the floor.

Mr. MORRELL. Does the gentleman from Tennessee desire to ask a question?

Mr. SIMS. I desire to make a few remarks on an amendment that I expect to offer, so that when it is offered I would not have to take up the time of the committee in explaining it.

Mr. MORRELL. I think the amendment which the gentleman has in mind has already been proposed by the gentleman from Mississippi [Mr. WILLIAMS], in regard to the age limit.

The CHAIRMAN. There have been no amendments as yet offered.

Mr. SIMS. In the committee I opposed the amendment changing from 8 years to 6, and gave notice that I would make this amendment at this time. I only wanted to explain my reasons for that, so that I would not be cut off by the five-minute rule.

The CHAIRMAN. How much time does the gentleman want?

Mr. SIMS. I want to be recognized in my own time.

The CHAIRMAN. The gentleman from Pennsylvania has the floor now. Does the gentleman yield?

Mr. SIMS. Oh, Mr. Chairman, I do not wish him to yield. I thought he was through. I want the floor in my own right.

Mr. GAINES of Tennessee. As the gentleman has not yielded the floor, I would like to ask him a question myself. It seems from what I gather from the debate that the proposed law is rather stringent and more or less compulsory. Will the gentleman tell the committee whether or not Pennsylvania has any such law or any other State; and if so, what has been the effect of it; how has it operated?

Mr. MORRELL. In answer to the gentleman from Tennessee, there are only thirteen States to-day in the Union that have not a compulsory education law.

Mr. GAINES of Tennessee. How many?

Mr. MORRELL. Thirteen that have not compulsory education. In fact, to-day by the later reports the only States that have no compulsory education laws are Alabama, Alaska, Delaware, Florida, Georgia, Louisiana, and Mississippi. Those are the only States, together with the District of Columbia, that have not compulsory education laws. All the other States have.

Mr. GAINES of Tennessee. I know the State of Tennessee has no such law, or if it has it is very recent.

Mr. MORRELL. Tennessee has a partial compulsory law.

Mr. GAINES of Tennessee. Our people do not have to be made to go to school. The children of Tennessee go to school when they get a chance, and we have good schools, too; but what I want to get at——

Mr. MORRELL. I may say to the gentleman from Tennessee that in his State there are three counties which have elected for compulsory education. What the names of those counties are I have forgotten, but in the gentleman's own State, where these matters are controlled by an election by counties, there are three counties in the State of Tennessee that have elected for compulsory education. That is the reason I did not include it among the States that did not have compulsory education.

Mr. FITZGERALD. I wish to inquire of the gentleman how his committee determined it would require seven attendance officers?

Mr. MORRELL. The committee have an amendment which we propose to offer in connection with that section, and to save time I will send it to the Clerk's desk and ask to have it reported.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

SEC. 4. The board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint two truant officers at a salary of $600 per annum each, who, together with the inspectors provided for in the bill to regulate the employment of child labor and the probation officers provided for in the bill establishing a juvenile court, shall, under direction of the board of education, carry out the provisions of this act.

Mr. FITZGERALD. Is it the intention of the committee to offer that amendment?

Mr. MORRELL. That is the intention of the committee, in view of the criticisms which were made by the members of the Appropriations Committee in regard to the officers carried in these bills and the extra appropriation made necessary thereby; and it was the thought of the committee that two attendance officers, together with the officers provided in the juvenile-court bill and the officers provided in the child-labor bill, would be sufficient to carry out the provisions of this bill. Therefore this bill only carries with it an appropriation of twelve hundred dollars per annum.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman tell the committee why it is that in the District of Columbia, that is not a manufacturing city, that has no cotton fields nor cornfields nor anything or that kind, no conditions to force or to attract children to stay from school, why is it in this city of affluence and ease you have to have this drastic provision of law and men deputized to gather up the children and drag them off to school? Now, why do you have to have such a drastic law as that in this city?

Mr. MORRELL. It is rather difficult to explain why children do not care to go to school, and it is also difficult sometimes to explain why parents will not force children to go to school; but the fact none the less remains that there are some six thousand and over children to-day in the District of Columbia who do not attend school, and with a compulsory-education law the committee was of the opinion that those children could be forced to attend school rather than to be roaming around the streets, and to enforce the law it was necessary to have some officers to carry out the provisions of the law.

Mr. GAINES of Tennessee. Do they have similar officers in States where they have compulsory education?

Mr. MORRELL. Yes, sir; they have similar officers where compulsory-education laws exist.

Mr. GAINES of Tennessee. Well, how does the law operate in this respect; how does it work?

Mr. MORRELL. It works well in every State where it has been tried. I have abundant letters here to that effect from States where it has been an experiment.

Mr. GAINES of Tennessee. I wish you would read one from Tennessee, if you have it.

Mr. MORRELL. I have not one from Tennessee.

Mr. GAINES of Tennessee. The gentleman is mistaken about Tennessee having a compulsory-education law. The gentleman may think that possibly it would benefit my State, but I want to say, sir, that we do not have to be compelled to do right in Tennessee, or to go to school, or anything of that sort.

Mr. MORRELL. I am quite sure of that, and that Tennessee

always does right of itself. Mr. Chairman, I would like to have the bill read by sections, and I move that general debate be now closed.

Mr. SIMS. Mr. Chairman, as a member of the committee, I want a few minutes in general debate to explain an amendment that I have offered.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. SIMS. Mr. Chairman, this is a Senate bill. As it came from the Senate it provided that it should be applicable only to children after reaching the period of 8 years, but the House committee amended it, over my humble protest, so as to make it 6 instead of 8 years. I notified the committee at the time that I should, in the House, offer an amendment restoring it to 8 years, as it passed the Senate. And I am seriously in earnest in the advocacy of said amendment.

The object of a compulsory-education law in part is to prevent parents from placing their children out for wages and to prevent them from being employed in remunerative effort instead of attending school. Now, a child only 6 years or 7 years old is too young to labor at remunerative employment. There would be no temptation on the part of parents who are mean enough to do such a thing, to hire their children out at the age of 6 and 7 and keep them away from school, from the fact that they are too young to be employed. Now, then, there is a further fact that at the age of 6 or 7 many children are too poorly developed physically and mentally and too weak to be forced to attend school under legal requirements, and you would find hundreds, if not thousands, of parents that would be subjected to the fine and would pay it rather than to have a 6-year-old child torn from parental care and placed under the charge of truant officers. I do not remember, but there may be a few, though very few, States in the Union where the limit is as low as 6 years, but there are not a great many where the limit is as low as 6 years, and there are not a great many where the limit is 7.

But, as was mentioned in an argument a few moments ago, there are few factories here; there are few opportunities where you could employ children at remunerative labor who are so young as 6 and 7 years old. And I think it would be downright cruelty and tyranny to take from the parental control a little 6-year-old or 7-year-old girl and put her into school and fine the parents and imprison them if they did not so part with her. It is true they may be excused upon the report of the superintendent and with his consent, but I am opposed in this free land of ours to make it necessary for any man or woman to say whether my child, 7 years old, shall be dragged off and put to school or not. I have a little girl 7 years old that on account of diminutive development is too small to send to school, and I would pay almost any kind of a fine or submit to almost any kind of imprisonment before she should go, and yet the officer who would have the right to excuse me might differ with me regarding it. And inasmuch as the object and purpose of the bill is largely to prevent the employment of children from 14 years old to such a scale down as they can be employed at remunerative labor, I ask the House to vote with me in restoring the age to 8 years, as it was provided in the bill when it passed the Senate and came to the House.

Now, I know that on District days it is very hard to get the attention of the House. Members usually either think the legislation coming from the committee is so bad that it only needs to be killed or so unimportant as to not require attention. I appeal to you in behalf of the little children 6 or 7 years old in the District of Columbia, as well as their parents, to vote with me when the motion is made to restore the age to 8 years in the bill. I shall not use further time, Mr. Chairman.

Mr. MORRELL. Mr. Chairman, I move that further debate cease, and that the bill be now taken up under the five-minute rule.

The CHAIRMAN. Without objection, the Clerk will proceed to read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BROOKS of Colorado having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. ELKINS, Mr. CULLOM, and Mr. TILLMAN as the conferees on the part of the Senate.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

The Clerk read as follows:

Be it enacted, etc., That every parent, guardian, or other person in the District of Columbia having charge and control of a child between the ages of 8 and 14 years shall cause such child to be regularly instructed in the elementary branches of knowledge, including reading, writing, English grammar, geography, and arithmetic, and pursuant to this end every such parent, guardian, or other person aforesaid shall cause any child under his charge and control to attend some public, private, or parochial school during the period of each year the public schools in the District are in session, on the customary days and during the customary hours of the school term, or shall provide such child with equivalent daily instruction at home or elsewhere. No child shall be credited with attendance upon a private or parochial school unless the attendance officer hereinafter provided for receives a certificate of attendance signed by the person in charge of such school. A child between the ages aforesaid may be excused from school attendance or instruction upon presentation of satisfactory evidence that he has already been instructed a like period of time in the branches taught in the public schools, or that he has already acquired these branches of learning, or that his physical or mental condition is such as to render such attendance or instruction for the whole period required, or any part thereof, inexpedient or impracticable.

The amendments recommended by the committee were read, as follows:

Page 1, line 5, strike out "eight" and insert "six."

Page 1, line 10, strike out "his" and insert "the;" also insert after the word "control" the words "of such person."

Page 1, lines 14 and 15, strike out the comma after the word "term," in line 14; also strike out all commencing with the word "or," in line 14, down to and including the word "elsewhere," in line 15.

Page 2, line 6, insert after the word "evidence" the words "to the superintendent of schools;" also strike out the word "he" and insert the words "such child is being or;" also strike out the word "already."

Page 2, line 8, strike out he word "he" and insert the words "such child;" also strike out the word "already."

Page 2, line 9, strike out the word "his" and insert the word "the;" also insert after the word "condition" the words "of such child."

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The paragraph has not yet been finished.

Mr. WILLIAMS. This is a matter of order. I have been informed that the Clerk is not reading the original bill, but is reading the bill with the committee amendments that are proposed to be offered later.

The CHAIRMAN. The Clerk has already read the bill and is now reading the first section, with the amendments recommended by the committee.

The Clerk read as follows:

Page 2, lines 10 and 11, strike out the words "for the whole period required, or any part thereof."

Page 2, line 12, strike out the word "his."

Mr. MORRELL. Mr. Chairman, on page 1, line 3, I desire to offer an amendment; insert after the word "person" the word "residing;" so that the line shall read:

That every parent, guardian, or other person residing in the District of Columbia.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania will be considered as pending. The question is on agreeing to the committee amendments.

Mr. SIMS. There are several committee amendments on the page that I agree to except one.

Mr. WILLIAMS. Let us have a separate vote on the amendments.

Mr. SIMS. On line 5, where it strikes out the word "eight" and inserts the word "six," I want to vote on that separately.

Mr. WILLIAMS. I want each committee amendment to be voted on separately.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "eight" and insert "six."

Mr. WILLIAMS. Upon that amendment I have already spoken to the House. This amendment I hope will be voted down.

Mr. BROOKS of Colorado. Mr. Chairman, I wish to address myself to that amendment for one moment. I am thoroughly in sympathy with this bill, and I think there is no member of the committee or proponent of the measure more heartily in sympathy with its purpose than I am. I am just as earnest that the committee amendment shall not prevail—that is to say, I hope that the bill may pass just in the shape it left the Senate so far as the limit of age is concerned. I think the committee in their rather pardonable desire to remove the stigma which has hitherto rested upon this city because of the fact that thus far we have had no such legislation, have gone further than prudence and the best educational standards would indicate. Legislation of this sort is the result of the combined effort and experience of educators all over this country, and I think that this committee might well follow that experience. It is a significant fact, therefore that in all the thirty-six States and Territories of this Union that have legislation of

this kind there is only one that has the compulsory age as low as that in this bill. That is Wyoming; and even there there is no penalty attaching until you reach the age of 7. I thoroughly believe that if this bill passes with this amendment in this form very much of beneficial results sought to be accomplished by this legislation will be defeated, the whole object will be thwarted, and the measure will be made inoperative, impracticable, and difficult of enforcement. I believe the committee in their report have failed to distinguish between legal or permissive age and compulsory age, when in one place they say that in a great number of States the legal age is 6 years. That is true enough; but it is not at all the legal age in the sense that it is used here as synonymous. It is only the age at which the child may avail himself of the privilege of the public school, and not the time when the child shall attend some school and attend under compulsory provisions.

Now, I understand from the remarks of the gentleman from Pennsylvania that the class of children sought to be helped by this provision are the children of the negligent and unintelligent poor, and this limit is believed to take care of that class; but there is another class just as large and just as much entitled to consideration at the hands of the committee as are these, and that is the large class of children of a very different sort of parents, who attend the public schools and, for one reason or another, are obliged to avail themselves of these privileges, and it is for these I am pleading now. They certainly should not be required to attend school at the age of 6 years.

Now, the committee in their report state that when we would raise the limit of compulsory attendance to 8 years we are taking away one-fourth of the educational privileges of the child. That is entirely a mistake from my point of view.

Speaking generally, the first two years of school life, from 6 to 8, are of very little value from an educational point of view, when you consider, as this committee seem to have done, principally the amount of actual knowledge acquired. It is not true, therefore, that taking off those two years takes away a quarter of the child's educational advantages. Those years, on the other hand, from a physical and moral point of view, and from the point of view of character building, are priceless. The child at that time has many physical limitations which incapacitate him often for regular and continued school work. His mind is like a plastic piece of wax. It will take any impression and retain it, and there are a thousand reasons why a great many children at that time of life ought not to be required to attend the public schools, or any other schools, for that matter, particularly if there is to be injected into the public schools at that period the element so graphically set forth in the appendix to the committee's report.

It ought to be left entirely to the good judgment and sound common sense of the parents. It is absolutely no answer to say that the parent is not obliged to send his children to the public schools, but that a private or parochial school may be substituted. This modification does not reach that most worthy class for whom I am speaking, and they are the ones who, in my judgment, should receive the greatest consideration—those who, as I have said before, are *obliged* to send their children to the public schools. It would be somewhat different if this were a country town or a smaller and different community; but what the committee must consider are the conditions as they exist here. In my judgment, it would be a terrible hardship and a crime against childhood to require every child, indiscriminately, at the age of 6, to attend the public schools unless the parent is able to send him to some private or parochial school. It is not that I am against the public schools. I believe in them. I am heartily in favor of them. I think they supply an element in the child's training which can be gotten in no other way, and an element, too, of very great value; but that is not saying that every child, regardless of conditions, should attend the public schools unless it can attend a private school. In the interest of the bill, therefore, and in the interest of the purposes sought to be advanced by the bill, I hope that it will be left as the Senate left it—not at 7 years; do not let us compromise on this, but put it where it belongs and let it stay at 8 years.

Mr. SIMS. If the amendment changing "eight" to "six" is voted down, that restores the text of the bill at 8 years?

The CHAIRMAN. Yes.

Mr. SIMS. Then I hope the committee amendment will be voted down.

The question being taken, the committee amendment was rejected.

Mr. SIMS. Mr. Chairman, I will ask the gentleman from Pennsylvania if he will agree that wherever the same committee amendment occurs, changing "six" to "eight," that amendment may be considered as disagreed to.

Mr. MORRELL. I agree to that.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that wherever the same amendment occurs, it may be considered as disagreed to.

Mr. SIMS. Yes.

The CHAIRMAN. If there be no objection, the request of the gentleman will be granted.

There was no objection.

The Clerk read the following committee amendment:

On page 1, in line 10, strike out "his" and insert "the;" also insert, after the word "control," the words "of such persons."

The amendment was agreed to.

The Clerk read the following committee amendment:

On page 2, lines 1 and 2, strike out "or shall provide such child with equivalent daily instructions at home or elsewhere."

Mr. WILLIAMS. Mr. Chairman——

Mr. BARTLETT. Mr. Chairman, as I understand this amendment, it proposes to strike out the provision that the child may be taught at home or sent to school elsewhere. The Senate bill provides that the child shall be sent to school in the District of Columbia, or shall be provided with equivalent instruction at home or elsewhere. Now, this committee have reported in favor of striking out the words "or shall provide such child with equivalent daily instruction at home or elsewhere," which means elsewhere than in the schools of the District of Columbia.

Mr. MORRELL. If the gentleman will look a little further down in that paragraph he will see that that is already provided for in lines 8 and 9. Beginning at the top of the paragraph, in line 6, it says:

A child between the ages aforesaid may be excused from school attendance or instruction upon presentation of satisfactory evidence to the superintendent of schools that such child is being or has been instructed a like period of time in the branches taught in the public schools, or that such child has acquired these branches of learning.

It was for that reason that the committee thought those provisions were unnecessary.

Mr. OLMSTED. I should like to ask my colleague what he means by the phrase "a like period" in the words he has just read?

Mr. MORRELL. That refers to the duration of the term of the public schools—the public school term.

Mr. BARTLETT. But it occurs to me that this bill would compel the sending of a child to school in the District of Columbia if you took out the words "at home or elsewhere."

Mr. MORRELL. That was not the intention of the bill or those who framed it.

Mr. BARTLETT. It seems to me that the language is not clear.

Mr. MORRELL. It would be very easy for the careless parent of a child to make some excuse and say that the child had been instructed. Now it brings the responsibility up to the superintendent of schools. That was the reason why that provision in lines 1 and 2 was stricken out.

Mr. FITZGERALD. This language that it is proposed to strike out is intended to cover the cases of children who are instructed by private tutors, is it not?

Mr. MORRELL. It is already covered by the provision farther on in the paragraph.

Mr. FITZGERALD. This language is intended to cover such cases?

Mr. MORRELL. Yes.

Mr. FITZGERALD. Under the language to which the gentleman calls attention, later in the paragraph, the evidence must be that the child "is instructed a similar period of time in the branches taught in the public schools."

Mr. MORRELL. Yes.

Mr. FITZGERALD. Now, it may be that a child being instructed by private tutors would have a course of study outlined that would differ from the curriculum of the public schools, and under the language of the bill evidence of that instruction would not be sufficient to excuse the child from attendance on the public schools.

Mr. MORRELL. I think that would be within the province of the superintendent of schools to determine, as to the character of the education which the child was receiving.

Mr. FITZGERALD. If that be the intention, I think it is proper. The language of the bill is, "has been instructed a like period of time in the branches taught in the public schools." If it be intended to confine this instruction to the curriculum of the public schools, it would prevent those cases where it is desired to have private instruction instead of instruction in schools unless the instruction is in the identical studies of the public schools.

Mr. BENNET of New York. Mr. Chairman, I would like to ask the gentleman a question. The language is "a child be-

tween the ages aforesaid may be excused from school attendance or instruction on presentation of satisfactory evidence that such child is being or has been instructed a like period of time in the branches taught in the public schools." Now, assuming that the parent of a child 9 years old brings a certificate to the superintendent proving that between the ages of 6 and 8 the child was instructed for two years, is not thereafter such child excused from the operation of the compulsory education law? I know that such was not intended, but that is the way it works out.

Mr. MORRELL. I do not understand the gentleman's question.

Mr. BENNET of New York. This bill reads that—

Between the ages aforesaid the child may be excused from school attendance or instruction upon presentation of satisfactory evidence to the superintendent of schools that such child is being or has been instructed a like period of time in the branches taught in the public schools.

Mr. MORRELL. Read on:

Or that such child has acquired those branches of learning.

The bill does not say that it must acquire those branches of learning within the specified time, but it provides farther on that the child must have acquired those branches of learning.

Mr. BENNET of New York. That is exactly my criticism; the language is indefinite. It either means that the child who has been for a few months in school and acquired some knowledge can be excused, or, if it does not mean that, it means that he has fully acquired those branches, and it can mean nothing in between. There is absolutely no way provided under this language for getting the child excused from school attendance.

Mr. MORRELL. Not at all; it simply provides that the child should be instructed during certain periods of time mentioned in the bill, if the child has not previous to that time acquired the branches of learning specified.

Mr. BENNET of New York. That would be all right if the bill said it, but it does not.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and the committee amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 6, after the word "evidence," insert "to the superintendent of schools."

The amendment was considered and agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 8, strike out the word "he" and insert the words "such child is being or."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 9, strike out the word "already."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 11, strike out the words "he" and "already," and in place of the word "he" insert the words "such child."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 12, after the word "that," strike out the word "is" and insert the word "the."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

On page 2, line 12, after the word "condition," insert the words "of such child."

The amendment was considered and agreed to.

The Clerk read the next amendment, as follows:

In line 13, after the word "instruction," strike out the words "for the whole period required or any part thereof."

The amendment was considered and agreed to.

Mr. OLMSTED. Mr. Chairman, I wish to offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MORRELL] has an amendment already pending, which the Clerk will report.

The Clerk read as follows:

Page 1, line 3, after the word "person," insert the word "residing."

Mr. BENNET of New York. Mr. Chairman, I want to be heard in opposition to that amendment.

Mr. MORRELL. Mr. Chairman, the attention of the committee was called to the fact that it would be necessary to insert the word "residing," inasmuch as otherwise it would simply cover everybody in the District and not those only who were residing in the District. For that reason the committee suggested the word "residing" be inserted after the word "person."

Mr. GAINES of Tennessee. It is to exempt persons who come here to spend the winter only.

Mr. BENNET of New York. It seems to me, Mr. Chairman, that the gentleman from Pennsylvania has used the wrong word. He should have used the word "domiciled" instead of "residing." All the army of Government clerks do not take up a residence, but they become domiciled here; they retain their residence in the State or Territory from which they come. And it also seems to me that the amendment suggested is in the wrong place. What the gentleman would provide, I think, is for control over the child in the District, and not particularly over the parent, and I think the amendment ought to come in on line 4, after the word "child." I move, as an amendment to the amendment, to strike out the word "residing" and insert in lieu thereof the word "domiciled."

Mr. PALMER. That would cover a Member of Congress, then.

Mr. MORRELL. If the gentleman thinks that the word "domiciled" would cover the situation better than the word "residing"——

Mr. PALMER. I do not think it covers it better than the word "residing." If you put in the word "domiciled," that will cover a Member of Congress.

Mr. BENNET of New York. Mr. Chairman, if this law is of any effect, we ought to be perfectly willing to take its effect on ourselves as well as to impose it on others in this District. If we do not send our 8-year-old children to school, we ought to be subjected to punishment, if it is our judgment that children 8 years of age ought to be sent to school. Of course the word "domiciled" covers everyone domiciled in the District. The word "residing" omits too many, and if we want to make this law effective, so as to cover the moderately well to do as well as the poor, we ought to put in a word that will do it, because in the peculiar conditions existing here the word "residing" omits too many, and I think the amendment to the amendment ought to prevail.

Mr. CLARK of Missouri. Mr. Chairman, what is the amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, after the word "person," amend by inserting the word "residing."

Amend the amendment by substituting the word "domiciled" for the word "residing."

Mr. BENNET of New York. I am perfectly willing that this amendment to the amendment should cover myself. I have two children attending the public schools, and I think if I do not send my children over 8 years of age to school I ought to be punished just as much as some man in some part of the District to whom it is a monetary hardship to send his children to school. I am willing to take pot luck with the rest.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from New York.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting in line 9, page 2, after the word "been," the words "within said year;" so that it shall read: "Such child is being or has been within said year instructed," etc.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That if any person having under his control a child, as described in section 1, shall neglect for three consecutive day sessions or six consecutive half-day sessions, within any period of five months to cause such child to attend school, a written notice shall be sent to him by an attendance officer, hereinafter provided for, informing him that the attendance of the child under his control is required at school within a period of three days. If such child is not excused as provided for in section 1, and is not in school within three days, prosecution shall be begun in the police court by the attendance officer against the parent or other person in control of the child, and upon conviction the parent or other person in control of the child shall be punished for each and every offense by a fine of not more than $50 or by imprisonment not to exceed sixty days.

With the following committee amendments:

Page 2, line 16, strike out the word "his;" and in line 20 strike out the word "him" and insert the words "such person;" in line 22 strike out the word "his" and insert the word "the;" and after the word "control," in line 22, insert the words "of such person."

Page 3, line 4, strike out the word "fifty" and insert the word "twenty;" and strike out all after the word "dollars" in line 5.

The CHAIRMAN. Is a separate vote demanded on any of these committee amendments in this paragraph? If not, the

vote will be taken in gross. The question is on agreeing to the committee amendments.

The question was taken; and the amendments were agreed to.

Mr. MORRELL. Mr. Chairman, I have another amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 1, strike out, after the word "by," the words "the attending officer" and insert in lieu thereof the words "an officer empowered under this act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, lines 17 and 18, strike out the words "consecutive;" and in line 18 strike out the word "consecutive."

Mr. SHERLEY. Mr. Chairman, the purpose of the amendment is simply this, that if the staying away from school should be cause for notice and for penalty in case the absence of the child is not explained, it ought to apply where the absence occurs whether it is consecutive or otherwise. Under the wording of this bill, if a child is kept away from school every other day during an entire month, no notice is sent and no action taken. The absence has to be consecutive.

Mr. MORRELL. Mr. Chairman, I think the committee will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and the amendment was agreed to.

Mr. CRUMPACKER. That word occurs twice in the same connection.

Mr. SHERLEY. The amendment also related to both words, and was so stated to the Chair.

The Clerk read as follows:

SEC. 3. That any child between the ages of 8 and 14 who is an habitual truant, who is willfully and habitually absent from school, or who is incorrigible, vicious, or immoral while in attendance upon school, shall be committed to a special or ungraded school for instruction. The board of education may set apart school buildings or special rooms in a school building for the establishment of ungraded schools to provide, under a qualified teacher, for the instruction of habitual truants or for pupils who may be incorrigible, vicious, or immoral in conduct while in attendance upon school, and such children may be restricted to such schools for instruction until satisfactory evidence of improvement is presented by the teacher in charge for his restoration to a graded school in the district in which he resides.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the chairman of this committee or somebody else who knows, if anybody does, who is to determine, in lines 8 and 9, when a child is incorrigible or vicious or immoral while in attendance upon school?

Mr. MORRELL. I presume at first that information would come from the teacher in charge of the school, and then from the school principal up to the supervising principal, who reports such cases. The object of this section, Mr. Chairman, was to provide separate classes and separate schools when children were found to be destroying the discipline of the school or the discipline of the class. It is very hard to maintain a school or a class at a high standard if children who are habitually incorrigible are allowed to remain in the class. It was the thought of the superintendent of schools, and the committee agreed, that these children should be, if possible, segregated into classes by themselves, or, if necessary, into a school building by themselves.

Mr. CLARK of Missouri. Well, I would like to know, as a matter of curiosity, who it was who suggested the third section and the peculiar verbiage of it. It must have been some old maid or some old bachelor, who never had any children and did not know anything about it.

Mr. MORRELL. I do not know the exact home relations of the gentlemen who framed this bill. The bill, I understand, was drawn by the Commissioners of the District of Columbia, together with the superintendent of schools, and was submitted to and passed the other end of the Capitol, where I am quite sure there are some gentlemen who have home relations and have some children at home, and the verbiage here seems to have met with their approval, or, at least, there was no comment on it.

Mr. SIMS. I suggest that if some Senator drew this bill the House is relieved.

Mr. CLARK of Missouri. Mr. Chairman, if the Senate did draw this bill, section 3 must have been drawn by some Senator who is so old that he not only has forgotten he was ever a boy himself or has forgotten that anybody else has any boys. I want to express my opinion about some words in here. You take it altogether and section 3 is a pretty tough section. There is a part of it whose meaning can be determined definitely, and I do not have any objection to that part.

That any child between the ages of 6 and 14—

Of course we are going to make it 8—

who is an habitual truant—

Now, that is a fact which can be ascertained, and I do not object to that—

who is willfully and habitually absent from school—

That is another fact which can be ascertained.

or who is incorrigible.

Incorrigible about what? Incorrigible means incurable. Who is to determine whether the boy or girl is incorrigible?

You get some doctrinaire hold of it or some faddist and any boy in the country who has energy enough in him ever to become a good and useful citizen of the Republic would be pronounced incorrigible by them. Macaulay said that "Sir Robert Walpole was avaricious of power," and so is everybody else that I have ever clapped my eyes on in this world, schoolteacher as well as anybody else. But to return to section 3. "Vicious," of course, is a word whose meaning can be more easily ascertained, but who is going to pronounce whether a child is "vicious" or "immoral?"

While in attendance upon school, shall be committed to a special or ungraded school for instruction.

Who is going to run that school?

The board of education may set apart school buildings or special rooms in a school building for the establishment of ungraded schools, to provide, under a qualified teacher, for the instruction of habitual truants or for pupils who may be incorrigible, vicious, or immoral in conduct while in attendance upon school.

Why, Mr. Chairman, every legislator in every State in the Union who has at heart the love of the human race has been trying for twenty-five years to get away from the idea of herding all sorts and all degrees of criminals in the same institution, because you take those who are criminal only to a small extent and put them in a criminal school of instruction with those who are seasoned in crime and the persons who are very little criminal in the beginning come out finished criminals. Now, we do not want to go to the extreme in this bill of doing more harm than we do good.

Mr. CRUMPACKER. Will the gentleman from Missouri [Mr. CLARK] allow me to ask him what he would do with an incorrigible student, one that is immoral or vicious—keep him in the regular school to demoralize the other students, or have a special school for the education and instruction of that class of boys, or turn him out altogether?

Mr. CLARK of Missouri. No; I would not turn him out.

Mr. CRUMPACKER. What would the gentleman do? What provision would he make?

Mr. CLARK of Missouri. If we could not do anything else with him, I would send him to a reform school, or I would segregate him and give him his punishment that way.

Mr. CRUMPACKER. This bill provides for segregation.

Mr. CLARK of Missouri. I want you to tell me now, while you are asking me a question—I am not very much of a Yankee, but I will be enough of a Yankee to do that—what do you mean by a boy being incorrigible, as stated in this section 3?

Mr. CRUMPACKER. A boy that is incapable of correction. I think the gentleman from Missouri [Mr. CLARK] misunderstands the word "incorrigible." It is found in nearly all of the statutes of the country and used in the same sense that it is used here, namely, incapable of correction.

Mr. OLMSTED. If the gentleman from Missouri will permit me, in order that he may not be compelled to go to school under the bill, I want to read him from the dictionary.

Mr. CLARK of Missouri. Who made the dictionary?

Mr. OLMSTED. It is the International Dictionary.

Mr. CLARK of Missouri. I can make a dictionary as well as that fellow can. [Laughter.]

Mr. OLMSTED. One of the definitions here is:

Incorrigible. Depraved beyond the possibility of reform; irreclaimable; as an incorrigible criminal or drunkard.

Mr. CLARK of Missouri. That does not differ from mine. The gentleman from Indiana refuses to answer, so I want to ask you who is going to pronounce when this boy is incorrigible, under this section 3?

Mr. OLMSTED. I am in entire sympathy with the gentleman from Missouri [Mr. CLARK] on this section. I do not approve of it at all.

Mr. CLARK of Missouri. And I want to say about dictionaries, in general, Mr. Chairman, that I or any other intelligent man in this country has just as much right to make a dictionary as these scholars up in the northeast corner of this Republic. [Laughter.] And I have never been able to understand yet why

the northeasterners possess the exclusive right to make a dictionary for the rest of the United States. [Laughter.] If you do not take the word "incorrigible" out, I am going to move to strike out the whole section.

Mr. MORRELL. In answer to the gentleman from Missouri I would like to say that every school system almost in this country has separate classes and separate schools for children of this kind. It has been the experience of educators that to allow children who do not seem to be susceptible to the good influences that are put around them to remain in classes and schools, and, as it were, vitiate the other children in the schools and classes, is very bad practice. The plan to segregate children of this kind has been tried in New York; in fact, they have two schools there where children such as are described, or such as has been attempted to be described, in this bill, are placed when they are found, after the reports of the teachers and principals of the schools, to be such that they can not be handled, and are not susceptible of discipline, are not even willing to make an effort to learn, and that the association with such children has a bad influence on the other children in the school.

Now, let me ask the gentleman this—and I understand he has children of his own going to school here—would he like his children to be forced to associate with a boy or girl, as the case might be, whom the teachers and principals had tried in every possible way, but without success, to make conform to the discipline and regulations in that school? Would he like his children to be forced to come under the influence of that kind of child or children?

Mr. CLARK of Missouri. No; I would not. Now, let me ask the gentleman a question.

Mr. MORRELL. It was just simply on that account, particularly in view of this compulsory-education law, which forces all sorts and kinds of children to the schools who would not otherwise be there, those whose very nature would keep away from school, that it was thought by the committee that there should be a separate class of schools or separate classes, for not only those children, if they proved to be incorrigible or not susceptible of education, but also children who are already in the schools and had not responded to education and discipline.

Mr. CLARK of Missouri. Did we not pass a statute here not long ago establishing a reform school?

Mr. MORRELL. That was a juvenile court.

Mr. CLARK of Missouri. Is not there a reform school in the District of Columbia?

Mr. MORRELL. Yes; there is a reform school.

Mr. CLARK of Missouri. What is the reason, then, these children you are talking about in section 3 ought not to be sent to the reform school?

Mr. MORRELL. Because they have to be convicted of some specific crime in order to be sent to a reform school.

Mr. CLARK of Missouri. Oh, that is not the case.

Mr. MORRELL. And further than that, in line with the gentleman's argument in regard to the criminal practice, it was not thought advisable to vitiate them further by sending them to reform schools unless they were absolutely so bad that school discipline could not bring them into some kind of shape.

Mr. CLARK of Missouri. I move to strike out section 3.

Mr. SIMS. I wish to make the same motion.

Mr. STANLEY. I move to strike out the last word.

Mr. CLARK of Missouri. I withdraw that motion temporarily.

Mr. STANLEY. I move to strike out the last word. I think the answer to the argument that has been made in favor of the provision of this section should be in the nature of a reductio ad absurdum. This bill provides that if a child between 6 and 14 years is habitually absent from school, and so on, and provides in other words, that if the teacher finds this 6-year-old child is habitually criminal, incorrigible, and vicious, that this 6-year-old child can be taken and segregated and placed in a separate room among other 6-year-old children equally as bad, or 8-year-old children. There is your doctrine of total depravity from the time you are born, with a vengeance. Any kind of a teacher that can not control any 6-year-old child ought to be segregated instead of the child. The idea of placing it upon the records of your schools, of affixing such a stigma as that placed upon a child—for it is a stigma—to take a little tot of that age to a kind of penitentiary, or placing that stamp upon it to stay there all through its life because some hysterical old maid can not control it, is an abomination.

I have taught school, and know something of the practical side of this business, and I never yet saw a 6 or 8 year old child so incorrigible as even to find it necessary to strike it, and I have taught hundreds of them. If it be determined that in the District of Columbia you have got a number of children under the age of 10 who have to be confined in a petty penitentiary, then you should have a feeble-minded institute for the benefit of the teachers who can not control children without resorting to such barbarous methods. [Laughter and applause.]

Mr. MORRELL. Mr. Chairman, I understand that the objection made by the gentleman from Missouri will be withdrawn if the committee will agree to strike out the word "incorrigible."

The CHAIRMAN. There is no amendment pending.

Mr. MORRELL. I think the gentleman from Missouri moved to strike out the whole section.

The CHAIRMAN. He withdrew that motion.

Mr. FITZGERALD. I desire to submit an amendment.

Mr. SIMS. I have been recognized, and I would like to discuss it before I am amended off the floor.

Mr. CRUMPACKER. What is the amendment pending?

The CHAIRMAN. A motion to strike out the last word.

Mr. SIMS. Mr. Chairman, we will be confronted with the difficulty growing out of the very fact of compulsory education that you compel by penal statute all children from 8 to 14 years to attend school, threatening the parents with fine and imprisonment if they do not send their children, and they must go without reference to their morals and behavior. We are forcing an element into the schools, if such exists, that would practically destroy the schools. If it is a private school, the teachers and authorities have charge of it and can dismiss or expel such a student.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. CLARK of Missouri. Have the superintendents of the schools no machinery for enforcing order, including reasonable punishment?

Mr. SIMS. This bill is all I am discussing; I do not know what is done outside of what appears in this bill. But this bill is a penal statute, forcing children between 8 and 14 years to attend school, and the teachers and authorities in charge of the schools can not refuse to take them, unless based upon some ground authorized by law. Whether it is properly described in this section or not, I do not know. I am not wedded to the section. But there must be authority somewhere, it seems to me, to separate and segregate a boy of 13 or 14 years, or a girl, whose conduct in school is such that he or she is not worthy of association with the pupils; and if the teacher has no power to expel them, we must provide some means by which proper discipline can be maintained.

Whether this is a proper method or not I do not know. I was not on the subcommittee that considered the bill. But they are not private schools or ordinary public schools when we make it penal not to attend them. The teachers must accept pupils; and if for one reason or another it is ascertained by the teacher in charge of these boys or girls that they can not be kept in school, we must provide a means by which such children can be removed from school, whether they are put in a separate room, as here provided, or a separate reform school. There must be some provision in this bill by which discipline can be maintained when such an emergency arises as is intended to be covered by this statute.

Now, I admit that it is pretty hard to say that a teacher can send a child out of the public schools provided by law without any trial, or anything of that kind, or can segregate them and send them to a reform school; but something will have to be done when you make it penal. There must be some legal way by which the teacher or the authorities in charge of the school may determine whether or not they may be kept in that school, sent home, or sent elsewhere. If this section is stricken out, there ought to be something put in that will meet the objects and purposes for which the section was introduced.

Mr. MORRELL. I hope the gentleman from Missouri will not press his amendment.

Mr. CLARK of Missouri. I withdraw the amendment to strike out the whole section.

Mr. FITZGERALD. Mr. Chairman, I have an amendment, which I send to the desk.

The Clerk read as follows:

Strike out, on page 3, lines 8 and 9, the words "who is incorrigible, vicious, and immoral while in attendance on the school;" and strike out, in lines 14 and 15, the words "or for pupils who may be incorrigible, vicious, and immoral while in attendance on schools."

Mr. FITZGERALD. Mr. Chairman, the effect of the adoption of this amendment would be to permit the school authorities to segregate the children who are inclined to be habitual truants. The language that it is proposed to strike out, "incorrigible, vicious, and immoral children," certainly is sufficiently broad

to include the same children who should be brought before the juvenile court for proper disposition. In the District of Columbia there are two reform schools maintained by the Government, one for boys and the other for girls. It would be very difficult even for the gentleman from Pennsylvania to define what children should be considered incorrigible and vicious and then fix a definition that would cover children supposed to be immoral while in attendance on the schools. I suggest that children who would come within that designation should not be associated in the schools of the District with other children, but would probably belong in the reform school.

The difficulty with this bill arises from the fact that the committee has attempted to incorporate into the bill, to provide for compulsory education, a provision that will in effect create a new reform school in the District of Columbia; and not merely one reform school, but probably a class in a number of schools throughout the District which in effect will be reform schools. There is no machinery provided in this bill, as the gentleman from Missouri has pointed out, to ascertain what children shall be considered incorrigible or vicious or immoral. If it be the purpose to segregate, besides habitual truants, children who can not be controlled by the ordinary methods and discipline of school, that should be stated. But this language evidently is intended to cover children who are thought to be or at least are subjects for the reform school, and the present machinery of the law which has been provided in the shape of the juvenile court should be permitted to take cognizance of the offenses and practices of which these children would be guilty.

Mr. MORRELL. Mr. Chairman, may I ask the gentleman from New York if he would be satisfied to substitute for the words "or who is incorrigible, vicious, or immoral" the words "or who can not be controlled by the ordinary school discipline?"

Mr. FITZGERALD. I do not quite hear the gentleman.

Mr. CRUMPACKER. Mr. Chairman, I desire to say that, in my judgment, this section is substantially as it ought to be. The designation of certain pupils as "incorrigible, vicious, or immoral" does not bring them within the class subject to be committed to the reform school. Reform schools are for incorrigible criminals. I happen to know something about the operation of a compulsory educational law in the State of Indiana. In the city in which I live, where a student becomes incorrigible, when his presence in the school is demoralizing and vicious, we have no remedy except to expel him—turn him out on the street. He can not be committed to the reform school because he is not necessarily a criminal; he is not perhaps persistently bad, but he may be simply full of mischief, determined to have his own way about things, not subject to discipline, and his influence upon the school and upon other students may be bad. Now, in our State there is no way except to expel him from school altogether.

This bill, I understand, provides a special school for that class of students—not criminal students, but incorrigible students, and "incorrigible" means those that can not be corrected by the ordinary methods of school discipline. If they are criminals they may be sent to the reform school.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. CRUMPACKER. I will yield for a question.

Mr. CLARK of Missouri. Does not the gentleman believe that any child that is incorrigible, vicious, or immoral falls within the designation of criminal to the extent of being sent to the reform school?

Mr. CRUMPACKER. Not necessarily, because the reform school statutes generally require criminal misconduct, some act which if committed by an adult would be punishable by the criminal laws of the country. That is the case in our State. Now, there is one amendment that I would make to the section, and that is, I would change the age limit for this section and make it from 10 to 14 years instead of 8 to 14 years. I do not believe that any pupil below the age of 10 years can be classed as incorrigible. I do not believe he can be beyond corrective influences. So I would simply change the age limit from 10 to 14 instead of from 8 to 14, and allow the section to stand as it is otherwise. The board of education would have to provide some method of determining what pupils ought not to be educated with the ordinary pupils in the public schools, those who should be segregated not as criminals, but as mischievous boys, to be educated by themselves; and when by a course of good conduct they have earned the right, they may go back into their grades along with the others. It does not necessarily reflect on a schoolboy to say that he is in the habit of perpetrating pranks in school, that he rebels against the school discipline and the authority of his instructor. The ordinary schoolboy throughout the country looks upon that kind of conduct as evidence of strength and manhood. A pupil may be incorrigible along that line to the extent that his example will be bad, that his influence will be hurtful, and he ought to be under the control of a muscular teacher, who is able to handle him physically as well as mentally.

Mr. GRAHAM. Along the line of what the gentleman has indicated, I would state that, in my city of Allegheny, we have what is called a "truant school," and the truant officers go out to the homes of boys who will not attend school and bring them to the truant school. It is not considered a reform school, but a truant school.

Mr. CRUMPACKER. That is substantially what this is.

Mr. GRAHAM. It works very well in my city.

Mr. CRUMPACKER. I desire to move to strike out the word "eight" and insert the word "ten," in line 6.

The CHAIRMAN. There is an amendment now pending.

Mr. MORRELL. Mr. Chairman, I desire to make an amendment to the amendment offered by the gentleman from New York [Mr. FITZGERALD], as follows:

In line 8, strike out, after the word "who," the words "is incorrigible, vicious, or immoral" and substitute the words "can not be controlled by the regular school discipline."

And the same in lines 14 and 15.

Mr. FITZGERALD. Mr. Chairman, I think the amendment now offered by the gentleman from Pennsylvania meets with the approval of the committee, and I ask unanimous consent to withdraw the amendment I offered, so that the gentleman's amendment can be voted on instead.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw the amendment offered by him. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MORRELL].

The Clerk read as follows:

In line 8, after the word "who," strike out the words "is incorrigible, vicious, or immoral" and insert the words "can not be controlled by the regular school discipline." In line 14, after the word "who," strike out the words "may be incorrigible, vicious, or immoral" and insert the words "can not be controlled by the regular school discipline."

Mr. PALMER. Do you not also want to strike out the words "in conduct," in line 15?

Mr. MORRELL. Yes; those should be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 15 strike out the words "in conduct."

Mr. SHERLEY. Mr. Chairman, at the proper time I want to move to strike out the entire section. I want to know whether that is in order now, or whether after the section has been perfected it will be in order?

The CHAIRMAN. Not before the section has been completed.

Mr. SIMS. I wish to say a few words about the amendment just offered by the gentleman from Pennsylvania [Mr. MORRELL]. That amendment makes this section entirely unobjectionable, and something of the kind is absolutely necessary to this bill.

Mr. CRUMPACKER. Allow me to ask the gentleman a question. Wouldn't it improve this section if the age limit for the purposes of this section were made from 10 to 14 instead of from 8 to 14 years?

Mr. SIMS. Under the idea that there will be no 9-year-old child to whom it would apply?

Mr. CRUMPACKER. Yes; set apart in the segregated schools. Would it not, in the opinion of the gentleman, improve the section to fix the age limit at from 10 to 14 years?

Mr. SIMS. If there are children of 8 and 9 years of age that would be, as herein described, not subject to discipline, I do not see why they should not be segregated as well as those from 10 to 12 and 14 years of age.

Mr. CRUMPACKER. Is it conceivable that there can be a child under 10 years of age who can not be controlled by the ordinary disciplinary methods in the public schools?

Mr. SIMS. I should think the gentleman is right about that, that there would not be; but if so, it would be a very rare case. Occasionally, however, we do see a kind of overgrown boy of 9 years of age who can create a great deal of disturbance if he undertakes to do so. I do not think that is vital enough to make this amendment, but I can not speak for the gentleman from Pennsylvania [Mr. MORRELL]. I would not myself object to making it apply from 10 to 14 years, but something of this kind is necessary in this bill, and as amended by the gentleman from Pennsylvania I think the section is very necessary to the bill, and hope that when amended and perfected it will not be stricken out.

Mr. MORRELL. Mr. Chairman, I call for a vote on the amendment just offered.

Mr. FINLEY. Mr. Chairman, I would like to ask the gentleman from Tennessee the methods of correction that are employed in the public schools of Washington?

Mr. SIMS. I do not know, for I have not investigated that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. CRUMPACKER. Mr. Chairman, I desire to move an amendment to the paragraph. In line 6 I move to strike out the word "eight" and insert in lieu thereof the word "ten."

Mr. MORRELL. Mr. Chairman, I sincerely trust that amendment will not pass. We can not make fish of some of the children and flesh of the others. A rule of this kind ought to apply to all that come within the operation of the law.

Mr. CRUMPACKER. Allow me to suggest that I do not think the gentleman from Pennsylvania understands the force of this proposed amendment. The law requires all children between the ages of 8 and 14 to attend school, and makes provisions for segregating certain incorrigible children and educating them in special schools because of their lack of obedience to the school discipline. I do not believe a student below the age of 10 years ought to be segregated and put in one of those special schools, and for this purpose I think the minimum age of 10 years ought to be fixed in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken; and the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, for the purpose of improving the grammar a little, I suggest that something should be done to the phrase "such children may be restricted to such schools for instruction until satisfactory evidence for improvement is presented by the teacher in charge for his restoration to a graded school." The grammar may be corrected. It commences in the plural and concludes in the singular. The easiest way, I think, of correcting it is to strike out the word "his," in line 18. I offer that amendment.

The CHAIRMAN. Without objection, the amendment suggested will be agreed to.

There was no objection.

Mr. PALMER. Mr. Chairman, I move to amend by inserting after the word "committed," in line 9, the words "by the board of education."

Mr. MORRELL. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the motion was agreed to.

Mr. PALMER. Mr. Chairman, I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lines 17 and 18, after the word "is," in line 17, strike out the words "presented by the teacher in charge for restoration to a graded school in the district in which he lives" and insert in lieu thereof the words "furnished the board of education by the teacher in charge, whereupon such child may be restored to a graded school in the district where he resides."

Mr. PALMER. Mr. Chairman, the point of that amendment is this: There is no machinery provided in this section by which a child can be restored to a graded school. Somebody ought to have the authority to restore the child and somebody ought to have the right to furnish the testimony.

Mr. FITZGERALD. I will ask the gentleman if he does not believe that it should be the superintendent of schools instead of the board of education. The board of education does not meet very often, and the superintendent of schools is the executive head.

Mr. PALMER. The board of education is the authority which is to provide and set apart a school building or special rooms, and the board of education is the one that is to pass upon the question whether the child is an habitual truant, and therefore the board of education ought to be the one to restore the child to a graded school in case restoration is found to be proper.

Mr. MORRELL. I call for a vote, Mr. Chairman.

Mr. PALMER. You accept that?

Mr. MORRELL. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was agreed to.

Mr. BABCOCK. Mr. Chairman, I have received a telegram which I would like to have the Clerk read.

The CHAIRMAN. The gentleman from Wisconsin submits a telegram, which will be read in his time.

The Clerk read as follows:

FORT MONROE, VA., *May 28, 1906.*

Hon. JOSEPH W. BABCOCK,
House of Representatives, Washington, D. C.:

We hope the compulsory education bill passed to-day without fail.

WM. H. BALDWIN.

Mr. CLARK of Missouri. Who is he?

Mr. BABCOCK. I do not know. I never heard of him before.

Mr. SHERLEY. Mr. Chairman, I move to strike out section 3, page 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3 strike out section 3.

Mr. SHERLEY. Mr. Chairman, I do not want to take but a moment of the time of the committee in discussing this amendment. To my mind it is absurd to think that there are going to be many cases arising of children between the ages of 8 years and 14 who can not be managed by the ordinary discipline of the school, and those cases that do arise will be cases that properly belong to a reform school. The gentleman from Indiana may be correct as to the conditions in the State of Indiana in reform schools. He is incorrect as to the condition touching admission into reform schools in most of the other States of the country. In my own city the rule is that a parent can, upon presentation to our police court, which has certain powers as a juvenile court, and a showing that a child is incorrigible, have it sent to a reform school, and as I understand it we have in the District now reform schools for just such purposes. You are undertaking here to make a system that is going to work to the detriment of your entire school system. Instead of putting upon the teacher the burden of preserving order by her or his conduct and management of the school by inspiring pupils with respect and obedience, you are permitting them an easy road out of their difficulties by simply having any child who happens to prove temporarily unruly brought up before the board of control and having it sent to this special school for incorrigibles.

In my humble judgment the moment you consider the fact that the ages of children to whom the compulsory education bill applies are 8 to 14 you have answered all the arguments raised here. If you had to deal with boys 15, 16, 17, and 18 and compel them to go to school there might be something in it, but the cases in which children under 14 years of age are going to be beyond the control of ordinary school discipline are going to be rare, and, as I have said, such as ought to be taken care of by reform schools. I therefore hope the amendment will prevail.

Mr. GRANGER. Mr. Chairman, I trust I may not reflect upon the gentleman from Kentucky in his experience in the raising of children if I say that there is a period of time when a child is not vicious and when a child is not criminal, but when a child needs careful training, perhaps more so than any other time in his life, and that time is certainly between the ages of 7 and 14, and that is the time when a child needs frequently, by reason of his nervous condition, the special care which can be obtained by a school of this kind such as we have in my State.

Mr. SHERLEY. Will the gentleman yield?

Mr. GRANGER. Certainly.

Mr. SHERLEY. Does the gentleman think a nervous child will be helped by being put in a schoolroom with only other nervous children or children who are guilty of wrongdoing?

Mr. GRANGER. No; I do not know that he would be helped by that, but I think he would be infinitely helped by being segregated and given into the hands of teachers who are peculiarly fitted to deal with nervous children. It is now many years since that system has existed in Rhode Island, and in our own State the result has justified it. I trust that the gentleman's amendment will be voted down.

Mr. PARKER. Mr. Chairman, just one word on this. I agree with the gentleman from Kentucky [Mr. SHERLEY]. I can not see anything more awful than to take a lot of little chaps between the ages of 6 and 14, and, just because they happen to be a little careless or a little bit refractory, put them all together in a school where there is no grade, no opportunity for advancement, and no opportunity for reward, and to be treated as if they were incorrigible. That section ought to go out of the bill.

Mr. MORRELL. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kentucky [Mr. SHERLEY] to strike out section 3.

The question was taken; and the motion was rejected.

The Clerk read as follows:

SEC. 4. That for the purposes of securing a strict compliance with every provision of this act the board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint a number of persons, not to exceed seven, who shall be designated as attendance officers, and who shall each receive a salary for such services of $600 per annum, and whose duties in the premises shall be prescribed by the said board.

Mr. MORRELL. Mr. Chairman, I wish to offer a substitute.

Mr. CLARK of Missouri. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MORRELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

SEC. 4. The board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint two truant officers at a salary of $600 per annum each, who, together with the inspectors provided for in the bill to regulate the employment of child labor and the probation officers provided for in the bill establishing a juvenile court, shall, under the direction of the board of education, carry out the provisions of this act.

Mr. CLARK of Missouri. Mr. Chairman, I would ask the Clerk to read an amendment which I sent to the desk as a substitute for the amendment of the gentleman from Pennsylvania [Mr. MORRELL]. I wrote it as an original amendment, and, as he got his in first, I will offer mine as a substitute.

The Clerk read as follows:

On page 3, in lines 23, 24, and 25, strike out all after the word "appoint" down to and including the word "and," and insert in lieu thereof the words "one attendance officer;" also strike out the word "each," in line 25.

Mr. MORRELL. I would like to say to the committee, Mr. Chairman, that in reference to the views of the Committee on Appropriations, and in view of the argument that was had here on the floor in connection with the child-labor bill, the committee cut the number of attendance officers authorized by this bill from seven to two, and provided that the officers authorized by the child-labor bill and the officers authorized by the juvenile-court bill shall act in conjunction with the two officers provided in this bill. But we did not feel that the provisions of this bill could be properly carried out with any less than two attendance officers as is provided in the amendment, or rather the substitute, which I sent to the Clerk's desk:

The only difference of opinion between myself and the gentleman from Missouri is that his amendment provides for one while the committee amendment provides for two. I sincerely trust that the gentleman will not insist on his amendment, but will realize that the committee have, in the interest of economy and efficiency, done the best that they thought was possible in providing for but two.

Mr. CLARK of Missouri. Mr. Chairman, if you can not get a whole loaf, take a half loaf; therefore I withdraw my amendment, or substitute, provided the committee will vote for the one offered by the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MORRELL].

The question was taken; and the amendment was agreed to.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Missouri [Mr. CLARK] will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 5. That no child in the District of Columbia under the age of 14 shall be employed by any person or persons to labor in any factory, workshop, mercantile establishment, or in any business whatsoever that will prevent such child from attending school during the days and hours of the school term, as determined by the board of education, or its equivalent, in private, parochial, or home instruction, as set forth in section 1, and any person who induces or attempts to induce any child to absent himself unlawfully from school, or employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor and be punished by a fine of not more than $50 or by imprisonment for not more than sixty days.

Also the following committee amendments:

Pages 3 and 4, strike out all of section 5 down to and including the word "and," in line 7 on page 4, and insert in lieu thereof the word "That."

Page 4, line 8, insert before the word "absence" the word "be;" also strike out the word "himself."

Page 4, line 12, strike out the word "fifty" and insert the word "twenty;" also strike out the words "or by imprisonment for not more than sixty days."

Mr. SIMS. Mr. Chairman, in the print I have here the word "deemed" appears twice right together. I do not know whether it is that way in the bill or not.

Mr. MORRELL. In what line?

Mr. SIMS. It appears at the end of line 13 and the beginning of line 14.

The CHAIRMAN. Without objection, correction will be made.

Mr. SIMS. One of them ought to be stricken out.

There was no objection.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. WILLIAMS. Do I understand the Chair to say amendment or amendments?

The CHAIRMAN. The question is on agreeing to the first committee amendment in section 5.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the next committee amendment to section 5.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the third amendment recommended by the committee.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. One other amendment. The question is on agreeing to the last amendment to section 5.

Mr. WILLIAMS. Mr. Chairman, there is an amendment skipped by the Chair in line 11. "Himself" is stricken out.

The CHAIRMAN. That is the next amendment.

The question was taken; and the amendment was agreed to.

Mr. CLARK of Missouri. There is an amendment striking out "fifty" and inserting "twenty."

The CHAIRMAN. Without objection, the committee amendment in line 11 will be considered as agreed to. [After a pause.] The Chair hears no objection. The question now is on the last amendment.

Mr. WILLIAMS. The last amendment is to strike out "or by imprisonment of not more than sixty days." The Chair has not yet submitted the amendment striking out "fifty" and inserting "twenty."

The CHAIRMAN. The question now is on the amendment in line 15, striking out "fifty" and inserting "twenty."

The question was taken; and the amendment was agreed to.

The amendment striking out the words "or by imprisonment of not more than sixty days" was agreed to.

Mr. PALMER. I move to amend by inserting, in line 12, after the word "or," the words "who knowingly." I do not think a man ought to be convicted of crime without he was knowingly harboring or employing these children.

The Clerk read as follows:

In line 12, after the word "or," insert the words "who knowingly."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That attendance officers shall visit any place or establishment where minor children are employed to ascertain whether the provisions of this law are duly complied with, and shall as often as twice a year demand from all employers of such children a list of children employed, with their names and ages.

Mr. MORRELL. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 4, line 17, after the word "that," strike out the words "attendance officers" and insert "the officers empowered under this act."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 8. That if any parent or guardian shall be unable by reason of poverty to send the child under his control to school as provided for in this act, it shall be the duty of the board of education to take such action as in its discretion may best promote the purpose of this act in the particular case.

The amendment recommended by the committee was read, as follows:

Amend by striking out lines 4, 5, 6, 7, and 8 and inserting "that this act shall take effect on July 1, 1906."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 10. That this act shall take effect on July 1, 1906.

The amendment recommended by the committee was read, as follows:

Strike out section 10.

The question was taken; and the amendment was agreed to.

Mr. MORRELL. I move that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

DISTRICT OF COLUMBIA FIRE DEPARTMENT.

Mr. BABCOCK. Mr. Chairman, I ask present consideration of the bill H. R. 4464.

The bill was read, as follows:

A bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes.

Be it enacted, etc., That the fire department of the District of Columbia shall embrace the whole of the said District, and its personal and movable property shall be assigned and located as the Commissioners of said District may direct within the appropriations made by Congress.

SEC. 2. That the Commissioners of the District of Columbia shall ap-

point, assign to such duty or duties, promote, reduce, fine, suspend with or without pay, and remove all officers and members of the fire department of the District of Columbia according to such rules and regulations as said Commissioners in their exclusive jurisdiction and judgment may from time to time make, alter, or amend: *Provided*, That the rules and regulations of the fire department heretofore promulgated are hereby ratified and shall remain in force until changed by said Commissioners.

SEC. 3. That the fire department of the District of Columbia shall consist of a superintendent, who shall, subject to the general supervision and direction of said Commissioners, have administrative supervision thereof; and also, as at present, of one chief engineer, one deputy chief engineer, such number of battalion chief engineers as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one fire marshal; such number of deputy fire marshals, inspectors, and clerks as said Commissioners may deem necessary from time to time within the appropriations made by Congress; such number of captains and lieutenants as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of machinery; such number of assistant superintendents of machinery, engineers, assistant engineers, pilots, marine engineers, assistant marine engineers, drivers, privates of class No. 2, privates of class No. 1, and laborers as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of stables; such number of assistant superintendents of stables as said Commissioners may deem necessary from time to time within the appropriations made by Congress: *Provided*, That the superintendent of the fire department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by the District who at the time shall not be engaged in a more emergent veterinary service for the District: *And provided further*, That the police surgeons of said District are required to attend, without charge, the members of the fire department of said District, and examine all applicants for appointment to, promotion in, and retirement from said fire department: *Provided further*, That until this act shall take effect the said fire department and its officers and members shall continue as at present, and shall be subject to existing rules and regulations.

SEC. 4. That the superintendent of the fire department of the District of Columbia and all the officers and members thereof, before entering upon their respective duties in said department, shall take and file with said Commissioners an oath of office that they will faithfully perform the duties of such office or position, and such of said officers and members of said fire department as said Commissioners may from time to time require shall give such bond to the District of Columbia, and in such amount, for the faithful performance of their respective duties as said Commissioners may require and approve.

SEC. 5. That the salary of the superintendent of the fire department of the District of Columbia shall be and continue annually at $4,000, unless changed by Congress, and shall begin at said rate per annum at the time of his appointment to office; the salaries of the other officers and members of said fire department herein provided shall commence, for the purposes of this act, with the fiscal year beginning July 1, 1906, and shall continue thereafter annually, unless changed by Congress, as follows: The chief engineer shall receive an annual salary of $3,500; the deputy chief engineer shall receive an annual salary of $2,500; battalion chief engineers shall each receive an annual salary of $2,000; the fire marshal shall receive an annual salary of $2,000; deputy fire marshals shall each receive an annual salary of $1,400; inspectors shall each receive an annual salary of $1,080; one clerk at an annual salary of $1,400; all other clerks shall each receive an annual salary of $1,200; captains shall each receive an annual salary of $1,400; lieutenants shall each receive an annual salary of $1,200; the superintendent of machinery shall receive an annual salary of $1,400; assistant superintendents of machinery shall each receive an annual salary of $1,200; engineers shall each receive an annual salary of $1,150; assistant engineers shall each receive an annual salary of $1,100; pilots shall each receive an annual salary of $1,150; marine engineers shall each receive an annual salary of $1,150; assistant marine engineers shall each receive an annual salary of $900; drivers shall each receive an annual salary of $1,100; privates of class No. 2 shall each receive an annual salary of $1,080; privates of class No. 1 shall each receive an annual salary of $960; laborers shall each receive an annual salary of $720; the superintendent of stables shall receive an annual salary of $1,080; assistant superintendents of stables shall each receive an annual salary of $900.

SEC. 6. That no officer or member of said fire department, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Commissioners of the District of Columbia, unless he shall have given the said Commissioners one month's previous notice in writing of such intention.

SEC. 7. That nothing in this act contained shall be held to repeal an act entitled "An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes," approved May 11, 1892, and the amendatory act thereof approved February 20, 1896; nor the acts creating the firemen's relief fund, and the amendments thereof, respectively approved February 25, 1885, and June 11, 1896; nor the act granting twenty days leave of absence, approved March 3, 1897; otherwise all acts and parts of acts inconsistent with and replaced by some provision hereof are hereby repealed.

SEC. 8. That this act shall take effect and be in force on and after July 1, 1906.

The amendments recommended by the committee were read, as follows:

Page 2, strike out all after the word "of" in line 5, down to and including the word "of" in line 8; also insert, before the word "such," in line 8, the words "both of whom shall have had at least five years of experience in some regularly organized municipal fire department."

Page 2, line 20, insert, before the word "privates," the words "assistant drivers;" strike out the comma after the word "two" in said line and insert "and."

Page 2, line 21, strike out the comma after the word "one;" also strike out the words "and laborers."

Page 2, strike out all, commencing with the semicolon after the word "Congress" in line 23, down to and including the word "Congress" in line 1, page 3; also strike out the word "superintendent," in line 1, page 3, and insert "chief engineer."

Page 3, strike out all, commencing with the colon after the word "department," in line 10, down to and including the word "regulations," in line 13.

Strike out all of section 4.

Page 3, line 25, strike out all after the word "that" down to and including the semicolon after the word "office" in line 4 on page 4; also strike out the word "other," in line 4, page 4.

Page 4, line 17, insert, before the word "clerk," the word "chief."

Page 4, line 18, strike out the semicolon after the word "dollars;" also strike out the words "all other clerks shall each receive" and insert in lieu thereof "and one clerk at."

Page 5, line 8, strike out the word "nine" and insert the words "one thousand one."

Page 5, line 10, insert, before the word "dollars," the words "and fifty;" also insert, before the word "privates," the words "assistant drivers shall each receive an annual salary of one thousand one hundred dollars."

Page 5, strike out all, commencing with the semicolon after the word "dollars," in line 13, down to and including the word "dollars," in line 18.

Pages 5 and 6, strike out all of section 7 down to and including the word "otherwise," in line 12, page 6, and insert in lieu thereof the word "That."

Page 6, line 13, strike out the words "and replaced by some provision" and insert in lieu thereof "the provisions."

Renumber the sections.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the chairman of the committee a question or two with respect to the bill. I notice beyond the chairman of the committee, the gentleman from Wisconsin, a great pile of bills. Are these all District bills?

Mr. BABCOCK. Does the gentleman refer to these papers?

Mr. GAINES of Tennessee. Yes.

Mr. BABCOCK. These are District bills.

Mr. GAINES of Tennessee. How many bills are there?

Mr. BABCOCK. There are only nineteen after this one.

Mr. GAINES of Tennessee. I simply wanted to get a little information. It seems to me you have more bills from the District of Columbia than from the whole of the United States. Why have they accumulated so?

Mr. BABCOCK. They have accumulated on account of the time wasted in needless discussion over propositions that have been brought before the House.

Mr. GAINES of Tennessee. Well, I have no doubt the gentleman has enjoyed that fun when he talked to himself.

Mr. BABCOCK. Mr. Chairman, will it be in order to ask unanimous consent that the bill may be considered as read the second time and move that it be laid aside with a favorable recommendation?

The CHAIRMAN. Unanimous consent is asked that the bill may be considered as read a second time and laid aside with a favorable recommendation.

Mr. WILLIAMS. We can not do that. We can not give any unanimous consent.

The CHAIRMAN. The Clerk will commence the reading of the bill.

Mr. FITZGERALD. I wish to ask some questions.

Mr. WILLIAMS. But the bill ought to be read at least once.

Mr. BABCOCK. It has been read once.

Mr. FITZGERALD. This is the first reading, and then there is general debate.

Mr. WILLIAMS. I may save some time. A moment ago I was under the impression that this bill had not been read to the House.

The CHAIRMAN. It has been read.

Mr. WILLIAMS. Oh, then, I withdraw the objection I made a moment ago.

The CHAIRMAN. Without objection——

Mr. FITZGERALD. I object. The bill has to be read for amendments, and before the bill is read for amendments I wish to ask some questions about this bill.

The CHAIRMAN. The gentleman is recognized.

Mr. FITZGERALD. I wish to ask why assistant drivers are provided in this bill with salaries at $1,100 a year, and how many assistant drivers is it intended there shall be in this Department?

Mr. CAMPBELL of Kansas. Mr. Chairman, in answer to the gentleman from New York, I will state that there are thirty assistant drivers provided for in the bill and thirty less regular firemen provided for. They are taken out of the body of the force. Their salaries have been increased from $900 to $1,100 for the reason that the work of a driver is extra hazardous, and it was thought by the committee that it was only just when a man was called upon to do the extra hazardous work of a driver his salary should be correspondingly increased.

Mr. FITZGERALD. I call the attention of the gentleman to the fact that no number is fixed by this bill.

Mr. CAMPBELL of Kansas. There are thirty drivers now, and while we have not increased the men in the force, that matter being wholly left to the Committee on Appropriations, of which the gentleman, I believe, is a member, he will recall that there are now thirty drivers provided for in the appropriation bill, and thirty assistants have been drawn from the force by the fire chief and the Commissioners.

Mr. FITZGERALD. I wish to call attention to these facts in connection with the bill, if the gentleman will permit me: This bill provides for assistant drivers at a salary of $1,100 a year. It also provides for two classes of privates, one at $1,080 a year and one at $960 a year. The assistant drivers that are to be authorized here, unless I am misinformed, have practically nothing to do as drivers except, perhaps, when some man goes home to lunch or is temporarily disabled, and yet they are creating a new class and an additional compensation, not only above what they receive at present, but above what the ordinary drivers will receive under the increased schedule.

Mr. TAYLOR of Ohio. I want to say that the assistant drivers provided for in this bill are the men who have been the privates driving the hose wagons and all other wagons except the steamers. Now, we make them what they really have been for a number of years. They drive the hose wagons, and the regular drivers are the drivers of the steamers.

Mr. FITZGERALD. Instead of their occupation being extra hazardous, it is much easier than that of the ordinary drivers. The man who drives the hose wagon drives to the fire, helps to lay out the hose, and then takes care of his horses. He does not do the work of fighting the fire.

Mr. TAYLOR of Ohio. If the gentleman will look at the report he will find that the assistant drivers do all the duties of a private at a fire, and in addition look after their horses and drive these hose wagons.

Mr. FITZGERALD. In theory they do the work of privates at a fire, but as a matter of fact they do not.

Mr. TAYLOR of Ohio. As a matter of fact they do, and the gentleman is the first person who says they do not.

Mr. FITZGERALD. I am somewhat familiar with the way a large fire department is conducted, a fire department that has something of a reputation throughout the country, and I know that the man who drives a hose wagon takes care of his horses at the fire, takes care of his wagon, and drives back and forth for additional fuel when it is required for the steamers, and that he does not as a matter of fact do the ordinary work of fire fighting, the same as the ordinary privates do. When that provision in the bill is reached, I simply wish to say to the gentleman that I will ask the committee to disagree to the amendment providing this additional compensation for the assistant drivers.

There is one thing I wish to call attention to. At present the fire department in the District of Columbia has a clerk at $1,000 a year, and there is a private detailed as assistant to the chief. This bill provides for two clerks at least, one a chief clerk, at $1,400 a year, and another clerk, at $1,200 a year.

Mr. CAMPBELL of Kansas. Will the gentleman yield there?

Mr. FITZGERALD. Yes.

Mr. CAMPBELL of Kansas. I do not want to take the time of the committee, but these two clerks, the chief clerk and the assistant clerk, take the place of a general superintendent who, in your city, gets $7,000 a year.

Mr. FITZGERALD. Oh, well, in my city there is a population of 4,000,000 people, with its immense wealth, to be looked after by the fire department.

Mr. CAMPBELL of Kansas. And in this city there are over 300,000 people, with enormous property, the Government having large property interests here, to be taken care of.

Mr. FITZGERALD. Well, it is as impossible to make a fair comparison between the fire department of Washington and the fire department required in the city of New York as it is to compare the annual budget of the two cities. But I was calling attention to this fact, that the Commissioners of the District of Columbia, in their annual estimates this year and in the testimony that they submitted before the Committee on Appropriations, did not ask an additional clerk, but only asked that the clerk they had have an increase of $200 in salary; and yet this bill contains a provision for a chief clerk at $1,400 a year and another clerk at $1,200 a year.

Mr. CAMPBELL of Kansas. The Commissioners did ask for a superintendent, at $4,000, and instead of granting the request the committee gave them these two clerks.

Mr. FITZGERALD. The Commissioners asked the gentleman's committee not only to provide a chief of the fire department, but also to provide a superintendent to take care of the administration of the fire department. The gentleman's committee very sensibly, I believe, found that it was unnecessary to have a superintendent; that one of the Commissioners in effect is the superintendent of the department, and so they disallowed this unnecessary additional officer. I see that the Commissioner of the District, the chairman of the Commission, in his statement before the committee, stated that they had a clerk at $1,000 a year, and they asked that his compensation be increased to $1,200, but they asked for no additional clerk; and yet this bill provides a chief clerk at $1,400 and a clerk at $1,200. I desire to call these things to the attention of the committee because I intend to ask the committee to disagree with these two items.

Mr. CAMPBELL of Kansas. Is that the only objection the gentleman has to the bill? I think we could save time if the gentleman will call attention to the objections he has and let us vote upon them and agree to the remainder of the bill.

Mr. FITZGERALD. Those are the only two things I object to at this time.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask that that provision be read, so that we can get a vote upon these amendments at this time.

Mr. MANN. Mr. Chairman, I think the gentleman from Kansas ought to explain what the bill is and what it does. It seems to increase a large number of salaries, and I do not think it is ordinarily customary for the House to increase a great number of salaries without some explanation. It isn't necessary for the gentleman to look at the clock, because if a number of people who wish to have their salaries increased can get them increased by looking at the clock clocks would be in demand.

Mr. CAMPBELL of Kansas. I will say to my friend from Illinois that I have not supported a bill on the floor of the House upon which I would more gladly make an extended statement than on this bill, but the hour is late, and I can say in a very few words what the general purpose of the bill is. It is to create a permanent fire department and increase the salaries of the men.

Mr. WILLIAMS. Mr. Chairman, it is evident that the consideration of this bill will take half an hour more.

Mr. MANN. It will take all of that.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. MANN. I will yield to the gentleman.

Mr. WILLIAMS. It is after 5 o'clock, and I suggest that the committee rise. I am perfectly willing to have the bill acted upon, and thought it would take only five minutes. It has now already taken twenty-four minutes.

Mr. CAMPBELL of Kansas. Will the gentleman from Illinois be satisfied if what I have to say on the bill is printed in the RECORD, and I have it on the desk in the morning?

Mr. MANN. Most certainly not. While I am always entertained by reading the speeches of the gentleman from Kansas, I prefer to have the House hear what the gentleman from Kansas has to say as to why these salaries should be raised. I know of no Government employee but would like to have his salary raised. If there be reason for this, the House ought to know not only what the increases are, but why they are made.

Mr. CAMPBELL of Kansas. The reason for asking for the passage of this bill is that the firemen of the District of Columbia have not had an increase of salary since 1878. They are the lowest paid public servants in the District of Columbia. They are paid lower wages now than policemen are paid. We increased the salary of the policemen three months ago in the House, and we agreed to the Senate amendment to that bill today. The men in the fire department get, on an average, a lower wage than any of the public servants in the District. They have to live near the fire stations; they are on duty twenty-four hours in the day; they are called upon to do most hazardous work; their expenses are high by reason of their high rent, by reason of the clothing they have to provide for themselves, and there is every argument in support of the increase of salaries that are provided for in this bill. I will say to the gentleman from Illinois that of the $83,000 increase all but $4,600 goes to the men, the other $4,600 to the higher officers.

Mr. MANN. It seems to me that the House is entitled to know what the increases proposed are. There is nothing here to show the House as to what the increases are. I notice that assistant drivers in the bill have their salaries raised to $1,100. It may be perfectly proper for aught I know, although there are hundreds of drivers in this city who would be glad to receive a salary of two-thirds of that.

Mr. CAMPBELL of Kansas. If the gentleman will suspend, I will tell just what the increases are. The chief engineer is increased from $2,500 to $3,500.

Mr. MANN. That is a thousand dollars increase.

Mr. CAMPBELL of Kansas. The deputy chief engineer, from $1,500 to $2,500; battalion chiefs, there being three, from $1,200 to $2,000; fire marshal, from $1,600 to $2,000; deputy fire marshal, a new office created, at $1,400 a year; inspectors, two of them, at $1,080 a year; chief clerk, at $1,400; clerk, at $1,200, being an increase of $200; captains, and there are twenty-nine of them, and we create no new ones, are increased from $1,000 to $1,400; lieutenants, and there are thirty of them,

are increased from $900 to $1,200; superintendent of machinery is increased from $1,000 to $1,400; assistant superintendent, $1,200; engineers, eighteen in number, are increased from $1,000 to $1,150; assistant engineers, eighteen of them, are increased from $900 to $1,100; marine engineer is increased from $1,000 to $1,500. I will say for the benefit of the committee that we have one marine engineer. Assistant marine engineer, from $900 to $1,100.

Mr. MANN. What is the marine engineer?

Mr. CAMPBELL of Kansas. He is in charge of the fire boat on the Potomac River and patrols the river front. There are thirty assistant drivers. These men have their salaries increased from $900 to $1,100. Privates in class 2, 196 of them, are increased from $900 to $1,080; watchmen formerly, now class 1, 29 in number, are increased from $720 to $960. The total number of men whose salaries are affected is 367, there being an increase of five men created by this bill. The total increase in the salaries, all told, is $83,490. That is, in brief, what we do in this bill, and I will say if this bill becomes a law, our fire department is still below the pay given to fire departments in cities of similar size throughout the country.

Mr. MANN. Did I understand the gentleman to refer to watchmen?

Mr. CAMPBELL of Kansas, Yes. That is what is now the lowest class of fireman.

Mr. MANN. What are the watchmen?

Mr. CAMPBELL of Kansas. They have been denominated heretofore as watchmen. We make them class 1 by this bill.

Mr. MANN. What are their duties?

Mr. CAMPBELL of Kansas. Their duties are very similar to the duties of firemen in class 2. They are the apprentices, if you please. They are those who enter new upon the service.

Mr. MANN. I understood the gentleman a little while ago to say that the chief clerk was to take the place of somebody else when absent.

Mr. CAMPBELL of Kansas. The Commissioners asked for a general superintendent of the fire department. We have here twenty-nine fire stations and over a million and a quarter of dollars' worth of property. There are large estimates to be made, orders and requisitions made constantly. There is a large correspondence growing out of the relations of the fire department to the business of the District, and we provided these clerks instead of this general superintendent, who was to have charge of the business of the fire department.

Mr. MANN. I understood the gentleman to say a while ago—I ask whether I was mistaken—that these chief clerks fill the duty of some other officer.

Mr. CAMPBELL of Kansas. The chief clerk will, in the absence of the fire chief, be in charge of the office.

Mr. MANN. What do you call the fire chief? How is he designated here?

Mr. CAMPBELL of Kansas. The chief engineer.

Mr. MANN. So that a chief clerk is to take the place of a chief engineer?

Mr. CAMPBELL of Kansas. He will be in the engineer's office constantly, and look after the business of the fire department, keeping the property and the books of the department.

Mr. MANN. I suppose the gentleman does not really mean that the chief clerk will take the place of the chief engineer in the absence of the chief engineer.

Mr. CAMPBELL of Kansas. I did not say he would take charge of fires or anything of that sort; but he is to be in the office and in charge of the office in the absence of the chief engineer.

Mr. MANN. Mr. Chairman, it seems to me that it is a rather unusual thing to bring before the House at this time in the day a proposition to increase salaries, one from $2,500 to $3,500 and another from $1,500 to $2,500, and other salaries correspondingly. This House would debate for half an hour or more, if it had the opportunity, on an appropriation bill, a proposition to increase the salary of one individual at a thousand dollars per year. It is a very unusual thing to increase a salary $1,000, a salary of these grades, and it is always a matter of suspicion to me when a bill comes before the House urged by a particular department and the head of it to find that the chief officials of that department are the ones who received the highest raises in the salaries. I can very well understand how the chief engineer of the fire department is in favor of this bill, when his salary is increased from $2,500 to $3,500 per year and the assistant engineer from $1,500 to $2,500 per year, almost a doubling of the salary in his case. I think that the committee ought to give the House an opportunity to consider these propositions upon their merits and not bring it before the House at this time in the evening when it is certainly impossible to consider them item by item, or each one on its merits.

Mr. CAMPBELL of Kansas. Now, if the gentleman——

Mr. WILLIAMS. Mr. Chairman, I think this felonious assault has gone far enough. Can not the gentleman move that the committee rise?

Mr. CAMPBELL of Kansas. I am still hoping to get this bill out. I have been trying to get it considered for more than a month.

Mr. WILLIAMS. I hope that the gentleman will move that the committee rise.

Mr. MANN. I will say to the gentleman there have been men in Washington hoping to get their salaries increased ever since I have been in Washington who have not yet received a hearing in the House.

Mr. CAMPBELL of Kansas. Let me say this: The men who are more affected by this bill than the gentleman from Illinois or myself or any Member of the House—the residents and taxpayers of the District of Columbia—are heartily in favor of every provision in this bill and of every increase that is provided for here, and have been urging that the bill be given early and favorable consideration.

Mr. WILLIAMS. Mr. Chairman, I move——

Mr. CAMPBELL of Kansas. Oh, no——

Mr. WILLIAMS. Will not the gentleman move that the committee rise?

Mr. CAMPBELL of Kansas. Oh, I think now that——

Mr. WILLIAMS. I move that the committee rise. It is evident you will have to go into each one of these increases, and it will take an hour.

Mr. CAMPBELL of Kansas. That will be in two weeks from now, and I fear Congress will adjourn before we can secure the passage of the bill.

Mr. MANN. Congress will not have adjourned in two weeks; let the gentleman from Kansas make the motion.

Mr. WILLIAMS. I would rather the gentleman himself would make the motion. I withdraw my motion that the committee rise.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. I reserve the balance of my time, Mr. Chairman.

The question was taken; and the motion was agreed to.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent to extend my remarks on the bill to preserve birds in the District of Columbia.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] The Chair hears none.

Mr. MORRELL. Mr. Chairman, I ask leave to extend my remarks in the RECORD on expenses in the District of Columbia.

The CHAIRMAN. Without objection, the same privilege will be accorded to the gentleman from Pennsylvania. [After a pause.] The Chair hears no objection.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes, and had come to no resolution; and also had had under consideration the bill (S. 1243) providing for compulsory education in the District of Columbia, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 17758. An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.;

H. R. 19473. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama; and

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River in Tallahatchie County, Miss.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 584. An act for the relief of David H. Moffat.

AGRICULTURAL APPROPRIATION BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title with Senate amendments was taken from the Speaker's

table and referred to its appropriate committee, as indicated below:

H. R. 18537. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907—to the Committee on Agriculture.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I move the previous question on the bill S. 1243 and amendments to its final passage.

The question was taken; and the previous question was ordered.

The amendments were agreed to.

The bill as amended was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS. This bill is now in the attitude where it will go over as unfinished business until to-morrow, and I hope therefore, that the motion to adjourn will be made now. It will not prejudice the bill.

The SPEAKER. The Chair is not sure whether it will go over until to-morrow or go over until two weeks from to-morrow.

Mr. WILLIAMS. The previous question has been ordered, and that sends it over until to-morrow. The Chair ruled upon that two or three days ago.

The SPEAKER. Not on District of Columbia day. There is a peculiar rule as to the District of Columbia that set everybody at sixes and sevens until it was examined on another question; but the House, of course, will choose whatever course it desires to pursue, and when the question arises the Chair will decide it.

Mr. BABCOCK. I would like to ask the gentleman from Mississippi [Mr. WILLIAMS] if there is any objection to taking the vote now?

Mr. WILLIAMS. Yes; the objection is that we would have to stay here until we called the roll.

Mr. BABCOCK. Then, Mr. Speaker——

Mr. PAYNE. I hope the regular order will go on.

The SPEAKER. The regular order is demanded. The question is on the passage of the bill.

The question being taken, on a division (demanded by Mr. WILLIAMS) the House divided; and there were—ayes 101, noes 12.

Mr. WILLIAMS. Reserving the point of order that there is no quorum present, I suggest that we had better adjourn. I reserve the point of order.

The SPEAKER. There is nothing to reserve that the Chair can see that the point of order would apply to.

Mr. WILLIAMS. I reserve the point of order that there is no quorum present.

The SPEAKER. The ayes have it, and the bill——

Mr. WILLIAMS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The reservation did not last a great while. [Laughter.]

Mr. WILLIAMS. But the reservation would have lasted, and I want the Speaker to understand now that I have the right to reserve the point of order.

The SPEAKER. The Sergeant-at-Arms will close the doors and bring in absentees, the Clerk will call the roll, and those in favor of the passage of the bill will, as their names are called, answer "aye," and those opposed will answer "no," and those present and not voting will answer "present."

Mr. WILLIAMS. Now, Mr. Speaker, I move that the House do now adjourn.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves that the House do now adjourn.

Mr. WILLIAMS. I am perfectly willing that it should come from there.

The question was taken; and the motion was rejected.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 164, nays 1, answered "present" 27, not voting 190, as follows:

YEAS—164.

Adams, Wis.	Brown	Cole	Ellis
Allen, Me.	Brownlow	Conner	Esch
Ames	Buckman	Cousins	Fitzgerald
Babcock	Burleson	Cromer	Foss
Barchfeld	Burton, Del.	Crumpacker	Foster, Ind.
Bates	Burton, Ohio	Curtis	Foster, Vt.
Beall, Tex.	Butler, Pa.	Dalzell	French
Beidler	Campbell, Kans.	Darragh	Fulkerson
Bennet, N. Y.	Campbell, Ohio	Dawes	Gardner, N. J.
Birdsall	Capron	Dawson	Garner
Bonynge	Cassel	De Armond	Garrett
Bowersock	Chaney	Denby	Graff
Brick	Clark, Mo.	Draper	Graham
Broocks, Tex.	Cocks	Edwards	Gregg
Grosvenor	Landis, Frederick	Padgett	Southwick
Hale	Lawrence	Palmer	Spight
Hamilton	Lee	Parker	Steenerson
Hayes	Lilley, Conn.	Parsons	Sterling
Hedge	Lloyd	Payne	Sullivan, Mass.
Henry, Conn.	Loud	Pearre	Sulloway
Henry, Tex.	Loudenslager	Perkins	Sulzer
Hepburn	McGavin	Pollard	Tawney
Higgins	McKinlay, Cal.	Pou	Taylor, Ala.
Hill, Conn.	McKinley, Ill.	Powers	Taylor, Ohio
Hinshaw	McKinney	Rainey	Tirrell
Hogg	McMoran	Rhodes	Townsend
Holliday	Macon	Rodenberg	Volstead
Hubbard	Madden	Rucker	Waldo
James	Mann	Ruppert	Wallace
Jenkins	Minor	Ryan	Watson
Johnson	Moon, Tenn.	Shackleford	Weems
Jones, Wash.	Morrell	Sherley	Wharton
Kahn	Mouser	Sherman	Wiley, Ala.
Keliher	Murdock	Sibley	Wiley, N. J.
Kennedy, Nebr.	Murphy	Sims	Williams
Kennedy, Ohio	Needham	Smith, Cal.	Wilson
Kinkaid	Nevin	Smith, Iowa	Wood, N. J.
Knowland	Olcott	Smith, Md.	Woodyard
Lacey	Olmsted	Smith, Pa.	Young
Lafean	Otjen	Smith, Tex.	Zenor
Landis, Chas. B.	Overstreet	Smyser	The Speaker

NAYS—1.

Floyd

ANSWERED "PRESENT"—27.

Adamson	Driscoll	Houston	Russell
Andrus	Finley	Humphreys, Miss.	Sheppard
Bouteil	Gaines, Tenn.	Lever	Southard
Burke, S. Dak.	Gillespie	Lilley, Pa.	Stephens, Tex.
Candler	Greene	McLain	Wanger
Dale	Haugen	Rhinock	Watkins
Dickson, Ill.	Hopkins	Rixey	

NOT VOTING—190.

Acheson	Dwight	Kitchin, Wm. W.	Reid
Adams, Pa.	Ellerbe	Klepper	Reynolds
Aiken	Fassett	Kline	Richardson, Ala.
Alexander	Field	Knapp	Richardson, Ky.
Allen, N. J.	Flack	Knopf	Rives
Bankhead	Fletcher	Lamar	Roberts
Bannon	Flood	Lamb	Robertson, La.
Bartholdt	Fordney	Law	Robinson, Ark.
Bartlett	Fowler	Le Fevre	Samuel
Bede	Fuller	Legare	Schneebeli
Bell, Ga.	Gaines, W. Va.	Lester	Scott
Bennett, Ky.	Garber	Lewis	Scroggy
Bingham	Gardner, Mass.	Lindsay	Shartel
Bishop	Gardner, Mich.	Littauer	Slayden
Blackburn	Gilbert, Ind.	Little	Slemp
Bowers	Gilbert, Ky.	Littlefield	Small
Bowie	Gill	Livingston	Smith, Ill.
Bradley	Gillett, Cal.	Longworth	Smith, Ky.
Brantley	Gillett, Mass.	Lorimer	Smith, Samuel W.
Brooks, Colo.	Glass	Lovering	Smith, Wm. Alden
Broussard	Goebel	McCall	Snapp
Brundidge	Goldfogle	McCarthy	Southall
Burgess	Goulden	McCleary, Minn.	Sparkman
Burke, Pa.	Granger	McCreary, Pa.	Sperry
Burleigh	Griggs	McDermott	Stafford
Burnett	Gronna	McLachlan	Stanley
Butler, Tenn.	Gudger	McNary	Stevens, Minn.
Byrd	Hardwick	Mahon	Sullivan, N. Y.
Calder	Haskins	Marshall	Talbott
Calderhead	Hay	Martin	Thomas, N. C.
Chapman	Hearst	Maynard	Thomas, Ohio
Clark, Fla.	Heflin	Meyer	Towne
Clayton	Hermann	Michalek	Trimble
Cockran	Hill, Miss.	Miller	Tyndall
Cooper, Pa.	Hitt	Mondell	Underwood
Cooper, Wis.	Hoar	Moon, Pa.	Van Duzer
Currier	Howard	Moore	Van Winkle
Cushman	Howell, N. J.	Mudd	Vreeland
Davey, La.	Howell, Utah	Norris	Wachter
Davidson	Huff	Page	Wadsworth
Davis, Minn.	Hughes	Patterson, N. C.	Webb
Davis, W. Va.	Hull	Patterson, S. C.	Webber
Deemer	Humphrey, Wash.	Patterson, Tenn.	Weeks
Dixon, Ind.	Hunt	Prince	Weisse
Dixon, Mont.	Jones, Va.	Pujo	Welborn
Dovener	Keifer	Randell, Tex.	Wood, Mo.
Dresser	Ketcham	Ransdell, La.	
Dunwell	Kitchin, Claude	Reeder	

The following additional pairs were announced:

For the balance of the day:

Mr. MCCARTHY with Mr. RHINOCK.

Mr. BROWNLOW with Mr. RICHARDSON of Alabama.

On this vote:

Mr. SHERMAN with Mr. RIXEY.

Mr. LITTAUER with Mr. UNDERWOOD.

Mr. BROOKS of Colorado with Mr. TALBOTT.

After an interval,

Mr. WILLIAMS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. It will be necessary that this motion should be seconded by a majority of the Members present.

The question was taken.

The SPEAKER. Twelve gentlemen have seconded the motion; not in the opinion of the Chair——

Mr. WILLIAMS. Not a third.

The SPEAKER. Not a majority, in the opinion of the Chair.

Mr. WILLIAMS. Has the Chair counted us merely numerically, merely in numbers, or otherwise?

Mr. MANN. Not in this case.

The SPEAKER. On this motion, under the Constitution——

Mr. WILLIAMS. I understand.

The SPEAKER. In numbers.

Mr. WILLIAMS. I just wanted to know whether the House measured us who stood up numerically or otherwise; that is all.

Assistant Sergeant-at-Arms PIERCE. Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present at the bar of the House, under arrest, Mr. BUCKMAN and Mr. RUCKER.

The SPEAKER pro tempore (Mr. OLMSTED). The gentlemen will be noted as present under the rule and discharged from arrest.

Does the gentleman from Missouri desire to vote?

Mr. RUCKER. I want to emphasize the fact that I am present.

The SPEAKER pro tempore. Does the gentleman from Minnesota desire to vote?

Mr. BUCKMAN. I vote "yea."

Mr. RUCKER. Mr. Speaker, I would like to change my vote from "present" to "yea."

The name of Mr. RUCKER was called and he voted "yea."

Assistant Sergeant-at-Arms PIERCE. Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present at the bar of the House, under arrest, Messrs. MURPHY and SULLOWAY.

The SPEAKER pro tempore. The gentlemen will be noted present under the rule and discharged from arrest. Does the gentleman from New Hampshire desire to vote?

Mr. SULLOWAY. He does.

The SPEAKER pro tempore. The Clerk will call the gentleman from New Hampshire.

The Clerk called the name of Mr. SULLOWAY, and he voted "aye."

The SPEAKER pro tempore. Does the gentleman from Missouri desire to vote?

Mr. MURPHY. I do.

The SPEAKER pro tempore. The Clerk will call the gentleman from Missouri.

The Clerk called the name of Mr. MURPHY, and he voted "aye."

Mr. RUCKER. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RUCKER. A parliamentary inquiry, if it is parliamentary. I should like to know why the Sergeant-at-Arms is so diligent in the last few minutes, when he has not been pursuing this course all the time? He can take myself and one of my honored colleagues from Missouri, one of the best men in this House, and make a parade. Other gentlemen are brought in here in the usual way in which it has been done here for many years, without any criticism or any record made against them. I should like the Chair to tell me, if he knows, why the Sergeant-at-Arms is guilty of this gross abuse of his power and foul discrimination?

The SPEAKER pro tempore. The Chair thinks that is hardly a parliamentary inquiry. The Sergeant-at-Arms is in the discharge of his duty, so far as the Chair is able to determine. The only business in order now is to obtain a quorum.

Mr. RUCKER. With all respect to the Chair, I want to say that I think the Chair is indulging in an assumption. I think the Sergeant-at-Arms has not done his duty.

Mr. LILLEY of Pennsylvania. Would it not be well for the gentleman from Missouri to refer his complaint to the minority leader of the House?

The SPEAKER pro tempore. That is hardly in order. Nothing is in order except the ascertainment of a quorum.

Assistant Sergeant-at-Arms PIERCE. Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present at the bar of the House, under arrest, Messrs. GAINES of Tennessee, WALLACE, and WILEY of Alabama.

The SPEAKER pro tempore. The gentlemen will be noted present and discharged from arrest. Does the gentleman from Tennessee [Mr. GAINES] desire to vote?

Mr. GAINES of Tennessee. I desire to vote "present."

The SPEAKER pro tempore. Does the gentleman from Alabama desire to vote?

Mr. WILEY of Alabama. I desire to vote "aye."

The SPEAKER pro tempore. Does the gentleman from Arkansas desire to vote?

Mr. WALLACE. Mr. Speaker, I left here after 6 o'clock, having voted on the roll call. I do not know whether this is a new call or not.

Mr. WILLIAMS. See if the gentleman is recorded.

The SPEAKER pro tempore. The Chair is advised that the gentleman is recorded as having voted on this call.

Mr. WILLIAMS. Mr. Speaker, it seems to me that the proceedings, as regards the gentleman from Arkansas, ought to be vacated.

Mr. RUCKER. I should like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RUCKER. Was the Sergeant-at-Arms directed by the Speaker to arrest the whole membership of the House?

The SPEAKER pro tempore. That is not a parliamentary inquiry, and the present occupant of the chair is unable to state.

Mr. RUCKER. Mr. Speaker, I should like to know if the Sergeant-at-Arms is authorized to arrest a man after he has voted on the roll call.

The SPEAKER pro tempore. That is a matter which can be attended to when the presence of a quorum has been ascertained. At the present time nothing is in order except the ascertainment of a quorum.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from New York will state his parliamentary inquiry.

Mr. PAYNE. Under the rule is it not in order for the Sergeant-at-Arms to bring in all absent Members, whether they have voted or not? Their duty is to stay here until the House adjourns.

The SPEAKER pro tempore. That is a matter which, it seems to the present occupant of the chair, is not debatable or to be considered until a quorum is ascertained.

Mr. GAINES of Tennessee. Mr. Speaker, I want to say that when I left here it was nearly 6 o'clock, and I left to look after a very sick brother, my own brother, who is very ill. I make no further apologies to the House or to anybody else, under these circumstances, for being absent.

Mr. Speaker, I want to make not exactly a parliamentary inquiry, but more of an omnibus inquiry. Has the Sergeant-at-Arms a right to arrest a Member after he is inside of the building—coming with his tongue out and his hat in his hand to help to make up a quorum?

The SPEAKER pro tempore. The Chair thinks that is not a parliamentary inquiry, and it is a matter which in any event can not be disposed of until a quorum has been ascertained.

Assistant Sergeant-at-Arms PIERCE. Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present to the bar of the House Mr. SULZER.

The SPEAKER pro tempore. The gentleman from New York will be noted as present and discharged from arrest. Does the gentleman from New York desire to vote?

Mr. SULZER. I do.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SULZER and he voted "aye," as above recorded.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to make another inquiry. Was this a requisition to arrest Democrats only? I did not see any Sergeant-at-Arms with the gentleman from Michigan who just came in.

The SPEAKER pro tempore. The Chair will say that that is hardly a parliamentary inquiry. It is proper for the Chair to say, however, that although he has not personally seen the warrant, it was not confined to one side of the House or the other, as gentlemen upon both sides of the Chamber have been brought in.

Mr. YOUNG. I want to say, for the benefit of the gentleman from Tennessee, that I merely escaped the officer.

The SPEAKER. Upon this vote the ayes are 164, the noes 1, present 27—a quorum. The doors will be opened, and the bill is passed.

LEAVE OF ABSENCE.

Mr. GARRETT asked for leave of absence indefinitely on account of sickness is his family.

Mr. PAYNE. Mr. Speaker, I move that the request be granted.

The motion was agreed to.

Mr. WILLIAMS. Mr. Speaker, during the afternoon the strict rule of the House bringing Members before the bar of the House during the call for a quorum has been, for the first time in the life of this Congress, put into operation. A great many Members of the House who have served here several terms did not understand the operation of that rule; and in consequence of their not having understood it, in consequence of its not being strictly enforced hitherto, I think it would be well that

the proceedings in bringing Members before the bar should be vacated and not appear in either the RECORD or the Journal.

I shall ask unanimous consent that so much of the proceedings of the afternoon as relate to bringing Members before the bar under arrest because of absence while the call of the House was being made, in order to procure a quorum, be vacated and that the Journal and the RECORD be silent as to those proceedings.

Mr. PAYNE. I think, Mr. Speaker, I shall have to object to that request. I move that the House do now adjourn.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER. To make a motion.

The SPEAKER. The gentleman from New York has moved to adjourn.

Mr. WILLIAMS. Mr. Speaker, was my request put?

The SPEAKER. Before the Chair could put the question the gentleman from New York objected.

Mr. WILLIAMS. Then we shall have to vote down that motion to adjourn, in order to get the request before the House.

The question on the motion to adjourn was taken; and on a division (demanded by Mr. WILLIAMS) there were 56 ayes and 23 noes.

So the motion was agreed to.

Accordingly (at 7 o'clock and 40 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sebastian Inlet, Indian River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting supplementary estimates of appropriation required to complete the service of the fiscal year ending June 30, 1906, and for prior years, and for the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for printing the Official Gazette—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for subsistence of the Army—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HINSHAW, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4805) to prohibit aliens from taking or gathering sponges in the waters of the United States, reported the same with amendment, accompanied by a report (No. 4443); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, reported the same with amendment, accompanied by a report (No. 4444); which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Private Land Claims, to which was referred the bill of the Senate (S. 1697) confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida, reported the same with amendment, accompanied by a report (No. 4445); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MINOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4298) to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels, reported the same without amendment, accompanied by a report (No. 4446); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the House joint resolution (H. J. Res. 162) authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind., reported the same without amendment, accompanied by a report (No. 4447); which said joint resolution and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 9981, reported in lieu thereof a bill (H. R. 19757) to regulate the practice of dentistry or dental surgery, in the Indian Territory, reported the same accompanied by a report (No. 4448); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHANEY: A bill (H. R. 19748) to aid in the erection of a memorial monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

By Mr. HILL of Connecticut: A bill (H. R. 19749) to prescribe the duties of deputy collectors of customs—to the Committee on Ways and Means.

By Mr. PAYNE: A bill (H. R. 19750) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. McLAIN: A bill (H. R. 19751) to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway across the national cemetery road at Natchez, Miss.—to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 19752) amending section 10 of the act approved March 3, 1905, providing for an additional division in the seventh district of Illinois and an additional term of court at the city of Quincy—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 19753) to remove the restrictions on the alienation of lands in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations, Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 19754) to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.—to the Committee on Insular Affairs.

Also, a bill (H. R. 19755) to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands—to the Committee on Insular Affairs.

Also, a bill (H. R. 19756) to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands—to the Committee on Ways and Means.

By Mr. CURTIS, from the Committee on Indian Affairs: A bill (H. R. 19757) to regulate the practice of dentistry, or dental surgery, in the Indian Territory—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolution of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 19758) granting an increase of pension to Josefita Montano—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19759) granting an increase of pension to William Mueller—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 19760) granting an increase of pension to Mary B. Underwood—to the Committee on Pensions.

By Mr. BENNET of New York: A bill (H. R. 19761) to have the charge of desertion removed against Maurice Brower, as of Companies B and C, Sixty-fifth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 19762) granting an increase of pension to Clara C. Edsall—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 19763) granting an increase of pension to Joseph B. Wilson—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 19764) granting a pension to James Bond—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 19765) granting a pension to David Enoch—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 19766) granting a pension to Mary A. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19767) granting an increase of pension to William H. Loghry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19768) granting an increase of pension to Josiah Allman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19769) granting an increase of pension to Jacob Seigler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19770) granting an increase of pension to James G. Van Dewalker—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 19771) granting an increase of pension to G. H. Young—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 19772) granting a pension to Mary L. Kirlin—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 19773) for the relief of Addison Hopson—to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 19774) for the relief of G. W. Morgan—to the Committee on Claims.

Also, a bill (H. R. 19775) granting an increase of pension to Greenup Meece—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19776) granting an increase of pension to Francis M. Haynes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19777) granting an increase of pension to John Loveless—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 19778) for the relief of the Barse Live Stock Commission Company—to the Committee on Claims.

By Mr. FINLEY: A bill (H. R. 19779) granting an increase of pension to Amelia D. Robertson—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 19780) granting an increase of pension to Reuben E. Osgood—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 19781) granting an increase of pension to John W. Maddux—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 19782) granting a pension to Elizabeth Sanders—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19783) for the relief of the estate of Gideon Robinson—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 19784) granting an increase of pension to Dora Raine Willcoxon—to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 19785) granting an increase of pension to Thomas H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19786) granting an increase of pension to John Deitrick—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 19787) granting section 16, township 14 north, range 4 east, Indian meridian, Lincoln County, Oklahoma Territory, to the city of Chandler, said county, for school purposes—to the Committee on the Public Lands.

By Mr. MURDOCK: A bill (H. R. 19788) granting a pension to Jane L. German—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19789) granting a pension to Elizabeth J. Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19790) granting a pension to Nancy E. Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19791) granting an increase of pension to Henry Dulin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19792) granting an increase of pension to Edward R. Halchett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19793) granting an increase of pension to Morton A. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19794) granting an increase of pension to Henry C. Jewett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19795) granting an increase of pension to William S. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19796) authorizing and directing the Secretary of War to bestow a medal of honor upon Frederick Weibking—to the Committee on Military Affairs.

Also, a bill (H. R. 19797) to correct the military record of and grant an honorable discharge to Truman Tucker—to the Committee on Military Affairs.

Also, a bill (H. R. 19798) to correct the military record of and grant an honorable discharge to Lewis Craycraft—to the Committee on Military Affairs.

By Mr. PAGE: A bill (H. R. 19799) for the relief of the estate of John Quick, deceased—to the Committee on War Claims.

By Mr. POLLARD: A bill (H. R. 19800) granting a pension to Anson Rising—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 19801) granting an increase of pension to John H. Hayes—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 19802) granting a pension to Mary Robinson—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 19803) granting a pension to Sanford H. Hasbrouck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19804) granting an increase of pension to Joachim Maidhof—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 19805) granting an increase of pension to Warren A. Woodson—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 19806) granting a pension to Julius C. Witherspoon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19807) granting an increase of pension to John W. Marean—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19808) granting an increase of pension to Charles F. Chase—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 19809) to grant American registry to the bark Choctaw—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIAMS: A bill (H. R. 19810) for the relief of the heirs of Harvey Latham, deceased, and for other purposes—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 8816) granting a pension to Mary Schoske—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19655) granting an increase of pension to Benjamin F. Martz—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Warpel & Arbuckle, of Erie, Pa., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Mary A. Underwood—to the Committee on Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of Maurice Brower—to the Committee on Military Affairs.

By Mr. BURKE of Pennsylvania: Petition of the Constitution League of the United States, against the Warner Senate amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of citizens of Skowhegan, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURTON of Delaware: Petition of Black Eagle Post, Grand Army of the Republic, Department of Kansas, favoring bill to amend, modify, and simplify the pension laws of the United States (H. R. 4495)—to the Committee on Invalid Pensions.

By Mr. DALE: Paper to accompany bill for relief of Mary L. Kirlin—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of the city council of Chicago, for sole control by the Federal Government of the outflow of Lake Michigan water into the Chicago city canal—to the Committee on Rivers and Harbors.

Also, petition of the Columbia Sick Relief Society, of Davenport, Iowa, for bill H. R. 18024—to the Committee on Rivers and Harbors.

By Mr. DENBY: Petition of citizens of Detroit, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of W. S. Knox, against bill H. R. 14897, relative to maintenance of the Long Bridge over the Potomac River—to the Committee on the District of Columbia.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas imported from Canada—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for an increase of tea inspectors' salaries to $5,000 per annum—to the Committee on Ways and Means.

By Mr. FINLEY: Paper to accompany bill for relief of Amelia D. Robertson—to the Committee on War Claims.

By Mr. FULLER: Petition of the Rockford (Ill.) Packing Company, for an amendment of the pure-food bill in subsection 3, section 7, of the bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Engel & Edmunds, of Ottawa, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Union League Club of New York, for removal of the duty on paintings and antique works of art—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Constitution League of the United States, against the Warner Senate amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Missionary Society of the Presbyterian Church of Tarentum, Pa., for amendment to Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of M. H. Durst, of Alameda, Cal., for free duty to single-warp bagging for hop baling—to the Committee on Ways and Means.

Also, petition of C. L. Weaver et al., against the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: Petition of the Methodist Episcopal and Presbyterian churches of Cadott, Wis., against Sunday opening of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Angeline Whitmarsh—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of citizens of Keokuk County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAFEAN: Petition of the Stateville Presbyterian Church, of Delta, Pa., for a constitutional amendment for the suppression of polygamy in the United States—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of the Damascus Baptist Church, of Gordon County, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Martin Ball, heir of Stephen Ball—to the Committee on War Claims.

By Mr. LLOYD: Petition of Roy Sharts & Son, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Petition of the Kinley Manufacturing Company, for the Senate amendment to the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MURDOCK: Petition of citizens of Rush County, Kans., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PAGE: Paper to accompany bill for relief of John Quick—to the Committee on War Claims.

By Mr. RUPPERT: Petition of the New York Retail Grocers' Union, for an increase of salary of inspectors of teas to $5,000—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas from Canada—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the Produce Merchants' Association of Portland, Oreg., for the Bede private car line bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Associated Building Trades, for appropriate measures relative to employment on the Congressional Hall Annex on behalf of Washington stone cutters—to the Committee on Public Buildings and Grounds.

Also, petition of General William F. Barry Garrison, No. 30, Regular Army and Navy Union, United States of America, of Washington, D. C., against change of present title to "Army and Navy Union, United States of America"—to the Committee on Military Affairs.

Also, petition of the New York Retail Grocers' Union, for a duty of 10 per cent on all teas imported from Canada—to the Committee on Ways and Means.

Also, petition of the New York Retail Grocers' Union, for an increase of salaries of tea inspectors to $5,000—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Paper to accompany bill for relief of teamsters who served in the civil war—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of citizens of Huron County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHARTON: Petition of the executive directors of the Chicago Commercial Association, for legislation favorable to promotion of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, *May 29, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. DICK and Mr. PATTERSON members of the Board of Visitors on the part of the Senate to attend the next annual examination at the Naval Academy, at Annapolis, Md., as required by the act of February 14, 1879.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901.

The message also announced that the House had passed the bill (S. 1243) providing for compulsory education in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 1319) to prohibit the killing of wild birds and wild animals in the District of Columbia, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 584. An act for the relief of David H. Moffat;

H. R. 17758. An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.;

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss.; and

H. R. 19473. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Conference of the Methodist Episcopal Church South, at Birmingham, Ala., praying for the enactment of legislation to provide for closing the gates of the Jamestown Exposition Grounds on Sunday; which was referred to the Select Committee on Industrial Expositions.

He also presented a memorial of the General Conference of the Methodist Episcopal Church South, at Birmingham, Ala., remonstrating against the enactment of legislation permitting the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. KEAN presented petitions of 10,983 women of the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DICK presented petitions of 22,249 women of the State of Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of

Utah; which were referred to the Committee on Privileges and Elections.

Mr. WETMORE presented petitions of 984 women of the State of Rhode Island, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. ANKENY presented petitions of 4,382 women of the State of Washington, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. NIXON presented petitions of 382 women of the State of Nevada, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GEARIN presented petitions of 3,592 women of the State of Oregon, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BURROWS presented a petition of Fulton Circle, King's Daughters, of Detroit, Mich., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Woman's Home Missionary Society of Dearborn, Mich., remonstrating against the transfer of the care of Indians and Eskimos of Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

He also presented a memorial of Kalamazoo Council, No. 156, United Commercial Travelers of America, of Kalamazoo, Mich., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Ashbaugh Grange, of Lake City; Ravenna Grange, of Ravenna; Olivet Grange, of Olivet; Harlan Grange, of Harlan; Waverly Grange, of Gobleville; Spring Dale Grange, of Spring Dale; Montcalm Grange, of Greenville; South Jefferson Grange, of Osseo; Pinconning Grange, of Pinconning; Pleasanton Grange, of Bear Lake; Sears Grange, of Sears, and Crawford County Grange, of Grayling, all of the Patrons of Husbandry, in the State of Michigan; of sundry citizens of Adrian, Lake City, Kalamazoo, Ann Arbor, Bay City, Hoxeyville, Manton, Traverse, Cass County, Ashley, Auburn, Belding, Sherwood, Springdale, Reed City, Sterling, Doster, Westwood, Onsted, Iron River, Summit City, Charlevoix, Mears, Clare, and Central Lake; Master Plumbers' Association of Grand Rapids, and of the Woman's Christian Temperance Union of Van Buren County, all in the State of Michigan, praying for the removal of the internal-revenue tax on denaturized alcohol; which were ordered to lie on the table.

Mr. PILES presented a memorial of the Woman's Home Missionary Society of Bellingham District, in the State of Washington, remonstrating against the transfer of the education and care of Indians and Eskimos of Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

Mr. FOSTER presented petitions of 639 women of the State of Louisiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BERRY presented petitions of 2,350 women of the State of Arkansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation providing for the establishment of a public park in the eastern portion of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of the Norton Art Club, of the State of Massachusetts, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

He also presented a petition of the New England Cotton Manufacturers' Association, of Boston, Mass., praying for the enactment of legislation to establish trade relations with China; which was referred to the Committee on Foreign Relations.

He also presented the petition of G. W. Prescott & Sons, of Braintree, Mass., praying for the enactment of legislation to remove the duty on linotype and composing machines and the parts thereof; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Somerville, Mass., praying for the enactment of legislation providing for a revision of the tariff schedules; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Worcester, Mass., praying for the enactment of legislation providing for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New England Cotton Manufacturers' Association, of Boston, Mass., praying for the enactment of legislation to establish national forest reserves in the Southern Appalachian and White Mountains; which was ordered to lie on the table.

He also presented a memorial of the Literary and Historical Association of Boston, Mass., remonstrating against the adoption of the so-called "Warner amendment" to the railroad rate bill relative to separate cars for the white and colored races; which was ordered to lie on the table.

He also presented a petition of Bay State Division, No. 113, Order of Railway Conductors, of Boston, Mass., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a memorial of the New England Hardware Dealers' Association, of the State of Massachusetts, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church, of Millville, Mass., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a memorial of the American Peace Society, of Boston, Mass., remonstrating against any further appropriation being made for the construction of battle ships; which was referred to the Committee on Naval Affairs.

Mr. PENROSE presented a petition of the Audubon Society of western Pennsylvania, praying for the enactment of legislation to protect wild birds and animals in the Territories and National Forest Reserves of the United States; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HALE presented petitions of 10,322 women of the State of Maine, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BACON presented petitions of 879 women of the State of Georgia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KNOX presented petitions of 36,630 women of the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. DANIEL. I am directed by the Select Committee on Industrial Expositions, to whom was referred the bill (S. 5825) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition, on the shores of Hampton Roads, in Norfolk County, Va., in the year 1907, and to appropriate money in aid thereof, to report it with two amendments. I beg leave to say that at a convenient season I will offer an extended report.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that I shall call up the bill for consideration at an early day.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. NELSON, from the Committee on the Judiciary, to whom

was referred the bill (H. R. 15434) to regulate appeals in criminal prosecutions, reported it with an amendment, and submitted a report thereon.

PANAMA CANAL.

Mr. MILLARD. Mr. President, on the 9th day of last January the Senate adopted a resolution directing the Committee on Interoceanic Canals to investigate all matters relating to the Panama Canal, and pursuant thereto the committee, on January 11, began its hearings, holding sessions almost continuously up to the present time.

The testimony will embrace four or five large printed volumes, compiled for the use of the Senate. One of these volumes is devoted almost exclusively to the testimony of eminent engineers who were questioned at length upon the subject of type of canal, most of them having an intimate knowledge of physical conditions along the canal. The minority members of the committee believe that the engineers whose opinions are given in the volume mentioned are men of acknowledged ability in their profession, and that the volume throws important light on the question of type of canal. We hope that every Senator may find time to scan its pages.

The minority members of the committee did not expect the majority report of the committee on type of canal would be presented until the views of the minority could be prepared for the use of the Senate.

The delay in formulating the views of the minority was unavoidable. They are presented in the hope that every Senator may give them most careful consideration.

The views of the minority of the committee on type of canal I now present, and ask that they be printed. In addition to the usual number of copies, I ask that 2,000 additional copies be printed for the use of the Senate.

Mr. MORGAN. The bill together with the report of the majority and the views of the minority?

Mr. MILLARD. Yes, sir.

The VICE-PRESIDENT. The Senator from Nebraska asks that, in addition to the usual number, 2,000 additional copies of the views of the minority, the report of the majority, and the bill reported from the Committee on Isthmian Canals be printed. Is there objection?

Mr. MORGAN. That includes both reports?

Mr. MILLARD. It includes both reports.

The VICE-PRESIDENT. The Chair hears no objection, and the order to print is made.

The order was reduced to writing, as follows:

Ordered, That 2,000 additional copies of report No. 3626 on S. 6191, to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans and the method of construction, together with the views of the minority, be printed for the use of the Senate.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 6322) providing for the purchase of a reservation for a public park in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 6323) granting a pension to Eliza Wilson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6324) granting an increase of pension to Sumner Warner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6325) granting an increase of pension to David A. Edwards; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6326) for the relief of William H. Roach; which was read twice by its title, and referred to the Committee on Claims.

Mr. LA FOLLETTE introduced a bill (S. 6327) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MORGAN introduced a bill (S. 6328) to donate certain lands in Baldwin County, Ala., for educational purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PILES introduced a bill (S. 6329) authorizing James A. Moore or his assigns to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington; which was read twice by its title, and referred to the Committee on Commerce.

DISPOSITION OF USELESS PAPERS.

Mr. HEMENWAY. Mr. President, I ask leave to call up the bill (S. 1442) to increase the efficiency of the militia and promote rifle practice.

The VICE-PRESIDENT. The morning business has not been closed.

Mr. GALLINGER. Mr. President, under existing law a joint committee exists to examine useless papers in the Departments, and under the present system every time a report comes in from the head of a Department that committee is called together to examine that particular report. It has occurred to me that it would be wise to amend the law so as to make a joint standing committee that could in its discretion take jurisdiction of those reports and from time to time submit their reports to Congress. For that purpose I introduce a bill, and as I feel sure that there can be no objection to it I ask that it be considered without reference to a committee. I ask that it be read at length.

The bill (S. 6321) to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof, approved March 2, 1895, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the act to authorize and provide for the disposition of useless papers in the Executive Departments, approved February 1, 1889, and the act amendatory thereof, approved March, 2, 1895, be amended to read as follows:

"That whenever there shall be, now or hereafter, in any one of the Executive Departments of the Government, or in the various public buildings under the control of the several Executive Departments of the Government, an accumulation of files of papers which are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, it shall be the duty of the head of such Department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers. And at the beginning of each Congress it shall be the duty of the Presiding Officer of the Senate to appoint two Senators and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report or reports, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report or reports and statement and the papers therein described and submit to the Senate and House, respectively, from time to time, a report of such examination and their recommendation. And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and have no permanent value or historical interest, then it shall be the duty of such head of the Department to sell as waste paper or otherwise dispose of such files of papers upon the best obtainable terms, after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States and make report thereof to Congress."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. HEMENWAY. Mr. President, a parliamentary inquiry. How does the bill now under consideration get before the Senate? By unanimous consent?

The VICE-PRESIDENT. The Senator from New Hampshire introduced it and asked unanimous consent for its present consideration. The Chair heard no objection, and the bill is before the Senate as in Committee of the Whole. If no amendment be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF TO TOBACCO GROWERS.

Mr. McCREARY. Mr. President, a bill passed the House of Representatives March 6, 1906, for the relief of tobacco growers, and it was laid before the Senate March 7, 1906, and referred to the Committee on Finance, and it has been in that committee for about three months. This is a very important bill. It was prepared by Hon. John W. Yerkes, the Commissioner of Internal Revenue, and reported to the House of Representatives by Mr. DALZELL of Pennsylvania, the chairman of the Committee on Ways and Means, and passed the House of Representatives unanimously. In the report is the statement that—

No annoyance will arise, so far as the execution of the laws is concerned and in the proper administration of departmental affairs in the Internal Revenue Bureau.

This bill is very important to my constituents. I have received a number of letters about it. As it has been in the Committee on Finance about three months, I ask that some member of the committee inform me—I have no other way of arriving at this information—when action will be taken upon it?

Mr. PENROSE. Mr. President, I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. PENROSE. Let the regular order be proceeded with.

The VICE-PRESIDENT. The Chair did not distinctly hear the Senator from Kentucky. For what purpose did he rise?

Mr. McCREARY. I rose for the purpose of making an inquiry—I have no other way of obtaining the information—as to when the Committee on Finance will report this bill, after holding it for nearly three months. Unless some member of the committee will inform me—

Mr. HALE. What committee has the bill?

Mr. McCREARY. The Committee on Finance has the bill. It is a bill for the relief of tobacco growers. I believe the Senator from Maine is a member of the committee.

Mr. HALE. The chairman of the committee is not present.

Mr. BAILEY. Perhaps the honorable Senator from Kentucky could tell us to what subcommittee of the Committee on Finance the bill was referred.

Mr. McCREARY. I suppose the record will show. The chairman of the committee, the Senator from Rhode Island [Mr. ALDRICH], was, I remember, a member of the subcommittee.

Mr. HALE. The Senator from Texas [Mr. BAILEY] is also a member of the Committee on Finance, and I suppose——

Mr. PENROSE. Mr. President, I rise to a point of order. The bill is not before the Senate at the present time, and I call for the regular order.

The VICE-PRESIDENT. The bill is not before the Senate. The regular order is the introduction of bills and joint resolutions. The Senator from Pennsylvania demands the regular order.

Mr. McCREARY. I desire to ask if I am not entitled to some information from the Committee on Finance in regard to this bill?

Mr. PENROSE. I ask for the regular order. That information could be asked if the bill was before the Senate. It is not before the Senate at the present time.

The VICE-PRESIDENT. The Chair is of opinion that the Senator from Kentucky could ask unanimous consent to make the inquiry.

Mr. McCREARY. I ask unanimous consent.

The VICE-PRESIDENT. Otherwise the Chair is of opinion that the only matter in order is the introduction of bills and joint resolutions.

Mr. HALE. Let the Senator from Kentucky ask for unanimous consent.

Mr. McCREARY. I ask unanimous consent that some member of the Committee on Finance—I notice that the Senator from Maine [Mr. HALE] and the Senator from Wisconsin [Mr. SPOONER] are present—shall inform me what action has been taken by that committee on the bill within the last three months.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania consent to the inquiry made by the Senator from Kentucky?

Mr. PENROSE. I will yield to a question and answer, but not to a running discussion regarding a bill which is not before the Senate and concerning which nobody appears to have definite information.

Mr. McCREARY. This is a very important bill to my constituents, and I have received a great many letters about it. Therefore, as the bill has been in the committee nearly three months, I should like to know the prospect of a report upon it. It passed the House of Representatives unanimously. It was prepared by the Commissioner of Internal Revenue.

Mr. PENROSE. Mr. President, I object. I call for the regular order.

The VICE-PRESIDENT. The Senator from Pennsylvania demands the regular order. If there are no further bills or joint resolutions, concurrent or other resolutions are in order.

INTRODUCTION OF ROUTINE BUSINESS.

Mr. LODGE. Mr. President, I wish to give notice that tomorrow, if possible, immediately after the routine morning business, I shall ask the Senate to consider the report which I made on Friday of an amendment to the rules.

CONFEREE ON STATEHOOD BILL.

Mr. TELLER. Mr. President, some time since the junior Senator from Colorado [Mr. PATTERSON] was to be absent from the city and resigned from the committee of conference on the statehood bill. The senior Senator from Nevada [Mr. NEWLANDS] was appointed in his place. The senior Senator from Nevada requested me to ask the Senate to excuse him from further attendance on that committee, as he has left the city. I ask that that may be done, and that some one be appointed in his place.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Colorado? If not, the Senator from Nevada [Mr. NEWLANDS] will be excused from further service upon the conference committee. The Chair appoints in his place the Senator from Colorado [Mr. PATTERSON].

AGRICULTURAL REPORTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate:

In compliance with the resolution of the Senate of the United States of the 28th instant, requesting the President, "if not incompatible with the public interests, to transmit to the Senate the reports of the Keep Commission on Department methods relating to official crop statistics and the investigation of the Twelfth Census Report on Agriculture," I transmit herewith said reports.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 29, 1906.*

HOUSE BILL REFERRED.

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of House bill 16953, being the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

The VICE-PRESIDENT. The pending amendment of the Committee on Post-Offices and Post-Roads will be stated.

The SECRETARY. On page 25, line 21, after the word "shall," strike out "deem such expenditure necessary in order to promote the interest of the postal service" and insert:

Consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

So as to make the clause read:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

Mr. MALLORY. Mr. President, I have an amendment that I desire to offer.

The VICE-PRESIDENT. The Senator from Florida offers an amendment to the amendment, which will be read.

The SECRETARY. At the end of the proposed amendment insert:

Provided, however, That the Postmaster-General shall not be authorized to use the money hereby appropriated or any part thereof unless it be necessary in order to provide the same or as good a service as is now provided.

Mr. PENROSE. I have no objection to the amendment.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. SIMMONS. I ask that the amendment be read again.

The VICE-PRESIDENT. Does the Senator desire the amendment to the amendment read or the amendment of the committee?

Mr. SIMMONS. I should like to ask the Senator from Florida if this is in addition to the proviso as proposed by the committee?

Mr. MALLORY. No; I do not intend it to be so. I intend it to go in as a substitute for the amendment. I did not hear it read.

The VICE-PRESIDENT. Does the Senator offer it as a substitute?

Mr. MALLORY. As a substitute.

The VICE-PRESIDENT. Did the Senator from Pennsylvania understand the amendment to be in the nature of a substitute?

Mr. PENROSE. I understood it to be an amendment to the amendment.

The VICE-PRESIDENT. It was so treated, but the Chair now understands that the Senator from Florida offers it as a substitute.

Mr. MALLORY. I did not catch the remark of the Chair when he addressed the Senator from Pennsylvania or I would have called attention to the fact that I intended it as a substitute.

Mr. PENROSE. I am willing to accept it as a substitute.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be agreed to.

Mr. CULBERSON. Let it be read. We were not able to hear it in this part of the Chamber, owing to the confusion.

The VICE-PRESIDENT. The Secretary will read the amendment in the nature of a substitute. The Chair desires the attention of the Senator from Florida. It is not quite clear as to what the effect of it is.

Mr. MALLORY. Let the Secretary send the amendment back to me.

Mr. HOPKINS. Mr. President, I desire to call to the attention——

The VICE-PRESIDENT. Does the Senator from Illinois rise to this amendment?

Mr. HOPKINS. No; what I was going to call to the attention of the Senate is the committee amendment on page 17, lines 3, 4, and 5.

The VICE-PRESIDENT. The Chair will recognize the Senator from Illinois for that purpose as soon as the Senator from Florida has perfected his proposed amendment.

Mr. MALLORY. The proposition which I make is to offer the amendment I send up in lieu of the entire proviso.

The VICE-PRESIDENT. Beginning on line 19, page 25?

Mr. MALLORY. Beginning on line 19, after the word "*Provided*," so as to read:

Provided, however, That the Postmaster-General shall not be authorized to use the money hereby appropriated or any part thereof unless it be necessary in order to provide the same or as good a service as is now provided.

The VICE-PRESIDENT. The Secretary will read the proposed amendment to the amendment of the committee.

The SECRETARY. After the word "*Provided*," in line 19, page 25, strike out the remainder of the paragraph and insert:

That the Postmaster-General shall not be authorized to use the money hereby appropriated or any part thereof unless it be necessary in order to provide the same or as good a service as is now provided.

Mr. SIMMONS. Mr. President, I desire to submit some remarks to the Senate upon the committee amendment as proposed to be amended by the substitute of the Senator from Florida [Mr. MALLORY].

As I understand the proposition of the Senator from Florida, if his substitute is adopted the Postmaster-General would not be required to make any investigation or any finding as to whether this appropriation and its expenditure for the purposes provided are necessary or wise. It is a very important inquiry, which ought to be made by the Department, in view of the testimony of the Postmaster-General and his Second Assistant, as to whether this appropriation is needed at all, as to whether equally good service can not be secured without it—indeed, as to whether better service can not be secured without it.

Now, Mr. President, there are three great trunk lines running between Washington and Atlanta—the Coast Line, the Seaboard Air Line, and the Southern Railway. It is a matter of common experience that where there are several lines connecting two points, if the postal service is supplied by competition, generally a good service, an efficient service, a sufficient service is secured and the people living on the several lines get the benefit of competitive service, whereas if the mails are provided for by special arrangements with one line the people along that line get greater benefits, while those along the other lines get lesser benefits.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Certainly.

Mr. BACON. I desire to say that I think the Senator is inaccurate in saying that the Coast Line reaches Atlanta.

Mr. SIMMONS. I should have said the Southern and the Seaboard Air Line.

Mr. PENROSE. I suggest to the Senator from Georgia that he was entirely inaudible in this part of the Chamber. I should like to be somewhat familiar with the discussion. Will the Senator please speak a little louder?

Mr. BACON. I suggested to the Senator from North Carolina that he was inaccurate in stating that the Coast Line reached Atlanta. It does not.

Mr. SIMMONS. The Senator is entirely right. I should have confined my statement to the Southern and the Seaboard.

Now, Mr. President, it was in evidence before the committee that by reason of this special contract with the Southern the through mail, which is a very lucrative part of the transportation business of this as of other parts of the country, is thrown, as the result of that arrangement, to this particular line, to the practical exclusion of the other, thereby denying its competitor equal opportunity to secure its pro rata part of that traffic, and taking away, therefore, the inducement to provide more rapid schedules for the purpose of securing in competition a part of this business.

The item in the existing law and in this bill as it came from the House reads as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. President, this particular item in the post-office appropriation bill has been in the law in one form or another ever since, I think, 1881. I do not know exactly what time the proviso was placed in the law; and when I say the proviso I do not mean the one under consideration, but the one which is in the law as it is now and in the bill as it came from the House.

Several years ago at least Congress seems to have come to the conclusion that possibly there was some doubt about whether this particular appropriation was needed in order to give the South, and especially that part of the South served by the Southern Railway, sufficient and adequate facilities. For the purpose of putting that question to the test, for the purposes, I assume, of getting a ruling of the Postmaster-General after an investigation upon this question, Congress conditioned that appropriation upon the finding of the Postmaster-General that it was needed in the interest of the postal service.

Notwithstanding this expression of Congressional doubt, notwithstanding this direction made to the Postmaster-General to inquire and ascertain before he spent any part of this appropriation whether it was needed or not, the present Postmaster-General declared to the committee at its recent hearings that he had made no such investigation and that he was not prepared to say whether this appropriation was needed or not in the interest of the postal service.

I wish to read from the testimony of the present Postmaster-General before the committee with reference to the proviso in the present law:

Senator SIMMONS. I notice in this item there is a proviso. It says: "For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service."

Did you give full effect to that proviso, and did you reach the conclusion that it was necessary to enter into this contract with these railroads in order to promote the interest of the postal service, or did you ignore that proviso and proceed upon the theory that Congress had made the appropriation and intended you should employ the service?

Postmaster-General CORTELYOU. Largely, I understand, upon the theory that Congress had made the appropriation and desired the service rendered. Is that correct, General?

Referring to the Second Assistant Postmaster-General, Mr. Shallenberger.

Mr. SHALLENBERGER. That is correct, in my judgment. The Department having exercised its discretion under the proviso and notified Congress of the manner in which the discretion was exercised and the specific routes on which it was exercised, the terminal points between which the discretion was exercised having been named in the appropriation of Congress to provide a special and additional service, the Department, I repeat, had to assume that the special service was desired, and provided for it.

Senator SIMMONS. I will ask General Shallenberger if that did not necessarily involve your ignoring absolutely this proviso?

Mr. SHALLENBERGER. I think not.

Senator SIMMONS. Then did you consider this proviso and reach the conclusion, independently of the fact that Congress had made the appropriation, that this service was necessary to promote the interest of the postal service?

Mr. SHALLENBERGER. We reached the conclusion that it was not, in our judgment, necessary to provide adequate service, but that it was a specially expedited service which Congress desired.

Senator SIMMONS. Then you did reach the conclusion that it was necessary to promote the interest of the postal service?

Mr. SHALLENBERGER. In the judgment of the Department, not; in the judgment of Congress, yes.

Senator SIMMONS. Then there was a conflict between the judgment of the Department and the judgment of Congress, as you viewed it?

Mr. SHALLENBERGER. None whatever. We never have a conflict. We simply accept the judgment of Congress.

Senator SIMMONS. You accepted the judgment of Congress and you did not act upon your own judgment?

Mr. SHALLENBERGER. We preferred to act upon the wisdom of Congress.

Senator SIMMONS. Then you think the law, as now expressed, is in the nature of a direction for you to employ the extra service?

Mr. SHALLENBERGER. We do.

Senator SIMMONS. Now, I want to ask the Postmaster-General whether, if Congress shall by a proviso make it clear that it intends the Postmaster-General shall exercise his discretion as to whether this service is necessary, he would not then act upon his discretion instead of assuming that Congress meant to direct him to contract for this facility service by simply making the appropriation?

Postmaster-General CORTELYOU. In reply to that I will say—it does not answer your question directly—that the Postmaster-General would prefer not to have that discretion lodged in him, for the general reason

I have already given. If Congress sees fit to lodge in the Postmaster-General that discretion, he will exercise it.

Senator SIMMONS. I understand, Mr. Postmaster-General, that you do not express directly the opinion that this service is not needed.

Postmaster-General CORTELYOU. I am not prepared altogether to say that it is not needed.

Senator SIMMONS. You are not prepared to say that it is needed?

Postmaster-General CORTELYOU. No.

So, Mr. President, it is perfectly plain that up to this time the Post-Office Department has regarded the fact that Congress has made an appropriation not of a round sum, but of a sum run out to the very cent, which has heretofore been paid under the contract for this service; that Congress meant to say to the Department, notwithstanding this proviso, "Give this money to the railroads;" and under this construction of the law—a construction which, in my judgment, amounted to a nullification of the proviso—the Department has year after year made the contract without any investigation or finding as to whether the expenditure was necessary to promote the interest of the postal service. Now, Mr. President, in view of the fact that the Postmaster-General stated to the committee that he did not know whether this appropriation was needed or not, in view of the fact that he expressed in the way of an intimation the suggestion that possibly a better service could be secured without this appropriation as the result of the competition between the two systems, it occurred to me that Congress ought to make its purpose and its intent so direct and so mandatory that it would be impossible for the Postmaster-General to ignore in the determination of this question the requirement of Congress that he should not spend the money unless it was found necessary in order to promote the interest of the service.

Mr. FOSTER. Mr. President, will the Senator yield for a question?

Mr. SIMMONS. Certainly.

Mr. FOSTER. Knowing the opinion or view of the Postmaster-General, as the Senator has just expressed it, does not the practical result of this amendment, if adopted, stop the present system as now conducted?

Mr. SIMMONS. I will answer the Senator that the Postmaster-General did not express the positive opinion that the appropriation was or was not necessary—was or was not needed.

Mr. FOSTER. Is not that the purpose and intention of the amendment?

Mr. SIMMONS. It is not the purpose and the intention, so far as I am concerned, as the Senator will see if he will wait until I have finished my remarks with reference to this matter.

Mr. FOSTER. Will the Senator yield to another question?

The VICE-PRESIDENT. Does the Senator from North Carolina yield further to the Senator from Louisiana?

Mr. SIMMONS. Before the Senator asks me another question will he permit me to finish my answer?

The Postmaster-General was particularly guarded in not expressing an opinion as to whether this appropriation was necessary or not. I presented the question to him in several different forms with a view to eliciting an opinion, if he had a definite opinion on that subject, and each time, as I recall, he left the matter in doubt, saying finally that he did not know, because he had never made an investigation, and he had not made an investigation because he thought no discretion was lodged in him by the law as written. If the Postmaster-General or the Post-Office Department were as hostile to this special service as the Senator seems to believe, I think the language of the existing proviso would have furnished ample excuse and justification for its discontinuance, and the fact that in face of that language it has been continued shows that the Department is not bent upon its destruction if opportunity offers.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. Certainly.

Mr. LA FOLLETTE. With the permission of the Senator, I should like to read a question and answer or two on page 57 of the testimony which the Senator did not read, in which it seemed to me that the Postmaster-General did express a very positive opinion.

Mr. SIMMONS. I think not. I will hear the Senator.

Mr. LA FOLLETTE. The following question was asked by the Senator:

> Senator SIMMONS. I discover that you do not this year estimate for this service, and probably you have not estimated for it for many years past. Why do you not estimate for it?
>
> Postmaster-General CORTELYOU. We have not estimated for it because of the principle involved. It appears to be a discrimination in favor of a road or of a section of the country. Personally, I am not in favor of anything in the nature of a special privilege to a road or to a section.
>
> Senator SIMMONS. Do you mean, by not estimating for it, to recommend against the appropriation?
>
> Postmaster-General CORTELYOU. I do.
>
> Senator SIMMONS. You are the responsible head.
>
> Postmaster-General CORTELYOU. You have been speaking of the attitude of the Department for several years.
>
> Senator SIMMONS. Then, I will confine the question to this year. In not estimating for it this year do you mean to recommend against that service?
>
> Postmaster-General CORTELYOU. Yes, sir.

At the bottom of page 58 he said, in response to a question by the Senator from North Carolina:

> Senator SIMMONS. Simply that you did not wish a discriminating service?
>
> Postmaster-General CORTELYOU. Yes, sir.
>
> Senator SIMMONS. Now, I want to ask you, General, the direct question: In your judgment, is the appropriation for this service necessary in order to secure proper mail facilities in the section of country served?
>
> Postmaster-General CORTELYOU. I think not.

It seemed to me that that was pertinent to the discussion.

Mr. SIMMONS. Mr. President, that is not a correct interpretation, in my judgment, of the position of the Postmaster-General. The Postmaster-General made it very clear in the colloquy which the Senator has just read that his opposition to this appropriation was the same as that expressed by Postmaster-General Wanamaker many years before, to wit, that it introduced into the postal service what he called a "disturbing element," by granting a preferential service in one section of the country. That was the reason, as I understood the Postmaster-General, why he was opposed to it. He said if this special service could be extended so as to include the whole country, so as to give all the people of the country the benefit of a like special service of like expedition of the mails, where it could not be secured by competition, then, as I understood him, his objection would be removed, because, as the Senator read a little while ago, when I asked the Postmaster-General, referring to the objection he had just stated—to wit, that it gave special privileges to a certain section of the country—"Is that your chief objection to it?" he said "Yes," or a like answer; I forget the exact language.

Mr. President, the Postmaster-General, I think, while he did say in the answer read by the Senator that he did not consider the service necessary, at another point in his testimony, as well as in the part I read a few moments ago, he qualified that statement by saying that he was not prepared to express a positive and definite opinion as to whether it "was needed or not needed," because he had not thoroughly investigated it and because he thought equally good service might be secured in another way. Here is what the Postmaster-General said, with reference to this matter, on page 59 of the hearings:

> Senator SIMMONS. If that appropriation is not made, will it, in your judgment, materially affect the mail facilities of that section of the country?
>
> Postmaster-General CORTELYOU. I can not answer that question, because we have not made a sufficient investigation of the matter to enable me to do so.

Mr. President, returning to the subject of the proviso in the present law and the substitute proviso offered by me, I want to read from the colloquy which took place in committee between the Postmaster-General and myself with reference to that proviso:

> Senator SIMMONS. Now, I want to ask the Postmaster-General whether, if Congress shall by a proviso make it clear that it intends the Postmaster-General shall exercise his discretion as to whether this service is necessary, he would not then act upon his discretion instead of assuming that Congress meant to direct him to contract for this facility service by simply making the appropriation?
>
> Postmaster-General CORTELYOU. In reply to that I will say—it does not answer your question directly—that the Postmaster-General would prefer not to have that discretion lodged in him, for the general reason I have already given. If Congress sees fit to lodge in the Postmaster-General that discretion, he will exercise it.

Mr. FOSTER. Will the Senator permit an interruption?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. SIMMONS. Certainly.

Mr. FOSTER. Is it the purpose of the Senator's amendment to lodge this descretion in the Postmaster-General?

Mr. SIMMONS. The purpose of my amendment is twofold, Mr. President. First, it requires that the Postmaster-General shall investigate the facts and determine and find whether this service is necessary to secure needed mail expedition in this particular section of the country. I do not regard that as a discretion; I regard that as a duty, judicial in its character, which is vested in the Postmaster-General.

Mr. FOSTER. Mr. President——

Mr. SIMMONS. Secondly, if the Senator from Louisiana will indulge me a moment further, if, after this investigation, the Postmaster-General finds that the service is needed, then the proviso which I have introduced provides that he shall pay for the service no greater sum than it is reasonably worth. In

other words, I want the facts found, and if the service is to be continued, I want to put it upon a business basis and to pay for it what it is worth, and no more.

Mr. FOSTER. The final analysis, as I understand, of the Senator's contention is that Congress is to confer arbitrary power upon the Postmaster-General to say whether or not these postal facilities shall be accorded to the southern country?

Mr. SIMMONS. Congress is not to confer upon the Postmaster-General any arbitrary power, Mr. President, but is to confer upon him the same power to investigate and to determine in this matter of mail transportation as the general law confers upon him with reference to the establishment of any mail facilities whatever—the same power the law confers upon him in the establishment of every rural mail route.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Florida?

Mr. SIMMONS. Certainly.

Mr. MALLORY. Mr. President, I am inclined to think that, on a close examination of this proviso as submitted by the committee, it will be found that the discretion confided to the Postmaster-General is wider than that which is contended for by the Senator from North Carolina.

Mr. SIMMONS. I should be glad to have the Senator point out the respect in which he thinks it is wider.

Mr. MALLORY. The first thing submitted to the judgment of the Postmaster-General is whether an expedition of the mails is needed at all; he has to determine that. Then, after having determined that matter, which I think is clearly within the province of Congress, after he has determined that expedition in the mails is needed, then he also has to determine whether this expenditure is necessary to secure this needed expedition of the mails; in other words, he has first to determine a matter which is out of his province, which is clearly within the province of Congress, and, in addition to that, he has to determine a matter which is within his province, namely, as to the amount of the expenditure.

Mr. SIMMONS. No; the Senator is wrong about that. The Postmaster-General is not to determine the general and broad question of whether expedition of mails is needed. That is a question that has been determined by the country and Congress. It is the settled and fixed policy of the Government to spend whatever sums may be necessary to secure expeditious transmission and delivery of the mails. There is no necessity for any finding by any officer of the Government about that. The question for the Postmaster-General to determine in this case is not whether the mails should be expedited, but whether the particular conditions and circumstances surrounding this section of the country are such as to require facilities which can not be secured through the regular transportation mail rates; whether it is necessary that an expedition should be made in their behalf and that they should be given a service secured by an expenditure for mails that is not common to the whole country. The language of my proviso in that respect and the power conferred upon the Postmaster-General in that respect are not materially different from the power conferred upon the Postmaster-General in the present law, if the Postmaster-General had exercised that power. The present law provides:

That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

The same quality of act is required of the Postmaster-General in my proviso, except under it he is to determine whether the expenditure is necessary to secure needed mail expedition in the section interested, and not whether this expenditure is needed in the interest of the postal service of the country as a whole, as in the case of the proviso now in the law. The language of the existing law is general, that in mine is specific; the one applies to the whole service, mine to the specific service provided for in the bill. I struck out the general language in the present proviso and substituted for it the more specific language used in my amendment, and thereby confined the investigation to determine whether it was necessary in order to secure needed expedition of the mails in the particular section interested; in other words, under the existing proviso the powers of the Postmaster-General in determining this matter require him to take into consideration the interests of the whole postal service of the country. I eliminated that because it was too broad and too comprehensive, and used language which brought it down to the specific case in hand, requiring him to make an investigation in order to determine whether this service was needed to give this particular section of the country proper mail facilities and expedition.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. SIMMONS. Certainly.

Mr. MONEY. I wish to ask the Senator if he intends, in the language he proposes, to substitute for that particular provision of law that the Postmaster-General shall find whether the expedition of the mail is needed, or whether the Postmaster-General shall find what is necessary to secure it?

Mr. SIMMONS. I intend that he shall find whether this extra expedition of the mails is needed in that part of the country.

Mr. MONEY. That he shall ascertain?

Mr. SIMMONS. He shall ascertain and determine if greater expedition is required than can be obtained through the regular mail service through the regular trains that run and carry the mails for usual mail transportation rates; that if he shall deem extra service and compensation is necessary, he shall secure that service by making a special contract, paying for it no more than its fair value. I want, in short, to divest this transaction of every possible feature of subsidy.

Mr. MONEY. That, of course, is the Senator's own view of it; but it is very apparent to my mind that he has left the broad discretion of the Postmaster-General, which belongs only to Congress, to determine whether or not expedition of these mails is necessary. If the Senator had confined his proviso simply to securing an expedition of the mails, that would have been very much better and would have presented another question.

Mr. SIMMONS. If the Senator from Mississippi can so frame the proviso as to better accomplish my object, as I have stated it, I shall be perfectly willing to accept his suggestion.

Mr. MONEY. It would be very easy to do so.

Mr. SIMMONS. It is absolutely necessary in the matter of the administration of the Departments to vest in the heads of these Departments large discretion—discretion which it might be proper for Congress to exercise, but which Congress can not exercise for reasons of convenience, and because of the fact that it meets only once a year and sits for only a few months at a time. We had the same difficulty here a few days ago in connection with the matter of rate making. Everybody conceded that Congress had the power to make railroad rates, everybody conceded that it was a proper function for Congress to make and fix such rates; but everybody said that this is a function, that it is a power, which, for reasons of convenience, Congress can not exercise, and therefore it must remit it to an administrative body to act for it. So the Post-Office Department is the administrative body of Congress with reference to matters of this character, and if Congress should undertake to exercise the discretion over these matters which the law lodged in it, instead of remitting it to the Post-Office Department, Congress would reduce itself to the level of a mere administrative body, and time which it should give to legislation in the interest of the whole country and people would be wasted on administrative details and routine.

Mr. FOSTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. SIMMONS. Certainly.

Mr. FOSTER. On page 26 of this bill I find the following provision:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, why discriminate in that case against the appropriation which is made in the provision now under consideration?

Mr. SIMMONS. Mr. President——

Mr. FOSTER. In one instant I will yield to the Senator for a reply. The proviso is identical and I would like to have the Senator explain why this discrimination is made.

Mr. SIMMONS. Mr. President, in answer to the Senator from Louisiana, I will say that I have not discriminated, but the committee which reported this bill has made the discrimination. In the committee—if it is proper for me to refer to such matters—I will say to the Senator, when the committee adopted my proviso to the first section with reference to the Southern mail facilities item, I at once moved to strike out the proviso which the Senator has read, which applies to Kansas City and to Newton, and substituted for it the identical proviso which I offered, and which the committee adopted with reference to the Southern mail facilities. I think it ought to have been done. The committee overruled me in that matter, however.

I was going on, Mr. President, to show that, if this proviso is adopted, the Postmaster-General will exercise the functions

which I am sure Congress intended he should exercise when it first attached the proviso in the existing law to this item, but which up to this time he has failed confessedly to exercise. Let me again read from the hearings before the committee:

Senator SIMMONS. I understand, Mr. Postmaster-General, that you do not express directly the opinion that this service is not needed.

Postmaster-General CORTELYOU. I am not prepared altogether to say that it is not needed.

Senator SIMMONS. You are not prepared to say that it is needed?

Postmaster-General CORTELYOU. No.

Senator SIMMONS. Suppose the committee by reason of your knowledge of the matter, you being supposed to understand this situation better than we do, shall say that we will recommend this sum or so much as may be necessary, and we will leave it with you to decide whether the conditions are such as to justify this expenditure. In that condition of things, would you hold that it was incumbent upon you to exercise your discretion and employ this service and spend this money or not, just as you might conclude the service was necessary and in the interest of the postal service?

Postmaster-General CORTELYOU. To spend it or not as I thought was necessary?

Senator SIMMONS. Suppose this amendment should be adopted to strike out the present proviso and insert:

This is the first part of my proviso.

Mr. FOSTER. On what page is that?

Mr. SIMMONS. Page 65.

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider, and so find that such expenditure is necessary to promote the interest of the postal service.

That was afterwards changed in the regard that I have before specified.

If that proviso should be adopted in that form, would you not then consider it necessary and incumbent upon you to decide and to find, before you expended any part of this money, that the service was necessary in the interest of the postal service?

Postmaster-General CORTELYOU. Yes, sir.

Senator SIMMONS. Suppose that proviso should proceed further and say—

Now, this is the second proposition in my proviso:

"And in such case, no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the service that shall be rendered by said trunk line or lines."

If there is any element of subsidy in this appropriation, if Congress should accompany this appropriation with that condition and that qualification and limitation and proviso, would you not consider it your duty then to put this contract upon the basis of a purely business transaction?

And that, Mr. President, is all I am after.

Postmaster-General CORTELYOU. Yes, sir; in the interest of the postal service and the people of the whole country.

Mr. MONEY. Will the Senator permit me to interrupt him again?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. MONEY. I do not want to interrupt the Senator unless it is perfectly agreeable to him.

Mr. SIMMONS. Certainly; I have no earthly objection. I want to discuss this matter fairly and do what is right about it.

Mr. MONEY. I am sure of that or I should not interrupt the Senator at all. I want to ask the Senator this question: Can the Senator tell me what does the Postmaster-General mean by "in the interest of the postal service?"

Mr. SIMMONS. I will explain to the Senator.

Mr. MONEY. I should be glad to have an explanation.

Mr. SIMMONS. It was the use of that language on the part of the Postmaster-General that caused me to so change my amendment as to make it, as I said a little while ago, more specific and bring it down to the case in hand, because I did not want the matter decided upon the consideration of an element that was not properly a factor in the question. I wanted it decided upon the consideration of the merits of the specific question, which question, as I understand, is whether it is necessary for the Government to spend this money to employ special trains in order to give that section of the country equal mail facilities with the other sections of the country, in order to put it, in other words, upon a parity with the rest of the country. Having that object in view, I changed my amendment. The Postmaster-General, as his language showed, seemed to think he had to determine the question with reference to the postal service of the whole country, and I thought it should be determined largely, though not altogether, with reference to the conditions and resulting interest of the particular section in question.

Mr. MONEY. That is very satisfactory. Now, with the Senator's permission, I should like to ask him another question.

Mr. SIMMONS. Which will show the Senator that I am desirous of having this question decided, and not as a general question, but as a particular question.

Mr. MONEY. Exactly. Now, I want to ask the Senator this question: In what sense is it a particular favor to the southern section of the country? The mails are carried from North to South and from South to North. Are not the cities along the northern connections of the road just as much benefited by the rapid transmission of correspondence as those in the South? Why, then, should it be regarded as a special favor to the South? Why not regard it as a special favor to the merchants of New York and Philadelphia and Baltimore, who will receive expedited orders for goods and communications in reply, just as well as those in the South?

Mr. SIMMONS. I catch the point of the Senator, and I say to the Senator that when I speak of facilities my purpose is to put the southern section of the country on a parity with the rest of the country in mail facilities, in order to give it needed and necessary mail expedition. I do not speak of it as a special favor to the southern section of the country. I agree with the Senator that not only that section is interested in securing every mail facility that may be needed in order to dispatch its business and in order to prevent any handicap upon its development, but it is of equal interest to every other part of the country that may have business transactions with the South or of people who may travel in that section of the country. In that sense, of course, the whole country is interested in it; but it was evident from the answer of the Postmaster-General, which I have just read, that the Postmaster-General had been considering this question only in connection with the whole postal service of the country. The question is not whether the South should have its mails expedited, but whether it is necessary, in addition to the regular transportation pay, to provide a special appropriation and hire extra trains to secure just and proper and equal expedition, and whether this service should be paid for on the basis of value received or of bounty.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Alabama?

Mr. SIMMONS. Certainly.

Mr. PETTUS. Mr. President, I desire to ask the Senator what reason, if any, was given or can be given for making the proviso in regard to one section different from the proviso that applies to another section for the same kind of service?

Mr. SIMMONS. The Senator refers to the Kansas City proposition. No reason under the sun, in my judgment, can be given for it, I will say to the Senator, and I so stated to the committee, that both ought to be treated alike.

Mr. PETTUS. Has the Senator offered to make them the same?

Mr. SIMMONS. I did offer such amendment in the committee. I introduced this same proviso to both of those items, and the committee voted it down as to one and accepted it as to the other.

Mr. BACON. I will ask the Senator if he proposes to try to have the Senate strike out the Kansas City proposition?

Mr. SIMMONS. I shall offer my proviso to the Kansas City proposition if it prevails as to the item now under consideration.

Mr. President, I will not trouble the Senate to read what the Postmaster-General said with reference to the second proposition in my proviso, but, in brief, he said that there was absolutely no difficulty in putting this service upon a business footing. He had never, he said in substance, ascertained by investigation what the extra train or trains which he had been employing were actually worth. Congress had made an appropriation of so many thousands and hundreds of dollars and cents, and he assumed that Congress meant that this money was to be given to the railroads for this service. He had never made the slightest investigation for the purpose of ascertaining and determining whether this extra service rendered by the railroads was worth that much or not, but he said if this proviso was adopted he would regard it as mandatory, and that he would, if he found the extra service was needed, go further and inquire what it was reasonably worth, and he would contract with the railroads accordingly. He said if the Southern Railroad should refuse the contract at the amount he found to be just and reasonable, he was not confined to that road. He would not, he explained, be confined to that system, but could employ the service under competition, giving it to the system which would give the best service for the least money. Indeed, there seems to be, under the law, no reason why a contract could not be made with more than one system, thus enlarging the scope of such benefits as may follow.

Mr. President, I do not want to go into the merits of this matter, and I will not now except in the briefest possible way. I myself do not know whether or not this appropriation is needed. The Southern Railroad is giving a splendid service; if it can not continue to give that service without this special and additional compensation I shall not object to giving it such part of it as may be a fair compensation for the extra service, but that is all it should demand or receive.

There is one fact to which I want to call the attention of Senators who are interested in this question—and I know all the southern Senators are interested in it—and that fact is this: That this appropriation is not expended upon one train. Attention has been focused in all the argument that has taken place in the other Chamber and in the country through the newspapers, upon what is known as "No. 97," a mail train and an express train, which goes out of this city about 8 o'clock in the morning, which carries no passengers. The idea prevails that all this appropriation is expended in paying the Southern Railroad for running that special train and that that special train would not be run without this appropriation. It is claimed by some that this train was not brought into service on account of this appropriation, but that it was brought into service because the increased volume of the business of that road so overloaded its regular passenger trains that it was necessary for it to provide an extra train to carry the mails and the express. I do not know how that is, but I do know that neither it nor any similar train was run until 1904, ten years after this contract was first entered into by the Government with that railroad. This is one of the things I think should be determined. If this train is run to relieve the congestion in that road's transportation, the Government should not be required to pay for it except in so far as the Government's control of its schedule may entitle the road to be compensated. Of that I will speak later.

Trains of this character are not uncommon in this country. There are other roads in this country which run special trains carrying nothing but the mails.

As I said, this train was put on in 1904. For more than twenty-three years we had been employing this extra service without any such train. The Southern Railroad itself had had this contract since 1894 without running an exclusively mail train, and it does not appear that when put on that it was put on upon the demand or requirement of the Department.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Certainly.

Mr. BACON. I desire to ask the Senator from North Carolina if he does not know the fact—I understand it to be the fact, although I may be in error—that, so far from this being a purely voluntary matter on the part of the Southern Railroad, there is a contract between the Southern Railroad and the Department under which this 97 has to be run, leaving here at a certain time, making certain points along the line, and reaching Atlanta and New Orleans at certain hours, and that a part of the contract is that 37, which is the train the Senator previously spoke of as carrying the mail——

Mr. SIMMONS. I have not spoken of that train yet.

Mr. BACON. The Senator did not call it by number. It is the regular passenger train.

Mr. SIMMONS. Yes.

Mr. BACON. Part of the contract is that, while this train 97 shall be so run, leaving here at certain hours and making certain points at certain hours, that this passenger train shall also be run. It is a part of the contract that it shall not be taken off, in that way securing double mail service.

Does not the Senator further know that as a part of this contract the Department exacts a heavy fine from the railroad company if its train 97 does not make the schedule, and that, as a result of that arrangement, the railroad company actually forfeits every year in the way of fines about 33 per cent of this amount? Are not those the facts?

Mr. SIMMONS. I will answer the Senator. Substantially, with some qualifications, those are the facts. The point I was making was that for ten years, under this contract with the Southern, this money had been paid over every year without this extra mail train, and the mails had been carried by the regular passenger trains. In 1904 No. 97 was put on, and I said it was claimed by some that the Southern Railroad had put that train on in order to relieve the congestion which had resulted from the great volume of travel and traffic which had been developed, and that this had grown so great as to overload its regular passenger trains and make it impossible to make the schedules according to the contract with the Government, to which the Senator has referred.

Mr. President, that contract applies not only to this extra train, but it applies to 37, which leaves here at 10.45 at night. This train gets a pro rata part of this appropriation. Thirty-seven is not a special train. It is a regular passenger train.

Mr. MALLORY. The limited.

Mr. SIMMONS. Limited, so that it runs 35 miles an hour. That is all. In 1881, when this contract was first made, the fast mail upon the Atlantic Coast Line was running at the same speed, to wit, 35 miles an hour.

It is true, as the Senator from Georgia says, that under the contract which the Southern has with the Government, the schedules of these trains are made subject to the approval and are, in a sense, subject to the control of the Government. They are required to make certain connections within a given margin of time and, failing in this, they get no special pay for that run. But when the Senator says they are mulcted with heavy fines if they do not make the connections, I think he is in error.

The contract is this: This sum of money, as I understand it, is divided into 365 parts. Each day that the train makes these connections on schedule time it is paid for that run. If it does not make the connections on schedule time it is not paid. It is not provided that if the train fails to make the schedule time the company shall be fined or required to refund to the Government in any way.

Mr. MONEY. Mr. President——

Mr. SIMMONS. Let me finish the sentence. The contract is this: "If the trains make the schedules made by the railroads and approved by the Department, it is paid. Otherwise they get no part of this special pay for that run." That is the meaning of the contract.

Mr. MONEY. I should like to ask the Senator a question, with his permission.

Mr. SIMMONS. Certainly.

Mr. MONEY. The Senator says if there is a failure to perform the contract, the result is that the pay is lost for that day.

Mr. SIMMONS. Yes; that is true.

Mr. MONEY. And there is no fine imposed.

Mr. SIMMONS. No fine is imposed.

Mr. MONEY. Is the Senator quite sure of that?

Mr. SIMMONS. I am quite sure of it.

Mr. MONEY. Then I want to say that, although I have not examined the law for some time, formerly there would have been a failure to pay and an absolute fine imposed.

Mr. SIMMONS. There is none now, I am quite sure.

Mr. BACON. If the Senator from Mississippi will pardon me, if you take away from a party the compensation for services rendered, of course it is a distinction without a difference when you say he is not fined, but he is not paid. If the service involves expense in rendering it, and you refuse to pay or contract that you shall not pay for that service, it is the same thing as imposing a fine. There is not a particle of difference. If there was a failure to carry the mail, you might say there was a failure to perform the contract, and therefore there should be no compensation for it. The fact, however, is that the mail is carried, but they do not make the time. They are not simply deprived of the compensation for the extra service, but deprived of all compensation for carrying it. That is certainly the same as a fine.

Mr. SIMMONS. The Senator from Georgia is mistaken in saying they are deprived of all compensation. They do not get any of this special pay, but they get the regular mail-transportation pay. I do not desire to quibble about the matter. I admit very frankly that when the railroad companies surrender their schedules to the Government and permit the Government to dictate, in a measure, those schedules, and permit the Government to hold them down to them, the railroads part with a privilege and a liberty worth something, and I am not contending that the Government should not be required to pay them for it. This and the Newton and Kansas City case are the only ones in the country in which I believe the Government controls the schedules of mail trains and reduces or withholds compensation if those schedules are not made.

The Atlantic Coast Line once had this contract—up to 1893, I believe, when it voluntarily gave it up. They gave it up in 1893 for the express reason, I am informed, that they were not willing that the Government should control their schedules. I am not minimizing at all the handicap that this is to the railroads. I am merely stating the facts of this case, because I desire that Senators who are interested should be familiar with these facts, and probably, being on the committee, I have given it a little more thorough investigation than some of my colleagues. I have no prejudice or favoritism in the matter. I have tried to present the facts, as I understand them, fairly and accurately.

Mr. FOSTER. Will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. FOSTER. I understand from your statement that really the railroads are rendering better service in this matter now than they did prior to 1904?

Mr. SIMMONS. This 97 being put on, I should suppose it would give better service. Its schedule is faster—over 40 miles an hour, I think; 37 is a relatively slow train—35 miles an hour, I think. These are the two so-called "special facility" trains.

Mr. President, when this appropriation was first made in 1881, the condition of the South was very different from what it is to-day. By reason of its sparse population; by reason of the fact that it was largely an agricultural country and that interest but poorly developed; by reason of the smallness of its traffic and its travel and the lightness of the mails, it is manifest that there were reasons, which do not now exist, why its railroads could not, for the regular transportation pay of mail, afford to run as many mail trains on as fast schedules or as many of them as were necessary to give that section the facilities and expedition in this regard which different conditions made attainable in other sections of the country.

There is still a difference in this regard against our section and some other sections, but it is not nearly so great as it was then, and it is daily growing less. I am happy to believe that the time is not far away when it will altogether disappear.

There have been in recent years great changes in the conditions in these regards in the South. The agricultural products of that section of the country in the last ten or fifteen years—certainly since the first appropriation for this special service was made—have more than doubled. The manufacturing products of this section within that time have trebled. The mail that is carried by the great railroads which traverse it is more than twice as great as was carried at that time.

All of these systems now maintain a high standard of passenger service and equipment. Competition between them for passenger business, and especially winter travel, is active and keen. It has led to great improvements in equipments and facilities, and to increased speed of trains. Why is it not reasonable to presume that if the through mail matter for this section were made the subject of competition between these systems instead of being given to only one of them it would bring about a competition which would lead to further improvements in this direction?

Mr. President, the amount paid by the Government for carrying mails over the Southern Railroad from Washington to Charlotte in my State during the past year was, I am told, something like $500,000. This was outside of the special-facility pay we are now discussing.

The part of this special-facility pay due between here and Charlotte, after deductions last year, was only, I believe, a little over $23,000. It is claimed that the much-talked-of extra or special train, known as "No. 97," which carries only mail and express, is a profitable train; that it is not a burden—run at a loss—but that it yields a larger sum per mile actually run than the average regular mail and passenger trains of the Southern, and that it can live and prosper without this special appropriation.

All of these things need to be inquired into and the facts ascertained and determined. The Postmaster-General tells us it has not been done in the past and he does not know what the facts are. Surely, if the facts are as contended, this great system which is and has been such a factor in the development of the South, and which is reaping to-day such a rich reward as the result of that development, will not refuse its patrons in that section needed mail facilities if this appropriation is withheld, or if the Department should say, "Come, let us settle this matter on a business basis."

Mr. President, in conclusion I want to say that I am the last man in the Senate who would deny the southern country any mail facilities to which it may be entitled or which its representatives in Congress have a right to ask the Government to provide for it. If business conditions in that section will not admit of as rapid mail expedition as the balance of the country enjoys, it is not unjust to ask Congress in its interest and in the interest of the whole country to supply this deficiency by providing special and exceptional facilities. If the South needs this special appropriation of $142,000 in order to put it upon a parity in the matter of mail facilities with the balance of the country, I am ready to vote it or even a larger sum. What I seek through this amendment to accomplish is to have the facts investigated and ascertained, and if it shall be found that these facilities can be secured only through a special contract, that that contract be made by the Post-Office Department with due regard to the value of the extra service stipulated for, and that the Department do not blindly, as is seems to be doing now, turn over a given sum without any idea of whether the service rendered represents value received. If we need to hire a special mail train or trains to give this section equal and needed facilities, let us hire them and pay for them. But, Mr. President, there is no reason why we should pay for them more than a fair price or more than the service is worth.

The Postmaster-General tells us that he does not know whether or not the service is worth the amount of this appropriation. He has made no investigations. He has not ascertained the facts. He is blindly carrying out what he regards as the will and direction of Congress, and handing over the appropriation without asking any questions. Is that proper? The Southern Railroad is a great system. It is not in need of a subsidy. It does not, as I understand it, ask for any. It says this is not a subsidy. It claims that the Government gets value received for its money. Is this contention and claim true? That is one of the questions I want the Department to investigate and decide and later advise us about. The railroad is one party to this contract, the Government is the other. I do not think Congress should be willing to accept without question the railroad's estimate of the value of this service.

Mr. President, I am opposed to subsidies. My chief purpose in introducing this amendment was, as I have before said, first, to get the facts, and next, if there is any subsidy in this appropriation, to squeeze it out of it. In the committee I opposed the pneumatic-tube service. The bill appropriates $900,000 for this pneumatic-tube service. That is a facilitation of the mails in the great cities to the extent, I think, of from ten to fifteen minutes. I do not attack that service. I do not deny that it is a great convenience and advantage in the facilitation of the great business of the cities in which it has been installed.

But, Mr. Chairman, the plants which supply this service are, I am advised, comparatively inexpensive. They dig a trench, put into it a tube with a little machinery, and the Government pays the owner every year for this service, in some instances about as much as the plant is worth. That makes it a subsidy. The convenience of the service, the advantages and the benefits of the service, however great, do not change that fact or make it any less a subsidy.

The Government ought to buy those plants. If it can not buy them, by reason of the indisposition of the owners to sell them, then, if it can, it ought to condemn them. If there is no law providing for their condemnation, because they are protected by patents, then it ought to say to the owners: "We will pay you for this service a reasonable profit upon your investment, and if you are not willing to take that, we will withdraw the service and leave you 'to get business where you can.'" In that case, as soon as the patent expires, the Government ought to install its own plant. In the committee I declared myself as opposed to this appropriation to pneumatic tube service because it seemed to me that under the present arrangement the Government was making it a matter of subsidy and bounty instead of a business transaction. I repeat one of the reasons I am insisting on my proviso to the item under consideration is because I want to put this transaction on a business footing, if it is to be continued. I have had petitions from citizens and boards of trade and chambers of commerce in the cities in my State served by this railroad asking my support of this appropriation. I do not want to deny or abridge any advantage or privilege the good people of these thrifty and enterprising communities now enjoy.

I want them to continue to have as good service as they now have. I think they are entitled to it. But if the Postmaster-General shall find that it is necessary to hire a special train or trains to get it, if he shall find that the regular transportation pay, paid by the Government, which is always liberal, is not sufficient inducement to the carrier to give quick and prompt service, I want him to be able to say: "I will pay you what the service is worth; you have no right to exact any more, nor will I pay more."

Mr. President, I beg pardon of the Senate for having consumed so much time. It was not my purpose when I began these remarks to amplify and enlarge them to the extent that I have.

Mr. MALLORY. Mr. President, I shall not consume very much of the time of the Senate. I will go as far as the Senator from North Carolina [Mr. SIMMONS] in undertaking to limit the compensation for mail service to what it is actually worth, and the amendment which I have presented to the committee amendment, I think, is a step in that direction. It is a step in that direction and a better step, in my judgment, than that furnished by the proposition offered by the committee.

The language of the paragraph, as changed by the amendment of the committee, is as follows:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider and so find that such expenditure is necessary to secure needed expedition of the mails; and in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the services to be rendered by said trunk line or lines.

The amendment which I propose in lieu of that is this:

Provided, however, That the Postmaster-General shall not be authorized to use the money hereby appropriated, or any part thereof, unless it be necessary in order to provide the same or as good a service as is now provided.

I do not think it is open to controversy as to whether this

service or this expedition is needed. Between Washington and New Orleans lies a country principally agricultural and far less densely populated than the country of the Middle States and of the East. The Southern Railroad is the most direct route between New York and the commercial metropolis of the South—New Orleans. On each side of it for a distance of 150 miles there are farming communities and a number of manufacturing towns. All of these are more or less benefited by the expedited mail service, not to speak of the great benefit which arises from affording rapid communication between the cities of New Orleans and New York.

Therefore, Mr. President, I think it is hardly necessary for us to discuss here the question whether this expedited service is desirable. Under the amendment proposed by the committee, of which the Senator from North Carolina is the author, the very question of the necessity of this expedited service is, in my judgment, submitted to the Postmaster-General for determination. It may not have been, and it was not, I believe, the intention of the Senator from North Carolina to submit that to the judgment of the Postmaster-General; but the language is such that if the Postmaster-General chooses to construe it to mean that, he can very readily do so. He is to consider and to find that such expenditure is necessary—a very strong word—to secure needed expedition of the mail. He is to consider, first, in my judgment—for that is, I believe, the meaning of this clause—whether expedition of the mails is desirable; and then, if expedition of the mails along this route is desirable, the Postmaster-General is to determine whether the expenditure is necessary for it.

Under the amendment offered by me the same object—that is, the inquiry sought for by the Senator from North Carolina—can be obtained; but at the same time it does not do away with the advantages and benefits flowing from the establishment of this special facility for the mails. It prohibits the Postmaster-General from expending any part of the sum herein appropriated unless it be necessary, and that means necessary in his judgment, in order to provide the same or as good service as is now provided. If in his judgment it is necessary, in order to provide the same or as good service, he can make the expenditure. If in his judgment it is not necessary, he is under this provision prohibited from making the expenditure. He has to determine whether it is necessary or not, and in order to reach that conclusion he has to have an inquiry and an investigation into the facts, the very thing which the Senator from North Carolina declares here is the principal object in framing his amendment in the way he has done.

Mr. President, we are, as the Senator from North Carolina has said, making appropriations here for expediting service in the cities. In the matter of pneumatic tubes we provide an appropriation of $900,000, and in addition to that we provide for contracts running to the amount of about one million and a half more to expedite service in the large cities, where they already have frequent mail deliveries and almost every advantage which ingenuity can devise for the rapid transmission of the mails. The country through which this road runs has but two trains a day. It is true it is developing, it is becoming a large manufacturing center as well as an agricultural region, and the business is increasing.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Florida yield to the Senator from North Carolina?

Mr. MALLORY. Certainly.

Mr. SIMMONS. Do I understand the Senator to say that the section of country to be supplied by the service to which this appropriation is applied has only two trains a day?

Mr. MALLORY. That is my understanding.

Mr. SIMMONS. If the Senator will pardon me, my understanding is that they are running from here to Charlotte, in my State, along this road, six trains a day, three each way.

Mr. MALLORY. That may be true, but from here to Charlotte is not the entire route. It is not even one-half of the route. I am speaking of the entire route. I do not know how many trains there are a day between here and Charlotte, but there are only two fast mail trains, I believe, unless I have been misinformed, between this point and New Orleans.

Mr. SIMMONS. If the Senator will pardon me, I will say to him that I think he has fallen into an error there. There is what is known as No. 31, which is nearly as fast a train as No. 97. It does not get any part of this appropriation, but it runs nearly as fast.

Mr. MALLORY. When does No. 31 leave Washington?

Mr. SIMMONS. It leaves Washington at 11 o'clock in the morning.

Mr. MALLORY. I do not think that the trains make very close connections below Atlanta or at Atlanta. My impression, from what information I have gotten on the subject, is that there are but two trains that carry mail from here to New Orleans in a day.

Mr. SIMMONS. I will state to the Senator, if he will pardon me, that No. 31, which leaves here in the daytime, is the fastest mail train which the Southern operates.

Mr. MONEY. Two each way?

Mr. MALLORY. Of course, two each way. I will not dispute here whether there are two or three. The fact is, however, Mr. President, as I said here yesterday, I know from my own experience—and I think Senators here who live along the line of this mail route will corroborate what I say—that the establishment of this particular mail line has been of immense advantage to the people of the section affected by it. I know that from Atlanta down to New Orleans an immense benefit is derived from it. My own home is approximately on the line, being only 44 miles off from the main line, and our mail from New York or our mail from Washington is from seven to eight hours ahead of what it would be without this expedited mail service. I think the same can be said of almost all the other points of importance—Mobile, Montgomery, and other points along the line, besides the cities and towns and communities for 150 miles on each side of the route.

Mr. President, the point I insist on is, if the Senator from North Carolina only desires to have the matter of the value of this service inquired into, he can accomplish that by the amendment which I have offered. I am unwilling to leave the matter to the judgment or decision of the Postmaster-General or the Post-Office Department. We are the proper authority to determine whether or not this expedited service is necessary, and I am opposed to submitting that to a departmental officer or bureau chief.

The other part, as to the amount of expenditure which is desirable, can be very properly confided to such an officer, but when the Postmaster-General tells us that, in his judgment, this will not tend to the promotion of the interests of the postal service, and when we have a gentleman of such standing and authority as Mr. Shallenberger stating before the committee that, in the judgment of the Department, it will not be necessary to promote the interests of the postal service, it strikes me that a delegation of the matter of determining whether this service should be continued or not to gentlemen who have already expressed themselves to a certain extent, at least, as of the opinion that it is not necessary to the interests of the postal service, would be confiding it to judges who have already expressed an opinion on the subject.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. MALLORY. Certainly.

Mr. SIMMONS. I desire to ask the Senator from Florida if he does not think, from the reading of the testimony, that both the Postmaster-General and the Second Assistant Postmaster-General, Mr. Shallenberger, were predicating their observations upon the general postal service and the interests of the general postal service of the country?

Mr. MALLORY. No; I can not say that I do. They were discussing this particular service. The question was put point blank by the Senator from North Carolina himself to Mr. Shallenberger:

> Then you did reach the conclusion that it was necessary to promote the interest of the postal service?

That is in reference to a previous remark made by Mr. Shallenberger; and he answered:

> In the judgment of the Department, not; in the judgment of Congress, yes.

This is about all I have to say, Mr. President. I shall insist on the amendment I have offered, because I believe it gives the Postmaster-General the opportunity to inquire into the question of the value of the service rendered by the railroads, but at the same time requires the continuation of the service for the benefit of the very large number of people in this country who are deriving benefits from it to-day.

Mr. MONEY. Mr. President, I quite concur in the opinion expressed by the Senator from North Carolina that the language as it has heretofore existed in the proviso should be stricken out. I have not the slightest doubt, knowing the Senator as well as I do, that he is perfectly honest in advocating his amendment to the bill in the belief that he will promote the postal interests. But I ask the question, What are considered to be the postal interests of the United States? I know from long experience, and not by any means reflecting upon any public functionary who has been connected with the Department in any important grade since I have been here, that they are men who have been

very anxious to do their duty, and I think the present Postmaster-General and his chiefs of bureaus have that intention.

Mr. President, the Post-Office Department have never considered the postal service as Congress and the people of the United States have considered it. They have considered it as a business, and they have brought, through the administration of that office, very great benefits. They have bent their energies to do everything to carry out as far as they can the laws of Congress to distribute the mails throughout the United States and to make the service pay its way; in other words, to use the language of the Senator from South Carolina, to put everything on a business basis.

Now, I will say you can not put the postal service of the United States on a business basis and do properly the function of government. The United States is not neglecting its business when it carries mail and receives pay for doing it. It is performing a function of government. The postage on the mail is not to be considered as a compensation for the service rendered, but it is simply a tax that is laid upon correspondence and upon other mail matter, just as a tax is laid upon whisky and other things that are produced in the United States. It is a tax that is easily distributed and easily paid, and it is paid by its beneficiaries, the proper persons to pay a tax. It is no more to be expected that the Post-Office Department shall pay its expenses than that Congress shall pay its expenses and the Army and Navy and the judiciary shall pay their expenses. We are to conduct this postal service as a function of the Government, and for the benefit of the people of the United States, who pay all the taxes.

When a thinly peopled section of the country calls for expedited or unusual facilities that are generally accorded the peopled sections, there should be no complaint made from the great centers of population because the correspondence is done with them. It is through the expedited service that merchants in the cities of New York, Philadelphia, Baltimore, Boston, Louisville, Chicago, etc., get in communication and do business with their correspondents in the country towns and in the remote sections of the country; every expedition that goes to one place must come from somewhere else, and each terminal of the line will feel the impetus and the quickening impulse of that correspondence. Letters are the primordia rerum of the whole commercial world; without them there can be no commerce.

THE PANAMA CANAL.

The PRESIDING OFFICER. The Senator from Mississippi will suspend for a moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask that the bill be temporarily laid aside.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

Mr. MONEY. Mr. President, it is the duty of Congress to see that proper mail facilities are performed and carried to the farthest extremities of this country. While the people in the country look upon ten or twelve daily deliveries and pneumatic tubes with something of a dislike, for what seems to be a discrimination, in fact they should not do so, because it is just as much to their interests to have mail expedited and delivered quickly in the city as it is that the cities should be interested in the swift communication of their correspondence in the country. All sections should unite in sustaining Congress in its effort to make a proper and immediate distribution of mails everywhere.

It is unfortunate, as I said, that almost always in the Department, without any reflection upon anybody, the attempt has been made to cut down mail facilities because of the Department desiring to make both ends meet—in other words, that its receipts should equal its expenditures. That, of course, is a very desirable result. We would all be very glad if we could devise a way by which Congress could pay its expenses, and the Army could pay its expenses; but it can not be done. So in performing this function of government we are not to consider too closely what its cost is, except that there should be rigid economy and great honesty in the administration of that Department and in the expenditure of the moneys which Congress votes for the purpose.

Now, it is not a question in my mind in this particular case whether the Postmaster-General shall determine what is the best for the postal interests. As for me, I do not care whether it is better for the postal service in the light in which he considers it. I consider the postal interests to be promoted when the best possible communication is given from one part of this country to the other part. The whole country is served with railroads, with steamboats, and by star routes, and we need all these things. In the city we need frequent deliveries, we need rural delivery in the country, and expedited schedules in one or two places in order that the system may be perfected as far as possible without too great an expense. I am not willing to go into a very large expenditure to increase the facilities, but here is a facility that has been standing here by the will of Congress and against the will of the Executive Department for many years. We know already what the opinion of the Department is.

I had the pleasure not long ago of being told by a gentleman who is administering one of the great bureaus of that Department that I was responsible for the very worst law that had ever been passed. I said, "What is that?" He said, "You are the author of the bill that gave the newspapers the privilege of a rate of 1 cent a pound, and they have loaded down the mails so that we have to pay very much more than we receive from that particular source of income." I did not think I was doing anything for the benefit of the Department nor for the benefit of the newspapers, but I was doing something for the people of the United States. I was putting within their reach the great metropolitan papers, conveying the news of the country, and instructing the people upon the affairs of the world as well as their own domestic concerns. It was not a question with me whether the Department should make money out of this carriage of newspapers at 1 cent a pound or whether they should lose it. I expected them to lose it. But, on the contrary, they are carrying letters at a most tremendous rate and making a great deal of money on that. So we do not take these things into consideration at all.

Now, as to this particular amendment, I would have, I say, these words stricken out and not leave anything to the Postmaster-General except his business as administrator of that great Department to perfectly understand what the cost should be. He is not asked to determine exactly what the great lines of railroad throughout the country shall be paid. As far as the railroads go, we fix the price ourselves, determining it by the weight and space; and then he is left to make the grade by the annual weighing, which comes off according to law not less frequently than once in four years, but practically every year; and that determines it for him. He is not left to determine whether he will do it or not. When he comes to the star route the lowest responsible bidder, if he can give a bond, gets it. There is no discretion left to the Postmaster-General there.

It is not a question here whether the Southern road or the Seaboard line shall carry this mail to Atlanta. Atlanta is the half-way house. There are four roads that get the benefit of this appropriation. There are four roads that carry special fast mail trains containing two postal and express cars and no passengers going there; and as these four roads are sharing this sum it is not a question particularly how you get to Atlanta. As far as I am concerned, I am perfectly willing that the two roads mentioned shall compete for this and say what they will carry it for. It is nothing to me what road gets it. But I will say in this connection that in the genesis of this thing it was designed for and given to the Seaboard Air Line. They carried it for twelve years, and having carried it for twelve years, surrendered it on the ground that it did not pay for the cost which the road incurred in the transportation. Then it was transferred to the other route, and it is yet to be expedited through to Savannah. It was expedited through to New Orleans, and the effect of that expedition is felt at El Paso. You will find here, I presume, on the files of the committee—I speak without knowledge, but from my own experience of the past—petitions from every board of trade from San Antonio and Houston along up to near Washington asking that this service shall be continued. These commercial bodies know their business; they know what they want; they feel the lack of a good service, and they want it.

I believe the effect of the proviso offered by my friend from North Carolina [Mr. SIMMONS] would be simply to leave the matter in the discretion of the Postmaster-General whether we ought to have expedited mail or not. If in his judgment there should be no expedition, there will be none. He has already said that he does not believe in favoring one section as against another, or one line as against another. We can predicate a pretty sound opinion upon his previous utterances, and we pretty well know now that he will say that it ought not to go at all.

I am not in favor of devolving any legislative function or any discretion upon a gentleman, however distinguished he may be. I know he is a very able and a very good man; I have no fault to find with him; but he has put himself on record. He forgets, of course, that in the more prosperous section, where there is such a thickly populated country and the commerce or traffic is so great that it must have eight or ten or twenty railroads a day, there is no need for it. I have been on the Hudson and I have seen ninety-two trains a day run past one point on one railroad, with a railroad on the other side with just about as many—and the river full of steamers going up and down also—and all of them making 40 or 50 miles an hour. What is the need of expedition there? But it is different down here.

I recollect that in the beginning of this thing there was only one transcontinental line, and their schedule was 18 miles an hour. They declined to go into any negotiations; they declined to accept the schedule that had been prepared by the Postmaster-General at any price upon the ground that their material was so dear—their cross-ties of metals—that they could not possibly expedite the service; that there would be such wear and tear on the rolling stock and roadbed that they would not be paid for the extra expense. So they declined, and it was the only line by which the expedition could be effected. It then began at Boston and ended at Savannah. They all declined the proposition until some years ago a special train was put on from Kansas City to Newton, Kans., and it had but one single object, to get the morning papers from Kansas City to Newton and intervening points and distributed at railroad centers. The only reason why it was put on was on account of the morning papers of Kansas City.

Now, as far as the Seaboard and the Southern roads are concerned, let them compete if necessary before the Postmaster-General for the carriage to Atlanta, and then we will consider also how many people are to be served on one or the other side. Unfortunately, by reason of its location, one road has the Atlantic Ocean on one side, and there is very little mail from that quarter except from cities on the border. On the other side there are lines going into the interior, communicating with the large cities of the West and of the South. I had once a compilation made showing the proportion of people served, and it was a great deal more than I had expected. I thought it would be a great deal; it was immense.

This matter is unimportant to those who live off this line and who are not representing constituencies to be affected by the discontinuance of this very great mail facility, but it is important to the people in the South, at least where I live and beyond. I have heard from a great many upon this subject. I have generally been in the habit of getting a pocketful of telegrams about this time. This year I have not received a word from anybody. I suppose they thought I had no connection with the Committee on Post-Offices and Post-Roads, and, therefore, they addressed no communications to me; but I do not believe that they have changed their minds within a year. I know what they have done heretofore. I know the necessity of this service.

I have no objection to the Postmaster-General inquiring into what would be a proper compensation, and I do not want anything greater than a proper compensation paid. I do not want any subsidy; but I do not call it a subsidy to a pneumatic tube covered by a patent nor to a railroad which is simply rendering a service as cheaply to the Government as it would be rendered to anyone else.

The Government is at liberty to decline if the railroad will not take a good offer. I think myself that we might invest some sort of discretion as to the amount to be paid, so that it would be reasonable compensation, but I am not willing, under the utterances of the Postmaster-General, to allow him to say whether this expedition is needed or not. That is a thing that the people of the country affected have long since determined for themselves.

I believe there will be a general concurrence of opinion among the Senators who represent the Southern States, with the exception of my distinguished friend from North Carolina, who I know is just as zealous and as honest as I or anybody else can be, because I know him well enough to say that, and I say it with great sincerity. I do hope that in this instance his contention will not prevail, but I want to say it is just about as good as the language that was in the act, because that, in my opinion, made it just as much the duty of the Postmaster-General as the amendment. In fact, it says whatever in the judgment of the Postmaster-General is necessary. How can he come to a judgment unless he makes an investigation? How can he reach a judgment unless he has ascertained the facts and the reasons upon which to base a conclusion? If he has not done that, he has simply failed to do his duty; he has simply failed to obey the law. In my opinion, in a case like this the law is mandatory. In my opinion, it is mandatory all the time.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. MONEY. With great pleasure.

Mr. SIMMONS. I desire to state to the Senator that the Postmaster-General said—I started to read it, but was interrupted and did not finish it—that he would regard the present proviso as simply directory; that he would not regard the proviso proposed by the committee as mandatory upon him, and he would exercise the judgment and discretion imposed on him to find the facts and to pay for the service no more than what he regarded it to be worth.

Mr. MONEY. If I thought the Postmaster-General would adopt the interpretation which the Senator himself puts upon it——

Mr. SIMMONS. That is his interpretation. I have it here. I can read it to the Senator if he would like to hear it. The Postmaster-General himself said it.

The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from North Carolina?

Mr. MONEY. Of course; I desire to bring out all the information we can get. I am glad to have the Senator interrupt me, because he is much better informed than I am upon this subject.

Mr. SIMMONS. This is in two forms, and I will read it in the briefer form. Toward the close of the examination I find this:

Senator SIMMONS. Suppose the committee, by reason of your knowledge of the matter, you being supposed to understand this situation better than we do, shall say that we will recommend this sum or so much as may be necessary, and we will leave it with you to decide whether the conditions are such as to justify this expenditure. In that condition of things, would you hold that it was incumbent upon you to exercise your discretion and employ this service and spend this money or not, just as you might conclude the service was necessary and in the interest of the postal service?

Postmaster-General CORTELYOU. To spend it or not as I thought was necessary?

Senator SIMMONS. Suppose this amendment should be adopted to strike out the present proviso and insert—

Then I read the first section of my proviso—

"*Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall consider, and so find, that such expenditure is necessary in order to promote the interest of the postal service."

If that proviso should be adopted in that form, would you not then consider it necessary and incumbent upon you to decide and to find, before you expended any part of this money, that the service was necessary in the interest of the postal service?

Postmaster-General CORTELYOU. Yes, sir.

Senator SIMMONS. Suppose that proviso should proceed further and say—

This is the second part of the proviso—

"And in such case no greater sum shall be paid for such facilities than is, in the judgment of the Postmaster-General, a fair compensation for the service that shall be rendered by said trunk line or lines."

If there is any element of subsidy in this appropriation, if Congress should accompany this appropriation with that condition and that qualification and limitation and proviso, would you not consider it your duty then to put this contract upon the basis of a purely business transaction?

Postmaster-General CORTELYOU. Yes, sir; in the interest of the postal service and the people of the whole country.

Senator SIMMONS. Therefore, if this proviso should be adopted, you would consider it your duty to decide the question of whether this service was necessary?

Postmaster-General CORTELYOU. Yes, sir.

Senator SIMMONS. Then you would consider it your duty in making the contracts for this service with the railroads to base their compensation upon what the service to be rendered by them was actually worth?

Postmaster-General CORTELYOU. Yes, sir.

Mr. MONEY. Well, Mr. President, the Senator from North Carolina has kindly read me this testimony, and I want to say that it condemns his proviso; it condemns it absolutely. Here is the statement of the very Postmaster-General who is going to construe the law. I was going to say that he will pass away and other Postmasters-General will come in, who will not, perhaps, construe the law as he says he will construe it, if the law should be still on the statute books and should not be repealed, but here he himself says he will judge whether it is necessary to have any expenditure or not. That is a legislative function which I do not propose to submit to him if I can prevent it. I propose for Congress to retain in its own hands the right to dispense this service or to dispense with it, not for the Postmaster-General or any of the executive officers to step in and say whether it is necessary or whether it is unnecessary. But when Congress has said "We desire this to be done," then I am perfectly willing for the Postmaster-General to investigate, and it is his duty to do so, without any requirement in this proviso or in any other law that is not already on the statute

books, and to say what will be a reasonable compensation, although he has not been required to say that in regard to any of the contracts we have made. In all the contracts for railroad service and star routes and steamboats in this country the Postmaster-General has not been required to say what he thought was a reasonable and just compensation, but he has had to pay according to the law in every instance. In a case like this I think, however, there should be a deviation and that his judgment should be consulted as to the amount which might be necessary, but at the same time the railroads also are to be consulted. Every railroad in this country can to-day lay down its contract and refuse to carry any mail if it chooses to do so. We are not arbitrarily to fix the burden upon the railroads of the country. They are not to be required to perform the service, however much they may desire to do it, without just compensation. We must not fail to recollect that they are the great promoters of civilization, that they are the promoters of business, and that they must be paid a fair and just compensation for this as well as for any other service which they may perform for the Government or for the citizens of this great country. So the railroads themselves must be consulted as to what is a reasonable compensation. The Postmaster-General might say that it was worth $1,000 a month, and the railroads might say "We can not do it for that sum."

My friend from North Carolina [Mr. SIMMONS] said a while ago that the great railroads would not voluntarily put a mail contract down, even if it did not get paid, because they would thereby incur the disfavor of their patrons along the route. That would seem to be a very good argument, but we have an instance right before us here. The Seaboard Air Line did put down its mail contract.

Mr. MALLORY. The Senator refers to the Atlantic Coast Line, I presume.

Mr. MONEY. True; I got those two routes confused for the moment. The Atlantic Coast Line, which had one of these contracts, put down that contract without any fear of incurring the disfavor of the people along its route.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. MONEY. Certainly.

Mr. SIMMONS. The Senator from Mississippi is right. The Atlantic Coast Line did put down a contract, to use his own language, and declined to enter into a contract again; but the Atlantic Coast Line continued to give the same schedules afterwards that it had given before.

Mr. MONEY. Then, certainly that road could not have been under good business management if they continued without compensation the same service for which they had received $142,000. It was not well managed if it did that.

Mr. SIMMONS. The Atlantic Coast Line repudiated that contract because they said that they were unwilling that the Post-Office Department should exercise a control over their schedule. They put it on that ground.

Mr. MONEY. Yes; that is the ground on which they put it. The fact is that when the Atlantic Coast Line found that the service would be continued for the benefit, not of any railroad, but for the benefit of the southern people as well as the northern people in communication with them, the Atlantic Coast Line again applied for the contract, but did not get it. They were very willing, though having once thrown up the contract, to again apply for a contract to carry the mail rather than have their competitor carry it, and they asked again to be allowed to carry it, at a loss, I presume, or at least at inconvenience, having an unwillingness to comply with the schedule which the Postmaster-General imposed upon that road.

All this postal business is done under schedules prescribed by the Postmaster-General. He tells the roads where and when they shall start and at what time they shall get to their destination; and while the Senator from North Carolina is very much more familiar than I am with the law as it is now, the law as it was some years ago I know not only mulcted the pay of the road, but that they were absolutely fined for a failure to make schedule time unless they could show some good cause—such as a washout or an overflow or a burned bridge or some difficulty of that sort—had prevented them, and they had to offer a very good excuse, too.

I happened at one time to be interested in this matter. I was an attorney for one of the great railroad lines of this country. One of their greatest troubles was that they were being mulcted, not only failing to get their compensation, but being fined for not being able to make connections. There was great difficulty in making the Department see that the circumstances which obstructed the carrying of the mails were such as to justify them in remitting the fines in cases where the railroads were absolutely not at fault.

At any rate, Mr. President, I am satisfied of one thing, that with this proviso in the bill, it means—I will not say the Senator from North Carolina means it, because he does not; that is not his purpose, I am quite sure of that—but I say the effect of it will be, if the present Postmaster-General should die or if that good man should go out of office, the next man and the next might conclude that it was not necessary to have anything down there except the regular trains. Perhaps it is not. That is a matter of inquiry for the people who live down there, the residents of that section of the country, for, although I have had some letters from them, I know that this movement comes from the boards of trade, the chambers of commerce, the business men's leagues, and similar organizations. It is that class of people who generally organize for the purpose of effecting things, just as they do in this case, and that is one of the purposes of those organizations—to secure proper mail facilities, to get mail in due time to transact their business, to get it off, and to get a return in a short time. Time is the essence of contracts in every kind of commerce—the primordia rerum.

I recollect an instance, which has just occurred to me, that in correspondence many years ago with a banker in Denver, Colo., he stated that the interest on the time drafts between New York and Denver would pay the full cost of facilitating the mails. The railroads, then, would not at any price follow the schedule laid down, or which would be probably laid down by the Postmaster-General, owing to the great cost of constructing the roads.

At any rate, Mr. President, I give my opinion that if this amendment prevails, it means a discontinuance of this service, and that would mean very great dissatisfaction in my section of the country; it would mean a great many letters and telegrams and appeals to me and to others who represent Southern States asking for a return of this service.

I venture to say that the commercial bodies of New York, of Philadelphia, of Boston, and of Baltimore are just as anxious to see this service continued as are the people of New Orleans, Houston, Galveston, Atlanta, Nashville, and other places that are affected by it, because the correspondence it carries is largely between the parties who sell in the North and those who buy in the South. The money goes north, and the people up there are just as much interested in this matter as the people who are in the southern cities and towns.

Mr. BACON. Mr. President, I have but a word to say, and that of a practical character. I very heartily favor the amendment offered by the Senator from Florida [Mr. MALLORY], and I as earnestly object to the amendment proposed by the committee at the instance of the Senator from North Carolina [Mr. SIMMONS]. The only interest I have in this matter is that the present mail service to the South shall be maintained. That service is essential to the business interests of a very large section of this country. The business of that large section of the country has become adjusted to this particular service, and to take it away would disarrange everything and produce an amount of dissatisfaction resulting from deranged business which would find no compensation in any small economy of the amount expended.

Whatever may have been said in the past under the previous provisions of law as to whether or not this was a subsidy or a gratuity, there can be no such claim made if the amendment offered by the Senator from Florida is adopted. I do not regard the law as it now stands as a subsidy, but as a compensation for expedited service. The amendment proposed by the Senator from Florida is in these words. After the appropriation provided for in the bill, the amendment is to this effect:

Provided, however, That the Postmaster-General shall not be authorized to use the money hereby appropriated, or any part thereof, unless it be necessary in order to provide the same or as good a service as is now provided.

There is practically a square, emphatic provision that, in the first place, the present service shall be maintained, which is the great desideratum, and then the equally emphatic provision that, with that service maintained, there shall only be paid such an amount as is necessary thus to maintain it.

I quite agree with what has been said by the Senator from Mississippi [Mr. MONEY] about the Post-Office Department not being a business Department. It is true it is very important if it can be done that it shall be made a paying Department, but that is not the first consideration. The first consideration is the service to the people of the United States in giving to them not only good mail facilities, but the very best mail facilities. There is no Department of the Government from which the people so universally receive the direct benefits as from the

Post-Office Department, and there is no Department in which the people are as willing that there should be, if necessary, an excess of expenditure over receipts.

Take a most recent departure in the service of the mails—the free rural delivery service. Who stops to consider whether or not it pays, in view of the great benefits which are growing from it? I am not on the Committee on Post-Offices and Post-Roads and I can not say whether that service repays or not the amount expended for it; but regardless of that, that service is to be maintained. Its value to people in the rural districts can not be expressed in money value.

Here is an immense area of country in which special service from Washington to Atlanta and New Orleans is the great facility by which prompt and expeditious mail service is secured, not only to those cities but to practically the whole of seven or eight States. I repeat, whatever may have been said in the past as to whether or not this was a gratuity or a subsidy, this amendment puts it upon the secure ground of compensation for service rendered.

The reason why I favor the amendment of the Senator from Florida and why I oppose the amendment which has been ingrafted on the bill at the instance of the Senator from North Carolina is that in one case it leaves in doubt the question as to whether or not this particular service shall be maintained, and in the other case it fixes that as a certainty; and that is what we wish to maintain.

Now, Mr. President, I am just going to read for a moment a statement which will show the character of the service. I want to premise it by saying first, however, that while I have not had an opportunity to read at length the testimony before the Post-Office Committee, I have listened to the portions which have been read by Senators and I have read a little in addition thereto, and, so far as I can gather, there is not in this testimony any statement, either by the Postmaster-General or by the Assistant Postmaster-General, to the effect that this appropriation is not necessary to secure this particular service. It is true that there is a statement to the effect that it is not necessary to what they consider to be the essential or necessary service; but with the service now rendered to these States, there is no testimony on their part that the appropriation is not needed for the purpose; on the contrary, reading the testimony of Mr. Shallenberger, it will plainly be seen that this is not the construction which they put upon it. Mr. Shallenberger, in his testimony, says this:

> The Department having exercised its discretion under the proviso and notified Congress of the manner in which the discretion was exercised and the specific routes on which it was exercised, the terminal points between which the discretion was exercised having been named in the appropriation of Congress to provide a special and additional service, the Department, I repeat, had to assume that the special service was desired, and provided for it.

Thereby evidently implying that, with that special service maintained, this appropriation was needed. I do not know, however, that I will pursue that any further, except to call attention to one other statement in the succeeding answer, where Senator SIMMONS asked him this question immediately following the foregoing:

> Senator SIMMONS. Then you did reach the conclusion that it was necessary to promote the interest of the postal service?
> Mr. SHALLENBERGER. In the judgment of the Department, not; in the judgment of Congress, yes.

By which he meant that, in the judgment of the Department, it was not necessary for the southern country to have this expedited service, but that Congress, having determined that it was necessary, that it should have this expedited service, the appropriation necessarily was made by the Department in order to secure it.

Now, just one moment, Mr. President, and then I will not further trespass upon the time of the Senate. I will state a few facts relative to the arrangements which led to the present service.

The Post-Office Department was anxious to have a train, leaving Washington at 8 o'clock, with the New York, Philadelphia, Baltimore, and Washington papers and mail, connecting with the train that left New York between 2 and 3 o'clock in the morning and run through the South. The Department proposed to the Southern Railway that if they would put on a special mail train, leaving Washington at 8 a. m., and run through to New Orleans and there connecting with the Southern Pacific for all points in Texas and through to California, and would run this train 41 miles per hour, regardless of all stops, from Washington to New Orleans, and agree not to change the schedule without the consent of the Post-Office Department, and agree that, if they fail to make the schedule time at the end of the different routes (there being five routes between Washington and New Orleans), they should lose the pay for the special facilities for that day, and that the Southern Railway should run train No. 37 as it now runs, and should not change the schedule without the approval of the Post-Office Department, that they would give the line from Washington to New Orleans $125 per mile per annum, which amount would be divided according to mileage between the Southern Railway, Washington to Atlanta, Western Railway of Alabama, Atlanta to Montgomery, and Louisville and Nashville Railroad from Montgomery to New Orleans. While Congress appropriated $142,728.75 per annum for this service for the calendar year 1905, the Post-Office Department only paid out $106,567.67, the balance being deducted for failure to make the schedule.

Now, as to the way in which this service operates.

A letter leaving New York Monday at 2 a. m. and Washington at 8 a. m. arrives at Atlanta at 11.07 p. m. same day, and leaves there at 11.15 p. m. for New Orleans, Montgomery, Birmingham, Macon, Brunswick, and Savannah, and arrives at New Orleans next morning—Tuesday morning—at 11.15.

In other words, Mr. President, a letter leaving New York this morning at 2 o'clock is in New Orleans to-morrow morning at 11 o'clock, and without this facility it would not get there for at least twelve hours later than that hour. Other intermediate and lateral points are, according to distance, served in the proportionate time.

The Southern Pacific holds their train at New Orleans for this connection, and leaves there for Texas points at 11.55 a. m., taking the mail to Houston, San Antonio, El Paso, Austin, Galveston, and California points. For example, take Birmingham, Ala. Train 97's mail arrives at Birmingham at 5.20 a. m. The mail is distributed at Birmingham, and also given to the rural free-delivery carriers leaving there at 7 o'clock, and is distributed all through the country. Now, let us suppose that 97 was not running. This mail would reach Birmingham at 12.01 p. m., too late to be carried out in the city of Birmingham for the morning delivery and would compel the rural free-delivery mail to lay over twenty-four hours. The same applies to Savannah and Macon and other points—I might say to almost all other points in seven or eight great States.

I repeat, Mr. President, that the interest I have in this is the public interest of a very great section of this country. The amendment proposed by the Senator from Florida distinctively relieves it of every possible feature of a gratuity and puts it upon the simple basis, first, that the present service shall be maintained, which is the great and important desideratum for all that great section of the country, and, second, that the Postmaster-General shall only pay so much as is necessary to maintain for that large section of the country the present service or equally as good service.

Mr. FOSTER. Mr. President, I shall only occupy the time of the Senate for a very few moments. The people of my State, and especially of New Orleans, are very much interested in the continuance of this appropriation and of this service. Under this special service, for which special and extra pay is given by the Government, the mails are received in New Orleans some six or eight hours earlier than they would be by the regular trains. If the amendment of the Senator from North Carolina [Mr. SIMMONS] prevails, in my judgment, the practical effect of it will be the discontinuance of this service. In the first place, it leaves the matter to a tribunal which has practically prejudged the case. If this amendment prevails, according to the expressed opinion of the Postmaster-General as I read it, this service will necessarily be discontinued. On page 58 of the hearings the Senator from North Carolina [Mr. SIMMONS] asked the Postmaster-General this question:

> Senator SIMMONS. Now, I want to ask you, General, the direct question: In your judgment, is the appropriation for this service necessary in order to secure proper mail facilities in the section of country served?
> Postmaster-General CORTELYOU. I think not.

The opinion of the Postmaster-General is that this service is not necessary, according to the answer which he gave to the Senator from North Carolina. On page 66 the same Senator asks the Postmaster-General this question:

> Therefore, if this proviso—
>
> Referring to the proviso in the amendment—
>
> should be adopted, you would consider it your duty to decide the question of whether this service was necessary?

The answer is "Yes, sir."

So the opinion of the Postmaster-General is that, under this amendment, it would be left with him, first, to decide whether the service was necessary, and then he has expressed an opinion that the service is not necessary. Therefore, in my judgment, Mr. President, the adoption of this amendment would mean practically the discontinuance of this very important service,

which is not only important to the South, but important to the West and important to the great Northeast.

The discontinuance of this service would practically break up all the business arrangements now in the cities benefited by it, because, as has been said, time is not only an important factor, but it is almost the essence of a contract during these days of rapid and swift business transactions. Before we deprive this section of the country of these expedited postal facilities which they have enjoyed for years, and without assigning any reason why they should be changed, but, on the contrary, admitting that the service is better to-day than it has ever been, there ought, in my judgment, to be presented a better and more potent argument than has thus far been made. I simply wish to make this statement——

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. FOSTER. Certainly.

Mr. SIMMONS. I did not interrupt the Senator when he read from the hearings a moment ago what the Postmaster-General said; but I now wish to call his attention to another statement of the Postmaster-General which, to my mind, clearly qualifies the answer made to the interrogatory which the Senator read a little while ago. I have taken the trouble to find it in the hearings. On page 65 this colloquy occurred:

Senator SIMMONS. I understand, Mr. Postmaster-General, that you do not express directly the opinion that this service is not needed.

Postmaster-General CORTELYOU. I am not prepared altogether to say that it is not needed.

Senator SIMMONS. You are not prepared to say that it is needed?

Postmaster-General CORTELYOU. No.

Again, on page 68:

Senator SIMMONS. When you pay this money to these railroads, do you regard it as a subsidy to the railroads? You speak of it as a subsidy in your reports, I believe?

Postmaster-General CORTELYOU. No; I carefully avoided calling it a subsidy.

Senator SIMMONS. Then it is the Second Assistant Postmaster-General who sometimes refers to it as a subsidy?

Postmaster-General CORTELYOU. Simply because I did not know whether I regarded it as a subsidy or how I did regard it. I have been looking into the matter for some time, but I did not want to characterize it because we regarded it in the Department as largely the act of Congress.

Senator SIMMONS. Then you did not want to express any opinion about it?

Postmaster-General CORTELYOU. I did not.

Mr. FOSTER. That is all very true, Mr. President; but anyone who will look over and analyze the answers of the Postmaster-General, especially when the direct question is put to him, must conclude that the question is practically prejudged in the mind of the Postmaster-General; that the Postmaster-General considers this service not necessary, and, further, that if this proviso is adopted, that he shall judge whether it is necessary or not, the practical operation of the amendment when enacted into law will be the discontinuance of this very important service.

Mr. PETTUS obtained the floor.

Mr. FORAKER. Will the Senator from Alabama yield to me for a moment?

Mr. PETTUS. Certainly.

ADJOURNMENT OVER MEMORIAL DAY.

Mr. FORAKER. I move that when the Senate adjourns to-day it be to meet on Thursday next.

Mr. PENROSE. Before the motion is put I should like to make an inquiry as to whether it has been usual for the Senate to thus adjourn over?

The VICE-PRESIDENT. This is not a debatable question, except by unanimous consent.

Mr. PENROSE. I ask unanimous consent to make an inquiry.

I am anxious to have the Post-Office appropriation bill disposed of. I shall have to leave town in a day or so, and, although I have the greatest respect for the ceremonies that will take place to-morrow, an adjournment over will seriously embarrass me personally. If the Senate has not been in the habit of adjourning over that day, I should like to have a session to-morrow, in the morning at least.

Mr. FORAKER. I think every time since I have been a member of the body that the Senate has been in session when Memorial Day came it has adjourned out of respect to the day.

Mr. PENROSE. If that is the Senator's belief in the matter, that the Senate has always adjourned over, I shall not object.

Mr. FORAKER. I can not be positive about it, but that is my recollection.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Ohio.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

Mr. PETTUS. Mr. President, I am in favor of the continuance of this mail service on this line. All of the gentlemen who have spoken on the subject seem to be in favor of it. It is one of the most important matters that I know of to the people along this line. It is stated that the business associations all along this line have unanimously asked that this service be continued. The bankers on this whole line through the South and many of those in New York insist on its being continued. The bankers are more interested in this quick motion of the mails than almost any other class of people.

I wish to suggest to those who desire this service continued that the best way to do it is to strike out of this bill the amendment which the committee has brought in and to take the House provision as it stands. We know what that means, and we know what it will effect; and the Senator from North Carolina does not seem to be certain what his amendment would produce. To my mind it is absolutely certain that his amendment would produce the discontinuance of this service entirely. Unless the Postmaster-General is so changeable that we can not depend upon his own statement of his own opinion, this service would be discontinued the moment of time arrived for the application of this provision.

Mr. President, I do not see any reason why the Committee on Post-Offices and Post-Roads made this change. I can not understand it; and I especially do not understand why they did not make the same change, if they thought it was essential, in the paragraph which follows this provision. The two provisions came from the House in the same identical words, with the same proviso, and they amended one and did not amend the other. Why was this? I should like for some gentleman on the committee who favors this amendment to the House bill to explain why they did not put it on the other paragraph. If it was essential to one, why was it not essential to the other? I could myself give a reason and a very good one, I think. The roads run in the wrong direction.

I hope that the amendment reported by the committee will not be agreed to, and that the substitutes which have been offered will also be rejected, and that we will leave the bill as it came to us from the House. We know what that means, and we know what service it will produce. To reject the amendment will also take a very considerable item out of the committee of conference.

I hope those gentlemen who are in favor of continuing this service will see that that is the best mode to arrive at it.

Mr. PENROSE. As I have already stated, so far as I personally am concerned, I have no objection either to the substitute of the Senator from Florida or the suggestion made by the Senator from Alabama, to revert to the provision of the House bill.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Florida [Mr. MALLORY] for the amendment of the committee. The substitute will be stated.

The SECRETARY. It is proposed to strike out the proviso on page 25, at the bottom of the page, and to insert in lieu thereof the following:

Provided, That the Postmaster-General shall not be authorized to use the money hereby appropriated, or any part thereof, unless it be necessary in order to provide the same or as good a service as is now provided.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SIMMONS. I desire to ask if it is in order to offer an amendment to the substitute just adopted?

The VICE-PRESIDENT. It is not now in order, the amendment as amended having been agreed to.

Mr. SIMMONS. When will it be?

The VICE-PRESIDENT. It will be when the bill is in the Senate.

The Secretary resumed the reading of the bill.

Mr. PETTUS. I desire information as to the situation of the amendment proposed by the Senator from North Carolina [Mr. SIMMONS].

The VICE-PRESIDENT. It is not now in order, but it will be in order when the bill reaches the Senate. The Chair understood the Senator from North Carolina to withdraw it.

Mr. PETTUS. Then this subject has not been acted upon at all?

The VICE-PRESIDENT. That specific amendment has not been acted upon.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 27, line 13, to reduce the appropriation for manufacture of adhesive postage stamps, special delivery stamps, and books of stamps from $550,000 to $450,000.

The amendment was agreed to.

The next amendment was, on page 27, line 18, after the word "Government," to strike out "at any higher rate than offered for the same work by any responsible private contractor, nor shall the bid of such Department or bureau be at a price;" and in line 21, before the word "cost," to insert "labor;" so as to make the proviso read:

Provided, That no contract for the manufacture of adhesive postage stamps, special deliver stamps, or books of stamps shall be made by the Government with any Department or bureau of the Government below the labor cost of such work to the Government.

The amendment was agreed to.

The next amendment was, on page 27, line 23, to reduce the appropriation for manufacture of stamped envelopes and newspaper wrappers from $1,075,000 to $1,026,000.

The amendment was agreed to.

The next amendment was, on page 28, line 3, to reduce the appropriation for manufacture of postal cards from $250,000 to $202,000.

The amendment was agreed to.

The next amendment was, on page 28, line 14, to reduce the appropriation for travel and miscellaneous expenses in the postal service, office of the Third Assistant Postmaster-General, from $1,000 to $500.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster-General, Supplies for Postal Service," on page 28, line 24, to increase the appropriation for stationery, including all money-order offices, from $75,000 to $85,000.

The amendment was agreed to.

The next amendment was, on page 30, line 17, to increase the appropriation for wrapping twine and tying devices from $175,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 31, line 8, to increase the appropriation for pay of letter carriers and clerks in charge of substations of rural delivery service from $28,200,000 to $28,700,000.

Mr. CLAY. Mr. President, this bill carries $28,000,000 for free rural-delivery service, an increase of $7,000,000 over the last post-office appropriation bill for the same class of service. The history of rural free-delivery service is both interesting and gratifying to the farmers of the United States. This service was put in operation in the year 1896, less than ten years ago. Its growth has been phenomenal. The earliest date of establishing an experimental rural free-delivery route was October 1, 1896. Only $40,000 was appropriated for this entire service in the year 1897, and only eighty-three routes were in operation at the end of the fiscal year 1897. When the Post-Office Department began the experiment of sending the mail to the doors of more than 20,000,000 farmers throughout the length and breadth of this great country, this laudable work met with most strenuous opposition. It was predicted that the expense would be enormous, and that the task would never be accomplished.

Thoughtful men realized the value of such service and pressed the work with great energy and untiring industry, that the farmers of every State in the Union might receive their mail daily at their homes, thus enjoying the pleasures and profits derived from reading daily newspapers. In this way farm life was to be made more attractive and the farmer was to come in daily contact with the social and business world. In my opinion more real benefit is derived from this appropriation than any other appropriation made by the Government for public service. I do not undervalue the importance of the strength and power of our Navy and Army. Both are essential to the security and protection of the American people. But with a happy, contented, intelligent rural population the future of the American Republic is safe.

The following table will show the rapid progress this service has made since 1896.

On June 30, 1905, 32,055 routes were in operation. Mark you, only 83 routes were in operation in the year 1896. In a period of less than ten years this service has grown from 83 routes to 32,055. Only $40,000 was appropriated for this service in the year 1897, and in the year 1905 $21,116,600 was appropriated for the same service. The growth of the rural service year by year is shown by the following table:

[Page 671, Postmaster-General's Report for 1905.]

Fiscal year.	Appropriation.	Routes in operation.
1897	$40,000	83
1898	50,000	148
1899	150,000	391
1900	450,000	1,276
1901	1,750,000	4,301
1902	3,993,740	8,466
1903	8,054,400	15,119
1904	12,921,700	24,566
1905	21,116,600	32,055

Since June 30, 1905, 6,119 additional routes have been established; hence we now have in operation in the United States 38,174 routes. Say that each route serves 100 families and that each family, on an average, consists of 4½ members. This shows that 17,178,750 persons in the country on the farms are receiving the mail daily. This number embraces more than half of the farmers of the entire country, and this work should never cease until the mail is carried to the door of every farmer in the United States. The purpose of rural free delivery is to carry the mails daily to the farmers in the country, who otherwise would not receive a daily newspaper. The interest in this work has never abated in the least. The country people are hungry and eager for the daily mail service.

The total number of petitions filed for new routes during the fiscal year ending June 30, 1905, was 8,955, of which 7,572 were accepted for investigation. I again reiterate that the interest of the people in this service has shown no signs of abatement. I give below a table showing the number of routes in operation in each State June 30, 1905:

[Page 673, Postmaster-General's Report for 1905.]

State.	Cases referred up to June 30—		Adverse reports received up to June 30—		Routes in operation June 30—		Cases pending June 30—		During fiscal year 1904-5.		
	1904.	1905.	1904.	1905.	1904.	1905.	1904.	1905.	Petitions filed.	Adverse reports.	Routes established.
Alabama	824	1,280	239	464	301	525	284	291	456	225	224
Arizona	9	12	1	1	8	8	0	3	3	0	0
Arkansas	130	349	14	34	74	193	42	122	219	20	119
California	267	320	54	65	200	233	13	22	53	11	33
Colorado	129	147	48	59	70	81	11	7	18	11	11
Connecticut	250	265	25	32	207	229	18	4	15	7	12
Delaware	120	127	12	16	101	105	7	6	7	4	4
District of Columbia	4	8	1	3	3	4	0	1	4	2	1
Florida	48	96	11	20	22	32	15	44	48	9	10
Georgia	1,833	2,441	595	962	804	1,181	434	298	608	367	377
Hawaii	1	1	1	1	0	0	0	0	0	0	0
Idaho	47	82	17	26	26	38	4	18	35	9	12
Illinois	2,747	3,229	452	565	2,123	2,536	172	128	482	113	413
Indiana	2,173	2,536	367	446	1,658	1,978	148	112	383	79	320
Indian Territory	12	23	3	8	2	11	7	7	14	5	9
Iowa	2,453	2,800	446	547	1,863	2,107	144	146	347	101	244
Kansas	1,653	2,020	331	443	1,157	1,463	165	114	367	112	306
Louisiana	41	89	16	30	13	24	12	35	43	14	11
Kentucky	646	992	174	254	320	564	152	174	343	80	244
Maine	436	527	67	96	311	388	58	33	91	29	87
Maryland	427	459	56	71	330	359	41	29	82	15	29
Massachusetts	245	285	28	37	187	232	30	16	40	9	45
Michigan	1,868	2,225	319	402	1,350	1,694	199	129	357	83	344
Minnesota	1,409	1,765	299	362	964	1,210	146	193	356	63	246
Mississippi	411	669	54	197	155	265	204	207	258	143	112
Missouri	1,723	2,257	249	390	1,245	1,614	229	233	514	141	369
Montana	26	44	8	18	11	22	7	4	18	10	11
Nebraska	1,100	1,287	257	364	723	873	120	50	187	107	150
Nevada	3	3	1	2	1	1	1	0	0	1	0
New Hampshire	203	240	27	43	161	186	21	11	31	16	25
New Jersey	210	255	28	40	155	190	27	25	45	12	35
New Mexico	3	3	0	0	3	3	0	0	0	0	0
New York	1,885	2,101	282	362	1,428	1,653	175	86	216	80	225
North Carolina	1,347	2,065	464	743	578	975	305	347	718	279	397
North Dakota	176	285	65	97	72	131	39	57	100	32	59
Ohio	2,657	3,149	558	690	1,816	2,275	283	184	432	132	459
Oklahoma	480	760	57	159	218	582	205	69	280	102	314
Oregon	171	229	28	45	126	168	17	16	58	17	42
Pennsylvania	2,003	2,411	322	482	1,432	1,778	249	151	408	130	346
Rhode Island	31	36	4	8	22	24	5	4	5	4	2
South Carolina	845	1,090	398	476	331	476	116	138	245	78	145
South Dakota	322	450	109	135	174	249	39	66	128	26	75
Tennessee	1,924	2,388	407	725	1,019	1,376	498	287	464	318	357
Texas	1,299	2,141	208	518	717	1,320	374	303	842	310	663
Utah	52	62	16	19	30	42	6	1	10	3	12
Vermont	294	360	52	79	212	258	30	23	66	27	46
Virginia	1,141	1,525	350	560	517	731	274	234	384	210	214
Washington	160	234	27	45	110	160	23	29	74	18	50
West Virginia	207	273	45	47	136	163	26	63	66	2	27
Wisconsin	1,391	1,683	174	221	1,076	1,380	141	82	222	47	304
Wyoming	9	11	4	6	5	5	0	0	2	2	0
Total	37,851	48,072	7,770	11,415	24,565	32,055	5,516	4,602	10,221	3,645	7,490

At that time my State, Georgia, led all other Southern States except Texas and Tennessee. I insert as a part of my remarks a letter received from the Department of Commerce and Labor, of date April 27, 1906, which will be of special interest to the people of my State:

Hon. A. S. CLAY.
United States Senate, Washington, D. C.

DEAR SIR: In accordance with the request of your secretary by telephone last evening, I respectfully report that according to the returns of the 1900 census the number of farms in Georgia was 224,691. If it be assumed, as seems just, that each farm supports an average of 4½ persons, the total number of farmers and dependents of farmers upon farms in Georgia would be 1,011,109.

There are 282,347 agricultural laborers, according to the census in the State of Georgia. It will probably not be safe to multiply this by more than two in order to secure the number of dependents upon agricultural laborers, for two reasons. First, many agricultural laborers have no families; and secondly, many women, particularly among the negroes, are classified as agricultural laborers, being cotton pickers; hence I ventured the personal opinion to your secretary that two was an ample multiple. If that be accepted, 564,690 people are either agricultural laborers or their dependents, a total of 1,575,799.

The total population of Georgia at the Twelfth Census was 2,216,331, leaving 640,458 persons in the State who are neither farmers, members of farmers' families, agricultural laborers, nor members of agricultural laborers' families. Of course this figure is entirely approximate, but I am inclined to believe your observation of conditions in your State will confirm its general accuracy.

Along the line of verification of this figure, I call your attention to the fact that by a census analysis recently completed of the urban and rural population of the various States of the Union, it appears that 15.3 per cent of the inhabitants of Georgia resided in towns and cities of larger than 2,500 inhabitants, while 84.7 per cent resided in the rural districts. This means that approximately 340,000 persons resided in towns, and 1,876,000 in rural districts, a proportion which seems to me to excellently conform with the calculation made above, since it is, of course, true that not everyone residing in rural districts is a farmer or farm dependent of some sort. By putting these calculations together you will perceive that 300,000 persons of the total rural population of the State are not accounted for in the first calculation above concerning farmers and farm laborers, which seems to show that the calculation is approximately correct.

Respectfully, yours, W. D. ROSSITER, *Chief Clerk.*

At the end of the fiscal year, June 30, 1905, 1,181 routes were in operation in Georgia, each route supplying, on an average, about 100 families. Since that period about 120 routes have been established in the State. Thus it will be seen, at this time 1,301 routes are in operation in Georgia. Calculating that the average family consists of 4½ members, only 585,450 persons on the farms of Georgia are receiving their mail daily. Quoting the figures from the Department of Commerce and Labor, it appears that there are 224,691 farms in Georgia and that each farm supports an average of 4½ persons, making the total number of farmers and dependents of farmers upon farms in Georgia 1,011,109. It also appears that there are 282,347 agricultural laborers in the State, making the total number 1,575,799 persons residing in the country and who ought to receive the daily mail by the free rural delivery service. This calculation gives a family of two to each laborer. I hope the time is not far distant when every farmer in my State and throughout the entire country will have his mail daily sent to his own door. This service may not be self-sustaining for years to come. It will probably cost more than $50,000,000 per year to put in operation this service throughout the length and breadth of the entire country, and a part of the expense will necessarily have to be borne by the Government. But I predict the time will come, at no distant day, when this service will be self-sustaining. The benefits that accrue to all classes on account of this service are incalculable.

At no period in the history of my State have the farm lands increased so rapidly in value as during the last ten years, since this service was put in operation. The enhancement of the value of farm lands during this period has more than doubled in many sections of the country and better prices have been obtained for farm products. The people realize that in order to keep this service they must necessarily have good roads, and in many sections of the country hundreds of miles of country roads have been graded in order to obtain rural free delivery. The farmers are now subscribing for magazines and daily newspapers, and are in close daily contact with the business world, and country life is more attractive than at any other period in the history of the Republic. In my judgment, the rural carriers should be given permission to carry packages for the accommodation of their patrons. The privilege should be given to the farmer's wife to purchase small necessary family articles at the village shop through the rural carriers when it is inconvenient for them to go to the markets. The farmers should realize that rural free delivery of mail can never be made a thorough success except in localities possessing good thoroughfares, insuring rapid transit at all seasons of the year. The farmers bear a large part of the burden of taxation and they are justly entitled to some of the privileges accorded to others. The only way the farmer's family can be kept satisfied with country life is to put them in close touch and intercommunication with the world's thought and action, or they will migrate from the country to the already overcrowded cities. The farmer must be given the opportunity to take daily papers and monthly magazines, and to be put in touch with all the elevating, refining, and educating influences of the day. Of all men, the farmer needs the daily papers. He is enabled thereby to keep in touch with the world's advance, to be posted on current events, and to understand daily markets. Man is a social creature. He can not live by himself. He is anxious to communicate with others and to know what is going on in the social and business world. Isolation and loneliness bring about dissatisfaction with country life. The rural carrier each day brings sunshine and happiness to the country home.

The extraordinary extension of rural free delivery during the past ten years has proved to be most salient, significant, and far-reaching. The frequent and rapid distribution of the mail in great cities was nothing more than was expected, but to undertake the daily delivery of the mail at the individual and isolated farmhouse on the country road was a much more difficult task. It indeed was a new conception. The plan of embracing the country road and the rural home as well as the city street and the solid block within the Government agencies of communication was thought by some to be a task that could not be performed. The timid regarded it as too costly and burdensome to be admissible. This movement encountered most serious opposition when first proposed, and reluctantly Congress authorized the experiment. It took time and argument to develop and enforce the view that the great body of the country people, who live outside cities and towns, are entitled to share in advanced mail facilities. When we consider the task, we should not be surprised that many doubted its success. To undertake to deliver the mail daily to every farmer in the United States was a herculean task. The men who have given their time and thought to this great work deserve the good will of the American people. Who can calculate the benefits that have thus far accrued from this service? The farmer is brought into direct daily contact with the currents and movements of the business world. The Postmaster-General tells us in his annual report that a more accurate knowledge of ruling markets and varying prices is diffused, and the producer, with his quicker communication and larger information, is placed on a surer footing. Well does he say that the rural free-delivery service has become a great factor in the social and economic tendencies of American life. We know that the disposition to leave the farm for the town is a familiar effect of our past conditions. This tendency doubtless has been greatly checked by the free rural-delivery service. Well has it been said that rural free delivery brings the farm within the daily range of the intellectual and commercial activities of the world, and the isolation and monotony which have been the bane of agricultural life are sensibly mitigated. Wherever it has been extended the schools improve and the civic spirit of the community feels a new pulsation. The standard of intelligence is raised, enlightened interest in public affairs is quickened, and better citizenship follows. The Postmaster-General in his annual report for the year 1900 has described the powerful effect of this service on country life so well and truly that I most cheerfully adopt the same.

The Postmaster-General says the mails attest the visible presence and service of the Government, and not the least among the merits of the rural free delivery is its creation of the satisfying conviction of the farmer that he shares with the townsman the manifest advantages of which the Government is the direct minister. He feels that the organized and helpful agency of his country comes to his door, and the effect is to stir his conscious pride and stimulate his loyalty and patriotism. With all these results clearly indicated by the experiment, as thus far tried, rural free delivery is plainly here to stay. It can not be abandoned where it has been established and it can not be maintained without being extended. It is a service in which there can be no backward step. Those who enjoy its advantages will not consent to surrender them, and every new route creates a demand from contiguous territory for the same service. We are thus confronted with the problem of gradually extending the delivery service over the whole area of the country where it is physically feasible or where the population is not so sparse as to make it unreasonable. A project of such comprehensive and colossal character may seem formidable and deterrent, but while its difficulties are not to be underestimated, they are shown, when examined in the light of practical tests, to be far from insurmountable.

To make this service a success we must not neglect the rural carrier. He must be paid reasonable and fair remuneration

for his services. He must be taught to feel a pride in his work, and that faithful service on his part will be appreciated and rewarded by the Government. The rural carrier, like all other employees of the Government, needs and must have a short vacation. He should be given at least fifteen days' vacation each year. I repeat, this splendid work in behalf of the farmers, now half completed, should be pressed vigorously and carried to completion within the next ten years. No candidate or political party disloyal to this service deserves the sympathy and support of the American people.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 31, after line 11, to insert the following additional proviso:

Provided further, That rural letter carriers after twelve months' service be allowed annual leave, with pay, not to exceed fifteen days; the substitutes for carriers on vacation to be paid during said service at the rate of $600 per annum: *And provided further*, That in the discretion of the Postmaster-General the pay of rural carriers on water routes who are employed only during the summer months may be fixed at an amount not exceeding $500 in any one calendar year.

Mr. FORAKER. I move to amend the proposed amendment by inserting in line 14, after the words "fifteen days," the following: "Exclusive of Sundays and holidays."

Mr. PENROSE. That amendment is simply using the phraseology of the provision as to holidays for city letter carriers, and there is no objection to the adoption of it.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the word "days," in line 14, insert "exclusive of Sundays and holidays."

The amendment to the amendment was agreed to.

Mr. BURNHAM. I move to amend the amendment, in line 19, page 31, by striking out, before "dollars," the words "five hundred" and inserting in lieu thereof the words "seven hundred and twenty."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 19, at the end of the line, strike out "five hundred" and insert "seven hundred and twenty."

Mr. PENROSE. This part of the bill applies only to some seven or eight cases in the whole postal service, a peculiar condition incident to summer travel in connection with some of the lakes. There is no objection to the amendment to the amendment.

Mr. CLAY. What is the amendment to the amendment? Let it be read again.

The VICE-PRESIDENT. It will be again read.

The SECRETARY. In line 19, of the committee amendment, strike out "five hundred" and insert "seven hundred and twenty;" so as to read:

That in the discretion of the Postmaster-General the pay of rural carriers on water routes who are employed only during the summer months may be fixed at an amount not exceeding $720 in any one calendar year.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to page 32, line 2.

Mr. LATIMER. On page 32, line 2, after the word "dollars," I offer the following amendment——

The VICE-PRESIDENT. The amendment will not be in order until after the committee amendments have been acted upon.

Mr. LATIMER. This is not a committee amendment.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 32, line 5, to reduce the appropriation for travel and miscellaneous expenses in the postal service, office of the Fourth Assistant Postmaster-General, from $1,000 to $500.

The amendment was agreed to.

The next amendment was, on page 32, after line 5, to strike out:

That hereafter no article, package, or other matter shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter would be entitled to admission to the mails under laws requiring payment of postage.

The amendment was agreed to.

The next amendment was, on page 32, line 14, after the word "association," to insert the following proviso:

Provided, That this provision shall not apply to any committee composed of Members of Congress.

So as to make the clause read:

That hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association: *Provided*, That this provision shall not apply to any committee composed of Members of Congress.

The amendment was agreed to.

The next amendment was, on page 32, after line 16, to insert:

That there shall be appointed a joint committee of Congress, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House, whose duty it shall be to investigate, consider, and report, by bill or otherwise, to Congress its findings and recommendations regarding the second class of mail matter. The said joint committee shall have power to employ clerks and stenographers, administer oaths, send for persons and papers, and do all things necessary for the carrying out of its objects. For the payment of such actual and necessary expenses as may be incurred by the said joint committee in traveling and for the rental of quarters, printing, and other miscellaneous expenses of the joint committee the sum of $25,000 is hereby appropriated.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE-PRESIDENT. The first amendment passed over is on page 17.

Mr. PENROSE. On page 26, line 23, I desire to offer an amendment which was overlooked and which is particularly requested by the Postmaster-General.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 26, line 23, after the word "piers," insert:

And not exceeding $5,000 for payment of indemnity for the loss of registered articles in the international mails, in accordance with the provisions of treaty stipulations.

Mr. PENROSE. The amendment does not add to the appropriation, but simply provides that that amount may be devoted to that purpose.

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment on page 16.

The VICE-PRESIDENT. Is it a committee amendment?

Mr. PERKINS. It is not.

The VICE-PRESIDENT. The committee amendments have not yet been disposed of.

Mr. PERKINS. I beg pardon.

The VICE-PRESIDENT. The amendment of the committee on page 17 which was passed over will be stated.

The SECRETARY. On page 17, in lines 9, 10, and 11, the committee reported to strike out the words "Cincinnati, Kansas City, and Pittsburg" and to insert "Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal."

The amendment was agreed to.

Mr. HOPKINS. I ask unanimous consent to recede from the vote taken yesterday on the committee amendment in lines 3, 4, and 5, on page 17, and to adhere.

The VICE-PRESIDENT. There is a committee amendment which has not yet been acted upon. The Chair will recognize the Senator from Illinois after that is disposed of. The amendment passed over will be stated.

The SECRETARY. Beginning at the foot of page 18 the committee proposes to strike out lines 24 and 25 and all of the bill down to and including the word "freight," on line 11, page 19, and to insert:

For pay of freight or expressage on postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, $250,000. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps and stamped newspaper wrappers, shall be, whenever practicable, transmitted by either freight or express.

Mr. STONE. I offered on yesterday an amendment to that amendment.

The VICE-PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. At the end of the amendment, after the word "express," line 2, page 20, insert:

Provided, That from and after the passage of this act the Postmaster-General shall include periodical publications issued in magazine form by alumni associations of any university as second-class matter, and the same shall be admitted to the mails as such, and the postage thereon shall be the same as on other second-class matter and no more.

Mr. STONE. Mr. President, I desire to make a statement to the Senate and then appeal to the Senate, particularly to the Senator from Pennsylvania who has charge of this bill, to do a simple act of justice to a number of my constituents. I regret that there are so few Senators in their seats, for I have absolute confidence that if Senators were present, and I could have their attention and make them understand the matter I rise to

speak about, I would have no difficulty in getting their approval and assistance in what I am endeavoring to accomplish.

I have had this matter before the Senate on two former occasions and many Senators have some familiarity with it. About a year ago the Alumni Association of the Missouri State University began the publication of an alumni magazine. It was submitted to the postal authorities for admission to the mail as second-class matter, and was denied. My attention was called to the action of the Department by the editor of the magazine, and I was asked to communicate with the Post-Office Department and see if I could be of assistance. Since then I have had correspondence with the Third Assistant Postmaster-General, and I have personally interviewed him, and by reason of this and from other sources I have come to understand the situation.

Mr. President, I exhibit to the Senate a copy of this publication. [Exhibiting.] This is the issue of December, 1905. It contains sixty-nine pages of printed matter relating to a number of subjects. I was informed by the Post-Office Department that it was denied admission to the mails as second-class matter because it did not contain information of a public character, nor was it devoted to literature.

The law—that is, the act of 1879 classifying mail matter and providing the rates of postage—provided for the admission as second-class matter of newspapers and other publications which are issued at stated intervals, as frequently as four times a year, and which came within the provisions of sections 12 and 14 of the act. Section 14 provides:

That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers.

The Third Assistant Postmaster-General held that this publication did not come within the limitations of that statute. I do not concede that, but for the present I will not join issue as to that. For the present I will waive that. Upon inquiry I found that exactly similar publications were being admitted to the mails as second-class matter. I found that an exactly similar publication was being issued by the alumni of the Pennsylvania University, and was going through the mails, and had been for several years, as second-class matter. I hold in my hand a sample copy of that publication. I also found that a similar publication, a copy of which I hold in my hand, was issued by the Wisconsin University Alumni Association, and that it was being admitted as second-class matter, and had been carried as such for more than seven years.

Mr. HALE. May I look at it?

Mr. STONE. Certainly; I am glad to have the Senator look at it.

I also here exhibit a copy of the Michigan Alumni Monthly, published under the auspices of the Alumni Association of the University of that State. This is No. 5, volume 11, and is of the same character as this Missouri publication. It is absolutely the same, as any Senator can see who cares to compare the two.

I now exhibit the Harvard Graduates' Magazine, another publication of exactly the same character. There can be no dispute about the exact similarity of the publications.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. STONE. Certainly.

Mr. HOPKINS. What reason does the Third Assistant Postmaster-General give to the Senator, if any, for admitting the publications he has mentioned, published at Cambridge, Ann Arbor, and other college towns, and declining to permit to pass in the mails the college publication he refers to as published by the University of Missouri?

Mr. STONE. In a general way, I think I can say it is claimed by the present Third Assistant Postmaster-General that these publications which have been admitted were inadvertently admitted, or mistakenly admitted. He holds that——

Mr. HALE. And were afterwards thrown out of that class?

Mr. STONE. No; they have not been thrown out, as I will show to the Senator in a moment.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Certainly.

Mr. FULTON. I was on the subcommittee to which this matter was referred, and I call the Senator's attention to the fact that at the time of the hearing of the subcommitee the Third Assistant Postmaster-General stated that before the Department had decided upon the policy, or rather before it had given the construction that is now given to the statute, these other publications had been admitted, and that he had finally given the construction which bars the magazine of the alumni of the University of Missouri. I think I should state that it appeared in the investigation that subsequent to denying the alumni magazine for the University of Missouri a magazine of exactly similar character published by the alumni of Dartmouth, I think, was admitted. He was not able to explain why that was so, except to say that it must have been done through either incompetency or inadvertence on the part of some of the subordinates.

Mr. BAILEY. Mr. President, I should like to ask if, after his attention was called to it, the Third Assistant Postmaster-General made any effort to rectify either the one mistake or the other?

Mr. FULTON. He stated this——

Mr. HALE. He should put them on the same level.

Mr. BAILEY. Precisely. Not only as to the entire number, but having excluded the publication issued by the students of the University of Missouri and having admitted the one issued by the student body of Dartmouth, I want to know if he afterwards excluded the Dartmouth publication; and if not, why not?

Mr. FULTON. In answer to the Senator, I will state that I called his attention to the fact that it was claimed the Dartmouth publication had been admitted. I had not at that time seen the publication. I subsequently saw it. He gave this answer, and I take it that is his answer, because he furnished no other subsequently, or rather after he had made the investigation: He said that it was the intention of the Department to exclude all these publications from the mail that did not come up to the standard which he had required in the case of the Missouri institution's publications; that they had not yet proceeded that far in their investigation, but they expected in time to get around to it.

I am bound to say, so far as I am concerned—that is my judgment—that, as it now stands, a very unjust discrimination is made against the publications of the alumni of the University of Missouri. I think all such publications should be excluded, or that this should be admitted. That seems to me to be clear.

Mr. BAILEY. This, Mr. President, is the most extraordinary and indefensible conduct I have ever known a Department to be guilty of. It might have been a good excuse that these publications were admitted before the present administration of the Department, which established another rule; but the same rule that would have kept these new ones out would have excluded the old ones under its operation. After they had excluded one publication, to admit another and a similar publication, and then exclude the admission of the second one upon the ground of inadvertence—which, I think, ought to have been described as incompetence—is one of the most extraordinary exhibitions of Departmental tyranny and arbitrary rule that I have ever known.

Mr. GALLINGER. If the Senator will permit me a moment——

Mr. STONE. Certainly.

Mr. GALLINGER. I understand that Dartmouth College, in my own State, has a publication similar to this, which is admitted. Am I correct in that supposition?

Mr. STONE. Yes, sir; and it has been admitted since the Missouri publication was excluded.

Mr. GALLINGER. That makes it all the worse. I quite agree with the Senator.

Mr. STONE. If the Senator from New Hampshire will pardon me, I have a copy of the magazine to which he refers.

Mr. GALLINGER. I have not seen it, and shall be glad to examine it.

I quite agree with the Senator from Missouri [Mr. STONE] and the Senator from Texas [Mr. BAILEY], that there ought to be an inflexible and uniform rule governing this whole matter. My impression is that the difficulty is that the Department has not fixed a standard, and that they have got some sort of a notion that such publications ought to have a list of subscribers, but they do not say how many; that each publication ought to have some general literary matter in it, though they do not say how much; and that it ought to be published for the information of the public generally, rather than a particular class.

I think the same difficulty applies to other publications. As an illustration, the Episcopal bishop, who lives across the street from me at my home in Concord, N. H., is very much aggrieved

that a church publication, which has a great deal of general news in it, most of it pertaining to the Episcopal Church, has been excluded, and he suggested to me that he thought other publications of a similar nature were going through the mails as second-class matter. I have not looked into it very particularly, except that some time ago I called the attention of the Department to that particular case, but I got no satisfaction.

There ought certainly to be a uniform rule concerning all these publications, and no discrimination whatever should be practiced. So I have no apology to make for the fact that the Dartmouth Bimonthly is going through the mails and the publication issued by the alumni of the University of Missouri is excluded. There is no excuse for it that I can discover.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. STONE. Certainly.

Mr. TILLMAN. Mr. President, I want to suggest to the Senator from New Hampshire [Mr. GALLINGER] that, in my judgment, he would have used a better word if he had said "a law" instead of "a rule." There is too much rule and too much arbitrary dictation and assumption of authority, apparently or actually, by the Post-Office Department to satisfy me; and I will illustrate that by a little incident in my own affairs to show just how dictatorial they are. Three or four months ago I sent out some letters to certain rural free-delivery carriers in my State, asking them to send me the names of the principal patrons on their respective routes—those who would appreciate public documents and things of that character. I wanted it for my own use, to distribute public literature, seeds, etc. Of course in a small State like mine, or like that of the Senator from New Hampshire, he can understand what is meant by that, while Senators who represent large constituencies, where they run up into the millions, do not care about these little things and their constituents do not expect them.

Some of those carriers notified me that it was against the rules of the Post-Office Department for them to furnish such names to anybody. I thereupon wrote a letter to the Post-Office Department making inquiry as to whether I could not get the names of my own constituents for a perfectly legitimate and proper purpose, and asked that the regulations be modified so far as Senators and Representatives were concerned; but they sternly refused to do so, and said it was against their custom. Therefore I could not get them to do anything.

I can understand why it is not desirable that such names should be distributed generally, because there are certain instrumentalities of fraud practiced on unsuspecting people to get the names of bona fide residents so as to send them all sorts of circulars and all that kind of thing. I thought, however, it might be permitted that a rural carrier should send to a representative of his State or of his district in Congress the names of his constituents; but the high muck-a-mucks up here did not think it was permissible, and I had to submit.

I would suggest, instead of having so many abominable rules and regulations, as I will point out a little later—and I have been waiting for such an opportunity—that we ought to have a little more specific legislation, statutory law, regulating the Post-Office Department, so as to get rid of such complaints.

Mr. STONE. Mr. President——

Mr. GALLINGER. If the Senator from Missouri will further permit me——

Mr. STONE. Certainly.

Mr. GALLINGER. I quite agree with the Senator from South Carolina [Mr. TILLMAN], and I think the Committee on Post-Offices and Post-Roads, if I understand the provision aright, had that in view in the appointment of a commission to take up this entire matter and report to Congress. I have not read the proposed amendment very carefully—it may not be in good form—but I think the committee have that in view.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. STONE. I yield.

Mr. CARTER. I will say to the Senator from New Hampshire, in connection with his observations, that the recommendation of the Postmaster-General was in effect that a mixed commission be appointed to investigate the questions involved in the second-class mail matter and the alleged loss to the Government in connection with it. It was the belief of the committee that the two Houses of Congress could investigate, for the use of Congress, to better effect and in a more satisfactory manner than could the mixed commission suggested; and in consequence the amendment proposed is that a joint committee of the two Houses of Congress shall be charged with the duty of investigating all matters relating to the transportation of magazines, newspapers, and other forms of literature and matter under the second-class rate. We believe that good results could not be expected, at least to the satisfaction of Congress, from the mixed commission proposed.

Mr. GALLINGER. Just a word more. In view of the fact that our mails are loaded down with the cheapest possible trash, in some cases carloads going out from a single city, and that a small city, in the country, literature that in the very nature of things can do no one any good, and that all sorts of pernicious printing is being circulated in that way, I want to put in the RECORD my feeling that the best interests of the people of the entire country dictate that publications of this kind, emanating from the colleges, publications issued by church organizations that tend for the uplift of the American people, ought certainly to be admitted pending an inquiry such as is proposed.

I trust the Post-Office Department will exercise more liberality in that regard than they seem to have done in the past. I should be very sorry indeed to have the Dartmouth Bimonthly excluded from the mails, it having been admitted—I do not know upon what representation—but I also want the publication in which the Senator from Missouri is interested likewise admitted.

Mr. STONE. Mr. President, I do not want to be tedious, yet I want the Senate to understand this matter. I have read the material part, so far as it applies to the present consideration, of the act of 1879. The Post-Office Department at first admitted publications under that act which, under a later ruling, the Department excluded. Numerous complaints were made because of the subsequent ruling of the Department. Growing out of those complaints Congress, in 1894, passed an amendatory act, providing specifically that certain kinds of publications should go into the mail as second-class matter. Publications of the character of these magazines were admitted under that amended act of 1894. There was no difficulty about them being admitted. They were admitted as a matter of course.

Wanting to be entirely fair to the Department, I wish now to say that these publications issued by Harvard, by the Pennsylvania University, the Michigan University, the Wisconsin University, and by other alumni associations whose publications I have exhibited, were let in as second-class matter under the more liberal construction of the law which obtained up to about 1901. When Mr. Madden came in as Third Assistant Postmaster-General he changed the rule and applied a more restrictive rule regarding admission to the second class of mailing matter. It was after this new ruling of the Department that application was made for the admission of this Missouri University alumni magazine. My complaint, if I have any at all specially to urge against the Department as being unfair and unjust, lies in the fact that after the Third Assistant Postmaster-General had actual notice for approximately a whole year that these publications were passing through the mails as second-class matter, he took no steps to right the wrong. I called his attention to the fact myself, personally and by letters addressed to him months ago.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. I do.

Mr. GALLINGER. I assume that the Senator from Missouri did not ask that they should be excluded.

Mr. STONE. I did not, and I do not ask it now.

Mr. GALLINGER. I think they ought to go in the mail as second-class matter.

Mr. STONE. Yes; they are all meritorious publications.

Mr. HALE. Let me ask the Senator a question.

Mr. STONE. If the Senator will pardon me until I can complete my answer to the Senator from New Hampshire, I will say that I did insist to the Department that if the Missouri magazine was to be excluded the others should be excluded also.

Mr. GALLINGER. That is what I meant to say, that the Senator's contention was that if the others were continued, the magazine in which he is interested should be included.

Mr. STONE. Yes.

Mr. GALLINGER. That is right.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. Certainly.

Mr. HALE. Mr. President, I am free to say that there seems to be here some question as to the consistency of the ruling of the Third Assistant Postmaster-General upon these magazines, especially as shown in the two cases of the Missouri University magazine, which was excluded, and the Dartmouth alumni magazine, which was afterwards admitted. One can understand

that if the present Third Assistant Postmaster-General established a more stringent rule, it might take some time to cast out those that have already been put in; but these two cases, as I say, seem to show a difference of consideration to two institutions that apparently are on the same level. I can not believe that this has been done with the intention of inflicting any injustice.

I have had some experience with the matter of second-class mail. At one time I, with other members of the Maine delegation, spent a good deal of time in traveling back and forth to the Third Assistant Postmaster-General, trying to get established certain rules affecting second-class matter. I got the impression then that the Third Assistant Postmaster-General, beset by many difficulties, met with a very great task, and with divers, almost innumerable magazines and periodicals, was trying to do the right thing; that he meant to be just and to hold an even balance; and I can not now, with the impression which I got then, believe that there has been any intention of doing injustice or of discriminating in two cases that are exactly alike.

Mr. TILLMAN. Will the Senator from Missouri——

Mr. HALE. I was going to ask the Senator if he has laid this matter lately before the Third Assistant Postmaster-General and has, to use a common phrase, "had it out with him?"

Mr. STONE. Yes, I will answer the Senator; but first I want to submit to the inspection of the Senator from Maine the Dartmouth Bimonthly, an alumni publication, and the Missouri publication. [Handing magazines to Mr. HALE.] The Senator from Maine can observe that the bimonthly was entered as second-class matter October 26, 1905.

Mr. HALE. That is the Dartmouth publication?

Mr. STONE. That is the Dartmouth publication. Two months before that, and only two months before, or less than that, this Missouri publication was denied admission.

Now I come directly to the Senator's question. I did not call the attention of the Third Assistant Postmaster-General to the Dartmouth magazine until about a month ago, for I did not know about it until then; but I did call his attention to the other publications which I have shown to the Senate, and which have been running in the mails for a greater or less time.

About a month ago, or a little less, there was a hearing before the Committee on Post-Offices and Post-Roads. I introduced a resolution here in the Senate covering this subject—and the resolution was debated more or less at the time—calling upon the Committee on Post-Offices and Post-Roads to inquire, ascertain, and report to the Senate whether discriminations were made in the admission to the mail of this character of publications. That was one of the things that they were to inquire into. Upon the hearing growing out of that resolution the Third Assistant Postmaster-General was present and was examined. The whole matter was gone over. Just a few days before this hearing I was informed by the editor of this Missouri publication of the existence of the Dartmouth College publication. At the hearing the matter was gone over with the Assistant Postmaster-General, and he thoroughly understood it then; but still nothing has been done. I am not asking that anything shall be done in the way of excluding the Dartmouth Bimonthly or any of the publications previously admitted to the mails, but I do insist—and I have the right to insist—that if the Postmaster-General will not give my constituents, the alumni of the University of Missouri, relief from this discrimination, then that the Senate and the Congress shall step in and see that justice is done.

Mr. HALE. Yes; I see how the Senator feels. I should hope, from my impression about the Third Assistant Postmaster-General, that the publication of the university of his State will at no very distant day be given the same privileges that other publications have. Why it has not been done up to this day I do not know; but I can not yet believe that it is with any thought of doing injustice to that institution.

Mr. TILLMAN. Will the Senator from Missouri allow me?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. STONE. I will in a moment. I want to say one word further to the Senator from Maine. It is almost inconceivable, I admit, that the Postmaster-General or any of his assistants would make deliberate discrimination against one university or college in favor of another. I do not know just what to say about it; but I know that the fact is that the post-office officials are fully informed of all these matters. I have gone over this personally with those officials, and I have written to them. The editor and publisher of this magazine, employed by the alumni association of the university to conduct it, has also written them letter after letter. The matter has been before the Third Assistant Postmaster-General for months. He was before the Committee on Post-Offices and Post-Roads something over a month ago. The whole matter was gone into at that time. He was examined and made his statement of the case. I will say in this connection that it was developed on that hearing that Assistant Postmaster-General Madden did not personally inspect these magazines when they were offered for admission to the mails——

Mr. HALE. That is quite likely.

Mr. STONE. But they were sent to a clerk—I suppose a $1,200 or $1,400 clerk—and he passed upon them, and that was the end of it. I asked him if the same character of publication would go to the same clerk, and he said, "Ordinarily, yes."

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. With pleasure.

Mr. PENROSE. Perhaps I should have advised the Senator from Missouri earlier in his remarks that I am willing to accept his amendment, so far as the committee is concerned——

Mr. DOLLIVER. Before that is done——

Mr. PENROSE. The Senator will wait one moment, please—although I think the complaint will be amply—at least I hope it will be—met by the amendment at the end of the bill, providing for a joint committee of both branches of Congress to consider these matters and to report next December the proper remedy for these abuses, if any exist. While I have no disposition to cut short the Senator's speech, I simply desire to advise him that I shall not oppose the amendment.

Mr. STONE. I am perfectly willing to have my speech cut short. I want to say to the Senator from Pennsylvania, however, that I approve of the amendment added to the bill providing for this joint committee or commission to revise the laws relating to second-class mail matter. It ought to be done. The whole subject needs revision. But here is the trouble, Mr. President, so far as this particular matter is concerned. This commission will not meet until after Congress adjourns. We know how slow the processes of these investigations are. We do not know just what will come up. If you undertake to change the law or to increase the postage rate, there will be protests coming here to Members of the House and members of the Senate, and there will be a diversity of views.

I can not tell, nor can any Senator tell, when the legislation that this commission may initiate will be brought to a conclusion; the matter may run on indefinitely. The only thing I ask of the Senate and of the Senator from Pennsylvania, as chairman of the committee, is that alumni publications in the form of magazines, issued by the alumni of universities—I have confined it to the alumni of universities—shall be admitted as second-class matter. It is, at most, only a slight enlargement of the present provisions of the law. I believe they are entitled to admission now, but no harm can come from making it clear. I want them specifically named in the statute. I see no other way to make sure of remedying this injustice. Of course, I suppose it will be done after awhile. The Department itself may remedy it in the course of time. I do not know what the Department may do. The Senator from Maine [Mr. HALE] has said that the Department would certainly correct it after a while. Yes, and judgment day will come after a while. We have been running on in this way for months, almost a year, trying to get this done, and we are now where we were at the beginning. If this discrimination is intentional, if it is possible to conceive it to be intentional, then it is a shameful outrage; and even if it is unintentional, it is so unjust that every Senator's sense of justice must and ought to revolt against it. It seems to me that this amendment ought to go on the bill and ought to be kept in the bill. That is the important thing—to keep it in.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. STONE. Certainly.

Mr. DOLLIVER. I desire to offer an amendment to the amendment which has been presented by the Senator from Missouri [Mr. STONE].

Mr. STONE. I do not suppose that is in order; but I should like to hear it read.

Mr. DOLLIVER. I think the Senator will accept it.

The VICE-PRESIDENT. The Secretary will state the amendment of the Senator from Iowa to the amendment of the Senator from Missouri.

The SECRETARY. It is proposed to add to the amendment the following:

Provided further, That all regular periodical publications issued from a known place of publication at stated intervals and as frequently as

twelve times a year, by or under the auspices of charitable, educational, or religious institutions, which institutions are not conducted for pecuniary profit, if such publications are made to further the objects and purposes of such institutions and are formed of printed paper sheets without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications, are under the true meaning of existing law entitled to be admitted to the mail as second-class matter, and at the rate of postage fixed for second-class matter and no more, and the existing laws with reference to second-class mail matter shall hereafter be so interpreted.

Mr. STONE. Mr. President, personally I have no objection to the amendment of the Senator from Iowa as I heard it read; but I can not consent to modify my amendment. I offered a bill covering this subject, as well as the resolution to which I have adverted. Now I have to put all that aside, and I have narrowed the scope of my bill, which covered a good many things besides the publications of university alumni associations, simply with a view of remedying this one wrong, and to reach that only. That is all I am seeking to do; and I hope the Senator from Iowa will not press his amendment, because, if he does, I am satisfied that it——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Certainly.

Mr. FULTON. I ask the Senator if he has not narrowed the proposition too much? He confines it to universities, if I understand his amendment.

Mr. STONE. I do.

Mr. FULTON. Well, would that admit the publication of college alumni publications?

Mr. STONE. I will say to the Senator, I first wrote it "colleges and universities," and I struck out "colleges" and left "universities."

Mr. FULTON. I ask the Senator if the publications of colleges should not be admitted equally with university publications?

Mr. STONE. I think so.

Mr. FULTON. I would also suggest that the amendment suggested by the Senator from Iowa [Mr. DOLLIVER] is not wider than the present law, if it is so wide; it certainly is not wider, and under the construction given by the Post-Office Department these publications will still be excluded.

Mr. SPOONER. On what ground?

Mr. FULTON. Because they are not publications of the colleges themselves, but are alumni publications.

Mr. SPOONER. The Senator refers to the amendment of the Senator from Iowa [Mr. DOLLIVER]?

Mr. FULTON. I refer to the amendment of the Senator from Iowa. These alumni publications are not college journals, strictly.

Mr. STONE. No.

Mr. FULTON. At least, the Post-Office Department makes that distinction, I recall.

Mr. STONE. Yes. If they were printed by the colleges or the universities——

Mr. FULTON. Or under their auspices.

Mr. STONE. They would come in under the very terms of the law.

Mr. FULTON. They are not printed under the auspices of the colleges.

Mr. STONE. No; they are not.

Mr. FULTON. Hence the amendment suggested by the Senator from Iowa would exclude them.

Mr. STONE. I will say to the Senator from Oregon that I was induced to strike out the word "colleges" from the amendment as I first prepared it because of an apprehension that an objection might be made on the ground that it would admit business colleges or any school which went under the name of a college. While I have no objection to including colleges, I did not wish to imperil this amendment.

Mr. FULTON. Still, the Senator is aware that there are many schools that go by the name of colleges which are of just as high character as those that go under the name of universities.

Mr. STONE. Undoubtedly so.

Mr. FULTON. When you employ the term "universities" you exclude all publications by college alumni associations.

Mr. STONE. Yes. But I must conclude. I am growing too prolix.

I want to say to the Senator from Oregon that my purpose was simply to meet this particular case, so that this publication might go into the mails along with other similar publications and enjoy that privilege until the law shall be amended on the line of the suggestion contained in the committee amendment to the bill. That is all I am seeking to do. I am perfectly frank about it, and there is no reason why I should not be.

Mr. FULTON. Will the Senator allow me? The Senator, I think, understands that I am in full sympathy with his desires in the matter. I have said that the investigation I have made convinced me that an injustice was being done the University of Missouri in excluding as second-class matter the publication he mentions. I do not think it was an intentional injustice. I think it grew out of the fact that some subordinate in the Post-Office Department was either incompetent or negligent in the matter. But the amendment the Senator offered, it seems to me, will exclude many publications that are equally as meritorious and in reality of the same class as that which the Senator is seeking to have admitted, and therefore I thought he should broaden his amendment and make it apply both to colleges and universities.

Mr. STONE. Mr. President, am I correct in understanding that the Senator from Pennsylvania, in charge of the bill, said he would agree to this amendment as I proposed it?

The VICE-PRESIDENT. Did the Chair understand the Senator from Pennsylvania to say he is willing to accept the amendment proposed by the Senator from Missouri?

Mr. PENROSE. I will accept the amendment of the Senator from Missouri and also the amendment of the Senator from Iowa.

Mr. SPOONER. What is the objection to inserting "or quarterly?"

Mr. PENROSE. I will accept the suggestion of the Senator from Wisconsin.

Mr. STONE. I, of course, assume that the Senator from Pennsylvania is accepting these amendments in all seriousness. I have no right to assume anything else. I want to be dealt with, of course, with perfect frankness and fairness in this matter. The mere acceptance of the amendment, with a view to striking it out in conference, would do no good. I should like to have an expression of the Senate upon it, and will ask a vote on my amendment unless I can be assured of perfectly fair treatment.

Mr. PENROSE. If I am appointed one of the conferees on the part of the Senate, as I suppose I may be, I should consider it, of course, my duty to press to the best of my ability the bill as passed by the Senate. I can not answer for the House conferees on this subject.

Mr. STONE. I was led to make that remark, I will say to the Senator, by the liberality which he displayed in accepting every amendment proposed, without regard to number or character.

Mr. PENROSE. Because I recognize that these cases involve great hardship, they have my deepest sympathy; and it is because they have my deepest sympathy that my heart goes out to them, and I am willing to accept the various remedies suggested.

The committee considered these matters very carefully, and went to the point of referring the particular case of the Senator from Missouri to a subcommittee, which gave several sessions in hearing his complaints. It was thought that this remedy, especially recommended by the Postmaster-General, as modified by the committee, recommended at the instigation of the periodical publishers themselves, would meet this condition, and that everybody would be satisfied with it. But now that is impressed on my mind by this debate that that satisfaction has not been obtained, I am willing to accept these amendments and shall in good faith endeavor to defend them.

The VICE-PRESIDENT. The Secretary will report the amendment as modified. The Senator from Pennsylvania accepts the amendment of the Senator from Missouri, which has been reported, and he also accepts the amendment of the Senator from Iowa.

Mr. SPOONER. I move an amendment to the amendment offered by the Senator from Iowa. It is to insert the words "or quarterly."

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. If amended, it will read:

All regular periodical publications, issued from a known place of publication, at stated intervals, and as frequently as twelve times a year, or quarterly.

Mr. GALLINGER. "As frequently as four times a year."

Mr. SPOONER. I think the word "frequently" ought to be stricken out. Let it read "monthly or as frequently as four times a year."

Mr. GALLINGER. "At least four times a year."

Mr. NELSON. I should like to have the entire amendment reported with all of these accepted amendments.

The VICE-PRESIDENT. The Secretary will report the amendment as modified.

The SECRETARY. On page 20, line 2, after the word "express"

in the amendment of the committee, it is proposed to insert the following:

Provided, That from and after the passage of this act the Postmaster-General shall include periodical publications issued in magazine form by alumni associations of any university as second-class matter, and the same shall be admitted to the mails as such, and the postage thereon shall be the same as on other second-class matter and no more. *Provided further*——

Mr. BAILEY. Mr. President, I was in hearty sympathy with the effort of the Senator from Missouri [Mr. STONE] to remove the discrimination against the magazine published at the university of his State, and also with the effort to admit to the privilege of the mail all college magazines. I can not conceive of any publication which the Government could so well afford to carry at a loss as these magazines published at our various institutions of learning. But it seems to me we are now about to practically abolish all limitations upon second-class mail matter. I believe the Police Gazette is now entitled to the privileges of the mail and to the cheap rate of postage. Just exactly how any officer of the Post-Office Department or any Senator or Representative could ever evolve it from his consciousness that the public good could be served by having the Government carry a publication like that at a loss is beyond my comprehension.

Mr. SPOONER. There are some worse.

Mr. BAILEY. The Senator from Wisconsin says the mails carry some worse publications, and so they do, because the Police Gazette, I believe, confines itself to publishing what is true, although bad, while some magazines of semirespectable standing not only publish what is bad, but go outside of the truth to find something to publish. I readily agree that there are publications of somewhat less respectable standing than the Police Gazette, but I believe we have not attempted to classify them as respectable and disrespectable.

But what I rose to protest against is this: The Government is to-day carrying second-class mail matter at a loss of over $20,000,000 annually. The Senator from Georgia [Mr. CLAY], who is a member of the committee and who is always accurate, suggests to me that the loss is $27,000,000. I put it to the Senate whether it is better to let the people who publish the magazines or those who read them pay this $27,000,000 or lay it as a burden of taxation upon the people who do not have the time to read them, and compel them to contribute to carry cheap and sometimes unwholesome literature to those who are well able to pay a small increase in price, which would cover the cost of transportation.

As for my part, I believe the Government ought no more to carry a magazine at a loss than it ought to perform any other service at a loss. Originally it was not contemplated that magazines and other forms of merchandise should become a part of the postal system. It was organized for letters and newspapers, and if it were properly confined to-day to the object of its original organization, it could supplement the liberal appropriation which is now made for the free rural delivery, and instead of a deficit there would be a surplus. The letter mail of the United States to-day not only pays its own expense, but contributes a round sum toward meeting the losses incurred by the Post-Office Department in carrying other matter; and it seems to me that, instead of increasing the deficit which arises from carrying this second-class matter and leaving the taxpayers of the country to meet this deficit, we ought to exclude from the mails some of those things which are now carried at a loss.

Of course, we have grown into the habit of feeling that if the Government performs a service for us at a loss or for less than we can obtain that same service from some other source we have gained that much; and perhaps the man for whom the particular service is performed does gain that much. But whatever he gains somebody else must lose. It is trite—so trite as almost to offend the Senate—when I repeat that the Government has no money with which to perform these services at a loss, and whatever the Government does somebody must pay for the doing of. Either the person for whom it is done or the taxpayers for whom it is not done must bear the expense.

Mr. President, I protest against burdening the taxpayers of this country in order to give cheap transportation to the publications that are issued for profit. The college magazine for which the Senator from Missouri speaks is not issued for profit. There is no thought of that in the minds of the young men who edit such publications; and if they are carried at a loss there is complaint, because complaint lies against any losing transaction; but surely that complaint is reduced to a minimum of force. But when the Government is asked to carry the various publications, every one of them published for the sake of profit, at a loss, it is an injustice to the taxpayers of the country—an injustice which is already great enough and one which ought not to be made greater.

Mr. President, suppose I should say—I am not sure but that the time will come when it will be said, and it will probably become a popular proposition—that as a means of spreading the Gospel we will carry all religious publications free. Surely, if the Government is to engage in a work of that kind, there would be no just criticism in that. Of course some of us would rather have less of the Gospel and pay for it out of our own pockets. But the real thrifty people, who think that everything they get from the Government is that much saved, migh want to insure the salvation of their souls through a governmental expense.

I see no reason why, if we are going to carry many publications at a loss, we should not carry some publications for no charge at all. Let us say to all the religious denominations of the country, "We will carry your papers free," because those religious papers are not published for the sake of profit. I doubt if any of them declare large dividends. I doubt if many of them pay extravagant salaries. They are conducted for a high and an unselfish purpose, and no Senator here and no man elsewhere begrudges them an increase in their circulation. We know that their prosperity means the spread of a better rule of life, and we welcome an extension of their circulation. But shall we extend it by taking money from the taxpayer's pocket, when that taxpayer does not happen to be a Christian, in order even to teach him and his children a better way to live?

There are other publications almost as well deserving of free transportation in the mails as these. But nobody proposes to carry them free. Yet, Mr. President, it is a difference in degree and not in principle. When the Government carries them at a loss, it is only another step until it carries them for no charge at all.

But I leave all that aside, and I raise my protest against this extension of the privilege of cheap mails to those publications which are issued solely and only for profit, publications that do not scruple to appeal even to a vicious and a morbid taste if only they can thus extend their circulation and so increase their profit. Let all such, Mr. President, if admitted to the mail at all, pay the Government for carrying them all it costs the Government to perform that service.

Mr. PENROSE. Mr. President, the remarks of the Senator from Texas [Mr. BAILEY] are absolutely correct, and, striking as is his statement, he hardly goes to the full limit of facts. The abuses under the second-rate mail privilege are becoming so colossal as to startle the imagination and even to test our credulity. Sixty per cent of all the mail matter carried by the Post-Office Department consists of this second-class mail matter. It was originally intended to apply to those publications the purpose of which was the dissemination of useful information to the public. That purpose has, under various pretexts, been grossly abused and widely departed from. It was originally intended that those publications whose purpose was the dissemination of useful knowledge should be received by bona fide subscribers, and that element of the original law has likewise been widely departed from, until to-day most of these publications are simply pretexts for the circulation of large numbers of pages of advertising and are given away to an alleged subscription list which does not contain 10 or 20 per cent of bona fide subscribers. The people of the United States are practically being called up to pay nearly $30,000,000 a year in order that advertisements of automobiles and soaps and patent medicines and farming implements and all the various and multitudinous items which people in various sections of the country are interested in may be advertised free of the charge of transmission, solely for the benefit of those engaged in trafficking in such merchandise.

Not only does this matter constitute the bulk of our mail matter, but there are being started every day in the United States from eight to fifteen alleged periodicals, all claiming the privilege of second-class mail matter. The pending bill this year carries an appropriation of $192,000,000. It is only a question of a few years when it will pretty nearly double that amount. Four or five hundred million dollars in the Senatorial life of many Senators here present will be the amount carried by this bill.

The deficit, owing to the extension of the rural free delivery and other improvements of the service, has been increasing with a dangerous rapidity, and unless something is done courageously by the Government to confine the privilege of the second-class matter to its original and legitimate purpose, the whole postal system will be threatened with an absolute breakdown. It may be that there are inconsistencies in the rulings of the Department. I take it for granted that that must be the case, because these abuses have been accumulating since the act of Congress providing for the privilege of second-class mail matter down to the comparatively recent period of Mr. Madden's in-

cumbency of his present position, when he, acting under the direction of the Postmaster-General, began his present vigorous and systematic investigation and correction of these abuses.

If periodicals are still being carried through the mails which are equally open to objection as those concerning which the Senator from Missouri complains, I take it that it is because they have not been reached; that it has been physically impossible to prune the whole system of these abuses rather than that there has been any favor or any discrimination in the allowance of these privileges.

Mr. CLAY. Will the Senator from Pennsylvania permit me, in connection with what he is saying, to call attention to the report of the Postmaster-General in regard to second-class matter. The Postmaster-General says:

> During the last fiscal year the total weight carried at 1 cent a pound and free, was 663,107,128 pounds. If it cost the Government as much as 5 cents a pound to handle this matter in the mails, it will be seen that the amount paid out was $33,155,356.40. The actual revenue was $6,186,647.54.

This shows that the Government of the United States paid nearly $28,000,000 more money for handling this mail than it received. Is it not true that about 85 per cent of the revenue derived from handling the mails comes from first-class matter? I believe the Postmaster-General time and again has recommended that the cost of carrying second-class matter is so great that the postal charge on the same ought to be increased.

Mr. PENROSE. The Senator from Georgia is entirely correct, and the appropriation of some $30,000,000, expended for this service, is practically a philanthropic benefaction to the venders of merchandise. Not only are there many cheap periodicals daily started, and, under various catching terms, given an appearance of bona fide character, but even the older periodicals of the country are gradually degenerating into the same condition; and anyone who buys a magazine, whether it be the Atlantic Monthly or any other old periodical, has only to observe that three-quarters of its weight is made up of advertising matter, with a streak of literary effort, generally feeble and ineffective, running through the center.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from North Dakota?

Mr. PENROSE. I yield.

Mr. McCUMBER. I should like to ask the Senator from Pennsylvania, as he has pointed out this injustice and these wrongs, why it is that no attempt has been made in the bill to correct them?

Mr. PENROSE. There is an attempt.

Mr. McCUMBER. Or if there is an attempt, what that attempt is, and why it can not be made broad enough to entirely eliminate the evil?

Mr. PENROSE. The attempt, as I have already several times stated, is found in the last amendment to the bill, inserted on the recommendation of the Postmaster-General, providing for the appointment of three members of the Senate and three Members of the House to thoroughly investigate this question and report remedial legislation to Congress next winter. The matter is extremely complicated, and it was thought impossible and impracticable to report any complete system of legislation at the present session of Congress.

Mr. FULTON. Mr. President, I must oppose this amendment unless the Senator who offered it will consent to insert the words "or college" after the word "university." Otherwise it will simply extend this privilege to universities and will deny a like privilege to colleges.

Mr. STONE. If the Senator will permit me, the amendment I proposed has been agreed to.

Mr. FULTON. I do not understand that it has yet been adopted. The Senator from Pennsylvania said he would accept it, but I do not understand that it has been as yet adopted by the Senate.

Mr. STONE. I understood the Chair to state that it had been agreed to.

Mr. FULTON. I agree entirely with the Senator from Pennsylvania that the rate on second-class matter should be increased, and I think some discrimination should be made between publications. For instance, newspapers probably should pay a less rate of postage than magazines. Daily newspapers are necessary to everyone; magazines are not so necessary. I think a discrimination should be made there, but in the meantime there ought to be no discrimination between publications of this character. It is in order to obviate that discrimination pending some reform of the law that the amendment of the Senator from Missouri is offered; but I ask that the words "or college" be inserted immediately after the word "university" in the amendment offered by the Senator from Missouri.

The VICE-PRESIDENT. The Secretary will read the amendment of the Senator from Iowa as accepted by the Senator from Pennsylvania.

The Secretary read as follows:

> *And provided further*, That all regular periodical publications issued from a known place of publication, monthly or quarterly, by or under the auspices of charitable, educational, or religious institutions, which institutions are not conducted for pecuniary profit, if such publications are made to further the objects and purposes of such institutions and are formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications, are under the true meaning of existing law entitled to be admitted to the mail as second-class matter and at the rate of postage fixed for second-class matter and no more, and the existing laws with reference to the second-class mail matter shall hereafter be so interpreted.

The VICE-PRESIDENT. The Senator from Oregon [Mr. FULTON] proposes an amendment to the amendment, which will be stated.

The SECRETARY. After the word "university," in the proviso offered by the Senator from Missouri [Mr. STONE], insert "or college."

The VICE-PRESIDENT. Without objection, this amendment is agreed to. The question is on agreeing to the amendment of the committee as modified.

The amendment as modified was agreed to.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask the Chair to lay before the Senate the message from the House of Representatives relating to Senate bill 1243.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1243) providing for compulsory education in the District of Columbia.

The amendments of the House of Representatives were, on page 1, line 3, after "person," to insert "residing."

Page 1, line 10, strike out "his" and insert "the."

Page 1, line 10, after "control," insert "of such person."

Page 2, line 2, strike out all after "term" down to and including "elsewhere," line 3.

Page 2, line 9, after "evidence," insert "to the superintendent of schools."

Page 2, line 9, strike out "he" and insert "such child is being or."

Page 2, line 9, strike out "already."

Page 2, line 9, after "been," insert "within said year."

Page 2, line 11, strike out "he" and insert "such child."

Page 2, line 11, strike out "already."

Page 2, line 12, strike out "his" and insert "the."

Page 2, line 12, after "condition" insert "of such child."

Page 2, line 13, strike out all after "instruction" down to and including "thereof," line 14.

Page 2, line 15, strike out "his."

Page 2, lines 16 and 17, strike out "consecutive."

Page 2, line 17, after "six," strike out "consecutive."

Page 2, line 19, strike out "him" and insert "such person."

Page 2, line 21, strike out "his" and insert "the."

Page 2, line 21, after "control," insert "of such person."

Page 3, line 1, strike out "the attendance officer" and insert "an officer empowered under this act."

Page 3, line 4, strike out "fifty" and insert "twenty."

Page 3, line 5, strike out "or by imprisonment not to exceed sixty days."

Page 3, lines 8 and 9, strike out "is incorrigible, vicious, or immoral" and insert "can not be controlled by the regular school discipline."

Page 3, line 9, after "committed," insert "by the board of education."

Page 3, lines 14 and 15, strike out "may be incorrigible, vicious, or immoral in conduct" and insert "can not be controlled by the regular school discipline."

Page 3, lines 17 and 18, strike out "presented by the teacher in charge for his restoration" and insert "furnished the board of education by the teacher in charge whereupon such child may be restored."

Strike out all of section 4 and insert:

> SEC. 4. The board of education of the District of Columbia is hereby authorized, empowered, and directed to appoint two truant officers at a salary of $600 per annum each, who, together with the inspectors provided for in the bill to regulate the employment of child labor and the probation officers provided for in the bill establishing a juvenile court shall, under the direction of the board of education, carry out the provisions of this act.

Page 4, line 3, strike out all after "That" down to and including "and," line 10.

Page 4, line 11, after "to," where it occurs the second time, insert "be."

Page 4, line 11, strike out "himself."

Page 4, line 12, after "or," insert "who knowingly."

Page 4, line 15, strike out "fifty" and insert "twenty."

Page 4, line 15, strike out "or by imprisonment for not more than sixty days."

Page 4, line 16, strike out "attendance officers" and insert "the officers empowered under this act."

Strike out all of section 8 and insert:

SEC. 8. That this act shall take effect on July 1, 1906.

Strike out all of section 10.

Mr. GALLINGER. I move that the Senate agree to the amendments made by the House of Representatives.

Mr. BAILEY. As I caught the reading, it establishes a compulsory system of education in the District.

Mr. GALLINGER. It does.

Mr. BAILEY. I have always had some doubt about the justice of a law which taxes one man to educate the children of another man, but I have surrendered that doubt to the almost universal judgment of my countrymen. I can not, however, go beyond that and admit the right of the Government to supersede parental authority in the matter of educating all children, and I must therefore vote against this bill.

Mr. GALLINGER. As a rule, the proposition is to go on the street for the children and send them to school.

Mr. BAILEY. In this enlightened age, with so many charitable and religious people, it looks to me like you could influence them to go to the schools you have provided for them without compelling them to do so.

I did not happen to be here when that bill was passed. I simply am unwilling that any bill establishing a compulsory system of education shall pass a body of which I am a member without my saying that I am opposed to it.

Mr. GALLINGER. Let the question be put on agreeing to the amendments.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

Mr. TILLMAN. Mr. President, yesterday afternoon I asked that the amendment on page 18 be reconsidered for the purpose of offering an amendment. Is such an amendment now in order?

The VICE-PRESIDENT. It is now in order.

Mr. TILLMAN. I send to the desk the proposed amendment.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 18 of the bill, at the end of line 23, add the following:

And provided, That the Postmaster-General shall require all railroads carrying the mails under contract to comply strictly with the terms of said contract as to the time of arrival and departure of said mails, and it shall be his duty to impose and collect fines for delay at the rate of 20 per cent of the value of each train carrying mail, when such delay is not caused by unavoidable accidents and when such delays on any given route shall aggregate in any month more than five hours or on any day shall be more than two hours.

Mr. PENROSE. I should like to ask the Senator whether there would be any objection to adding after the word "accidents" the words "or conditions," so as to read "unavoidable accidents or conditions?" I suppose a condition of storm——

Mr. TILLMAN. I do not know what the Senator means by the word "conditions."

Mr. PENROSE. A violent blizzard or storm might delay trains. A washout of a track, perhaps, might not be an accident.

Mr. TILLMAN. Of course, I am after simply getting the mail delivered with reasonable regard for the contracts, and I do not want to have the conditions of delivery made burdensome or unreasonable. If it is thought best to broaden the provision a little, I have no objection.

Mr. PENROSE. I think it would strengthen the Senator's amendment by making it a little more practical and reasonable. That is the only reason why I suggest it.

Mr. TILLMAN. I hope the Senator will incorporate it in it.

The VICE-PRESIDENT. The modification will be stated.

The SECRETARY. After the words "unavoidable accidents" insert the words "or conditions."

Mr. TILLMAN. Now, Mr. President, my reason for offering this amendment will occupy some little time, although I shall be as brief as possible; but I want to present the facts to the Senate in order that the Senate conferees may have something more than a mere guess, probably, as to the reasons actuating me.

Some time in the latter part of February I received a letter from the president of the Charleston Chamber of Commerce complaining about the delays in the arrival of trains from Washington. The exhibit was so remarkable that I immediately took the matter up with the Post-Office Department. I wrote back to the president of the Chamber of Commerce and asked him to give me the facts and to state the reasons why he complained about the delays in the trains. I will send to the desk a letter written on the 24th of March by the president of the Charleston Chamber of Commerce, accompanied by a letter to the president of the Chamber of Commerce from the president of the Clearing House Association of the banks, showing just what the business interests of Charleston have had to put up with in regard to these delays which I am seeking to have remedied.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CHARLESTON CHAMBER OF COMMERCE,
Charleston, S. C., March 24, 1906.

Hon. B. R. TILLMAN,
United States Senator, Washington, D. C.

MY DEAR SIR: Your esteemed favor of the 6th instant was much appreciated, and I regret that the reply to it has been so long delayed. The principal cause of this delay was the difficulty and the time consumed in getting the inclosed figures, and partly by absence from the city.

From Mr. Grice's letter you will note that during the period of fifty-five days covered by this statement the Southern Railway train No. 16 has been on time less than ten times and the Atlantic Coast Line train No. 85 less than twenty times. Mr. Grice's letter explains how these continued delays affect the banks, and I understand other branches of business complain also of the bad effect upon them.

Asking your help in this matter and thanking you for the willingness expressed in your letter to give us the assistance of your influence, believe me,

Yours, respectfully, J. ADGER SMYTH,
President.

Mr. TILLMAN. It has been suggested to me by the Senator from Maine [Mr. FRYE] that instead of having them read I might have these matters printed, and I will ask that the succeeding letter be treated that way rather than occupy the time of the Senate in hearing it read. It relates to the inconvenience and disarrangement or loss of time in regard to the receipt of the mail and the handling of checks and transactions by the banks.

The letter referred to is as follows:

THE PEOPLE'S NATIONAL BANK OF CHARLESTON,
Charleston, S. C., March 21, 1906.

Hon. J. ADGER SMYTH,
President Charleston Chamber of Commerce, City.

DEAR SIR: We are inclosing you a table showing the arrival at the post-office of mails by train No. 16, over the Southern Railway, and No. 85, over the Atlantic Coast Line, from January 15 to March 10.

You will note that No. 16, over the Southern, has come in less than ten days on time. The Coast Line less than twenty times. The Coast Line train is not so important, for the reason that the bulk of the northern mail comes in on the train due 11.30 p. m., but mail over the Southern Railway is very important.

As the banks make their daily clearings at 10 o'clock, unless they can get the mail from the post-office by 9 a. m. it is impossible to put checks through the clearing house that day, consequently items have to be held over until the next day, which amounts to a considerable loss in interest.

Should these trains arrive on time, the post-office department is able to distribute them to the boxes in ample time for our needs, but when they arrive, as they frequently do—No. 16, over the Southern; No. 85, over the Atlantic Coast Line, and the vestibule train—at the same time, it is utterly impossibly for the clerks to distribute this mail to the boxes in less than several hours' time, which means that it is very often from 11 to 12 m. before we can get it.

We trust that you will be able to help us out in this matter, and any further information that you may want will be cheerfully furnished.

Yours, truly, E. P. GRICE,
President Clearing House Association.

Mr. TILLMAN. Some time the latter part of March I went to the Post-Office Department and had a talk with the Second Assistant Postmaster-General. I called his attention to the outrageous way, I will say, in which the railroads were treating that community. On the 2d of April I received a letter from General Shallenberger, who had had the matter under advisement, and I will read that, as it is quite brief:

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
RAILWAY MAIL SERVICE,
Washington, April 2, 1906.

Hon. B. R. TILLMAN,
United States Senate, City.

SIR: Referring again to your personal interview, at which time you called up the question of delays of mails for Charleston, S. C., I would state that careful inquiry has been made, and it is found that while there have been numerous delays to mails dispatched by Atlantic Coast Line train 85, at 3.45 p. m., there has been still greater trouble with mails dispatched over the Southern line, and which reach Charleston by express train No. 16, scheduled to leave Columbia at 1.40 a. m. and due at Charleston at 7.30 a. m., the latter train having been on time but five days from February 1 to March 30, 1906, inclusive. The record received thus far from train 85 of the Atlantic Coast Line indicates that it ran upon time ten days from February 1 to March 24, inclusive, and was late forty-two times, though these delays were not as great as

those affecting Southern train 16. The Department is giving this matter all the attention possible, and hopes that there will be a manifest betterment at once.

Very respectfully,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

In addition to that, Mr. President, I have here a table prepared by the president of the Clearing House Association, giving the dates upon which the train was late, beginning January 15 and ending March 10. I will ask to have that incorporated and printed along with the Postmaster-General's letter.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

The matter referred to is as follows:

The following table shows the time of arrival at the Charleston, S. C., post-office of mails from trains Nos. 16 and 85, from January 15 to March 10, both inclusive.

No. 16, Southern Railway—due 7.50 a. m.

January 15	7.50 a. m.
January 16	8.00 a. m.
January 17	10.15 a. m.
January 18	7.45 a. m.
January 19	8.50 a. m.
January 20	7.50 a. m.
January 21	9.30 a. m.
January 22	9.50 a. m.
January 23	11.30 a. m.
January 24	7.50 a. m.
January 25	9.15 a. m.
January 26	11.10 a. m.
January 27	9.35 a. m.
January 28	8.00 a. m.
January 29	9.30 a. m.
January 30	10.05 a. m.
January 31	7.50 a. m.
February 1	9.25 a. m.
February 2	8.45 a. m.
February 3	7.50 a. m.
February 4	8.00 a. m.
February 5	9.40 a. m.
February 6	8.00 a. m.
February 7	11.25 a. m.
February 8	10.35 a. m.
February 9	8.50 a. m.
February 10	8.40 a. m.
February 11	8.20 a. m.
February 12	9.50 a. m.
February 13	10.50 a. m.
February 14	8.30 a. m.
February 15	9.50 a. m.
February 16	10.20 a. m.
February 17	10.45 a. m.
February 18	8.20 a. m.
February 19	10.05 a. m.
February 20	8.50 a. m.
February 21	8.15 a. m.
February 22	8.50 a. m.
February 23	9.15 a. m.
February 24	10.00 a. m.
February 25	9.40 a. m.
February 26	9.30 a. m.
February 27	10.15 a. m.
February 28	10.25 a. m.
March 1	9.45 a. m.
March 2	11.20 a. m.
March 3	9.45 a. m.
March 4	8.25 a. m.
March 5	9.30 a. m.
March 6	7.50 a. m.
March 7	8.45 a. m.
March 8	9.00 a. m.
March 9	9.15 a. m.
March 10	10.55 a. m.

No. 85, Atlantic Coast Line Railway—due 6.55 a. m.

January 15	7.20 a. m.
January 16	7.45 a. m.
January 17	8.00 a. m.
January 18	12.00 m.
January 19	1.00 p. m.
January 20	7.30 a. m.
January 21	9.05 a. m.
January 22	7.30 a. m.
January 23	7.20 a. m.
January 24	10.00 a. m.
January 25	8.10 a. m.
January 26	7.30 a. m.
January 27	7.25 a. m.
January 28	8.00 a. m.
January 29	7.35 a. m.
January 30	7.50 a. m.
January 31	7.25 a. m.
February 1	8.25 a. m.
February 2	9.20 a. m.
February 3	9.00 a. m.
February 4	8.00 a. m.
February 5	7.45 a. m.
February 6	7.50 a. m.
February 7	8.15 a. m.
February 8	7.25 a. m.
February 9	8.20 a. m.
February 10	8.20 a. m.
February 11	8.10 a. m.
February 12	7.25 a. m.
February 13	7.20 a. m.
February 14	8.30 a. m.
February 15	8.00 a. m.
February 16	9.10 a. m.
February 17	8.05 a. m.
February 18	7.30 a. m.
February 19	7.35 a. m.
February 20	7.30 a. m.
February 21	11.10 a. m.
February 22	8.30 a. m.
February 23	8.30 a. m.
February 24	7.50 a. m.
February 25	10.10 a. m.
February 26	8.20 a. m.
February 27	7.50 a. m.
February 28	8.15 a. m.
March 1	7.25 a. m.
March 2	8.50 a. m.
March 3	7.30 a. m.
March 4	7.25 a. m.
March 5	7.35 a. m.
March 6	7.20 a. m.
March 7	7.45 a. m.
March 8	7.40 a. m.
March 9	8.20 a. m.
March 10	8.25 a. m.

Mr. TILLMAN. I have here a letter of May 3 from the chairman of the railroad committee of the city council of Charleston, making complaint along this same line, and calling attention to the absolute failure of the railroads to comply with their contract. I ask to have that printed in the RECORD.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

CHARLESTON, S. C., *May 3, 1906.*

Senator B. R. TILLMAN,
Washington, D. C.

DEAR SIR: On February 27 the Charleston Clearing House Association addressed to city council a petition in reference to delay of the mails arriving at the Charleston post-office. These papers were handed to me as chairman of the railroad committee of city council and sent to Postmaster Harris, of this city. Mr. Harris was kind enough to give me the information asked for in reference to time the mails should arrive at the post-office and the time they did arrive from a period covering from February 1 to March 16, and in his reply, returning papers, he suggested that I take the matter up with the honorable Second Assistant Postmaster-General at Washington.

I herewith inclose copies of letters of March 28 and April 23. As yet I have had no reply to either of these letters. You can readily understand that the business interests generally are suffering owing to delay in the arrival of the mails, and we assume that the transportation companies are under contract with the Government for the delivery of same. I would therefore ask, as a special favor, that you take this matter up and see if you can not get us relief from the present conditions.

I must apoligize for bothering you with a matter of this kind, but knowing that you are interested in such matters, I would ask that you take it up at your earliest convenience.

Awaiting your commands, I beg to remain, yours, truly,

R. BEE LEBBY,
Chairman Railroad Committee, City Council, Charleston, S. C.

Mr. TILLMAN. I have another letter from the president of the railroad committee of the Charleston city council, dated May 7, transmitting a letter from Major White, Superintendent of the Railway Mail Service, which speaks for itself, and shows the absolute necessity for action by Congress if any relief is to be had.

The letters referred to are as follows:

CHARLESTON, S. C., *May 7, 1906.*

Senator B. R. TILLMAN,
Washington, D. C.

DEAR SIR: Referring to my letter of the 3d, in reference to delay of mails arriving at Charleston, S. C., I am just in receipt of a letter from Mr. White, and inclose you copy.

You will note that he claims that the Department has no way of forcing the railroads to maintain schedules. This is rather a surprise, as I was under the impression that the Department could compel transportation companies to deliver mails with reasonable promptness in accordance with their schedules.

If you can help us in this matter I will appreciate it. Thanking you in advance for your attention, I beg to remain,

Yours, truly,

R. BEE LEBBY,
Chairman Railroad Committee, City Council, Charleston, S. C.

MAY 5, 1906.

Mr. R. B. LEBBY,
Chairman Railroad Committee of City Council,
Charleston, S. C.

SIR: I am in receipt of your letter of the 23d instant, addressed to the honorable Second Assistant Postmaster-General, relative to delayed running of trains into Charleston, and in response to your inquiry as to what action the Department proposes to take to secure relief, have to say that the attention of the railroad companies have been called to the matter and that the Department has urged that the trains be run on schedule time, but the question of railroad schedules is one over which the Department has no jurisdiction. I regret that it is not in a position to compel the companies to run the trains upon schedule time.

Very respectfully,

JAMES C. WHITE,
General Superintendent.

Mr. TILLMAN. Mr. President, I want to do exact justice to the Post-Office Department. Among other things, I obtained from the Second Assistant Postmaster-General a copy of the order of the Department of October 2, 1905, in relation to the delay of trains. Having made application to the Postmaster-General to spur up these roads by collecting fines, he sent me this, and with it a letter stating that under the circumstances

the Department did not see its way clear to enforce the provisions of the order, showing that the Postmaster-General already has the authority to assess fines and spur up the roads, but has felt unwilling to do it. It was with a view of having the law specifically direct and compel him to do this that I have put in evidence the facts as set forth with the amendment which specifically relates to such conditions as will force the roads to pay when they fail to deliver their mails. I ask to have this incorporated also.

The VICE-PRESIDENT. Without objection, permission is granted.

The order referred to is as follows:

Deductions on account of inferior service.

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., October 2, 1905.

On account of the inferior service resulting from failures to observe the schedule on routes, or parts of routes, on which railroad mail service is not more frequent than seven times a week each way, it is ordered that in certifying to the performance of the service on such routes for, and subsequent to, the quarter ended December 31, 1905, deductions be made at the rate of 20 per cent of the value of each train that arrives at the termini or junction points fifteen, or more, minutes late and the aggregate number of late arrivals is ten, or more, without satisfactory excuse in any one quarter, except that no deduction of less than $1 will be made.

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

Mr. TILLMAN. I do not know that there is anything more necessary to be said. The chairman of the Committee on Post-Offices and Post-Roads has assured me that he sympathizes with the purposes of the amendment and will endeavor to see that it does not go out in conference. I have given sufficient facts, I think, to warrant the effort on the part of Congress to compel the roads which are receiving, as I think, an excessive rate for the transportation of the mails to have some regard for the business interests which they serve, or which they fail to serve. These delays have been so outrageous in our part of the country, from one cause or another—mainly, I think, by reason of inadequate engines or something like that—I thought it was advisable, at least, to try to get Congress to incorporate a provision of this sort and make the rule general, so that the railroads would be notified hereafter that unless they were more cautious and exerted themselves to a greater degree to comply with their agreements with the Government and deliver mail on time they would have to pay for it.

Mr. PENROSE. I will accept the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. PERKINS. I desire to offer an amendment on page 16, line 11, to come in after the word "service."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16, line 11, after the word "service," it is proposed to insert:

From a port of the Pacific coast of the United States via Hawaii and the Samoan Islands to Australasia, on steamships of the United States of not less than 16 knots speed, for a service once in three weeks at a maximum compensation not exceeding $217,000 a year in addition to the compensation now provided pursuant to contract under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. PERKINS. Mr. President, in support of this proposed amendment I desire to ask to have read at the desk a letter from the Postmaster-General.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 24, 1906.

Hon. GEORGE C. PERKINS,
United States Senate.

MY DEAR SENATOR: Referring to the call of yourself and ex-Congressman Loud, and to your letter of the 17th instant, relative to the additional compensation which it is proposed to pay to the Oceanic Steamship Company, now under contract with this Department, for ocean mail service from San Francisco to Australia, by way of Honolulu and Pago Pago, I have to say that careful consideration has been given to the representations made as to the very great importance of this service and the wholly inadequate compensation which it is claimed by the company is now being paid for the same as provided by the act of March 3, 1891. The contracting company in written communications to the Department claims that they are now conducting the service at a heavy loss, and that unless relief comes speedily by a liberal increase in compensation, it will be unable to continue service under the contract after July 1 proximo.

In that event the Department can not look to the sureties for a continuance of service, as they would be without suitable vessels; nor could the Department hope to secure proposals under a new advertisement unless the compensation provided by the act of 1891 shall be materially increased. The efforts of the Department for a period of ten years succeeding the passage of the act failed to secure a proposal for service of this character, and it was not until 1901 that the proposal for this particular service, from San Francisco to Australasia, was secured and a contract executed; mails to be carried in fast steamers of over 6,000 tons register, with sailings maintained regularly every three weeks; with compensation at the rate of $2 per mile, outward voyage, as provided in the act mentioned for vessels of the second class. The contract is for a period of ten years, covering seventeen trips per year; the route is 8,329½ statute miles in length, yielding an aggregate compensation of $283,000 per annum, in round figures. The volume of mail has largely increased since the beginning of the contract term.

The interests of the Government in the Philippines, and the Hawaiian Islands, and at the several naval stations in the Pacific Ocean, render it highly desirable to maintain mail service in vessels flying the flag of the United States and sailing with a frequency and speed equal at least to those of other countries. Both Canada and Japan are contesting more and more vigorously with this country for the carriage of mails from the Pacific coast to Australasia and the Orient. They are increasing compensation to regular steamship lines with a view to securing shorter schedules and better mail service from Vancouver and San Francisco.

These conditions seem to justify favorable consideration of the proposed increase of compensation provided by Senate bill 529, and in general of such legislation as will make it possible for vessels sailing under the flag of the United States to compete with foreign vessels for the mail service of the Pacific.

Very truly, yours,

GEO. B. CORTELYOU,
Postmaster-General.

Mr. PERKINS. Mr. President, at this late hour I do not care to go into a discussion, for the reason that the Senate has already given its approval to this amendment in the passage of the bill known as the bill for the "development of the American merchant marine and American commerce." This is the exact phraseology and the exact amount that the Merchant Marine Commission recommended after hearing testimony. But I will trespass upon the Senate for a few minutes just to read an extract from their report. It was, as you know, a nonpartisan commission. They devoted nearly a year's time to the taking of testimony in the different commercial ports of the United States and to devising some means whereby we could resuscitate and rehabilitate American commerce. The minority of the Commission made a report, but nowhere in that minority report have I been able to find any objection taken to this special recommendation.

I will, Mr. President, with the permission of the Senate, read a brief extract from their report. It is stronger and more forcible than it is possible for me to otherwise present it. That report says:

In the first place, the American line to Australasia operates in Pacific waters, where the cost of fuel, labor, etc., is considerably greater than at Atlantic ports. Secondly, the line is required to maintain a very high speed. Furthermore, the ships of the company employ exclusively white crews, instead of the Asiatics utilized by many other Pacific companies.

This American line to Australasia not only performs the best service, but now receives the lowest compensation of all lines running to Australasian ports. This service is so regular and swift that great numbers of Australasian men of business, even when bound to Europe, are brought en route to the United States, and thereby become regular purchasers of American merchandise. The very heavy increase of our exports to British Australasia, from $12,674,000 in 1896 to $27,401,000 in 1904, is due, unquestionably, in a great degree to the extraordinary efficiency and regularity of the ill-paid American steamship service out of San Francisco.

The increase provided for in the present bill is $217,000 a year, which, added to the $283,000 now paid, will bring the compensation to the American line up approximately to the compensation paid European steamship companies and will a little more than restore the original rates of the postal-aid law of 1891, which were cut down, to the serious crippling of that measure, when the bill passed the House of Representatives.

It is announced authoritatively that unless the subvention to the line to Australasia is increased as proposed the service, which has been losing heavily every year, will have to be abandoned. In that case our increased Australian trade would inevitably go in large part to other countries, involving a loss of millions of dollars a year to American producers. The Merchant Marine Commission believes that it would be recreant to its duty if it did not provide for the continuance of an American steamship line which has fought so bravely against such heavy odds and has achieved such notable work in the expansion of American commerce.

This report was made after that commission had visited every port on the Pacific coast from Victoria to San Diego, where they took testimony, and where they investigated this whole subject-matter. There is no question but that it will be beneficial to the trade and the manufacturing interests of the country to continue this American line, the only one plying between the United States and Australia and New Zealand. Indeed, the British Government has seen the advisability of coming in and sharing this trade with the United States, by subsidizing a line of ships plying between Victoria, British Columbia, and Australia. We are only asking this for the Oceanic Steamship Company, operating ships built in American shipyards, built in the city in which the chairman of the Committee on Post-Offices and Post-Roads [Mr. PENROSE] resides, the money which was used in constructing those ships having been paid out to mechanics and laborers in his city and his State; those ships being manned to-day by American seamen, American citizens, or those who are capable of becoming American citizens; which pays the best wages that are paid by any line of steamships in the United States; whose ships travel a route of seven thousand two hundred and some odd miles, from San Francisco to Sydney, at an average speed of 15 knots, or nearly 17 statute miles per hour,

which is the fastest line there is in the world which passes through the Tropics; and yet, Mr. President, its owners have been operating it under great disadvantages.

The people who own that line, the Spreckels Brothers, a family who are among our most enterprising citizens, went into this new line of business to build up their trade. They have lost on an average $360,000 a year in operating those ships; but their pride as American citizens in seeing Old Glory flying at the peak has impelled them to go on and keep this steamship line operating in energy and in force, as it is to-day, for the development of American trade and bringing the trade of the colonies of the South Sea into the United States.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Colorado?

Mr. PERKINS. I yield with pleasure.

Mr. PATTERSON. I desire to ask the Senator from California if this is one of the subsidies that is contained in the shipping bill, which has already passed the Senate and is now pending in the other House?

Mr. PERKINS. It is a subvention, I should prefer my friend from Colorado to call it, rather than a subsidy.

Mr. PATTERSON. Well, we will not quarrel about that now; but I will suggest to the Senator from California that if that bill passes and this provision is incorporated in the pending bill, he will have the subsidy or subvention twice told.

Mr. PERKINS. Since I, as a boy before the mast, following the sea, saw the pride of the nation—ships built by Americans on the ocean—decline and go out of use, I have waited to see them revived, but "hope deferred maketh the heart sick," and so I would rather this would go into the pending bill, where my friend from Georgia, my friend from Texas, and my friend from South Carolina will put their little amendments, and they will go into conference, and if our conferees do not convince the conferees of the other House that these are proper amendments they will go the way of other amendments which have gone to that bourne whence no amendment has ever returned. [Laughter.]

Mr. President, the Senate has already given its expression by an overwhelming vote on this proposition. It is true my friend from Colorado [Mr. PATTERSON] made some slight objection, but he was frank enough to admit that, of all American steamship lines of which he had knowledge, the Oceanic Steamship Company was the most thoroughly American line; that it treated its sailors and its officers better and paid them better wages than were paid by any other steamship company in the world; and I think by his silence he acquiesced in the passage of the subvention bill, which was reported to the Senate and which passed the Senate and is now on file in the House of Representatives. I have several bills on file myself which, I think, when reached in due course, will undoubtedly pass.

I want, Mr. President, for the information especially of my friend from Colorado, to state that we would not ask for this appropriation—and when I say "we" I mean the people of the United States; I have no pecuniary interest in this matter; I am not interested, directly or indirectly, in any steamship business; that has passed away, but it has left me with experience, and I am investing now in lands, which will not burn up as buildings do when earthquakes and conflagrations come—we would not ask for this appropriation but for the fact that we have in competition, Mr. President, with this American steamship line six other lines, one French, one German, three British, and one Japanese. The Oceanic Steamship Company are making seventeen trips a year, or one every three weeks, between San Francisco, Sydney, Australia, via Honolulu, Pago Pago (Samoa), and Auckland, New Zealand. Those ships are, on an average, 6,000 tons, and receive a subvention—no, compensation—for transporting the mails of the United States of $16,659 a trip, with an average speed of 15 knots an hour, equal to 17 statute miles.

The British ships plying between Victoria and Sydney make but fourteen trips a year. They are ships under 3,500 tons. They make twelve voyages—one a month—and yet they receive $27,500 per trip, or nearly double what our ships that are nearly 3,000 tons larger receive; and yet, Mr. President, we would not come here as we do if it were not for this competition, if it were not for the fact that the French, the English, and other foreign governments are subsidizing their ships, and the Japanese are operating theirs for 58 per cent less than we are able to operate our American ships.

But aside from the fact that you are only paying them a fair compensation for the transportation of the mail in these ships, we are placed in direct communication with our naval station at Pago Pago, in Samoa, where, without them, the Navy Department or the War Department would be obliged to operate transports or other vessels in carrying supplies and in attending the only naval station we have in the South Pacific.

I think, Mr. President, the compensation received for this service would not more than pay for operating one of our naval vessels or a United States transport. All this is in addition to the great commercial interest and the great commercial benefit which we derive from this line of steamers that is being operated by this company.

The hour is late, Mr. President, and I am afraid my friend from Pennsylvania [Mr. PENROSE], if I keep on talking, will not be strenuous in retaining this amendment in conference, while he would be disposed to do otherwise if I occupy no longer time. Therefore I hope he will accept this amendment, thereby only ratifying that which the Senate has heretofore done, and is a proposition on which, I think, the committee looked with favor.

Mr. PENROSE. Mr. President, the amendment offered by the senior Senator from California [Mr. PERKINS] was, in the opinion of the majority of the members of the Committee on Post-Offices and Post-Roads, a most meritorious one, and it has been ably and persistently advocated by the senior Senator from California and his colleague [Mr. FLINT] before that committee and with individual Senators. At the same time the committee thought that it was a subject regarding which there was great diversity of opinion between the two sides of this Chamber, and that it might lead to considerable controversy.

It was also thought that the matter was already provided for in the Gallinger shipping bill, which is now pending in the House of Representatives, and of the passage of which we are all hopeful, and that there was no real reason for making a discrimination in favor of the Spreckels line, leaving the numerous other interests provided for in that bill without any attention. In fact, the suggestion of this discrimination and apparent favoritism had caused considerable resistance and opposition from the friends of the Merchant Marine Commission measure, who thought that the whole subject ought to rest upon the final passage of that bill by the House. For these and other reasons the committee, while deeming the amendment very meritorious, thought that perhaps the Senator from California had better wait until the shipping bill passed, it being evident that when a thing is a good thing it can never come too soon and it is difficult to wait for it. However, this amendment has been offered, and it is for the Senate to determine whether it shall be inserted in the bill.

Mr. CLAY. I want to call the Senate's attention to the testimony in regard to this item. It is brief. Mr. Loud appeared before the committee and advocated this amendment. It was first adopted by a majority of the committee, the minority voting unanimously against it. The amendment was then reconsidered and rejected by the entire committee. Now, I want to read briefly some of the testimony in regard to the item involved. It will take only two or three minutes:

Senator TALIAFERRO. Is it a monthly service?
Mr. LOUD. No; once in three weeks.
Senator CULBERSON. You say the Government now pays this line $283,000 a year for this mail service?
Mr. LOUD. Yes, sir.
Senator CULBERSON. Upon what basis does that rest?
Mr. LOUD. Two dollars a mile under the act of 1891.
Senator CULBERSON. They are paying all that is allowed under the present law?
Mr. LOUD. Yes, sir.
Senator CULBERSON. This $217,000 would be in excess of the law on the subject?
Mr. LOUD. Yes. The reason we urge this particular amount is because the Senate has already passed this particular provision.

That is, in a general bill—the ship-subsidy bill—which included this item——

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. PERKINS. I should like, if my friend from Georgia will permit me——

Mr. CLAY. Certainly.

Mr. PERKINS. To state that this company is only asking the rate which, under the act of March 31, 1891, a ship would get provided it could make a speed of 20 knots an hour. That is all. She now makes 17 knots an hour, but if she had a speed of 3 more knots an hour than she now has she would be entitled to it under the provisions of that act. Therefore it seems, considering all the conditions and the great disadvantages under which the company labors in plying their steamers to Australia as against those that ply the North Atlantic and receive a subsidy of $4 a mile on the outward voyage, that it should apply to this company. Because ex-Representative Loud, of California, did not explain that, I venture at this time

to inject this explanation into the speech of my friend from Georgia.

Mr. CLAY. We are all glad to oblige the Senator from California at any time, but I think the reading of the testimony will convince the Senate that this item ought not to go into this bill at least.

I now resume the reading of the quotation from the testimony:

Mr. LOUD. Yes. The reason we urge this particular amount is because the Senate has already passed this particular provision.

Senator CULBERSON. Not unanimously, though, I think.

Mr. LOUD. I was present in the Senate, and I did not hear my friend from Texas object to it.

Senator PERKINS. I will state to the Senator that Mr. Mallory, who is on the committee, was very strongly in favor of this appropriation.

Senator CULBERSON. He was against the bill, however.

Mr. LOUD. If I may make the statement, I do not think there would have been so many Democratic votes against that portion of the bill as there were against the other portion.

Senator CLAY. You mean the mail service was more popular than the other.

* * * * * * *

Senator CARTER. What is the subsidy of that line?

Mr. LOUD. Three hundred and thirty thousand dollars. They make monthly service. They are comparatively small boats. One of them is of 4,000 tons, and there are two others of 3,200 or 3,300. Of course, it is not nearly as expensive a service to operate as ours. Ours make 15 knots from the hour of departure to their destination.

Senator CULBERSON. Mr. Loud, do you deny that the present law affords reasonable compensation?

Mr. LOUD. Absolutely. There are no lines operating under the act of 1891 except two or three little small lines that go now and then down to South America and Central America.

Senator CULBERSON. Probably you misunderstood my question. I will repeat it in a little different form. What I mean is this: Do you believe, taking it as an abstract and also as a practical question, that the $283,000 for carrying a mail is or is not a reasonable price for the service rendered by this steamship company?

Mr. LOUD. I do not. They can not operate under it.

Senator SCOTT. He says they are losing money.

Senator CULBERSON. I am talking about the quantity of mail they carry.

Mr. LOUD. Of course the pay for the mail amounts to about $90,000 a year, if that is the point you are aiming at.

Senator CULBERSON. I want to get your opinion as to that particular question. Considering the service rendered, the amount of mail carried, is $283,000 a reasonable compensation for that service to the Government?

Mr. LOUD. I will answer it in this way, Senator: We could get the mail carried that is now carried for about $90,000.

Senator CULBERSON. We pay, then, $190,000 in addition to what it could be carried for by other people?

Mr. LOUD. Yes.

Senator CULBERSON. And you still want that increased by $217,000?

Mr. LOUD. Of course it must be borne in mind that the act of 1891 was not absolutely a postal act. It considered the question of the commerce of this country.

Mr. President, just a word further. I do not wish to attempt to discuss in any way a subsidy bill at this time. I say that when we are here for the purpose of passing an appropriation bill which is to provide for paying the expenses of the Post-Office Department annually we ought not to take into consideration and incorporate into the bill a distinct subject that necessarily will lead to great discussion.

It is true that the ship-subsidy bill has passed the Senate and has gone to the House of Representatives. It is pending there now before a committee and contains this identical item. To take one item or two items or three items out of that general bill and insert them in the post-office appropriation bill, in my opinion, is absolutely indefensible. You might just as well get a dozen items, Mr. President, from that bill and insert them in this; you might just as well take the entire subsidy bill and insert it in the post-office appropriation bill. We have already inserted in this bill three or four items which, in my opinion, ought not to have gone into it and which are pure legislation. We are reaching the point where we enact half of our legislation on appropriation bills.

Mr. President, if you consider the rules of the Senate, I do not believe the amendment is in order. I call the attention of the Chair to the general rule on the subject, which is Rule II, on page 16, and I make the point that the amendment is not in order, being general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment is in contravention of the rules of the Senate, and is not in order.

Mr. HOPKINS. I should like to ask, Mr. President, the status of the committee amendment at the top of page 17 of the bill?

The VICE-PRESIDENT. It has been disagreed to, which restores the text of the House bill.

Mr. HOPKINS. I move to reconsider the vote by which the amendment was disagreed to.

The VICE-PRESIDENT. The Senator from Illinois moves to reconsider the vote by which the amendment at the top of page 17 was disagreed to. The Secretary will state the amendment.

The SECRETARY. On page 17, line 3, after the word "years," the committee amendment proposed to strike out:

And with the right of termination at the discretion of the Postmaster-General of any such contract at the end of any year of the contract term after four years, on one year's notice.

The VICE-PRESIDENT. The question is on agreeing to the motion to reconsider.

Mr. PENROSE. I have no objection to that amendment remaining in the bill, so far as I am concerned.

Mr. GALLINGER. It seems to me, Mr. President, in view of the fact that some Senators who expressed an interest in that amendment are not present to-day, that we ought not to take action such as is contemplated. The Senate is very thin.

Mr. HOPKINS. It would simply put it in conference.

Mr. GALLINGER. I do not think so.

Mr. PENROSE. Yes; it would.

Mr. HOPKINS. Yes; it would put it in conference. That is the reason I wanted to have the yote by which the amendment was rejected reconsidered. I want to have the amendment adopted, so as to get a disagreement between the House and the Senate on the subject.

Mr. PENROSE. I think the Senator from New Hampshire does not understand the suggestion.

Mr. GALLINGER. I understand it now. I did misunderstand it. Personally I have no objection to the proposed action.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois to reconsider the vote by which the amendment referred to was disagreed to.

Mr. PATTERSON. What amendment is it, Mr. President?

The VICE-PRESIDENT. The Secretary will again state the amendment at the request of the Senator from Colorado.

The Secretary again stated the amendment.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. LATIMER. I offer the amendment which I send to the desk, to come in on page 32, at the end of line 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, at the end of line 2, it is proposed to insert:

Provided, That patrons on all rural free-delivery mail routes now established or that may hereafter be established may put up, for their individual use, boxes constructed of such material, either wood or metal, as they desire, and that carriers on all rural mail routes shall deposit mail in such boxes in like manner as in boxes now in use.

Mr. LATIMER. Mr. President, under the present rule of the Department, in order to get a free rural delivery route, it is necessary for the patrons along the route to buy at least seventy-five patented boxes. The result is that a great many rural delivery routes are denied to the people of the country, and where the routes are established a hardship is placed upon the people that is not required even in the star-route service, as it now exists. Even under the old star-route service the Department never required that approved boxes be bought and put up for the deposit of mail. Any citizen who lived along the route was allowed to make or buy his own box—any kind of a box he desired to have the mail put in. Such is true under the present star-route service, and in the cities, where the receivers of mail are not required to buy special patented boxes in order to have their mail delivered. The mail is deposited where the recipient of the mail directs that it shall be put, and in the manner, place, or receptacle pointed out by him.

I say it is a mere departmental ruling—it is not a law—that seventy-five of these patented boxes shall be bought in order to have a free-delivery route established. Such a condition is a financial hardship upon the people who live along the route, compelling them to buy boxes when they ought to be allowed to make their own boxes. They can be depended upon to provide boxes that will be satisfactory to them, be sufficiently secure, and therefore I think the amendment which I have offered ought to be adopted.

Mr. HOPKINS. Will the Senator from South Carolina yield?

Mr. LATIMER. For a question.

Mr. HOPKINS. I think, before any vote is taken on the amendment, it is proper to state that under the present system these boxes are furnished by the Post-Office Department, and the delivery of the mail in those boxes makes it mail until it is taken by the person to whom the mail is addressed, and papers or letters taken from those boxes are taken from the Post-Office Department precisely as they would be if taken from the post-office proper.

If the amendment of the Senator shall prevail, it will simply make each one of these boxes a free place, so that any thief

who comes along the highway can, with perfect immunity from prosecution under the postal laws, break into any of those boxes and take out the mail.

Mr. LATIMER. In answer to the statement made by the Senator from Illinois, I will say that he is in error in stating that these boxes are furnished by the Department.

Mr. GALLINGER (to Mr. HOPKINS). You are wrong about that.

Mr. LATIMER. The boxes are all bought by the patrons along the route from the postmaster or direct from the manufacturer, provided they are of the type approved by the Department.

Mr. HOPKINS. But they are under the control and supervision of the Post-Office Department, are they not, the Department requiring——

Mr. LATIMER. The Department has approved certain makes of boxes, and require that only these shall be used. I have a list here of the manufacturers whose boxes are approved. The patrons of the office are required to buy their boxes exclusively from these manufacturers.

There is one other remark I should like to make in reply to the statement made by the Senator from Illinois, and that is that I see no reason why the Federal law should not punish persons interfering with the mail of a farmer whether it was in an approved patented box or one of his own make, as they are all left open without a lock. It is a matter of common knowledge that in the rural free-delivery service throughout the United States boxes are left open. I know that in my county, where we have complete rural-delivery service, the mail carrier merely pushes the mail into the box, and there is no more protection in the present approved box than there would be in a wooden box made by a farmer, because the present approved boxes as a rule are open at both ends, and none of them are locked.

Mr. HOPKINS. But there is the protection of the law. The point I was making—it may not be sound—is that if we should change that rule it might fix it so that the recipient of the mail in a box of that kind would not be protected against thievery. It is a matter in which I have no interest one way or the other, and I only make the suggestion for the consideration of Senators before the vote is taken. It may be that there would be equal protection in one box as in the other.

Mr. LATIMER. I went over this matter with the Fourth Assistant Postmaster-General this morning, and he stated that on all star routes they have just such boxes as the patrons along those routes furnish, but that he thought there ought to be a uniform system. It was his opinion that the star-route patrons either ought to be required to buy approved boxes, such as are used in the rural free-delivery service, or that the discrimination against rural delivery patrons ought to be abolished, as it was unjust to require one and not the other to buy these specially approved boxes.

With regard to any meddling or tampering with the mail, I can see no reason why the law should not and would not punish the guilty party whether the mail was in one of the most expensive approved boxes or in one of the cheapest and most economical boxes a farmer would put up and be willing to have his mail deposited in. In either case, it is the intentional interference with another person's mail that is the crime, and such would doubtless or ought to be whatever the nature of the receptacle.

Mr. HOPKINS. If they are protected in one as well as the other, I can see some merit in the amendment.

Mr. LATIMER. That was the statement made to me this morning.

Mr. HOPKINS. It seems to me that if the box is prepared by the recipient of the mail the delivery of the mail would be precisely like it is in any house in a city.

In the city, where the mail is delivered in the house or office, after it is once delivered there the Post-Office Department has nothing further to do with it, and if the letters are gathered up either in the house or office, it is not a robbing of the mails in the sense that it would be if the mail was taken from a post-office box that was under the control of the Department itself.

Mr. LATIMER. We have had the star-route service for a long time, and the providing of boxes has been left entirely to the discretion of the patrons, and, so far as I know, there has never been the least bit of trouble of the kind which the Senator imagines might flow from the adoption of this amendment.

There is just one further statement I wish to make in this connection. Recently I saw a published notice that the Post-Office Department had ordered these boxes be painted. It will require at least $30 on every rural delivery route throughout the country to paint these boxes, and there are at least 38,000 of these routes in the United States. Consequently I figure it would cost about $100,000 to paint these boxes. Adopt this amendment which I have offered and the people will be relieved from this expense, and each man will be allowed to provide his own mail box and get rid of this expense. I think that everyone is sufficiently interested in the receipt of his mail and its protection to provide an adequate receptacle.

Mr. TILLMAN. Mr. President, I desire to call attention to the fact that six or eight years ago, shortly after rural delivery became so popular, I made an effort here, with the very best possible ability that I possessed, to get the Government to furnish these boxes to the various patrons of the rural free-delivery route at cost. I then had substantial proof, in the shape of a box right on my desk, made out of galvanized iron, according to the specifications and pattern required by the Post-Office Department, offered in large quantities—by the twenty or forty thousand, I have forgotten the number—at, I believe, about 60 cents apiece, whereas the post-office regulations, which have been mentioned by my colleague, then, as now, although the price has fallen some, compelled every patron on a rural route who wanted his mail put into a box to buy one of a certain class of boxes that had been approved by the Post-Office Department. There would not be any rural free delivery established unless they did comply with the conditions imposed by the Post-Office Department. People throughout the United States have been compelled to spend in the last seven or eight or ten years, since the rural system has been in vogue—I do not know how many thousands of these boxes are in use, but certainly it is a very large number; perhaps my colleague can tell me——

Mr. LATIMER. There are seventy-five to a hundred on each route, and there are 38,000 routes.

Mr. TILLMAN. How many hundred thousand would that make?

Mr. FRYE. It does not make any difference.

Mr. TILLMAN. Anyhow, there has been a large expenditure of money by the farmers, who have been compelled by the Post-Office Department to purchase these boxes or not have the benefit of rural delivery. I agree with my colleague that it is an imposition upon the farmers of the country to compel them to purchase these boxes that are approved by the Department, under the specious plea that it offers protection against thievery. I hope the amendment will be adopted, because it is along the line of relieving the people of the country from an imposition.

I will mention, further, that at the time of the discussion in the Senate there were some very grave and serious accusations here against the Post-Office Department, and since then one of the officers has been convicted. But the charge was made—and I dare say it could have been proved if it had been pressed—that he was in collusion with manufacturers of these boxes and was getting a rake off for compelling the people to buy them. I do not know that any such thing exists now, but it would be along the line of relieving the farmers of the country and the users of the free-delivery service of a burden and an imposition if we could get the permission to have a man use such a box as he sees fit, and order his mail put in it and take the responsibility and be absolved from the necessity of purchasing a box approved by the Department.

Mr. PENROSE. I should like to ask the Senator from South Carolina whether he would object to an amendment to his amendment to the effect that the box shall be approved by the inspector having the route in charge?

Mr. LATIMER. I would, for the reason that there is where the trouble is now. The farmers have to buy a box that is approved by the Post-Office Department in order to get the route established. There is the trouble, and I propose by this amendment to relieve them of this order.

Mr. PENROSE. It does not seem to me that that is the trouble. Such an amendment would give permission to the farmer along the route to make his own box. He would not have to purchase an alleged patented article, but he could make his own, provided the design met the approval of the inspector.

The committee carefully considered the amendment of the Senator from South Carolina and took the view that the recipient was not the only individual who had rights in connection with the delivery of a letter. The sender of a letter has rights equally important, and he should not be placed at the mercy of the recipient who may design some cheap box. I suppose it would have a bottom, but it might have a hole in the bottom—and some of us would like to have a hole in the bottom of the box for some of the mail we receive.

In any event, it might not have a cover that would protect the mail from the elements, and thereby the destruction of notices of promissory notes and demands for the payment of bills and other little disagreeable features of our daily life would, under the amendment of the junior Senator from South Carolina, run riot. It seems to me the amendment is almost calcu-

lated to encourage delinquent debtors and those who desire to evade their just responsibilities rather than to eradicate graft from the Post-Office Department.

Mr. NELSON. Will the Senator from Pennsylvania yield to me for a moment?

Mr. PENROSE. Certainly.

Mr. NELSON. Is there any difference in law between a box that a farmer has to buy and one that he makes himself?

Mr. PENROSE. I am not willing to go into that point. I simply want the rural free-delivery system to be assured of a box that will properly protect the mail deposited therein from the elements by having a cover on it and from the ground by having a solid bottom in it.

Mr. NELSON. Will the Senator allow me? Does not the law of self-preservation apply in this case, and would not a farmer naturally want a box that would preserve and protect his mail?

Mr. PENROSE. The amendment leaves the standard to the farmer, while the Government takes the ground that it has a right to fix the standard, so as to protect the sender of the mail as well as the recipient of it.

Mr. LATIMER. I should like to ask the Senator a question, and then I shall be willing to have a vote on the amendment. His speech would indicate that the farmer ought not to be allowed to use discretion in this matter, while he is perfectly willing to accord that discretion to those who live in the cities, who are not required to put up boxes, and to those on the star-route service, where there is no requirement that a patented box shall be bought. Why discriminate in the rural free delivery and leave these other classes to use their own methods in getting their mail?

Mr. PENROSE. I do not understand that any such discretion prevails in connection with city delivery. There may be an apparent exception in connection with the star-route service, which is a peculiar and particular branch, forming but a small part of the business of the Government as a whole. It hardly furnishes a parallel to or example for city delivery or rural delivery.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. LATIMER]. [Putting the question.] In the opinion of the Chair the noes have it.

Mr. LATIMER. I demand a division. ["No!" "No!"]

The VICE-PRESIDENT. The Chair will again put the question. [Putting the question.] In the opinion of the Chair, the noes have it.

Mr. LATIMER. A division!

The Senate proceeded to divide.

Mr. GALLINGER. I ask for the yeas and nays. It is manifest that there is not a quorum present, and we may secure one on a roll call.

Mr. LATIMER. What was the decision of the Chair?

Mr. GALLINGER. I withdraw the call for the yeas and nays.

The VICE-PRESIDENT. The Chair was about to announce the result when the Senator from New Hampshire demanded the yeas and nays. He now withdraws that demand?

Mr. GALLINGER. I withdraw it.

Mr. PENROSE. I have stated to the Senate the reasons which had weight with us in not inserting the amendment in the bill, but I am willing to accept it, and see that it has a fair hearing in conference.

The VICE-PRESIDENT. The Senator from Pennsylvania accepts the amendment, and the amendment is agreed to.

Mr. BAILEY. I desire to offer an amendment. On page 31, after the word "substation," line 11, I propose to insert these words:

> The Post-Office Department shall make no regulation which will prevent fourth-class postmasters or rural route carriers from furnishing a Senator from a State the names of those to whom he delivers mail, nor to a Representative the names of those to whom he delivers mail within the district so represented.

Mr. President, all Senators, of course, are aware that the Post-Office Department has adopted a regulation that forbids postmasters and rural carriers furnishing to Senators and Representatives the names of those to whom they deliver mail.

Mr. TILLMAN. It is denied to everybody.

Mr. BAILEY. I think it proper to forbid the furnishing of names to people generally. But they have extended the prohibition so as to include Senators and Representatives.

Senators and Representatives desire the names of those who receive mail only in order that they can distribute to them the vast number of Government publications which are printed and which are printed for that very purpose. The Senator from Arkansas [Mr. BERRY] very well suggests that the same is true of free seeds. It looks to me like an odd regulation that prohibits the Senators and Representatives from securing the names of the very people to whom these Government publications and these Government seeds ought to be sent.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. BAILEY. Certainly.

Mr. HOPKINS. I would suggest to the Senator that the names of these parties can be secured through private sources instead of compelling the Post-Office Department to furnish them. Now, speaking of my own experience as a Member of the House, I used to keep the names of all the people in the various sections of my district. Where it is divided up into counties and townships and smaller districts, it is an easy matter to secure an entire list, and the names can be furnished by private sources. It is an innovation in legislation to require any public official——

Mr. BAILEY. I did not require him to furnish it.

Mr. HOPKINS. Oh!

Mr. BAILEY. I do not require him. I said, under the present law, the postmaster could not furnish it if he desired.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Pennsylvania?

Mr. BAILEY. I do.

Mr. PENROSE. I do not understand that any Senator or Representative can not get this information.

Mr. BAILEY. But that is the fact.

Mr. PENROSE. I have frequently myself had occasion to send a clerk to the Department to get it. The Government had no clerical force, and it has not the money to spend to furnish this very voluminous material, but I think the Senator from Texas can go to the Post-Office Department or send half a dozen clerks there and get all this information. The fact of this matter is that this information would be sought after by every newspaper owner and periodical publisher and trafficker in patent medicines who would want to circulate his wares among those people.

Mr. BAILEY. The Senator does not understand this amendment.

Mr. PENROSE. I thought I did.

Mr. BAILEY. I do not seek in the amendment to relieve the carriers and postmasters against the rule which forbids them to do this, except as to Senators and Representatives.

Mr. PENROSE. Does the Senator propose in this amendment that the carrier shall be compelled to furnish the list?

Mr. BAILEY. I do not.

Mr. PENROSE. Then there is no objection to the amendment.

Mr. GALLINGER. I suggest to the Senator from Texas that it read "Senators, Representatives, and Delegates."

Mr. BAILEY. That is a very good suggestion.

Mr. CARTER. I suggest to the Senator that he strike out "fourth-class" and simply leave the term "postmasters."

Mr. BAILEY. I think that is also a good suggestion. I wish to say that, so far as I am concerned, I know nothing about the distribution of documents and seeds. The young gentleman who is my Secretary has been with me for fifteen years, and he drew this amendment. He tells me the difficulty that he experiences, and I readily see how it becomes impossible to reach the people who are entitled to the seeds and documents. I accept the suggestion of the Senator from Montana and the suggestion of the Senator from New Hampshire, and I will make it read now as follows:

> The Post-Office Department shall make no regulation which will prevent any postmaster or any rural route carrier from furnishing a Senator from a State the names of those to whom he delivers mail in that State, nor to a Representative or Delegate the names of those to whom he delivers mail within the district or Territory so represented.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. BAILEY. Here is another amendment along the same line:

> Any mail matter entitled to free transportation under the frank of a Senator, Representative, or Delegate in Congress when addressed to a rural route and a numbered box thereon shall be delivered as addressed.

Mr. President, it happens in some cases, I am advised, that the initials are not known, or that possibly the name is not known, but they can deliver these things intended for distribution through addressing them to a box. I am not as sure about this as I was about the other. The Senator from Georgia [Mr. CLAY], who is a member of the committee, says there is some doubt about it, and I will withhold it for the time being until I can examine into it.

The VICE-PRESIDENT. The proposed amendment is with-

drawn. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until Thursday, May 31, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 29, 1906.

COLLECTOR OF CUSTOMS.

John W. Vann, of Texas, to be collector of customs for the district of Brazos de Santiago, in the State of Texas, to succeed Charles H. Maris, whose term of office has expired by limitation.

PROMOTIONS IN THE NAVY.

Commander James H. Bull to be a captain in the Navy from the 26th day of May, 1906, vice Capt. Charles S. Sperry, promoted.

Lieut. Commander Frederick C. Bieg to be a commander in the Navy from the 26th day of May, 1906, vice Commander James H. Bull, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 29, 1906.

COMMISSIONER OF FISH AND FISHERIES.

George M. Bowers, of West Virginia, to be Commissioner of Fish and Fisheries in the Department of Commerce and Labor.

CONSUL.

George H. Pickerell, of Ohio, now consul at St. Michaels, Azores, to be consul of the United States at Para, Brazil.

UNITED STATES ATTORNEY.

James K. Barnes, of Arkansas, to be United States attorney for the western district of Arkansas.

POSTMASTERS.

GEORGIA.

Stephen B. Vaughn to be postmaster at Augusta, in the county of Richmond and State of Georgia.

INDIANA.

Albert J. Frost to be postmaster at Portland, in the county of Jay and State of Indiana.

Ezra Hayes to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana.

William Sholty to be postmaster at Windfall, in the county of Tipton and State of Indiana.

James G. Stanley to be postmaster at Ridgeville, in the county of Randolph and State of Indiana.

Samuel H. Teeple to be postmaster at Geneva, in the county of Adams and State of Indiana.

INDIAN TERRITORY.

Logan G. Hysmith to be postmaster at Wilburton, in District 15, Indian Territory.

Roy W. Lovett, to be postmaster at Bristow, in District 8, Indian Territory.

KANSAS.

Luther M. Axline to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas.

MAINE.

Charles S. Akers to be postmaster at Norway, in the county of Oxford and State of Maine.

MASSACHUSETTS.

Dexter Grose to be postmaster at North Abington, in the county of Plymouth and State of Massachusetts.

MICHIGAN.

Andrew L. Deuel to be postmaster at Harbor Springs, in the county of Emmet and State of Michigan.

MINNESOTA.

William T. Callahan to be postmaster at Long Prairie, in the county of Todd and State of Minnesota.

Guy A. Eaton to be postmaster at Duluth, in the county of St. Louis and State of Minnesota.

MISSISSIPPI.

Joshua Stevens to be postmaster at Macon, in the county of Noxubee and State of Mississippi.

NEW JERSEY.

William B. R. Mason to be postmaster at Boundbrook, in the county of Somerset and State of New Jersey.

NEW MEXICO.

Fred O. Blood to be postmaster at East Las Vegas (late Las Vegas), in the county of San Miguel and Territory of New Mexico.

NEW YORK.

Vernon A. Kent to be postmaster at Westfield, in the county of Chautauqua and State of New York.

NORTH CAROLINA.

Eliza S. Craft to be postmaster at Williams, in the county of Yadkin and State of North Carolina.

James H. Ramsey to be postmaster at Salisbury, in the county of Rowan and State of North Carolina.

PENNSYLVANIA.

Thomas A. Cochran to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania.

WITHDRAWAL.

Executive nomination withdrawn May 29, 1906.

John J. O'Connell to be postmaster at Marinette, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 29, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move the approval of the Journal.

The SPEAKER. The question is on the motion of the gentleman from New York that the Journal be approved.

Mr. McCLEARY of Minnesota. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. PAYNE. Certainly; I yield to the gentleman for a statement or a question. Whether I shall yield further than that I shall determine later.

Mr. McCLEARY of Minnesota. Mr. Speaker, it seems to me, in view of the fact that the proceedings at the close of the session last evening were quite unusual and became a hardship upon certain Members of the House, the proceedings relating to the arrest and bringing of Members before the bar of the House should be vacated, and I ask unanimous consent that that be done.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the proceedings of last evening in reference to the arrest and bringing before the bar of the House of Members be vacated. Is there objection?

Mr. MURPHY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri objects.

Mr. GAINES of Tennessee rose.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. PAYNE. Does the gentleman desire time?

Mr. GAINES of Tennessee. I do.

Mr. PAYNE. How much time does the gentleman desire?

Mr. GAINES of Tennessee. Three or four minutes.

Mr. PAYNE. I yield five minutes to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Speaker, I remained here at work in the House throughout the day yesterday, and until nearly 6 o'clock. The Committee of the Whole was rising to go into the House when I left. I then went home—or, rather to my hotel—for the purpose, of course, of quitting the labors of the day, but particularly to make a long-distance inquiry about the very serious ill condition of my brother, seven or eight hundred miles away from here. While at the hotel an officer of the House came up and asked me if I had voted. I said no, and asked him, "What is the vote on?" He replied that the House was without a quorum and that he wanted me to go to the House, and held a paper in his hand—a warrant, I presume. I said, "Well, I am not going now for anybody," and then explained to him the very distressing condition of my brother, whom I was trying to hear from, and told him I was extremely distressed. I was unable to communicate with the attending physician—and have been even to this moment—and the officer

very kindly excused me. I then went down into the restaurant for my supper. There I saw a number of Members of the House and told them the condition of the House; that a call for a quorum was being made, but that I could not go. They came up. After I had finished my meal I went up into the lobby of the hotel and met a Member, who said he had voted and left "some time ago." I then went outside to see if the flag had been taken down from the House—in other words, to see and determine whether or not the House had as yet secured a quorum and adjourned. I could not see any flag. I then went back and telephoned to the House. I was informed over the telephone that the "House is still twenty-nine Members shy."

I was unable to telephone during this time to my sick brother or hear about his condition, so I got on a car and started to the House to help make a quorum, after I was excused you see, and was overtaken about Seventh street, or, rather, was hailed by my friend from Alabama Mr. WILEY and by my friend from Arkansas Mr. WALLACE, and by a gentleman who was with them, a deputy I suppose, one of the officers of the House at all events. I do not now recall his name, but he is here present. I then got in the carriage with them and we came up to the House together. We came into the Speaker's lobby together; I was a few steps ahead. At about halfway the Speaker's lobby, the gentleman who handles the mace, whose name is Mr. Pierce, inquired if we had been arrested. I laughed and went on and came to the door of the Chamber, turned and saw that he had stopped the gentleman from Alabama [Mr. WILEY] and also the gentleman from Arkansas [Mr. WALLACE]. I waited for them to catch up. We walked on into the Chamber, and we were reported by this officer here at the bar as having been arrested. Now, that is the whole story as to myself. I state this and another fact, that hereafter we may improve on the manner in which the laws are administered in this House with reference to this kind of a matter. I stayed here in the House for a few moments, and then walked out into the Speaker's lobby and saw, with my own eyes, that Republican Members were not stopped and arrested by this officer of the House as we had been, but came in and simply voted, whereupon I asked this officer why he was drawing a distinction between Democrats and Republicans.

The Speaker is somewhat familiar with the language that I used at the door to this officer, as I would to anybody else under similar circumstances. I do not retract anything that I then said. I saw that he did not hail Republican Members that came by, he did not stop them and ask whether they had been arrested, and the fact that he did not stop them as he did the gentleman from Alabama [Mr. WILEY], and the gentleman from Arkansas [Mr. WALLACE], and as he would have stopped me if I had paid any attention to his order, is the point that I make against his conduct. I treated the whole matter, when he first addressed us, more as a matter of twitting us than otherwise. Of course, if I had known that the gentleman was really in earnest I, too, would have stopped. He had a little piece of manuscript in his hand. Now, Mr. Speaker, if Republicans are to be treated that way hereafter, all well and good. If Democrats are to be treated that way hereafter, all well and good; but I serve notice now upon the officers of this House that hereafter they shall treat all Members alike. I am willing to be arrested when I should be. If arrested in this case, I never was before. I have not been absent from the House very often, and would not have been this time except for the distressing conditions named overtaking me. I make no apologies now for my absence on this occasion. These facts speak for themselves, but I do insist that Democrats and Republicans be treated alike when the order of this House goes out to arrest its Members.

Mr. RUCKER rose.

Mr. PAYNE. Mr. Speaker, does the gentleman from Missouri desire some time?

Mr. RUCKER. I would not have gotten up if I had not wanted a few minutes.

Mr. PAYNE. I yield two minutes to the gentleman.

Mr. RUCKER. Oh, I would like to have five.

Mr. PAYNE. Very well; I yield five minutes to the gentleman.

Mr. RUCKER. Mr. Speaker, I am very much obliged to the gentleman for his kindness. It seems that we can not get anything here without placing ourselves under obligations to some gentleman of the House. Referring to the incident of last evening, I want to make a statement, inasmuch as this is going to be an experience meeting. I want to say, Mr. Speaker, that late in the evening I left this House to go to my hotel. Just about the time of going to supper, as I call it, dinner as gentlemen sometimes call it, I received a telephone message that the House was being called. I had a conversation with one of my Republican friends—by the way, one of the most elegant gentlemen in this House, who lives at the same hotel—and we agreed that we would eat supper hastily and get over here in order to vote and relieve the Chair and not delay the business of the House. A few minutes later (the gentleman from Tennessee [Mr. GAINES] said an officer; I deny it) a usurper so far as legal authority is concerned, a usurper from this House having no authority to arrest presented himself and asked us to come here with him. I came here, and I was the first culprit arraigned before the bar of this House. Gentlemen present expressed surprise and I confess I myself was surprised. Last week, Mr. Speaker, these same officers, clothed with the same kind of process, went to the baseball park and, as I am informed, arrested a number of Members, including one not far removed from the White House family, the gentleman from Ohio [Mr. LONGWORTH], and brought them here, but there was no parade and their names did not appear in the RECORD. Other distinguished gentlemen on that side whom I see now were arrested and were even saved from the clutches of the very diligent officers of this city for running an automobile at a dangerous rate of speed and were brought here in custody of an officer, but no record was made.

Mr. SIBLEY. Mr. Speaker, the gentleman does not wish to make a mistake. A little newspaper pleasantry indicating that there had been a bicycle——

Mr. RUCKER. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. SIBLEY. A little newspaper pleasantry stated that the party, in returning to the House, had been followed by a bicycle cop and placed under arrest. Such was an absolute misstatement of facts. We saw no bicycle cop. [Laughter.]

Mr. RUCKER. Does the gentleman have personal knowledge of the instance to which I referred?

Mr. SIBLEY. There was no policeman seen, and no one spoke to us or hindered our free progress, so the gentleman should not make that statement, for he has not been correctly informed. We neither ran in excess of legal speed nor were spoken to by anyone on our way to the Capitol.

Mr. RUCKER. I am glad the distinguished gentleman from Pennsylvania was only arrested once on that occasion, and I am also glad there was no record made of that. Mr. Speaker, last night, I say, I was the first man arraigned before the bar of this House. On investigation I found some forty or fifty Members came in before me, but no man was arraigned. I appealed to the Speaker, and I told the gentleman then occupying the chair that there was some discrimination being employed in this matter. After that the Speaker pro tempore issued an order from his chair to the Sergeant-at-Arms to show no discrimination, and subsequently, Mr. Speaker, you were not here, but the gentleman from Pennsylvania [Mr. OLMSTED] was in the chair. After that interview with the Speaker pro tempore my colleague from Missouri and my good friend from New Hampshire, one of the best and most faithful men on this floor, were arrested in order to appease my wrath, I suppose, and I regret exceedingly that it was so. So far as I am concerned, I have no favors to ask of this House. I am glad the gentleman from New York is pursuing the policy which has characterized his course all through this session. He is so bent on mortifying some few Members that he seeks now to vent his partisan feeling against five Democrats, although it involves three good men on that side. I ask no favors of him.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. Can I have a few minutes more?

Mr. PAYNE. Oh, certainly.

Mr. RUCKER. Five minutes?

Mr. PAYNE. Two minutes more.

Mr. RUCKER. Mr. Speaker, am I recognized for five minutes more?

The SPEAKER. Does the gentleman yield five minutes?

Mr. PAYNE. I thought you asked for two, but the gentleman can have five minutes.

Mr. RUCKER. Mr. Speaker, the gentleman is so genial this morning that I hardly have the heart to say what I would like to say. [Laughter.] And I apprehend that if I should say all I feel like saying and all that the occasion warrants, the gentleman would ask to have it stricken from the RECORD.

Mr. Speaker, I want to repeat again, as shown by the RECORD at the time the doors were closed, that there were about 260 Members absent from this floor. One member of the police force of the Sergeant-at-Arms, under the direction of the Chair, after making a most diligent effort, succeeded in bringing four Democrats and one Republican into this House. One other succeeded in bringing in two Republicans, and one other a Demo-

crat. So I say that, out of 260 absent Members, the RECORD shows that five Democrats and three Republicans only were arrested.

Now, I care nothing about it. But I say to you, Mr. Speaker, while I do not believe and do not expressly charge, or do not charge, that this discrimination was winked at or directed by the Chair, I say that the discrimination shown yesterday was foul and contemptible, and I say, sir, that, so far as I am concerned, the officers of this House may do what they please, and I will go forth with my head erect, unmortified and unhumiliated by anything that can be done in this House. Why is it that distinguished Members of the other party are permitted to come in here, according to the uniform practice prevailing here, and are permitted to vote and go undenounced by the RECORD of this House, while others are made a parade of? Then why is it that the gentleman from New York, who is the author of this dilemma, as some seem to think, objects to the motion of the gentleman from Minnesota [Mr. MCCLEARY] to strike from the RECORD that which is unpleasant to some of his colleagues? Does he think that it humiliates me or any of my colleagues? If so, I want to relieve his mind as to that, because I tell him it is not in his power to humiliate me.

Now, let me say again that it is a little remarkable, if the Speaker did it, that he would issue a warrant yesterday evening to be served upon a lot of Democrats, when this same Speaker within the last few days had to send clear to the baseball park to bring in distinguished members of his own party in order to make a quorum on this floor and no record whatever made of it.

Now, Mr. Speaker, I am always good-natured, and I will not trespass upon the patience of this House, but place myself square with the gentleman from New York [Mr. PAYNE], by yielding back to him the time I have not consumed. [Applause on the Democratic side.]

Mr. WALLACE. Mr. Speaker, will the gentleman from New York [Mr. PAYNE] yield me a few moments?

Mr. MURPHY. Mr. Speaker, I rise to a question of personal privilege.

Mr. PAYNE. The gentleman from Missouri [Mr. MURPHY] can hardly take me off the floor for a question of personal privilege.

The SPEAKER. The gentleman from Missouri rises to a question of the highest personal privilege. The motion before the House is to approve the Journal. The gentleman from New York [Mr. PAYNE] has the floor. In the opinion of the Chair the gentleman from Missouri [Mr. MURPHY] can raise his question of the highest personal privilege when the gentleman from New York is not upon the floor.

Mr. GAINES of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Does the gentleman state that his question of personal privilege grows out of the approval of the Journal?

The SPEAKER. No; nor has the Chair conceded that it would make any difference if it did, in the time of the gentleman from New York. The gentleman from Missouri can not take the gentleman from New York [Mr. PAYNE] off of the floor upon a question of personal privilege, in the opinion of the Chair.

Mr. WALLACE. Mr. Speaker——

Mr. PAYNE. Mr. Speaker, what does the gentleman [Mr. WALLACE] desire?

Mr. WALLACE. I am one of the arrested parties.

Mr. PAYNE. Was the gentleman arrested?

Mr. WALLACE. Yes.

Mr. PAYNE. How much time does the gentleman want?

Mr. WALLACE. Three or four minutes, I suppose—say five minutes.

Mr. PAYNE. Five minutes?

Mr. WALLACE. Yes, sir.

Mr. PAYNE. I yield five minutes.

Mr. WALLACE. Mr. Speaker, I am not in the least out of humor this morning, although I was subjected to the course of the law on yesterday afternoon. I simply wish to detail the situation in as few words as I can, regarding myself alone. I refer to this matter not as a partisan one, nor in that spirit do I ask the attention of this House.

Mr. Speaker, it may have passed your mind for the moment, but the RECORD will show that about the first of this month I was appointed upon the committee to investigate charges against the Government Asylum for the Insane. Of course you know how busy members must be on that kind of a committee. We held a meeting yesterday afternoon, and I came to the House with my bulk of testimony and remained here and cast my vote on the roll call for adjournment. Then thinking that would be the last call, I went down to my home for the purpose of taking an early start and go through that testimony last night. But I was informed there was another roll call over here. I immediately returned to this House, and cast my vote upon that call, out of which grew the order for these arrests. I stayed here and cast my vote for a quorum on the roll call under consideration.

Now, Mr. Speaker, I feel that I did my duty toward this House on yesterday evening. I have explained to you why I could have no idea of dodging any duty or in any sense play the filibuster. I was simply undertaking to discharge my duty to this House as well as I could, and also to the committee of the House on which I was appointed. So, Mr. Speaker, when the officer came to my dinner table last evening and told me that I was wanted on a roll call—he did not know exactly what it was, and I was not certain. I did not finish my meal. I got up, went out, and took a delightful ride with him up to this Capitol; and in that particular I want to say he is the only gentleman, I believe, who has ever been so courteous and kind. [Laughter and applause.]

Now, Mr. Speaker, I feel, in regard to this matter, while I am asking nothing at the hands of the House, and do not ask it to vacate the record for me, I only want it to be understood that I was discharging my duty toward this House and toward the committee. In other words, I was working somewhat overtime in discharging the double duty of a committeeman and of a Member of this House. Under those circumstances I feel like I was simply the victim of a mistake. [Loud applause.]

Now, as to the rapidly changing customs and practices of the other side of the House, its inauguration of new and its revival of old methods, I think it might be in the mood this morning to repeat to itself the words of Oliver Wendell Holmes, to wit:

> If I change with the winds that blow,
> It is only because they made me so,
> And the people would think it wondrous strange
> If I, a weathercock, should not change.

Mr. PAYNE. Mr. Speaker——

Mr. FITZGERALD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Is it in order now to move that the record of these arrests be expunged?

The SPEAKER. It is not.

Mr. FITZGERALD. Is it in order, if the gentleman would yield for this purpose, to make a motion to amend the Journal by expunging these arrests? I ask the gentleman if he will yield for that purpose, in order to have that motion made?

Mr. PAYNE. Well, I will consider that later.

Mr. Speaker, it will not be denied that it is the duty of every Member of the House to be present in his seat from the time the House meets until it adjourns. That is what we are here for—our primary duties; and that has been the idea of Congress from time immemorial. Why, it has been enacted by statute that every Member who is absent shall forfeit his day's pay pro rata for his day's absence; and I can remember the time when this rule was enforced, and that some Members forfeited as much as $100 and $600 of pay. A number of Members were fined those amounts, and fined by the operation of the law itself.

Now, early in the history of Congress, a rule was adopted for bringing in absent Members, and I desire to read it to the House, because of the fact that many Members do not take the time to read the rules of the House for themselves. I desire to read the old rule under which a quorum was secured:

> In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

Now, under that rule——

Mr. MURPHY. Will the gentleman allow me?

Mr. PAYNE. I can not be interrupted just now; I will yield to the gentleman later. Under that rule older Members of the House have seen many Members brought in here and brought to the bar of the House and heard them arraigned by the Speaker, saying, "You were absent from the House during the sittings of the House, without leave of the House. What excuse have you to offer?" The gentleman was heard as to whatever excuse he might make, and they were generally discharged from arrest; but they were compelled to remain in attendance, with the doors closed, until the House adjourned. That was the operation under the old rule.

But in the Fifty-fourth Congress the House adopted an additional rule for the attendance of Members. I introduced a rule

to that effect in the Fifty-first Congress, but the first suggestion of it came from an eminent Democrat from the State of Virginia, who first proposed something like this method of obtaining a quorum; and the rule was, from this suggestion, drawn out and adopted as clause 4 of Rule XV, and it was under this clause 4 that the House was acting last evening. A vote had been reached upon the final passage of a bill. It developed that no quorum was present; whereupon the Speaker proceeded under this rule, as he is authorized by the vote of the House to do, as the House had directed him by this rule to do:

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with.

Mr. SHACKLEFORD. Will the gentleman permit a question right there?

Mr. PAYNE. Oh, yes.

Mr. SHACKLEFORD. If the rule authorized the proceedings to which you have referred, why is it that only 4 or 5 out of 250 were made examples of and these others excused?

Mr. PAYNE. Mr. Speaker, when we had reached a vote upon that bill, and it had been determined that no quorum was present, in order to relieve those who had stayed here all day performing their duty and not to compel them to wait until gentlemen who were absent had gotten their dinners, I moved to adjourn the House. The motion was defeated by a majority vote. Then there was no other way for the Speaker to perform his duty than the way in which he performed it.

Mr. SHACKLEFORD. Why arrest 5 out of 250?

Mr. PAYNE. Will you let me speak?

Mr. SHACKLEFORD. As soon as you answer that.

Mr. PAYNE. I do not propose to answer your question until I get to it. Does the gentleman understand that?

Mr. SHACKLEFORD. Not perfectly, but partially.

Mr. PAYNE. I am glad it is permeating. The Speaker promptly did his duty. He ordered a call of the House; he ordered the doors closed; he directed the Sergeant-at-Arms to bring in absent Members, and they were brought in. The gentleman from Missouri, who has made a census of the matter, says there were eight brought in—five Democrats and three Republicans. The first two that came in were a pair of twins—the gentleman from Missouri, a Democrat, and also with him a Republican—showing that the Sergeant-at-Arms in that instance was not using any favoritism. One Republican, he said, was brought in by himself. In that instance he was using no favoritism. It is very easy for gentlemen to get up here in their mortification and pitch into the Sergeant-at-Arms and the officer of this House who has no voice here to defend himself. It is very easy for gentlemen to go out there in the corridor and denounce an officer of the House while that officer is at a disadvantage because he is an officer or an employee appointed by the House. But the Sergeant-at-Arms was directed to do his duty. The gentleman from Missouri says he will not say the Speaker directed the officer to arrest Democrats and not Republicans when he confesses that the Sergeant-at-Arms brought in both Republicans and Democrats. And if he suspects or has the faintest suspicion that the Speaker of the House of Representatives directed, hinted, or connived at in any way any favoritism in bringing gentlemen into the House he is the only man in the sound of my voice that is unworthy enough even to harbor any such thought or suspicion. [Applause.]

If these gentlemen had been here doing their duty, they would not have been arrested by the Sergeant-at-Arms. If they had been here voting on the proposition and staying here, they would not have been arrested or even invited to come to the Chamber by the Sergeant-at-Arms. We have had some little experience in getting a quorum ever since the gentleman from Mississippi [Mr. WILLIAMS] adopted what seems to him to be some means to secure an end, and which every other gentleman in the Hall believes a means that will not have the slightest effect toward securing the end that he announces he has in mind. When the point of no quorum has been raised from day to day, and sometimes half a dozen times in a day, the Sergeant-at-Arms has invited men to come in here. The Sergeant-at-Arms did his full duty yesterday when he arrested men who did not come in here when he was inviting them to come. He exactly carried out the rule of the House. If he neglected to carry out the rule of the House in arresting Members who did not come in on his invitation, then he did not do his full duty. Yesterday he did and some gentlemen came in here. They were put in the same category with many an honored Member of the House in times that are past that was brought in under the first rule I have read—brought up to the bar of the House and arraigned by the Speaker because they had not performed their duty, but had stayed away from the House.

Now, that is the record they have made, one by one. They come in and make an excuse and that has gone into the RECORD, and the excuse goes with the offense against the rules of the House, against the integrity of the House, against the interruption of the proceedings of the House because of their absence when they are needed here upon a vote.

I suppose they are content with the excuses they put upon the RECORD. So far as mutilating the Journal is concerned, it does not concern me one way or the other. You may expunge it, and, like the expunging at the other end of the Capitol so many years ago when the expunging did not expunge, it is there on the records to-day. You may expunge this proceeding, you may take it out of the RECORD; it does not matter to me one way or the other—it is there. The attention of the House has been called to this fact, that certain Members were absent and were brought into the House by the Sergeant-at-Arms. I do not think it will be a lasting disgrace to these gentlemen; I think they will outlive it. I think my friend from Missouri, who is so fearful that he will be humiliated, will recover from what occurred yesterday. It will answer a useful purpose if it calls the attention of the Members of the House to this rule, if it calls the attention of the Members of the House to the importance of their being present to do the business of the House. Some Members are asking every day when we are going to take a final adjournment. Well, our final adjournment is not hastened any by having to stop every few minutes and send out for absentees to get a quorum to vote on questions. It is important that Members should be here and perform their duty. Their first place is here in the House, and the rules are inaugurated for that purpose. I have no doubt that the Sergeant-at-Arms and the officers of the House did their full duty under this rule in arresting such Members as they ought to have arrested, without regard to whether they were Republicans or Democrats. It is said that two more Democrats were brought in than there were Republicans brought in. Well, naturally the Republicans ought to desire to dispatch the business of the House; they ought to come here more readily, and to come on a telephone call, than the Democratic Members of the House. The Republicans were not filibustering. Why, Mr. Speaker, I would not have been surprised if the officers going out to perform their full duty impartially and judicially had caught nine Democrats out of ten Members from the ranks who I understand signed a paper agreeing to support the leader of the minority of the House in the filibustering tactics in the House. [Applause on the Republican side.] These officers have performed their duty here now for nine years, every one of them, and I have never before heard any complaint or criticism from any Member of this House, on either side of it, as to the manner in which they have performed their duty. Of course, when a man is in fault he wants to lay it on to somebody else; when a man is in the wrong he wants to put the wrong on other shoulders. Here are these gentlemen absent without an excuse, and the only excuse they seem to have is to try to raise a quarrel with the officers of the House who have no voice on this floor. Mr. Speaker, I move the previous question on the approval of the Journal.

Mr. FITZGERALD. Mr. Speaker, before that motion is put, I want to call the attention of the Chair to the fact that at the time I rose for the purpose of moving to amend the Journal the previous question had not been demanded, and under the precedents it was held that a motion to amend was not in order, because the previous question had been demanded.

The SPEAKER. The gentleman from New York had the floor.

Mr. PAYNE. Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] asked me a while ago for the privilege of making a motion to strike out this matter, and I will withhold the demand for the previous question and yield to him for that purpose.

Mr. WILLIAMS. Mr. Speaker, before that is done, inasmuch as the gentleman from New York has referred to me in his talk, I hope he will yield to me.

Mr. PAYNE. Oh, I do not think the gentleman is called upon to make a speech.

Mr. WILLIAMS. Well, but the gentleman made a speech at my expense. However, I will get in later.

Mr. OLMSTED. Mr. Speaker, I move to amend by striking out in the Journal all reference to the arrest and the arraignment of the Members of the House before the bar at yesterday's session.

Mr. PAYNE. Mr. Speaker, upon the amendment and upon the motion to approve the Journal I now demand the previous question.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out in the Journal all reference to the arrest of absentees at yesterday's session.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Does that also strike it out of the RECORD?

The SPEAKER. The RECORD is under the control of the House and is not now under consideration.

Mr. OLMSTED. If it is proper, Mr. Speaker, I would include it now.

Mr. PAYNE. That would not be germane to the motion.

The SPEAKER. It is not germane to the Journal. The House has full control of the RECORD. The question is on the motion of the gentleman from New York, on ordering the previous question on the motion to approve the Journal, with the amendment thereto offered by the gentleman from Pennsylvania, Mr. OLMSTED.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 202, noes 69.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 77, answered "present" 18, not voting 109, as follows:

YEAS—177.

Acheson	Draper	Kahn	Payne
Adams, Pa.	Driscoll	Keifer	Pearre
Adams, Wis.	Dunwell	Kennedy, Nebr.	Perkins
Allen, Me.	Dwight	Kinkaid	Pollard
Ames	Edwards	Klepper	Powers
Bede	Ellis	Knowland	Prince
Beidler	Esch	Lacey	Rhodes
Bennet, N. Y.	Fassett	Lafean	Roberts
Bennett, Ky.	Fletcher	Landis, Chas. B.	Rodenberg
Birdsall	Foss	Landis, Frederick	Samuel
Bonynge	Foster, Ind.	Le Fevre	Scott
Boutell	Foster, Vt.	Lilley, Conn.	Shartel
Bowerscck	French	Littauer	Sherman
Brick	Fulkerson	Longworth	Sibley
Brooks, Colo.	Fuller	Loud	Smith, Cal.
Brown	Gaines, W. Va.	Loudenslager	Smith, Ill.
Brownlow	Gardner, Mass.	McCall	Smith, Iowa
Burke, Pa.	Gardner, N. J.	McCarthy	Smith, Samuel W.
Burke, S. Dak.	Gilbert, Ind.	McCleary, Minn.	Smith, Pa.
Burleigh	Gillett, Cal.	McCreary, Pa.	Smyser
Burton, Del.	Gillett, Mass.	McGavin	Southwick
Burton, Ohio	Goebel	McKinlay, Cal.	Sperry
Butler, Pa.	Graff	McKinley, Ill.	Steenerson
Calderhead	Graham	McKinney	Sterling
Campbell, Kans.	Grosvenor	McLachlan	Stevens, Minn.
Campbell, Ohio	Hale	McMorran	Sulloway
Capron	Hamilton	Madden	Sulzer
Cassel	Haugen	Mann	Tawney
Chaney	Hayes	Marshall	Taylor, Ohio
Chapman	Hedge	Miller	Thomas, Ohio
Cocks	Henry, Conn.	Minor	Tirrell
Cole	Hepburn	Mondell	Townsend
Conner	Hermann	Moon, Pa.	Volstead
Cooper, Pa.	Higgins	Morrell	Wachter
Cooper, Wis.	Hill, Conn.	Murdock	Wanger
Cousins	Hinshaw	Needham	Watson
Cromer	Hoar	Nevin	Weeks
Crumpacker	Hogg	Norris	Wiley, N. J.
Curtis	Holliday	Olcott	Wilson
Cushman	Howell, N. J.	Olmsted	Wood, N. J.
Dalzell	Howell, Utah	Otjen	Woodyard
Darragh	Hubbard	Overstreet	Young
Davis, Minn.	Humphrey, Wash.	Palmer	
Dawson	Jenkins	Parker	
Denby	Jones, Wash.	Parsons	

NAYS—77.

Adamson	Flood	Lester	Ryan
Bartlett	Floyd	Livingston	Shackleford
Beall, Tex.	Gaines, Tenn.	Lloyd	Sheppard
Bell, Ga.	Garber	McLain	Sherley
Brantley	Garner	Macon	Sims
Brundidge	Gillespie	Moon, Tenn.	Smith, Md.
Burgess	Gregg	Moore	Smith, Tex.
Burleson	Hay	Murphy	Spight
Burnett	Heflin	Patterson, S. C.	Stanley
Butler, Tenn.	Henry, Tex.	Pou	Stephens, Tex.
Candler	Hopkins	Ransdell, La.	Sullivan, Mass.
Clark, Fla.	Houston	Rhinock	Talbott
Clark, Mo.	Humphreys, Miss.	Richardson, Ala.	Underwood
Clayton	James	Richardson, Ky.	Wallace
Davey, La.	Johnson	Rixey	Watkins
Davis, W. Va.	Keliher	Robertson, La.	Williams
De Armond	Kitchin, Claude	Robinson, Ark.	Zenor
Dixon, Ind.	Lamar	Rucker	
Ellerbe	Lamb	Ruppert	
Fitzgerald	Lee	Russell	

ANSWERED "PRESENT"—18.

Andrus	Glass	Hunt	Padgett
Buckman	Greene	Kline	Page
Dale	Hardwick	Lever	Sparkman
Dickson, Ill.	Hearst	Lilley, Pa.	
Finley	Hull	Mouser	

NOT VOTING—109.

Aiken	Flack	Lewis	Smith, Ky.
Alexander	Fordney	Lindsay	Smith, Wm. Alden
Allen, N. J.	Fowler	Little	Snapp
Babcock	Gardner, Mich.	Littlefield	Southall
Bankhead	Garrett	Lorimer	Southard
Bannon	Gilbert, Ky.	Lovering	Stafford
Barchfeld	Gill	McDermott	Sullivan, N. Y.
Bartholdt	Goldfogle	McNary	Taylor, Ala.
Bates	Goulden	Mahon	Thomas, N. C.
Bingham	Granger	Martin	Towne
Bishop	Griggs	Maynard	Trimble
Blackburn	Gronna	Meyer	Tyndall
Bowers	Gudger	Michalek	Van Duzer
Bowie	Haskins	Mudd	Van Winkle
Bradley	Hill, Miss.	Patterson, N. C.	Vreeland
Broocks, Tex.	Hitt	Patterson, Tenn.	Wadsworth
Broussard	Howard	Pujo	Waldo
Byrd	Huff	Rainey	Webb
Calder	Hughes	Randell, Tex.	Webber
Cockran	Jones, Va.	Reeder	Weems
Currier	Kennedy, Ohio	Reid	Weisse
Davidson	Ketcham	Reynolds	Welborn
Dawes	Kitchin, Wm. W.	Rives	Wharton
Deemer	Knapp	Schneebeli	Wiley, Ala.
Dixon, Mont.	Knopf	Scroggy	Wood, Mo.
Dovener	Law	Slayden	
Dresser	Lawrence	Slemp	
Field	Legare	Small	

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

Mr. HULL with Mr. SLAYDEN.

Mr. MOUSER with Mr. GARRETT.

Until further notice:

Mr. DEEMER with Mr. KLINE.

Mr. BATES with Mr. GRANGER.

Mr. DIXON of Montana with Mr. PAGE.

Mr. WELBORN with Mr. GUDGER.

Mr. BARTHOLDT with Mr. LITTLE.

Mr. LITTLEFIELD with Mr. SMITH of Kentucky.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. GRONNA with Mr. HILL of Mississippi.

Mr. HITT with Mr. LEGARE.

Mr. REYNOLDS with Mr. MCDERMOTT.

Mr. DALE with Mr. BOWIE.

Mr. HASKINS with Mr. LEVER.

Mr. DOVENER with Mr. SPARKMAN.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KNOPF with Mr. WEISSE.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. FOWLER with Mr. PADGETT.

Until Saturday:

Mr. GARDNER of Michigan with Mr. TAYLOR of Alabama.

For the day:

Mr. REEDER with Mr. SOUTHALL.

Mr. VREELAND with Mr. VAN DUZER.

Mr. WALDO with Mr. WEBB.

Mr. VAN WINKLE with Mr. TRIMBLE.

Mr. TYNDALL with Mr. REID.

Mr. MUDD with Mr. WILEY of Alabama.

Mr. MAHON with Mr. RANDELL of Texas.

Mr. LOVERING with Mr. PUJO.

Mr. LORIMER with Mr. MAYNARD.

Mr. LAWRENCE with Mr. MCNARY.

Mr. KENNEDY of Ohio with Mr. LINDSAY.

Mr. HUGHES with Mr. LEWIS.

Mr. FORDNEY with Mr. JONES of Virginia.

Mr. DRESSER with Mr. HOWARD.

Mr. DAWES with Mr. GRIGGS.

Mr. BINGHAM with Mr. FIELD.

Mr. BISHOP with Mr. BROOCKS of Texas.

Mr. BARCHFELD with Mr. BROUSSARD.

Mr. BANNON with Mr. BOWERS.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. ALEXANDER with Mr. AIKEN.

Mr. WM. ALDEN SMITH with Mr. MEYER.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. BLACKBURN with Mr. SMALL.

Mr. KETCHAM with Mr. COCKRAN.

Mr. RIVES with Mr. TOWNE.

Mr. DAVIDSON with Mr. BUTLER of Tennessee.
Mr. LAW with Mr. SULLIVAN of New York.
For the vote:
Mr. ALLEN of New Jersey with Mr. RAINEY.
Mr. CALDER with Mr. BYRD.
The result of the vote was announced as above recorded.
Mr. HULL. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman from Iowa rise?
Mr. HULL. I see I am paired with the gentleman from Texas, and I desire to withdraw my vote and vote "present."
The SPEAKER. Call the gentleman's name.
The Clerk called Mr. HULL's name; and he answered "present."
Mr. GAINES of Tennessee. Mr. Speaker, I thought at first I was personally interested in this vote, but I find now I am mistaken, and I want to withdraw my vote of "present" and vote "no," that the Journal and RECORD may stand exactly as they are.
The SPEAKER. Call the gentleman's name.
The Clerk called the name of Mr. GAINES of Tennessee; and he answered "no."
Mr. LILLEY of Pennsylvania. Mr. Speaker, I voted "aye," and find I was paired with the gentleman from Kentucky. I desire to change my vote from "aye" to "present."
The SPEAKER. Call the gentleman's name.
The Clerk called the name of Mr. LILLEY of Pennsylvania; and he answered "present."
The result of the vote was announced as above recorded.
The SPEAKER. The previous question is ordered, and the question now is on the amendment.
The question was taken; and the amendment was rejected.
The SPEAKER. The question now is on the approval of the Journal.
The question was taken; and the Speaker announced that the ayes seemed to have it.
Mr. WILLIAMS. Division, Mr. Speaker.
While the House was dividing,
Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 224, nays 7, answered "present" 17, not voting 133, as follows:

YEAS—224.

Acheson	Davey, La.	Johnson	Pou
Adams, Pa.	Davis, Minn.	Kahn	Powers
Adamson	Davis, W. Va.	Keliher	Prince
Aiken	Dawson	Kennedy, Nebr.	Rainey
Allen, Me.	Denby	Kinkaid	Rhinock
Allen, N. J.	Dixon, Ind.	Kitchin, Claude	Rhodes
Ames	Draper	Klepper	Richardson, Ala.
Bartlett	Driscoll	Knowland	Richardson, Ky.
Beall, Tex.	Dunwell	Lacey	Rixey
Bede	Dwight	Lafean	Robertson, La.
Beidler	Edwards	Lamar	Robinson, Ark.
Bell, Ga.	Ellerbe	Lamb	Rodenberg
Bennet, N. Y.	Ellis	Landis, Chas. B.	Rucker
Bennett, Ky.	Esch	Landis, Frederick	Ruppert
Birdsall	Fassett	Lee	Russell
Bonynge	Fitzgerald	Le Fevre	Ryan
Boutell	Fletcher	Lilley, Conn.	Samuel
Bowers	Foss	Lloyd	Scott
Bowersock	Foster, Ind.	Longworth	Shackleford
Brantley	Foster, Vt.	Loudenslager	Shartel
Brick	French	Lovering	Sheppard
Broocks, Tex.	Fulkerson	McCall	Sherley
Brooks, Colo.	Fuller	McCarthy	Sherman
Brown	Gaines, Tenn.	McCreary, Pa.	Sibley
Brownlow	Gaines, W. Va.	McGavin	Sims
Brundidge	Garber	McKinlay, Cal.	Slemp
Burgess	Gardner, N. J.	McKinley, Ill.	Smith, Cal.
Burke, Pa.	Gilbert, Ind.	McKinney	Smith, Ill.
Burke, S. Dak.	Gillespie	McLachlan	Smith, Md.
Burleigh	Gillett, Cal.	McLain	Smith, Samuel W.
Burleson	Glass	Macon	Smith, Pa.
Burnett	Goebel	Madden	Smith, Tex.
Burton, Del.	Graff	Mann	Smyser
Butler, Pa.	Graham	Marshall	Southwick
Butler, Tenn.	Gregg	Miller	Sperry
Byrd	Grosvenor	Minor	Steenerson
Calderhead	Hale	Mondell	Sterling
Campbell, Kans.	Hamilton	Moon, Pa.	Sulloway
Campbell, Ohio	Hay	Moon, Tenn.	Sulzer
Capron	Hayes	Moore	Taylor, Ohio
Cassel	Hedge	Mudd	Thomas, Ohio
Chaney	Heflin	Murdock	Tirrell
Chapman	Henry, Conn.	Needham	Underwood
Clark, Fla.	Henry, Tex.	Nevin	Wachter
Clark, Mo.	Hermann	Norris	Wallace
Clayton	Higgins	Olcott	Wanger
Cocks	Hill, Conn.	Olmsted	Watson
Cole	Hinshaw	Otjen	Weeks
Conner	Hogg	Overstreet	Wharton
Cooper, Pa.	Holliday	Palmer	Wiley, N. J.
Cooper, Wis.	Houston	Parker	Williams
Cousins	Howell, N. J.	Parsons	Wilson
Cromer	Howell, Utah	Patterson, S. C.	Wood, N. J.
Curtis	Humphreys, Miss.	Payne	Woodyard
Dalzell	Hunt	Perkins	Young
Darragh	James	Pollard	Zenor

NAYS—7.

Candler	Floyd	Hopkins	Ransdell, La.
Flood	Garner	Murphy	

ANSWERED "PRESENT"—17.

Andrus	Gillett, Mass.	Kline	Page
Buckman	Greene	Lever	Sparkman
Dale	Hardwick	Lilley, Pa.	
Dickson, Ill.	Hull	Mouser	
Finley	Jenkins	Padgett	

NOT VOTING—133.

Adams, Wis.	Gilbert, Ky.	Littauer	Southall
Alexander	Gill	Little	Southard
Babcock	Goldfogle	Littlefield	Spight
Bankhead	Goulden	Livingston	Stafford
Bannon	Granger	Lorimer	Stanley
Barchfeld	Griggs	Loud	Stephens, Tex.
Bartholdt	Gronna	McCleary, Minn.	Stevens, Minn.
Bates	Gudger	McDermott	Sullivan, Mass.
Bingham	Haskins	McMorran	Sullivan, N. Y.
Bishop	Haugen	McNary	Talbott
Blackburn	Hearst	Mahon	Tawney
Bowie	Hepburn	Martin	Taylor, Ala.
Bradley	Hill, Miss.	Maynard	Thomas, N. C.
Broussard	Hitt	Meyer	Towne
Burton, Ohio	Hoar	Michalek	Townsend
Calder	Howard	Morrell	Trimble
Cockran	Hubbard	Patterson, N. C.	Tyndall
Crumpacker	Huff	Patterson, Tenn.	Van Duzer
Currier	Hughes	Pearre	Van Winkle
Cushman	Humphrey, Wash.	Pujo	Volstead
Davidson	Jones, Va.	Randell, Tex.	Vreeland
Dawes	Jones, Wash.	Reeder	Wadsworth
De Armond	Keifer	Reid	Waldo
Deemer	Kennedy, Ohio	Reynolds	Watkins
Dixon, Mont.	Ketcham	Rives	Webb
Dovener	Kitchin, Wm. W.	Roberts	Webber
Dresser	Knapp	Schneebeli	Weems
Field	Knopf	Scroggy	Weisse
Flack	Law	Slayden	Welborn
Fordney	Lawrence	Small	Wiley, Ala.
Fowler	Legare	Smith, Iowa	Wood, Mo.
Gardner, Mass.	Lester	Smith, Ky.	
Gardner, Mich.	Lewis	Smith, Wm. Alden	
Garrett	Lindsay	Snapp	

So the Journal was approved.
The Clerk announced the following additional pairs:
For the vote:
Mr. ADAMS of Wisconsin with Mr. DE ARMOND.
Mr. CRUMPACKER with Mr. WATKINS.
Mr. HEPBURN with Mr. STEPHENS of Texas.
Mr. LITTAUER with Mr. TALBOTT.
Mr. MCCLEARY of Minnesota with Mr. SPIGHT.
Mr. PEARRE with Mr. STANLEY.
Mr. SMITH of Iowa with Mr. SULLIVAN of Massachusetts.
For the day:
Mr. GILLETT of Massachusetts with Mr. LIVINGSTON.
Mr. JENKINS with Mr. LESTER.
The result of the vote was announced as above recorded.

COLLECTION DISTRICT IN THE STATE OF TEXAS.

Mr. CURTIS. Mr. Speaker, I present a privileged report.
The SPEAKER. The gentleman from Kansas presents the following privileged report, the title of which the Clerk will report.
The Clerk read as follows:
A bill (H. R. 10715) to establish a collection district in the State of Texas, and for other purposes.
Mr. PAYNE. Mr. Speaker, I want to make the point of order that is not privileged.
The SPEAKER. In any event, the Chair supposes it would go to the Committee of the Whole House.
Mr. PAYNE. I suppose it would.
The SPEAKER. The Chair understands the gentleman from New York reserves the point of order.
Mr. PAYNE. Yes; I reserve the point of order.
The SPEAKER. Referred to the Committee of the Whole House on the state of the Union.

PERSONAL PRIVILEGE.

Mr. MURPHY. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman from Missouri rise?
Mr. MURPHY. To a question of privilege.
The SPEAKER. The gentleman will state it.
Mr. MURPHY. Mr. Speaker, yesterday evening some time after 5 o'clock, I left this House and went to my home and shortly thereafter there apeared a deputy, I presume, or an Assistant Sergeant-at-Arms, who told me that, under the direction of the Speaker, he was ordered to arrest me and bring me before the House. He presented to me this paper, a portion of which I want to read:

FIFTY-NINTH CONGRESS, FIRST SESSION,
CONGRESS OF THE UNITED STATES,
In the House of Representatives.

To HENRY CASSON,
Sergeant-at-Arms of the House of Representatives,
or his deputies:

Whereas clause 4 of Rule XV of the House of Representatives provides as follows.

Then it recites clause 4 of Rule XV.

And whereas the conditions specified in the said rule have arisen and the following-named persons are absent, to wit, ARTHUR P. MURPHY (and fifty-nine others who are named), now, therefore, I, J. G. CANNON, Speaker of the House of Representatives, by virtue of the power vested in me by the House, hereby command you to execute the said order of the House by taking into custody and bringing to the bar of the House the said above-named Members who are so absent; hereof fail not, and make due return in what manner you execute the same.

In testimony whereof, I have hereunto set my hand and caused to be affixed the seal of the House of Representatives of the United States this 28th day of May, 1906.

J. G. CANNON, *Speaker.*

Attest:

A. MCDOWELL, *Clerk.*

With the seal of the House of Representatives thereon.

I fail to find, Mr. Speaker, in my opinion, any authority whatever under law or under the rules of the House or under the Constitution for the issuance of such a paper, which purports to be a warrant. Section 5 of Article I of the Constitution of the United States provides:

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner, and under such penalties as each House may provide.

That provides the House may do that. I find that under Rule I of the House, clause 4, in relation to the duties of the Speaker:

SEC. 4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpœnas of, or issued by order of, the House, and decide all questions of order, subject to an appeal by any Member, on which appeal no Member shall speak more than once, unless by permission of the House.

I find in clause 3 of Rule III, in relation to the duties of the Clerk, as follows:

Attest and affix the seal of the House to all writs, warrants, and subpœnas issued by order of the House, certify to the passage of all bills and joint resolutions.

I find in Rule IV, clause 1, that the duties of the Sergeant-at-Arms are as follows:

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker.

Then I find under Rule XV, in clause 2, it provides:

2. In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of majority of those present, be sent for and arrested, wherever they may be found.

Then we find in clause 4 of Rule XV—and this warrant under which the Sergeant-at-Arms was acting especially states upon its face that it was under clause 4 of Rule XV—this:

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members.

There is not a single provision in that rule that authorizes the Speaker of the House of Representatives to issue a warrant. There is no authority in that rule or in any other rule of this House that authorizes the Speaker of the House of Representatives to issue a warrant except upon the order of the House. Rule XV is on the subject of "Calls of the roll and House," and, under all of the rules of construction of law, all of these sections would be considered together. If you take clause 4 and construe it alone, it would be ambiguous, but, in construing ambiguity, it is not in favor of arrest, but more in the opposite direction.

I looked over the RECORD this morning, and the Journal, and there is not a single entry directing, ordering, or authorizing the Speaker of the House of Representatives to issue a warrant, a rule, an order, or any other process to bring a single Member before the bar of this House.

Mr. WILLIAMS. Mr. Speaker, before the gentleman sits down I would like to ask him a question. I understood you to read that warrant, and to say that you and fifty-nine other Members were out. Is that correct?

Mr. MURPHY. It is.

Mr. WILLIAMS. I believe the RECORD shows there were 160 absent.

Mr. CLARK of Missouri. Two hundred and sixty.

Mr. WILLIAMS. Two hundred and sixty, I am informed.

Mr. PAYNE. Four warrants.

The SPEAKER. The Chair will call the attention of the gentleman——

Mr. WILLIAMS. If there were that many absent Members, I do not understand why only fifty-nine were sent for.

The SPEAKER. The Chair will say——

Mr. PAYNE. How does the gentleman get that information?

The SPEAKER. The Chair will call the attention of the gentleman from Mississippi to the fact that several warrants were issued.

Mr. MURPHY. I was going to call his attention to the fact that there were three or four issued.

Mr. WILLIAMS. Did they all contain the same language?

Mr. MURPHY. They did, except the names.

Mr. WILLIAMS. I understand that part of it.

Mr. MURPHY. Now, I want to call attention to the closing words of the warrant:

Now, therefore, I, J. G. CANNON, Speaker of the House of Representatives, by virtue of the power vested in me by the House.

I do not understand what authority you would get, unless it would be by a vote of the majority of the Members present.

Mr. OLMSTED. Will the gentleman permit me?

Mr. MURPHY. Yes.

Mr. OLMSTED. I simply desire to call the gentleman's attention to the fact that the rule which he had read—clause 4 of Rule XV—contemplates an arrest. That is a rule adopted by the House. It is the authorization of the House. If an arrest requires or involves the warrant of the Speaker, which would seem to be the only tangible evidence of authority the Sergeant-at-Arms could present or exhibit, the rule seems clearly to authorize the warrant, particularly when read in connection with clause 4 of Rule I and clause 1 of Rule IV.

Mr. MURPHY. Upon that I take issue with the gentleman. It provides for no warrant. The only place in the rules that it does provide for a warrant is upon authority of a majority of the Members present, and not upon the direction of the Speaker himself, in the case of arrest.

Mr. DALZELL. The propriety of arrest is determined by the manner in which the paper was written.

The SPEAKER. The Chair desires to state, and can only do it by unanimous consent of the House, because there is nothing before the House——

Mr. PAYNE. I ask unanimous consent, Mr. Speaker.

The SPEAKER (continuing). For the Chair to rule upon. Is there objection to a very brief statement by the Chair? [After a pause.] The Chair hears none.

The Chair examined with some care, and caused to be examined with some care, the propriety of issuing the warrant referred to. Clause 4 of Rule XV is a rule that was adopted in the Fifty-fourth Congress; and in the absence of a quorum, shown upon a vote taken, the rule provides what the Sergeant-at-Arms shall do. The Chair is inclined to believe that, on such a fact arising, the Sergeant-at-Arms, without a warrant, would be legally authorized, upon the order of the Speaker verbally given, as the rule provides, to bring in absent Members. Such was the old practice of Parliament. The Chair is quite well aware that no act that he performs as Representative or Speaker should be performed or can be performed properly or legally except under the Constitution, under the law, or under the rules of the House which the House adopts, not only from necessity, but by express provision.

Clause 4 was adopted, the Chair stated, in the Fifty-fourth Congress. Prior to that the House had proceeded under clause 2 of the same Rule XV, which was a provision that has dwelt in the rules, perhaps, almost from the organization of the House, but that was a proceeding for the House to get a quorum in all cases, and not especially upon the passage of a bill, as is provided for in clause 4.

Now, the gentleman from Missouri has read the authority from Rule I for the Speaker issuing subpœnas, warrants, orders, etc. There is not now, and never has been any rule, so far as the Chair can find out, that authorizes in express terms the Speaker to issue a warrant, and the Chair has caused to be examined the practice of the House under clauses 1 and 2 of Rule XV prior to the Fifty-fourth Congress and has found that uniformly on a call of the House those present gave authority in form, as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its Members as are absent without leave.

That resolution is in substance the authority that is given by terms of the rule in cases arising under clause 4 of Rule XV, and the Chair, on inquiry, finds it was the invariable practice of substantially all the Speakers prior to the Fifty-fourth Congress on the strength of the resolution and without further authority to issue a warrant.

The Chair is still of opinion that under the practice in the House he is authorized to issue the warrant, although, as stated

before, the Chair is inclined to be of the opinion that when the fact arises under clause 4 of Rule XV the Sergeant-at-Arms, on the verbal direction of the Speaker, as that rule provides, can bring in absent Members. If he can under the verbal direction, much more he can under the written direction.

Mr. MURPHY. Mr. Speaker, will you pardon me——

The SPEAKER. Certainly.

Mr. MURPHY. Does clause 4 provide for the Speaker to direct it, either verbally or in writing? Can not the Sergeant-at-Arms do it without any direction?

The SPEAKER. There should be a call of the House:

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause—

Which was this case—

unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded.

Now——

Mr. MURPHY. That does not provide that the Speaker shall direct, or that he shall issue a warrant.

The SPEAKER. No; nor has the resolution, so far as the Chair can find, usually adopted by the House under the old rule, provided that the Speaker should issue the warrant. That authority is inferred from Rule I and other rules; but especially is derived from the old practice of the House as well as the ancient usage of the courts and Parliament.

Now, the Chair has no doubt but that under the rule and under the warrant the gentleman was legally arrested, and the question as to whether the Chair had the right to issue the warrant is a barren question, in the opinion of the Chair, because the gentleman was lawfully and legally arrested under the rules of the House without or with the warrant. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment the bill (H. R. 14513) to prevent the giving of false alarms of fires in the District of Columbia.

The message also announced that the Senate had excused Mr. NEWLANDS from further service as a member of the conference committee on the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and had appointed Mr. PATTERSON in his place.

ADJOURNMENT OVER MEMORIAL DAY.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill.

Mr. PAYNE. I ask the gentleman to yield to me for a moment.

Mr. ADAMS of Pennsylvania. I yield to the gentleman.

Mr. PAYNE. Mr. Speaker, as to-morrow is Decoration Day and many Members of the House have requested that an adjournment be made over until Thursday, and as the business of the House seems to be in a condition to warrant it, I yield to the eminent gentleman from Ohio, a distinguished soldier, statesman, and orator, General GROSVENOR, to make the motion. [Applause.]

Mr. GROSVENOR. Mr. Speaker, I suppose I ought to recognize the very high and unmerited compliment paid to me; but I desire to move, and I now do move, that when the House adjourn to-day it adjourn to meet on Thursday at 12 o'clock.

The SPEAKER. The gentleman from Ohio moves that when the House adjourns to-day, it adjourn to meet on Thursday next.

The question was taken; and the motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The question being taken,

Mr. WILLIAMS demanded a division.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 15, answered "present" 16, not voting 136, as follows:

YEAS—214.

Acheson	Dwight	Kinkaid	Rhodes
Adams, Pa.	Ellis	Kitchin, Claude	Richardson, Ala.
Aiken	Esch	Kiepper	Richardson, Ky.
Alexander	Fassett	Kline	Rixey
Allen, Me.	Fitzgerald	Knowland	Roberts
Allen, N. J.	Fletcher	Lacey	Robertson, La.
Babcock	Flood	Lafean	Robinson, Ark.
Bartlett	Floyd	Lamar	Ruppert
Bede	Foss	Landis, Frederick	Ryan
Bennet, N. Y.	Foster, Ind.	Lee	Samuel
Bennett, Ky.	Foster, Vt.	Le Fevre	Scott
Birdsall	French	Lilley, Conn.	Shackleford
Bonynge	Fulkerson	Lloyd	Shartel
Boutell	Fuller	Longworth	Sheppard
Bowersock	Gaines, Tenn.	Loud	Sherley
Brantley	Gaines, W. Va.	Loudenslager	Sherman
Brick	Garber	Lovering	Sibley
Broocks, Tex.	Gardner, Mass.	McCall	Sims
Brooks, Colo.	Gardner, N. J.	McCleary, Minn.	Smith, Cal.
Brown	Garner	McCreary, Pa.	Smith, Ill.
Buckman	Gilbert, Ind.	McGavin	Smith, Md.
Burgess	Gill	McKinley, Ill.	Smith, Pa.
Burke, Pa.	Gillett, Cal.	McKinney	Smyser
Burleigh	Glass	McLachlan	Snapp
Burton, Del.	Goebel	McMorran	Southwick
Burton, Ohio	Granam	Macon	Sperry
Butler, Pa.	Gregg	Mann	Spight
Butler, Tenn.	Hale	Marshall	Steenerson
Byrd	Hamilton	Miller	Stephens, Tex.
Calderhead	Hay	Minor	Sterling
Campbell, Kans.	Hayes	Moon, Pa.	Stevens, Minn.
Campbell, Ohio	Hearst	Moon, Tenn.	Sullivan, Mass.
Capron	Hedge	Moore	Sulloway
Cassel	Heflin	Morrell	Sulzer
Chaney	Henry, Conn.	Mudd	Talbott
Chapman	Hepburn	Murphy	Taylor, Ohio
Clark, Fla.	Hermann	Needham	Thomas, Ohio
Cole	Higgins	Nevin	Tirrell
Cooper, Pa.	Hill, Conn.	Norris	Townsend
Cooper, Wis.	Hinshaw	Olcott	Volstead
Cousins	Hoar	Olmsted	Wallace
Cromer	Hogg	Otjen	Wanger
Curtis	Holliday	Overstreet	Watkins
Cushman	Houston	Parker	Watson
Dalzell	Howell, Utah	Parsons	Weeks
Darragh	Hubbard	Patterson, S. C.	Wharton
Davis, Minn.	Humphrey, Wash.	Payne	Wiley, N. J.
Dawson	Hunt	Perkins	Williams
De Armond	Johnson	Pollard	Wood, N. J.
Denby	Jones, Wash.	Pou	Woodyard
Dixon, Ind.	Kahn	Prince	Young
Draper	Keifer	Rainey	Zenor
Driscoll	Kelliher	Ransdell, La.	
Dunwell	Kennedy, Nebr.	Reeder	

NAYS—15.

Adamson	Burleson	Davis, W. Va.	Rhinock
Beall, Tex.	Burnett	Henry, Tex.	Smith, Tex.
Bell, Ga.	Clark, Mo.	Humphreys, Miss.	Underwood
Bowers	Clayton	James	

ANSWERED "PRESENT"—16.

Andrus	Gillespie	Jenkins	Page
Brundidge	Greene	Lever	Rucker
Dale	Hardwick	Lilley, Pa.	Sparkman
Dickson, Ill.	Hull	Padgett	Wood, Mo.

NOT VOTING—136.

Adams, Wis.	Fordney	Lewis	Slayden
Ames	Fowler	Lindsay	Slemp
Bankhead	Gardner, Mich.	Littauer	Small
Bannon	Garrett	Little	Smith, Iowa
Barchfeld	Gilbert, Ky.	Littlefield	Smith, Ky.
Bartholdt	Gillett, Mass.	Livingston	Smith, Samuel W.
Bates	Goldfogle	Lorimer	Smith, Wm. Alden
Beidler	Goulden	McCarthy	Southall
Bingham	Graff	McDermott	Southard
Bishop	Granger	McKinlay, Cal.	Stafford
Blackburn	Griggs	McLain	Stanley
Bowie	Gronna	McNary	Sullivan, N. Y.
Bradley	Grosvenor	Madden	Tawney
Broussard	Gudger	Mahon	Taylor, Ala.
Brownlow	Haskins	Martin	Thomas, N. C.
Burke, S. Dak.	Haugen	Maynard	Towne
Calder	Hill, Miss.	Meyer	Trimble
Candler	Hitt	Michalek	Tyndall
Cockran	Hopkins	Mondell	Van Duzer
Cocks	Howard	Mouser	Van Winkle
Conner	Howell, N. J.	Murdock	Vreeland
Crumpacker	Huff	Palmer	Wachter
Currier	Hughes	Patterson, N. C.	Wadsworth
Davey, La.	Jones, Va.	Patterson, Tenn.	Waldo
Davidson	Kennedy, Ohio	Pearre	Webb
Dawes	Ketcham	Powers	Webber
Deemer	Kitchin, Wm. W.	Pujo	Weems
Dixon, Mont.	Knapp	Randell, Tex.	Weisse
Dovener	Knopf	Reid	Welborn
Dresser	Lamb	Reynolds	Wiley, Ala.
Edwards	Landis, Chas. B.	Rives	Wilson
Ellerbe	Law	Rodenberg	
Field	Lawrence	Russell	
Finley	Legare	Schneebeli	
Flack	Lester	Scroggy	

So the motion was agreed to.

The following additional pairs were announced:

For the balance of the day:

Mr. WILSON with Mr. SOUTHALL.

Mr. WACHTER with Mr. RUCKER.

On this vote:
Mr. SMITH of Iowa with Mr. MCLAIN.
Mr. HELMANN with Mr. VAN DUZER.
Mr. CONNER with Mr. BRUNDIDGE.
Mr. BEIDLER with Mr. CANDLER.
Mr. ADAMS of Wisconsin with Mr. LAMB.
Mr. PEARRE with Mr. STANLEY.
Mr. TAWNEY with Mr. DAVEY of Louisiana.
Mr. LITTAUER with Mr. BANKHEAD.
Mr. VREELAND with Mr. ELLERBE.
Mr. CRUMPACKER with Mr. RUSSELL.

Mr. RUCKER. Mr. Speaker, I wish to withdraw my vote in the negative and answer "present," as I find that I am paired with the gentleman from Maryland, Mr. WACHTER.

The SPEAKER pro tempore (Mr. WHARTON). The Clerk will call the gentleman's name.

The Clerk called the name of Mr. RUCKER, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURTIS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill, and the Clerk will read.

The Clerk read as follows:

SALARIES OF SECRETARIES OF EMBASSIES AND LEGATIONS.

Secretaries of embassies to Austria-Hungary, Brazil, Great Britain, France, Germany, Italy, Japan, Mexico, and Russia, at $3,000 each, $27,000.

Mr. BURLESON. Mr. Chairman, I move to strike out the paragraph. I ask unanimous consent that I may be permitted to proceed for ten minutes, as I desire to discuss the distribution, by the appointing power, of the diplomatic and consular offices provided for in this bill between the various sections of our country.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may be permitted to proceed for ten minutes. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, for six years I was a member of the Committee on Foreign Affairs. During the time of my services upon that great committee my association with the distinguished gentlemen who constitute its membership was at all times thoroughly pleasant. And what I shall now say will not be directed against any action of theirs, and, of course, can in no sense be construed as a criticism of the bill now under consideration.

My intercourse and dealings with the officials of the State Department at all times during that period were just what I would have desired them to be. During all this time I did not upon any occasion ask for the appointment of any person to a diplomatic or consular position. Recently a highly esteemed constituent of mine, an accomplished German-American, asked that I present certain letters and papers to the State Department in support of an application which he had theretofore filed for an appointment as a consular officer. I did so, and while rendering this service for my Republican constituent I took advantage of the opportunity to ascertain the exact number of persons who are engaged in our diplomatic and consular service, and at the same time I also learned the number appointed from the various sections of our country. I now state, and when I have concluded my remarks I do not think there is a man on this floor who will attempt to controvert the statement, that these appointments, in so far as their distribution over our country is concerned, are inequitable, unfair, and sectional. In a monarchial form of government the diplomatic officer represents the person of his sovereign as well as the State from which he comes. In a republican form of government the diplomatic officer is the representative of his country, and is in no sense the personal representative of the Chief Executive. Such being the case I do not believe there is a man within the sound of my voice who would contend for one moment that the appointment of our diplomatic officers should not be equitably and fairly distributed between the various sections of our country.

In order to be sure that the remarks I might make on this subject would do no one an injustice and would be absolutely correct, on yesterday I asked the officials of the State Department to furnish me a detailed statement of the number of our diplomatic and consular officers and the States from which they were appointed. I have this memorandum in my hand, and what I say will be based on the data furnished by the State Department. Later I will embody it in my remarks.

Mr. Chairman, this memorandum shows that we have 96 persons representing this country abroad in the diplomatic service, and preliminary to what I have to say I desire to state that I acquit the distinguished gentleman who presides over the State Department and his very able first assistant, Mr. Bacon, who is charged with the immediate control and direction of our diplomatic officers, of any responsibility for the condition of affairs to which I now invite the attention of the House. Of the 96 diplomatic positions filled under appointment by the President of the United States we have from the State of New York 19, one-fifth of the entire number. This might strike one at first blush as a few more than that State is entitled to. Now let us see how other States fare in this particular. We have from the State of Virginia not one resident citizen in the diplomatic service, from North Carolina only 1, from South Carolina none, from Georgia none, from Florida none, from Alabama none, from Louisiana none, from Mississippi 1, from Arkansas none, from Tennessee 1, from Texas none, in all 3—11 sovereign States of this Union represented in the diplomatic service of our country by 3 persons who seem in some way to have found favor with the appointing power.

Mr. GROSVENOR. Mr. Chairman, it is customary to say that Ohio gets most of the high offices, yet Ohio with her 21 Representatives in Congress has not a single diplomatic officer.

Mr. BURLESON. The gentleman is mistaken; Ohio has two of her residents in the diplomatic service, and later I shall call attention to the voracious appetite of the State of Ohio when it comes to the division of the pie as represented by the consular service of our country.

Mr. GROSVENOR. If the gentleman will take the State of New York he will discover that the pie is largely centered there.

Mr. BURLESON. Oh, yes; admitted; but Ohio, when it comes to clamoring for pie, whether it be at the counter of the State Department or of any other department, Ohio is always a close second to New York, if she is not first in the van. I will give the figures before I conclude my remarks; and remember, every statement that I make I base upon the memorandum furnished me by the State Department. The 11 Southern States I have just enumerated are represented upon this floor by 98 representatives, and only three persons residing within that vast territory have been selected by this Administration to act for our country as ministers abroad; yet in the one State, New York, 19 have been thus favored.

Mr. Chairman, I did not intend to make complaint about the indecent discrimination which has been practiced against the South in this particular. We are accustomed to it, and have been for nearly a half century with only slight interruption. What I want to do is to direct attention to the unjust and unfair treatment that other sections of our country are being subjected to in the matter of appointing diplomatic and also consular officers.

Mr. KLEPPER. Mr. Chairman, I would like to ask the gentleman how the States mentioned awhile ago were represented under the last Democratic administration.

Mr. BURLESON. Ah, Mr. Chairman, I contend, and I now here assert, that never in the history of this Government has there been such sectionalism displayed in the selection of our diplomatic and consular officers as has been shown by the present occupant of the White House. I affirm that and I invite the gentleman from Missouri or any other gentleman upon the other side to an effort to controvert the statement.

Mr. Chairman, look to another great section of our country and see how it has fared at the hands of an Executive who has frequently expressed himself as being especially partial to that section; let us see how his words square with his acts in appointing residents of that section in our diplomatic corps. As a basis for comparison I will first direct attention to the fact that from this memorandum it is shown that from the State of Massachusetts, with the aid of her two Senators, the President has been able to find eight persons, residents of the old Bay State, who are at present acting for great America in some capacity in our diplomatic service. Now, of course we all know that Harvard University is situated in that grand old State, and no one will be so simple as to deny that that splendid institution has prepared many citizens who would reflect credit on our country when given places in our consular and diplomatic service, and it is said that a careful examination of the list will disclose that the appointing power has a keen appreciation of this fact. However this may be, Massachusetts, with the aid of her two Senators, has eight representatives acting for our country abroad. The eight Rocky Mountain States, with 16 Senators, have not been able to do quite so well. This memorandum discloses that these States have the following representatives in foreign countires acting for us as ambassadors and ministers: From Wyoming, none; from Colorado, none; from Utah, none;

from Idaho, none; from North Dakota, none; from South Dakota, none; from Nevada, none; from Montana, none.

Mr. PAYNE. I understood from the gentleman a moment ago that he looked upon this as pie, to be passed around, and he thought New York was getting too much pie. Is that the gentleman's conception of a foreign appointment for ambassador or minister—a passing around of pie?

Mr. BURLESON. Certainly not, and, Mr. Chairman, I deprecate the fact that the gentlemen who represent New York either in this end of the Capitol or the other have been so insistent in their demands upon the Chief Executive of this nation that appointments to the diplomatic service have been brought down to the low level of spoils.

Mr. PAYNE. Does the gentleman mean to insinuate that those Representatives——

Mr. BURLESON. The reason I insinuate it is because the facts justify me in the statement.

Mr. PAYNE. That those Representatives appointed from the State of New York are not fully able and capable of performing their duties?

Mr. BURLESON. Oh, no; I do not question that. I do not question and no man on this floor can truthfully take the position that there can not be found in every State of this Union an American citizen who will reflect credit upon his country as a diplomatic representative of our country abroad. That is exactly what I am protesting against now, that not only has one of the greatest sections of our country been for years persistently ignored by the powers that be, but that other sections are being unfairly and unjustly treated in the selection of our diplomatic officers. Mr. Chairman, I have no objection to interruptions, but I fear my time will expire and that some one may object to an extension and I have some figures here which I want to submit to this House for its consideration. I would prefer to proceed for a few minutes without interruption. In the Central Eastern States, embracing New York, Pennsylvania, New Jersey, and West Virginia, we have, by Executive appointment, 33 citizens who are acting abroad for our country in a diplomatic capacity, more than one-third of all the appointments he has at his disposal. From the New England States—Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusettts—we have 14 of our citizens serving us in some diplomatic capacity.

From the eleven Southern States that I have named—and to them you may add the States of Kentucky, Maryland, Missouri, and Delaware—and these fifteen States furnish only ten citizens to our diplomatic service. Consider the fact that Maryland has four and Kentucky three of these, making seven of the ten, and it will be seen that thirteen States of our country are represented abroad in the person of only three American citizens, when the little State of Rhode Island alone is represented by four.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

Mr. BURLESON. May I supplement that request by asking that it be made ten minutes?

Mr. MANN. Oh, let it be made for five minutes; further time will be granted if it is needed.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the time of the gentleman from Texas be extended for five minutes? [After a pause.] The Chair hears none.

Mr. BURLESON. Mr. Chairman, I have heard that the number of diplomatic representatives abroad from any particular State depends upon the measure of that State's Senatorial influence. If that is so, then the Senator from the State of Rhode Island must be indeed potential with the powers that be when he can wrest from the Chief Executive four appointments for that small State. It has four more places than the eight Rocky Mountain States have been able to secure, one more than thirteen Southern States have been given, and a number equal to the whole number given by the President to the entire Pacific slope.

I say four from the entire Pacific slope notwithstanding the fact that the memorandum furnished me would indicate that California has six, Oregon one, and Washington one. I take issue with that statement. Not that I want to be understood as saying it is not true. I feel sure it was not intended to mislead me, but I thought it was passing strange that a State so far removed as California should have six representatives in the diplomatic service of our country and the remarkable circumstance that this memorandum indicated that number excited my curiosity to such an extent that a moment ago I ran through this printed list which gives the names of all the diplomatic officers and employees and I find that three of these places are held by the same individual who represents our country as minister to Costa Rica, Nicaragua, and Salvador, and that another is only a student interpreter in China and still another one of them, an interpreter at the legation in Pekin, consequently I say that Rhode Island—little Rhode Island—and surely it must in this instance include the Providence plantation, through some potential influence has obtained as many representatives in the diplomatic service of our country as the entire Pacific slope, and all the Rocky Mountain States combined.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BURLESON. Certainly; with pleasure.

Mr. MANN. Is the gentleman able to inform the committee what diplomatic appointments are credited to the States west of the Mississippi?

Mr. BURLESON. I will give that information to the gentleman before I conclude. Now, permit me to direct attention to how the great Middle West has fared in the distribution of diplomatic appointments. Understand, now, that the Central Eastern States and New England have between them 47 representatives in the diplomatic service, yet the great Middle West, embracing the States of Illinois, Indiana, Ohio, Iowa, Michigan, Minnesota, and Wisconsin, have—how many do you suppose? Twenty-two. Only 22, and yet we hear constant mouthings about this being one country; that our Chief Executive is the Chief Executive of the entire country; that he knows no North, no East, no West, no South. Such mouthings are mere froth, found wholly lacking in the substance of fact when the sunlight of truth is turned upon such Executive actions as these. [Applause on the Democratic side.]

Mr. WATSON. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BURLESON. Certainly.

Mr. WATSON. I want to ask my friend from Texas whether or not he believes that when the Republican party is in power that men should be selected for these foreign places from ambassadors down to consuls of the lowest classes without any reference to political affiliations?

Mr. BURLESON. Oh, no; I make and have made no such contention. Has it reached the point where the defenders of the grand old party make the confession to the country that in the great Middle West it is so poorly equipped; that in the very section from which the gentleman hails it is so poorly equipped in material to represent this country abroad that that section shall be discriminated against to the extent of giving 33 representatives in the diplomatic service to the central eastern section, 14 to the New England section, and only 22 to the great section in part represented by the gentleman from Indiana?

Mr. Chairman, the course of the great Mississippi River is north and south, and it so divides our country as to throw approximately three-fifths of its area in the West. From this memorandum, furnished me by the State Department, I have ascertained that of the appointments made by the President in the diplomatic service he has given to this vast section a little less than 20 per cent of the places at his disposal, more than 80 per cent going to the section east of that great boundary. More outrageous still, if you take the territory east of the Mississippi and north of the Ohio, including West Virginia and the District of Columbia, you will find that 68 of the 96 diplomatic positions have been given to persons residing within that section. I submit to any fair-minded man, can such action be justified?

Mr. LONGWORTH rose.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Ohio?

Mr. BURLESON. With pleasure.

Mr. LONGWORTH. Does not the gentleman believe that a much worse form of discrimination than he has mentioned, either sectional or political, exists in the discrimination which is now exercised against men of moderate fortunes in all these high diplomatic posts? Under our system is it not impossible for men, no matter how able, to take these positions unless they have very large private fortunes?

Mr. BURLESON. In response to the suggestion from the distinguished gentleman from Ohio I desire to give my approval to what was said upon this floor the other day by the gentleman from Mississippi [Mr. WILLIAMS], that for an American citizen, if he has a mind to live simply, as the representative of a great republic should live when acting in such capacity abroad, I believe the compensation that is now allowed is adequate—is fully and thoroughly adequate to meet his requirements.

Mr. LONGWORTH. Will the gentleman specify whether he thinks that the compensation existing now in any of the capitols except the capitol of Mexico——

Mr. BURLESON. I understand what the gentleman has in

mind and I desire to say that I approve the suggestion he has made in reference to the United States Government owning its diplomatic residences. I think it should own them in every capitol of every first-class power in the world, and I stand ready to vote an appropriation to purchase official residences for the use of our ambassadors and ministers, but——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I do not want to abuse the patience of the committee——

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. ADAMS of Pennsylvania. Considering the very extended general debate that has been held on this bill and a desire to finish it this afternoon, I will, with regret, have to object.

Mr. BURLESON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman has already made that motion.

Mr. BURLESON. I move to strike out the paragraph.

The CHAIRMAN. The gentleman can not do that, the Chair understands, except by unanimous consent. The Clerk will read.

The Clerk read as follows:

Secretaries of legations to the Argentine Republic, China, the Netherlands and Luxemburg, and Turkey, at $2,625 each, $10,500.

Mr. BURLESON. Mr. Chairman, I move to strike out the words "ten thousand five hundred dollars."

Mr. RUCKER. Mr. Chairman, I make the point of order that there is no quorum present. There are not enough Members here to do business.

Mr. BURLESON. This is not coming out of my time, as I understand, Mr. Chairman?

The CHAIRMAN. The Chair will count. [After counting.] There are 115 Members—a quorum—present.

Mr. BURLESON. Mr. Chairman, I want to especially address myself to the distribution, made by the Executive, between the different sections of appointments of our consular officers, consequently I hurry on, but before I leave the discussion of the distribution of our diplomatic appointments I want to call the attention of the committee to the fact that the District of Columbia has more persons in our diplomatic service than the eleven Southern States I have named, four more than the Rocky Mountain States, and a number equal to the entire representation allowed to the Pacific slope.

Mr. OLMSTED. Does that result from the influence of the Senators from the District of Columbia?

Mr. BURLESON. I know not, Mr. Chairman, from whence the influence comes that secured this number for the District of Columbia, but I understand that these appointments are claimed for the one "who cuts the pie."

Now, Mr. Chairman, with reference to our consular officers, we all understand that persons with imperialistic leanings might think that the diplomatic appointments are, in a measure, personal, and the Executive should be accorded the widest latitude in their selection, but every intelligent man knows that a consular officer is only the commercial agent of our country abroad—a commercial agent charged with the duty of promoting the commercial interest of the country, and charged especially—if you look in the dictionary you will see—to looking after the commercial interests of the individual citizens of that country.

Now, let me call your attention to the distribution of our consular officers, and before I proceed to do this I want to invite the attention of the committee to the fact that the 11 Southern States I have named furnish the export articles that turn the balance of trade in favor of this country. If you did not know this, or if the fact had escaped your attention, I announce it as an economic truth and invite some statistician upon this floor to controvert it if he can. And yet, in the face of this condition, which I think should be given some consideration, Mr. Chairman, we have of consular officers from the State of New York, 37; from the State of Pennsylvania, 22; from the State of New Jersey, 9; from the State of West Virginia, 6; and the States that I have named, the 11 Southern States, which have 98 Representatives upon this floor, compared with 84 Representatives from these other States, have only 14 consular officers.

Mr. MANN. How did you get so many?

Mr. BURLESON. That is one of the mysteries that ought to be explained. Mr. Chairman, I recognize that the service of each of our consular officers, regardless of the State from which he is appointed, belongs alike to all the States, but in all fairness I submit that each section is entitled to a just and fair proportion of appointments in order that we may have those in our consular service who are thoroughly familiar with the resources and business interests of the various sections of our country.

Mr. SULZER. Mr. Chairman, I want to make one suggestion to the gentleman. Many of these diplomatic appointments are made on account of campaign contributions in each Presidential election.

Mr. BURLESON. I will permit that statement to go in my remarks, and it can be considered for what it is worth. I do not know any facts bearing upon it, although I am prepared to believe it.

Mr. KLEPPER. Mr. Chairman, I would like to ask the gentleman whether he knows how the Lone Star State has been treated in the appointment of consuls?

Mr. BURLESON. Yes; two consular officers have been appointed from my State.

Mr. KLEPPER. I will ask the gentleman if he knows——

Mr. BURLESON. Texas has fared very nearly as well as Missouri. The gentleman is now defending this practice of discrimination which has given the great State of Missouri out of nearly 300 consular appointments only three. And how it is, Mr. Chairman, that any man upon this floor pretending to represent the interests of his constituency can stand here and defend this system, surpasses my understanding. Now, Mr. Chairman, I want to go on because I want these figures compiled from this memorandum in the RECORD.

Mr. KLEPPER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] yield to the gentleman from Missouri [Mr. KLEPPER].

Mr. BURLESON. I will yield with pleasure if the committee will consent to give me five minutes additional time. I ask that I may be permitted to continue from now for five minutes in addition.

The CHAIRMAN. The gentleman asks unanimous consent that he may continue his remarks for five minutes. Is there objection?

Mr. ADAMS of Pennsylvania. The gentleman has had ten minutes, and in addition an extension——

Mr. BURLESON. I decline to yield to the gentleman from Pennsylvania [Mr. ADAMS]. Mr. Chairman, I persist in declining to permit the gentleman by interruption to consume my time.

Mr. ADAMS of Pennsylvania. Then I object, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BURLESON. I was under the impression I had just secured additional time.

The CHAIRMAN. The pro forma amendment offered by the gentleman from Texas [Mr BURLESON] will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Secretary of legation to Nicaragua, Costa Rica, and San Salvador, $2,800.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SULZER. Mr. Chairman, I make this motion for the purpose of calling the attention of the House of Representatives at this time to the merits and the urgent necessity for the enactment into law of my bill (H. R. 18712) "to regulate the price of mileage tickets on railway transportation companies doing an interstate-commerce business, and for other purposes," introduced by me on April 27, 1906. The bill is a very short one, and I send it to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

A bill to regulate the price of mileage tickets on railway transportation companies doing an interstate-commerce business, and for other purposes.

Be it enacted, etc., That all railway companies doing an interstate-commerce business shall sell mileage books, good for 1,000, 2,000, 3,000, 4,000, and 5,000 miles, on their respective lines or constituent lines or connecting lines, traversing two or more States or Territories of the United States, at a price not exceeding 2 cents per mile for said mileage books, between points of destination over any railway line or branches or connecting lines of the same doing an interstate-commerce business, which said mileage books shall be good to pay for transportation between all places of destination on said railway lines, and that said mileage books shall be in the denominations hereinbefore designated, and shall be for sale by all of said railway companies at their respective offices or branch offices to any person or persons desiring to purchase the same; and said mileage books shall be good until used, and transferable by the purchaser or owner of the same; and that said mileage books shall be made out for the number of miles herein specified, namely, 1,000, 2,000, 3,000, 4,000, and 5,000 miles; and the said mileage books shall be so printed that they shall contain mileage tickets or coupons for 1 mile, 5 miles, 10 miles, 25 miles, 50 miles, and 100 miles, in order that the conductor taking up said tickets or coupons can take up the exact fare per mile, not exceeding 2 cents a mile, for the distance traveled by the passenger or passengers between destinations.

SEC. 2. That it shall be unlawful for any railway transportation company doing an interstate-commerce business to charge or collect for said mileage books more than 2 cents per mile or to give any rebate thereon; that is to say, to charge for said mileage more than 2 cents per mile, with the understanding, express or implied, that the excess over said 2 cents per mile shall be returned to the purchaser when the purchaser shall return to the railway transportation company the said mileage book with the mileage tickets therein contained used, the purpose of this act being that said railway companies doing an interstate-commerce business shall sell mileage tickets at a flat and specified rate not exceeding 2 cents per mile between all points of destination on their respective lines or branch lines or connecting lines, without any overcharge to be subsequently returned to the purchaser in the nature of a rebate.

SEC. 3. That any violation of this act by any railway transportation company doing an interstate-commerce business in and between any of the States or Territories of the United States shall be a misdemeanor, and the officers and directors of said railway transportation company guilty of the same shall be punishable by imprisonment not exceeding one year, or by a fine not exceeding $10,000, or by both such fine and imprisonment, in the discretion of the court. That all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 4. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, the bill speaks for itself, and was introduced by me to prevent the practice now in vogue by some of the railway companies of the country of charging the purchaser of mileage-ticket books an extra $10 for each book, with the understanding that this excess sum of $10 is to be refunded on the return of the covers of the book. The great trunk lines of the country, as a general thing, now sell a thousand-mile ticket book, which is not interchangeable and nontransferable, for $20, being 2 cents a mile, but they charge an excess of $10, making $30 in all, and withhold the $10 until the covers of the book are returned. This is unjust and practically amounts to the taking of private property without just compensation or due process of law. There is no just warrant for this inequitable discrimination and it must be abolished.

It is generally known that the commercial travelers of the country have been fighting for years for a transferable mileage-ticket book that shall be good on all lines of railroads doing an interstate-commerce business. These commercial travelers are among our most deserving and industrious citizens. They are entitled to their rights and to fair treatment from the railroads. They are honest, earnest, sincere, and intelligent business men compelled by their occupations to travel from one end of the country to the other during all seasons of the year. They must be economical to make both ends meet. They are delightful companions and welcome always wherever they go. They are an essential part of our business and commercial life. I know them and I like them. I am now, always have been, and always will be their friend. They are entitled to our protection against unjust discriminations by the transportation corporations of the land, and we should legislate immediately to prevent further imposition on them by the railways, who take their money by these excess rates and give them nothing for it in return. I am with them in their demand for an interchangeable mileage-ticket book, to be good on all railroads, and good until used, and to be transferable from one person to another. This is only just and honest and fair, and sooner or later they will win their fight because they are right.

Now, I want to say that I am reliably informed that the Pennsylvania Railroad alone sells on an average 18,000 of these 1,000-mile ticket books every month, and charges the purchasers of them $20 for each book, being at the rate of 2 cents a mile, and an excess of $10, which the railroad company agrees to refund whenever the covers are returned; but often the covers of the books are lost and can not be returned, and the $10 is a total loss to the purchaser and a clear gain to the railroad company. Whenever the railway companies sell a thousand-mile ticket book at the rate of 2 cents a mile it is simply a fair excursion or wholesale rate and a good stroke of business on the part of the railway company, because they get $20 cash in advance, and they should not be permitted to limit the use of the ticket by unjust and unreasonable requirements nor to discriminate by an excess charge of $10. To do so is nothing more nor less than extortion. My bill will effectually remedy this gross imposition on the traveling public, and I sincerely hope the bill will soon be reported to the House and passed. This legislation is just as important to the passengers on interstate commerce transportation corporations as the railway rate bill is to the shippers of the country, and both bills must soon become laws in the interest of the people.

The number of these mileage books sold monthly by the railroads of the country is estimated to be in the neighborhood of 50,000, and the railroads, by this excess charge of $10 for each one of these books, takes out of the pockets of the people a sum of money without any warrant whatever equal to about $500,000 a month, or at least $6,000,000 a year, and the interest on this great sum, to say nothing of other losses, amounts to over $300,000 annually. This is an outrageous imposition on the traveling public, and practically amounts to the confiscation of their property; and I say this extortion must cease in the interest of justice and honesty and fair play to the commercial and other travelers of the country.

Mr. Chairman, in my opinion the bill which has just been read at the Clerk's desk, if it is enacted into law, will immediately stop and effectually end any railroad company making the purchaser of a mileage ticket book pay more for it than the actual price, and the bill provides that in no case shall the actual price be more than the rate of 2 cents per mile. It can be as much less as the railway company wants to charge. It seems to me that it would be a good business proposition for these railroads to sell these mileage books as provided by the terms of this bill. The railway statistics of the country demonstrate most conclusively that on the great trunk lines 2 cents a mile is ample compensation for railway tickets, and no railroad in the country doing an interstate-commerce business should be permitted to charge the traveling public more than 2 cents a mile. Many of the railroads, according to their own statements of their passenger earnings, can afford to carry the people to-day at a rate much less than 2 cents a mile. I believe the railroads exist for the benefit of the people and not the people for the benefit of the railroads. I would not confiscate the property of either. But, sir, whenever the railroads of the country—the great trunk lines doing an interstate-commerce business—become oppressive, unjust, and tyrannical in any particular direction it is the duty of Congress, having jurisdiction in the matter, to correct the abuse and enact necessary laws to remedy the evil.

It will be observed that my bill provides that these mileage ticket books are to be interchangeable and transferable and shall be good until used. The purchaser of one of these mileage ticket books will not sell it if he wants to use it himself, neither will he transfer it to another; and if he does not need it himself, why should he not have the right to sell it or transfer it to another or lend it to a member of his family? It is his property; he has paid for it, and paid all that it is worth, and he should be allowed to use it as he sees fit, or to dispose of it in case he has no further use for it.

The railway company loses nothing through the use of a railway mileage ticket book by some person other than the purchaser. It costs no more to transport one man than it does to carry another; and from a merely common-sense point of view it would seem to me to be good business judgment for the railway companies to promote the transfer of these mileage ticket books rather than to oppose their transfer, for the reason that the more the availability of such books is extended the more rapidly the transportation which they accommodate will be consumed. [Applause.]

Now, sir, that is all I desire to say at this inopportune time concerning this important bill. My purpose in presenting this matter to the House to-day is to get printed in the RECORD the full text of the bill and to briefly give the reasons why, in my opinion, it should speedily be enacted into law. It was necessary to do this because I am informed at the Clerk's office that copies of the bill can no longer be procured. The popular demand for copies of this bill from people all over the country has exceeded anything I have every known before, and I have been unable to comply with half the requests I have received since the bill was introduced.

Mr. Chairman, this morning the Committee on Interstate and Foreign Commerce, to whom the bill was referred, were good enough to grant me a courteous hearing on this measure. I appeared before the committee and urged an early favorable report for substantially the same reasons I have voiced here. I believe the committee will report the bill favorably at a very near day. I believe the committee is aware of the popular demand for, and the urgent necessity of legislation of this character, and I indulge the hope—shared in by so many worthy citizens—that the bill will soon be reported favorably and passed before this session of Congress adjourns. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print in the RECORD in connection with my remarks some data in favor of the bill.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting certain data. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

NEW YORK, *May 1, 1906.*

HON. WM. SULZER, M. C.,
Washington, D. C.

DEAR SIR: Commercial travelers' organizations throughout the country fought for a long time for an interchangeable mileage book good on all railroads.

Commercial travelers have to travel on many railroads, and to get their transportation at 2 cents a mile they had to buy a 1,000-mile

book from each road over which they traveled, costing $20 each, filling their pockets with books and wrapping up a good deal of money. They made a fight through their various organizations for an interchangeable mileage book to be good on all railroads. After a great struggle the Trunk Line Mileage Bureau finally concluded to sell a 1,000-mile book good on their roads for $30, with the understanding that the extra $10 would be refunded on return of the cover.

George W. Boyd, general passenger agent Pennsylvania Railroad Company, stated in a letter, dated February 5, 1906, to a commercial traveler friend of mine, S. M. Williams, of Pittsburg, that the Pennsylvania Railroad sells on an average of 18,000 of $30 mileage books per month, which shows the vast number who travel and are being imposed upon by this system of mileage issued under the $10 contract by the Trunk Line Mileage Bureau. The amount of commercial-traveler money now held by the railroads because of this is conservatively estimated to be:

Trunk Lines Association	$450,000
Central Passenger Association	1,500,000
Pennsylvania Railroad, Pittsburg	350,000
Total	2,300,000

The interest on which, at current rates, would be nearly $70,000.

When the railroad companies sell a 1,000-mile book at $20 it is simply a fair excursion or wholesale rate, and whenever they sell a 1,000-mile book at that rate it is a good stroke of business. They get paid $20 cash in advance. Then, why should they throw around it requirements that, in the estimation of the majority of the people who travel, are unreasonable and not required by many large railroads operating under just the same conditions as the Pennsylvania Railroad, Erie Railroad, Delaware and Lackawanna Railroad, etc.? The interchangeable mileage ticket was urgently requested by committees representing various traveling salesmen's associations, but in granting this mileage ticket these railroads tacked on the conditions regarding the $10 excess and forfeiture of books in case of theft or loss. The Trunk Line Mileage Bureau claim they were compelled to throw these safeguards around their mileage contracts requiring a deposit of $10, but railroads such as the New York Central; New York, New Haven and Hartford; Boston and Albany; Buffalo, Rochester and Pittsburg, and Philadelphia and Reading do not find it necessary.

I believe your bill will effectually remedy the existing evil and imposition by doing away with this $10 excess payment, whereby thousands of dollars are withheld from the pockets of commercial travelers for the use of illegal pooling combinations.

Yours, faithfully,

WILLIAM HOGE.

NEW YORK COMMERCIAL TRAVELERS AND BUYERS' CLUB,
18 West Twenty-seventh Street, May 15, 1906.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: We have noted with a great deal of interest and pleasure the efforts you are putting forth toward securing for the commercial travelers of the United States an interchangeable mileage book at a flat rate of $20 per 1,000 miles. The traveling men of this country, who do so much toward upbuilding its commercial interests, and especially toward the prosperity and dividend-paying power of the railroads, are certainly entitled to this consideration at the hands of the railroad management.

We feel that in you we have a champion who will surely bring about some actual results so that these longed-for benefits will accrue to the commercial travelers, as we believe they so thoroughly deserve. We write this not only to pledge you our hearty support in this effort, but also to ask that you will kindly advise us as to what progress the matter is making in your hands and also as to whether there is any specific thing which we can do to further it along so that it may become an actual fact at an early date.

Again thanking you cordially for your interest and awaiting a reply at your earliest convenience, we are,

Very sincerely, yours,

COMMERCIAL TRAVELERS AND BUYERS' CLUB,
By EDWARD W. TINGUE, *Secretary.*

HEADQUARTERS COMMERCIAL TRAVELERS' LEAGUE,
New York, May 17, 1906.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In behalf of the Commercial Travelers' League of the city of New York, I desire to express my sincere thanks to you for the introduction of your bill, known as "H. R. 18712." Your bill has created the proper sentiment among traveling men throughout the State, and they take pleasure in indorsing your bill in every town and hamlet where business calls them.

In the event of it being necessary for the representative of the C. T. L. to appear before the Congressional committee in charge of your bill, to urge its passage, we would be pleased to go to Washington for that purpose and have a delegation accompany us.

Thanking you for the important favor of the introduction of this bill and assuring you of our appreciation for your efforts in our behalf, we remain,

Yours, very sincerely,

FERDINAND ZIEGEL, *President.*

342 Manhattan avenue, City.

P. S.—Will you kindly forward to me as many copies of the bill as you can spare?

TURPSENE MANUFACTURING COMPANY,
Philadelphia, May 17, 1906.

Hon. WILLIAM SULZER,
Washington, D. C.

MY DEAR SIR: As a member of the T. P. A. of Pennsylvania, I wish to congratulate you upon the stand you have taken in the interest of the traveling men of this great country. Bill No. 18712 will undoubtedly prove to be one of the greatest benefits to the traveling public.

Again congratulating you on the good you have done, I remain,

Very truly, yours,

ALBERT RIGGALL.

THE EAGLE WHITE LEAD COMPANY,
Philadelphia, May 17, 1906.

Hon. WILLIAM SULZER,
Washington, D. C.

MY DEAR SIR: I wish to congratulate you on bill 18712, which I hope will prove a success and be numbered among one of our laws.

This bill has the indorsement of myself and all the traveling men with whom I come in contact.

Very truly, yours,

T. E. BANNAN.

CINCINNATI VARNISH COMPANY,
Cincinnati, Ohio, May 17, 1906.

Hon. WILLIAM SULZER,
Washington, D. C.

MY DEAR SIR: Permit me, on behalf of the T. P. A. of Pennsylvania, to thank you for the kind interest you have taken on behalf of the traveling man. At our State convention on May 5 we had the inclosed resolution unanimously passed. If there is any way in which the writer can be of any service to you, you have only to name same, and if you will drop me a line at any time I shall be only too happy to do all in my power to assist you in your good work.

I should appreciate as many copies of the bill as you could conveniently spare, as we propose to make a strong fight in all our commercial bodies looking toward the support of Pennsylvania's delegation to Congress for this bill.

Very truly, yours,

FRED. H. MACINTIRE.

[Resolution.]

Whereas Representative SULZER, Member of Congress from New York, has caused to be introduced in the House of Representatives at Washington, D. C., House bill 18712, known as the Sulzer bill:" Therefore, be it

Resolved, That Pennsylvania Division, T. P. A. of A., in annual convention assembled, heartily indorse said bill and instruct its delegates to the national convention at Buffalo, to be held June next, to aid and promote its adoption by the national association; and be it

Further resolved, That a copy of these resolutions be sent to every Member of Congress in the State of Pennsylvania, urging their support of bill No. 18712, and that every post secretary be furnished with a copy of this resolution, and the posts be asked to take action in this matter, and every member of Pennsylvania Division is urged to solicit the vote of his Congressman for this measure.

URGES TRAVELERS TO WORK FOR SULZER MILEAGE BILL—NEW YORK SILK MERCHANT CALLS RAILROADS' TREATMENT OF COMMERCIAL SALESMEN AT PRESENT UNJUST.

EDITOR NEW YORK COMMERCIAL.

SIR: I see by your paper that Representative WILLIAM SULZER has introduced a bill regulating the price of mileage tickets on railways doing an interstate-commerce business. This is a matter in which commercial travelers, buyers and their employers, as well as all other people who travel considerably on railway trains and who buy mileage books, are greatly interested.

Commercial travelers' organizations throughout the country fought for a long time for an interchangeable mileage book, good on all railroads. Commercial travelers have to travel on many railroads, and to get their transportation at 2 cents a mile they had to buy a 1,000-mile book from each road over which they traveled, costing $20 each, filling their pockets with books and wrapping up a good deal of money. They made a fight through their various organizations for an interchangeable mileage book to be good on all railroads. After a great struggle the Trunk Line Mileage Bureau finally concluded to sell a 1,000-mile book good on their roads for $30, with the understanding that the extra $10 would be refunded on return of the cover.

George W. Boyd, general passenger agent of the Pennsylvania Railroad Company, stated in a letter, dated February 5, 1906, to a commercial traveler friend of mine—S. M. Williams, of Pittsburg—that the Pennsylvania sells on an average 18,000 of $30 mileage books a month, which shows the vast number who travel and are being imposed upon by this system of mileage issued under the $10 contract by the Trunk Line Mileage Bureau. The amount of commercial traveler money now held by the railroads because of this is conservatively estimated to be—

Trunk Lines Association	$450,000
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Pennsylvania Railroad, Pittsburg	350,000
Total	2,300,000

The interest on this amount at current rates would be nearly $70,000. When the railroad companies sell a 1,000-mile book at $20, it is simply a fair excursion or wholesale rate, and whenever they sell a 1,000-mile book at that rate it is a good stroke of business; they get $20 cash in advance. Then why should they throw around it requirements that in the estimation of the majority of the people who travel are unreasonable and not required by many large railroads operating under just the same conditions as the Pennsylvania, Erie, Lackawanna, and other roads?

The interchangeable mileage ticket was urgently requested by committees representing various traveling salesmen's associations, but in granting this mileage ticket these railroads tacked on the conditions regarding the $10 excess, and forfeiture of books in case of theft or loss. The trunk-line mileage bureau claims it was compelled to throw these safeguards around the mileage contracts requiring a deposit of $10, but railroads such as the New York Central, the New Haven, the Boston and Albany, the Buffalo, Rochester and Pittsburg, the Reading, do not find it necessary.

I travel selling goods, and the firm (Eastmond & Sinclair), of which I am a member, also employs commercial travelers. I am, therefore, in a position to understand how this bill of Mr. SULZER'S is going to affect a great many thousands of business men. I think the traveling men's organizations all over the country ought to pass resolutions in favor of it.

A. H. EASTMOND.

NEW YORK, *May 2, 1906.*

[Editorial from the Philadelphia Inquirer.]

TO STOP THE MILEAGE-BOOK EXTORTION.

Every Pennsylvania Congressman will be expected by his constituents to do all he can to promote the passage of the bill which has been introduced by Representative SULZER, of New York, prohibiting railroad companies engaged in interstate transportation from charging more for the mileage books issued by them than a flat 2 cents per mile rate. It is the present practice of some of the roads, and notably of the Pennsylvania, to require the deposit of $10 on every 1,000-mile book. This deposit is returned to the purchaser upon the surrender of the covers, provided that he has not allowed the use of the book by any third party. If he has been guilty of that enormity, the deposit is liable to forfeiture. The Sulzer bill changes all that. It not only

declares that no deposit shall be exacted, but it expressly provides that mileage books shall be transferable at the option of the purchaser.

This is no more than fair and just and reasonable and right. The railroad company loses nothing through the use of a mileage book by some person other than the buyer. It costs no more to transport one man than it does to carry another, and from a merely common-sense point of view it might be supposed that the companies would be more inclined to promote the transfer of mileage books than to oppose it, for the reason that the more the availability of such books is extended the more rapidly the transportation which they cover will be consumed. The owner of a mileage book is not going to lend it to anyone else when he expects to need it himself. He will only transfer it for use during a period when it would otherwise be idle, and thus the sale of the commodity in which the carrier deals is stimulated and increased. This is too plain for argument, and it is surprising to find the companies pursuing a course which is manifestly prejudicial to their own interests.

Either they make money out of the use of mileage books or they do not. If they do not, why they should issue them at all is unaccountable, seeing that the railroads never have been accused of doing business on a philanthropic basis; but if they do, then it stands to reason that the more rapidly these books are used up the better it is for them. Possibly the explanation of this anomaly is to be found in the circumstance that there would be no excuse for the $10 deposit extortion if the books were transferable, and there is no doubt that this extortion is the source of considerable profit. The people who buy mileage books use them all the time. As soon as one book is exhausted they purchase another, and so the company is left in possession of the deposit continuously. In the aggregate these deposits amount to a considerable sum, on which the interest is so much clear gain.

The Sulzer bill ought to be enacted into law, and as it only applies to interstate commerce, it will be the duty of the legislature at its next session to establish a flat rate of 2 cents per mile throughout the State. That will settle the mileage-book question all right.

[Editorial from the Scranton Republican.]

A MILEAGE BOOK BILL.

Representative SULZER, of New York, has introduced a bill in the House "to regulate the price of mileage ticket transportation by companies doing an interstate-commerce business, and for other purposes." It provides that all such companies "shall sell mileage books, good for 1,000, 2,000, 3,000, 4,000, and 5,000 miles, on their respective lines or connecting lines traversing two or more States of the United States, at a price not exceeding 2 cents per mile for said mileage books."

The bill further provides that such mileage books shall be good until used and shall be transferable—that is, may be lawfully sold by the purchaser, if for any reason he cares to dispose of the same to another. It also forbids any railway transportation company doing interstate-commerce businesss to collect for a mileage book more than 2 cents a mile or to give any rebate thereon—that is, no railway company may, as some of them are now doing, require the purchaser of a mileage book to deposit a sum largely in excess of the price of the book, the excess to be returned to him on presentation of the covers of the book after the mileage has been used.

The penalty clause of the bill provides that any violation of the act shall constitute a misdemeanor and that the officers and directors of the offending company may be punished by imprisonment not exceeding one year, or by fine not exceeding $10,000, or both if the court deems it best to punish to the limit of the law.

There are some good points about this bill. Certain railroads have given great offense to the traveling public by requiring extra deposits from all purchasers of mileage books and the abuse should be corrected. The railroads exist for the benefit of the people, not the people for the benefit of the railroads, and when the latter become too tyrannical in any particular direction it is entirely proper that Congress or any other legislative body having juridiction over the matter should correct the abuse by such enactments as may be necessary for that purpose.

Mr. SULZER. I yield the balance of my time to the gentleman from Texas [Mr. BURLESON].

Mr. MANN. The gentleman can not yield his time.

The CHAIRMAN. The gentleman from Texas is recognized. He was standing on his feet and is recognized in his own right.

Mr. MANN. Now, Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. MANN. I am perfectly willing that the gentleman shall have time to conclude his remarks, but this method of concluding remarks previously made is in violation of the rule. While I am perfectly willing to yield, and to let the gentleman have such time as he wants to speak on the subject, I am not willing that it shall be done contrary to the rules.

The CHAIRMAN. What is the point of order of the gentleman?

Mr. MANN. The point of order is that he must confine himself to the amendment. I am perfectly willing that the gentleman from Texas have such time as he says he might want. He said at first that all he wanted was ten minutes, and he has had half an hour.

Mr. BURLESON. But I submitted to interruptions.

Mr. MANN. I am not complaining about that; but let it be determined how much time he is to have. How much more time does the gentleman want?

Mr. BURLESON. About ten minutes.

Mr. ADAMS of Pennsylvania. I ask unanimous consent that the gentleman have ten minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Texas be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Now, Mr. Chairman, I desire to direct attention to the fact that these States that I have mentioned—these eleven Southern States—and you may add thereto Kentucky, Maryland, Missouri, and Delaware, have 132 Representatives upon this floor. I mention that in order to indicate the population, because it will also convey to the mind approximately the amount of business transacted in that section. These States, as I have stated, have in the consular service, representing the business interests of that section in the development of their foreign trade and at the same time that of the entire United States, only 24 consular officers; and yet the District of Columbia alone has 18 of her residents in this important service. I submit now, in all candor, is there a man on the other side of this Chamber who has the effrontery to get up here and say that this is fair.

Mr. Chairman, in all the Pacific slope only eleven persons have received consular appointment, and in the eight Rocky Mountain States only ten citizens have been thus honored.

I again submit, can there be a man found in this body who will say this is equitable and just, when you consider the fact that taxes are laid upon all the people of the United States to defray the expense incurred by keeping these commercial agents abroad.

Mr. Chairman, speaking for these sections, I protest against such discrimination.

I submit that unless this is a sectional Government, unless it is the purpose of some one to favor one section of our country as against all other sections, that it is not fair that this great section with 132 Representatives on this floor should have only 24 appointees in the consular service, when the District of Columbia has 18, and when the New England States, with only 29 Representatives, have 56 appointees in the consular service of our Government. Can any man here contend that such action is not sectional?

Mr. Chairman, the Pacific Slope, furnishing her quota of products exported abroad to make up the balance of trade in our favor, has 13 Representatives upon this floor, and yet she has only 11 appointees in the consular service, two less than the States of New Hampshire and Vermont, with only four Representatives on this floor.

As I have shown, the entire Rocky Mountain region has only 10 persons in the consular service, and by way of contrast I direct attention to the fact that the stony soil and rigid climate of the Old Bay State has furnished 19 of her citizens for this service, all of whom are at present on the pay roll, enjoying the emoluments of their offices—splendid consular officers, I do not doubt, watching at all times for chances to promote the interest of the business men of that great Commonwealth and of the country.

But, Mr. Chairman, is it fair that one section of our country should in this unjust way be permitted to dominate and control the appointment of these commercial agents which have so much to do with the upbuilding of our trade with foreign countries. I charge, sir, that this unfair discrimination against the great western section of our country is wholly indefensible. Shall the opportunity for securing a wider market for their resources in the Orient be denied to the Pacific slope and the great western section of our country? Are the business men of that section to be denied the chance to get their share of foreign trade and foreign business by an Executive who is apparently blind to their interest—who has ignored their claims to a fair proportion of the public agents who are sent abroad to foster our commercial interests?

Mr. Chairman, recently one of our consular officers died—and, by the way, it is a very rare thing that they die.

Mr. GAINES of Tennessee. Or resign, either.

Mr. BURLESON. Or resign, either, as suggested by my friend. This gentleman who departed hence was from the State of Ohio. I invite the attention of the distinguished gentleman from Ohio, General GROSVENOR, who interrupted me a moment ago, to these facts. An effort was made, so stated by the newspapers, by the gentleman in charge of the State Department, in the person of the Secretary of State, and the Assistant Secretary of State, who, in my deliberate judgment, if they could have their way, would speedily change the unfair, unjust, and sectional practice which controls these appointments—an effort was made to appoint a Tennesseean. Of course I do not know whether it was true or not, but the newspapers stated that the junior Senator from the great State of Ohio promptly put forth the claim that that place belonged to Ohio and aggressively insisted that an Ohio man be given the appointment. Mr. Chairman, has the system of spoils reached the point where these commercial agents, who should be carefully selected so as to conserve the business interest of every section of our country, are now set apart to certain States, to be doled out to them year after year in total disregard of the interests of the other

sections of our country? That is a question that each man here in his own conscience can answer for himself.

Mr. Chairman, east of the Mississippi River we have 240 persons who are holding positions abroad in our consular service, while the great stretch of our country west of the Father of Waters furnishes only 54 citizens who have received consular appointments. In that section of our country east of the Mississippi and north of the Ohio, including West Virginia and the District of Columbia, 223 places have been given, leaving remaining for all other sections only 71 appointments.

I now desire to direct attention to the fact that the Central Eastern States have 74 citizens in the consular service, and the great Middle West, in part represented by my distinguished friend from Illinois [Mr. MANN], with 102 Representatives upon this floor, has only 91 citizens in the consular service.

Mr. MANN. May I interrupt the gentleman?

Mr. BURLESON. Yes.

Mr. MANN. I think there have been several appointments to the consular service made from my district since I have been in Congress, but who got them I do not know, and I am very sure they were not made on political influence, and I do not believe on merit. [Laughter.]

Mr. BURLESON. If the appointments were not made on merit nor because of political influence, for conscience sake tell me the source of the influence that brought about their selection.

Mr. MANN. That is a mystery that never has been solved.

Mr. BURLESON. I agree with the gentleman that it is a mystery, but no deeper or more unfathomable than the reasons for the contention of certain people in this country for asserting that we have at the head of our Government a nonsectional Executive, when, in the light of the facts I have detailed, any candid, honest, fair-minded man must inevitably be driven to the conclusion that he has been not only partisan but sectional in naming the diplomatic and consular officers of our country.

Mr. Chairman, if it is too much to expect an abandonment of the indecent discrimination which has been practiced against the South for so many years, and I suppose it is, is it too much to hope that the unfair discrimination against the Pacific slope and the Middle West, and the unjust and indefensible discrimination now being practiced against the Rocky Mountain States will soon be brought to an end?

Mr. Chairman, in the recent past certain investigations of the business methods which have obtained in the conduct of the affairs of our great insurance and railroad corporations disclosed conditions highly discreditable to those in charge, if it did not prove them to be actually dishonest and violators of the law.

As a result of these investigations and disclosures the public conscience has been quickened, and there is a promise of a return of those higher standards of business probity which characterized the fathers in their dealings and transactions with each other. Is it too much to hope that, having directed attention to the gross discriminations which have been practiced against other sections of our country in addition to the South in the appointment of diplomatic and consular officers, that there will result at least a measure of correction for this persistent wrong which has been and is now being done the commercial interests of those sections?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. BURLESON. I submit the memorandum upon which I have based my remarks.

DEPARTMENT OF STATE,
Washington, May 28, 1906.

Hon. A. S. BURLESON,
United States House of Representatives.

DEAR SIR: I have the honor to inclose a memorandum in compliance with your telephonic request of to-day.

Respectfully,
ROBERT BACON,
Assistant Secretary.

[Memorandum.]

Number of diplomatic and consular appointments from each State, as shown by the Diplomatic and Consular List.

State.	Diplomatic.	Consular.	State.	Diplomatic.	Consular.
Arizona		1	Kansas	1	3
California	6	8	Kentucky	3	3
Connecticut		10	Louisiana	2	2
Delaware		1	Maine	1	9
District of Columbia	4	18	Maryland	4	3
Florida		2	Massachusetts	8	19
Idaho		1	Michigan	3	9
Illinois	7	17	Minnesota	3	7
Indiana	2	11	Mississippi	1	
Iowa	3	9	Missouri		3
Montana		1	South Dakota		4
Nebraska	2	6	Tennessee	1	3
New Hampshire	1	6	Texas		2
New Jersey	4	9	Utah		1
New York	19	37	Vermont		7
North Carolina	1	3	Virginia		1
North Dakota		3	Washington	1	1
Ohio	2	28	West Virginia	1	6
Oregon	1	2	Wisconsin	2	10
Pennsylvania	9	22			
Rhode Island	4	5	Total	96	294
South Carolina		1			

Number of diplomatic and consular appointments, etc.—Continued.

The Clerk read as follows:

Secretary of legation to Siam and consul-general at Bankok, $2,000.

Mr. SCOTT. Mr. Chairman, I should like to inquire if the Clerk has read section 2, on page 4?

The CHAIRMAN. The Clerk has just read lines 6 and 7, on page 4.

Mr. SCOTT. I did not hear the second paragraph on that page, beginning with line 3, read by the Clerk.

The CHAIRMAN. That was read before the gentleman from Texas [Mr. BURLESON] was recognized.

Mr. SCOTT. I ask unanimous consent to return to that section for the purpose of offering an amendment.

Mr. ADAMS of Pennsylvania. Reserving the right to object, I should like to ask the gentleman what his amendment is?

Mr. SCOTT. The amendment which I desire to offer is to insert after the word "to" the word "Liberia;" and if that amendment is agreed to then I want, in order to make the bill consistent, to return to the preceding section to strike out "Liberia," the purpose of my amendment being to increase the salary of the secretary of legation at Liberia from $2,000 to $2,800.

Mr. ADAMS of Pennsylvania. I shall have to object, because that item was very carefully considered by the committee after several hearings from interested parties, and I should not be carrying out the judgment or will of the committee if I permitted a return to the paragraph.

The CHAIRMAN. Objection is made, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For ten student interpreters at the legation to China, who shall be citizens of the United States, and whose duty it shall be to study the Chinese language with a view to supplying interpreters to the legations and consulates in China, at $1,000 each, $10,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the legations and consulates in China so long as his said services may be required within a period of ten years.

Mr. SULZER. Mr. Chairman, I reserve the point of order on this section. I wish some information from the gentleman in charge of the bill about these interpreters. How many are there? What good do they do? Why this expenditure of money?

Mr. ADAMS of Pennsylvania. What is the gentleman's point of order?

Mr. SULZER. I reserved the point of order.

Mr. ADAMS of Pennsylvania. There is no change in the existing law.

Mr. SULZER. How many of these interpreters are there there, and what are they for?

Mr. ADAMS of Pennsylvania. The whole number.

Mr. SULZER. That is an intelligent answer. How long have they been there?

Mr. ADAMS of Pennsylvania. Ever since the act was passed.

Mr. SULZER. When was the act passed?

Mr. ADAMS of Pennsylvania. That I can not tell the gentleman. It was the old provision in the act and has been there for a good many years.

Mr. SULZER. Well, these interpreters must have long gray beards by this time. [Laughter.]

Mr. COUSINS. I will say to the gentleman that ten of them were commissioned, some in 1902 and some in 1903.

Mr. SULZER. Have they been there all this time?

Mr. COUSINS. Yes; some are now vice or deputy consuls.

Mr. ADAMS of Pennsylvania. I will explain that the obligation rests upon the students to remain in the service ten years in consideration of the education they receive. After that they are free to go, and as they pass out their places are filled by new applicants.

Mr. SULZER. What is the object of having these interpreters?

Mr. ADAMS of Pennsylvania. There are so few Americans speak the Chinese language that these students are there for the purpose of learning the language, and they aid the consuls in developing the trade of our country.

Mr. SULZER. Is it for the purpose of letting down the barriers put up against the Chinese to keep them from coming in here?

Mr. ADAMS of Pennsylvania. We have no barrier against the Chinese, except what is agreed to by the Chinese treaty—that is, against the coolies, to keep them out. Under the law to-day the other Chinese are admitted—bankers, students, travelers, etc.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. SULZER. I would like to have some more information. Thus far I have received little on the subject. Who appoints these interpreters?

Mr. ADAMS of Pennsylvania. The President of the United States. Mr. Chairman, I ask that the Chair rule on the point of order.

Mr. SULZER. I withdraw the point of order, Mr. Chairman, but I would like to get a little more information. How does the President appoint them? It says here that they shall be nonpartisan; what does that mean?

Mr. ADAMS of Pennsylvania. It means that they shall be selected from likely young men who have ability or some talent for languages, and shall be chosen for nonpartisan purposes.

Mr. SULZER. How much pay do they get?

Mr. ADAMS of Pennsylvania. One thousand dollars a year.

Mr. SULZER. So we have been expending $10,000 a year for a dozen years or more for these ten interpreters—an unnecessary waste of money, in my opinion.

Mr. ADAMS of Pennsylvania. Now, I ask for a ruling by the Chair.

Mr. SULZER. Mr. Chairman, I move to strike out the last word. This is a queer provision, it seems to me, to be in this bill. Why should we pay $10,000 a year for the purpose of sending ten young men over to China to learn the Chinese language, when, as a matter of fact, these young men may live in China all their lives and not be able to learn the Chinese alphabet? What service are they to this country?

Mr. MANN. Does it take that long to learn it?

Mr. SULZER. Very few Chinamen know their own alphabet, and I doubt if these young men know much about it. [Laughter.] It seems to me this is a waste of the public money. This is an era of strict economy, especially in regard to matters at home.

Here are $10,000 being thrown away every year on ten young men over in China, whose names we know not. Perhaps they are sent there to have a good time. I don't see any sense in it, I do not see any good in it, I do not see any return that it is going to bring to the Government, and the provision ought to be stricken out and thus save to the taxpayers of this country this $10,000 every year. Quite an item. I undertake to say that if the taxpayers knew about this waste, they would rise up and object. Oh, yes; the Republicans laugh; they always do when they are spending the people's money without giving any reason for it. I undertake to say that this provision of $10,000 a year can do no possible good to anybody except, perhaps, these ten young men, and we do not know one of them. [Laughter.]

I would like to know who they are. Perhaps the gentleman from Pennsylvania knows who they are. My friend from Texas [Mr. BURLESON] a little while ago made an eloquent speech regarding the injustice and discriminations in diplomatic and consular appointments, and here are ten diplomatic appointments that some member of the Committee on Foreign Affairs ought to shed a little light upon. They are ten little $1,000 a year sinecures. A little pap to some ten little favorites. We should stop, or at least know more about it. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For two clerks at the embassy to Great Britain; one at the rate of $1,800 per annum, and one at the rate of $1,200 per annum, $3,000.

Mr. WILLIAMS. Mr. Chairman, reserving the point of order, I would like to have an explanation of this. What new thing has occurred to make it necessary to have two more clerks at the embassy at Great Britain?

Mr. ADAMS of Pennsylvania. Mr. Chairman, I will state in reply to the gentleman that the Secretary of State appeared before our committee and urged this increase in the clerical force at the embassy at London for the following reason: The Secretary proposes to introduce a new scheme for gathering and disseminating knowledge among the various diplomatic posts abroad. There has not been sufficient intercommunication between the several embassies and legations to keep them informed of all that is going on at the different posts so that they may have a general knowledge of all negotiations and all doings carried on. The scheme as submitted to the committee by the Secretary of State was this: When instructions are sent out now to our various ministers and ambassadors it takes a great number of cablegrams in order to reach them all. This proposition is to send one cablegram with instructions to London and then to have those instructions transmitted by post to the various representatives, which would cost very much less, as nearly every embassy and legation is within twenty-four hours, mail time, of London. The House can readily see that this will be a saving as well as an influence in distributing knowledge.

Mr. WILLIAMS. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I will reserve the point of order. I see in one place in the bill, on page 6, a lump sum for clerks in embassies and legations. I would like to know of the gentleman the necessity for making a specific appropriation for clerks at London when a lump sum covers precisely the same thing?

Mr. ADAMS of Pennsylvania. I will state that, as this is new legislation and put in for a specific purpose, it could hardly come under the head of the general appropriation for clerk hire which is distributed, in the discretion of the Secretary of State, to all the different posts. The Secretary was frank to submit his scheme to the committee. It met with universal approval, and the necessity for these clerks at the embassy at London is for the increased work that will be put upon that embassy in the gathering and distribution of this information. Hence the necessity for the separate item.

Mr. MANN. Under the original item in the bill, on page 6, the Secretary can employ as many clerks as he pleases, at such salaries as he pleases to pay, provided he does not exceed the sum of $65,000. I really do not see the point of making a specific appropriation for two clerks, segregating those from the original number included in the $65,000. I have no objection to the item.

Mr. FLOOD. These two clerks represent the State Department, and are not to do any of the work of the embassy at London. They represent the State Department for the purpose of sending out this information by mail.

Mr. MANN. There is nothing in the bill to that effect at all. This is for clerks at the embassy, and nothing is said about the State Department. I withdraw the point of order.

Mr. CAMPBELL of Kansas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 18, after the word "dollars," insert "That the consular agency at Cardenas, Cuba, be raised to a consulate, at $1,500 per annum."

Mr. WILLIAMS. Mr. Chairman, I reserve the point of order on that amendment.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I make the point of order on the amendment.

Mr. CAMPBELL of Kansas. Mr. Chairman, I hope the gentleman will not do that. I have offered this to a very vulnerable paragraph in this bill.

Mr. MANN. Not now. It is not vulnerable now.

Mr. CAMPBELL of Kansas. Why not?

Mr. MANN. Because it has been discussed.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill if he will make any additional appropriation or give the consul a better office or headquarters in London than he has had heretofore?

Mr. ADAMS of Pennsylvania. We increase the clerk hire, their allowance for clerk hire, because the salary of the consul has been cut in half under the bill that passed the House a few days ago.

Mr. GAINES of Tennessee. Who is consul there now?

Mr. ADAMS of Pennsylvania. General Wynne.

Mr. GAINES of Tennessee. I do not know so much about the salaries for the clerks, nor do I know how many clerks they have. My recollection is that all the clerks were employed for which there was room in which to work, and the purpose of my saying anything here just now is this: I think it is a perfect shame that we have a trifling little box of an office for the use of this our London consul. It is a little bit of a concern, I dare say the gentleman has seen it. It is enough almost to make

an American citizen pull his hat down at least a little bit over his face when he looks at it. When Consular-General Evans was there he and I talked about it. He was our former consul, and he said that he did not have room in which to work. I do not know about the clerk hire or about the number of clerks, but I do think that the committee ought to look into the matter further, and if they have not provided for a better office at that place it should be done.

Mr. ADAMS of Pennsylvania. They have looked into it, and I will say, under the bill for the reorganization of the consular service, London will get an increase, and we have also allowed an increase in this bill. I quite agree with the gentleman.

Mr. GAINES of Tennessee. Will that enlarge the office any; I mean the little box in which they at present work?

Mr. ADAMS of Pennsylvania. I believe the more rent allowance you have the bigger place you can rent.

Mr. GAINES of Tennessee. I hope we will have a better place, for while Mr. Evans was consul there I saw a lot of American women, some from my own State, some from Pennsylvania, and our people from all over the United States, who went there to call on the consul on business, and there was often not room enough for them all to get in to wait their turn, and part of them were hanging around the door, all waiting for an audience with the consul.

Mr. ADAMS of Pennsylvania. I quite agree with the gentleman.

Mr. GAINES of Tennessee. It is a shame this office should be in that fix.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, $225,000.

Mr. WILLIAMS. Mr. Chairman, there is an increase in this item of $67,500. I reserve the point of order to it.

The CHAIRMAN. The gentleman from Mississippi reserves the point of order.

Mr. ADAMS of Pennsylvania. I would like to be heard on that.

Mr. WILLIAMS. I reserve the point of order for the present that the gentleman may explain. I desire the gentleman to explain the necessity for this increase of $67,500. I reserve the point of order in order that he may do so in the meanwhile. If his explanation is satisfactory, I may withdraw it.

Mr. ADAMS of Pennsylvania. I will state for the information of the gentleman, in the first place, the increase is $35,000. Last year it was $190,000. This year it is $225,000, which makes an increase of $35,000.

Mr. FLOOD. Can I interrupt the gentleman for a moment?

Mr. ADAMS of Pennsylvania. Certainly.

Mr. FLOOD. The amount last year was $190,000?

Mr. ADAMS of Pennsylvania. I so stated.

Mr. FLOOD. But out of that was supposed to be taken about $32,500 for clerk hire. Now, there has been a specific appropriation for clerk hire, so that does not come out, and that $32,000 will have to be added to this $35,000, making the increase $67,500.

Mr. ADAMS of Pennsylvania. I will further say to the gentleman that we have put a provision in this bill allowing transportation at 5 cents a mile, which will have to come out of the contingent fund for the transportation of diplomatic officers to their posts, and that will use a great deal of it. I will also state that there was a deficit last year of nearly $30,000 in the contingent fund, and the Committee on Appropriations have served notice on the Departments that this habit which has grown up between the Departments and Congress of putting in estimates below what they know their cost is going to be and then coming in annually with the deficit has got to cease, and we have raised the appropriations in these bills, allowing for the deficiencies of last year and adding that to be somewhere near the actual expenses of the Department. Furthermore, the gentleman must realize that as our intercourse with other nations extends and as business increases the expenses of all representatives abroad, both consular and diplomatic, also increase.

Furthermore, the cost of clerk hire abroad is increasing all the time, and under those circumstances, when the Department asked for $340,000, we thought we had cut them down and held them in very well. After careful hearing of the Secretary of State we had the fiscal agent of the Department before the committee, and we had the head of the Consular Bureau and gave them all careful hearings. I have never known, since I have served on the committee, the Secretary of State to come before the committee before. It has always been considered, perhaps, a little below the dignity of the high office, but so earnest is the present Secretary to reform our foreign service and to make it efficient in every way that he laid aside whatever great dignity may attach to his office and came before us in full, frank, and free conference, as did the other officers of the Department. And so convincing were their statements in what they urged that the committee unanimously agreed on the sum mentioned here as a fair one.

Mr. WILLIAMS. Mr. Chairman, there was last year provided out of this contingent fund $32,500 to be paid for clerks. Clerks were paid out of it. This year the clerks are put upon salaries specifically provided for in the balance of the bill, so that instead of there being an increase in this fund there ought to have been a decrease. In addition to that, not long ago, I do not remember how long ago, but I believe it was at this Congress—it may have been at the last Congress—we passed a bill here providing certain traveling consuls who would act as inspectors. Now, all that inspecting work hitherto had been done out of this fund. That is another reason why this fund might have been decreased instead of being increased.

Now, counting the $32,500 that used to be paid out of it for clerk hire—and that will not now have to be paid out of it—and the absolute increase of $35,000, there is an increase of $67,500 upon an original basis of $190,000—the total appropriation for the last fiscal year.

As to the promise that hereafter there shall be no deficit, of course those of us who do not believe in Santa Claus as a real, living, visiting sort of an entity, do not take much stock in that. The House has been trying for a long time to get executive officers to keep within the limit of the amounts of appropriations for definite purposes made by the legislative branch of the Government. They have not done it, and they are not going to do it after this. They come in very frequently and get an increase here and there upon the plea that their deficit thereafter will not be so great, but in my experience here I have never found the deficits thereafter were less than they were theretofore. Mr. Chairman, I do not think the increase ought to be made, and for that reason, and not merely because I can make the point of order, I shall insist upon the point of order.

Mr. MANN. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes.

Mr. MANN. I was going to ask the gentleman if he had fully considered the necessity of an increase of the amount so as to provide more kavasses.

Mr. BUTLER of Pennsylvania. What is a kavass?

Mr. MANN. I understand the gentleman from Pennsylvania that the cost of cablegrams will be less, but I apprehend that the reason this is increased sixty or seventy thousand dollars is in order to provide additional compensation for kavasses.

Mr. ADAMS of Pennsylvania. I will state to the gentleman from Illinois [Mr. MANN] that kavasses come very high.

Mr. WILLIAMS. Telegrams are decreased and inspecting services decreased, and I reckon it must go to kavasses or dragomans—one or the other.

Mr. ADAMS of Pennsylvania. A kavass is a messenger.

Mr. WILLIAMS. A sort of a man—the same as a dragoman. One interprets and guides and the other just messengers.

Mr. ADAMS of Pennsylvania. In reply to the gentleman I would like to read from the letter of the Secretary of State, addressed to the Secretary of the Treasury, relating to the contingent expenses of foreign missions in consulates, in which he says:

Owing to the peculiar nature of the foreign service it is impracticable to fix or apportion the amount to be used by embassies, legations, and consulates and adhere to such apportionment for the reason that the cost of telegrams, charges for postage, and other items can not be regulated.

Rents are increasing annually. It is observed that increased rates are made for lights and fuel. Increased wages are demanded for clerical, messenger, and janitor service. The demands on the Department for furniture, typewriters, carpets, stoves, fixtures, etc., for embassies, legations, and consulates can not be estimated. Unforeseen emergencies, which the Department can not control, are constantly arising in the foreign service which necessitate the immediate expenditure of large sums of money.

I would state, for the information of the gentleman from Mississippi [Mr. WILLIAMS], that the service in the consular service to-day is practically paralyzed for the reason that the contingent fund is exhausted, and that they have not the money with which to pay postage on their letters, and if they wish to make reports which the Department demands shall be made in regard to our foreign commerce it must be done out of their

own pocket. I do not wish to repeat, but, as I said before, as the country grows and as our trade expands so do the expenses of our foreign department expand. And for this reason we must expect the contingent expenses to grow from year to year. And it will be a very mistaken policy, Mr. Chairman, if any lack of liberality is extended to this most important branch of the service, for when you think of it there is but $2,000,000 a year expended on this great department of our Government which holds in its hands almost war or peace, and which protects our citizens abroad from injury and recovers damages for such injuries, and which at the end of the Boxer rebellion in China got $20,000,000 damages for injury to our citizens there. Think of a department recovering $20,000,000 at a cost of $2,000,000 a year to run it.

The money is expended by the State Department, affecting the very life and welfare of our country; and when we think of the able men of our country who, in a spirit of patriotism, are willing to go abroad and not receive adequate compensation for their services—not only that, but do not receive money upon which to live in the manner which is imposed upon them—when we know these facts, it seems to me a mistaken policy to undertake to cut down the small contingent fund which is intended to meet the various expenditures that are necessarily incurred in the running of this efficient and important department of our Government. [Loud applause.]

The CHAIRMAN. The Chair would like to hear from the gentleman from Mississippi on the point of order.

Mr. WILLIAMS. The point of order is that it is a change of existing law, not a limitation, and is new legislation to the extent of the increase.

Mr. ADAMS of Pennsylvania. I would like to submit this statement: The contingent fund is necessarily a continuing appropriation from year to year to meet the necessities of the State Department. It can not be limited, for its very name "contingent" implies that it can not be absolutely estimated. Therefore the very fact of it, and its necessity from year to year, implies a change of amount and is not a change of the existing law, for the law consists in the appropriation that establishes a contingent fund, and the amount is to be made in accordance with the estimates that are furnished by the Department.

The CHAIRMAN. If the point made by the gentleman from Mississippi wholly applies to the increase in the amount, the Chair will overrule the point of order.

Mr. WILLIAMS. The point of order necessarily is applied to all of it that is not specifically set forth. The point is made to all the paragraph, because the increase makes it new legislation.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

STEAM LAUNCH FOR LEGATION AT CONSTANTINOPLE.

Hiring of steam launch for use of the legation at Constantinople, $1,800.

Mr. SULZER. Mr. Chairman, I make the point of order against this provision.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. SULZER. I think it is new legislation.

Mr. ADAMS of Pennsylvania. It is not new legislation.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. SULZER. I want to know the warrant of law for this appropriation—the authority for paying $1,800 a year rent for a steam launch for the legation at Constantinople?

Mr. ADAMS of Pennsylvania. It is the same as last year.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SULZER. Not so fast; but very well; then I move to strike out the last word. Now, Mr. Chairman, I want to say that I can find no warrant of law for this continuing appropriation, to hire a steam launch for the legation at Constantinople, and to pay every year for this steam launch $1,800 rental. You can buy a pretty good steam launch for $1,800; and to-day, according to the statement of the gentleman from Pennsylvania, we have been paying from year to year without any warrant of law whatever $1,800 in rent for a steam launch. I would like to ask the gentleman, if he knows, how long we have been paying this?

Mr. ADAMS of Pennsylvania. I do not know.

Mr. SULZER. You ought to know, being the chairman of the committee. [Laughter.]

Mr. ADAMS of Pennsylvania. I will simply say to the gentleman that I know enough to knock out the point of order; and being in charge of the bill, it is not necessary to know any more.

Mr. SULZER. That is not clever. The Chairman overruled the point of order, and he did so in error, without any more authority for it than you had to put in this bill this grafting appropriation of $1,800 a year rental for a launch.

Mr. ADAMS of Pennsylvania. That is a matter of opinion.

Mr. SULZER. It looks queer to me. I would like, if the gentleman can give the information, to know how long this steam launch renting of $1,800 a year has been going on?

Mr. ADAMS of Pennsylvania. I do not know how old the boat is, but I know that it was passed the first time in 1892, and it has existed there ever since. I suppose the gentleman knows that this is on the Bosphorus, and a steam launch is necessary to visit the incoming vessels.

Mr. SULZER. Then we have paid twenty-odd thousand dollars rent for the use of this steam launch. Quite an item.

Mr. ADAMS of Pennsylvania. It is not owned by the Government.

Mr. SULZER. I said we paid that in rent. We could buy a steam launch for something like $2,000. We can buy a pretty good steam launch for $2,000. I know where there are new steam launches for sale at that price, and they are very fine launches. They last for twenty or thirty years. I would like to know why we do not buy a launch?

Mr. ADAMS of Pennsylvania. Mr. Chairman, if we had an item in this bill for the purchase of a steam launch, and the gentleman had the economic turn of mind he has now, I would like to know what he would do with that?

Mr. SULZER. A launch, if necessary, should have been bought in the first instance. It is economy to do it now.

Mr. ADAMS of Pennsylvania. I was not here in 1892, or probably I would have suggested buying a boat at that time.

Mr. SULZER. Now, think of that going on, Mr. Chairman, for the next twenty or thirty years paying out every year $1,800 for the rent of a steam launch. It seems to me to be a great waste of money. It seems to me that it is poor economy. Why, instead of hiring a launch, we ought to buy one. It certainly seems to me to be extortionate to pay $1,800 a year rent for a little steam launch. Something must be wrong with such a system of administration. It should be looked into, I think, just a bit. In my opinion money can be saved here, and if it can it is our duty to save it for the taxpayers. I understand that things are very cheap in Constantinople. In my judgment, $800 a year would be plenty of money to appropriate for hiring a steam launch to sail out on a hot evening over the Bosphorus. It seems to me the gentleman from Pennsylvania, chairman of the committee, ought to have investigated this matter a little. He made up this bill apparently according to any old way. So I move to amend by striking out "eighteen hundred dollars" and inserting "eight hundred dollars," thus saving the taxpayers of the country $1,000 every year.

The CHAIRMAN. The gentleman from New York moves to amend by striking out the words "one thousand."

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. SULZER. Division. Let us stand up for economy.

The commitee divided; and there were—ayes 10, noes 62.

Mr. SULZER. Tellers, Mr. Chairman.

Mr. WILLIAMS. Mr. Chairman, I regret to note the absence of a quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-five—a quorum present.

Mr. SULZER. Tellers, Mr. Chairman.

Tellers were refused, 19 Members, not a sufficient number, rising in support of the demand.

The Clerk read as follows:

GROUND RENT OF LEGATION AT TOKYO, JAPAN.

Annual ground rent of the legation at Tokyo, Japan, for the year ending March 15, 1907, $250, or so much thereof as may be necessary.

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert a new section after line 16, page 9:

"For the acquisition in foreign capitals of proper sites and buildings for the embassies and legations of the United States and for the residences of the ambassadors and envoys extraordinary and ministers plenipotentiary of the United States to foreign countries, $1,000,000."

Mr. ADAMS of Pennsylvania. Mr. Chairman, I reserve the point of order against that amendment.

Mr. LONGWORTH. Mr. Chairman, I have already addressed this House laboriously, lengthily, and, I fear, somewhat boringly upon this subject upon two previous occasions. I would not, if I could under the rules, take up any long time in the discussion of this question now. I desire merely to say that there is a bill in this House which has the unanimous approval of all the members of the Committee on Foreign Affairs, including its acting chairman, the gentleman from Pennsylvania [Mr. ADAMS], appropriating for this purpose the sum of $5,000,000. I have simply taken from that bill $1,000,000 and propose it as an

amendment to this appropriation bill. If we pass this amendment, we will then be taking the first step to relieve the condition under which this Government is now laboring, of being represented at every great embassy and every great mission in Europe and in the Far East by men whose necessary qualification is that they have the price.

Mr. RUCKER. What does the gentleman mean by that? Does he mean that they have paid a price?

Mr. LONGWORTH. Oh, certainly not. I mean what everybody knows is true, that under our system no one can accept an important diplomatic position under our Government unless he has a large private fortune to enable him to meet his expenses abroad.

Mr. RUCKER. I should like to ask the gentleman, does he think that under present conditions there is the slightest chance on earth for a poor man ever to get one of these places?

Mr. LONGWORTH. I do not think it is conceivable.

Mr. RUCKER. Even although your amendment should be adopted, would there still be any chance?

Mr. LONGWORTH. The adoption of my amendment would not aboslutely relieve the condition, but it would, however, serve notice that this Congress is going to consider the question of ameliorating this condition of affairs.

Mr. RUCKER. Would it not simply serve notice that Congress was going to pour a little more wealth into the laps of rich men?

Mr. LONGWORTH. On the contrary this money would be expended by the Government to provide residences abroad where poor men appointed to these positions could live.

Mr. RUCKER. Where a poor man could live, but where rich men will continue to live until we get a change in this country.

Mr. LONGWORTH. Where a rich man must of necessity live if appointed, and therefore be on the same basis as a poor man appointed there. At present the amount which an ambassador pays for his official residence is limited only by what he is willing to pay out of his own private means.

Mr. GAINES of Tennessee. I fully appreciate what the gentleman has stated, from a historical standpoint, and I dare say he has given the matter a thorough investigation. Will he tell the committee whether or not our ministers previous to the civil war, were rich men, or when this rich-man era began? I ask the question seriously, because I want to know.

Mr. LONGWORTH. I will say to the gentleman from Tennessee that it has certainly been in existence since 1892, when we passed the act elevating our ministers to be ambassadors. I think it was in existence long before that, certainly in London and the great European posts.

Mr. GAINES of Tennessee. Did our ministers, ambassadors, and foreign officers forty years ago have to be millionaires to serve the Government?

Mr. LONGWORTH. No; they did not.

Mr. GAINES of Tennessee. What has brought about the changed conditions?

Mr. LONGWORTH. The fact that they are now ambassadors in some cases has brought about a changed condition. The fact that the cost of living has largely increased is also another element, and, above all, the fact that this country has now a position in the world's politics hardly dreamed of by our statesmen forty years ago.

Mr. GAINES of Tennessee. The gentleman must know that our foreign officials in years past had, through their ability——

Mr. ADAMS of Pennsylvania. I will answer the gentleman. The original act of Congress, when Benjamin Franklin was sent abroad, gave him unlimited means to live in a style proper to represent the country. After that, before these salaries were fixed, our ministers when they went abroad were given large sums for an outfit.

Mr. GAINES of Tennessee. Well, the gentleman has cited one case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask that the gentleman's time be extended ten minutes.

Mr. MANN. Five minutes at a time, Mr. Chairman; I object to ten minutes.

Mr. GAINES of Tennessee. The gentleman is talking about a very important matter.

Mr. MANN. We have discussed this matter several times, and we want to get through with this bill some time. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Ohio be extended five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, it is difficult to recite any particular date that occurred so long ago as the gentleman from Tennessee can remember but which I can not. [Laughter.] But, under our system, frequently men of great distinction from this country have been submitted to great humiliation from the way they were compelled to live in comparison with the way that representatives from other countries of the same position were living. The fact is that to-day in no great European capital can a proper residence be acquired for at least the amount that is paid to our ambassadors in salaries. If this country adopts the system of owning residences which shall be used, which must be used, by our ambassadors and ministers, then immediately this condition, under which men of wealth going to represent us abroad vie with each other in lavishness of expenditure of their immense wealth, will disappear. I would like to call the attention of this House to the fact that the act which raised our ministers to the rank of ambassadors was subject to a point of order, because it was an amendment to this bill. The point of order was not raised here or in the Senate; it was passed unanimously. Just before that act passed the Secretary of State refused to recommend that our ministers should be raised to the rank of ambassadors unless Congress would in some way, directly or indirectly, increase their compensation. Congress proceeded to do by unanimous consent exactly what the Secretary of State recommended should not be done.

It seems to me that the gentleman from Pennsylvania might very well withhold his point of order. It is impossible in this session of Congress to secure consideration of this bill. I will say that I had intended, if this bill could have been considered, to have amended it so that the Secretary of State should be authorized to expend an amount not to exceed $1,000,000 a year for five years. I believe that this appropriation for suitable residence—and I do not advocate the buying of a palace or anything except the sort of a house that the gentleman from Mississippi would say was proper for a gentleman to live in representing this country—would bring about a condition under which our representatives could be chosen on account of their learning and ability and intellectual fitness, regardless of what their worldly possessions may be. It seems to me the gentleman from Pennsylvania, who is in sympathy with this bill, might very well withhold the point of order upon this amendment.

Mr. SHERLEY. Mr. Chairman, the reserving of a point of order to the amendment offered by the gentleman from Ohio illustrates the absurd rules that prevail in this House in regard to legislation. Only committees can legislate. Now, the vast majority of this House is in favor of some such provision as that contained in the bill that has been offered by the gentleman from Ohio and favorably reported by this very committee, and yet under a rule that has absolutely destroyed the value of the individual Member this amendment, embodying the principle of that bill, will be ruled out. No amendment can be offered to any legislation, no matter how germane it may be to the subject, if it be not absolutely within a narrow rule that we have created, and the result has been that the House of Representatives has lost its influence and its power. But I do not want to discuss rules. I want to speak to the merits of the amendment. I favor the amendment not only because I believe that we ought to have homes for our legations abroad, but because I believe it would do something to stop the shameful extravagance, the outrageous and un-American method of living of some of our representatives abroad.

I think that when a representative of America pays $40,000 for his house rent in London, and several times that in maintaining it, he is not representing but misrepresenting the country that honors him. Of all men in the world, I have the most supreme contempt for that man who would pander to the poor by an abuse of the rich. There is not in my whole make-up one single bit of envy of any man because of his wealth. I submit, however, to this House that the extravagant living which has been indulged in by some of our representatives abroad is un-American; that it does not represent the spirit of the Republic; that it does not represent the best life of the people of this Republic.

The American people believe in good living. They believe in decent living; but they do not believe in all the ostentation which has been indulged in in recent years, and the wrong is not only a wrong while a man is in office, but it is a continuing wrong that involves every man who follows him at that particular post. Every man succeeding one of these men who spends thousands and thousands of dollars in a show of their wealth is expected to carry on the same establishment, equally large, to make the same expenditure, and the result is that instead of American legations representing the democracy for which our country stands they represent as much of aristocracy, as much

of exclusion, as much of vulgar display of recently acquired wealth as can be found the world over. [Applause.] For that reason I hope to see the amendment adopted or some similar legislation had. If we had men whose wealth had been of a little longer standing, there would perhaps be less display of it. No man can justify an expenditure for the maintaining of an establishment such as we have seen in two or three capitals in Europe as being necessary to uphold the dignity of the office. There is a dignity that demands a proper dwelling place; that demands a decent living; an ability to entertain properly the representatives of other governments and American citizens who may be abroad; but that dignity is violated the moment you step across the line of refinement into unseemly display and ostentation, and no worse example of it can be given to the people of America than this display of wealth that has resulted in a man having to be a multimillionaire, or some member of his family being one, in order for him to accept the post at the Court of St. James, at Paris, at Berlin, or at St. Petersburg. I hope there will be proper provision made for our representatives, and then I should like to see a restriction of such extravagances and remedy applied now, while we are waiting for proper legations. When they are once created, then the outward appearance at least of our embassies will always be the same, but in the meanwhile I would like to see some man who vulgarly, snobbishly is flaunting his money in the face of the world called home because of that fact and because it is undemocratic and not in keeping with the spirit of our people. [Applause.]

The CHAIRMAN. Does the gentleman from Pennsylvania insist on his point of order?

Mr. ADAMS of Pennsylvania. Mr. Chairman, as chairman one often has to do things that his individual desires would incline him not to do. I must insist on the point of order, because I desire to get through with the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SIBLEY. Mr. Chairman, I hope my colleague will reserve his point of order for five minutes.

Mr. ADAMS of Pennsylvania. Oh, the gentleman from Pennsylvania, my colleague, can speak for five minutes.

Mr. SIBLEY. Mr. Chairman, I move to strike out the last word of the last paragraph.

Mr. MANN. But the last paragraph has been ruled out on a point of order.

The CHAIRMAN. The Chair sustained the point of order to the amendment.

Mr. MANN. But it was not an amendment to any paragraph in the bill.

Mr. SIBLEY. Then I shall try to get a similar amendment in by changing the amount.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania for five minutes.

Mr. SIBLEY. Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] has voiced, I think, a sentiment that is in the mind of every Member of this body; yet at the same time I admit to some modification of my views as to the wisdom of the amendment offered by the gentleman from Ohio [Mr. LONGWORTH], for I have a few weeks since finished the reading of the autobiography of the Hon. Andrew D. White, for many years our diplomatic representative abroad. He was thought of so highly that President Cleveland retained him for several years at his diplomatic post.

Now, if there is one thing in all that autobiography which Mr. White emphasizes it is that we should own our own buildings at these foreign capitals, and that, by failing to do so, we not only belittle in the eyes of other nations our accredited representatives, but we eliminate in many cases from our diplomatic service the very best brains and the very best talent that the nation boasts, simply because the demands upon the individual pocket of the diplomat are so great as to preclude the services of such men. I am sure that if each Representative in this body, without prejudice, would read Mr. White's recommendations, we would all agree with him. Mr. White is a man who is now retired forever from the public arena. He is speaking to his countrymen as a distinguished educator and diplomat. He has been an honor to his nation, and all citizens justly honor him. In all his two volumes that is the one point that he makes most emphatic. I should like very much indeed, had the Chairman not ruled it out on a point of order, to see the amendment offered by the gentleman from Ohio prevail, although I am frank to say that until I had read Doctor White's autobiography I should have entertained an entirely different opinion. It is not unknown to Members whose faces I see on the other side of this Chamber that Mr. Cleveland sent an ambassador to Russia, a distinguished Democratic Member of Congress, who was our colleague, who came away from there, I have been led to believe, very much chagrined and much impoverished, merely because he could not afford to hold the post which his talents so eminently qualified him to fill—the Hon. Clifton Breckinridge, of Arkansas.

Now, I want to see the wealth qualification eliminated. I want to see the ambassadors of a nation which is foremost in the commercial progress of the world, which has gone to the very front rank of nations, which is now the financial center and the industrial center of the globe, properly provided for. The expenses of a diplomat are greater now than in the days of which my friend speaks, because our interests have so tremendously multiplied that the ambassador must touch a hundred points to-day which were uncalled to his attention in a generation or two gone by; and, therefore, I hope some day, before I shall have passed off the scene of action—not political action, but while I still remain a citizen to watch events—to see suitable mansions belong to the United States as the British own one here, that shall be American soil, and which, in all the tumults and upheavals that occur in foreign capitals, if they should occur, will be recognized as soil of the United States and not subject to the riots or assaults of a mob. [Loud applause.]

The Clerk read as follows:

REERECTION OF CONSULAR BUILDING AT TAHITI, SOCIETY ISLANDS.

For the reerection of the American consular building at Tahiti, Society Islands, $5,071.45.

Mr. MANN. Mr. Chairman, I will have to make a point of order on that.

The CHAIRMAN. Does the gentleman make his point of order or reserve it?

Mr. ADAMS of Pennsylvania. I hope the gentleman will reserve the point of order.

Mr. MANN. Well, I reserve the point of order.

Mr. ADAMS of Pennsylvania. I would like to state for the information of the gentleman, and I am sure he will withdraw his point of order when he hears it, that this is for the reerection of the American consulate building at Tahiti, Society Islands. This building was absolutely destroyed by a cyclone a year ago, and it is necessary that it should be put up again. The Secretary of State wrote to our chairman [Mr. HITT] as follows:

SIR: I have the honor to inform you that a cyclone and high sea which swept over Tahiti, Society Islands, on February 8 last, caused the total destruction of the American consular building there. The building destroyed was the property of this Government. It stood on ground which is quite the finest in the town of Papeeti and which can not be used by the terms of the original deed for other purposes than a consulate.

The building which it is desired to build on the present Government property will cost $5,071.45, the estimate therefor being itemized as follows.

It is essential that this be reerected for the use of the consul, and more than that, the land, which is owned by the Government, is under such restrictions that it can not be used for any other purpose. I feel sure the gentleman from Illinois will withdraw his point of order with this information from the Secretary of State.

Mr. MANN. Will the gentleman inform us whether it is the policy of the Government to provide consular buildings for all the consuls of the Government? We have information here to the effect that we ought to provide buildings for all ambassadors—with which I am not in sympathy, I will say to the gentleman, at present—and I would like to know whether the Government intends to provide buildings for all consuls and consular agents, or whether it is an exception in this case?

Mr. ADAMS of Pennsylvania. I will state to the gentleman, the policy of the Government has not been to provide consulates with buildings; but in such out-of-the-way countries where it is impossible to get a habitable place for the use of the American representative, in some such places the Government has erected houses for the consuls, and this happens to be one of them. There is probably no house on the island that would be of sufficient size and proper to house the American consul and his family; hence the original erection of the building, and hence the necessity for its reerection, and I feel sure——

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. Mr. Chairman, I am not certain whether the item is subject to the point of order, but I insist upon the point of order.

Mr. PERKINS. Mr. Chairman, I think the item plainly is not subject to the point of order.

The CHAIRMAN. The Chair would like to hear the gentleman from New York on the point of order.

Mr. PERKINS. As I understand the facts, Mr. Chairman, the Government of the United States owns the site upon which it has erected a building to use for consular purposes at Tahiti, Society Islands—that is to say, the purchase of that building, the erection of that building, and use of that building, as I

understand, is established law. Now, surely, Mr. Chairman, if by some accident a building belonging to the Government is subject to injury, it is not enacting new law to make the necessary appropriation for the repairs to that building, whether they are more or whether they are less.

Take the building owned by the Government mentioned here; surely the necessary repairs on any property owned by the Government, and to which the Government has acquired a legal title or proper use, then becomes an established branch of the property, and the necessary repair, like the necessary care——

The CHAIRMAN. Can the gentleman answer one question for the Chair?

Mr. PERKINS. I will if possible.

The CHAIRMAN. Was this building completely destroyed, and is this appropriation to rebuild the building, or was it simply damaged, and is this item to repair it?

Mr. PERKINS. Of course, the foundation remains. I suppose the superstructure has been rendered uninhabitable.

Mr. WILLIAMS. In connection with the question of the Chair, the language of the provision settles it.

The CHAIRMAN. That is why the Chair asked the question.

Mr. WILLIAMS. The language of the provision settles it. It does not say "repair;" it says "reerection."

Mr. PERKINS. I think it is not the language of the bill that settles the law.

The CHAIRMAN. The Chair is ready to rule unless the gentleman wants to be heard further. Does the gentleman from Illinois [Mr. MANN] insist upon the point of order?

Mr. MANN. If the committee will excuse me for a second, I will say that this consul is enjoying a thousand-dollar salary now. This bill proposes to give him $2,000 salary. The consul at this place has not a thing on earth to do but live. [Laughter.]

Mr. OTJEN. May I ask the gentleman a question? Would you go down there for $2,000?

Mr. MANN. I may be glad of the opportunity some day. [Laughter.]

Mr. ADAMS of Pennsylvania. I hope not.

Mr. MANN. I have plenty of constituents who would be glad to go there to-day for $2,000, or probably less. Mr. Chairman, I insist upon the point of order.

Mr. DENBY. Will the gentleman yield for a little data concerning business in that office?

Mr. MANN. Very gladly.

Mr. DENBY. The gentleman asserted that there is no business there. The exports from that port to the United States for the last fiscal year were $314,000. The official fees amounted to $330.50; the notarial fees to $44; all of which indicate a very considerable amount of business done at the consulate. Vessels cleared for the United States, 11; seamanship, 2; seamen discharged, 2; letters received and answered, 300; expenses of living, high. So the consul has manifestly something more to do than live.

Mr. MANN. He had three vessels to attend to in three hundred and sixty-five days. That is coming near to doing nothing.

Mr. LONGWORTH. Eleven vessels.

Mr. MANN. Eleven vessels.

Mr. ADAMS of Pennsylvania. Thirteen vessels.

Mr. MANN. Well, call it thirteen; that is an unlucky number for him.

Mr. DENBY. He had to prepare manifests for $314,000.

Mr. MANN. For how many vessels?

Mr. DENBY. It is immaterial as to the number of vessels. It is the amount of exports that make the business of the consul. There were eleven vessels of the United States.

Mr. MANN. The gentleman understands very well that the consul does not prepare the manifests.

Mr. DENBY. If the gentleman will pardon me, I do not so understand. The consul generally does prepare the manifests, and also writes letters and signs checks.

Mr. MANN. He examines the manifests. The manifests are not prepared by the consuls. Eleven vessels mean eleven days' work, possibly, in the year's time. I think he is exceedingly well paid at $2,000. He has a thousand dollars extra because he lost the building, and the building probably was not worth very much.

Mr. OLMSTED rose.

The CHAIRMAN. The Chair will rule on the point of order, unless the gentleman from Pennsylvania desires to address the Chair.

Mr. OLMSTED. I was simply going to call the attention of the Chair to the fact that in the Fifty-sixth Congress, as referred to on page 346 of the Manual, it was held that the rebuilding of a bridge in the District of Columbia was a continuation of Government work in progress, and upon the argument of the present Speaker of the House. That may or may not have a bearing on this question. I have not been paying close enough attention to know precisely the question at issue here, but it seems to me it might have a bearing.

The CHAIRMAN. What page is that?

Mr. OLMSTED. Page 346 of the Manual. I had occasion recently to examine that in the RECORD, and found that the point of order in that case was overruled on the argument of the present distinguished Speaker of the House, then chairman of the Committee on Appropriations. It was a case where a bridge, once constructed by the Government, had gone away. The paragraph against which the point was urged contained an appropriation for the construction of a new bridge in place of it.

The CHAIRMAN. The Chair would like to ask the gentleman from Pennsylvania the question if that was not a part of the park system of the District of Columbia?

Mr. OLMSTED. If I mistake not, the bridge was or had been across a stream running through the Zoological Garden.

The CHAIRMAN. Undoubtedly.

Mr. DENBY. Mr. Chairman, I move to amend the paragraph under consideration by striking out of line 9 the word "reerection" and substitute the word "repairs."

The CHAIRMAN. The Chair will sustain the point of order, and will recognize the gentleman to offer an amendment.

Mr. DENBY. I offer an amendment to make the paragraph read as follows:

For the repair of the American consular building at Tahiti, Society Islands, $5,071.45.

Mr. MANN. I make the point of order against the amendment.

The CHAIRMAN. The Chair will have to take the language of the amendment, and unless the gentleman from Illinois desires to be heard, the Chair is ready to rule. [Cries of "Rule!"]

Mr. MANN. I have no desire whatever to prevent the construction of the building, so far as that is concerned. The point that I am making was the relation to the ruling of the Chair. Here is an admission that the building is destroyed and can not be repaired. The Chair is required to act upon facts that are before it, and I doubt very much whether the Chair could entertain the amendment with the admission made to the Chair as to what the facts are.

Mr. PERKINS. What admission is made to the Chair?

Mr. MANN. That the building has been destroyed, and could not be repaired.

Mr. PERKINS. I know of no such admission.

Mr. MANN. That is what I understood.

The CHAIRMAN. The Chair would like to state to the gentleman that when the Chair ruled upon the point of order before he ruled according to the language, although the gentleman from New York said that the appropriation was "for repairs" and not "rebuilding" the building.

Mr. MANN. Now, I am frank to say that I think the ruling is correct in both cases.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. DENBY. Mr. Chairman, there should be a change in the title of the paragraph, changing it from "reerection" to "repair."

The CHAIRMAN. Without objection, the change will be made by the Clerk.

The Clerk read as follows:

ANNUAL EXPENSES OF CAPE SPARTEL LIGHT, COAST OF MOROCCO.

Annual proportion of the expenses of Cape Spartel and Tangiers Light on the coast of Morocco, including loss by exchange——

Mr. WILLIAMS. A point of order, Mr. Chairman. It is the duty of the Clerk to read the bill, and he read "Annual proportion of the expenses of Cape Spartel and Tangiers Light on the coast of Morocco, including loss by exchange, $325."

The CHAIRMAN. The Clerk informs the Chair that he had just reached the total of the paragraph.

Mr. WILLIAMS. I beg the Chair's pardon. The Clerk read "Annual proportion of the expenses of Cape Spartel and Tangiers Light on the coast of Morocco," and then went on to the next thing.

Mr. OLMSTED. No; he did not.

The CHAIRMAN. The Clerk informs the Chair that the gentleman from Mississippi must not have heard him. The Clerk will read.

Mr. WILLIAMS. I thought I heard the gentleman read "bringing."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

three hundred and twenty-five dollars.

The Clerk proceeded to read the bill, as follows:

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $90,000, or so much thereof as may be necessary. The Secretary of State is authorized to apply in his discretion such portions of the appropriation for "Contingent expenses, foreign missions," for the fiscal year ending June 30, 1907, to the maintenance, driving, and operating such carriages or vehicles as may be necessary for the use of the Assistant Secretaries of the Department of State in the duties officially devolving upon them, and further to apply upon the order of the President such proportion of any fund which may properly be applied to the entertainment of visiting functionaries of foreign governments to such temporary hire of carriages as may be required for the use of such Assistant Secretaries in emergencies arising in connection with the necessary entertainment of such functionaries of foreign governments in the United States, or in such other emergencies as may require such expenditures to be made.

Mr. CRUMPACKER. I desire to make a point of order against the paragraph just read.

The CHAIRMAN. Will the gentleman please call the Chair's attention to the line?

Mr. CRUMPACKER. To that part of line 5, page 11, after the word "seven," down to and including the word "them," in line 9 of the same page. The point of order includes the provision authorizing carriages and vehicles for Assistant Secretaries of the Department of State. I know that it is contrary to existing law.

Mr. MANN. Mr. Chairman, I raise the point of order upon all the paragraph after the word "necessary," in line 2 of page 11.

The CHAIRMAN. The point of the gentleman from Illinois will be reserved until that of the gentleman from Indiana is disposed of.

Mr. CRUMPACKER. A few years ago a law was passed prohibiting the use of public money for the purchase and maintenance of carriages and vehicles for assistants of the various Departments of the Government. I think the limitation expressly was for the maintenance of horses and carriages for the heads of Departments alone. My point of order simply includes that part of the paragraph that authorizes the expenditure of any appropriation carried in the bill for the purchase and maintenance of horses and vehicles for the use of Assistant Secretaries of the State Department.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I would like to state that this is existing law, and it has been enacted since the passage of the act to which the gentleman refers. Therefore it stands as the law to-day, and was passed in contravention of that law, to show that in the judgment of the legislative body it was not applied to the Department of State. And, Mr. Chairman, to go from the legal point to the merit of the case, very properly so. We all know the functions of the Department of State differ from those of any of the other Departments. They necessarily have to do with foreign representatives and foreigners and distinguished people who come here. It is necessary under the comity of nations that certain attentions and certain entertainments should be given to foreigners, the same as are extended by them to our representatives when abroad.

For this reason it is quite necessary that the Department of State should have these carriages, and particularly that their use should be extended to the assistant secretaries, because they are the officers who are generally assigned to extend these courtesies to the visiting representatives of foreign governments and to go around with them. That is the necessity of this, and both on the point of order and on the merits I submit that the point of order is not well taken

Mr. CRUMPACKER. I desire to ask the gentleman from Pennsylvania where the law is that authorizes the carriages and horses for the use of assistant secretaries of the Department of State? It is simply a provision carried in the annual diplomatic appropriation bill, is it not?

Mr. ADAMS of Pennsylvania. Yes; but under the rules of the House that has been held to be existing law.

Mr. CRUMPACKER. Under the rules of the House it has been held that it is not existing law, and in relation to the merits of the case I desire to say that a subsequent provision in the same paragraph authorizes the use of public funds in the employment of carriages and vehicles for the entertainment of foreign guests. The provision included in my point of order does not include that part of the paragraph that authorizes the employment of vehicles in the entertainment of foreign guests.

Mr. ADAMS of Pennsylvania. In reply to that, I again assert that it is existing law. Further than that, it is necessary that these secretaries should have the carriages in attending to their duties. It is necessary in going about from one portion of Washington to another. This has been described as the city of magnificent distances, and we know how far places in this city are from one another. They have to come up to the Capitol, even the Secretary of State, and in the proper performance of their duties it is necessary that they should have the use of these carriages. That has been so through many years of experience. It is nothing new. It has been in the bill for years, and it is one of the recognized necessities for the efficient service of the State Department.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. MANN. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. MANN. Mr. Chairman, the item itself shows that it is not existing law, because it provides for the expenditure of part of the appropriation for the fiscal year ending June 30, 1907, and confines itself to that specific appropriation, indicating on its face that it is not existing law. It could not be existing law in the language itself in the bill. A similar item was in the appropriation bill for the current fiscal year, referring to the appropriation for the fiscal year ending June 30, 1906. Now, it will be perfectly plain to everybody that an item providing for the expenditure of the appropriation for the current fiscal year is not existing law when confined to the current fiscal year, if it is desired to apply to the ensuing fiscal year. It is not only not existing law, but it is contrary to the provision that was put in the bill some years ago, over my protest, forbidding the use of carriages, and I can see no more excuse for providing carriages for the Assistant Secretaries of State, as is done under this item, than for providing carriages for other assistant secretaries. As far as I am personally concerned, I have never seen any objection to the Government providing carriages for many of the Government officials here in Washington, who are so ill paid; but I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. PERKINS. Does the Chair sustain a point of order to the entire paragraph, after the second line?

Mr. ADAMS of Pennsylvania. To all after the word "necessary," in line 2, page 11, all the remainder of that paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

To enable the Commission to continue its work under the treaties of 1884 and 1889, $15,000.

Mr. WILLIAMS. Mr. Chairman, there has been an increase here of $10,000 to the International Water Boundary Commission, United States and Mexico. I should like to have some explanation from the chairman of the committee of the cause of that increase.

Mr. ADAMS of Pennsylvania. I will reply to the gentleman by stating that this is a restoration, not an increase. The determination of the boundary line between the United States and Mexico, delimiting the course of the Rio Grande River, has been proceeding under an agreement between this country and Mexico. The sum appropriated in some years has been as high as $67,000. Awaiting the confirmation of the treaty by the Senate last year, we reduced the amount from $15,000 to $5,000. This year we have the information that the bancos are being destroyed, and the boundary line is becoming uncertain on that account. The engineers have demanded the sum of $15,000 to carry on the preliminary work again, the same amount they had before.

This must be done, so that if the treaty is confirmed by the Senate this preliminary work that is necessary will be provided for. It is under the agreement that exists between Mexico and the United States.

Mr. WILLIAMS. As I understand, the terms of the treaty have been agreed upon.

Mr. ADAMS of Pennsylvania. They have been agreed upon, but not confirmed by the Senate.

Mr. WILLIAMS. Has the gentleman any idea what the life of this commission will be? When will it terminate its existence?

Mr. ADAMS of Pennsylvania. I can not tell the gentleman.

Mr. WILLIAMS. What was it originally created to do, if the gentleman can tell me, so that I may arrive at a guess as to when it may come to an end?

Mr. ADAMS of Pennsylvania. It was created to study the flow of the waters of the Rio Grande, which are continually shifting. The treaty between Mexico and the United States in regard to the line between those countries was settled as the middle of the Rio Grande River. That is a shifting stream, like many shallow streams, and this commission was established

so that if the river was going to change continually some definite boundary might be fixed independent of the bed of the river.

Mr. WILLIAMS. To prescribe a boundary which by mutual agreement would become the boundary regardless of the Rio Grande? Now, then, how many years has that work been going on?

Mr. ADAMS of Pennsylvania. This commission was established under the protocol of May, 1896, for the equitable distribution of the waters of the Rio Grande, and it has been going on ever since, from time to time. It also involves a plan for damming the waters of the Rio Grande in its upper part and distributing them for the purpose of irrigation.

Mr. WILLIAMS. Is the commission to do all that?

Mr. ADAMS of Pennsylvania. The Commission is investigating all that and is doing the preliminary work. It can be done together, as the gentleman can see very well, because they are studying the flow of the waters and the shifting of the bed of the Rio Grande River for a double purpose.

Mr. WILLIAMS. The reason I asked the gentleman the question is this: We are creating a great many commissions, commissions of every description, and a commission seems to be endowed with perpetual life. A commission never dies unless Congress at some time gets angry and takes a cudgel and hits the commission over the head. I didn't know but that this Commission was of that sort, but from the explanation of the gentleman from Pennsylvania this Commission seems to have some little work to do.

Mr. ADAMS of Pennsylvania. The Commission is composed of United States engineers who do not draw any extra salary, and I will say to the gentleman that the treaty under consideration before the Senate will bring this thing to a termination.

Now, Mr. Chairman, I do not think it is possible to finish this bill to-night, and I therefore move that the committee rise.

The motion was agreed to; accordingly the committee determined to rise, and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the diplomatic and consular appropriation bill and had instructed him to report that it had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 17507. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1133. An act granting a pension to Mary Lockard;
H. R. 4222. An act granting a pension to Otto Boesewetter;
H. R. 4388. An act granting a pension to Laura Hilgeman;
H. R. 4406. An act granting a pension to Albert M. Ryan;
H. R. 4867. An act granting a pension to Louisa Gregg;
H. R. 7495. An act granting a pension to Susie M. Gerth;
H. R. 8144. An act granting a pension to Ada J. Lasswell;
H. R. 8833. An act granting a pension to Edna M. Johnson;
H. R. 8954. An act granting a pension to George Cunningham;
H. R. 9135. An act granting a pension to August Crome;
H. R. 9276. An act granting a pension to Mary E. O'Hare;
H. R. 10177. An act granting a pension to Elizabeth Kohler;
H. R. 10766. An act granting a pension to Rachel L. Bartlett;
H. R. 11303. An act granting a pension to Joseph Matthews;
H. R. 11686. An act granting a pension to William C. Berghahn;
H. R. 12194. An act granting a pension to Minnie Irwin;
H. R. 12561. An act granting a pension to Francis M. McClendon;
H. R. 12653. An act granting a pension to Sarah Adams;
H. R. 12807. An act granting a pension to Nancy Ann Gee;
H. R. 12874. An act granting a pension to Sarah Ellen Dickens;
H. R. 13024. An act granting a pension to William J. Beach;
H. R. 13421. An act granting a pension to John W. Wabrass;
H. R. 13575. An act granting a pension to Frances Bell;
H. R. 13622. An act granting a pension to Mary Cochran;
H. R. 13704. An act granting a pension to Ann Dewier;
H. R. 13713. An act granting a pension to Allison W. Pollard;
H. R. 15032. An act granting a pension to Milton Diehl;
H. R. 15243. An act granting a pension to Artemesia T. Husbrook;
H. R. 15486. An act granting a pension to William H. M. Carpenter;
H. R. 15490. An act granting a pension to Mary E. Darcy;
H. R. 15523. An act granting a pension to Jose N. Lucero, alias Nasario Lucero;
H. R. 15588. An act granting a pension to Hester Hyatt;
H. R. 15695. An act granting a pension to John T. Wagoner;
H. R. 15807. An act granting a pension to Catharine Arnold;
H. R. 15855. An act granting a pension to Will E. Kayser;
H. R. 16173. An act granting a pension to Sarah Smith;
H. R. 16267. An act granting a pension to Catharine Piper;
H. R. 16320. An act granting a pension to Esther M. Nash;
H. R. 16390. An act granting a pension to Katharine Partridge;
H. R. 16627. An act granting a pension to Delilah Moore;
H. R. 16681. An act granting a pension to Gustave Bergen;
H. R. 16704. An act granting a pension to Lucy C. Strout;
H. R. 16931. An act granting a pension to Cornelia Mitchell;
H. R. 17108. An act granting a pension to Edith F. Morrison;
H. R. 17120. An act granting a pension to Rhoda Munsil;
H. R. 17205. An act granting a pension to Alice Garvey;
H. R. 17308. An act granting a pension to Margaret E. Eveland;
H. R. 17548. An act granting a pension to David J. Bentley;
H. R. 17558. An act granting a pension to Lizzie H. Prout;
H. R. 17586. An act granting a pension to Harriet A. Morton;
H. R. 17671. An act granting a pension to Sarah A. Thompson;
H. R. 17690. An act granting a pension to Ellen E. Leary;
H. R. 17788. An act granting a pension to Charles E. Benson;
H. R. 17826. An act granting a pension to Wincy A. Lindsey;
H. R. 18005. An act granting a pension to Emily Compton;
H. R. 18157. An act granting a pension to James J. Winkler;
H. R. 18158. An act granting a pension to Isaac Cope;
H. R. 18169. An act granting a pension to Margaret Stevens;
H. R. 549. An act granting an increase of pension to Charles W. Storr, jr.;
H. R. 718. An act granting an increase of pension to Hamilton D. Brown;
H. R. 735. An act granting an increase of pension to Frank L. Fornshell;
H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;
H. R. 1192. An act granting an increase of pension to George B. Hess;
H. R. 1413. An act granting an increase of pension to John Crawford;
H. R. 1482. An act granting an increase of pension to Philip Cook;
H. R. 1547. An act granting an increase of pension to William A. Olmsted;
H. R. 1557. An act granting an increase of pension to Frank J. Oatley;
H. R. 1719. An act granting an increase of pension to William N. Whitlock;
H. R. 1768. An act granting an increase of pension to George W. Childers;
H. R. 1946. An act granting an increase of pension to James A. Sproull;
H. R. 2155. An act granting an increase of pension to William H. Smith;
H. R. 2168. An act granting an increase of pension to William Bridges;
H. R. 2226. An act granting an increase of pension to George F. Long;
H. R. 2234. An act granting an increase of pension to Jacob W. Gersteneker;
H. R. 2791. An act granting an increase of pension to Mary E. Adams;
H. R. 2816. An act granting an increase of pension to James C. Town;
H. R. 3227. An act granting an increase of pension to Isaac Tuttle;
H. R. 3345. An act granting an increase of pension to Christina White;
H. R. 3686. An act granting an increase of pension to Henry R. Cowan;
H. R. 3694. An act granting an increase of pension to Joseph D. Emery;
H. R. 4240. An act granting an increase of pension to James F. Chipman;
H. R. 4244. An act granting an increase of pension to John Spaulding;
H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;
H. R. 4594. An act granting an increase of pension to Joshua S. Ditto;

H. R. 4595. An act granting an increase of pension to Thomas H. Tallant;
H. R. 4625. An act granting an increase of pension to Anderson J. Smith;
H. R. 4743. An act granting an increase of pension to Hiram N. Goodell;
H. R. 4745. An act granting an increase of pension to Henry D. Stiehl;
H. R. 4965. An act granting an increase of pension to Samuel P. Holland;
H. R. 5048. An act granting an increase of pension to William A. Failer;
H. R. 5222. An act granting an increase of pension to Lewis R. Stegman;
H. R. 5571. An act granting an increase of pension to William Cary;
H. R. 5732. An act granting an increase of pension to Elias C. Kitchin;
H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;
H. R. 6061. An act granting an increase of pension to William H. Chapman;
H. R. 6111. An act granting an increase of pension to Edwin R. Steenrod;
H. R. 6112. An act granting an increase of pension to Edmund Fish;
H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;
H. R. 6490. An act granting an increase of pension to William H. Gilbert;
H. R. 6498. An act granting an increase of pension to Isaac C. France;
H. R. 6546. An act granting an increase of pension to Samuel A. White;
H. R. 6578. An act granting an increase of pension to James B. McWhorter;
H. R. 6776. An act granting an increase of pension to Stephen C. Smith;
H. R. 6865. An act granting an increase of pension to Charles F. Voss;
H. R. 6912. An act granting an increase of pension to Charles H. Weaver;
H. R. 7419. An act granting an increase of pension to James Scott;
H. R. 7498. An act granting an increase of pension to Mary Hanson;
H. R. 7500. An act granting an increase of pension to John McCandless;
H. R. 7584. An act granting an increase of pension to James H. Kemp;
H. R. 7876. An act granting an increase of pension to Julius Beier;
H. R. 8091. An act granting an increase of pension to John Coughlin;
H. R. 8138. An act granting an increase of pension to Similde E. Forbes;
H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;
H. R. 8547. An act granting an increase of pension to John W. Madison;
H. R. 8650. An act granting an increase of pension to Sewell F. Graves;
H. R. 8662. An act granting an increase of pension to Edward F. Paramore;
H. R. 8716. An act granting an increase of pension to John L. Coffey;
H. R. 8737. An act granting an increase of pension to Horace A. Manley;
H. R. 8771. An act granting an increase of pension to Florence Sullivan;
H. R. 9034. An act granting an increase of pension to Mary F. McAuley; and
H. R. 9138. An act granting an increase of pension to Aaron L. Lockwood.

LEAVES OF ABSENCE.

Mr. HOLLIDAY requested leave of absence for two weeks, on account of important business.

Mr. BOWERSOCK requested leave of absence for two days, on account of important business.

Mr. LACEY. Mr. Speaker, I move that the requests be granted.

The motion was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 53 minutes p. m.) the House, under its previous order, adjourned until Thursday next, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of Commerce and Labor submitting an estimate of reappropriation for salaries and expenses of special attorneys and examiners—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, reported the same with amendment, accompanied by a report (No. 4555); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large, reported the same without amendment, accompanied by a report (No. 4556); which said bill and report were referred to the House Calendar.

Mr. GARDNER of Massachusetts, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, reported the same with amendment, accompanied by a report (No. 4558); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19520) to authorize the Chicago, Milwaukee and St. Paul Railway Company of Montana to construct a railroad bridge across the Missouri River in Montana, reported the same without amendment, accompanied by a report (No. 4559); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6) granting an increase of pension to Ella N. Harvey, reported the same without amendment, accompanied by a report (No. 4449); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 20) granting an increase of pension to Edward Higgins, reported the same without amendment, accompanied by a report (No. 4450); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 215) granting an increase of pension to Elias Phelps, reported the same without amendment, accompanied by a report (No. 4451); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 225) granting an increase of pension to Thomas R. Smith, reported the same without amendment, accompanied by a report (No. 4452); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 453) granting an increase of pension to George K. Green, reported the same without amendment, accompanied by a report (No. 4453); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 586) granting an increase of pension to Corydon W. Sanborn, reported the same

without amendment, accompanied by a report (No. 4454); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 668) granting an increase of pension to John C. Rassbach, reported the same without amendment, accompanied by a report (No. 4455); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 722) granting a pension to Annis Bailey, reported the same without amendment, accompanied by a report (No. 4456); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 764) granting an increase of pension to Robert Carney, reported the same without amendment, accompanied by a report (No. 4457); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 911) granting an increase of pension to Julius A. Davis, reported the same without amendment, accompanied by a report (No. 4458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1174) granting an increase of pension to Edwin Morgan, reported the same without amendment, accompanied by a report (No. 4459); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1224) granting an increase of pension to William A. Bowles, reported the same without amendment, accompanied by a report (No. 4460); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1256) granting an increase of pension to Lewis D. Moore, reported the same without amendment, accompanied by a report (No. 4461); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1264) granting an increase of pension to Joseph Shiney, reported the same without amendment, accompanied by a report (No. 4462); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1428) granting an increase of pension to Daniel Lamprey, reported the same without amendment, accompanied by a report (No. 4463); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1443) granting an increase of pension to Hiram C. Clark, reported the same without amendment, accompanied by a report (No. 4464); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1510) granting an increase of pension to Byron K. May, reported the same without amendment, accompanied by a report (No. 4465); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1570) granting an increase of pension to Lydia A. Johnson, reported the same without amendment, accompanied by a report (No. 4466); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1664) granting an increase of pension to Elizabeth L. W. Bailey, reported the same without amendment, accompanied by a report (No. 4467); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1849) granting an increase of pension to David T. Pettie, reported the same without amendment, accompanied by a report (No. 4468); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1855) granting an increase of pension to James J. Brown, reported the same without amendment, accompanied by a report (No. 4469); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1865) granting an increase of pension to Solomon H. Baker, reported the same without amendment, accompanied by a report (No. 4470); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2008) granting a pension to Virginia A. McKnight, reported the same without amendment, accompanied by a report (No. 4471); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2032) granting an increase of pension to Thomas F. Stevens, reported the same without amendment, accompanied by a report (No. 4472); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2179) granting an increase of pension to G. Annie Gregg, reported the same without amendment, accompanied by a report (No. 4473); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2429) granting an increase of pension to James Devor, reported the same without amendment, accompanied by a report (No. 4474); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2619) granting an increase of pension to William H. Willie, reported the same without amendment, accompanied by a report (No. 4475); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2728) granting an increase of pension to Louisa Carr, reported the same without amendment, accompanied by a report (No. 4476); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2791) granting an increase of pension to John Lindt, reported the same without amendment, accompanied by a report (No. 4477); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2852) granting a pension to Bridget Manahan, reported the same without amendment, accompanied by a report (No. 4478); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3261) granting an increase of pension to Charles B. Towne, reported the same without amendment, accompanied by a report (No. 4479); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3270) granting an increase of pension to William H. Richardson, reported the same without amendment, accompanied by a report (No. 4480); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3486) granting an increase of pension to Edwin D. Wescott, reported the same without amendment, accompanied by a report (No. 4481); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3487) granting an increase of pension to Joseph Fuller, reported the same without amendment, accompanied by a report (No. 4482); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3553) granting an increase of pension to William Oliver, reported the same without amendment, accompanied by a report (No. 4483); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3629) granting an increase of pension to William Hibbs, reported the same without amendment, accompanied by a report (No. 4484); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3684) granting an increase of pension to George W. Hyde, reported the same without amendment, accompanied by a report (No. 4485); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3728) granting an increase of pension to William H. Winans, reported the same without amendment, accompanied by a report (No. 4486); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3750) granting an increase of pension to Wilbur F. Flint, reported the same without amendment, accompanied by a report (No. 4487); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3814) granting an increase of pension to John Giffen, reported the same without amendment, accompanied by a report (No. 4488); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3904) granting an increase of pension to George J. Thomas, reported the same without amendment, accompanied by a report (No. 4489); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4092) granting an increase of pension to John Smith, reported the same without amendment, accompanied by a report (No. 4490); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4133) granting an increase of pension to George Brewster, reported the same without amendment, accompanied by a report (No. 4491); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4171) granting an increase of pension to Joseph Bovee, reported the same without amendment, accompanied by a report (No. 4492); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4173) granting an increase of pension to Catherine E. Smith, reported the same without amendment, accompanied by a report (No. 4493); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4205) granting an increase of pension to George Warner, reported the same without amendment, accompanied by a report (No. 4494); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4346) granting an increase of pension to William E. Holloway, reported the same without amendment, accompanied by a report (No. 4495); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4372) granting an increase of pension to Emily P. Hubbard, reported the same without amendment, accompanied by a report (No. 4496); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4458) granting an increase of pension to Andrew P. Quist, reported the same without amendment, accompanied by a report (No. 4497); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4492) granting an increase of pension to George W. Fletcher, reported the same without amendment, accompanied by a report (No. 4498); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4497) granting an increase of pension to Augustus McDowell, reported the same without amendment, accompanied by a report (No. 4499); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4550) granting an increase of pension to Henry Moody, reported the same without amendment, accompanied by a report (No. 4500); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4719) granting an increase of pension to John Joines, reported the same without amendment, accompanied by a report (No. 4501); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4770) granting an increase of pension to Edward Hart, reported the same without amendment, accompanied by a report (No. 4502); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4784) granting an increase of pension to Lemuel Cross, reported the same without amendment, accompanied by a report (No. 4503); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4790) granting an increase of pension to Edward W. Smith, reported the same without amendment, accompanied by a report (No. 4504); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4879) granting an increase of pension to Mary E. Baker, reported the same without amendment, accompanied by a report (No. 4505); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4887) granting an increase of pension to Calvin C. Hussey, reported the same without amendment, accompanied by a report (No. 4506); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4910) granting an increase of pension to William Wright, reported the same without amendment, accompanied by a report (No. 4507); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4937) granting an increase of pension to John Reece, reported the same without amendment, accompanied by a report (No. 4508); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5022) granting an increase of pension to Henry S. Olney, reported the same without amendment, accompanied by a report (No. 4509); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5032) granting an increase of pension to Daisy C. Stuyvesant, reported the same without amendment, accompanied by a report (No. 4510); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5085) granting an increase of pension to Ellen Donovan, reported the same without amendment, accompanied by a report (No. 4511); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5143) granting an increase of pension to Eugene V. McKnight, reported the same without amendment, accompanied by a report (No. 4512); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5152) granting an increase of pension to Holaway W. Kinney, reported the same without amendment, accompanied by a report (No. 4513); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5158) granting an increase of pension to Andrew J. Fosdick, reported the same without amendment, accompanied by a report (No. 4514); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5169) granting an increase of pension to James A. Price, reported the same without amendment, accompanied by a report (No. 4515); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5256) granting an increase of pension to John Johnson, reported the same without amendment, accompanied by a report (No. 4516); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5290) granting an increase of pension to James Ramsey, reported the same without amendment, accompanied by a report (No. 4517); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5326) granting an increase of pension to Annie A. West, reported the same without amendment, accompanied by a report (No. 4518); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5442) granting a

pension to Frances E. Taylor, reported the same without amendment, accompanied by a report (No. 4519); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5501) granting an increase of pension to Jacob L. Kline, reported the same without amendment, accompanied by a report (No. 4520); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5557) granting an increase of pension to Henry Clay Sloan, reported the same without amendment, accompanied by a report (No. 4521); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5559) granting an increase of pension to Ann H. Crofton, reported the same without amendment, accompanied by a report (No. 4522); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5583) granting an increase of pension to Foster L. Banister, reported the same without amendment, accompanied by a report (No. 4523); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5700) granting an increase of pension to Stacy B. Warford, reported the same without amendment, accompanied by a report (No. 4524); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5708) granting an increase of pension to Nathalia Boepple, reported the same without amendment, accompanied by a report (No. 4525); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5728) granting an increase of pension to Emery Wyman, reported the same without amendment, accompanied by a report (No. 4526); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5731) granting an increase of pension to James McTwiggan, reported the same without amendment, accompanied by a report (No. 4527); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5742) granting an increase of pension to James A. Bryant, reported the same without amendment, accompanied by a report (No. 4528); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5758) granting an increase of pension to Joshua J. Clark, reported the same without amendment, accompanied by a report (No. 4529); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5765) granting an increase of pension to Theodore F. Montgomery, reported the same without amendment, accompanied by a report (No. 4530); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5767) granting an increase of pension to Thomas D. Welch, reported the same without amendment, accompanied by a report (No. 4531); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5772) granting an increase of pension to Thomas M. Harris, reported the same without amendment, accompanied by a report (No. 4532); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5775) granting an increase of pension to Harvey M. Traver, reported the same without amendment, accompanied by a report (No. 4533); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5784) granting an increase of pension to Mahala F. Campbell, reported the same without amendment, accompanied by a report (No. 4534); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5785) granting an increase of pension to Joseph W. Doughty, reported the same without amendment, accompanied by a report (No. 4535); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5790) granting an increase of pension to Jehial P. Hammond, reported the same without amendment, accompanied by a report (No. 4536); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5800) granting an increase of pension to James N. Davis, reported the same without amendment, accompanied by a report (No. 4537); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5801) granting an increase of pension to Andrew Jackson Paris, reported the same without amendment, accompanied by a report (No. 4538); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5803) granting an increase of pension to William H. Meadows, reported the same without amendment, accompanied by a report (No. 4539); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5808) granting an increase of pension to Washington Brockman, reported the same without amendment, accompanied by a report (No. 4540); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5809) granting an increase of pension to Hannah C. Church, reported the same without amendment, accompanied by a report (No. 4541); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5834) granting an increase of pension to Charles F. Sheldon, reported the same without amendment, accompanied by a report (No. 4542); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5844) granting an increase of pension to John Keys, reported the same without amendment, accompanied by a report (No. 4543); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5855) granting an increase of pension to Blanche Badger, reported the same without amendment, accompanied by a report (No. 4544); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5902) granting an increase of pension to George W. Webster, reported the same without amendment, accompanied by a report (No. 4545); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5928) granting an increase of pension to Patrick Gaffney, reported the same without amendment, accompanied by a report (No. 4546); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5932) granting an increase of pension to Elijah R. Merriman, reported the same without amendment, accompanied by a report (No. 4547); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5948) granting an increase of pension to Samuel B. Rice, reported the same without amendment, accompanied by a report (No. 4548); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5949) granting an increase of pension to George F. White, reported the same without amendment, accompanied by a report (No. 4549); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5966) granting an increase of pension to Christopher C. Davis, reported the same without amendment, accompanied by a report (No. 4550); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5969) granting an increase of pension to Franklin Burdick, reported the same

without amendment, accompanied by a report (No. 4551); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6024) granting an increase of pension to Franklin B. Beach, reported the same without amendment, accompanied by a report (No. 4552); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6034) granting an increase of pension to William A. Hopper, alias Cuff Watson, reported the same without amendment, accompanied by a report (No. 4553); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6063) granting an increase of pension to Frances A. Sullivan, reported the same without amendment, accompanied by a report (No. 4554); which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 18007) to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy, reported the same without amendment, accompanied by a report (No. 4557); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Illinois: A bill (H. R. 19811) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. PRINCE: A bill (H. R. 19812) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. CAMPBELL of Ohio: A bill (H. R. 19813) to furnish bronze medals of hnor to surviving soldiers who responded to President Lincoln's first call for troops—to the Committee on Military Affairs.

By Mr. MOUSER: A bill (H. R. 19814) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes—to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 19815) to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, betewen Columbus, Ga., and Franklin, Ga—to the Committee on Interstate and Foreign Commerce.

By Mr. CLAYTON: A bill (H. R. 19816) to authorize the Georgia, Florida and Alabama Railroad Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 19817) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands—to the Committee on the Public Lands.

By Mr. MORRELL: A joint resolution (H. J. Res. 165) making Saturday afternoon a half holiday for certain employees of the Government—to the Committee on Naval Affairs.

By Mr. SULZER: A resolution (H. Res. 543) requesting certain information of the President of the United States concerning the meat-trust investigation—to the Committee on Agriculture.

By Mr. WILLIAMS: A resolution (H. Res. 544) touching conditions in the meat-packing industry—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 19818) granting an increase of pension to William F. Clinkscales—to the Committee on Pensions.

Also, a bill (H. R. 19819) granting an increase of pension to Johanna Kearney—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 19820) granting a pension to William H. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19821) granting a pension to Irvin Ingle—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19822) granting a pension to James H. Peistrup—to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 19823) granting an increase of pension to Cyrus A. G. Rayhouser—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 19824) granting a pension to Lovisa M. Wood—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 19825) for the relief of the estate of Alexander M. Byers, deceased—to the Committee on Claims.

By Mr. GAINES of West Virginia: A bill (H. R. 19826) granting an increase of pension to George A. Porterfield—to the Committee on Pensions.

By Mr. HOLLIDAY: A bill (H. R. 19827) granting an increase of pension to Erastus Mack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19828) granting an increase of pension to John L. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19829) granting an increase of pension to Moses T. Kelly—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 19830) granting an increase of pension to Charles M. Adcock—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 19831) granting a pension to Clarence B. Sidener—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19832) granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 19833) granting an increase of pension to Morgan Burk—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 19834) granting a pension to James A. Lessey, alias Lasey or Lacy—to the Committee on Invalid Pensions.

Mr. SHACKLEFORD: A bill (H. R. 19835) granting an increase of pension to Ernst Keiselbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19836) granting an increase of pension to Hiram M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19837) providing for the payment of certain coupons of bonds issued pursuant to an act of the legislature of the State of California to pay the expenses of suppressing Indian hostilities—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 19838) to authorize the appointment of Acting Asst. Surg. G. R. Plummer, United States Navy, as an assistant surgeon in the United States Navy—to the Committee on Naval Affairs.

By Mr. WATSON: A bill (H. R. 19839) granting an increase of pension to Thomas P. Bright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19840) granting an increase of pension to Sarah M. Bracey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19841) granting an increase of pension to Owen A. Back—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19842) granting an increase of pension to Peter Vincent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19843) granting an increase of pension to Daniel S. Jones—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Merchants' Association of New York City, for the enactment of certain Senate amendments to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN: Paper to accompany bill for relief of Susan M. Brunson—to the Committee on Pensions.

Also, paper to accompany bill for relief of William F. Clinkscales—to the Committee on Pensions.

Also, paper to accompany bill for relief of Mary F. Johnson—to the Committee on Pensions.

By Mr. BEIDLER: Petition of citizens of Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of citizens of Maine, for re-

peal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Joseph P. Phillips—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of the Patriotic Order Sons of America of Florida, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Knights of Columbia State Council of Florida, for bill H. R. 13304—to the Committee on the Library.

By Mr. DAWSON: Petition of the Iowa Retail Merchants' Association, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the Merchants' Association of New York, for certain Senate amendments to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Protective Tariff League, for exclusive use of American material in the construction of the Panama Canal—to the Committee on Ways and Means.

Also, petition of A. Buchanan's Sons, for two classes of mail matter only, 1-cent letter postage, and 1 cent for 3 ounces on periodicals, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. EDWARDS: Paper to accompany bill for relief of G. W. Morgan—to the Committee on Claims.

By Mr. FINLEY: Paper to accompany bill for relief of Amelia D. Robertson (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FLOOD: Petition of Mrs. Elsie Pfeiffer, for an appropriation of $10,000 for furtherance of her work and achievements in the science of astronomy—to the Committee on Education.

By Mr. FULLER: Petition of the Chicago Commercial Association, for legislation to promote commerce by improvement of our merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAYES: Petition of the board of directors of the Merchants' Association of San Francisco, Cal., for drawback on import duties on building material for San Francisco—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of citizens of North Dakota, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of North Dakota, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of the Merchants' Association of San Francisco, for drawback on import duties on building material for San Francisco—to the Committee on Ways and Means.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Mary Robinson—to the Committee on Invalid Pensions.

By Mr. RYAN: Paper to accompany bill for relief of Warren A. Woodson—to the Committee on Pensions.

By Mr. SPARKMAN: Petition of the State Camp of the Florida Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 31, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PETITIONS AND MEMORIALS.

Mr. PLATT presented petitions of 43,226 women of the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented sundry petitions of citizens of the District of Columbia, and a petition of the East Washington Heights Citizens' Association, of Washington, D. C., praying for the adoption of a certain amendment to the District of Columbia appropriation bill providing for the location of a public park in the eastern section of the District; which were referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of sundry citizens of Malden and Everett, in the State of Massachusetts, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. KEAN presented petitions of members of the public high schools of Vineland and Hoboken, in the State of New Jersey, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. HANSBROUGH presented petitions of 1,659 women of the State of North Dakota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. STONE presented petitions of 11,697 women of the State of Missouri, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the memorial of Phoebe W. Couzins, of the State of Missouri, remonstrating against the removal of Hon. REED SMOOT, a Senator from the State of Utah, from the United States Senate; which was referred to the Committee on Privileges and Elections.

Mr. BURKETT presented a memorial of the Women's Home Missionary Society, of Hebron, Nebr., remonstrating against the transfer of the education of the Indians and Eskimos in Alaska from the Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

Mr. CARMACK presented petitions of 4,158 women of the State of Tennessee, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. SCOTT presented a petition of the West Virginia Wholesale Grocers' Association, praying for the passage of the so-called "pure-food bill," and also for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. McCUMBER presented a petition of the Produce Merchants' Association of Portland, Oreg., praying for the enactment of legislation to abolish private car lines; which was referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented petitions of 15,572 women of the State of Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. TILLMAN. I present petitions of citizens of the State of South Carolina to the number of 964, mostly women, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. RAYNER presented petitions of 2,176 women of the State of Maryland, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PROCTOR presented petitions of 4,849 women of the State of Vermont, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KITTREDGE presented petitions of 2,198 women of the State of South Dakota, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BERRY presented sundry papers to accompany the bill (S. 5651) for the relief of the estate of John Jones, deceased; which were referred to the Committee on Claims.

Mr. SPOONER presented petitions of 7,881 women of the State of Wisconsin, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KNOX presented a petition of the Junior Union of the Oakland Baptist Church, of Pittsburg, Pa., and a petition of 44 citizens of Washington, Pa., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of 204 citizens of Altoona, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Val. D. Martin, of Philadelphia; Albert Jones, of Hoboken; Commandery No. 3, Patriotic Order Sons of America, of Philadelphia; Dr. J. C. M. Hamilton, of Beaver Falls; Camp No. 65, Patriotic Order Sons of America, of Lebanon, all in the State of Pennsylvania, praying for the restriction of immigration; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Philadelphia; E. W. Keech, of Nayaug; New Century Club, of Philadelphia; National League of Woman's Organizations, of Philadelphia; sundry citizens of Oil City; E. S. Naly, of Greensburg; Dr. J. W. Ellenberger, of Harrisburg; E. Chester Reynolds, of West Grove; Woman's Christian Temperance Union of Listonburg; Woman's Christian Temperance Union of Carbondale; sundry citizens of Altoona; Stowe Flexible Shaft Company, of West Philadelphia; Primes Chemical Company, of Philadelphia, and S. M. Love, of Rixford, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CULLOM. I present memorials of 16,799 women of the State of Illinois, led by some of the largest women organizations in that State, making protest against a Mormon apostle in the United States Senate. I move that the memorials be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Ill., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Foreign Relations.

Mr. BAILEY presented petitions of 5,272 women of Texas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. CARTER presented petitions of 890 women in the State of Montana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 1254) granting an increase of pension to Caleb T. Bowen, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6141) granting an increase of pension to Ransom C. Russell; and

A bill (S. 6138) granting an increase of pension to Eliza P. Norton.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1254) granting an increase of pension to Orlando H. Langley;

A bill (S. 1422) granting an increase of pension to George L. Wakefield;

A bill (S. 2853) granting an increase of pension to Bridget Quinn;

A bill (H. R. 18627) granting an increase of pension to Elizabeth A. Anderson;

A bill (H. R. 18628) granting an increase of pension to William E. Chambers;

A bill (H. R. 18976) granting an increase of pension to Nelson S. Preston;

A bill (H. R. 18702) granting an increase of pension to Edward B. Prime;

A bill (H. R. 18447) granting an increase of pension to Elijah G. Gould;

A bill (H. R. 17388) granting an increase of pension to Patrick McCarthy;

A bill (H. R. 17390) granting an increase of pension to Mary Sheehan;

A bill (H. R. 17476) granting an increase of pension to Henry Ballard; and

A bill (H. R. 16918) granting a pension to Matilda J. Williams.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 4387) for the relief of Florence Lambert, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19005) granting a pension to Gideon M. Burriss;

A bill (H. R. 18730) granting an increase of pension to William C. Mahaffey;

A bill (H. R. 18887) granting an increase of pension to Alexander W. Carruth;

A bill (H. R. 18034) granting a pension to Mary A. Montgomery;

A bill (H. R. 18038) granting an increase of pension to Erastus W. Briggs;

A bill (H. R. 18039) granting an increase of pension to John W. Stephens;

A bill (H. R. 18041) granting an increase of pension to William R. Hiner; and

A bill (H. R. 17934) granting an increase of pension to Thomas J. Byrd.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 5660) for the relief of Capt. William N. Hughes, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5447) granting an increase of pension to Oliver H. Hibben; and

A bill (S. 4047) granting an increase of pension to William Morehead.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18539) granting an increase of pension to Angeline R. Lomax;

A bill (H. R. 18959) granting an increase of pension to Albert G. Packer;

A bill (H. R. 18966) granting a pension to John W. Ward;

A bill (H. R. 18696) granting an increase of pension to Louisa C. Gibson;

A bill (H. R. 18697) granting an increase of pension to Martha L. Beesley;

A bill (H. R. 18106) granting an increase of pension to Mary E. Patterson;

A bill (H. R. 18105) granting an increase of pension to John A. Lyle; and

A bill (H. R. 17466) granting an increase of pension to James P. Hall.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6067) to change the records of the War Department relative to Levi A. Meacham, reported it without amendment, and submitted a report thereon.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom was referred the bill (H. R. 10501) to incorporate the National Education Association of the United States, reported it with an amendment, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1982) granting a pension to Ada Collins; and

A bill (H. R. 17678) granting an increase of pension to Alexander Moore.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 6167) to improve the channels along the New Jersey seacoast, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that at an early day I shall call up the bill for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 92) author-

izing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags, reported it without amendment, and submitted a report thereon.

GRANT OF LAND TO ALBUQUERQUE, N. MEX.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 18333) granting land to the city of Albuquerque for public purposes, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 6331) to amend section 490 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 6332) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 6333) authorizing the Secretary of War to acquire for fortification purposes certain tracts of land on Deer Island, in Boston Harbor, Massachusetts; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 6334) for the relief of the Mitsui Bussan Kaisha; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 6335) for the relief of the heirs of James Downs and Christine Downs, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 6336) for the relief of the heirs of Silas Silver, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 6337) for the relief of the estate of George W. McGrew, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 6338) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 6339) granting an increase of pension to James Dearey; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT OF COPYRIGHT ACTS.

Mr. KITTREDGE introduced a bill (S. 6330) to amend and consolidate the acts respecting copyrights; which was read twice by its title, and referred to the Committee on Patents.

Mr. KITTREDGE. I ask that 2,000 additional copies of the bill be printed for the use of the Senate.

There being no objection, the order was reduced to writing, and agreed to, as follows:

Ordered, That 2,000 additional copies of the bill (S. 6330) to amend and consolidate the acts respecting copyrights be printed for the use of the Senate.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTUS submitted an amendment proposing to appropriate $600 to pay the steamer *Hikosan Maru* and $948.27 to pay the steamer *Shirley* for damages, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment relative to the appointment by the Public Printer of a foreman of presswork, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

REPORT ON ALASKAN SCHOOLS, ETC.

Mr. GALLINGER. I offer a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the President be, and hereby is, requested, if not incompatible with the public interest, to furnish the Senate with a copy of the report of the investigation made in 1905, under the direction of the Secretary of the Interior, by Special Agent Frank C. Churchill, regarding the condition of educational and school service and the management of reindeer service in the district of Alaska, together with all exhibits accompanying said report.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. NELSON. I should like to have the resolution read again.

The Secretary again read the resolution; and it was considered by unanimous consent, and agreed to.

PANAMA CANAL.

On motion of Mr. MILLARD, it was

Ordered, That 2,000 copies of part 2 of Senate Report No. 3626, Fifty-ninth Congress, first session, being the views of the minority of the Senate Committee on Interoceanic Canals, be printed and placed in the Senate document room.

INTRODUCTION OF ROUTINE BUSINESS.

Mr. LODGE. In accordance with the notice I gave day before yesterday, I call up the resolution to amend the rules.

Mr. GALLINGER. Let it be read.

The VICE-PRESIDENT. The resolution will be read.

Mr. LODGE. Let the amendment in the nature of a substitute be read. That is all that is necessary.

The SECRETARY. A resolution to amend Rule VII of the Senate rules. Strike out the remainder of the resolution after the word "following," in line 2, and substitute——

Mr. CULBERSON. I should be glad to have the entire resolution read as it would stand if amended.

The VICE-PRESIDENT. The Secretary will read the resolution as proposed to be amended.

The Secretary read as follows:

Resolved, That the rules of the Senate be amended by adding thereto the following:

"Senators having petitions, memorials, pension bills, bills for the payment of private claims or for the correction of naval or military records to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their name and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the presiding officer, be entered on the Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees, and the Secretary of the Senate shall furnish a transcript of such entries to the Official Reporter of Debates for publication in the RECORD.

"It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator."

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to the amendment reported by the Committee on Rules.

Mr. CULBERSON. I have been unable to gather the full meaning of the resolution by hearing it read, and so far I have not been able to secure a copy of it. Is it to be merely optional with a Senator that he can introduce measures in this way or will there be after this time two ways by which bills, resolutions, etc., may be introduced?

Mr. LODGE. It permits a Senator after the morning hour to introduce pension bills, private claims bills, bills to amend military and naval records, and petitions, by merely handing them to the Secretary. It is permissive simply.

Mr. CULBERSON. It is merely permissive?

Mr. LODGE. Merely permissive.

Mr. CULBERSON. In addition to the present method?

Mr. LODGE. In addition to the present method.

Mr. BACON. And is limited to the particular class of matter specified?

Mr. LODGE. It is limited to the classes of routine business which are mentioned.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Rules, which has been read.

Mr. BURROWS. I ask that it be read again.

The VICE-PRESIDENT. The Secretary will again read the report from the Committee on Rules.

The Secretary read as follows:

Resolved, That the rules of the Senate be amended by adding thereto the following:

"Senators having petitions, memorials, pension bills, bills for the payment of private claims or for the correction of naval or military records to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their names and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the presiding officer, be entered on the Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees, and the Secretary of the Senate shall furnish a transcript of such entries to the official reporter of debates for publication in the RECORD.

"It shall not be in order to interrupt a Senator having the floor, for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator."

The VICE-PRESIDENT. The question is on agreeing to the

amendment of the Committee on Rules, inserting the matter which has been read, after the word "following," in line 2.

The amendment was agreed to.

The resolution as amended was agreed to.

AIDS TO NAVIGATION.

Mr. FRYE and Mr. KNOX addressed the Chair.

The VICE-PRESIDENT. The Senator from Maine. The Chair will recognize the Senator from Pennsylvania after the Senator from Maine.

Mr. FRYE. I rose to call up what is rather an important bill to dispose of at this time. I am obliged to leave on Monday next. It is the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment. There is no need of reading it for the information of the Senate, because it is the ordinary omnibus bill for light-houses, light-ships, fog signals, etc.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask unanimous consent that the formal reading may be dispensed with, that the bill be read for amendment, and that the committee amendments shall first receive consideration.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Maine? The Chair hears none, and the Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

Mr. MONEY. I should like to inquire of the Senator from Maine if the bill contains any legislation?

Mr. FRYE. It does not.

The first amendment of the Committee on Commerce was, on page 2, after line 6, to insert:

A light-ship to be placed near the entrance to Buzzard's Bay, Massachusetts, to replace the one now known as the Hen and Chickens light-ship, at a cost not to exceed $115,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert:

d. Moving North Hook beacon light, at a cost not to exceed $6,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

e. A tank light vessel, at a cost not to exceed $15,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

f. A stone beacon with gas illuminant on Craven Shoal, at a cost not to exceed $20,000.

The amendment was agreed to.

The next amendment was to insert at the top of page 3 the following:

g. Thirteen gas buoys in Ambrose channel and eleven buoys in the Gedney and Main Ship channel, at a total cost not to exceed $43,200.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert:

h. Temporary structure to maintain West Bank light while light is being raised and temporary structure for North Hook beacon light while it is being moved, at a total cost not to exceed $10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to insert:

A light-keeper's dwelling at Stonington Breakwater, Connecticut, at a cost not to exceed $6,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert:

A light and fog-signal station at or near Southwest Ledge, entrance to New London Harbor, Connecticut, at a cost not to exceed $115,000: *Provided*, That the sum of $60,000 appropriated by the act approved April 28, 1904, for establishing a light and fog-signal station at or near Black Ledge, entrance to New London Harbor, Connecticut, may be used to construct said light and fog-signal station at or near Southwest Ledge.

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to insert:

A light and fog-signal station in New York Bay, at the entrance to the dredged channel at Greenville, city of Bayonne, N. J., at a cost not to exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to insert:

A light and fog-signal station on Horseshoe Shoal, Delaware River, at a cost not to exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

A light and fog-signal station on Joe Flogger Shoal, Delaware River, at a cost not to exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 5, line 7, before the word "thousand," to strike out "thirty-five" and insert "forty;" and in line 8, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

The limit of cost of tender for inspector, heretofore authorized, is hereby increased by the sum of $10,000, so as to make the total limit of cost $140,000 instead of $130,000, as heretofore authorized.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

For removing the Superior pierhead range lights, Wisconsin, from the south pier to the north pier, Duluth Harbor, Lake Superior, Wisconsin, $28,000.

Mr. FRYE. In lieu of the committee amendment, I move to insert:

For establishing the Superior pierhead range lights on the south pier, Duluth Harbor, Lake Superior, Wisconsin, at a cost not to exceed $28,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 7, after line 6, to insert:

A steam tender for the use of the light-house inspector of the twelfth light-house district, at a cost not to exceed $150,000.

Mr. FRYE. On page 7, line 7, I move to strike out "light-house inspector" and insert "engineer service."

The SECRETARY. In the proposed amendment, page 7, line 7, strike out the words "light-house inspector" and insert "engineer service;" so as to read:

A steam tender for the use of the engineer service of the twelfth light-house district, at a cost not to exceed $150,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 7, after line 9, to insert:

A light and fog-signal station on Red Rock, upper part of San Francisco Bay, California, at a cost not to exceed $30,000.

Mr. FRYE. I ask the Senate to disagree to that amendment and insert what I send to the desk.

The VICE-PRESIDENT. If there be no objection, the amendment of the committee will be disagreed to.

Mr. FRYE. Instead of the amendment on page 7, lines 10, 11, and 12, I move to insert:

A light and fog-signal station on a point on Karquinez Strait, California, opposite that now occupied by the Selby Smelting Works, at a cost not to exceed $50,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert:

A steam tender for the Light-House Service in Hawaiian and Pacific Island waters, at a cost not to exceed $150,000.

The amendment was agreed to.

The SECRETARY. On page 8, after line 5——

Mr. BACON. Mr. President, I do not like to be disagreeable, but it does strike me that this is not exactly the proper way in which we should consider this bill. It practically amounts to the bill being considered and passed by the committee. The Senate certainly has no opportunity to know anything about the bill.

Mr. FRYE. Will the Senator please allow me one minute?

Mr. BACON. I will, with pleasure.

Mr. FRYE. There is not an amendment in the bill which has not already passed the Senate. The Senate passed about twenty-five or thirty of these bills, and when the pending bill came from the House of Representatives, the Committee on Commerce selected about half of those that were the most meritorious, those that certainly should be passed now, and offered them as amendments to this bill; and the Chief of the Light-House Board approved that selection. So all these items have passed the Senate before.

Mr. BACON. The latter part of the Senator's statement is something that I do not recognize the correctness of. It is something we hear frequently in the Senate. When any question is raised as to the propriety of any proposed legislation, we are referred to what meets with the approval or disapproval of some executive officer. I do not think that that is the proper criterion by which we should be guided as to whether or not a law should be passed or an appropriation made.

I make that remark generally, not particularly as to this measure, except so far as it may be properly included within the general objection. I do think, however, that it is a matter worthy of the attention not only of the Senate, but of Congress. We are drifting too much into the habit of legislating according to the wishes of the executive department. When I say the executive department I do not mean the President any more than I mean the lowest officer of the executive department.

But that is aside from what I was about to say. The Senator by his interruption to some extent anticipates the matter upon which I intended to say a word, that I thought some explanation was due to the Senate from the chairman of the committee as to these items. The Senator now makes the explanation, but in the absence of the performance of this very

unpleasant duty by me we would not have had the explanation that these amendments are representative of the former action of the Senate in the passage of bills. That of course is an important piece of information for us, and relieves the matter of much of the ground of criticism that I made on the action of the Senate. With that information now given to the Senate I am content. I only regret that it was not given before objection was made by me.

But, Mr. President, this bill has never been read to the Senate. I am speaking now generally as to the propriety of certain methods of procedure in legislation. It seems to me that especially in matters of appropriations, where the large body of the Senate have not the opportunity to be informed and must rely largely upon committees, we should have the information given in the Senate by the committee, and we should no more legislate simply upon the judgment of a committee without explanation from the committee than Congress should legislate according to the wish or desire or the objection of executive officers.

Mr. President, I hope I may have the attention of the Senator from Maine. I will suspend until Senators cease conversing with him.

The VICE-PRESIDENT. The Senator from Georgia will kindly suspend. The Chair must appeal to Senators to refrain from interfering by audible conversation with the Senator occupying the floor.

Mr. BACON. I wanted to have the attention of the Senator from Maine. I was proceeding to say that I think when a bill is presented to the Senate we should proceed with some degree of orderly method to have the bill read and that the Senate should be informed of the propriety of the proposed legislation, and especially of a proposed appropriation, in order that we may have the benefit of the information upon which the committees act, and that we should not proceed without any information whatever to the passage of a bill, as we were proceeding in this case, without any Senator knowing the important fact, which has since been stated by the chairman of the committee, that these matters had previously been considered by the Senate in separate bills.

That is an important matter for us to know, and relieves us of much of the ground of the objection. But the time when I made the objection not only were we proceeding without the bill ever having been read, and without the important information which has since been given, but with important amendments being offered by the chairman, which have not been in print, which we could not hear from the desk, and had no opportunity to judge of whatever.

Mr. LODGE. Mr. President——

Mr. BACON. It is extremely unpleasant to say it, but I think we ought to proceed in a different manner in these important matters of legislation.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. If the Senator wishes to ask me a question.

Mr. LODGE. I wish to ask a question of the Senator from Maine, not the Senator from Georgia.

Mr. BACON. The Senator will pardon me, if that is what he wishes to ask. Does the Senator wish to ask it in my time?

Mr. LODGE. No; I will wait until the Senator has concluded.

Mr. BACON. I have not quite concluded what I have to say. I note two sections in this bill, aside from the matters of amendment, which carry more than a million dollars, and the entire bill carries about $3,000,000, as to the necessity and propriety of which expenditures no Senator here can possibly know anything, and as to the necessity and propriety of which they must rely entirely and exclusively upon the view of the committee, and unfortunately also upon the view of some executive officer. I understood the Senator from Mississippi [Mr. MONEY] to inquire of the Senator from Maine whether there are any matters of legislation in the bill. I may have misunderstood the Senator from Maine, because there was great confusion in the Chamber at the time, but I understood him to say there was not. Yet I find on pages 8 and 9, sections 2 and 3, what appear to me to be quite important matters of legislation, especially section 3, which is more general than section 2.

But I will not anticipate the Senator. I simply desire to express the hope that when we get to that point we will have the opportunity of getting an explanation from the Senator as to the necessity and propriety of this proposed legislation. But I do think, Mr. President, that not only as to this bill, but as to other bills of importance, this habit should not prevail of asking unanimous consent that the reading of the bill may be dispensed with, and that we then proceed in this hop, skip, and jump manner to take up amendments which we have had no opportunity to judge of whatever, and have the simple announcement made by the Chair in correspondence to the wish of the committee that the amendment is agreed to.

I think, Mr. President, we should pursue a different plan. We certainly have time at least to have the bill read in the hearing of the Senate; and while of course we all of us have a right and the opportunity to enforce that by an objection, at the same time we ought not to be put in the position of having to make an objection. There is ample time, it seems to me, for the consideration of these matters in an orderly manner without any undue consumption of time.

Mr. LODGE. Mr. President, I had supposed that the bill was being read when the Senator from Georgia stopped it. But the question I wanted to ask the Senator from Maine is whether it is not true that every amendment proposed by the Senate to this bill represents a bill which was urged upon the Committee on Commerce by the Senators representing the State or region, and which passed the Senate after due report?

Mr. FRYE. Yes; and about a dozen more.

Mr. BACON. The Senator from Maine had already stated the fact which the Senator from Massachusetts now inquires of him about.

Mr. LODGE. I desired to have it made as emphatic as possible, because it seems to me that we might as well abolish the Committee on Commerce if the Senate supposes that those of us who live in a distant part of the country—for instance, in New England—are expected to pass on the need of a light-ship on the coast of Oregon. We must trust to the committee to deal with those questions scattered all over the country. We can not undertake to pass on light-ships on the Lakes, in one part of the country, and a light-house somewhere else in another part of the country. They have to be presented to a committee, and the Committee on Commerce have done it, as they do all work, with the utmost thoroughness.

Mr. BACON. In reply to the criticism of the Senator from Massachusetts—I do not know whether the Senator heard what I had previously said or not, because there was great confusion in the Chamber at the time—I will say that the information which the chairman gave, after the suggestion made by me and about which the Senator from Massachusetts now makes inquiry, was stated by me to be important information which we theretofore had not had, and which was satisfactory information.

Mr. LODGE. I asked the question because from what the Senator from Georgia was saying I gathered that he had not heard the reply of the Senator from Maine.

Mr. BACON. No; by no means. On the contrary, I had said that the Senator from Maine had now made a statement which was satisfactory, and which I regretted we had not had in the beginning. But the Senator from Massachusetts still insists upon emphasizing, as he says, what I had already sufficiently recognized as a proper course on the part of the Senator from Maine. I only desire that we shall proceed in an orderly method in the passage of bills, and that Senators may have information which may guide them in voting on the same, and especially in voting on appropriation bills.

Mr. SPOONER. I ask that the amendment moved by the chairman of the Committee on Commerce relative to the Superior pierhead range lights be again stated.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. Under the head of "Eleventh light-house district," on page 6, after line 15, the committee reported to insert:

For removing the Superior pierhead range lights, Wisconsin, from the south pier to the north pier, Duluth Harbor, Lake Superior, Wisconsin, $28,000.

That is now amended by substituting the following:

Establishing the Superior pierhead range light on the south pier, Duluth Harbor, Lake Superior, Wisconsin, at a cost not to exceed $28,000.

Mr. SPOONER. I move to insert the word "For" before the word "establishing."

The amendment was agreed to.

Mr. FRYE. Mr. President, the Committee on Commerce made a report on this bill, giving the reasons for every amendment contained in it. I have been in the Senate for some time, and I have learned that it is much easier to get a bill through the Senate without opening up a discussion when no discussion is needed, simply for talk's sake, and I undertake always, with as little talk as possible, to pass through the Senate any bills which are reported from the Senate Committee on Commerce. I could have explained, as a matter of course, each one of those items if it had been necessary, but it was not necessary, because the Senate had already passed upon the whole of them. There is a

report from the Committee on Commerce, which I shall ask to have printed in the RECORD.

Mr. BACON. That is an important fact to state to the Senate—that the Senate had already passed upon these matters.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. FRYE. Certainly.

Mr. CULBERSON. For a question merely. I desire to ask if the Senator from Maine is informed—I have not had the opportunity of reading the report—as to how much this appropriation is increased over the House bill? I make it $1,183,000.

Mr. FRYE. The House bill appropriated $1,313,500. The House included in the bill items aggregating $329,000, included in bills which had been passed by the Senate, but did not include items aggregating $1,736,000, which had been appropriated in bills passed by the Senate. The total increase by the Senate committee has been $1,083,200; and the total amount of the bill is $2,819,200.

Mr. CULBERSON. I have not had the benefit of the report, but I ran over the figures here rapidly, and running them up I estimate that the Senate has increased the amount $1,183,000.

Mr. FRYE. The House bill, as I have stated, aggregated $1,313,500, and the Senate has increased that amount by $1,083,200, so that the total is now $2,819,200. Therefore the Senator is approximately correct in running up the figures.

Mr. TELLER. I should like to interrupt the Senator from Maine to ask why the committee did not include all the bills which the Senate passed?

Mr. FRYE. Because, in the opinion of the committee, the amount of $2,819,200 was about as much as ought to be appropriated this year for these purposes.

Mr. TELLER. The Senate seems to have had a different opinion, judging from the number of bills they have passed. It seems to me the Senate, and not the committee, ought to determine what should be the amount appropriated.

Mr. President, I do not mean to find any fault with the amount appropriated or with the class of appropriations contained in the bill. I only want to say that I believe there are a great many places on our coasts where we have not light-houses, where they should be placed; but it seems to me that the committee should either have adhered to the House bill or inserted all the bills which the Senate has passed as amendments to this bill.

Mr. FRYE. The committee instructed its chairman to take those which appear as amendments to this bill.

The next amendment reported by the Committee on Commerce was, on page 8, after line 5, to insert:

A steel steam light vessel, equipped with the latest improved light and fog signals, to be anchored upon Swiftsure Bank, off the entrance to Juan de Fuca Strait, at a point at or near 13 miles north, 74° west, magnetic, from Cape Flattery, Washington, at a cost not to exceed $150,000.

Mr. FRYE. That is where the *Valencia* was wrecked a short time ago, with great loss of life.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

A light and fog-signal station on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, Alaska, at a cost not to exceed $75,000.

Mr. FRYE. I said to the Senator from Mississippi [Mr. MONEY] that there was no general legislation in this bill. The legislation referred to by the Senator from Georgia [Mr. BACON] in section 2 simply provides for draftsmen for making charts of the light vessels which are included in this bill; and section 3 is simply to prevent anybody or any corporation from establishing lights on their own account, because, as a matter of course, none but United States lights appear on the charts, and great confusion is sometimes caused by private lights being raised the existence of which there is nothing on any chart to indicate.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. FRYE. I do.

Mr. CULBERSON. I call the attention of the Senator from Maine to the fact that section 3 prohibits municipalities, cities, and towns from erecting lights.

Mr. FRYE. Yes.

Mr. CULBERSON. That is general legislation, or it is additional legislation to that now on the statute books.

Mr. FRYE. Yes; it is legislation, but not general legislation. It is limited to the light-house business. It would not do to have a municipality, a corporation, or a private individual putting up lights. It would be misleading. It would lead ships into danger instead of keeping them in safety.

The VICE-PRESIDENT. The question is on the amendment reported by the committee, which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I ask that the report of the committee may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, that order will be made.

The report referred to is as follows:

[Senate Report No. 3810, Fifty-ninth Congress, first session.]

The Committee on Commerce, to whom was referred the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, having considered the same, report it with an amendment, and as amended recommend its passage.

The bill as it came from the House authorized work to the amount of $1,313,500. Of this amount items aggregating $329,000 had been included in Senate bills which had passed the Senate, but received no action in the House. The aggregate of bills which have passed the Senate and were not included in the House bill is $1,736,000. Your committee has selected from these the following items, for which there seemed to be pressing necessity:

Light-ship, Buzzards Bay, Massachusetts	$115,000
Keeper's dwelling, Stonington Breakwater, Connecticut	6,000
Light and fog signal, New London Harbor, Connecticut	55,000
Light and fog signal, Greenville, N. J	75,000
Light and fog signal, Horseshoe Shoal, Delaware River	75,000
Light and fog signal, Joe Flogger Shoal, Delaware River	75,000
Ambrose channel, New York Harbor	94,200
Light and fog signal, Red Rock, San Francisco Bay	30,000
Tender for light-house inspector, California	150,000
Light vessel, Juan de Fuca Strait, Washington	150,000
Light-house tender, Hawaiian and Pacific islands	150,000
Light and fog signal, Cape Hinchinbrook, Alaska	75,000
Removing pierhead lights, Superior, Wis	28,000
Increased limit of cost, tender sixth district	5,000
Making a total increase of	1,083,200
And a grand total, as reported to the Senate	2,819,200

The limit of cost of the light-ship at Buzzards Bay, Massachusetts, is increased from $90,000 in the Senate bill to $115,000, as the committee is assured by the Light-House Board that the increased cost of materials and labor necessitates the change. For the same reason the limit of cost of the tender for the light-house inspector of the twelfth district is increased from $130,000 to $150,000.

The apparent increase of $5,000 in limit of cost of tender for inspector in the sixth district over the amount named in the House bill is to correct typographical errors.

Following are extracts from Senate reports on the Senate bills covering items inserted in the bill under consideration by your committee:

NEW LIGHT-SHIP AT ENTRANCE TO BUZZARDS BAY, MASSACHUSETTS.

Following is an extract from the Annual Report of the Light-House Board for 1905.

"*Hen and Chickens light vessel, No. 2, entrance to Buzzards Bay, Massachusetts.*—This wooden ship was built in 1849; she is of about 120 tons burden, new measurement, and has a bell for a fog signal. On September 20, 1904, she was relieved by light vessel *No. 9* and brought into New Bedford, where she was repaired. She resumed her station on October 3, when relief light vessel *No. 9* was withdrawn. On February 23, 1905, she was dragged by ice about a half mile from her station, but was replaced by the tender *Azalea* on the following day. During the year she received needed fitments, supplies, and repairs.

"The following is a copy of a letter, dated February 20, 1905, from the Secretary of Commerce and Labor to the House Committee on Interstate and Foreign Commerce:

"'This Department has the honor to acknowledge the receipt of a letter of February 14, 1905, from your committee, inclosing a copy of H. R. No. 18966, "To construct and place a new light-ship at the entrance of Buzzards Bay, Massachusetts, to replace the one now known as the Hen and Chickens light-ship," on which suggestions are asked touching the merits of the bill and the propriety of its passage.

"'In reply this Department begs leave to state that the Light-House Board, to which the matter was referred for examination and report, states that the present light vessel at that station is small and old and is practically incapable of being fitted with the boiler and machinery needed to operate a steam fog signal.

"'This Department states that the Board recommends the passage of the bill in question, but suggests, and in that suggestion this Department concurs, that $90,000 is sufficient with which to build a new light vessel, with the modern improvements, including a steam fog signal.'"

KEEPER'S DWELLING AT STONINGTON BREAKWATER, CONNECTICUT.

The following is an extract from the Annual Report of the Light-House Board for 1905:

"*Stonington Breakwater, Connecticut.*—The following recommendation made in the Board's last three annual reports is renewed:

"The following is a copy of a letter dated December 7, 1901, from the Secretary of the Treasury to the Speaker of the House of Representatives:

"'This Department has the honor to state, at the instance of the Light-House Board, that a recent inspection of the Stonington Breakwater, Connecticut, light station has shown that its keeper's dwelling is in a condition so unhealthful as to menace the lives of its occupants, there having been more or less sickness in every family residing therein during the past twenty years. The house is very old, no work has been done on it for a long time, it is past economical repair, and it is in such a condition of deterioration as to make it almost uninhabitable. The Board at its session on November 4, 1901, considered the question of remedying this insanitary condition, and concluded that the dwelling is past economical repair and that the erection of a small modern dwelling for the keeper is therefore an urgent necessity. It is estimated that such a dwelling can be built for a cost not exceeding $6,000.

"'This Department concurs with the Light-House Board as to the necessity for providing this keeper's dwelling at the Stonington Break-

water, Connecticut, light station, and recommends that an appropriation of $6,000 be made therefor.'"

LIGHT AND FOG-SIGNAL STATION, NEW LONDON HARBOR.

The item has the approval of the Commerce and Labor Department, as will appear by the following letter, the amendment suggested therein being required to the title only:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 12, 1906.

SIR: Referring to the committee's letter of January 7, 1906, inclosing for the consideration of this Department and for report thereon a copy of Senate bill No. 2771, "to establish a light and fog-signal station on Southwest Ledge, entrance to New London Harbor, Connecticut," I have the honor to invite your attention to the following statement, made on page 49 of the Annual Report of the Light-House Board for 1905, wherein authority is asked to establish a light and fog-signal station on Southwest Ledge, Connecticut, instead of on Black Ledge, as previously authorized, and permission is asked to use the $60,000 appropriated for a light-house on Black Ledge with an additional $55,000 for the construction of a light and fog-signal station on Southwest Ledge, Long Island Sound, Connecticut:

"—. *Black Ledge light and fog-signal station, Connecticut.*—The act approved on April 28, 1904, appropriated $60,000 for establishing a light and fog signal at or near Black Ledge entrance to New London Harbor, Connecticut. The proper location for this station is on Southwest Ledge, about one-fourth mile west of Black Ledge. A light and fog signal on Black Ledge would still leave Southwest Ledge and Frank Ledge as dangerous obstructions, while with the light and fog signal on Southwest Ledge the channel to the westward leading into New London Harbor would be free and unobstructed. The estimate of $60,000 was for the Black Ledge site, and to change the site to Southwest Ledge will necessitate an increase of $55,000 in the above figures on account of the difficult foundation. As there might be some question as to whether the term "at or near" in the original act would permit of occupying a site one-fourth of a mile away and having a distinctive name of its own, the Board recommends that it be authorized to use the $60,000 appropriated for building a light-house and fog signal at Black Rock toward building a light-house and fog signal at or near Southwest Ledge, and it also recommends that in addition thereto a further appropriation of $55,000 be made for this purpose and that the Board be authorized to expend not exceeding $115,000 in the establishment of a light and fog signal at or near Southwest Ledge."

This appropriation is also recommended on page 202 of the current Book of Estimates.

These views of the Light-House Board meet with the approval of this Department, and it is therefore recommended that this bill be passed, after it is so amended as to provide for the establishment of the light and fog-signal station "at or near" Southwest Ledge, Connecticut, instead of "on" Southwest Ledge, as stated in the bill.

Respectfully,

V. H. METCALF, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

LIGHT AND FOG SIGNAL IN NEW YORK BAY, NEAR GREENVILLE, N. J.

The item has the approval of the Department of Commerce and Labor, as will appear by the following letter of the Secretary in reference to a House bill identical in terms:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 13, 1906.

CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

SIR: This Department has the honor to acknowledge the receipt of the committee's letter of March 7, 1906, inclosing, for consideration and report thereon, a copy of H. R. 16127, "To establish a light and fog signal in New York Bay at the entrance to the dredged channel at Greenville, N. J.," at a cost not to exceed $75,000 in all.

In reply this Department begs to state that the docks in the vicinity of the channel dredged off Greenville, N. J., are used for the transfer of freight from New England and Long Island points. They are also used in the lighterage delivery for exporting steel products, the total movement now amounting to about 150 tows daily. A stake boat has been moored here by private parties to mark the entrance to the dredged cut, but it is stated that it is found to be difficult, if not almost impossible, to maintain it in position, and consequently it does not afford the desired protection. The amount named in the bill seems to be sufficient for the purpose indicated.

For these reasons the Light-House Board recommends, and in that recommendation this Department concurs, the passage of the bill in question.

Respectfully,

V. H. METCALF, *Secretary.*

LIGHTS, HORSESHOE AND JOE FLOGGER SHOALS, DELAWARE RIVER.

Following is an extract from the last annual report of the Light-House Board:

"The Board now, after further but not exhaustive study of the subject, recommends that specified aids to navigation be authorized at the following-named places, in the order named, and appropriations be made for the establishment of them on the basis of the amounts set opposite to each name, viz:

Light-house and fog signal on Brown Shoal	$80,000
Light-house and fog signal on Miah Maul Shoal	75,000
Light-house and fog signal on Elbow of Cross Ledge	75,000
Light-house and fog signal on Joe Flogger Shoal	75,000
Light-house and fog signal on Arnolds Point Shoal	85,000
Light-house and fog signal on Goose Island Flats	85,000
Range lights on Old Mans Point	40,000
Range lights on Seventeen-Foot Knoll and Marcus Hook	70,000
Light-house and fog signal on Horseshoe Shoal	50,000
Total	635,000

The two items inserted by the Senate committee were especially urged by the Philadelphia Maritime Exchange through its secretary.

REMOVING PIERHEAD LIGHTS, SUPERIOR, WIS.

This item was recommended by the Light-House Board as of pressing necessity. Following is an extract from their annual report:

"It is proposed that the lights of this range be changed from the south pier to the north pier, as the light-house depot is to be located on the south end of Minnesota Point, which is on the north side of Superior entry. It is estimated that the cost of moving and reestablishing this range will be as follows:

Rebuilding front and rear structures	$11,500
Two fourth-order flash lenses	1,600
Rebuilding fog-signal house and repairing and installing machinery	5,500
Contingencies	1,400
	20,000
Transferring light to north pier to be added for keepers' double dwelling and oil house	8,000
Total	28,000

"The Board recommends that an appropriation of $28,000 be made therefor."

The following is a copy of a letter, dated December 10, 1904, from the Secretary of Commerce and Labor to the Secretary of the Treasury:

"The lights on the docks and in the streets of the town of East Superior, Douglas County, Wis., back of Superior Entrance, are confusing to mariners. Some change is needed which will render the range lights of the harbor more conspicuous and more easily distinguished by vessels desiring to enter from Lake Superior.

"The War Department, in the progress of river and harbor improvements, is now engaged in building a concrete pier to the south of the old timber pier upon which the fog signal and range lights now stand. After the construction of the concrete pier it is proposed to remove the crib pier, and this will of itself compel the removal of the present structures.

"It is proposed to replace the present lights with two fixed fourth-order white lights varied by flashes, which will overcome the objection to the present lights.

"It is estimated that it will cost $20,000 to reconstruct the range lights and fog-signal house on the permanent concrete pier now being built and for the changing of the lens apparatus of both beacons, and it is recommended by the Light-House Board, and in this recommendation this Department concurs, that an appropriation of this amount be made therefor."

AMBROSE CHANNEL, NEW YORK HARBOR.

The items inserted by the Senate committee were recommended by the Light-House Board as of urgent necessity in view of the approaching completion of this important channel.

LIGHT-HOUSE, ETC., RED ROCK, SAN FRANCISCO BAY, CALIFORNIA.

The following is a copy of a letter, dated December 24, 1904, from the Secretary of Commerce and Labor to the Senate Committee on Commerce:

"This Department has the honor to acknowledge the receipt of a letter, dated December 17, 1904, from your committee inclosing a copy of Senate bill 6182, 'To establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California,' on which suggestions are asked touching the merits of the bill and the propriety of its passage.

"In reply this Department begs leave to state that the Light-House Board, to whom the matter was referred, reports that in its last annual report it recommended that an appropriation of $30,000 be made for this purpose, and that it is still of opinion that this appropriation should be made. It is also recommended on page 255 of the Book of Estimates for 1906.

"The following is an extract from pages 158–159 of the Board's annual report for 1904:

"'This rock is an island about 169 feet high and contains about 7½ acres. It stands near the eastern shore of the bay, 9½ miles above Market street, San Francisco, and is passed close to by vessels bound for Port Costa, Benicia, Mare Island, and the rivers emptying into Suisun Bay. It is believed that with the establishment of a light at Southampton Shoal, Red Rock would be a better place than Quarry Point for a light and fog signal. With this station vessels bound up the bay could make Southampton Shoal, giving Quarry Point, Angel Island, a wide berth, and from thence shape their course to Red Rock, on either side of which they could pass. This rock, or island, formerly known as Molate Island, is a military reservation, but does not enter into the adopted project for the defenses of San Francisco, and hence no difficulty is expected in obtaining authority to occupy it for light-house purposes. It is estimated that the cost of a light and fog-signal station at Red Rock will be $30,000, and the Board recommends that an appropriation for that amount be made therefor.'

"This Department concurs in the recommendation of the Light-House Board in this case."

TENDER FOR TWELFTH LIGHT-HOUSE DISTRICT.

Following is an extract from the Annual Report of the Light-House Board for 1905:

"*New tender for the use of the light-house inspector.*—The twelfth light-house district includes the whole coast line of California from Cape Orford to the Mexican line, including 56 light-houses, 3 light vessels, 107 buoys, and 30 fog signals. Owing to the extent of coast line and the increase of work required of the light-house tender *Madroño*, another tender is urgently needed for the use of the inspector. The work is now too much for one steamer. There will be an increase in the number of light stations, and also one new light vessel. The inspector is now unable to keep the work up to date, as it should be done. Buoys get adrift, and it is some time before they can be replaced. At several stations supplies are landed on the beach, and this can only be done when the weather is good. Often the tender is obliged to wait several days before she can make a landing, and sometimes she is obliged to leave the vicinity without landing, thus causing delay and making another trip or two necessary before her work is completed. Coaling the San Francisco light vessel is also uncertain work. This takes three or more days, not counting the time consumed in bagging coal and taking it on board the tender. Now that the light vessel for Blunts Reef is established, this adds to the duties of the tender, as the light vessel is stationed 195 miles from San Francisco, and the weather is always uncertain in that vicinity.

"Many inspectors have undergone severe experiences on their northern trips; arriving off St. George Reef light-house, lying there for days waiting opportunity to land, and leaving without landing, and also being unsuccessful in landing at Crescent City, as the conditions there are about as bad as at St. George Reef in rough weather. In the winter these northern trips are liable to be unsuccessful, and when so large expense is incurred without results. If a second tender were allowed, the inspector could keep her at Eureka in the winter and have her attend the northern part of the district, taking advantage of

good spells of weather to run out and do the work. This can not be done from San Francisco, as the northern stations are too remote. The inspector might leave San Francisco under the most favorable circumstances of weather and sea, but on reaching the northern light stations the conditions might be and probably would be different. The inspector could now keep two tenders at work almost constantly. And as more aids to navigation are being added an additional tender will before long be almost absolutely necessary. The light vessel now stationed off Cape Mendocino could be more readily supplied in winter by a tender from Eureka. The Light-House Board is of opinion that the light-houses, the light vessels, the fog signals, and the buoys in the twelfth light-house district can not be kept in proper condition—such condition as is required for the safety of commerce and navigation—without the aid of another light-house tender. It is estimated that such a tender can be provided for $130,000, and the Board recommends that an appropriation of this amount be made therefor."

As stated heretofore a more recent recommendation of the Board calls for an increase of the above limit to $150,000.

LIGHT-SHIP OFF ENTRANCE TO STRAITS OF JUAN DE FUCA.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, May 5, 1906.

SIR: This Department has the honor to acknowledge the receipt of the committee's letter dated May 3, 1906, inclosing for consideration and report thereon a copy of Senate bill 6003, "To construct and place a steel light-ship on 'Forty-Fathom Bank,' so called, off the entrance to the Straits of Juan de Fuca."

This bill meets with the qualified approval of this Department, but it recommends that it be amended so as to stand as follows:

"A bill to construct and place a steel light vessel on Swiftsure Bank, so called, off the entrance to Juan de Fuca Strait.

"*Be it enacted, etc.*, That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to have constructed and anchored upon Swiftsure Bank, off the entrance to Juan de Fuca Strait, at a point at or near 13 miles north, 74 degrees west, magnetic, from Cape Flattery, a steel steam light vessel equipped with the latest improved light and fog signals, at a cost not to exceed $150,000."

Swiftsure Bank is better known under that name than under the name of Forty-Fathom Bank, and it is to be so noted on the Coast and Geodetic Survey charts. Juan de Fuca Strait is the proper and legal name for this strait, rather than the Straits of Juan de Fuca. The location of this light vessel at or near a point 13 miles north, 74° west, magnetic, from Cape Flattery, instead of 14 miles from Cape Flattery north, 60° west, magnetic, as provided in the bill, will, in the opinion of the Light-House Board, afford more protection to navigation than at the point named in the bill. The amount provided in the bill, $175,000, is thought to be in excess of what it will cost to build such a light vessel, and $150,000 is deemed to be sufficient for this purpose.

The Board further states that as it can use for this light vessel the plans recently completed for another vessel, no provision need be made in the appropriation bill, as is usual, for the employment of draftsmen to make her plans. But appropriation should be made for the full amount of the cost of the light vessel—$150,000—as it is expected that she can be built within a year, or maybe ten months from the time the contract papers are signed.

Respectfully,

LAWRENCE O. MURRAY,
Assistant Secretary.

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

On February 7, 1906, a commission, consisting of Lawrence O. Murray, Assistant Secretary of Commerce and Labor, Herbert Knox Smith, Deputy Commissioner of Corporations, and Capt. William T. Burwell, United States Navy, was appointed by the President to investigate the circumstances attending the wreck of the steamer *Valencia*, on the southwest coast of Vancouver Island, on January 22, 1906, when 136 persons perished.

This commission, after thorough examination, made its report to the President April 14, 1906, concluding with certain recommendations. The following extract relates to the establishing of a light-ship such as is provided for in the bill under consideration:

"(3) There should be established a light-ship to be anchored on the so-called 'Forty-Fathom Bank' off the entrance to the Straits, at a point about 14 miles from Cape Flattery, north 60° west, magnetic. The light should be of the first order, with corresponding fog signal."

The following statement, signed by two members of the commission, not having been presented to the third for lack of time, was received by the committee on the day of its date. It is an amplification of the reasons given in the printed report of the commission:

"As members of the Federal commission on the wreck of the *Valencia*, we strongly urge the establishment of a light-ship on the Swiftsure Bank (Forty-Fathom Bank) at the entrance of the Straits of Juan de Fuca and Puget Sound, for the following reasons:

"(1) *Conformation of the coast.*—It will be observed from the chart that all vessels approaching this entrance, whether coming from up the coast or from the Orient (except those coming down from the north) must head directly toward the shore of Vancouver Island until they get within from 12 to 25 miles thereof, and must then make a decided turn to the eastward to enter the straits. The entrance to the straits is 12 miles wide. It thus appears that substantially all vessels coming in here must correctly locate this 12-mile entrance and make this turn within a comparatively short space or else go ashore on Vancouver Island. The coast conformation, therefore, makes this spot one of peculiar danger.

"(2) *Currents.*—There exist in this locality varying currents of great force and generally little-known direction which constitute a peculiar danger to navigation. The so-called 'Davidson inshore current' is an occasional phenomenon running northward at from 1 to 3 knots an hour along the coast of Oregon and Washington and the coast of Vancouver, its existence and force depending considerably upon the winds, and being peculiarly incalculable because it may be governed by winds far out at sea and totally different from the winds at the location where a given vessel may be. Sometimes this current disappears entirely, and even at times goes in an opposite direction.

"It is further complicated by the strong tides flowing in and out of the entrance of these straits where the rise and fall of the tide is about 8 feet. It was primarily due to a northward current of this sort that the *Valencia* went ashore. The log of the *Valencia* when she went ashore gave a distance run from San Francisco which would have placed her at about opposite Cape Flattery, although she was actually 25 miles north of that point, due to this current, which the log, of course, could not register. Prof. George Davidson, of San Francisco, for whom this current is named, and who is probably one of the highest experts on Pacific coast currents, stated emphatically that he nevertheless knew very little about this current, and that its force and direction were largely unknown.

"(3) *Weather.*—This locality is peculiarly subject to fog and haze. Such conditions, sufficient practically to obscure the lights, obtain throughout at least half the year at different times.

"A further very peculiar fact, which bears strongly on the need of a light-ship on the Swiftsure Bank, was brought out in the investigation of the *Valencia* matter, as follows: It will be observed that at the jaws of the straits, so called, are the two lights, Cape Flattery on the south and Carmanah due north, 12 miles away on Vancouver. These are both powerful, first-order lights, visible, in clear weather, each 19 miles. The lenses of each are over 150 feet above the water. On the night of the wreck, it appears from the log book of Carmanah light and from the testimony of the light keepers on Cape Flattery, that from 4 o'clock Monday afternoon, long before the *Valencia* came up to the entrance, until 7 o'clock Tuesday morning, seven hours after she struck, there was absolutely no haze or fog in the vicinity of either of these two lights. Neither light had its fog signal going during this period, and each light was plainly visible to the other all that night; yet the *Valencia*, whose approximate course is shown on the chart submitted herewith, must have passed within 12 miles of both of these lights, well within the radius of each of them. Her officers were anxiously looking for the lights, and yet they got no view of either light.

"In other words, it is clear that while the only two lights which guard the entrance, Flattery and Carmanah, were in absolutely clear weather, there was an offshore bank of haze or fog sufficiently near shore to be in the normal course of a vessel and sufficiently offshore to be unseen by the keepers of these lights. This is a condition of affairs which actually occurred with the *Valencia* and which frequently occurs at various seasons of the year.

"Now, if there were a light-ship on the Swiftsure Bank approximately at the point indicated on the said chart, this light-ship would not only add another point of light to be seen by incoming vessels, but it would be sufficiently offshore to be in the region of haze and fog and under the same weather conditions as incoming vessels, so that if a vessel approaching this entrance were in a fog, the light-ship would also be in a fog and would be sounding her fog signal.

"In general, also, it is perfectly obvious from the coast formation that a light-ship at the point indicated would be in the strategic position of a signal which could be picked up by vessels coming from any possible direction—either from the Orient, from down the coast, or from up the coast of Vancouver—and thus the triangle formed by the three lights, Flattery, Carmanah, and Swiftsure Bank, would cover substantially among them the dangerous area at the entrance to the straits.

"In general, also, it should be further noted that there are few harbors on the Pacific coast as compared with the number on the Atlantic; that the great Pacific coast trade must necessarily, therefore, concentrate on two or three important entrances, and that this entrance to Puget Sound is the most important of all on that coast in the tonnage of traffic that goes through it, and that the Government would be justified in very considerable expenditure for the purpose of making this entrance as safe as may be.

"LAWRENCE O. MURRAY,
"HERBERT KNOX SMITH,
"Members of Federal Commission on the wreck of the Valencia.

"MAY 9, 1906."

LIGHT-HOUSE SERVICE, HAWAIIAN AND PACIFIC WATERS.

Following is an extract from the Annual Report of the Light-House Board for 1905:

"Tender for Hawaiian and the Pacific island waters.—When the Light-House Board by Executive order was charged with the care and maintenance of the Hawaiian light-house establishment it placed its aids to navigation within the limits of the twelfth light-house district, which is the nearest light-house district, and under the charge of the inspector and engineer of the twelfth light-house district, at San Francisco, Cal. As these officers are stationed some 2,000 miles from Hawaii, an officer of the Navy was assigned to duty as assistant to the inspector of the twelfth light-house district, with headquarters at Honolulu, and an officer of the Corps of Engineers, United States Army, was asigned to act as assistant to the engineer of the twelfth light-house district, also with quarters at Honolulu, and on them devolved, under their superior officers, the maintenance and repair of the old Hawaiian aids to navigation and the construction of such new ones as might be ordered.

"The naval officer assigned to aid the light-house inspector happened to be the officer in command of the U. S. S. *Iroquois;* hence he had an opportunity, when his naval duties would permit, to visit the Hawaiian aids to navigation in the *Iroquois.* The engineer officer in charge of the construction and repair of these aids to navigation has no means of conveyance, other than those open to the general public, to visit the lights under his charge; and as those means are inadequate, it is difficult and expensive for those officers to do the work assigned to them. There is no vessel belonging to the Light-House Establishment stationed at Honolulu. It is not possible to send the one light-house tender assigned to the twelfth light-house district to do the work in Hawaiian waters, as she is now not quite able to keep the immense light-house work on the California coast up to a proper state of efficiency. The U. S. S. *Iroquois* has been used, by permission of the Navy Department, to take the assistant to the inspector on his tours of inspection. This vessel is not fitted for buoy work, nor has she enough storage capacity for carrying stores to the different stations. It is now necessary to make many changes in lights and buoys, and a light-house tender is needed to carry material and workmen to the sites where the material is to be used.

"The assistant to the inspector has been obliged, when traveling to a station by coasting vessels, to return from each station to Honolulu to start for the next station. This causes expense and delay, for coasting steamers will not go out of their prescribed routes of travel to enable the inspector to place or remove buoys. At present he is obliged to use makeshifts for all the work he is doing in Hawaiian buoyage. The services of the *Iroquois* can not always be had when required. It is necessary to have the use of a vessel directly under the Light-House Establishment, without having to consult the wishes of another Department of the Government, to do buoy work with the promptness that is requisite for the safety of commerce and navigation. One of the first requisites of the light-house service of the Hawaiian Islands is a

steam light-house tender with which to establish and care for the numerous floating aids to navigation that the commerce of the islands demands, and also to transport the materials and supplies necessary to the construction and maintenance of such of these aids as are located on land.

"Since the foregoing was written the President has, through the Department of Commerce and Labor, placed the aids to navigation in the Midway Islands and the American Samoan Islands under the charge of the Light-House Board. These islands are hundreds of miles from each other and thousands of miles from the light-house inspector and light-house engineer who have charge of them and are stationed at San Francisco, Cal. The Board is now without any means of its own for communicating with these islands, and on this account more urgently asks that provision be made for building a light-house tender with which to perform these new duties recently devolved upon it by Executive order. It is estimated that a suitable steam tender can be built for $150,000, and the Light-House Board recommends that an appropriation of that amount be made therefor."

LIGHT-HOUSE, ETC., CAPE HINCHINBROOK, ALASKA.

The item has the approval of the Commerce and Labor Department, as will appear by the letters of the Secretary, which are annexed, together with other correspondence relating to the matter.

The following statement of facts submitted to the committee sufficiently indicate the necessity of the proposed aids to navigation:

"Except for the Sitka Harbor beacon, which is partially obscured by Kruzof Island, lying to the northwest of the harbor, there are no lights of any description visible from the open sea along the entire line of coast from the international boundary to Unimak Pass, in the Aleutian Islands, and none beyond that point. In Unimak Pass are two lights—on Scotch Cap and on Cape Sarichef.

"Cape Hinchinbrook, on Hinchinbrook Island, lying across the mouth of Prince William Sound, in the northwesterly part of the Gulf of Alaska, is, with the possible exception of Middleton Island, some distance out to sea, the first land sighted by vessels making the 'outside' run from San Francisco and Seattle to Valdez and other points on the sound.

"The ocean traffic past this cape is now very large and is constantly increasing. All boats following the inside passage from Seattle to the west leave the Alexander Archipelago at Sitka or through Cross Sound and run along the coast past Ocean Cape and Cape St. Elias, entering Prince William Sound by Cape Hinchinbrook, as do the direct boats. There are six or more large steamers in the regular Valdez service. The merchandise carried is consigned not only to Valdez, Ellamar, and other settlements reached directly by these steamers, but to Latouche Island, Seward—the new railroad town on Resurrection Bay—Kodiak, and ports to the south as far as Dutch Harbor. Shipments to points on Cook Inlet are also made by way of Valdez, which is an important junction point.

"All this traffic is through Hinchinbrook channel, a narrow pass not more than 5 miles in width, with a precipitous headland on one side and a dangerous group of rocks—the Seal Rocks—on the other. This channel is literally the key to the entire commerce of the Gulf of Alaska.

"Some point on Prince William Sound will undoubtedly be made the terminus shortly of a trans-Alaskan railroad. Two such railroads are now projected and under construction from Valdez and another has been surveyed from the upper end of Cordova Bay, an arm of the sound.

"Furthermore, Valdez, the terminus of the military trail across Alaska, is the dispatch point during the winter months for all mail to the interior, to Nome, St. Michael, Tanana, Fairbanks, Eagle, and other settlements west of Circle. Four thousand four hundred pounds will be sent in from Valdez each month during the present season, in addition to mail intended for Valdez and the other towns served throughout the year.

"Prince William Sound is open and free from ice during all months of the year. There is no possibility that a light-house and fog signal once established at Cape Hinchinbrook will become useless by reason of a falling off in traffic past that point, and the great increase in such traffic, inevitable because of extensive mining and railroad operations in the region tributary to Valdez, and even now apparent, makes the establishment of Hinchinbrook light an urgent necessity."

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 1, 1906.

SIR: Referring to the committee's letter of January 10, 1906, inclosing, for the consideration of this Department and for report thereon, a copy of Senate bill No. 2703, to establish a light-house and fog signal on Cape Hinchinbrook, Hinchinbrook Island, Prince William Sound, in the district of Alaska, I have the honor to state that upon investigation by the Light-House Board it is found that the commerce entering Prince William Sound is already considerable, and is rapidly increasing with the development of the adjacent and interior country, and that a light station on this cape would be a desirable aid to navigation.

In view of this report of the Light-House Board, this Department has the honor to recommend the passage of the bill in question.

Respectfully,

V. H. METCALF, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON COMMERCE,
United States Senate.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, December 26, 1905.

SIR: This Department has the honor to acknowledge the receipt of your letter of December 21, 1905, asking to be advised as to what reports have been received from the officers of the thirteenth light-house district upon the subject of a light and fog-signal station on Cape Hinchinbrook, near the entrance to Prince William Sound, Alaska, and also what amount the said district officers estimated as needed for its construction.

In reply I inclose herewith a copy of a report to the Light-House Board, dated May 26, 1902, from the inspector and the engineer of the thirteenth light-house district, and its inclosure, recommending that Cape Hinchinbrook be included in the list of proposed sites for light and fog-signal stations in Alaska, and estimating that the cost of the station would not be less than $75,000.

In accordance with this joint report, the Light-House Board in its Annual Report for 1902 named Cape Hinchinbrook as one of the places where it was proposed to establish lights. Congress made several lump-sum appropriations for the erection of such of these light-houses as the Board should deem of most importance; but, as the money thus appropriated has been practically expended in the establishment of these lights, the building of a station at Cape Hinchinbrook has been delayed.

The Board has great difficulty now in properly looking after Alaskan lights, as they are all included in the thirteenth light-house district, with headquarters at Portland, Oreg.

Respectfully,

V. H. METCALF, *Secretary.*

Hon. HENRY E. BURNHAM,
United States Senate.

LIGHT-HOUSE ESTABLISHMENT,
OFFICE OF ENGINEER THIRTEENTH DISTRICT,
Portland, Oreg., May 26, 1902.

SIRS: In compliance with Board's letter of May 5, 1902, No. 274, referring to establishment of light and fog signal on Cape Hinchinbrook, we have the honor to submit the following report:

Under date of July 9, 1901, report was submitted by us on establishment of a station in this same locality. In that report we stated as follows: "We would therefore recommend that when the commerce of Valdez increases to such an extent as to justify the expenditure, a light and fog-signal station be established as requested."

Later information seems to indicate that commerce to and from Valdez is growing, and that development of mines on Copper River is likely to receive a large impetus in the next few years.

It is therefore recommended that Cape Hinchinbrook be included in proposed sites for light and fog-signal stations in Alaska.

The equipment should comprise a 10-inch steam or air whistle, a second-order light visible for 15 miles, and accommodations for three keepers.

From the inclosed copy of letter from J. C. Downing, master U. S. Army transport *Seward*, it would seem that the physical characteristics of the site are not the most favorable for the purpose, and it is recommended that the station be built for men unaccompanied by families.

It is not safe to estimate the cost of such a station at less than $75,000.

Respectfully, yours,

WM. P. DAY,
Commander, United States Navy,
Inspector Thirteenth Light-House District.
W. C. LANGFITT,
Captain, Corps of Engineers, United States Army,
Engineer Thirteenth Light-House District.

The LIGHT-HOUSE BOARD,
Washington, D. C.

QUARTERMASTER'S OFFICE, UNITED STATES ARMY,
Seattle, Wash., May 22, 1902.

SIR: Referring to your communication of May 19, in my judgment the contemplated light-house and fog signal should be built on Cape Hinchinbrook proper. The elevation is about 75 to 100 feet on the point, the land rising abruptly some 2,500 feet. There is practically no level land in the immediate vicinity. Anchorage can be obtained in smooth weather in 15 to 30 fathoms off the cape. Port Etches, 8 miles distant, is a safe harbor. A rock awash at low water lies about 2 miles east of the cape and 1 mile offshore, with deep water inside. Building material can be landed with no difficulty in smooth weather.

Respectfully, yours,

J. C. DOWNING,
Captain U. S. Army Transport Seward.

Capt. W. C. LANGFITT,
Engineer Thirteenth Light-House District, Portland, Oreg.

MARY J. BLAISDELL.

Mr. CLAPP. I ask that an order be made to withdraw from the files of the Senate the papers of Mary J. Blaisdell accompanying Senate bill 5218, in order that they may be sent to the House of Representatives.

Mr. KEAN. Mr. President, under the new rule, which was adopted this morning, I ask if that request is in order?

The VICE-PRESIDENT. It is in order. Is there objection to the request of the Senator from Minnesota [Mr. CLAPP]? The Chair hears none, and the order is made.

The order was reduced to writing, as follows:

Ordered, That the papers of Mary J. Blaisdell (S. 5218) be withdrawn from the files of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER of Wisconsin, Mr. CRUMPACKER, and Mr. ZENOR managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LITTAUER, Mr. BINGHAM, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17507) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache In-

dian reservations, in Oklahoma Territory; and it was thereupon signed by the Vice-President.

IMMUNITY OF WITNESSES.

Mr. KNOX. I ask unanimous consent for the present consideration of Senate bill 5769.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. Mr. President, may I inquire from what committee that bill comes?

Mr. KNOX. From the Committee on the Judiciary.

Mr. DANIEL. May I suggest an amendment to the bill?

Mr. TELLER. I dislike to criticise the Committee on the Judiciary, but it seems to me it is hardly proper to proceed with the consideration of a bill in this way.

Mr. BACON. The Senator has not heard the bill read as the committee proposes to amend it.

Mr. TELLER. I have heard something read.

Mr. BACON. That is the original bill as introduced. The Secretary has not yet read the very material amendments reported by the committee. The Senator has not heard those.

Mr. TELLER. I supposed that I had heard all of the bill. If the committee has reported amendments to it, perhaps they have avoided what I think must be an objection to it on the part of every lawyer here.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. Let us have the amendments reported by the committee stated.

The VICE-PRESIDENT. The Secretary will state the amendments which have been reported.

The SECRETARY. The Committee on the Judiciary reported to amend that bill, on page 2, line 3, after the first word "That," by striking out "agreeably to the true intent and meaning of" and inserting the word "under;" and in line 17, after the word "shall," by striking out "be extended under the said provisions of said acts" and inserting the word "extend;" so as to make the bill read:

Be it enacted, etc., That under the immunity provisions in the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, in section 6 of the act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and in the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903, immunity shall extend only to a natural person who, in obedience to a subpœna, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill which has just been read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendments reported by the Committee on the Judiciary, which have been stated.

Mr. TELLER. Mr. President, I am not going to make any objection to the bill if it is so amended as that it is now a reasonable bill. I am willing that it shall pass; but I am not willing that Congress shall attempt to declare what a law means.

Mr. SPOONER. That is stricken out.

Mr. TELLER. That, I understand, is stricken out. It is something of a modern notion that we may construe what a law means and how the courts should construe it. If the courts have construed an act improperly, we may pass a law that will make clear what we intend. But, knowing the legal ability of the members of the committee who reported the bill, I do not make any special objection to its passage.

The VICE-PRESIDENT. The question is on agreeing to the amendments reported by the committee.

Mr. DANIEL. I should like to hear the amendments again read.

The Secretary again read the amendments.

Mr. CULBERSON. Mr. President, I only desire to say that the objection which was first suggested by the Senator from Colorado [Mr. TELLER] suggested itself to the Committee on the Judiciary, and the bill has been amended so as to relieve it of the objection suggested by the Senator—the very objection which he has presented. So that, instead of declaring the Congressional meaning of an act which has been passed, this bill proposes to enact an amendment of the existing law operative hereafter.

The VICE-PRESIDENT. The question is on the amendments reported by the Committee on the Judiciary.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. TELLER. Has the bill been passed?

The VICE-PRESIDENT. The bill has not been passed. It has been reported from the Committee of the Whole to the Senate, and the amendments made as in Committee of the Whole have been concurred in.

Mr. TELLER. I do not like the title of the bill, and I think it should be amended.

The VICE-PRESIDENT. The title will be acted upon after the passage of the bill.

Mr. TELLER. If the title be properly amended, I shall have no objection to the bill.

Mr. DANIEL. Mr. President, the immunity statute has been one of unfortunate effect in the courts. It has resulted, at least according to public sentiment, in protecting men who ought to have been prosecuted. It is of the utmost importance that when Congress shall act upon this subject, it shall act with thorough enlightenment as to the steps it is taking.

I suppose that the bill under consideration as it reads now applies only to persons who testify in a judicial proceeding or to those who are responding to some body such as a Congressional committee that has the right to enforce an answer from a witness. If this be true, I do not know that I should offer any amendment.

It may be doubtful, Mr. President, whether or not any good has resulted from our legislation on this subject. It has certainly resulted in the protection of persons who, according to public sentiment, should have been prosecuted.

I should like very much to hear from the patron of this bill some statement as to the present state of the law and as to the benefits to be derived from the bill. I should like also to hear from gentlemen who are upon the committee which has been examining this subject whether or not it might not be better to repeal all immunity statutes and to let all persons stand upon the right which they have under the law as a whole not to answer questions which criminate them.

I myself do not know, for I have never had opportunity nor occasion to investigate the present status of the law with any sedulous care, but as I feel on this subject rather than think—using the term "feel" from the impression that I have derived from the general discussions in the press—I am disposed to think we had better repeal all immunity whatsoever to people who testify, and leave them to defend themselves, they having now ample methods for the defense of their personality under the common law and under the general statutes of this country.

This is to me a subject to be dealt with with the utmost enlightenment as to what we are doing, and I therefore hope that the Senator from Pennsylvania, before any vote is asked on this bill, will explain to the Senate what is now the status of the law, what good is being derived from the immunity statute, and whether or not, in his opinion as a very experienced lawyer, it might not be better to abolish all immunity statutes and let men stand on their rights under the Constitution and the laws of the country to defend themselves.

Mr. KNOX. Mr. President, the purpose of this bill is clear, and its range is not very broad. It is not intended to cover all disputed provisions as to the rights of witnesses under any circumstances, except those enumerated in the bill itself. Senators are fully aware that under the interstate-commerce act and under the act creating the Department of Commerce and Labor, the Interstate Commerce Commission, in the first instance, and the Commissioner of Corporations, in the second instance, are authorized by the law to compel witnesses to appear before the Commission and the Commissioner, respectively, to disclose their books and papers, and to give evidence in relation to transportation companies and concerns engaged in

interstate commerce whether or not the testimony which they disclose incriminates them. In order that that law might be made effectual under the Constitution the statute gave witnesses so appearing and testifying or producing books and papers complete immunity from prosecution by reason of anything that they might disclose or because of any of the transactions with which their testimony might be concerned.

As the law originally stood, the Supreme Court of the United States declared that the immunity clauses were not broad enough; that the original statute limiting it to the particular transaction was not as broad as the constitutional right of the witnesses. So that on the 11th of February, 1893, there was an act passed which in part reads:

> But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said Commission, or in obedience to its subpœna, or the subpœna of either of them, or in any such case or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

On the 14th of February, 1903, Congress passed an act establishing the Department of Commerce and Labor. In that act the Bureau of Corporations was created and a Commissioner of Corporations. Under the provisions of that act he was given "power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States."

In order to accomplish the purpose of this act, he was given "the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths."

The language of the act continues:

> All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce—

To which I have just referred—

> and by an act in relation to testimony before the Interstate Commerce Commission—

Which I have just read—

> shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

That completed the scheme of law so far as the Interstate Commerce Commission was concerned and so far as the Department of Commerce and Labor was concerned; namely, that the Commission in the one case and the Commissioner of Corporations, acting under the control of the head of his Department, in the other, could compel the attendance of witnesses, could compel the production of books and papers, and those witnesses had to attend, had to testify, and had to produce their books and papers whether or not the production of such books and papers or the giving of that testimony incriminated them.

It was supposed that there was no possible doubt about the meaning of the language that the immunity provisions of the acts referred to:

> Shall also apply to all persons who may be subpœnaed to testify as witnesses or—

And I interpolate the word "subpœnaed" in the following extract in order to bring out clearly the meaning—

> or "subpœnaed" to produce documentary evidence in pursuance of the authority conferred by this section.

I say it seems there could be no doubt as to the meaning of that language, that when it says "the immunity shall extend to all persons subpœnaed to give testimony and subpœnaed to produce books and papers," it would be essential that a subpœna should be issued; but it so turned out that in the prosecution of the great beef trust in Chicago, Commissioner Garfield had had some conversations with different members of the beef trust, and some of them had produced books and papers voluntarily or at his request, and, notwithstanding the language that the immunity provision was only to extend to persons "subpœnaed" to give testimony and "subpœnaed" to produce books and papers, the court in Chicago held that they had obtained the immunity by voluntarily disclosing the secrets of their business to Commissioner Garfield.

Mr. President, the whole purpose of this bill is to define the right of the witness as we thought it was defined in the statute which I have read, and to say, as the statute said, but to say it even more clearly and emphatically, that the immunity shall only extend to witnesses who have been subpœnaed to produce books and papers or subpœnaed to give testimony. The essence of the whole act is found in lines 18, 19, and 20, on page 2, which read that these immunity provisions—only the immunity provisions under the interstate commerce act and under the Commerce and Labor act, not the general immunity that the citizen enjoys in judicial proceedings, but merely in relation to the proceedings of these two great bureaus of the Government—"shall extend only to a natural person." That is, that a corporation is not to have the benefit of the immunity provisions, but they—

> shall extend only to a natural person who, in obedience to a subpœna, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill defining the right of immunity of witnesses under the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, and an act entitled 'An act to establish the Department of Commerce and Labor,' approved February 14, 1903, and an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and an act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903."

EMPLOYERS' LIABILITY BILL.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

Mr. STONE. I ask the Senator from Wisconsin to yield to me for morning business.

The VICE-PRESIDENT. Under the rule adopted by the Senate this morning the Chair can not accept morning business.

Mr. STONE. Under the rule, can not morning business be introduced or transacted at all at this time?

The VICE-PRESIDENT. The conclusion of the rule reads:

> It shall not be in order to interrupt a Senator having the floor, for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. STONE. The Senator does not rise——

The VICE-PRESIDENT. For what purpose does the Senator rise?

Mr. STONE. The Senator does not rise for the purpose of introducing a bill.

Mr. KEAN. Let us have the regular order, Mr. President.

Mr. SPOONER. The Senator from Wisconsin has the floor.

The VICE-PRESIDENT. The Senator from Wisconsin has the floor.

Mr. STONE. Certainly, he has the floor.

Mr. SPOONER. And he can not yield it under the rule to enable another Senator to introduce a bill, resolution, or memorial, but the Senator from Missouri may, after the Senator from Wisconsin yields the floor, take the floor in his own right to introduce morning business by unanimous consent.

Mr. LA FOLLETTE. I should be glad to yield.

The VICE-PRESIDENT. The Senator can not yield under the rule.

Mr. STONE. It is not important.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimuos consent for the present consideration of a bill which will be stated by title.

The SECRETARY. A bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, which had been reported from the Committee on Interstate Commerce with amendments.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I do not object, but there are some amendments reported by the committee.

The VICE-PRESIDENT. The amendments reported by the committee will be stated.

The SECRETARY. In line 3, section 1, page 1, it is proposed, after the word "carrier," to strike out the words "by railroad;" so as to read:

> That every common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, etc.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I want to hear the amendments read.

The VICE-PRESIDENT. The Secretary will state the amendments.

The SECRETARY. In line 3, section 1, page 1, after the word "carrier," strike out "by railroad;" so as to read:

That every common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, etc.

Mr. LA FOLLETTE. A parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator from Wisconsin will state his parliamentary inquiry.

Mr. LA FOLLETTE. I have some amendments which I desire to offer to the bill, and I wish to inquire whether they should be offered now or I should wait until the committee amendments have been disposed of?

The VICE-PRESIDENT. The Chair will first ascertain whether there is objection to the consideration of the bill. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated by the Secretary.

The amendment was agreed to.

The next amendment of the Committee on Interstate Commerce was, on page 2, section 1, line 3, after the word "employees," to insert the words "in authority over him or engaged in a different kind of work;" so as to read:

That every common carrier * * * shall be liable to any of its employees, or, in the case of his death, to his personal representative, for the benefit of his widow and children, if any, if none, for his next of kin dependent upon him, for all damages which may result from the negligence of any of its officers, agents, or employees in authority over him or engaged in a different kind of work, or by reason of any defect or insufficiency due to its negligence in its cars, engines, etc.

Mr. LA FOLLETTE. Mr. President, I wish to say just a word to the Senate in opposition to this amendment. It will be observed that the words which have been added to the House bill by the Senate committee and reported to the Senate, namely, the words "in authority over him or engaged in a different kind of work" really destroy the effectiveness of the bill. If that amendment be adopted, there could be no recovery of damages caused by the negligence of any other employee, however gross the negligence of that employee, unless the injury or the death were caused by the negligence of some one in authority immediately over the person injured or killed.

If, for instance, the engineer, the fireman, and the brakeman of a train crew were all of them sacrificed in train collision resulting from the negligence of some member of the crew of the train with which they collided, there could be no recovery. I shall not take the time of the Senate to more than call attention to the character of this amendment and say that it destroys the value of the bill. I can not conceive that this body, after delaying this legislation for years, will enact a measure professedly for the protection of railway employees, but which, in fact, will afford them no protection at all if this amendment proposed by the committee is to remain in the bill.

I will ask the Senate to listen to a resolution adopted by the International Brotherhood of Locomotive Engineers, presented to the Senate by the Vice-President on Tuesday morning. It reads as follows:

[Telegram.]

MEMPHIS, TENN., May 25, 1906.

Hon. C. W. FAIRBANKS,
President of the Senate, Senate Chamber,
Washington, D. C.:

The International Brotherhood of Locomotive Engineers in convention assembled at Memphis, Tenn., this 25th day of May, 1906, by a unanimous vote earnestly protest against the amendment inserting the words, "in authority over him or engaged in a different kind of work," in section 1 of our employers' liability bill, H. R. 239, and we earnestly appeal to all Senators who are desirous of the passage of an effective bill upon this important subject to vote against the insertion of that amendment as above stated.

W. S. STONE.

Mr. President, it is not necessary to add one word to this appeal, which comes from the International Brotherhood of Locomotive Engineers. Surely after these men have waited ten long years for some sort of legislation, they will not be given a law that is worthless and meaningless in its so-called protection.

Mr. CARMACK. Mr. President, I do not care to make a speech on this amendment, but only to say that I thoroughly agree with what has been said by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CULBERSON. Mr. President, like the Senator from Tennessee [Mr. CARMACK], it is not my purpose to address the Senate upon this amendment, but simply to state my thorough agreement with what has been said by the Senator from Wisconsin [Mr. LA FOLLETTE]. The bill, with this amendment in it, will answer no good purpose whatever, Mr. President, but, on the contrary, it will, in my judgment, destroy the effectiveness of the bill. I sincerely trust that the amendment proposed by the committee in this particular will not be adopted.

Mr. MALLORY obtained the floor.

Mr. KEAN. I do not see present the Senator from Mississippi [Mr. MCLAURIN] who reported the bill.

Mr. TILLMAN. As a member of the Interstate Commerce Committee, which reported the bill——

The VICE-PRESIDENT. The Senator from Florida has the floor.

Mr. MALLORY. I merely wish to call the attention of the Senator from Texas to a question of complication that may arise out of this language, if inserted in the bill. Many of the States have laws on this subject which are in line with what the purpose of this bill was when it passed the House. Under the proposed committee amendment a suit brought in the United States court would be determined under it, and the result, in my judgment, would be entirely different from what it would be if the suit were brought in the State court. That also is a matter for the Senate to consider in connection with the proposition to insert these words.

Mr. TILLMAN. Mr. President, I am a member of the Interstate Commerce Committee, and I opposed this amendment in committee. I agree with what the Senator from Wisconsin said, that it utterly destroys the object of the bill, which is to give the employee of a railroad or his representatives damages for negligence, and I certainly shall vote to take the committee amendment out in the Senate, if we can get a yea-and-nay vote on it.

Mr. FORAKER. Mr. President, I was out of the Chamber when this bill was called up, and I was a little surprised to find that it was under consideration when I returned to the Chamber. The bill was reported out of the Interstate Commerce Committee by the Senator from Mississippi [Mr. MCLAURIN]. He came to me just as he was leaving, and said he was to be absent for a few days, and asked me if I would call up the bill during his absence and have it considered, if there came a necessity for it. But when he told me he would return next Monday, I think his statement was, it seemed to me that there was no necessity for my undertaking what had been assigned to him, and I declined and dismissed the matter from further consideration. I think the bill ought to go over until the Senator from Mississippi returns, because the amendment under consideration which is objected to was not my amendment, but his amendment, and it is an amendment about which there was difference of opinion in committee. I think it is due to the Senator from Mississippi that the matter be delayed until he can return. I base that simply on what he said to me at the time he left.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. MONEY. I thought the Senator from Ohio was about to take his seat.

Mr. FORAKER. I was. I said about all I care to say. I do not desire to discuss the measure.

Mr. MONEY. Mr. President, I do not care to discuss the pending bill. It is one introduced by my colleague, who is now absent, and his purpose was to do something for the benefit of the employees of railroads who may be injured by collision, accident, etc. As these people, the beneficiaries, have, as far as I can learn, universally repudiated the amendment as not effectuating the purpose of the bill, but to the contrary, I think it very well, if the Senate acts now, that it should reject the amendment, unless it intends to pervert the original intention of the bill. I hope, if voted on, the amendment will be voted down.

Mr. FORAKER. If I correctly understood the Senator from Mississippi, his statement was that his colleague will repudiate the amendment when he does return.

Mr. MONEY. No.

Mr. GALLINGER. He did not say that.

Mr. MONEY. I did not say my colleague would repudiate it, but if it does defeat the purpose of this bill, and as the people for whose benefit it was proposed have repudiated the amendment, so far as I can learn, and object to its adoption, I presume my colleague would object to it.

Mr. FORAKER. Mr. President, I have no objection to the bill being considered now, if the Senate thinks it should be, after the statement I have made as to what the Senator from Mississippi said to me just before he left. But I think if it is to be considered in his absence, I ought to state that in the committee the Senator from Mississippi [Mr. MCLAURIN] offered amendments to other sections of this bill, about which proposed

amendments there was a difference of opinion in committee and much discussion. He offered an amendment to section 2 of the bill, to which I was opposed, and which was finally rejected in committee. There was also objection in committee to section 3 of the bill. I did not sympathize with the objections to that. The result of it all was, as is frequently the case, that the bill was reported in the form in which it is now presented to the Senate, with this proposed amendment of the committee, as a sort of a compromise of the whole matter of difference.

The amendment having been agreed to in section 1, the amendments proposed as to section 2 and the other parts of the bill—I can not recall, in the absence of the minutes of the committee, just what they all were—the first was accepted and the others were waived. So it is not quite fair to say that the bill, if it should pass as reported from the committee, would entirely defeat the purposes of those who are seeking this legislation. The second section and the third section and the fifth section, I suppose—I do not know just what that provides—but two of the important features were the second and third sections. They were reported just as the representative of the labor interest who spoke to me on the subject and who appeared before the committee desired that they should be enacted. They could not have what they desired as to the first section.

It is my opinion that the amendment does not change the law as it now is; certainly it does not as it is in my State, for the provision of that amendment is but declaratory of the rule as to negligence and contributory negligence as we apply it there now. I have no disposition to oppose the passage of this measure; I sympathize with it; but we were compelled to do in the committee, as happens here every day in other committees—we had to compromise our differences, giving and taking, something being modified here that something else might be granted there.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. FORAKER. Certainly.

Mr. SCOTT. In view of the statement just made by the Senator from Ohio, and out of courtesy to the Senator from Mississippi, who is not here, I call for the regular order and ask that this bill may go over.

The VICE-PRESIDENT. Under objection, the bill will lie over, retaining its place on the Calendar.

Mr. LA FOLLETTE. I do not think the Senator from West Virginia will demand the regular order when I say to him that I made diligent inquiry with respect to the position of the Senator from Mississippi who reported this bill, and I was assured, and I think reliably—and the statement of the Senator from Ohio is confirmatory of what I heard upon the subject—that he did not expect this measure to be delayed until his return; and I understood from the Senator from Ohio that he was authorized to call up the bill for the Senator from Mississippi at some time before his return.

Mr. FORAKER. The Senator pretty nearly accurately repeats what I said. I did not accept the honor of calling up the bill, because the Senator from Mississippi had taken much interest in it and seemed to have it especially in mind. He had charge of it by direction of the committee itself, and I did not think there was any necessity that I should take the work off his hands; I had a number of other bills I wanted to call up. So I said to him I thought it would be time enough to let it go over until he returned. I did not dream that the bill would be taken up in his absence.

Mr. LA FOLLETTE. Mr. President——

Mr. FORAKER. I think if the Senator from Mississippi had desired that the bill be called up during his absence, after he had talked with me, he would have gone to some other Senator on the committee of which he is a member, and asked him to call it up.

Mr. SCOTT. I call for the regular order.

Mr. MALLORY. A parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. MALLORY. What is the regular order?

The VICE-PRESIDENT. The Calendar under Rule VIII is the regular order.

Mr. MALLORY. Has not the Senate agreed to take up this bill?

The VICE-PRESIDENT. Bills are being considered by unanimous consent.

Mr. MALLORY. And consent was given for the consideration of this bill?

The VICE-PRESIDENT. Yes; but under Rule VIII an objection may be interposed at any stage of the bill's consideration, notwithstanding the previous consent.

Mr. LA FOLLETTE. Mr. President, what then is the significance of the granting of consent on the part of the Senate for the consideration of a bill if it can be set aside by objection at any time?

The VICE-PRESIDENT. The Chair will call attention to the rule. It needs no interpretation.

Mr. LA FOLLETTE. I shall be very glad to hear the rule read.

The VICE-PRESIDENT. Rule VIII provides that—

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings——

Mr. SCOTT. I want to ask the Senator from Wisconsin a question.

Mr. LA FOLLETTE. Mr. President——

Mr. SCOTT. Will the Senator from Wisconsin allow me to ask him a question?

Mr. LA FOLLETTE. Mr. President——

Mr. SCOTT. Did the Senator from Mississippi——

The VICE-PRESIDENT. Will the Senators please suspend until the Chair concludes the reading of the rule? It continues:

> But upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders.

Mr. LA FOLLETTE. I desire to move that the Senate continue the consideration of this bill.

The VICE-PRESIDENT. That the Senator can do. The question is on agreeing to the motion of the Senator from Wisconsin, that the Senate continue the consideration of the bill notwithstanding the objection.

The motion was agreed to.

Mr. CARMACK. Mr. President, I should like to know whether the pending amendment under discussion was offered by the Senator from Mississippi [Mr. MCLAURIN]. I do not know whether or not that was stated.

The VICE-PRESIDENT. The question is on agreeing to the amendment in lines 3 and 4, page 2.

Mr. PATTERSON. I have sent for a copy of the bill. I want to see if it is the amendment I have in mind.

Mr. DANIEL. I ask that the amendment may be stated.

Mr. SCOTT. Will the Senator from Colorado yield to me for a moment?

Mr. PATTERSON. Yes.

Mr. SCOTT. I want it to be distinctly understood that I am not opposing this bill. I desired to ask the Senator from Wisconsin whether the Senator from Mississippi had asked him to call up this bill during his absence. If he had answered my question, I should have withdrawn my objection.

Mr. LA FOLLETTE. I had already stated, if the Senator from Colorado will yield——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. Just to answer the question.

Mr. PATTERSON. With pleasure.

Mr. LA FOLLETTE. I had already stated—perhaps before the Senator from West Virginia returned to the Chamber—that I had made inquiry with respect to the status of this bill, and had been informed that the Senator from Mississippi [Mr. MCLAURIN] did not expect to have the bill laid over until his return; that he expected it to be taken up and passed in his absence; that he is likely to be gone for some ten days or more. The statement of the Senator from Ohio confirms the information upon which I acted in calling up the bill. The Senator from Mississippi expected it to be taken up.

I was not requested by the Senator from Mississippi to call it up in his absence.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wiscorsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do not think I have trenched upon the prerogatives of the Senator from Mississippi at all. I certainly would not do that. But I was advised, and I believe correctly, that he expected this bill to be considered in his absence. Indeed, I am sure that he would not want the bill jeopardized by deferring its consideration until his return later in the session.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. With pleasure.

Mr. FORAKER. I only wanted to state what I did not recall when I was on the floor a moment ago, but which is something that I think should be stated before Senators take action. When the Senator from Mississippi [Mr. McLAURIN] came to me he submitted a form of amendment which he intended to offer as a substitute for that amendment when the bill did come up, which he said had been prepared by representatives of labor organizations with whom he had been conferring. I declined to take charge of it. I said I had no objection to it; I looked it over and gave my assent to it, and said when he offered it he could say, so far as I was concerned as a member of the committee, that the amendment which he had agreed upon to be substituted for these words should be accepted. But beyond that I have nothing now to say about the matter.

Mr. PATTERSON. Mr. President, I rose only for information. I should like to have the Secretary reread the amendment.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 2, line 3, after the word "employees," insert "in authority over him or engaged in a different kind of work."

Mr. PATTERSON. That amendment ought to be voted down.

Mr. LA FOLLETTE. Mr. President, as many Senators have returned to the Chamber since the telegram was read from the National Association of the Brotherhood of Locomotive Engineers, I will ask to have it read before the vote is taken.

The VICE-PRESIDENT. Without objection, the Secretary will again read it.

The Secretary read as follows:

[Telegram.]

MEMPHIS, TENN., *May 25, 1906.*

Hon. C. W. FAIRBANKS,
President of the Senate, Senate Chamber,
Washington, D. C.:

The International Brotherhood of Locomotive Engineers, in convention assembled at Memphis, Tenn., this 25th day of May, 1906, by a unanimous vote earnestly protest against the amendment inserting the words "in authority over him or engaged in a different kind of work" in section 1 of our employers' liability bill (H. R. 239), and we earnestly appeal to all Senators who are desirous of the passage of an effective bill upon this important subject to vote against the insertion of that amendment as above stated.

W. S. STONE.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Interstate Commerce.

Mr. DANIEL. Mr. President, as I understand it, the vote is on the whole of the words "in authority over him or engaged in a different kind of work."

The VICE-PRESIDENT. That is the pending amendment.

Mr. DANIEL. Mr. President, just a few words.

I think it is important and thoroughly right and just that this amendment should be voted down. The negligence for which a carrier should be held responsible is not confined to that of the person who is the agent in authority over him. In the complex organization of society that now exists the old-time common law of master and servant has no longer fitting application to this subject. There is a new heaven and a new earth with respect to the organization of labor. If a man is killed or wounded upon a train by the negligence of an employee of the carrier, who missends a telegram, or who does anything by which the correct movement of a train is hindered or prevented, there is as much responsibility for the negligence of the dispatcher as if he were one in authority over the person who is hurt.

Neither is the second part of this phrase one that commends itself to the rationale and organization of our modern systems of common carriage:

Or engaged in a different kind of work.

What difference does that make? If a man is at a station in charge of a switch and a brakeman is killed upon a train by the switchman's negligence, why should the responsibility of the carrier be excused because the man at the switch "was engaged in a different kind of work?"

And so, Mr. President, you might take a thousand illustrations from the diversified branches of the great system of transportation now in vogue. The common carrier of to-day is as different from the common carrier of a hundred years ago as a grand hotel in New York—a sky scraper, which has two or three thousand servants and five or six thousand guests—is different from an old wayside inn. It becomes the business of a department to serve one dish or one portion of a dish in that modern metropolitan, or rather cosmopolitan, hotel.

What difference does it make upon the subject of negligence we are now considering whether the relations of the person upon a train are those of identical labor or similar labor or diversified labor? We can not apply or make fit the old ideas of a hundred or two hundred years ago, and this amendment is antiquated and totally out of unison and congeniality with the whole framework of the bill.

This reform, Mr. President, in the law of common service has moved all over the face of the earth where civilization exists. It has been retarded a little here or there. In our own State we have had contests for a year or two and then victory, and the same result will take place here as soon as this subject gets a full and fair hearing and is understood in the light of the just and wise and modern view.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The VICE-PRESIDENT. The Secretary will read the next amendment.

The next amendment of the Committee on Interstate Commerce was, in section 2, page 2, line 8, after the word "any," to strike out "such;" and in the same line, after the word "carriers," to strike out "by railroad;" so as to make the section read:

SEC. 2. That in all actions hereafter brought against any common carriers to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 23, after the word "any," to strike out "such;" in the same line, after the word "carrier," to strike out "by railroad;" and on page 3, line 2, after the word "his," to strike out "heirs at law" and insert "personal representative;" so as to make the proviso read:

Provided, however, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 4, after the word "within," to strike out "two years" and insert "one year;" so as to make the section read:

SEC. 4. That no action shall be maintained under this act unless commenced within one year from the time the cause of action accrued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. DANIEL. I move to strike out the proviso beginning in line 22, page 2, and going down to line 2, page 3.

The VICE-PRESIDENT. The Senator from Virginia moves an amendment, which will be stated by the Secretary.

The SECRETARY. On page 2, line 22, after the word "employee," strike out the following proviso:

Provided, however, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. GALLINGER. I should like the Senator from Virginia to give the Senate the benefit of his views on that matter. It seems to me that if these railroads have contributed money to their injured employees they ought to be given due credit for that if damages are assessed against them by the court.

Mr. DANIEL. I do not want to imperil the passage of the bill; otherwise I should like to state my views in full on that subject.

Mr. GALLINGER. I shall certainly state my views briefly against it.

Mr. DANIEL. The employees of a great modern carrier are in large measure under their sway. They are not required to give their employees anything, and it is not according to common law that such a matter should go as an offset. It is a change of the present law on the subject, as it ought to demonstrate itself. It is mixing in with an action of damages a collateral matter which has nothing to do with it. If they choose to give a man something, they have no right to charge it as an offset. If a man chooses to send a basket of flowers or a basket of fruit to a sick man, he can not make a bill of it because that man has an action of damages against him.

Mr. GALLINGER. Mr. President——

Mr. DANIEL. It is not the kind of thing that belongs to lawsuits, and it is a matter of relationship in which the superior has a large influence over the conduct and over the doings of the inferior.

Mr. GALLINGER. Did I understand the Senator to say that he withdraws his amendment?

Mr. DANIEL. No, sir; I do not withdraw the amendment.

Mr. GALLINGER. It does seem to me, if I have read this bill aright, and I confess that I have read it very hastily, that in the event of an employee being injured, and the railroad corporation takes him to a hospital, paying perhaps hundreds and possibly thousands of dollars for his care, if afterwards action is resorted to to recover damages for that injury, the railroad corporation ought to have the benefit of that expense. I chance to know, Mr. President, that these railroad corporations, which seem to be under the ban at the present time, are doing a great deal for their employees, and I want to say a word in their behalf.

In my own city at the present time a railroad corporation is constructing a fine building for the benefit of its employees. They are to be furnished a place where they can have amusements, literature, and everything necessary for their comfort. I do not think we want to make a foolish raid upon the corporations in view of the good things they are doing for their employees.

I repeat, Mr. President, whatever the legal technicalities in the case may be, if a railroad corporation expends money for the comfort and restoration of health, or it may be the preservation of the life of an injured employee, in the event of the employee being awarded damages in the courts, the corporation should have the benefit of what it has contributed; and that, I understand, is what this bill proposes to do. I think, when the Senator from Virginia gives the matter a little more careful consideration—possibly he has thought it all out—he will see that we ought to be just to both parties in the controversy.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. CULLOM. I ask that the legislative, executive, and judicial appropriation bill, now on the Vice-President's table, be laid before the Senate.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. CULLOM. Yes; but I do not expect to take any time except to move that conferees be appointed.

The VICE-PRESIDENT. The Senator from South Dakota rises with respect to the unfinished business.

Mr. CULLOM. I have no objection to yielding.

Mr. KITTREDGE. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. The Chair hears no objection, and it is so ordered.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CULLOM, Mr. WARREN, and Mr. TELLER as the conferees on the part of the Senate.

WHARVES AND PIERS IN THE WATERS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FORAKER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the Chair appoint the conferees.

The motion was agreed to; and the Vice-President appointed Mr. FORAKER, Mr. WETMORE, and Mr. MALLORY as the conferees on the part of the Senate.

EMPLOYERS' LIABILITY BILL.

Mr. FORAKER. Mr. President, last Wednesday, before we adjourned, I gave notice that to-day, because of communication I had with respect to some executive business, I would feel it my duty to move for an executive session at the earliest possible hour. I propose to make that motion now, but before doing so I want to say a word about the bill that has been under consideration.

The Senator from Virginia [Mr. DANIEL] has just moved, I understand, to strike out the proviso in section 3. I hope the Senator will not insist upon that amendment. I think I know what the men who have asked for this legislation want in that respect. I think they are honorable, fair-minded men. I have always found them such, and I do not believe there is a man in all of the many employees of the railroads of this country who would want to deny to the railroad in a suit, such as has been provided for here, a credit on a judgment or against a verdict that might be rendered to the amount that he had received of benefits out of the beneficial fund which the railroad had helped them to maintain.

There was a great deal of difference of opinion in the Senate committee as to whether the legislation involved in section 3 should be enacted at all, but we finally agreed to report it in the form in which it stands here.

This legislation in the form in which it here stands met with the approval of the House committee and of the House. This particular provision has not been objected to, so far as I am aware, by anyone until now the Senator from Virginia makes a motion to strike out. When the bill can be again taken up, I shall insist further upon this view; but for the present, Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio withhold his motion and yield to the Senator from Wisconsin?

Mr. FORAKER. For a question; not to make an argument.

Mr. LA FOLLETTE. I am not going to make an argument, but, believing that Senators may desire to be present when the roll is called upon the passage of this bill, I give notice now that to-morrow, after the routine business is finished, I shall ask unanimous consent to resume its consideration. If objection is made, I shall move to take it up. If that motion is voted down, or if the bill is not disposed of during the morning hour, and is again forced over, I shall then move for its consideration upon the day following. I shall continue to press its consideration from day to day until it is passed.

EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. FORAKER. I yield to the Senator.

Mr. McCUMBER. I want to know some reason why, with the great number of bills we have on the Calendar, it becomes necessary to move an executive session at the very beginning of our morning's work and to hold an executive session at the expense of all other character of legislation.

Mr. FORAKER. The Senator from North Dakota knows exactly why I am moving for an executive session, because he was present in the executive session when I made the statement to which I referred a few moments ago. I can not state in open session matters that pertain to executive session. When we go into executive session, if there is any good reason why we should not stay there, it can be shown to us in executive session and we can come back into legislative session, but for the present I insist on my motion.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. FORAKER. I will yield, if it be a very brief matter.

Mr. TALIAFERRO. It is a very short bill that I desire to call up.

Mr. KEAN. Let us have the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. McCUMBER. I want to have a vote on the motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio. [Putting the question.] By the sound the noes seem to have it.

Mr. FORAKER. I ask for a division.

Mr. PATTERSON. Why not have the yeas and nays?

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 38, nays 14, as follows:

YEAS—38.

Aldrich	Daniel	Hopkins	Proctor
Bacon	Dick	Kean	Scott
Bailey	Dolliver	La Follette	Smoot
Berry	Flint	Lodge	Stone
Blackburn	Foraker	Millard	Taliaferro
Brandegee	Frazier	Nixon	Teller
Burkett	Frye	Overman	Warner
Burnham	Fulton	Patterson	Warren
Clark, Wyo.	Gallinger	Piles	
Clay	Gearin	Platt	

NAYS—14.

Ankeny	Dubois	Money	Rayner
Carmack	Kittredge	Nelson	Spooner
Carter	McCumber	Perkins	
Culberson	Mallory	Pettus	

NOT VOTING—37.

Alger	Crane	Hansbrough	Morgan
Allee	Cullom	Hemenway	Newlands
Allison	Depew	Heyburn	Penrose
Beveridge	Dillingham	Knox	Simmons
Bulkeley	Dryden	Latimer	Sutherland
Burrows	Elkins	Long	Tillman
Burton	Foster	McCreary	Wetmore
Clapp	Gamble	McEnery	
Clark, Mont.	Gorman	McLaurin	
Clarke, Ark.	Hale	Martin	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifteen minutes spent in executive session the doors were reopened.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 7, 27, 28, 30, 41, 44, 62, 63, 64, 65, 66, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 67, 68, 69, 70, 71, 72, 74, and 75; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the amount proposed in the said amendment insert "one million dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided*, That no part of this appropriation shall be applied to the payment of the expense of using transports in any other Government work than the transportation of the Army, Navy, and Marine Corps, and their supplies; and, when, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the families and employees of officers and men of the Army, Navy, and Marine Corps, and members of the Philippine government and families, and their employees and families;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: After the word "dollars," in said amendment, strike out the period and insert in lieu thereof a colon, followed by the words: "*Provided*, That if in the opinion of the Secretary of War said reservation is no longer needed for the purposes for which it was originally acquired, he may, in his discretion, in lieu of expending the said five thousand dollars, sell and convey the lands in said reservation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "ten" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In the last line of the said amendment strike out the word "thirty" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

F. E. WARREN,
J. B. FORAKER,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.
J. A. T. HULL,
A. B. CAPRON,
WILLIAM SULZER,
Managers on the part of the House.

The report was agreed to.

STATEMENT OF MANAGERS ON THE PART OF THE SENATE.

The managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Bill as reported to Senate amounted to		$71,328,144.37
During consideration of bill by Senate the following amounts were added:		
Canal Zone cable	$927,000.00	
Fort Mason, Cal	750,000.00	
National board for promotion of rifle practice	2,162.00	
Moores Creek Monumental Association	5,000.00	
National Cemetery, Fredericksburg, Va	30,000.00	
		1,714,162.00
Total amount of bill as it passed Senate		73,042,306.37
Amounts in bill as it passed Senate dropped in conference:		
Canal Zone cable	$927,000.00	
Army War College	5,000.00	
Pay of officers of line for length of service	255.00	
Additional pay for length of service, Ordnance Department	16,886.00	
Paymasters' clerks	.29	
Clothing due enlisted men on discharge	82,000.00	
Ordnance stores—ammunition	24,000.00	
Small-arms target practice	100,000.00	
Ordnance stores and supplies	50,000.00	
National Cemetery, Fredericksburg, Va	20,000.00	
		1,225,141.29
Amount of bill as reported by conferees		71,817,165.08

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. SCOTT. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first acted upon.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 11, after the word "gunnery," to strike out "(major)" and insert "(lieutenant-colonel);" and in the same line, after the word "as," to strike out "captain, mounted" and insert "major;" so as to make the clause read:

For pay of one instructor of ordnance and science of gunnery (lieutenant-colonel), in addition to pay as major, $500.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the word "as," to strike out "instructor" and insert "professor;" so as to make the clause read:

That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor of military hygiene.

The amendment was agreed to.

The next amendment was, on page 10, line 1, before the word "engineering," to strike out "military;" so as to make the clause read:

For extra pay of one enlisted man as clerk in the department of practical engineering and to the officer in charge of waterworks and works of construction at the Military Academy, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to insert:

For extra pay of one first sergeant (artilleryman), at 50 cents per day, $182.50.

The amendment was agreed to.

The next amendment was, on page 11, line 9, to increase the total appropriation for pay of Military Academy band, field musicians, general Army service, cavalry detachment, artillery detachment, etc., from $109,638.42 to $109,820.92.

The amendment was agreed to.

The next amendment was, on page 12, line 4, before the word "two," to insert "at;" so as to make the clause read:

For two civilian instructors of French, to be employed under rules prescribed by the Secretary of War, at $2,000 per year each, $4,000.

The amendment was agreed to.

The next amendment was, on page 12, line 17, to reduce the appropriation for pay of one professional civilian instructor in gymnastics, athletics, and swimming, etc., from $1,500 to $1,200.

The amendment was agreed to.

The next amendment was, on page 14, line 16, to increase the appropriation for pay of one master mechanic from $1,500 to $1,800.

The amendment was agreed to.

The next amendment was, on page 18, line 21, after the word "clocks," to insert "and for contingent expenses not otherwise provided for;" so as to make the clause read:

For department of natural and experimental philosophy: Additions to apparatus to illustrate the principles of mechanics, acoustics, optics, and astronomy; * * * and for repairs to the observatory buildings and repairs to clocks, and for contingent expenses not otherwise provided for, $1,850.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 25, line 7, before the word "dollars," to insert "six hundred and ten;" so as to read:

For the policing of barracks, bath houses, supplying light and plain furniture to cadet barracks, $9,610.

The amendment was agreed to.

The next amendment was, on page 25, line 7, after the word "dollars," to insert the following proviso:

Provided, That hereafter no charge shall be made against the accounts of cadets for policing of barracks, bath houses, and supplying light and plain furniture to cadet barracks.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

For the purchase of the necessary table linen and equipment for the cadet mess, $1,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to insert:

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, $3,520.

The amendment was agreed to.

The next amendment was, on page 25, line 18, to increase the total appropriation for miscellaneous items and incidental expenses from $53,310 to $58,440.

The amendment was agreed to.

The next amendment was, on page 28, line 9, to increase the appropriation for maintaining and improving the grounds of the post cemetery from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, on page 29, line 7, before the word "quarters," to insert "of;" so as to make the clause read:

For material and labor for repairing and reshingling roofs of eight sets of quarters for enlisted men, $1,200.

The amendment was agreed to.

The next amendment was, on page 30, line 2, to increase the total appropriation for buildings and grounds from $1,034,453 to $1,035,443.

The amendment was agreed to.

The next amendment was, on page 30, after line 4, to insert:

For completing the necessary improvements at the United States Military Academy at West Point, N. Y., in accordance with the general plan approved by the Secretary of War, the limit of the total expenditure for this work fixed in the act of Congress approved June 28, 1902, is extended $1,700,000, and the Secretary of War is authorized to proceed with the work under the conditions already prescribed for it by law: *Provided*, That all limitations and restrictions in the act approved June 28, 1902, shall apply to this increased authorization.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 1, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 31, 1906.

COLLECTOR OF CUSTOMS.

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia.

PROMOTIONS IN THE NAVY.

Ensign John J. Hyland to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905.

Lieut. (Junior Grade) John J. Hyland to be a lieutenant in the Navy from the 1st day of July, 1906.

Asst. Paymaster Ben D. McGee to be a passed assistant paymaster in the Navy from the 11th day of May, 1906.

Asst. Paymaster Noel W. Grant to be a passed assistant paymaster in the Navy from the 6th day of March, 1906.

Boatswain James Laven to be a chief boatswain in the Navy from the 16th day of May, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Thomas S. Aveson to be a chief gunner in the Navy from the 29th day of June, 1905, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

P. A. Paymaster Donald W. Nesbit to be a paymaster in the Navy from the 18th day of March, 1906.

P. A. Paymaster John S. Higgins to be a paymaster in the Navy from the 4th day of May, 1906.

POSTMASTERS.

CALIFORNIA.

James C. Allen to be postmaster at Tracy, in the county of San Joaquin and State of California.

Robert G. Benson to be postmaster at Oakdale, in the county of Stanislaus and State of California.

C. J. McDivitt to be postmaster at Randsburg, in the county of Kern and State of California.

ILLINOIS.

John Clark, to be postmaster at Moweaqua, in the county of Shelby and State of Illinois.

Arthur F. Duckett to be postmaster at Forrest, in the county of Livingston and State of Illinois.

Charles F. Hacker to be postmaster at Lacon, in the county of Marshall and State of Illinois.

William E. Ludlow to be postmaster at Griggsville, in the county of Pike and State of Illinois.

James W. Patterson to be postmaster at Braidwood, in the county of Will and State of Illinois.

Samuel B. Roach to be postmaster at Mason City, in the county of Mason and State of Illinois.

Jacob W. Stauffer to be postmaster at Pittsfield, in the county of Pike and State of Illinois.

IOWA.

Frank G. Atherton to be postmaster at Osage, in the county of Mitchell and State of Iowa.

Alonzo C. Boyle to be postmaster at McGregor, in the county of Clayton and State of Iowa.

KANSAS.

Laura Goodfellow to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas.

Curt M. Higley to be postmaster at Cawker City, in the county of Mitchell and State of Kansas.

Frank Hobart to be postmaster at Glen Elder, in the county of Mitchell and State of Kansas.

Louisa Kerns to be postmaster at Oakley, in the county of Logan and State of Kansas.

Robert A. Marks to be postmaster at Oberlin, in the county of Decatur and State of Kansas.

Henry B. Van Nest to be postmaster at Peabody, in the county of Marion and State of Kansas.

MASSACHUSETTS.

George A. Ballard to be postmaster at Fall River, in the county of Bristol and State of Massachusetts.

Augustus W. Bearse to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts.

NORTH CAROLINA.

James F. Parrott to be postmaster at Kingston, in the county of Lenoir and State of North Carolina.

Thomas F. Seehorn to be postmaster at Lenoir, in the county of Caldwell and State of North Carolina.

SOUTH DAKOTA.

George B. Craft to be postmaster at Bellefourche, in the county of Butte and State of South Dakota.

Charles W. Siglinger to be postmaster at Webster, in the county of Day and State of South Dakota.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 31, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Tuesday, May 29, 1906, was read and approved.

EXTENSION AND MAINTENANCE OF WHARVES, ETC., IN PORTO RICO.

The SPEAKER laid before the House the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying the harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto, with Senate amendments.

The Senate amendments were read.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference thereon.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin, that the House disagree to the Senate amendments and ask for a conference.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 150, noes 45.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 216, nays 25, answered "present" 14, not voting 126, as follows:

YEAS—216.

Acheson	Draper	Knowland	Roberts
Adams, Pa.	Driscoll	Lacey	Robinson, Ark.
Adams, Wis.	Dunwell	Landis, Chas. B.	Rodenberg
Alexander	Edwards	Lee	Rucker
Allen, Me.	Ellis	Le Fevre	Ruppert
Allen, N. J.	Esch	Lester	Russell
Beall, Tex.	Fassett	Lilley, Pa.	Ryan
Bede	Finley	Lindsay	Samuel
Bell, Ga.	Fitzgerald	Livingston	Schneebeli
Bennett, Ky.	Fletcher	Lloyd	Scott
Birdsall	Foss	Longworth	Shartel
Boutell	Foster, Vt.	Loud	Sheppard
Bowers	French	McCall	Sherley
Brantley	Fulkerson	McCarthy	Sherman
Broocks, Tex.	Fuller	McCleary, Minn.	Sibley
Brooks, Colo.	Gaines, Tenn.	McCreary, Pa.	Smith, Cal.
Brown	Gaines, W. Va.	McKinlay, Cal.	Smith, Ill.
Brownlow	Garber	McKinley, Ill.	Smith, Iowa
Buckman	Gardner, Mass.	McKinney	Smith, Pa.
Burke, Pa.	Gardner, N. J.	McLain	Smith, Tex.
Burke, S. Dak.	Garner	McMorran	Smyser
Burleigh	Gilbert, Ind.	Madden	Snapp
Burton, Ohio	Gillespie	Mahon	Southall
Butler, Pa.	Goebel	Mann	Southwick
Butler, Tenn.	Graham	Marshall	Sperry
Calder	Gregg	Miller	Spight
Calderhead	Grosvenor	Minor	Stafford
Campbell, Kans.	Hale	Mondell	Steenerson
Campbell, Ohio	Hamilton	Moon, Tenn.	Stephens, Tex.
Candler	Haugen	Moore	Sterling
Capron	Hayes	Morrell	Stevens, Minn.
Cassel	Hedge	Murdock	Sullivan, Mass.
Chaney	Heflin	Murphy	Sulloway
Chapman	Henry, Conn.	Needham	Sulzer
Cocks	Henry, Tex.	Nevin	Talbott
Cole	Hepburn	Norris	Tawney
Conner	Higgins	Olcott	Taylor, Ohio
Cooper, Pa.	Hinshaw	Olmsted	Thomas, Ohio
Cooper, Wis.	Hoar	Otjen	Tirrell
Cousins	Hogg	Overstreet	Townsend
Cromer	Hopkins	Page	Volstead
Crumpacker	Houston	Palmer	Waldo
Currier	Howell, N. J.	Parsons	Wallace
Curtis	Howell, Utah	Patterson, S. C.	Wanger
Cushman	Humphreys, Miss.	Payne	Watson
Dalzell	Hunt	Perkins	Webb
Davidson	Jenkins	Pollard	Weeks
Davis, Minn.	Jones, Wash.	Powers	Weems
Dawes	Kahn	Prince	Wiley, N. J.
Dawson	Keifer	Pujo	Williams
De Armond	Kennedy, Nebr.	Ransdell, La.	Wilson
Deemer	Kennedy, Ohio	Reeder	Wood, N. J.
Denby	Kitchin, Claude	Rhodes	Young
Dixon, Ind.	Klepper	Rixey	Zenor

NAYS—25.

Adamson	Clayton	Johnson	Sims
Burgess	Davey, La.	Keliher	Smith, Md.
Burleson	Davis, W. Va.	Kline	Underwood
Burnett	Floyd	Macon	Watkins
Byrd	Gill	Rainey	
Clark, Fla.	Griggs	Richardson, Ala.	
Clark, Mo.	Hay	Shackleford	

ANSWERED "PRESENT"—14.

Bartlett	Glass	Humphrey, Wash.	Wiley, Ala.
Broussard	Greene	Kitchin, Wm. W.	Wood, Mo.
Brundidge	Hardwick	Mouser	
Dixon, Mont.	Hull	Padgett	

NOT VOTING—126.

Aiken	Foster, Ind.	Lamb	Rhinock
Ames	Fowler	Landis, Frederick	Richardson, Ky.
Andrus	Gardner, Mich.	Law	Rives
Babcock	Garrett	Lawrence	Robertson
Bankhead	Gilbert, Ky.	Legare	Scroggy
Bannon	Gillett, Cal.	Lever	Slayden
Barchfeld	Gillett, Mass.	Lewis	Slemp
Bartholdt	Goldfogle	Lilley, Conn.	Small
Bates	Goulden	Littauer	Smith, Ky.
Beidler	Graff	Little	Smith, Samuel W.
Bennet, N. Y.	Granger	Littlefield	Smith, Wm. Alden
Bingham	Gronna	Lorimer	Southard
Bishop	Gudger	Loudenslager	Sparkman
Blackburn	Haskins	Lovering	Stanley
Bonynge	Hearst	McDermott	Sullivan, N. Y.
Bowersock	Hermann	McGavin	Taylor, Ala.
Bowie	Hill, Conn.	McLachlan	Thomas, N. C.
Bradley	Hill, Miss.	McNary	Towne
Brick	Hitt	Martin	Trimble
Burton, Del.	Holliday	Maynard	Tyndall
Cockran	Howard	Meyer	Van Duzer
Dale	Hubbard	Michalek	Van Winkle
Darragh	Huff	Moon, Pa.	Vreeland
Dickson, Ill.	Hughes	Mudd	Wachter
Dovener	James	Parker	Wadsworth
Dresser	Jones, Va.	Patterson, N. C.	Webber
Dwight	Ketcham	Patterson, Tenn.	Weisse
Ellerbe	Kinkaid	Pearre	Welborn
Field	Knapp	Pou	Wharton
Flack	Knopf	Randell, Tex.	Woodyard
Flood	Lafean	Reid	
Fordney	Lamar	Reynolds	

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. BARCHFELD with Mr. BROUSSARD.

Mr. BEIDLER with Mr. ELLERBE.

Mr. BENNET of New York with Mr. HEARST.

Mr. DARRAGH with Mr. LAMB.

Mr. PEARRE with Mr. POU.

For the day:

Mr. BABCOCK with Mr. BANKHEAD.

Mr. BANNON with Mr. FIELD.

Mr. BINGHAM with Mr. JAMES.

Mr. BISHOP with Mr. HOWARD.

Mr. BLACKBURN with Mr. SMALL.

Mr. BOWERSOCK with Mr. LEWIS.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. GILLETT of Massachusetts with Mr. MCNARY.

Mr. HUBBARD with Mr. MAYNARD.

Mr. HUGHES with Mr. RANDELL of Texas.

Mr. KETCHAM with Mr. COCKRAN.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. LAFEAN with Mr. JONES of Virginia.

Mr. FREDERICK LANDIS with Mr. ROBERTSON of Louisiana.

Mr. LOUDENSLAGER with Mr. RHINOCK.

Mr. LAWRENCE with Mr. PATTERSON of Tennessee.

Mr. LILLEY of Connecticut with Mr. REID.

Mr. LITTAUER with Mr. LAMAR.

Mr. LOVERING with Mr. PUJO.

Mr. MOON of Pennsylvania with Mr. AIKEN.

Mr. MUDD with Mr. STANLEY.

Mr. RIVES with Mr. TOWNE.

Mr. SAMUEL W. SMITH with Mr. SULLIVAN of New York.

Mr. WM. ALDEN SMITH with Mr. MEYER of Louisiana.

Mr. TYNDALL with Mr. VAN DUZER.

Mr. VAN WINKLE with Mr. TRIMBLE.

Mr. WACHTER with Mr. BUTLER of Tennessee.

Mr. WOODYARD with Mr. RICHARDSON of Kentucky.

Until the 1st of June:

Mr. PARKER with Mr. BARTLETT.

Until Saturday:

Mr. GARDNER of Michigan with Mr. TAYLOR of Alabama.

Until further notice:

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. BARTHOLDT with Mr. LITTLE.

Mr. BATES with Mr. GRANGER.

Mr. DALE with Mr. BOWIE.

Mr. DEEMER with Mr. KLINE.

Mr. DOVENER with Mr. SPARKMAN.

Mr. FOWLER with Mr. PADGETT.
Mr. GREENE with Mr. PATTERSON of North Carolina.
Mr. GRONNA with Mr. HILL of Mississippi.
Mr. HASKINS with Mr. LEVER.
Mr. HITT with Mr. LEGARE.
Mr. HUFF with Mr. WOOD of Missouri.
Mr. KNOPF with Mr. WEISSE.
Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.
Mr. LITTLEFIELD with Mr. SMITH of Kentucky.
Mr. REYNOLDS with Mr. MCDERMOTT.
Mr. SOUTHARD with Mr. HARDWICK.
Mr. WELBORN with Mr. GUDGER.
For the session:
Mr. BRADLEY with Mr. GOULDEN.
Mr. HULL with Mr. SLAYDEN.
Mr. MOUSER with Mr. GARRETT.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will announce the following conferees.

The Clerk read as follows:

Mr. COOPER of Wisconsin, Mr. CRUMPACKER, and Mr. ZENOR.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6321. An act to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof approved March 2, 1895.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1243) providing for compulsory education in the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6321. An act to amend an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, and the act amendatory thereof approved March 2, 1895—to the Select Committee on Disposition of Useless Papers.

S. 5484. An act authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery—to the Committee on Military Affairs.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to report back the legislative, executive, and judicial appropriation bill with Senate amendments, with the recommendation that the Senate amendments be nonconcurred in and a conference be asked.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota.

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 201, noes 21.

Mr. WILLIAMS. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 18, answered "present" 17, not voting 122, as follows:

YEAS—224.

Acheson	Brooks, Colo.	Cassel	Cushman
Adams, Pa	Brown	Chaney	Dalzell
Adams, Wis.	Brownlow	Chapman	Davey, La.
Adamson	Brundidge	Clark, Fla.	Davidson
Alexander	Buckman	Clark, Mo.	Davis, Minn.
Allen, Me.	Burke, Pa.	Clayton	Davis, W. Va.
Allen, N. J.	Burke, S. Dak.	Cocks	Dawes
Beall, Tex.	Burleigh	Cole	Dawson
Bede	Burton, Ohio	Conner	De Armond
Bell, Ga.	Butler, Pa.	Cooper, Pa.	Deemer
Bennett, Ky.	Calder	Cooper, Wis.	Denby
Birdsall	Calderhead	Cousins	Dixon, Ind.
Bonynge	Campbell, Kans.	Cromer	Dixon, Mont.
Boutell	Campbell, Ohio	Crumpacker	Draper
Brantley	Candler	Currier	Driscoll
Brick	Capron	Curtis	Dunwell
Edwards	Houston	Mahon	Sheppard
Ellis	Howell, N. J.	Mann	Sherley
Esch	Howell, Utah	Marshall	Sherman
Fassett	Humphrey, Wash.	Minor	Sibley
Finley	Humphreys, Miss.	Mondell	Slemp
Fitzgerald	Hunt	Moon, Tenn.	Smith, Cal.
Fletcher	Jones, Wash.	Moore	Smith, Ill.
Foss	Kahn	Murdock	Smith, Md.
Foster, Ind.	Keifer	Murphy	Smith, Pa.
Foster, Vt.	Kelher	Needham	Smyser
French	Kennedy, Nebr.	Nevin	Snapp
Fulkerson	Kennedy, Ohio	Norris	Southall
Fuller	Kinkaid	Olcott	Southwick
Gaines, Tenn.	Kitchin, Claude	Olmsted	Spight
Gaines, W. Va.	Klepper	Otjen	Stafford
Gardner, Mass.	Kline	Overstreet	Steenerson
Gardner, N. J.	Knowland	Page	Sterling
Garner	Lamar	Parsons	Stevens, Minn.
Gilbert, Ind.	Landis, Chas. B.	Patterson, S. C.	Sullivan, Mass.
Gill	Lee	Payne	Sulloway
Gillespie	Le Fevre	Pearre	Sulzer
Glass	Lester	Perkins	Talbott
Goebel	Lindsay	Pollard	Tawney
Graham	Littauer	Powers	Taylor, Ohio
Gregg	Livingston	Prince	Thomas, Ohio
Griggs	Lloyd	Pujo	Tirrell
Grosvenor	Longworth	Reeder	Townsend
Hale	Lorimer	Rhodes	Volstead
Hamilton	Loud	Richardson, Ala.	Waldo
Haugen	McCall	Rixey	Wallace
Hay	McCarthy	Roberts	Wanger
Hayes	McCleary, Minn.	Rodenberg	Watson
Hedge	McCreary, Pa.	Rucker	Webb
Henry, Conn.	McKinlay, Cal.	Ruppert	Weeks
Henry, Tex.	McKinley, Ill.	Russell	Weems
Hermann	McKinney	Ryan	Wharton
Higgins	McLachlan	Samuel	Wiley, N. J.
Hill, Conn.	McLain	Schneebeli	Wood, N. J.
Hoar	McMorran	Scott	Young
Hogg	Madden	Shackleford	Zenor

NAYS—18.

Broocks, Tex.	Byrd	Macon	Underwood
Broussard	Floyd	Ransdell, La.	Watkins
Burgess	Garber	Robinson, Ark.	Williams
Burleson	Heflin	Sims	
Burnett	Hopkins	Stephens, Tex.	

ANSWERED "PRESENT"—17.

Andrus	Flood	Kitchin, Wm. W.	Small
Bartlett	Greene	Lilley, Pa.	Sparkman
Bowers	Hardwick	Mouser	
Butler, Tenn.	Hull	Padgett	
Dale	Johnson	Rainey	

NOT VOTING—122.

Aiken	Gillett, Cal.	Legare	Scroggy
Ames	Gillett, Mass.	Lever	Shartel
Babcock	Goldfogle	Lewis	Slayden
Bankhead	Goulden	Lilley, Conn.	Smith, Iowa
Bannon	Graff	Little	Smith, Ky.
Barchfeld	Granger	Littlefield	Smith, Samuel W.
Bartholdt	Gronna	Loudenslager	Smith, Wm. Alden
Bates	Gudger	Lovering	Smith, Tex.
Beidler	Haskins	McDermott	Southard
Bennet, N. Y.	Hearst	McGavin	Sperry
Bingham	Hepburn	McNary	Stanley
Bishop	Hill, Miss.	Martin	Sullivan, N. Y.
Blackburn	Hinshaw	Maynard	Taylor, Ala.
Bowersock	Hitt	Meyer	Thomas, N. C.
Bowie	Holliday	Michalek	Towne
Bradley	Howard	Miller	Trimble
Burton, Del.	Hubbard	Moon, Pa.	Tyndall
Cockran	Huff	Morrell	Van Duzer
Darragh	Hughes	Mudd	Van Winkle
Dickson, Ill.	James	Palmer	Vreeland
Dovener	Jenkins	Parker	Wachter
Dresser	Jones, Va.	Patterson, N. C.	Wadsworth
Dwight	Ketcham	Patterson, Tenn.	Webber
Ellerbe	Knapp	Pou	Weisse
Field	Knopf	Randell, Tex	Welborn
Flack	Lacey	Reid	Wiley, Ala.
Fordney	Lafean	Reynolds	Wilson
Fowler	Lamb	Rhinock	Wood, Mo.
Gardner, Mich.	Landis, Frederick	Richardson, Ky.	Woodyard
Garrett	Law	Rives	
Gilbert, Ky.	Lawrence	Robertson, La.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. JENKINS with Mr. LAMB.
Mr. BENNET of New York with Mr. HEARST.
Mr. BEIDLER with Mr. ELLERBE.

For this vote:

Mr. BARCHFELD with Mr. POU.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OLMSTED in the chair). The Clerk will announce the conferees.

The Clerk read as follows:

Mr. LITTAUER, Mr. BINGHAM, and Mr. LIVINGSTON.

SUNDRY CIVIL BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported the bill (H. R. 19844) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on

the state of the Union, and, with the accompanying report, was ordered to be printed.

Mr. UNDERWOOD. Mr. Speaker, I understand that that is the report of the sundry civil bill by the Appropriations Committee.

The SPEAKER pro tempore. That is correct.

Mr. UNDERWOOD. Mr. Speaker, I desire to reserve all points of order.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19264) making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The question was taken; and the Speaker pro tempore announced that the ayes seem to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 118, noes 44.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 31, answered "present" 18, not voting 138, as follows:

YEAS—194.

Acheson	Dunwell	Kinkaid	Ryan
Adams, Pa.	Edwards	Klepper	Samuel
Alexander	Ellis	Kline	Schneebeli
Allen, Me.	Esch	Knowland	Scott
Allen, N. J.	Fassett	Lamar	Shackleford
Barchfeld	Fitzgerald	Landis, Chas. B.	Sheppard
Bede	Fletcher	Lindsay	Sherley
Bennett, Ky.	Flood	Littauer	Sherman
Birdsall	Foss	Livingston	Sibley
Bonynge	Foster, Ind.	Lloyd	Sims
Boutell	Foster, Vt.	Longworth	Slemp
Brantley	French	Lorimer	Smith, Cal.
Brick	Fulkerson	McCall	Smith, Ill.
Broocks, Tex.	Fuller	McCarthy	Smith, Md.
Brown	Gaines, Tenn.	McCreary, Pa.	Smith, Pa.
Brownlow	Gaines, W. Va.	McKinlay, Cal.	Smyser
Buckman	Garber	McKinley, Ill.	Snapp
Burke, Pa.	Gardner, Mass.	McKinney	Southall
Burke, S. Dak.	Gardner, N. J.	McLachlan	Southwick
Burleigh	Garner	McMorran	Spight
Burton, Ohio	Gillett, Cal.	Madden	Stafford
Butler, Pa.	Goebel	Mahon	Sterling
Calder	Graham	Mann	Stevens, Minn.
Calderhead	Gregg	Marshall	Sullivan, Mass.
Campbell, Kans.	Grosvenor	Moon, Tenn.	Sulloway
Campbell, Ohio	Hale	Murdock	Sulzer
Capron	Hamilton	Murphy	Tawney
Cassel	Haugen	Needham	Taylor, Ohio
Chaney	Hay	Nevin	Thomas, Ohio
Chapman	Hayes	Olcott	Tirrell
Cole	Hearst	Olmsted	Townsend
Conner	Hedge	Otjen	Volstead
Cooper, Pa.	Henry, Conn.	Overstreet	Waldo
Cooper, Wis.	Hermann	Parsons	Wallace
Cousins	Higgins	Payne	Wanger
Cromer	Hill, Conn.	Pearre	Watkins
Crumpacker	Hoar	Perkins	Watson
Curtis	Hogg	Pollard	Webb
Cushman	Hopkins	Powers	Weeks
Dalzell	Houston	Prince	Weems
Darragh	Howell, N. J.	Pujo	Wharton
Davidson	Howell, Utah	Ransdell, La.	Wiley, N. J.
Davis, Minn.	Humphrey, Wash.	Reeder	Williams
Dawes	Hunt	Rhodes	Wilson
Dawson	Jones, Wash.	Rixey	Wood, N. J.
De Armond	Kahn	Roberts	Young
Denby	Kelher	Rodenberg	Zenor
Draper	Kennedy, Nebr.	Rucker	
Driscoll	Kennedy, Ohio	Ruppert	

NAYS—31.

Adamson	Butler, Tenn.	Gillespie	Moore
Beall, Tex.	Clark, Fla.	Griggs	Page
Bell, Ga.	Clark, Mo.	Heflin	Patterson, S. C.
Bowers	Clayton	Henry, Tex.	Richardson, Ala.
Brundidge	Davis, W.Va.	Kitchin, Claude	Robinson, Ark.
Burgess	Dixon, Ind.	Lee	Smith, Tex.
Burleson	Ellerbe	McLain	Underwood
Burnett	Floyd	Macon	

ANSWERED "PRESENT"—18.

Andrus	Greene	Lever	Small
Bartlett	Hardwick	Lilley, Pa.	Sparkman
Currier	Hull	Mouser	Wood, Mo.
Dale	Humphreys, Miss.	Padgett	
Finley	Kitchin, Wm. W.	Rainey	

NOT VOTING—138.

Adams, Wis.	Bowie	Dresser	Goulden
Aiken	Bradley	Dwight	Graff
Ames	Brooks, Colo.	Field	Granger
Babcock	Broussard	Flack	Gronna
Bankhead	Burton, Del.	Fordney	Gudger
Bannon	Byrd	Fowler	Haskins
Bartholdt	Candler	Gardner, Mich.	Hepburn
Bates	Cockran	Garrett	Hill, Miss.
Beidler	Cocks	Gilbert, Ind.	Hinshaw
Bennet, N. Y.	Davey, La.	Gilbert, Ky.	Hitt
Bingham	Deemer	Gill	Holliday
Bishop	Dickson, Ill.	Gillett, Mass.	Howard
Blackburn	Dixon, Mont.	Glass	Hubbard
Bowersock	Dovener	Goldfogle	Huff
Hughes	Littlefield	Patterson, N. C.	Steenerson
James	Loud	Patterson, Tenn.	Stephens, Tex.
Jenkins	Loudenslager	Pou	Sullivan, N. Y.
Johnson	Lovering	Randell, Tex.	Talbott
Jones, Va.	McCleary, Minn.	Reid	Taylor, Ala.
Keifer	McDermott	Reynolds	Thomas, N. C.
Ketcham	McGavin	Rhinock	Towne
Knapp	McNary	Richardson, Ky.	Trimble
Knopf	Martin	Rives	Tyndall
Lacey	Maynard	Robertson, La.	Van Duzer
Lafean	Meyer	Russell	Van Winkle
Lamb	Michalek	Scroggy	Vreeland
Landis, Frederick	Miller	Shartel	Wachter
Law	Minor	Slayden	Wadsworth
Lawrence	Mondell	Smith, Iowa	Webber
Le Fevre	Moon, Pa.	Smith, Ky.	Weisse
Legare	Morrell	Smith, Samuel W.	Welborn
Lester	Mudd	Smith, Wm. Alden	Wiley, Ala.
Lewis	Norris	Southard	Woodyard
Lilley, Conn.	Palmer	Sperry	
Little	Parker	Stanley	

So the motion was agreed to.

The following additional pairs were announced:

For the session:

Mr. CURRIER with Mr. FINLEY.

For the balance of the day:

Mr. WADSWORTH with Mr. CANDLER.

On this vote:

Mr. BEIDLER with Mr. STEPHENS of Texas.

Mr. GILBERT of Indiana with Mr. TALBOTT.

Mr. SMITH of Iowa with Mr. JOHNSON.

Mr. MORRELL with Mr. RUSSELL.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURTIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the year 1905 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague July 29, 1899, for the pacific settlement of international disputes, $1,250.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SULZER. Mr. Chairman, on the first day of this Congress, namely, on December 4, 1905, I introduced the bill (H. R. 2799) for the relief of the victims of the *General Slocum* disaster. The bill is a very short one, and I send it to the Clerk's desk and ask to have it read in my time, in order that it may be printed in the RECORD as a part of my remarks.

The Clerk read as follows:

A bill for the relief of the victims of the General Slocum disaster.

Be it enacted, etc., That the Court of Claims is hereby invested with jurisdiction and authorized and directed to hear, examine into, determine, and adjudicate the claims of the victims, their heirs, executors, administrators, or assigns, of the General Slocum disaster, which occurred in the East River, New York Harbor, on the 15th day of June, 1904, by the burning of the said steamer General Slocum, and award to them and each of them such damages as may be just and equitable in the premises; and the said Court of Claims shall ascertain and fix the amount of all such damages to which each or any of the survivors of the said General Slocum disaster, or the heirs, executors, administrators, or assigns of any of those who lost their lives, shall be entitled to, and render judgment therefor in favor of said claimants, their heirs, executors, administrators, or assigns; and the amount of such judgment is hereby appropriated, and shall thereupon be paid by the Secretary of the Treasury to said claimant or claimants, their executors, administrators, or assigns, out of any money in the Treasury not otherwise appropriated; and the statute of limitations on the part of the Government is hereby waived.

Mr. SULZER. Mr. Chairman, that bill speaks for itself, and relates to one of the saddest and one of the most deplorable catastrophes that ever happened in the history of this country—the burning and destruction of the excursion steamer *General Slocum* in the East River, New York Harbor, on the 15th day of June, 1904, by which over 1,000 men, women, and children—mostly children—lost their lives, and hundreds of others were maimed and scarred and disfigured for life.

No words of mine, sir, can adequately describe in all its saddening details the heartrending and sickening scenes of that lamentable tragedy. The lives of entire families were wiped out in almost the twinkling of an eye, and the fearful horrors of it all cast a black pall upon the first city of the land and brought tears to the eyes of every sympathetic inhabitant of our country. The awful story of this unprecedented calamity can never be, and will never be, forgotten.

The *General Slocum* was an excursion steamer plying in and around the harbor of the city of New York. On the 15th day of June, 1904, the steamer was chartered to carry an excursion

party consisting of over 1,500 souls—men, women, and children—from St. Mark's German Lutheran Church, which is located in the heart of my Congressional district. It was the Sunday school's annual holiday outing. These excursions are of frequent occurrence in the city of New York during the summer months and are social events of much importance in the lives of the people in the thickly populated sections. All the members of the church, with their families and their friends, took advantage of the opportunity afforded by this Sunday school picnic to go on this outing and have an enjoyable time. The occasion was to be a gladsome holiday in their uneventful lives.

The *General Slocum* left her wharf early on that fateful morning, freighted with her human cargo, and started on her trip up the East River. It was a beautiful summer's day; the steamer was crowded; all her flags were gayly flying; merry music was playing; happy children singing and laughing; parents and friends talking over the topics of the day, and as the steamer wended her way all on board was joy and merriment. She had not proceeded far up the East River, however, when the terrible cry of fire startled the passengers. In less time than it takes to tell it flames burst forth from several parts of the steamer and, fanned by the breeze, quickly enveloped the boat. Amid cries and confusion that beggar description, and with a startling suddenness that can not be pictured in words, a most frightful scene ensued, too horrible for narration. Suffice it for me to say that in all the annals of our country nothing like it ever occurred before, and I pray to God that nothing like it will ever happen again.

The captain of the steamer lost his head, as so often happens under similar circumstances—he was no Jim Bludsoe—and instead of immediately beaching the steamer, as he should have done, he ran her up the river several miles in the teeth of the increasing wind, where she finally grounded near North Brothers Island, a charred and blackened wreck.

Oh, the pitiable scenes that ensued! The life preservers were rotten. The fire apparatus useless. The crew raw deck hands who were never drilled and tried only to save themselves. Pandemonium reigned, and amid the tumult and the shouting and the scorching flames, hundreds and hundreds of helpless men, women, and children, caught like rats in a trap, were burned to a crisp on the ship, and hundreds and hundreds of others, just as helpless, were scorched and burned until, frantic, they threw themselves into the rushing waters only to be drowned. It is too terrible a scene to contemplate even now. Fathers who were there lost their reason, and mothers, unable to save their childern went mad. The frightful horrors of it all will never be effaced from the memory of this generation. It took strong men to investigate and write what they saw, and the horror-stricken country shrank from reading its sickening details.

The city of New York was shocked and appalled by the awfulness of the calamity, but her generous citizens rendered all the aid within their power. A large section of the first city in the land was devastated of the living, and thousands and thousands of her inhabitants were weeping and mourning for their dead and refused to be comforted. The church bells tolled, the flags were at half mast, for blocks and blocks crape was on every door, and a great city stopped its activities, stunned by the appalling magnitude of the indescribable loss of human life.

The funerals of the victims lasted for more than a week and taxed the best energies of all the undertakers. The distress and the misery, the sorrow and the lamentation following this frightful tragedy can never be forgotten, and the saddening scenes were heartrending to witness. The city of New York responded promptly and nobly, as it always does in all calamities. The sympathetic people did all they could for the unfortunate dead and the injured living, but, after all, how impotent they were in their poor human ways to do more than bury the stricken dead and comfort the burned and injured living.

Mr. Chairman, I know whereof I speak. I was in the city of New York at the time, and as soon as I heard of the tragedy I went to the awful wreck to render such aid as I could, and hence I witnessed much of these frightful and distressing scenes. Most of these unfortunate people were my constituents; many of them my personal friends. I rendered all the assistance I could for them at the time, and since then I have been doing all in my power to aid them to get justice. I know all the sad facts and details in this awful case. All my sympathy is now, always has been, and always will be, with these poor and stricken people. I know and I love the people on the great east side of the city of New York whose ranks were so cruelly decimated by this pitiable tragedy. They are among the kindliest, the most intelligent, the most charitable, the most generous, and the most sympathetic people in all the world. They are poor, but they are frugal and honest and industrious. They did all in their power to relieve the suffering and comfort their broken hearted neighbors. Their heroic efforts, their heartfelt sympathy, and their noble generosity will never be forgotten. They were the true heroes and the true heroines of the tragedy. But after the dead were buried and the widows and orphans cared for, there went up a Macedonian cry, an indignant demand, form all over the land for a thorough and rigid investigation of this awful calamity, with a view of fixing the responsibility for the terrible loss of life. Somebody had been negligent, and the negligence was criminal.

The Government ordered an investigation. That investigation dragged its slow length along and lasted for weeks and months, and the testimony and findings in the matter filled a book, with the contents of which many here are thoroughly familiar. It was ascertained by this governmental investigation and by other inquiries, official and unofficial, that the terrible loss of life incident to this lamentable tragedy could have been prevented if the officials of the Government charged with the responsibility had performed their duty in accordance with the law. It was proven conclusively that the life-preservers and the fire apparatus on board of the *General Slocum* were old and worn-out and absolutely useless, and this fire apparatus and these life-preservers had only recently been inspected by the Government inspectors, who had passed them as being in compliance with the provisions of the statutes of the United States. The law had been flagrantly violated. The testimony proves conclusively that if these inspectors of the Government had done their duty and enforced the law the frightful loss of life never would have occurred.

After the official investigations had conclusively demonstrated the criminal negligence of these Federal officials some of them were indicted, and some of them have been tried, and others are yet to be tried. The captain of the steamer has been convicted and sentenced to a long term of imprisonment. But these prosecutions and these convictions can not bring back to life the dead, can not restore to the living the loss they have sustained in the death of their beloved relatives and guardians, and can not compensate the injured and the maimed and the deformed. There must be financial relief in the nature of substantial damages for these poor people. No act to-day of the Government, civil or criminal, can make just restitution to these unfortunate citizens who went aboard that ill-fated steamer on that memorable day, full of hope and of life, for the irreparable losses they have sustained through the Government's negligence.

Mr. Chairman, I take a deep and an abiding interest in the welfare of these people. Nearly all the victims of this terrible tragedy lived in my Congressional district. Many of them I knew and have known for years. They were and are my friends, and from the day of the catastrophe down to the present time, in season and out of season, my heart and my sympathy have gone out to them, and I have done all in my power to render them such assistance as I possibly could. Many of them lost all that they had, and they have no remedy except through the enactment of a measure similar to the bill I have introduced in their behalf. It is a just bill and a fair bill, and it ought to meet the approval of the Members of this House and be enacted into law. The Government, by reason of the gross negligence of its officials, was, directly or indirectly, responsible for this frightful loss of life. The findings of the investigating committees conclusively prove it. These people—these victims—want their day in court, and can only get it by this bill of mine. Shall we deny them justice?

Mr. Chairman, there is no way under existing law by which these unfortunate and destitute people can secure relief, in law or equity, save by an act of Congress, and in view of this fact I assert that my bill should become a law. Under the persent law the victims can not recover damages from the owners of the vessel. This may seem strange to those who do not know the law, or have not investigated the facts, but under an old section of the United States Revised Statutes (sec. 4289), there is no personal liability to the owners of vessels used in rivers or inland navigation. Here is a wrong without a remedy. I think this old law should be changed, and I introduced a bill (H. R. 3112) on December 5, 1905, to amend that old and unjust statute. I have the bill here, and as it is very short I will read it. I know my time is limited, but it will only take a minute. It is entitled "A bill to amend section 4289 of the Revised Statutes of the United States," and reads as follows:

Be it enacted, etc., That section 4289 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4289. The provisions of the seven preceding sections of this title, relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation: *Provided, however,* That the owner or owners of any steamer or vessel of any character carrying passengers on any bay, harbor, lake, river, sound, or inland waters of the United States be not entitled to avail himself, itself, or themselves, of the provisions of the seven preceding sections of this act, if the loss of life and per-

sonal injuries, or loss or damage be caused or contributed to by the insufficiency or incompetency of the officers or crew, or the omission to comply with all or any of the provisions of title 52 of these statutes."

The proviso is the amendment I propose to make the owners of these excursion steamboats personally liable in damages, and I say it is a good bill, and a measure of immediate importance, and it ought to be passed, but thus far the Republicans of this House have treated it with the same silent contempt that they have the bill for the relief of the victims of the *Slocum* disaster.

Now, Mr. Chairman, there was a hearing on my bill for the relief of the victims of the *General Slocum* disaster before the Committee on Claims—a very largely attended hearing—and many speeches were made in favor of the bill by eloquent gentlemen from New York City. I was there and spoke in favor of the bill, and I want to say that I have done everything in my power to get the Committee on Claims to report the bill to the House, but thus far without avail. I am informed the committee is opposed to the bill, and ultimately intend to report it adversely; but I hope it will be reported, without further delay, one way or the other, so that this House can take official action in regard to the matter and determine the rights of these unfortunate victims.

Mr. Chairman, this bill briefly provides that the Court of Claims of the United States Government be invested with jurisdiction to adjudicate this matter to ascertain if the Government is responsible by reason of the negligence of its officials; and if the court finds, in the first instance, that the Government was guilty of negligence, that then the court shall hear and audit the claims and render such judgment in damages to the claimants as may be fair and just and proper in the premises. That is all the bill does. It is a very simple bill, and it means just what it says and says just what it means. Not a dollar will be taken out of the Treasury by reason of the enactment of this bill unless the Court of Claims—the Government court created for the purpose of protecting the rights of the people and the Government, and known from the day of its creation down to the present time to always favor the Government if there is a single doubt as to the justice of a claim—finds as a matter of law or equity that the claims of these victims are honest and just and proper claims against the Government.

Sir, I want to impress on the Members of Congress the justice of this measure, the humanity of it, and its absolute legality, and to say that if any Member of this House, or anybody else, for that matter, has any fear that by reason of its enactment the Government will be charged with the payment of a large sum of money in damages, I beg that gentleman to remember that this bill simply gives the court the right to ascertain if the Government is liable, and then, if the Government is liable, to award such damages to those who are entitled to damages as may be fair and just and equitable. In other words, to do impartial justice; and every man connected with this Government knows that the Court of Claims never gives a dollar to any citizen unless the Government ought to pay the money. I have no fear about the Government being mulcted in damages. I feel that the court can be trusted to do impartial justice in the premises, and I know that the victims of this catastrophe will never receive one dollar more than they are justly entitled to receive. These unfortunate people want their day in court—that it all. Will Congress refuse them this inherent right?

Now, Mr. Chairman, I observe my time is nearly exhausted, but ere I take my seat I want to give notice that I shall keep up the fight for these victims of the *General Slocum* disaster, in which over 1,000 human lives were lost, until justice is done; and I demand, in the name of fairness and decency, that the Committee on Claims without more delay make a report on my bill, either favorably or unfavorably, so that the Members of this House can take some action of a decisive character in regard to the matter. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print some data as part of my remarks in the RECORD in connection with this subject.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The data referred to is as follows:

[Editorial from the Schenectady Evening Star, January 18, 1906.]

REWARD THE SURVIVORS.

A bill has been introduced in the House of Representatives by Mr. WILLIAM SULZER, of New York, for the relief of the victims of the *General Slocum* disaster, which occurred in New York Harbor on June 15, 1904. The bill invests the Court of Claims with jurisdiction to hear and determine the claims of the victims of this horrible catastrophe and award to the heirs of the victims and the survivors such damages in the premises as may be just. There is no way by which these poor unfortunate and destitute people can secure any relief except by an act of Congress, and in view of the fact that the Government was primarily responsible for the disaster, the measure of which Mr. SULZER is father should become a law. The bill is as follows:

"*Be it enacted, etc.*, That the Court of Claims is hereby invested with jurisdiction and authorized and directed to hear, examine into, determine, and adjudicate the claims of the victims, their heirs, executors, administrators, or assigns, of the General Slocum disaster, which occurred in the East River, New York Harbor, on the 15th day of June, 1904, by the burning of the said steamer General Slocum, and award them and each of them such damages as may be just and equitable in the premises; and the said Court of Claims shall ascertain and fix the amount of all such damages to which each or any of the survivors of the said General Slocum disaster, or their heirs, executors, administrators, or assigns, or any of those who lost their lives, shall be entitled to, and render judgment therefor in favor of said claimants, their heirs, executors, administrators, or assigns; and the amount of such judgment is hereby appropriated and shall thereupon be paid by the Secretary of the Treasury to said claimant or claimants, their executors, administrators, or assigns, out of any money in the Treasury not otherwise appropriated; and the statute of limitation on the part of the Government is hereby waived."

This is a just and reasonable measure and it should receive the support of the Members of the House of Representatives and the Senators. There is plenty of evidence to show that the horrible catastrophe was caused by the negligence of the officials of the United States Government, and it is no more than fair that in return the Court of Claims should have the power to determine the claims in order that these people, many of whom are orphans without any means of support and living on the charity of their friends, may secure relief.

[Editorial from the Buffalo Times, January 19, 1906.]

THE SLOCUM SUFFERERS.

A bill for the relief of the surviving victims of the *General Slocum* disaster, which occurred in New York Harbor on the 15th of June, 1904, has been introduced in the House of Representatives by Mr. SULZER, of New York. The bill invests the Court of Claims with jurisdiction to hear and determine the claims of the sufferers in the disaster and award to the heirs of the dead and the survivors such damages in the premises as may be meet and just.

The United States Government was primarily responsible for this disaster, by which over 1,000 men, women, and children lost their lives. Under the law there is no redress for the sufferers. The Sulzer bill is the only method by which these unfortunate and destitute people can obtain any relief. It seems to be an eminently fair bill, and its passage is urged by many thousands of petitioners.

[Editorial from the Brooklyn Times, January 15, 1906.]

PASS THIS BILL AT ONCE.

The Organization of the *General Slocum* Survivors, of which Charles Dersch is president and Fred W. Hotz secretary, has a deep interest in a bill which the Hon. WILLIAM SULZER has introduced into Congress. The aim of the bill, which is officially known as "H. R. No. 2799," is to permit all those who rightly have claims because of the terrible steamship disaster of June 15, 1904, to present their claims to the United States Court of Claims. The bill also appropriates such damages as the court may see fit to award, and directs the Secretary of the Treasury to pay them.

It is just a year and a half since New York City and the country shrank from reading the details of the *General Slocum* horror, when more than a thousand women and little children were either roasted to death or drowned in the East River, near one of the city's islands. It was too terrible an occasion to dwell upon. It made strong men pale and women who were in no way connected with the fatality to weep. The story dragged its weary length through the papers for many days, but only the most courageous dared to read the incidents. It took strong men to investigate and to write of what they saw. Reporters who were hardened to serious sights sickened at this task.

At once this generous city sprang to the relief of those who had been the more piteously bereft of means of support. Quite a sum was freely given for immediate relief. But great as was this amount, it was but temporary. It did not suffice to maintain the homes whose breadwinners were gone. It did not recompense those firesides to which the mothers and the children will never return. In no way have the survivors or the near relatives of those who were lost been properly recompensed for the agony endured.

The question which at once arises is, To whom shall these people turn for this aid? Shall it be to the State, to the city, or to the National Government? Without hesitation the Brooklyn Times would declare that it is to the Government at Washington that they should go, as they have, through the instrumentality of the bill which Mr. SULZER has introduced for them. The Government should receive and adjust and pay these claims. The Government is directly responsible for this disaster. The *General Slocum* was under Government supervision. It was Government inspectors that had passed her powdered-cork life-preservers and had allowed such a floating coffin to ply in these waters. It was Government law which limited the liability of the owners of this vessel, the Knickerbocker Steamship Company, to the value of the burned hulk. It was under Government regulations that this death trap set sail, manned, as she was, for the the most part, by wharf rats devoid of all manly sentiments.

This organization has turned in the right direction for help. Congress is a slow mill in adjusting these matters. But in this case all that is kindly, all that is sympathetic in the hearts of its Members should respond, and respond promptly, to this appeal. H. R. No. 2799 should pass at this session of Congress.

[Editorial from the Washington Post, February 15, 1905.]

AGAIN THE SLOCUM HORROR.

The Boston Post is one of many newspapers that have noted with approbation all the steps that have been taken in the work of reforming the Steamboat-Inspection Service since the *Slocum* horror exposed its disgraceful and criminal inefficiency. Our Boston contemporary refers to the various bills on this subject recently passed by the House of Representatives, and which will soon become laws, and adds: "The needlessness of the *General Slocum* disaster will rankle so long as the present generation remains on the stage. It was such a stupendous exhibition of the disregard of human life! And not the least guilty participant in the crime was Uncle Sam."

If the responsibility for that calamity—or for the conditions that

produced it—could be located on one, or a dozen, or a hundred men, it might not be possible, under the laws as they existed at the time of its occurrence, to punish them according to their deserts, but they would be almost universally regarded as among the most despicable of human beings. It is true—shamefully true—that "not the least guilty participant in the crime was Uncle Sam;" in other words, the Government of the United States, as represented by a single branch of the public service. Gross betrayal of the confidence of the American people, a people who are always ready to be taxed to any extent needful for the protection of life on our rivers, harbors, coasts, and lakes, was an exasperating feature of that tragedy. Calmly considered in the light of all that has transpired in this connection since that awful slaughter startled the country and shocked the civilized world, it may be set down as the product of the worst betrayal of public confidence, the most wicked default on a public trust, that has ever occurred in our history. And it is scarcely conceivable that any future event will dislodge it from that place.

But the Post regrets the necessity of remarking for the fifth time, and in the interest of justice and fair play, that the country has an indisputable right to information on this subject which has been persistently withheld. It has a right to know whether or not there was any truth in the statement made when the *Slocum* tragedy occurred to the effect that the inspection service owed its shameful condition to remission of penalties imposed for violations of law. If no remissions were made, let that fact be officially stated, and that will effectually dispose of the matter. But if remissions were made, the country has a right to know when, by whom, to whom, and for what reasons. And in course of time, although it may be a long time, this information will be given out. The zeal displayed in reforming the inspection service is all right, but the mere fact that so much reforming is needed discredits the past of that service. And before the subject is permitted to pass to the rear the Administration should let the country know all about the remission of penalties. Here is a case as to which publicity is the only proper course.

Thousands and thousands of petitions similar to the following, signed by thousands and thousands of citizens from all over the country, have been sent to Congress and are on file in the Committee on Claims:

ORGANIZATION OF THE "GENERAL SLOCUM" SURVIVORS.

[Chas. Dersch, president, 76 First avenue, New York. Fred. W. Hotz, secretary, 70 Bedford street.]

To the Members of the House of Representatives and the Senators of the United States Congress:

GENTLEMEN: We, the undersigned, the committee heretofore duly appointed for the relief of the victims of the *General Slocum* disaster, by which over 1,000 lives were lost on the 15th day of June, 1904, in the harbor of New York, by the burning of the steamer *General Slocum*, respectfully urge and request you to vote for, and aid all you consistently can to pass, the bill introduced in the House of Representatives by Mr. WILLIAM SULZER, of New York City, on the 4th day of December, 1905, for the relief or the victims of the *General Slocum* disaster.

This horrible catastrophe was caused by the negligence of the officials of the United States Government, and the Government is primarily responsible in damages to the victims and their heirs, and the survivors, who were injured and maimed. Under the law these people have no redress except through Congressional action.

This is a just and reasonable measure, and the whole matter can be determined in a spirit of equity by the said Court of Claims.

Under all the circumstances, we respectfully urge Congressional action at this session of Congress, and hope you can see your way clear to give your earnest support to this worthy measure, in order that these poor and destitute people, many of whom are orphans without any means of support, and living on the charity of their friends, may secure some relief from the Government of the United States, the negligence of whose officials caused this horrible tragedy.

Dated, New York, January 3, 1906.

Very respectfully, yours,

CHAS. DERSCH.
FRED. W. HOTZ.
HENRY G. KOEPPLER.
GEO. WUNNER.

Mr. SHERMAN. I move to strike out the last two words, not for the purpose of making any remarks on this bill, but to ask unanimous consent to print in the RECORD some remarks made by Mr. Shaw, Secretary of the Treasury, at St. Louis, which I append.

Before the Missouri League of Republican Clubs, Hon. Leslie M. Shaw, Secretary of the Treasury, speaking on national issues, in part said:

Political parties are indispensable to republics. Formulated political principles believed in, well defined and clearly expressed political policies adherred to, are essential to the perpetuity and progress of the nation. Prominent, if not paramount, among the political evils which confront us, I count the trend toward the obliteration of party lines.

The fatal weakness of our political opponents is their incoherency. They believe nothing; they teach nothing; they have no plans, no policies, no purposes. Enough of them believe in free trade so that their platform in 1892 and again in 1904 specifically declared that protection is robbery of the many for the enrichment of the few, but a sufficient number believe in protection, so that the Wilson-Gorman law, enacted by a Congress elected upon an out and out free-trade platform, provided ample protection for the iron and steel industry, for citrus fruits, and for a score of other articles. The law, as a whole, was as incoherent as the party that enacted it. It was open free trade here and protection there. The pledge of the platform was kept as respects many industries, which were ruined in an hour, and when some industries are ruined no amount of protection will save others.

A tariff law to be successful must be coherent. It must protect, if you please, as does the Dingley tariff law, the man who grows barley, and it must then protect with a higher duty the man who makes malt from barley, and with yet a higher duty him who makes beer from malt, with another increase of duty when bottled. A tariff law that is not built upon principle is a legislative failure, and a party composed of men who do not believe in the principles set forth in their platform is a political failure. It may be occasionally successful at the polls; it may elect its ticket once in a while; it may now and then dominate Congress; it may at long intervals place its standard bearer in the White House, but it can never successfully manage the affairs of the nation. Political principles are everything; men are nothing.

The leaders of all political parties are honest, patriotic, and high minded. The Democratic party, the Prohibition party, the Socialist party, are each dominated by honorable men. A few scamps in a party—and they exist in smaller number in all parties than ever before in our country's history—do not justify universal condemnation any more than a few scamps in a church—and they, too, exist in smaller number, thank God, than ever before in the history of the church—justify its universal condemnation. But a party that believes nothing, has no doctrine, is not built around a principle, is as worthless as a church without a belief.

I knew one such so-called "church" in my State. It was organized by a very reputable gentleman of the legal profession, and its absence of belief was its boast. Its doors swung welcome to those who believed in the divinity of Christ and equally wide to those who denied the miraculous conception. It invited those who believed in the atonement and those who denied the necessity of a Redeemer. Like certain of the opposition parties, it sprang up in protest to some admitted evils and weaknesses of the churches. It was successful for a time in attracting numbers, and it built a fine edifice, but it died of incoherency, for it believed nothing, taught nothing, had no plans, no policies, no purposes. The eloquence of its founder, his sweet spirit, the influence of his blameless life did not make a church. A church presupposes a belief, and a political party ought to presuppose some political principles. It requires affirmative plans, affirmative policies, affirmative aims to carry the nation forward to higher ideals and to grander consummations.

Do not misunderstand me. I am not advocating adherence to party because of party name, regardless of the political principles which it professes, but loyalty to political principles because they are believed to be correct. The independent voter, the man who sees nothing in political parties but the personality of their candidates, may be a good man and a patriotic citizen, but we are in a sad plight when those who believe in nothing in particular and everything in general, and who vote according to the instinct of the hour instead of according to the principles of a lifetime, control our elections. I have no fears for my country so long as the American people think out their plans, formulate their policies, and consistently adhere to them. My fear is of an incoherent, independent, undisciplined aggregation of well-intentioned men following a purposeless though ambitious leader, who promises much impossible of fulfillment, and whose chief argument is an indefinite protest against well-recognized and inherent evils which have existed from the infancy of the race and which will continue while men remain mortal and so long as human nature continues to control the human family.

Permit me to refer briefly to one of the affirmative principles of the Republican party; a principle that was as correct and as capable of definite statement in the days of Thomas Jefferson as in the days of Theodore Roosevelt; a principle that has never been put in operation in this country without bringing prosperity to all our people, and that has never been abandoned without universal ruin. On the historic correctness of these propositions let the Republican party stand or fall.

The Republican party believes in protection to American labor. Originally it was thought that our industries needed protection until they should become established, and that thereafter they could successfully face world-wide competition. It was not then anticipated that adherence to the policy of protection would create a standard of wages fully 50 per cent higher than that of any other country and more than 100 per cent higher than the average standard of the world. Had conditions continued as early protectionists supposed they would, and had all the world opened its markets to all people on equal terms, the expressed thought of the fathers would have been verified in our experiences. Protection, however, has been beneficial in unexpected ways. It has created a scale of wages and established a standard of living to which the outside world is a stranger and renders necessary the continuance of protection or the abandonment of these high standards.

Let me state the principle more clearly. Every industrious citizen is a producer. He may produce a day's work, which he sells in the labor market. He may be a consumer of labor and a producer of farm or of factory products. He may produce exchanges of merchandise or exchanges of credits, or he may produce transportation. Anyone who by his efforts adds to the sum total of our production, or in any way increases the aggregate of our commerce, is a producer. Then, we are all, whether industrious or not, consumers. We consume food and clothes and cover. Therefore we have dual interests. We would like to buy that which we consume as cheap as possible and sell what we produce as high as possible. The man who produces a day's work is interested in high-priced labor, while he who buys labor and produces farm or factory products seeks to buy this labor as cheap as possible and to sell his products as high as possible.

In recognition of these dual interests the two great political parties for many years have appealed to the American people from opposite standpoints. Our opponents appeal to the consumer and insist that all that is essential to make us prosperous and happy is cheap articles of consumption. They say it matters not who produces that which we consume, provided it is cheap. They advocate opening wide the doors of trade, so that we may buy of him who can produce the thing needed at the least possible expenditure for labor, for they insist that all we want is cheap goods. The Republican party, on the contrary, appeals to the producer. It says to the man who has nothing to sell but labor, "It is important to you that wages be high." It says to the farmer and to the manufacturer, "It is important to you that your products find ready market and that they command good prices." The Republican party declares it to be relatively unimportant what price we pay for labor or for the products of labor, provided the wages paid go to our own people and the price of the products of labor go to those who pay high prices for labor. Our opponents say, "Put us in power and we will open wide the doors of trade, so that you can buy the cheapest things in the world's markets." We say, "Put us in power and we will give the American market to the American people." They say, "Put us in power and we will give you the best market in the world in which to buy." We say, "Put us in power and we will give you the best market in the world in which to sell." And you can not have both.

The Republican party, therefore, having for its aim the establishment of high standards of living, which shall make possible all necessaries, most comforts, and some luxuries, has sought from the first to build industries. It has sought to create a ready market for the labor of our people by insuring a ready market for the products of labor. It has never sought to cheapen anything. It has never debased men, nor cheapened the labor of men, nor thrown the products of American

labor into open competition with the products of the less-paid labor of other countries.

Listen, and I will give you an illustration of how industries are built, how a market for labor is created by protecting the products of labor, and how good wages are insured by the Republican party. When Mr. McKinley was preparing his tariff law of 1890, he looked over the list of importations to see what was being purchased abroad that our people could produce to advantage. He discovered that large quantities of pearl buttons were being imported. He next inquired if clam shells existed in abundance anywhere in this country. He learned that they were plentiful in the Mississippi River, in the Wisconsin River, in the Arkansas River, and in other places. He therefore put in the McKinley bill a provision to the effect that if any foreign producer desired to sell a dollar's worth of pearl buttons in the United States he must put a little over 25 cents in the Treasury. Section 429 of the McKinley bill placed a small specific duty and in addition an ad valorem duty of 25 per cent on pearl buttons. What was the result? Men purchased button machines. This gave a little employment to the iron miner, to the smelter, and to the machine maker. They then employed men to operate the machines and more men to gather shells. Thus the industry was established, and there is now paid out in wages in the button industry in one little town of 10,000 inhabitants in my State more than three-quarters of a million dollars per annum. Other towns along the river do the same.

What do these men do with this money? They spend it. They spend it for food, for clothes, for lumber. They spend it for necessaries, for comforts, for luxuries, and a little foolishly. What do the farmers who furnish the food do with their share? They spend it also. What for? For clothes for their families. What do those who furnish the clothes do with their share? They pay it out in wages. What do these wage-earners do with it? They again spend it for food and clothes. And thus on and on it goes, blessing everyone it touches and being transferred in blessing still to others.

Take the silk industry. We grow no silk. It is not necessary, therefore, to protect the producer of raw silk. He is not among us. Sometime, by the aid of the Agricultural Department, which is engaged in working out the problem of how this thing and that thing can be grown by us to advantage, we may seek to develop the raw-sik industry. If so, then a tariff duty will be placed on raw silk. Now raw silk comes in free of duty. But the foreign manufacturer of silk must pay into the Treasury from 50 to 75 cents out of every dollar's worth of finished silk product he brings to this country. What is the result? There was imported last year over $60,000,000 worth of raw silk, and there was paid out in wages, in manufacturing this silk into thread and textiles, more than $30,000,000 in wages.

What was done with these wages? They were spent, or, at least, expended. Everybody spends or expends all he receives. The man who owns the factory spends his share, and the laborer spends his also. The manufacturer may expend a part of his share in building another factory, or he may spend it for luxuries. He spends it for something, and though he spend it for a fine estate with macadamized roads and beautiful towers, and fountains, and lawns, and gardens, and greenhouses, and stables, yet it goes for wages, and the people who get it spend it for food and clothes and cover, and on and on it goes, in blessing and still to bless.

So successful has been this plan of building industries that our factories turn out finished products equal in home-market value to the products of all the shops and all the factories of any other three countries on the map.

It is estimated that England, France, and Germany produce an aggregate of $14,000,000,000 worth of manufactured products per annum, of which they consume about 80 per cent and are compelled to look to the outside world for a market for $2,500,000,000. Our shops and factories also produce $14,000,000,000, but so high is our standard of living, so prosperous are our people, that we actually consume 94 per cent and have to look to the outside world for a market for but a fraction over $500,000,000 of manufactured products.

Do you wonder, then, that the ill-paid people of the earth are seeking our shores by the million per annum? More than 50,000 people, representing a score of countries, arrived at our shores during the first three days of last week, to share with us our unequaled pay roll. Shall we now follow the advice of our opponents, and swing ajar our doors for the larger importation of merchandise which we now produce, or shall we rather safeguard ourselves by safeguarding these immigrants, and insure to all the privilege of producing the largest practicable share of that which the American people consume?

There be some who profess alarm at this large influx of immigration. I suggest one sure way of stopping it. Put the Democratic party in control. Immigrants never seek our shores in large numbers when free-trade policies have closed our factories. When millions of our own people are walking the streets, their families begging bread, there is little temptation for the people of other countries, however unfortunate their condition, to turn their faces this way. And be it known that our doors of trade can not be opened to the free admission of competitive merchandise from abroad without closing the doors of the shops and factories where this merchandise is now produced.

William Henry Harrison was elected President in 1840, and following his election a protective tariff law was enacted, which remained in force only four short years. During these years the country prospered as never before, but in 1844 the Democratic party elected James K. Polk, a free trader from Tennessee, President, and George M. Dallas, an avowed protectionist from Pennsylvania, Vice-President. Our opponents, it will be seen, were about as consistent then as they are now. Half protection and half free trade is about their present complexion. In 1846 the so-called "Walker tariff law" was enacted. England also adopted the policy of free trade that same year, and it is generally conceded that English money was freely used in controlling the economic policy of this country.

Do not misunderstand me. It is not claimed that this money was used illegitimately. It is not claimed that anyone was bribed. It is only claimed that it was used in the dissemination of free-trade literature, in the payment of salaries to free-trade writers, and in the payment of legitimate campaign expenses of free-trade candidates for office. I utter no criticism of all this, and I state it simply as a conceded historic fact.

The natural results of this law were not felt for some years. Our free-trade friends point to the first few years following its enactment with manifest pride, seeming to have forgotten that the potato rot, which extended well-nigh over Europe, created an unusual demand for American foods, which was continued by the subsequent breaking out of the Crimean war, while the gold excitement in California took a large number of our people from ordinary industrial pursuits, and that the unexampled inflow of gold greatly contributed to our financial well-being. But these things could not last forever, and the natural, the irresistible, the inevitable results of insufficient tariffs followed in the panic of 1857.

History repeats itself. The eyes of the world are again upon our markets. People who are compelled to find a foreign market for 20 per cent of the products of their factories are not unmindful of the unequaled consumptive capacity of the American people. I shall not be surprised, therefore, at the liberal expenditure of foreign money in legitimate ways to create sentiment in favor of opening our doors for the increased admission of competitive articles. I am not surprised at the subtle sophistry that is being promulgated that, if we will but admit competitive goods from abroad, there will be immediately thrown open to us an unprecedented foreign demand for our food products. It is the old argument which was used in 1846.

Do not misunderstand me. I criticise neither the enterprise nor the method by which it is sought to influence political results in this country. I recognize their appropriateness. Admission to the American market is worth a contest. Entrance to these markets on more liberal terms is worth a well-organized and systematic campaign and the expenditure of much money, and those of our people who fail to comprehend the inevitable result must be excused for lending willing and unrequited service. So while I recognize the conflict that is upon us, and welcome it, too, I must warn the people of Missouri of what is involved in that conflict. They must not forget that the admission of fifty millions additional competitive merchandise takes from American labor the opportunity of producing that fifty millions of products. The production of $50,000,000 of merchandise calls for the expenditure of about $25,000,000 in wages. Should the proposed policy prevail, the men who now receive these wages will then be out of employment, and out of employment means out of the market as consumers of food and every other necessity of life.

Is there a farmer in Missouri with so poor a memory as to have forgotten 1894, when we consumed 45 per cent less wheat per capita than we did in 1892? Is there a farmer in Missouri who does not now feel the difference between the consumption of more than 6 bushels of wheat per capita, as against the consumption of less than 3½ bushels per capita during 1894? Is there a farmer with so short a memory as to have forgotten the effect upon him of the loss in the price of live stock, averaging over $4 for every horse, mule, steer, cow, calf, sheep, and pig between the years 1892 and 1896? Is there a farmer in Missouri who does not now recognize the difference between an average price of $18.34 per head for every horse, mule, steer, cow, calf, pig, and sheep in 1905, as against an average of only $13.41 in 1896—an average gain of nearly $5 per head? There were over 16,000,000 head of live stock sold in Chicago alone during 1905, which netted the farmers tributary to that metropolis an aggregate of very nearly $100,000,000 over corresponding sales ten years before.

Do not misunderstand me. I do not object to increased importations of noncompetitive articles. Our imports were never so large in the aggregate and never so large per capita as now. In 1895 and 1896, when our factories were closed, a million men out of work, and a million families out of bread, our imports were less than $11 per capita. Now, with furnaces ablaze, factories operated overtime, and no man out of employment except from choice, we are importing at the rate of over $15 per capita.

I welcome the importation of the things we do not produce. I welcome the free importation of pig tin, raw silk, crude rubber, and other raw materials which we do not produce and which is consumed in our factories. I welcome, also, the importation of laces and fancy carpets and high-priced rugs and decorated china, and a thousand other articles with which the wealthy of our land vie with each other in filling their palatial homes, the duty on which pays for our battle ships, our public buildings, and our internal improvements. What is a battle ship? What is a public building? Granite in the quarry, iron in the mine, brick and tile in the clay, lumber in the forest are relatively worthless; but mined, quarried, shaped and fashioned, and put together by the hand of man, the battle ship and the building represent labor, and little else.

The Clerk read as follows:

Cologne, Constantinople, Cork, Florence, Huddersfield, Liege, Munich, Odessa, Solingen, Tampico, Zittau, and Zurich, at $600 each, $7,200.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in line 9, page 18, I move to strike out the word "Solingen." It is not in the act which we passed some time ago.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 9, strike out "Solingen."

The amendment was agreed to.

The Clerk read as follows:

Paying for the feeding and keeping of prisoners in China, Korea, Siam, and Turkey, $9,000: *Provided*, That no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners: *And provided further*, That no allowance shall be made for the keeping and feeding of any prisoner who is able to pay or does pay the above sum of 50 cents per day; and the consular officer shall certify to the fact of inability in every case.

Mr. CRUMPACKER. Mr. Chairman, I desire to reserve a point of order against the last proviso in the paragraph just read for the purpose of finding out something about its meaning.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. CRUMPACKER. The proviso seems to require prisoners who are confined in foreign prisons, who are financially able, to pay the expense of their own keeping. That is an unusual thing. I have never known a practice of that kind in this country. I never knew one who is serving a sentence in prison to be required to pay the expense of his board and maintenance, and this provision seems to apply only to those who are able to pay. It does not prolong the sentence any of inmates of prisons who are not able to pay the expense of their support. Unless there is some good and satisfactory reason I will insist on the point of order.

Mr. ADAMS of Pennsylvania. Mr. Chairman, under the provisions of extraterritoriality existing in Turkey, the strict laws do not prevail which exist in our own country, and the prisoners who are held there are not held under strict prison regulations. It has long been the custom that if they were able they should pay for their own support. I can not give any actual reason for it, but it has been the practice all along. It is not a strict prison confinement as we understand it, and I think people who could do so have generally been willing to pay for their own maintenance during imprisonment, instead of coming down to 50 cents a day, which I do not believe provides a Delmonico menu.

Mr. BUTLER of Pennsylvania. Is not this a limitation anyhow?

Mr. ADAMS of Pennsylvania. It is a limitation.

Mr. BUTLER of Pennsylvania. Then it is not subject to the point of order.

Mr. CRUMPACKER. Mr. Chairman, it does not occur to me that the gentleman has given any sufficient reason for this peculiar provision. I understand that under the doctrine of extraterritoriality Americans who commit crimes in certain foreign countries are tried in American consular courts, and when found guilty are sentenced to a special prison. The American Government maintains in China and certain other foreign countries special prisons for the incarceration of American convicts, and it authorizees the payment of 50 cents a day for their board and maintenance, and this proviso requires men who have means, who are able to pay the entire expense of their board and maintenance in those prisons, to do so. It might as well require them to pay room rent for their cells. This proviso changes existing law. There is no law requiring anything of this kind to be done. I therefore insist on the point of order.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I should like to be heard.

The CHAIRMAN. The Chair would like to hear the gentleman from Pennsylvania on the point of order, but before he addresses himself to the point the Chair would like to call his attention to public law 140 and ask him whether that applies to this section?

Mr. ADAMS of Pennsylvania. It does, Mr. Chairman.

Mr. CRUMPACKER. What is that law?

Mr. ADAMS of Pennsylvania. This is not a change of existing law. I must say frankly that I can not tell the reason for this peculiar provision. I do not wonder that the attention of the gentleman was called to it. It provides that the consular officer shall certify to the fact of inability; but it is in conformity with the act referred to by the Chair and has been in the bill for many years.

Mr. CRUMPACKER. What is the object of it?

Mr. BUTLER of Pennsylvania. It is to enable the Government to collect from people who are able to pay.

Mr. ADAMS of Pennsylvania. I submit that this has been appropriated for every year in exactly the same language, and for that reason I submit it is not a change of existing law.

Mr. CRUMPACKER. I do not have in mind the provisions of public act 140 which the Chair inquired about.

The CHAIRMAN. The Chair will say to the gentleman from Indiana that the appropriation act of last year uses the identical language which is used in this bill.

Mr. CRUMPACKER. In interpreting this proviso in the connection in which it is used, it has reference to the provision contained in the paragraph for maintaining or boarding prisoners or inmates of prisons in the countries named. I think clearly it is confined to the appropriation. It is part of the appropriation itself. The appropriation is made and then the proviso is added that no allowance shall be made for the keeping and feeding of any prisoner who is able to pay or does pay the above sum of 50 cents per day. It directly relates to the appropriation carried in the paragraph. The fact that it has been carried in former diplomatic and consular appropriation bills does not make it permanent law. It is a limitation on the appropriation—that is, it applies to the appropriation.

Mr. PERKINS. Mr. Chairman, I would suggest that the appropriation made here is of $9,000 for the food of prisoners in certain places. This proviso is distinctly a limitation that no portion of that $9,000 shall be used in certain ways. Now, as I suppose the rule to be, if the appropriation itself is not subject to a point of order, and it is not, a proviso which limits the manner in which it shall be expended is not subject to a point of order.

Mr. CRUMPACKER. Mr. Chairman, upon that question, it is a limitation that is pregnant with affirmative matter.

Mr. PERKINS. Every limitation is that.

Mr. CRUMPACKER. It is a limitation that requires something to be done that the law does not provide shall be done.

Mr. OLMSTED. Mr. Chairman, I would ask the gentleman from Indiana [Mr. CRUMPACKER] if he contends that that same proviso when found in an appropriation bill of last year was a limitation or made a permanent law?

Mr. CRUMPACKER. It was made law for that year, because it related to that appropriation. It would have been subject to a point of order in my judgment, if it had been made.

Mr. OLMSTED. Then it was a limitation on that appropriation.

Mr. CRUMPACKER. Not necessarily a limitation. It contained legislation and remained in that bill, but a point was not made.

Mr. OLMSTED. I understood the gentleman to say, when occupying the floor previously, that it was a limitation upon the appropriation contained in that bill. If so, it would be a limitation on the appropriation in this bill.

Mr. CRUMPACKER. I used that language in the sense that it was tied to the appropriation instead of being a limitation upon it.

The CHAIRMAN. The Chair holds that it is a limitation on the office, though not on the money, and sustains the point of order.

The Clerk read as follows:

SEAMEN'S INSTITUTE AT KOBÉ.

Contribution toward the support of the Seamen's Institute at Kobé, to be paid by the Secretary of State upon the assurance that relief will be afforded by the said institute to indigent American seamen, $25.

Mr. PERKINS. Mr. Chairman, as we have nearly finished the bill I shall take the liberty of moving to strike out the last word, that I may be able to offer a few suggestions in reference to some remarks that were made the other day as to the inadequacy of the salaries paid diplomatic representatives, and also with reference to the suggestions made which stirred the gentleman from Kentucky [Mr. SHERLEY] to unwonted warmth, in reference to the amounts expended by some representatives of our Government. Mr. Chairman, it is true, not only of the diplomatic service, but of every branch of this Government, that there are many who do not find the salary paid sufficient to enable them to continue in it. It is true of Congress. Every session there are Members who retire from this House because they do not feel that their personal interests will allow them to give the time required for the salary which is paid. That, certainly, is to be regretted, but it does not seem to me that this justifies some of the criticism passed with reference to the manner of life followed by the representatives of this Government abroad. It happens that these positions are sometimes held by men of large wealth, and sometimes by those of smaller means. I see no harm; I am unable to see why any criticism should be passed, if any representative of this Government, favored by the possession of large wealth, should expend that in such a way as to him seems fit. Why should anyone criticise if a person, holding any position under the Government, employs his wealth? It may be in renting residences that are rich, that are ancient, that are interesting, in throwing open to those who may visit them treasures of art, in extending a hospitality, enjoyed by all. It seems to me that such conduct helps to add to the beauty of life, does harm to no one, and is open to criticism from no one.

The suggestion was made that as a result others holding similar positions might find themselves embarrassed. If any man holding a position should feel himself embarrassed, should feel himself humiliated, because he was the possessor of less wealth than others who had held it, this would seem to me an indication of a somewhat contracted mind. There is nothing which deserves less respect than the snobbish and servile adulation of large wealth, and, on the other hand, it seems to me that there may be error on the part of those who are unduly disturbed by the presence of that wealth. Any man holding a diplomatic position with the ability to fill it will discharge its duties, living in that manner of life which his means or his salary allow him to follow, entirely undisturbed by the fact that some other man with larger resources may have been able to live in a different, a larger, a more profuse manner. Anyone fit for the office knows that the fact that he is obliged to follow a more modest manner of living does not lower him in the opinion of any man in this land or any other land. He will form his outward life with due regard to the private resources he may possess, undisturbed by the fact that others before him may have been richer or poorer. Mr. Chairman, may I ask the indulgence of the committee for not over two minutes more?

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. PERKINS. Five minutes is more than I shall need. There can not be, it seems to me, a better instance of this and a better illustration that the fears of the gentleman from Kentucky were unduly excited when he thought that a liberal expenditure by any person possessed of large wealth might be an embarrassment to those called to fill a similar position than was furnished within a few years at the Court of St. James itself. The position of minister there was filled, as we all remember, by Mr. James Russell Lowell, not a man of large wealth—a man of small means, compared with many of those who preceded him and who may follow him—yet he filled the position with satisfaction to this Government, with satisfaction to all others with whom he had to deal, with entire freedom from any embarrassment from the fact that richer men had been there before or richer men might follow him, because he recognized that, living according to the standard he was able to, he filled with full ability the requirements of the position. It seems to me, Mr. Chairman, that if anyone holding such a position and so fortunate as to possess large wealth expends this in any way that may be fitting, he neither brings discredit on himself nor discredit on the Government that he represents nor creates embarrassment for any proper man who may be his successor.

The Clerk read as follows:

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular clerks, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, $300,000.

Mr. PARSONS. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill a question. Is this provision for contingent expenses ample for the different consulates, so that consuls themselves will not have to devote any of their own pay to pay expenses?

Mr. ADAMS of Pennsylvania. I will state that this has been increased $20,000. The Department did ask for more, but throughout this bill there have been various increases in clerk-hire allowances which really increase this item very much more, because formerly clerk hire was paid out of this contingent fund, so that it is increased more than $20,000, as appears in this particular item. We had before us the fact that at the present time the contingent fund of the Department is exhausted, and the consuls are paying their own postage, if they wish to perform their duties fully, but I think the Department is satisfied with this amount. Under the conditions that I have already stated, with the increased allowance in the various consulates which have been made in the bill, it really increases this item, because formerly clerk hire was paid out of this item.

Mr. PARSONS. Will the gentleman tell me how much increase has taken place in the various parts of the bill; how much do they amount to in the aggregate?

Mr. ADAMS of Pennsylvania. The whole bill?

Mr. PARSONS. The whole bill. I mean, of course, the increase in the items which formerly came out of this contingent-expense item.

Mr. ADAMS of Pennsylvania. We increased the contingent fund of the diplomatic service $30,000, and we increased the emergency fund $20,000, if my recollection is correct.

Mr. PARSONS. What did you increase that affect expenses that have to be paid by consuls?

Mr. ADAMS of Pennsylvania. Well, that is indefinite. The expenses paid by consuls are charged up to the contingent fund and they each have a certain allowance from the Department from that fund, but if the gentleman will look at the allowance, for instance, for clerk hire, Mexico City, it was raised $500; Rio Janeiro, $900; Shanghai, $900, and so it runs through all the bill. All these sums which formerly were allowed came out of the contingent fund, and the raising of these allowances to each consulate for clerk hire is practically a more liberal allowance to this contingent fund.

Mr. PARSONS. I withdraw my amendment.

Mr. COUSINS. Mr. Chairman, I move to strike out the last word in order to say a few words on the point raised by the gentleman from New York [Mr. PARSONS].

I was one of those who believed an additional allowance should be made under this head of the contingent fund. Only a very slight increase was made, whereas $50,000 additional was asked for. I had thought it should be placed at $325,000. It is well known that during the last year the allowances for many of the consulates were cut a certain per cent all along the line on account of the fact that the contingent fund did not contain sufficient with which to pay them. In many instances these consuls had been paying for their own postage. They had made certain contracts, for instance, for a messenger—which was the only help they had to assist at the consulate, having no clerk—and when this order went out reducing their allowances by a certain percentage, in some cases they were obliged to pay these messengers out of their own pockets in order to fulfill their contracts. There has been a good deal of talk of late about consular reform, and when we see that many of the consuls abroad have to pay their own postage in answer to hundreds and thousands of letters that come to them from business men over the country, it seems to me that the last objection that should be made would be an objection to a necessary contingent fund out of which these expenses of the consuls should be paid.

Mr. LONGWORTH. Is it not a fact that there are a very large number of consulates that are not equipped with a typewriter and that therefore they have to write all letters in longhand?

Mr. COUSINS. I will say to the gentleman from Ohio that I know of some cases—though not many, as I did not visit many of the consulates—but I know of some cases where they did not have even a typewriter for a year or two after they had reached their posts. They had to either purchase them themselves or do without them.

Now, there were some things said day before yesterday in regard to student interpreters, and I think that the discussion of it went on rather jocularly for a time. It was represented that these student interpreters were of no value to the country; that, perhaps, they had been there long enough so that they had long beards, and all that sort of thing. As I stated at that time, the first student interpreters were commissioned in 1902, the balance of them in 1903, and they are all young men yet, and all Americans. Their commissions were provided for in the preceding consular appropriation bill. They accepted those commissions with the agreement that they would give their services to the United States for ten years, if required. These young men have mastered the language, and several of them are now assigned and are doing the work of vice-consuls and deputy consuls at various points in China. I can recall some of them, and I can tell you where they are, and I believe there is no class representing us abroad who are rendering better and more useful service to this country than these student interpreters at $1,000 per year.

I remember that one of them was appointed from my State, and is now doing service as deputy consul at Hangchow. His name is Willard B. Hull, and he is a most estimable young man. I believe he began his course at 18 years of age. There was one appointed, Mr. J. H. Arnold, from California, who is now doing service as deputy consul at Shanghai; another, Mr. Charles Williams, from Ohio, and another, Mr. Albert W. Pontius, from Minnesota, and he is now acting as deputy consul-general at Tientsin.

And these serve as illustrations of what these young men are doing, and of the excellent service they are rendering, and the whole amount they are receiving for such services is but $1,000 per year.

There has been much talk, I said, about consular reform. This is one thing illustrating what can be done in the way of consular reform; better than anything I could cite. Instead of undertaking to pass unconstitutional legislation providing what the President shall do and how he shall exercise a constitutional prerogative which no act of Congress can limit, qualify, or take away, effectual consular reform is for the President himself and the State Department to make such requirements of fitness and ability as will secure the best service. And this commissioning of student interpreters was one of the best beginnings ever undertaken. They were selected from the best class of young men from various States and sent over there, and they studied the language, became efficient, and are doing the service of deputy consular officers, and, as I have said, in some cases of vice-consul-generals.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimous consent to return to page 18, in order to correct the total.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAMS of Pennsylvania. I ask that in line 10, after the word "each," the word "seven" be stricken out and the word "six" inserted. Also in line 18, after the word "thousand," the word "eight" be stricken out and the word "two" be inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 10, strike out the word "seven" and insert "six," and strike out the word "two" and insert "six;" so that it will read "six thousand six hundred."

In line 18, strike out "eight" and insert "two;" so that it will read "one hundred and twenty-seven thousand two hundred and ten dollars."

The amendment was agreed to.

Mr. ADAMS of Pennsylvania. I move that the committee rise and report the bill as amended with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and had directed him to report the same with amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. ADAMS of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE ON ENROLLED BILLS AND COMMITTEES ON PENSIONS.

Mr. CASSEL. Mr. Speaker, I desire to present the following privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, whose compensation shall be at the rate of $6 per day from and after the time he entered upon the discharge of his duties (which shall be ascertained and evidenced by the certificate of said chairman) until the end of the present session; and the Clerk of the House is hereby authorized and directed to pay to Herman Gauss $1,000, and to D. S. Porter $750 for extra and expert services to the Committees on Invalid Pensions and Pensions, respectively, as assistant clerks to said committees, by detail, and to Clarence E. Gauss $500 for services rendered as assistant stenographer to the Committee on Invalid Pensions during the session, all of which shall be paid out of the contingent fund of the House.

The SPEAKER. The question is on the adoption of the resolution.

Mr. UNDERWOOD. Mr. Speaker, before that vote is put I would like to ask the gentleman from Pennsylvania whether or not this is a unanimous report?

Mr. CASSEL. It is.

Mr. UNDERWOOD. I would like to ask the gentleman to give the House some explanation as to the necessity for this resolution.

Mr. CASSEL. The Committee on Enrolled Bills always has an additional clerk at this time of the session. They are now away back in their work, and it is necessary to have this additional clerk in order to have their bills prepared for final passage. The other part of the resolution is to pay the clerks for the Pensions Committees for the extra work which they have performed for those committees; and it has always been done. The resolutions are ordinary, and are the same as we have passed each year for them.

The SPEAKER. Is this a separate resolution?

Mr. CASSEL. This is a resolution from the Committee on Accounts.

The SPEAKER. Has the whole resolution been reported?

Mr. CASSEL. Yes, sir; that is all there.

Mr. UNDERWOOD. I would like to ask the gentleman if it is the usual resolution passed at this time of the session?

Mr. CASSEL. It is.

The question was taken; and the resolution was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 18333. An act granting land to the city of Albuquerque for public purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAKER, Mr. WETMORE, and Mr. MALLORY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. WARREN, and Mr. TELLER as the conferees on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post-Office appropriation bill, with Senate amendments, disagree to the amendments of the Senate, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the Post-Office appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. SIMS. Mr. Speaker, I would like to move to concur in a certain amendment in the bill, but I have not a copy of the bill with amendments, so as to be able to refer to it.

Mr. OVERSTREET. Mr. Speaker, there are a great many amendments.

Mr. UNDERWOOD. I would like to say to the gentleman from Indiana and the gentleman from Tennessee, not on my own behalf, but on that of the leader of the minority, who is absent, that during his absence I can not consent that the gentleman take this unanimous-consent order until the gentleman from Mississippi comes in.

The SPEAKER. There is objection.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report from the Committee on Rules, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the bill H. R. 16953, entitled "An act making appropriations for the service of the Post-Office Department," etc., is hereby taken from the Speaker's table, to the end that the Senate amendments be, and hereby are, disagreed to in gross, and a conference be, and hereby is, asked with the Senate on the disagreeing votes of the two Houses; and the Speaker be, and hereby is, directed to appoint the managers of the conference without intervening motion.

Mr. DALZELL. Mr. Speaker, upon that I ask the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I ask for a division.

The House divided; and there were—ayes 160, noes 41.

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 69, answered "present" 18, not voting 140, as follows:

YEAS—154.

Acheson	Davis, Minn.	Jones, Wash.	Rhodes
Adams, Pa.	Dawes	Kahn	Roberts
Adams, Wis.	Dawson	Keifer	Rodenberg
Alexander	Deemer	Kennedy, Nebr.	Samuel
Allen, Me.	Denby	Kennedy, Ohio	Schneebeli
Allen, N. J.	Dixon, Mont.	Kinkaid	Scott
Barchfeld	Draper	Klepper	Shartel
Bede	Driscoll	Knowland	Sibley
Bennett, Ky.	Dunwell	Lacey	Slemp
Birdsall	Edwards	Le Fevre	Smith, Cal.
Bonynge	Ellis	Longworth	Smith, Ill.
Boutell	Esch	Loud	Smith, Iowa
Brick	Fassett	McCarthy	Smith, Pa.
Brown	Foster, Ind.	McCreary, Pa.	Smyser
Buckman	Foster, Vt.	McKinlay, Cal.	Snapp
Burke, Pa.	French	McKinley, Ill.	Southwick
Burke, S. Dak.	Fulkerson	McKinney	Sperry
Burleigh	Fuller	McLachlan	Stafford
Burton, Ohio	Gaines, W. Va.	McMorran	Steenerson
Butler, Pa.	Gardner, Mass.	Madden	Sterling
Calder	Gardner, N. J.	Mahon	Stephens, Minn.
Calderhead	Gillett, Cal.	Mann	Sullivan, Mass.
Campbell, Kans.	Goebel	Marshall	Sulloway
Campbell, Ohio	Graham	Miller	Tawney
Capron	Grosvenor	Mondell	Taylor, Ohio
Cassel	Hale	Murdock	Thomas, Ohio
Chaney	Hamilton	Nevin	Tirrell
Chapman	Haugen	Norris	Townsend
Cocks	Hayes	Olcott	Volstead
Conner	Hearst	Olmsted	Wanger
Cooper, Pa.	Hedge	Otjen	Watson
Cooper, Wis.	Henry, Conn.	Overstreet	Weems
Cousins	Hermann	Parsons	Wharton
Cromer	Higgins	Pearre	Wiley, N. J.
Crumpacker	Hoar	Perkins	Wilson
Curtis	Hogg	Pollard	Wood, N. J.
Cushman	Howell, N. J.	Powers	Young
Dalzell	Howell, Utah	Prince	
Davidson	Humphrey, Wash.	Reeder	

NAYS—69.

Adamson	Bowers	Brundidge	Clark, Fla.
Aiken	Brantley	Burgess	Clark, Mo.
Beall, Tex.	Broocks, Tex.	Burleson	Clayton
Bell, Ga	Broussard	Burnett	Davey, La.

Davis, W. Va.	Henry, Tex.	Moon, Tenn.	Smith, Md.
De Armond	Hopkins	Moore	Smith, Tex.
Dixon, Ind.	Houston	Page	Southall
Fitzgerald	Humphreys, Miss.	Patterson, S. C.	Spight
Flood	Hunt	Pou	Stephens, Tex.
Floyd	Kelher	Ransdell, La.	Sulzer
Gaines, Tenn.	Kitchin, Claude	Richardson, Ky.	Talbott
Garber	Kline	Rucker	Underwood
Garner	Lamar	Russell	Watkins
Gill	Lee	Ryan	Webb
Gillespie	Lindsay	Shackleford	Zenor
Gregg	Livingston	Sheppard	
Griggs	Lloyd	Sherley	
Hay	Macon	Sims	

ANSWERED "PRESENT"—18.

Andrus	Glass	Mouser	Small
Bartlett	Greene	Murphy	Sparkman
Candler	Hardwick	Padgett	Weeks
Currier	Jenkins	Rainey	
Dale	Lilley, Pa.	Ruppert	

NOT VOTING—140.

Ames,	Garrett	Lawrence	Reynolds
Babcock	Gilbert, Ind.	Legare	Rhinock
Bankhead	Gilbert, Ky.	Lester	Richardson, Ala.
Bannon	Gillett, Mass.	Lever	Rives
Bartholdt	Goldfogle	Lewis	Rixey
Bates	Goulden	Lilley, Conn.	Robertson, La.
Beidler	Graff	Littauer	Robinson, Ala
Bennet, N. Y.	Granger	Little	Scroggy
Bingham	Gronna	Littlefield	Sherman
Bishop	Gudger	Lorimer	Slayden
Blackburn	Haskins	Loudenslager	Smith, Ky.
Bowersock	Heflin	Lovering	Smith, Samuel W.
Bowie	Hepburn	McCall	Smith, Wm. Alden
Bradley	Hill, Conn.	McCleary, Minn.	Southard
Brooks, Colo.	Hill, Miss.	McDermott	Stanley
Brownlow	Hinshaw	McGavin	Sullivan, N. Y.
Burton, Del.	Hitt	McLain	Taylor, Ala.
Butler, Tenn.	Holliday	McNary	Thomas, N. C.
Byrd	Howard	Martin	Towne
Cockran	Hubbard	Maynard	Trimble
Cole	Huff	Meyer	Tyndall
Darragh	Hughes	Michalek	Van Duzer
Dickson, Ill.	Hull	Minor	Van Winkle
Dovener	James	Moon, Pa.	Vreeland
Dresser	Johnson	Morrell	Wachter
Dwight	Jones, Va.	Mudd	Wadsworth
Ellerbe	Ketcham	Needham	Waldo
Field	Kitchin, Wm. W.	Palmer	Wallace
Finley	Knapp	Parker	Webber
Flack	Knopf	Patterson, N. C.	Weisse
Fletcher	Lafean	Patterson, Tenn.	Welborn
Fordney	Lamb	Payne	Wiley, Ala.
Foss	Landis, Chas. B.	Pujo	Williams
Fowler	Landis, Frederick	Randell, Tex.	Wood, Mo.
Gardner, Mich.	Law	Reid	Woodyard

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. WEEKS with Mr. STANLEY.

For the balance of the day:

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

For this vote:

Mr. HILL of Connecticut with Mr. WALLACE.

Mr. DARRAGH with Mr. ELLERBE.

Mr. VREELAND with Mr. ROBINSON of Arkansas.

Mr. GILBERT of Indiana with Mr. PUJO.

Mr. PAYNE with Mr. WILLIAMS.

Mr. MCGAVIN with Mr. MCLAIN.

Mr. LITTAUER with Mr. LESTER.

Mr. CHARLES B. LANDIS with Mr. JOHNSON.

Mr. BROWNLOW with Mr. HEFLIN.

Mr. HEPBURN with Mr. RICHARDSON of Alabama.

Mr. WEEKS. Mr. Speaker, I voted "aye," and I find that I am paired with the gentleman from Kentucky, Mr. STANLEY. I would like to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WEEKS, and he voted "present."

Mr. WALDO. Mr. Speaker, I desire to know if I am recorded.

The SPEAKER. The Speaker is informed that the gentleman is not recorded.

Mr. WALDO. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present when his name was called, and giving attention?

Mr. WALDO. I was not.

The SPEAKER. The gentleman does not bring himself within the rules.

Mr. SHACKLEFORD. Mr. Speaker, I desire to know if the gentleman from New York, Mr. PAYNE, voted.

The SPEAKER. He did not.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from Alabama [Mr. UNDERWOOD] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, it is not necessary that I should occupy any time in the explanation of this rule. It has relation to the Post-Office appropriation bill. That bill is now on the Speaker's table, with eighty-three Senate amendments thereto. The purpose of the rule, if adopted, is to take the bill from the Speaker's table, to nonconcur in all of the Senate amendments, and send it to conference. I reserve the balance of my time.

Mr. RUCKER. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. RUCKER. Mr. Speaker, I understand that the Senate adopted an amendment to the Post-Office appropriation bill providing that farmers can buy such boxes as they see fit for rural delivery service.

Mr. DALZELL. Mr. Speaker, in reply to that I will say that I yield to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, an amendment similar to the one the gentleman from Missouri [Mr. RUCKER] has referred to was adopted, but the character of that amendment, as well as the character of a large number of other amendments carried by the bill, is the justification for sending the bill to conference. The amendment referred to by the gentleman from Missouri [Mr. RUCKER] would permit any individual patron of a rural route to place at his home any kind of a box, whether half a shoe box or part of a cigar box, and consider that as a proper box, requiring the Government to continue to safeguard and protect it with all the laws, both civil and criminal, which are applicable to the Post-Office Department. I will say that it is necessary to consider a proposition of that kind intelligently.

Mr. RUCKER. Does not the gentleman believe that farmers throughout the country ought to have the right to determine what kind of a box is satisfactory to them, and should not be required to buy a box made by a certain manufacturer which has the approval of the Post-Office Department?

Mr. OVERSTREET. But the difficulty with the gentleman is that there is no such requirement now as that referred to by the gentleman.

Mr. RUCKER. No requirement that he shall buy a certain make of box?

Mr. OVERSTREET. A large number of the new boxes are permitted by the Department, by way of its approval, but the Department does not direct any patron to furnish any particular kind of a box.

Mr. RUCKER. There are some dozen or more boxes from which the patron may select, but the point I make is this, that farmers living throughout the country are satisfied with a box that they themselves can make or can buy, and prefer them rather than to be compelled to select one of those particular boxes approved by the Department.

Mr. OVERSTREET. Mr. Speaker, that is a matter that requires consideration, and for that reason this bill ought to go to conference.

Mr. RUCKER. One more question. There is another amendment, I understand, that provides that no order shall emanate from the Post-Office Department prohibiting postmasters and rural route carriers from furnishing Senators and Representatives in Congress the names of the patrons of their offices and along their routes.

Mr. OVERSTREET. There is an amendment something along the line which the gentleman has suggested.

Mr. RUCKER. That is the substance of it.

Mr. OVERSTREET. That I should say would be the substance of the amendment.

Mr. RUCKER. I want to state to the gentleman that in my opinion the House is practically a unit in favor of that amendment, in order that Members of Congress may get the correct names and addresses of people in their districts for use in the distribution of patronage.

Mr. OVERSTREET. I would say to the gentleman, however, that if the amendment he refers to is not modified in some way there would be nothing to prevent a Member of Congress, without any action that is improper on his own part, from turning over that list to any advertising house and enabling that advertising house to use that list for its own purpose. Therefore it would be very unwise, in my judgment, to accept an amendment of that kind without very careful consideration.

Mr. RUCKER. If the gentleman conceives the idea that it is necessary to put a provision in the bill which would prevent Members of Congress from violating the spirit of the law——

Mr. OVERSTREET. But I have not agreed to that proposition. I do not concede that.

I think, Mr. Speaker, that the better practice will be to send the bill to conference with these eighty-three sundry amend-

ments, which have resulted in an increase in the bill of a little less than a million dollars, and permit the conferees to consider them carefully and then report to the House.

Mr. RUCKER. I would like to have an expression of opinion from the gentleman, and therefore I will ask him if he does not believe that a large majority of this House favors both the amendment in reference to furnishing Members with the names of patrons of offices and on rural routes and the other amendment in reference to post-office boxes?

Mr. OVERSTREET. The only opinion I would express in answer to the gentleman would be that there is not, in my judgment, 5 per cent of the membership of this House familiar with the amendment, much less in favor of it.

Mr. RUCKER. If that is the gentleman's position, why do you not give us a chance to vote on these propositions?

Mr. DALZELL. Mr. Speaker, I trust this is not coming out of my time——

Mr. RUCKER (continuing). Why do you not give the Members of this House a chance to vote upon them instead of trying to gag us?

Mr. DALZELL. I will yield to the gentleman in charge of the other side of the question. I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Chairman, I yield ten minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I hope I may have the attention of the House about the Senate amendment which has been discussed by the chairman of the committee, the gentleman from Indiana [Mr. OVERSTREET]. I introduced a bill in this House, which was referred to the gentleman's committee, to permit the patrons on rural routes to put up boxes in which to receive their mail of either wood or metal, subject to all the rules, regulations, and requirements of the Post-Office Department. Under that bill the Department will have the right to provide that these boxes shall be of certain dimensions; that they shall be placed at certain distances from the road which the carrier travels; that the Department shall have the right to make all regulations so far as convenience of service is concerned. The gentleman from Indiana says there is no law requiring patrons to buy a certain kind of box. Literally that is true, but in practice it is not. When a patron can not buy any kind of a box except one that is approved by the Department, he is prohibited from buying any other kind and is virtually commanded to buy that particular kind. Let us take a practical view of this matter, and inasmuch as I am replying to the gentleman from Indiana I hope to have his attention. Before a route is established there is no need of boxes in that neighborhood, and none are kept for sale. Being no demand, none are kept by the country merchants, and the fact that a large number of boxes have been approved by the Department cuts no figure. Consequently, in every case when a rural route is ordered established, there is not a box in that neighborhood anywhere that can be purchased—not one. There might be a hundred approved varieties, but if there are none of that variety kept for sale, it is just as inconvenient to the patrons to have to order their boxes from a distance, although you have a hundred varieties to select from, as it would be to order if only one variety were approved.

Now, I want to know if it appeals to the judgment and common sense of this Congress to say that the patron has not the right to make for himself or have made by the employment of a near-by tinner such a metallic box or wooden box as he is willing to risk his mail in, subject to such rules and regulations as the Department may require? That my argument is absolutely unanswerable is proven by the action of the Post-Office Department in permitting patrons on star routes to put up just such boxes as they see fit in which to receive their mail that is in all respects just as valuable and as important as that received by them on rural routes. It is just as important that a letter delivered in a box on a star route have Government protection as it is if the same letter is delivered in a rural route box. The sender of a letter to be delivered in a box on a star route certainly has as much right to demand that his letter be put in a Government-approved and protected box as if the same were put in a box on a rural route. To contend otherwise is too absurd to be dignified by the name of argument.

You can not put a registered letter, a special delivery letter, or a pension letter in a rural mail box. In other words, mail about which there is any indication of value can not be put in the rural box. Under the ruling of the Department five families can use the same box. Under the present regulation they do not have to be locked. Five families getting their mail in one box is the very thing to cause neighborhood difficulties and troubles. Why not let these five families put up just such boxes as they are willing to accept their mail in?

The idea that the farmers in this country have got so little self-interest and so little common sense that they will not put up a box that will sufficiently protect their mail is ridiculous. A man so ignorant as that will not get any mail. A man that is trifling and good for nothing to the extent that he will not protect that which is his own will not get any letters to protect. But it is the desire of the Department to get power and hold on to it, even though in little things. I say, let the American citizen who votes for you and votes for me have the right to manufacture his own box or get his neighbor to do it. I might be a mechanic, a tinsmith, or a blacksmith, and be able to make the best box possible, but I could not use it, because I can not send that box to Washington, D. C., to have it approved by a Department officer that wishes to take a hand in my private domestic affairs.

Mr. STAFFORD rose.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. SIMS. Certainly.

Mr. STAFFORD. I understand that in a bill the gentleman has introduced it is provided that the boxes made by the patrons are to be subject to the regulations of the Department?

Mr. SIMS. Yes, sir.

Mr. STAFFORD. Is the gentleman acquainted with the amendment that has been added in the Senate that provides for no regulation whatsoever?

Mr. SIMS. I know it does not, but we can amend the Senate amendment either in the House or in conference.

Mr. STAFFORD. Then you are in favor of sending the bill to conference, so as to have it perfected?

Mr. SIMS. Yes; if the bill is sent to conference, let the conference committee take it up and perfect it.

Mr. UNDERWOOD. I will ask the gentleman, if it did not go to conference, would it not be possible in the House, when the matter came before it, to agree to the Senate amendment with an amendment that would perfect it as he desires?

Mr. SIMS. Yes, indeed. I wanted to ask that it be concurred in with an amendment. At the time I asked the question I thought that part of my bill was in the Senate amendment, and did not know it was not until it was pointed out to me, but that part may be put in, if necessary, either in the House or in conference, and I am discussing this matter in order that the House may understand it and see the importance of it. I do not care where it is perfected, so it is done; but it is evident from the argument made by the gentleman from Indiana [Mr. OVERSTREET] that he is opposed to it, and I wanted the House and the people who think the farmers have sense enough and self-interest enough to protect their own mail to give them an opportunity to do it. To-day routes are being refused because 75 per cent of the patrons of the routes do not in advance procure approved boxes. Seventy-five per cent of the iron or steel material out of which these approved boxes are manufactured is made by the steel trust. Why force the people, through legislation or through regulation, to patronize a trust in procuring boxes for their private mail? There is no combination in the manufacture of the boxes that I know of, but self-interest never fails to take hold of good opportunities to help itself. I would like to see a Member of this House go before his farmer constituents and tell them "I will not trust you to make or have made a box that will protect your own mail."

I would like to see him go back home and get the vote of any man of whom he expressed such an opinion. If you will have a yea-and-nay vote on this proposition, it will carry three to one. I am perfectly willing that the conference committee shall take hold of this and perfect it, but I do want the House to know the object and purpose of the amendment.

[Here the hammer fell.]

Mr. COUSINS. I would like to ask the gentleman a question.

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. I would like to have a minute more to answer a question.

Mr. UNDERWOOD. I yield one minute more to the gentleman.

Mr. COUSINS. What standard do you propose to fix as to the kind of wooden box that can be used? Any definite standard?

Mr. SIMS. Let the Department by regulation provide what kind of a box is to be used—that is, as to size, length, manner of opening, and convenience of same to road traveled by carrier and everything of that kind, but permit the patron to have made and put up, of either wood or metal, such box as he desires, in compliance with the general regulations of the Department, and do not force patrons to send often hundreds of miles to some manufacturer and pay for a patented article several times as much as it would cost if made at home and added to the price express or freight charges.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Missouri.

Mr. RUCKER. Mr. Speaker, as I understand, this bill has come back from the Senate to the House with certain Senate amendments incorporated in the bill. If this rule is adopted, the bill will go into conference without any chance of being considered in Committee of the Whole. If the committee had an opportunity to consider some of these amendments—two or three of them—so far as I am concerned, it seems to me there would be no objection to the plan now proposed; but I do believe, Mr. Speaker, that the House is in favor of at least two Senate amendments, which are important to the country and to the membership of this House, and we should have an opportunity to say so and not be compelled to submit unconditionally to the judgment of the conferees.

One of the amendments to which I refer reads as follows:

Provided, That patrons on all rural free-delivery mail routes now established or that may hereafter be established may put up, for their individual use, boxes constructed of such material, either wood or metal, as they desire, and that carriers on all rural mail routes shall deposit mail in such boxes in like manner as in boxes now in use.

Now, the fact is this: In my district, which is a rural district, there are to-day thousands of farmers who are using boxes purchased and put in use before this post-office order went into operation. Under the new dispensation these boxes must be torn down and every one of these patrons, these people all along the routes, must buy new boxes which conform to the post-office regulation, costing the people in my district alone a very large sum of money. The same is true in very many other districts. Now, it does seem to me, Mr. Speaker, that the gentleman who has charge of this bill ought to allow the House, in Committee of the Whole, to consider this matter, and if a qualification or limitation is necessary, make it, but leave the bill so as to permit these people all over the United States to put up such boxes, under proper regulation, as they see fit to use. They should not be required to send to some great manufacturing center and buy a certain make of box.

The other amendment to which I referred a moment ago is one which, it seem to me, no gentleman on this floor will oppose, though I understood the gentleman from Indiana [Mr. OVERSTREET] to say that not 5 per cent of them would favor it, a statement which I think entirely misrepresents the judgment of the House.

The amendment is as follows:

The Post-Office Department shall make no regulation which will prevent any postmaster or any rural-route carrier from furnishing a Senator from a State the names of those to whom he delivers mail in that State, nor to a Representative or Delegate the names of those to whom he delivers mail within the district or territory so represented.

Mr. Speaker, I want to say to this House that I have been informed by a number of gentlemen that they now get mailing lists from the postmasters in their districts. It seems to me every gentleman knows, when he applies to a postmaster for such a list, that he violates, if not the law, at least a regulation of the Post-Office Department, which might be a serious thing to the postmaster if known. The postmaster who furnishes any one of us a mailing list from his office or a rural-route carrier who furnishes a list of the patrons on his route violates a postal regulation. This amendment simply permits—does not require—but permits a carrier or a postmaster to furnish Senators and Representatives or Delegates in Congress such a list. The gentleman suggests that without some restriction these lists might be turned over to some mail-order house. I for one never dreamed of the possibility of such a thing. I have heard elsewhere Members of Congress accused of almost all sorts of wrongdoing, but this is the first time that I have heard it suggested on this floor by one who is a Member himself that his colleagues would for pay or without pay wantonly violate the spirit if not the letter of the law. I sincerely hope the conferees on the part of the House will agree to these two amendments.

There can be no earthly reason suggested by any man here or elsewhere why the postmaster, who will gladly do it for his own convenience, or the rural-route carrier, who for the same reason would gladly give us this information, should not be permitted to do it.

[Here the hammer fell.]

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from Pennsylvania [Mr. DALZELL] to use some of his time, unless he intends to close in one speech.

Mr. DALZELL. I do not think there will be more than one speech on this side.

Mr. UNDERWOOD. Mr. Speaker, the reason I am opposed to this rule, and rules of a similar kind, is because I believe they take the government of this House away from the individual Members and place it in the hands of the governing machine of the House. Now, I admit it is necessary to have a governing machine. We must have some kind of a business machine, but that machine ought to confine its business to the question of determining what shall come before the House and the disposition of business. It ought not to attempt to come in here by special rules and take away from the individual membership of this House the substance of legislation, the facts of legislation, and put them into the hands of a conference committee or any other committee that goes behind closed doors and brings a final report to this House, which the House must take as a whole or reject as a whole, on which the House is not enabled to use its individual judgment as to the various items made up in the conference report. The people of the United States send the individual Members to Congress here to exercise their judgment, not the judgment of the Speaker, not the judgment of the Committee on Rules, not the judgment of a conference committee. Now, what effect has this rule upon the business of the House? If the gentleman from Pennsylvania [Mr. DALZELL] had not presented this rule to the House, it would have been the duty of the Speaker to refer this Post-Office bill back to the Committee on the Post-Office and Post-Roads.

There is new matter in the bill; matter that has not as yet been considered by the membership of this House; matter that the Members of this House have a right to consider. It would have gone to that committee; been thrashed out in committee. They would have come before the House, presented their report for the consideration of the House, and then, item by item, the House would have considered the question, agreeing to such of the Senate amendments as they thought were wise, disagreeing to the others, and then finally the bill would have gone to conference. But instead of that the House, by adopting this rule, blindly sends every bit of the legislation that the Senate has put on this bill, unconsidered, without any chance for consideration by the Members of this House, back to a conference committee, where it will be determined behind closed doors.

Mr. DALZELL. May I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. DALZELL. Does the gentleman think we could have considered the bill in the manner he suggests without having at least eighty-three roll calls?

Mr. UNDERWOOD. Well, I do not know about that. The gentleman pleads for time. The membership of this House are paid by the year. We are not paid by the day. I should like as well as any Member of this House to go home at an early date, but if the business of the country requires us to stay here until August, in order that we may properly consider it, the membership of this House ought to stay here and do so. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I do not object to that proposition. I do not complain of any proper use of time, but of the waste of time. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman well knows that this side of the House have no desire to waste time. [Laughter.] But there are times that come in a legislative body when the minority can have no hearing unless it puts its protests on the records of the House, in the only way that the rules of the House permit it to do so. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I desire to address myself to the question before the House.

The SPEAKER. The time on that side is exhausted.

Mr. DALZELL. I yield the balance of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. How much time have I?

The SPEAKER. The gentleman has fourteen minutes.

Mr. WILLIAMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. For the purpose of asking the gentleman from Pennsylvania to yield me some time. I was in the Committee on Ways and Means——

Mr. DALZELL. Well, Mr. Speaker, if I had not been here, I would have been there also. I can not yield.

Mr. GROSVENOR. Mr. Speaker, I imagine that everything has been said on that side that can be said, and said as well as if any other gentleman on that side had said it. [Laughter and applause on the Republican side.] The gentleman from Alabama [Mr. UNDERWOOD] made a suggestion that, I think, from his standpoint was an unfortunate one. From ours, it was a good one. He said he desired to have the business of the House in the hands of the individual Member. Well, we have got the business of the House pretty well in the hands of the individual Member, and I think it is about time that the aggregate began

to move, and not the individual factor. There are here some eighty-odd amendments to this bill. A great many of them are unimportant, most of them are unimportant, but, as I understand from the chairman of the committee, some of them are very important. Are we to have one hundred and sixty-odd roll calls on the question of the disposition of these eighty-odd amendments?

We have not missed an opportunity to have a roll call for the last two weeks that I can remember of, and there is nobody who can give any assurance that we are to have any better condition. What is the practical result? How many of the Members of this House know anything about all of these eighty-odd amendments? Very few. The proposition therefore is to send this bill to a committee of conference, a great and important factor in legislation, and let that committee of conference sift out these amendments and see how many of them they can agree to in both Houses, and then come back here. In that event we will be exactly in the condition that the gentleman wants to be in, excepting that we shall have the result of a committee, one side representing the views of the House and the other side representing the views of the Senate. In that way we will try to go forward. I am not hurrying to the close of this session of Congress. I think we can stay on here very profitably and let the galleries be entertained by this byplay that we have been having here for a week or two, this coercive measure to coerce the majority of this House into doing what they have not yet got ready to do. There is no better way to exhibit the impotence of effort than to let the party which is trying to demonstrate it demonstrate the impotence themselves. When they get tired of that, I think we will go forward. What I want to protest against is the suggestion that anybody has been gagged here. Why, this has been the customary course of things ever since I was a Member of Congress. Scarcely ever do we have any debate or consideration of individual items or disagreement upon a great supply bill. It is unwise to spend time of the House in considering all of the small amendments. It is far better to have the estimate of the skilled conference committee to eliminate the unimportant and bring back again the important amendments. That has been the practice of the House always. It has been practiced by both sides of this House. The Democratic side of this House got away from that proposition once and brought in here a bill with 600 amendments, and it was not an appropriation bill either; and instead of giving us a committee on conference that we begged for, they gave us forty minutes, under a motion to concur, twenty minutes on this side and twenty minutes on the other side, and voted en bloc, and created a tariff bill, created a bill of "infamy and dishonor."

Mr. OLMSTED. And of disaster.

Mr. GROSVENOR. And of disaster. I accept the supplementary suggestion. And now because this side of the House desires to go ahead, gentlemen on the other side are agonizing over each individual amendment to the bill. I hope that the rule will be sustained. It is the only possible way that we can get along with the business. We have not created the necessity. The necessity has been created by others, and we are trying as well as we can to meet the emergency and get rid of the effects of the condition we find ourselves in.

Mr. DALZELL. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 150, noes 56.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 69, answered "present" 23, not voting 135, as follows:

YEAS—154.

Alexander	Chaney	Edwards	Henry, Conn.
Allen, Me.	Chapman	Ellis	Hermann
Allen, N. J.	Cocks	Esch	Higgins
Barchfeld	Cole	Fassett	Hill, Conn.
Bede	Conner	Fletcher	Hinshaw
Bennett, Ky.	Cooper, Pa.	Foster, Ind.	Hoar
Birdsall	Cooper, Wis.	Foster, Vt.	Howell, N. J.
Bonynge	Cousins	French	Howell, Utah
Boutell	Cromer	Fulkerson	Humphrey, Wash.
Brick	Crumpacker	Fuller	Jones, Wash.
Brooks, Colo.	Cushman	Gaines, W. Va.	Kahn
Brownlow	Dalzell	Gardner, Mass.	Keifer
Buckman	Darragh	Gardner, N. J.	Kennedy, Nebr.
Burke, Pa.	Davidson	Gillett, Cal.	Kennedy, Ohio
Burke, S. Dak.	Davis, Minn.	Goebel	Kinkaid
Burleigh	Dawes	Graff	Klepper
Butler, Pa.	Dawson	Graham	Knowland
Calder	Deemer	Grosvenor	Lacey
Calderhead	Denby	Hale	Le Fevre
Campbell, Kans.	Dixon, Mont.	Hamilton	Littauer
Campbell, Ohio	Draper	Haugen	Lloyd
Capron	Driscoll	Hayes	Longworth
Cassel	Dunwell	Hedge	Lorimer
Loud	Norris	Samuel	Sulloway
McCarthy	Olmsted	Scott	Taylor, Ohio
McCleary, Minn.	Otjen	Shartel	Thomas, Ohio
McCreary, Pa.	Overstreet	Sibley	Tirrell
McKinlay, Cal.	Palmer	Slemp	Townsend
McKinley, Ill.	Parsons	Smith, Cal.	Volstead
McKinney	Payne	Smith, Ill.	Waldo
McLachlan	Pearre	Smith, Iowa	Watson
McMorran	Perkins	Smith, Pa.	Weems
Madden	Pollard	Snapp	Wharton
Mahon	Powers	Southwick	Wiley, N. J.
Mann	Prince	Sperry	Wilson
Miller	Reeder	Stafford	Wood, N. J.
Murdock	Rhodes	Steenerson	Young
Needham	Roberts	Sterling	
Nevin	Rodenberg	Stevens, Minn.	

NAYS—69.

Aiken	Flood	Kitchin, Claude	Shackleford
Beall, Tex.	Floyd	Kline	Sheppard
Bell, Ga.	Gaines, Tenn.	Lamar	Sherley
Bowers	Garber	Lee	Sims
Brantley	Garner	Lindsay	Smith, Md.
Broocks, Tex.	Gill	Livingston	Smith, Tex.
Brundidge	Gillespie	Macon	Spight
Burgess	Glass	Moon, Tenn.	Stephens, Tex.
Burleson	Granger	Page	Sullivan, Mass.
Burnett	Gregg	Patterson, S. C.	Talbott
Butler, Tenn.	Heflin	Pou	Underwood
Clark, Fla.	Henry, Tex.	Rainey	Watkins
Clark, Mo.	Hopkins	Ransdell, La.	Webb
Clayton	Houston	Richardson, Ky.	Williams
Davis, W. Va.	Humphreys, Miss.	Robinson, Ark.	Zenor
Dixon, Ind.	Hunt	Rucker	
Ellerbe	Johnson	Russell	
Fitzgerald	Keliher	Ryan	

ANSWERED "PRESENT"—23.

Adamson	Finley	Kitchin, Wm. W.	Robertson, La.
Andrus	Greene	Lever	Ruppert
Bartlett	Hardwick	Lilley, Pa.	Small
Candler	Hogg	Mouser	Sparkman
Currier	Hull	Murphy	Weeks
Dale	Jenkins	Padgett	

NOT VOTING—135.

Acheson	Fowler	Lester	Rixey
Adams, Pa.	Gardner, Mich.	Lewis	Schneebeli
Adams, Wis.	Garrett	Lilley, Conn.	Scroggy
Ames	Gilbert, Ind.	Little	Sherman
Babcock	Gilbert, Ky.	Littlefield	Slayden
Bankhead	Gillett, Mass.	Loudenslager	Smith, Ky.
Bannon	Goldfogle	Lovering	Smith, Samuel W.
Bartholdt	Goulden	McCall	Smith, Wm. Alden
Bates	Griggs	McDermott	Smyser
Beidler	Gronna	McGavin	Southall
Bennet, N. Y.	Gudger	McLain	Southard
Bingham	Haskins	McNary	Stanley
Bishop	Hay	Marshall	Sullivan, N. Y.
Blackburn	Hearst	Martin	Sulzer
Bowersock	Hepburn	Maynard	Tawney
Bowie	Hill, Miss.	Meyer	Taylor, Ala.
Bradley	Hitt	Michalek	Thomas, N. C.
Broussard	Holliday	Minor	Towne
Brown	Howard	Mondell	Trimble
Burton, Del.	Hubbard	Moon, Pa.	Tyndall
Burton, Ohio	Huff	Moore	Van Duzer
Byrd	Hughes	Morrell	Van Winkle
Cockran	James	Mudd	Vreeland
Curtis	Jones, Va.	Olcott	Wachter
Davey, La.	Ketcham	Parker	Wadsworth
De Armond	Knapp	Patterson, N. C.	Wallace
Dickson, Ill.	Knopf	Patterson, Tenn.	Wanger
Dovener	Lafean	Pujo	Webber
Dresser	Lamb	Randell, Tex.	Weisse
Dwight	Landis, Chas. B.	Reid	Welborn
Field	Landis, Frederick	Reynolds	Wiley, Ala.
Flack	Law	Rhinock	Wood, Mo.
Fordney	Lawrence	Richardson, Ala.	Woodyard
Foss	Legare	Rives	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For the vote:

Mr. HEPBURN with Mr. RICHARDSON of Alabama.

Mr. CHARLES B. LANDIS with Mr. DE ARMOND.

Mr. OLCOTT with Mr. HAY.

Mr. SCHNEEBELI with Mr. SOUTHALL.

Mr. TAWNEY with Mr. SULZER.

For the balance of the day:

Mr. ACHESON with Mr. LESTER.

Mr. ADAMS of Pennsylvania with Mr. BROUSSARD.

Mr. ADAMS of Wisconsin with Mr. DAVEY of Louisiana.

Mr. AMES with Mr. BYRD.

Mr. BROWN with Mr. MOORE.

Mr. CURTIS with Mr. GRIGGS.

Mr. DWIGHT with Mr. FIELD.

Mr. FOSS with Mr. RIXEY.

Mr. GILBERT of Indiana with Mr. PUJO.

Mr. MCGAVIN with Mr. MCLAIN.

Mr. SMYSER with Mr. WALLACE.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. ADAMSON. Mr. Speaker, I am informed that the gentleman from Pennsylvania [Mr. WANGER] did not answer. I am paired with the gentleman and wish to change my vote.

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. ADAMSON's name, and he answered "Present."

Mr. FINLEY. Mr. Speaker, I am informed that the gentleman from New Hampshire [Mr. CURRIER] did not vote. I was out of the Hall, and I would like to know how he is recorded as voting.

The SPEAKER. He is recorded as answering "present."

Mr. ADAMSON. I wish to withdraw my vote and vote "present."

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. ADAMSON's name, and he answered "Present."

Mr. KLINE. Mr. Speaker, I desire to know how I am recorded on this vote.

The SPEAKER. The gentleman is recorded as answering "present."

Mr. KLINE. I was listening for my name and did not hear it called. I desire to vote "no."

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. KLINE's name, and he answered "No."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will announce the following conferees:

The Clerk read as follows:

Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee.

BENJAMIN F. GRAHAM.

The SPEAKER laid before the House, from the Speaker's table, the bill (H. R. 11543) to correct the military record of Benjamin F. Graham, with Senate amendments.

The Senate amendments were read.

Mr. CAPRON. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. WILLIAMS. Mr. Speaker, I understand there are two or more Senate amendments to the bill.

The SPEAKER. The gentleman demands a division?

Mr. WILLIAMS. I ask a division.

The SPEAKER. The gentleman desires a separate vote upon each amendment.

Mr. WILLIAMS. Yes.

The SPEAKER. The question is on agreeing to the first amendment.

The question was taken; and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes, 167, noes, 28.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 196, nays 20, answered "present" 18, not voting 147, as follows:

YEAS—196.

Adamson	Davidson	Henry, Tex.	Needham
Allen, Me.	Davis, Minn.	Hermann	Nevin
Allen, N. J.	Dawes	Higgins	Norris
Barchfeld	Dawson	Hill, Conn.	Olcott
Bell, Ga.	Deemer	Hoar	Olmsted
Bennett, Ky.	Denby	Hogg	Otjen
Birdsall	Dixon, Ind.	Houston	Overstreet
Bonynge	Dixon, Mont.	Howell, N. J.	Page
Boutell	Draper	Howell, Utah	Palmer
Brantley	Driscoll	Hubbard	Parsons
Broocks, Tex.	Dunwell	Johnson	Patterson, S. C.
Brown	Edwards	Jones, Wash.	Payne
Brownlow	Ellerbe	Kahn	Perkins
Buckman	Ellis	Keifer	Pollard
Burke, Pa.	Esch	Kennedy, Nebr.	Prince
Burke, S. Dak.	Fassett	Kennedy, Ohio.	Pujo
Burleigh	Fitzgerald	Klepper	Rainey
Burleson	Fletcher	Kline	Ransdell, La.
Burton, Ohio	Foster, Ind.	Knowland	Reeder
Butler, Pa.	Foster, Vt.	Lacey	Rhodes
Byrd	French	Lee	Roberts
Calder	Fulkerson	Le Fevre	Robinson, Ark.
Calderhead	Fuller	Lindsay	Rodenberg
Campbell, Kans.	Gaines, Tenn.	Lloyd	Rucker
Campbell, Ohio	Gaines, W. Va.	Longworth	Samuel
Capron	Garber	Loud	Schneebeli
Cassel	Gardner, Mass.	McCleary, Minn.	Scott
Chaney	Gardner, N. J.	McCreary, Pa.	Shackleford
Chapman	Garner	McKinlay, Cal.	Shartel
Clark, Fla.	Gill	McKinley, Ill.	Sheppard
Clark, Mo.	Gillett, Cal.	McKinney	Sherley
Clayton	Glass	McLachlan	Sibley
Cocks	Goebel	McMorran	Sims
Cole	Graff	Macon	Slemp
Conner	Graham	Madden	Smith, Cal.
Cooper, Pa.	Gregg	Mahon	Smith, Iowa
Cooper, Wis.	Grosvenor	Mann	Smith, Md.
Cousins	Hale	Marshall	Smith, Pa.
Cromer	Haugen	Miller	Smith, Tex.
Crumpacker	Hay	Moon, Tenn.	Smyser
Cushman	Hayes	Moore	Southwick
Dalzell	Hedge	Murdock	Sperry
Darragh	Henry, Conn.	Murphy	Spight
Stafford	Thomas, Ohio	Wanger	Wiley, N. J.
Steenerson	Tirrell	Watkins	Williams
Sterling	Townsend	Watson	Wilson
Stevens, Minn.	Volstead	Webb	Wood, N. J.
Sulloway	Waldo	Weems	Young
Taylor, Ohio	Wallace	Wharton	Zenor

NAYS—20.

Beall, Tex.	Butler, Tenn.	Hopkins	Pou
Bowers	Davis, W. Va.	Hunt	Richardson, Ky.
Brundidge	Flood	Kelher	Russell
Burgess	Floyd	Kitchin, Claude	Southall
Burnett	Heflin	Lamar	Stephens, Tex.

ANSWERED "PRESENT"—18.

Andrus	Finley	Kitchin, Wm. W.	Robertson, La.
Bartlett	Gillespie	Lever	Sparkman
Candler	Greene	Lilley, Pa.	Weeks
Currier	Hull	Mouser	
Dale	Jenkins	Padgett	

NOT VOTING—147.

Acheson	Gardner, Mich.	Legare	Rixey
Adams, Pa.	Garrett	Lester	Ruppert
Adams, Wis.	Gilbert, Ind.	Lewis	Ryan
Aiken	Gilbert, Ky.	Lilley, Conn.	Scroggy
Alexander	Gillett, Mass.	Littauer	Sherman
Ames	Goldfogle	Little	Slayden
Babcock	Goulden	Littlefield	Small
Bankhead	Granger	Livingston	Smith, Ill.
Bannon	Griggs	Lorimer	Smith, Ky.
Bartholdt	Gronna	Loudenslager	Smith, Samuel W.
Bates	Gudger	Lovering	Smith, Wm. Alden
Bede	Hamilton	McCall	Snapp
Beidler	Hardwick	McCarthy	Southard
Bennet, N. Y.	Haskins	McDermott	Stanley
Bingham	Hearst	McGavin	Sullivan, Mass.
Bishop	Hepburn	McLain	Sullivan, N. Y.
Blackburn	Hill, Miss.	McNary	Sulzer
Bowersock	Hinshaw	Martin	Talbott
Bowie	Hitt	Maynard	Tawney
Bradley	Holliday	Meyer	Taylor, Ala.
Brick	Howard	Michalek	Thomas, N. C.
Brooks, Colo.	Huff	Minor	Towne
Broussard	Hughes	Mondell	Trimble
Burton, Del.	Humphrey, Wash.	Moon, Pa.	Tyndall
Cockran	Humphreys, Miss.	Morrell	Underwood
Curtis	James	Mudd	Van Duzer
Davey, La.	Jones, Va.	Parker	Van Winkle
De Armond	Ketcham	Patterson, N. C.	Vreeland
Dickson, Ill.	Kinkaid	Patterson, Tenn.	Wachter
Dovener	Knapp	Pearre	Wadsworth
Dresser	Knopf	Powers	Webber
Dwight	Lafean	Randell, Tex.	Weisse
Field	Lamb	Reid	Welborn
Flack	Landis, Chas. B.	Reynolds	Wiley, Ala.
Fordney	Landis, Frederick	Rhinock	Wood, Mo.
Foss	Law	Richardson, Ala.	Woodyard
Fowler	Lawrence	Rives	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

For the vote:

Mr. HEPBURN with Mr. RICHARDSON of Alabama.

Mr. CHARLES B. LANDIS with Mr. DE ARMOND.

Mr. TAWNEY with Mr. SULZER.

Mr. BEDE with Mr. RYAN.

Mr. HUMPHREY of Washington with Mr. HUMPHREYS of Mississippi.

Mr. LITTAUER with Mr. LIVINGSTON.

Mr. BRICK with Mr. SULLIVAN of Massachusetts.

Mr. PEARRE with Mr. UNDERWOOD.

For the balance of the day:

Mr. MORRELL with Mr. TALBOTT.

The result of the vote was announced as above recorded.

ADJOURNMENT.

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HILL of Connecticut, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 19749) to prescribe the duties of deputy collectors of customs, reported the same without amendment, accompanied by a report (No. 4560); which said bill and report were referred to the House Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16946) releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Cal., reported the same without amendment, accompanied by a report (No. 4564); which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 19755) to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands, reported the same without amendment, accompanied by a report (No. 4565); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 19754) to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I., reported the same without amendment, accompanied by a report (No. 4566); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18671) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, reported the same with amendment, accompanied by a report (No. 4567); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes—to the Union Calendar.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 19845) to provide for the holding of United States district and circuit courts at Durham, N. C.—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 19846) authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington—to the Committee on Rivers and Harbors.

By Mr. RODENBERG: A bill (H. R. 19847) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. WEISSE: A bill (H. R. 19848) to provide for the bringing and maintaining of actions at law in the circuit court of the United States for the eastern district of Wisconsin against the United States of America for damages heretofore or hereafter suffered or sustained by the maintenance of flushboards on the Menasha dam of the United States of America at Menasha, Wis.—to the Committee on the Judiciary.

By Mr. SOUTHWICK: A bill (H. R. 19849) donating Revolutionary cannon to the State of New York—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 19850) to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: A bill (H. R. 19851) to provide for the free expression of Representatives in Congress on bills, measures, resolutions, or rules, and for punishment for interfering therewith—to the Committee on the Judiciary.

By Mr. CALDER: A bill (H. R. 19852) making Saturday afternoon a legal holiday, with pay, for employees in navy-yards and naval stations during the months of July, August, and September of each year—to the Committee on Naval Affairs.

By Mr. CURRIER: A bill (H. R. 19853) to amend and consolidate the acts respecting copyrights—to the Committee on Patents.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19854) to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: A bill (H. R. 19855) providing for the inspection of meats and meat food products and regulating the interstate and foreign transportation thereof—to the Committee on Agriculture.

By Mr. WEEMS: A bill (H. R. 19856) to authorize the Back River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore—to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER: A bill (H. R. 19857) to prevent the sale of vinous, spirituous, malt, or intoxicating liquors on legal holidays in the District of Columbia on July 4, Christmas, or any other legal holiday—to the Committee on Alcoholic Liquor Traffic.

By Mr. BOWERS: A joint resolution (H. J. Res. 166) providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes—to the Committee on Rivers and Harbors.

By Mr. MOORE: A joint resolution (H. J. Res. 167) requesting the delegates from the United States to the Pan-American Congress to discuss thereat the proposition to establish in the United States a Pan-American College of Commerce—to the Committee on Foreign Affairs.

By Mr. GARNER: A resolution (H. Res. 546) authorizing the Secretary of Commerce and Labor to investigate as to prices of steel, and so forth—to the Committee on the Judiciary.

By Mr. HUGHES: A resolution (H. Res. 547) increasing the pay of the clerks in the Clerk's document room of the House—to the Committee on Accounts.

By Mr. SHEPPARD: A resolution (H. Res. 548) for investigation of expenditures in the Treasury Department—to the Committee on Rules.

Also, a resolution (H. Res. 549) for investigation of expenditures in the War Department—to the Committee on Rules.

Also, a resolution (H. Res. 550) for the investigation of expenditures in the Department of Justice—to the Committee on Rules.

Also, a resolution (H. Res. 551) for investigation of expenditures on public buildings—to the Committee on Rules.

Also, a resolution (H. Res. 552) for investigation of expenditures of the Interior Department—to the Committee on Rules.

Also, a resolution (H. Res. 553) for investigation of expenditures in the State Department—to the Committee on Rules.

Also, a resolution (H. Res. 554) for investigation of expenditures in the Post-Office Department—to the Committee on Rules.

Also, a resolution (H. Res. 555) for investigation of expenditures in the Navy Department—to the Committee on Rules.

By Mr. GARDNER of Massachusetts: A resolution (H. Res. 556) providing for consideration of Senate bill 4403—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 19858) granting an increase of pension to Richard E. Clapper—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 19859) granting a pension to Mary Nolan—to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 19860) granting an increase of pension to John L. Croom—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 19861) for the relief of Susan Seymour, heir of Edward H. Wade, deceased—to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 19862) granting an increase of pension to William Nuttall—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 19863) granting an increase of pension to Walter B. Swain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19864) granting an increase of pension to Amos Headley—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 19865) to remove the charge of desertion standing against the military record of Bernhard Steuber—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 19866) granting an increase of pension to J. E. Bowers—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 19867) granting an increase of pension to John L. Lymes—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 19868) for the relief of Sarah A. Page, of Dover, Stewart County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 19869) granting an increase of pension to John E. Bowles—to the Committee on Pensions.

Also, a bill (H. R. 19870) granting an increase of pension to Thomas A. Worthington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19871) granting an increase of pension to John G. Kean, alias Cain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19872) granting an increase of pension to Richard E. Hassett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19873) granting an increase of pension to Robert Webb—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 19874) granting an increase of pension to George D. Brown—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 19875) granting an increase of pension to Isaac Willetts—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 19876) granting an increase of pension to Luman Vanhoosen—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 19877) granting an increase of pension to Francis Murray—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 19878) for the relief of the heirs of the estate of Alex F. McFerrin, deceased—to the Committee on War Claims.

By Mr. LEE: A bill (H. R. 19879) for the relief of John E. Herrod—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 19880) granting a pension to Mary J. Wroe—to the Committee on Pensions.

Also, a bill (H. R. 19881) for the relief of the heirs of Adolphus Feininger—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 19882) granting an increase of pension to Richard Schwabin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19883) granting an increase of pension to Henry Reens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19884) granting an increase of pension to Jane Brosnan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19885) granting an increase of pension to Frank Scherer—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 19886) granting an increase of pension to Margaret A. Atwood—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 19887) for the relief of William H. Roach—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 19888) granting a pension to Oliver H. Rhodes—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19889) granting an increase of pension to John M. Melson—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 19890) for the relief of Mary E. Manning—to the Committee on Claims.

By Mr. SMITH of Maryland: A bill (H. R. 19891) granting an increase of pension to Edwin D. Bates—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 19892) for the relief of the heirs of Joseph A. Brunson, deceased—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 19893) to correct the military record of Francis A. Russell—to the Committee on Military Affairs.

By Mr. TAYLOR of Alabama: A bill (H. R. 19894) to correct the military record of Robert Mauser—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 19895) to correct the military record of Henry Rockwood—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 19317) granting an increase of pension to Samantha B. Marshall—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19831) granting a pension to Clarence B. Sidener—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Great Central Market, of Chicago, for upbuilding of deep-sea marine ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAMS of Wisconsin: Paper to accompany bill for relief of Matthew Kerwin—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Petition of Milledgeville News, and W. J. Vough, proprietor, of Milledgeville, Ga., for legislation to permit courts to review decisions of the Post-Office Department and for amending law relative to admission to the mail of newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Paper to accompany bill for relief of Joel Jackson—to the Committee on Invalid Pensions.

By Mr. BURNETT: Paper to accompany bill for relief of Susan Seymour, heir of Edward H. Wade—to the Committee on War Claims.

By Mr. COCKS: Petition of Nassau County Gazette, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CROMER: Petition of Division No. 186, Amalgamated Street and Electric Railway Employees of America, Anderson, Ind., for the Chinese-exclusion act as it is—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of 60,000 Americans in Alaska, for elective representation in Congress by the people of Alaska—to the Committee on the Territories.

By Mr. DICKSON of Illinois: Petition of Henry L. Joy, Centralia, the Newton Democrat Publishing Company, and Mount Vernon News Company, for amendment to post-office laws making legal all paid subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Municipal Art Society of Baltimore, for an art advisory board—to the Committee on the Library.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of John G. Kean, alias Cain—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of F. A. Worthington—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Sarah A. Page—to the Committee on War Claims.

Also, paper to accompany bill for relief of Richard E. Hassett—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert Webb—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of citizens of Cuyahoga Falls, Ohio, for bill H. R. 15585, for increase of pensions of ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HEDGE: Petition of Saturday Evening Post, J. W. Murphy, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HITT: Petition of C. D. Hannon, Erie, Ill.; W. A. Scotchbrook, Stockton, Ill., and Cal. M. Freezer, Mount Carroll, Ill., for amendment to post-office laws and regulation making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Paper to accompany bill for relief of Oathcaloga Baptist Church, Barlow County, also George W. Smith—to the Committee on War Claims.

By Mr. LINDSAY: Petition of Municipal Art Society of Baltimore, for bills H. R. 1763 and S. 5694, for an expert art advisory board—to the Committee on the Library.

Also, a petition of Chicago Federation of Labor, against government by injunction, favoring anti-injunction laws—to the Committee on the Judiciary.

Also, petition of Chicago Federation of Labor, for anti-injunction laws, for the Pearre bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. LORIMER: Petition of Wilder & Co., for Hepburn bill with Senate amendments regarding liability initial carrier, also jurisdiction over sleeping-car and express companies—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of citizens of Michigan, against the ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

By Mr. MANN: Petition of the Supreme Council of the Royal League, against further commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Chicago Commercial Association, favoring bill for the upbuilding of our deep-sea marine (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: Paper to accompany bill for relief of Edward Scruggs, Williamson County, Tenn.—to the Committee on War Claims.

By Mr. POWERS: Petition of captains and pilots, for a lighthouse on Dogs Island, Passamaquoddy Bay, Maine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Cranesville and Blaine, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RUPPERT: Petition of Municipal Art Society of Baltimore, for Senate bill 5694 and H. R. 17630, for national art advisory board—to the Committee on the Library.

Also, petition of Chicago Federation of Labor, for anti-injunction law—to the Committee on Labor.

By Mr. RYAN: Petition of Municipal Art Society of Baltimore, for H. R. 17630, for national advisory board of art experts—to the Committee on the Library.

Also, petition of Chicago Federation of Labor, for the anti-injunction bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edwin D. Bates—to the Committee on Invalid Pensions.

By Mr. SHARTEL: Resolution of members of the working classes of Joplin, Mo., relative to unlawful procedure of governors of Idaho and Colorado against Charles H. Moyer, president, William D. Haywood, secretary, and George A. Pettibone, ex-member of executive board of Western Federation of Miners—to the Committee on Labor.

By Mr. SPARKMAN: Petition of Knights of Columbus, State Council, for bill H. R. 13304, for memorial for Christopher Columbus—to the Committee on the Library.

By Mr. SPIGHT: Paper to accompany bill for relief of heirs of Joseph A. Brunson, deceased—to the Committee on War Claims.

By Mr. STERLING: Petition of N. E. Stevens, P. E. Low, and William G. Dustin, for amendment to post-office laws and regulations to legalize all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Paper to accompany bill for relief of Francis A. Russell—to the Committee on Military Affairs.

By Mr. SULLIVAN of New York: Petition of Municipal Art Society of Baltimore, for bills S. 5694 and H. R. 17630, for an art advisory board—to the Committee on the Library.

By Mr. SULZER: Petition of Generals Raum, Crawford, and Birney, for S. 2162, relative to volunteer retired list—to the Committee on Military Affairs.

Also, petition of Chicago Federation of Labor, for the Pearre bill (H. R. 18752), relative to injunctions—to the Committee on the Judiciary.

Also, petition of Inter-Municipal Research Company, for bills H. R. 4462 and S. 2962, relative to labor conditions in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Executive Committee of National Business League, for a gradual enlargement of the Navy—to the Committee on Naval Affairs.

Also, petition of Municipal Art Society of Baltimore, for bills S. 5694 and H. R. 17630, for advisory board of art experts—to the Committee on the Library.

By Mr. WEEMS: Petition of First Presbyterian Church of Barnesville, Ohio, for constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. WILEY of Alabama: Petition of J. G. Graves, against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

FRIDAY, *June 1, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 19264) making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1907; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry citizens of Erie, Camp Point, Dallas City, Villa Grove, Johnson City, Mount Carmel, Ramsey, Chicago, Kirkwood, Princeton, Kinmundy, Vienna, Eureka, Dwight, Bridgeport, Bone Gap, Stockton, Monticello, Paxton, Martinsville, Baylis (Pike County), Alto Pass, Fisher, Mount Vernon, Athens, Mansfield, Peoria, Manteno, Marshall, and Wenona, all in the State of Illinois, praying for the adoption of a certain amendment to the postal laws relative to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a petition of Midland Division, No. 385, Brotherhood of Locomotive Engineers, of Colorado City, Colo., praying for the passage of the so-called "employers' liability bill;" which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Boulder, Colo., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 154, American Federation of Musicians, of Colorado Springs, Colo., and a petition of Local Union No. 20, American Federation of Musicians, of Denver, Colo., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Military Affairs.

He also presented petitions of the Nineteenth Century Club of Pueblo; of the Young Ladies' National Mutual Improvement Association of San Luis Valley, of Manassa; of the Pierian Club, of Trinidad; of the Columbian Club, of Fort Collins; of the Tuesday Evening Club, of Salida; of the Improvement Club, of Windsor, and of the Federation of Women's Clubs of Colorado Springs, all in the State of Colorado, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of Local Division, Brotherhood of Railroad Trainmen, of Salida, Colo., and a petition of Columbian Council, No. 5, Daughters of Liberty, of Denver, Colo., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a memorial of Local Division No. 19, Amalgamated Association of Street and Electric Railway Employees of America, of Colorado Springs, Colo., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Denver, Colo., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Denver Credit Men's Association, of Denver, Colo., remonstrating against the repeal of the present national bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of John S. Stewart Camp, No. 1, Army of the Philippines, of Denver, Colo., and a petition of Irving Hale Camp, No. 3, Army of the Philippines, of Colorado, praying for the enactment of legislation granting special medals to all officers and enlisted men who served beyond their legal enlistment to suppress the Philippine insurrection; which were referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the enactment of legislation authorizing the Secretary of Agriculture to investigate systems of farm management, making appropriation therefor, and for other purposes; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Business Men's Association of Pueblo, Colo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented petitions of 8,267 women of the State of Nebraska, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BRANDEGEE presented petitions of 5,316 women of the State of Connecticut, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BRANDEGEE. I present a petition of the Chamber of Commerce of New Haven, Conn., praying for the ratification of the pending treaty with Santo Domingo. I ask that it be re-

ferred to the Committee on Foreign Relations, and printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

THE CHAMBER OF COMMERCE OF NEW HAVEN.

At a stated meeting of the Chamber of Commerce of New Haven, held on Monday evening, May 28, 1906, upon the recommendation of the committee on legislation the following preambles and resolutions were unanimously adopted:

"Whereas for many years the political conditions in Santo Domingo have been such as to render unstable commercial enterprises there, and the customs department of the Republic has been so conducted and mismanaged that the business interests of this country can not safely either export or import goods because thereof; and

"Whereas on account of the debts and obligations owing to foreign countries by the Dominican Government and its citizens there is danger of still further disturbances to our commercial relations, not only with this, but with those countries to whom these debts and obligations are owing; and

"Whereas there is pending before the Senate of the United States a treaty which is designed to place upon a more satisfactory basis the collection of the tariffs and revenues of the Dominican Republic and the settlement and adjustment of its affairs with all its creditors; and

"Whereas the ratification of this treaty makes for the welfare of this country and of the Dominican Republic as well, and for the betterment of trade conditions with it: Now, therefore, be it

"*Resolved by the Chamber of Commerce of New Haven*, That this body hereby approves the ratification of the treaty pending in the Senate of the United States between this country and the Dominican Republic providing for the collection and disbursement by the United States of the custom revenues of the Republic; and it is further

"*Resolved*, That the secretary of this chamber be, and he is hereby, instructed to send copies of these preambles and resolutions to the Senators of this State in Congress, with the request that they favor the ratification of the pending treaty."

In witness whereof we have hereunto set our hands and affixed the seal of the chamber this 31st day of May, 1896.

[SEAL.] ROLLIN S. WOODRUFF, *President*.
JOHN CURRIER GALLAGHER, *Secretary*.

Mr. DANIEL presented petitions of 3,254 women of the State of Virginia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

JAMES T. WELLMAN.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 5373) to remove the charge of desertion from the military record of James T. Wellman, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

On request of Mr. LODGE, and by unanimous consent, the report was ordered to be printed in the RECORD, as follows:

ADVERSE REPORT TO ACCOMPANY BILL S. 5373.

The Committee on Military Affairs, which has had under careful consideration the bill (S. 5373) to remove the charge of desertion from the military record of James T. Wellman, has had the same under careful consideration, and hereby reports it back to the Senate adversely, recommending its indefinite postponement.

James T. Wellman appears to have enlisted in the Regular Army in September, 1864, and deserted in April, 1865. This is wholly different from enlistment in a volunteer regiment. Many young men who were away on furlough or on special details when the war ended did not appreciate the importance of rejoining their regiments and being regularly mustered out. Such men were, therefore, borne on the rolls as deserters; but although technically such, in many cases they were morally innocent. In cases of this sort your committee frequently reports favorably bills to correct the record. But when a man has enlisted in the Regular Army he owes the Government service whether in war or peace, and to overlook the desertion of a regular soldier would establish a very dangerous precedent and open the door to endless applications for correction of Regular Army records, which would be most detrimental to the service.

For the above reasons your committee feels that the bill (S. 5373) should be indefinitely postponed.

WILLIAM R. VAN NOTE.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 421) to correct the military record of William R. Van Note, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

On request of Mr. LODGE, and by unanimous consent, the report was ordered to be printed in the RECORD, as follows:

ADVERSE REPORT TO ACCOMPANY BILL S. 421.

William R. Van Note is shown by the record to have been mustered into service September 21, 1861, in Company D, Twenty-ninth Indiana Infantry Volunteers, and the muster rolls of October 31, 1862, report him absent a paroled prisoner of war, of which the records of prisoners of war furnish no information. According to his own story, he was taken prisoner at Lawrenceburg, Ky., was paroled, and went home ill. He never reported himself in any way to his regiment or to the authorities at Washington, but under the name of Riley Higginbotham, two years after his desertion, he was drafted in Michigan, examined, and held to service on October 4, 1864. This shows that his health, which he alleges as the reason for not rejoining his Indiana regiment, had been reestablished. In the Michigan regiment to which he was drafted, he served until the end of the war, and was then mustered out with an honorable discharge. The facts disclosed by this summary do not seem to your committee to warrant a correction by law of the record of William R. Van Note.

For the above reasons your committee feels that the bill (S. 421) should be indefinitely postponed.

UMATILLA INIDAN RESERVATION LANDS IN OREGON.

Mr. FULTON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6300) providing when patents shall issue to the purchasers of certain lands in the State of Oregon, to report it favorably without amendment. It is a short bill and local in its character. I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation in the State of Oregon and have made or shall make full and final payment therefor in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence, and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. FONDA.

Mr. CULLOM. I ask a favor which I have not asked before during this session. I should like to call up the bill (S. 6240) granting an increase of pension to John G. Fonda. The beneficiary is 85 or 86 years old, and is absolutely without funds for a living.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and brevet brigadier-general United States Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Fonda, late colonel One hundred and eighteenth Regiment Illinois Volunteer Infantry, and brevet brigadier-general United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CANAL BETWEEN PUGET SOUND AND LAKE WASHINGTON.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6329) authorizing James A. Moore or his assigns to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington, to report it favorably with amendments, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

Mr. SPOONER. I should like to have the first three or four lines read again.

The Secretary read as requested.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BACON. I should like to inquire of the Senator in charge of the bill whether this canal is to be constructed by a company or by an individual.

Mr. PILES. The bill provides for its construction by James A. Moore, a private individual, or his assigns. It is a matter where the county of King, in which the canal is to be constructed, will donate about $500,000 to the Government. The bill gives authority to construct a canal across the right of way, which the people of King County presented to the General Government some years ago.

Mr. BACON. As I understand the purport of the bill, it is simply to gain the consent of the Federal Government, so far as that consent is necessary as to navigable waters.

Mr. PILES. To construct a canal from Lake Washington to a connection with Lake Union in the northern part of the city of Seattle, and thence through Salmon Bay to a connection with the waters of Puget Sound, a distance of about 6 miles all told, land and water.

The VICE-PRESIDENT. The amendments reported by the Committee on Commerce will be stated in their order.

The first amendment was, on page 1, line 5, after the words "ship canal," to insert:

Not less than 25 feet in depth and with a bottom width of not less than 60 feet.

The amendment was agreed to.

The next amendment was, on page 1, line 5, after the words "timber lock," to insert:

Of not less than 600 feet in length and 72 feet in width.

The amendment was agreed to.

The next amendment was, on page 1, line 11, after the words "United States," to insert:

Which shall include provision for the discharge of waters from Lakes Union and Washington and afford adequate protection against claims for damages for changing the level of Lake Washington.

The amendment was agreed to.

The next amendment was, on page 2, line 20, after the word "jurisdiction," to insert:

And the said Secretary of War may compel the execution of a sufficient bond by the said James A. Moore, or his assigns, insuring compliance with the provisions and conditions imposed.

The amendment was agreed to.

The next amendment was, on page 2, line 24, after the words "United States," to insert:

But the said James A. Moore, or his assigns, shall operate and maintain in suitable condition the said canal and lock after completion for a period of three years to the satisfaction of said Secretary of War and Chief of Engineers of the United States, free of cost to the United States, and from charges of any kind whatever, and free from the payment of all tolls.

The amendment was agreed to.

Mr. BACON. I have not had an opportunity to examine the bill, but, as I gathered from the reading, there is no incorporation by the bill or the grant of any corporate power; it is simply permission to use the waters where such permission is required on account of those waters being navigable. Am I correct?

Mr. PILES. That is correct. The bill simply gives the consent of the United States to the construction of a canal along the right of way which the people of that county themselves gave to the United States.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. MORRIS.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 3521) to correct the military record of Thomas J. Morris, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SCOTT introduced the following bills; which were severally read twice by their title, and referred to the Committee on Claims:

A bill (S. 6340) for the relief of the estate of John Snyder, deceased; and

A bill (S. 6341) for the relief of Sampson Snyder.

Mr. NELSON introduced a bill (S. 6342) granting an increase of pension to William Birney and twenty-one other officers of the Volunteer Army of the civil war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6343) for the relief of the estate of Henry W. Miller, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 6344) to remove the charge of desertion from the military record of C. F. Bulfinch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 6345) for the relief of the trustees of the Methodist Episcopal Church South, of Huntsville, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT (for Mr. DEPEW) introduced a bill (S. 6346) granting a pension to Sarah J. White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6347) granting an increase of pension to Edward R. Cunningham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6348) granting a pension to Timothy Edwards;

A bill (S. 6349) granting a pension to Gaston H. Wilder;

A bill (S. 6350) granting an increase of pension to Silas G. Clark; and

A bill (S. 6351) granting an increase of pension to Andrew J. West.

Mr. OVERMAN introduced a bill (S. 6352) for the relief of Orrin R. Smith; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 6353) granting an increase of pension to Dolores S. Foster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 6354) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement; which was read twice by its title, and referred to the Committee on Indian Affairs.

WISCONSIN FOREST RESERVE.

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserve of said State; which was referred to the Committee on Public Lands, and ordered to be printed.

BUILDINGS FOR EMBASSIES AND LEGATIONS.

Mr. FORAKER submitted an amendment proposing to appropriate $1,000,000 for the acquisition in foreign capitals of proper sites and buildings which shall be used by the embassies and legations of the United States, etc., intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

GAZETTEER OF THE PHILIPPINES.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in the form of the edition of 1902 (S. Doc. 280, 57th Cong., 1st sess.) 5,000 copies of the Gazetteer of the Philippine Islands, revised to January 1, 1906, with suitable maps and charts, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, 1,000 copies for the use of the War Department, and 1,000 copies for the use of the Philippine Commission.

REPORT ON ALASKAN SCHOOLS, ETC.

Mr. TELLER. I submit a resolution of inquiry. I ask to have it read and considered.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and hereby is, directed, if not incompatible with the public interest, to furnish the Senate with a copy of any communications received from the Commissioner of Education commenting upon, or in reply to, the report of the investigation made in 1905 by Special Agent Frank C. Churchill, regarding the condition of educational and school service and the management of reindeer service in the district of Alaska, the same to be attached to and printed with the report of Special Agent Frank C. Churchill, which was called for by the Senate in session May 31, 1906.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. Yesterday I offered a resolution substantially the same, which was agreed to, asking the President to communicate that report to the Senate. I think, if the Senator will look at the RECORD, he will see that it covers the point.

Mr. TELLER. The Senator from New Hampshire introduced a resolution calling for Mr. Churchill's report, and I am asking for the reply of the Commissioner of Education to it.

Mr. GALLINGER. Oh, I beg pardon.

Mr. TELLER. So as to have the two together.

Mr. GALLINGER. I think that is very proper. I thought it was the same report.

The resolution was considered by unanimous consent, and agreed to.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions.

The bill had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert a substitute, which was read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. That is a class of bills that I do not think should be passed in the morning hour.

The VICE-PRESIDENT. Objection is made, and the bill will lie over.

PUBLIC LAND LEASES IN NEW MEXICO.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 18600) to amend section 10 of the act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes, to report it favorably without amendment. This is a House bill, and I ask for its present consideration.

Mr. CULBERSON. I should like to ask if it is the unanimous report of the Committee on Public Lands?

Mr. HANSBROUGH. I will say to the Senator that this bill is the existing law with some slight exceptions. Under exist-

ing law the Secretary of the Interior is authorized to lease lands in New Mexico in areas not exceeding 640 acres. It is found that owing to the character of the land there the Department can not make any leases; that nobody wants them. It is proposed by the bill to allow the Secretary, in his discretion, to lease them in larger areas than 640 acres. That is all there is to the bill.

Mr. CULBERSON. Is it a unanimous report by the committee?

Mr. HANSBROUGH. It is a unanimous report by the committee.

Mr. SPOONER. I should like to inquire if there is no limit in the bill upon the area which the Secretary of the Interior may lease?

Mr. HANSBROUGH. No; there is no limit. It is supposed that the Secretary——

Mr. SPOONER. I am not in favor of giving unlimited power in that way.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SPOONER. I think it had better go over, that we may look at it.

The VICE-PRESIDENT. Under objection, the bill will lie over. It will be placed on the Calendar.

POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist upon its amendments, that the request for a conference by the House be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY as the conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 19264. An act making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1907, was read twice by its title, and referred to the Committee on Appropriations.

PROPOSED ISLE OF PINES INVESTIGATION.

Mr. MORGAN. I wish to call up the resolution submitted by me on a former day, which went over by consent, and is on the table, subject to call.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. MORGAN March 22, 1906, as follows:

Resolved, That a committee of seven Senators be appointed by the Chair, with instructions to make diligent and careful examination into the condition of the people of the Isle of Pines before and since the enactment of the law known as the "Platt amendment" to the Army appropriation bill, approved the 2d day of March, 1901, and up to the time of the execution of this order and their report thereon.

Such inquiry shall include the form of the so-called "government de facto" in said island, its officers, and by whom appointed, and the manner in which such government has been conducted by those who claim or have claimed to be in authority there since the Army of the United States was withdrawn from the island of Cuba and the government of that island was turned over to the Congress and people of Cuba.

The committee shall inquire and report whether under such government in the Isle of Pines any official abuses or oppressions have occurred with reference to the people of that island affecting their liberties, their persons, or their schools, their churches, their sepultures, their taxation, their employment or vocation, their property of any description, the registry of their land titles or wills or other conveyances, their intercourse and trade on the island, or with other ports or places, or with shipping engaged in the trade of the island.

They will inquire and report in respect of any alleged judicial proceedings, civil or criminal, conducted or entertained by any judge, magistrate, or alcalde acting under the laws of Cuba, against any of the inhabitants of the Isle of Pines, resulting in their imprisonment or amercement in fines or forfeitures, and of the places at which such trials were had, and as to the removal of such defendants, by force or compulsion, to any place in the island of Cuba to answer such accusations or prosecutions. And also whether the alleged judicial officers so employed in such proceedings were appointed by the Government of Cuba or of any department thereof.

Said committee will further inquire and report as to the number of American citizens that were residing in the Isle of Pines at the time when the Government of Cuba was turned over to the Congress and people of the Republic of Cuba and before that time, and when the immigration of such citizens into said island first begun.

They will further ascertain and report as to the progress of such immigration, and the classes of people who settled in the island as seekers and builders of permanent homes or places of residence, and the number of such citizens who now reside in the Isle of Pines as permanent settlers; and also what increase or decrease of population and of what citizenship, respectively, has taken place in that island since the evacuation of Cuba by the Army of the United States.

The committee will also examine into the condition of the island as to agriculture, fruit growing, and the extent to which the immigrants from the United States are landowners and cultivators, and whether their crops, orchards, and farm productions, such as cattle, hogs, and poultry, are becoming productive and prosperous.

They will also give descriptions of the topography of the island, its waters and water courses, and its coasts, bays, inlets, and harbors, with reference to navigation; and its roads and bridges and by whom constructed and paid for; its forests and their value; the healthfulness of the island, and the character and conduct of the citizens of the United States who reside there, and, generally, any facts that will inform the Senate as to all material facts concerning the duty of the Government toward the safeguarding, protection, and regulation and control of its citizens who inhabit the Isle of Pines.

2. Said committee is empowered to visit the Isle of Pines, or to designate a subcommittee to visit the same, and to send for persons and papers. Oaths to witnesses may be administered by any member of the committee or subcommittee.

3. The committee is empowered to appoint a secretary, a stenographer, a typewriter, and a sergeant-at-arms, and to pay them their compensation at the rate prescribed by law.

The necessary allowances for travel and board of the committee and its officers and for attendance and the mileage and attendance of witnesses shall be paid on proper vouchers approved by the chairman of the committee, out of the contingent fund of the Senate.

The committee may sit during the sessions of the Senate or during its vacations and at any place in the United States or in the Isle of Pines.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. Will the Senator from Alabama yield that I may call up the bill which was not finished yesterday?

Mr. MORGAN. How long will that bill take?

Mr. LA FOLLETTE. I can not say, but I do not think it will take very long. It was under consideration for some time yesterday.

Mr. MORGAN. Unless some definite time could be fixed, I can not consent. If a definite time is fixed that the bill will occupy, then I would know whether I would have the opportunity to present this resolution before the Senate to-day?

Mr. LODGE. What is the status of the resolution?

The VICE-PRESIDENT. It is noted upon the record that it went over on a former day subject to the call of the Senator from Alabama.

Mr. HALE. It evidently ought to be referred to the Committee on Foreign Relations. I make that motion.

Mr. MORGAN. The motion is to refer it.

Mr. HALE. To refer it to the Committee on Foreign Relations. I do not think a matter of this magnitude, with a treaty pending, should be passed upon here without the action of the committee.

Mr. MORGAN. I am very glad the motion has been made, as it brings the subject directly in review before the Senate.

Mr. President, I propose now to proceed with my observations upon the resolution.

I offered the resolution in the Senate at the request of a number of people in the United States, and also in the Isle of Pines, which I think is a part of the United States. I have many of their letters here. Some of them I have not preserved.

There has been and is very great solicitude on the part of the people concerned in the Isle of Pines and on the part of many thousands of people who are not concerned in the Isle of Pines to have some rational, honest, just settlement of the question that has taken hold of the public mind in a very earnest way that can not be suppressed.

The matter has been before the Senate in the form of treaty negotiations for three years. The Senate has been very reluctant even to consider the question, it appears. I desire now to bring to the attention of the Senate reasons why we should have what I will call official and authentic statements in regard to the situation of the people in that island, and of the laws that are obtaining there, and also of certain alleged abuses of those laws on the part of the Government of Cuba.

It may be proper for me to premise by saying that the elder members of this body who have been here for several years and who were here during the struggle for the independence of Cuba know that there is no man in this body who was more devoutly concerned in the efforts to bring to the Cuban people the relief that they claimed against the Spanish Government than I, and that I have always been a friend of that island and of its people, and am to-day.

But, Mr. President, above the people of Cuba or any other people in the world I am the friend of American citizens. In this matter there is presented a controversy between the Government of Cuba on one side and the people of the United States on another side which requires to be settled in some friendly and proper way. Otherwise it will aggravate itself. I do not mean that it will be aggravated. It will aggravate itself into a condition that will bring very serious consequences upon both countries—Cuba and the United States.

I think that I may properly say that the present Administration of the Government of the United States is antagonistic to

this claim of the people of the United States; that instead of throwing its embracing and protecting arms around these people it antagonizes them in a very severe and in a very unjust and unlawful way. That is my view of the situation at present, and I think I shall be able to demonstrate it as being true.

Now, that treaty is before the Senate in executive session. I do not propose to enter into any discussion of the merits or terms of that treaty, yet it has been published, and the world at large has taken the liberty of discussing it in the most unlimited way.

That treaty, Mr. President, has been the first occasion since I have been in the Senate of the United States when the diplomatic department of the Government has arrayed itself directly and distinctly against a very large and a very respectable body of American citizens. This is a lamentable condition, for which I am sure I am in no way in the world responsible. I have tried in every way I knew how to bring a reconciliation between the Government of the United States and its own people upon this subject, and I am here to-day for that purpose. I am not here for the purpose of launching any material or fuel for political campaigning. If I felt that the opportunity was very great, as it probably may be, and is to take that course in this controversy, I would hesitate to do it, because these are questions that belong more properly to the jurisdiction of the Senate of the United States than of any other body in the Government. The Senate has the exclusive jurisdiction of considering and ratifying treaties, and it is also a representative political body of very great importance.

I have been among the Senators on this side of the Chamber and on that side of the Chamber for days and days together, petitioning, arguing, and trying to persuade them that this resolution be allowed to pass without discussion. It has recommended itself so thoroughly to the judgment, wise discretion, and forecast of the Senate that I can not doubt that it will pass this body. Yet I have not attempted to ascertain by a count or anything like it whether it has the strength to pass this body or not.

Many of the gentlemen on the other side of the Chamber have agreed with me that the resolution ought to pass this body without discussion, that the facts which lie behind it and support it ought not to be brought through discussion to the sharp attention of the people of the United States. Others, however, for reasons that, of course, are best known to themselves, probably reasons derived from suggestions from the Administration, demand that there shall be no such resolution passed; that there shall be no inquiry into the existing conditions in the Isle of Pines; that these people whose petitions have come here shall not be heard; that they shall be dealt with as if they were outlaws and vagabonds without anybody to care for them or to protect them in the United States Congress.

I think if gentlemen find themselves driven upon that line of discussion they will become satisfied before we get through with the fact that, from the presentation of the case as it appears, they have made a wide mistake in joining issue with those people upon the conditions existing in the Isle of Pines and in Cuba.

I am here now, Mr. President, to present this resolution as a peacemaker, a measure of reconciliation, a measure that will lead to the adjustment of very severely antagonized and disputed rights claimed by the people of the United States, and what I conceive to be very unjust, very arrogant, very unlawful pretensions on the part of the Government of Cuba, that friend of mine for whom every pulsation of my heart beats in kindness. But I can not afford to stand here and see the little remnant of Spanish arrogance that remains in Cuba dictate wrong and injustice and imprisonment in the penitentiary, and the like of that, contrary to the laws of the United States and contrary to the laws and the constitution of Cuba, upon honest, just, and law-abiding men. I can not afford to do that. If those people insist upon pushing matters to extremities against just and upright people of the United States, they will find themselves mistaken.

The first paper to which I will call attention is a list of between 1,900 and 2,000 people in the Isle of Pines, which has been compiled by a very respectable committee of that island on personal examination from house to house, setting forth a census of those people in the Isle of Pines. This census, I think, contains over 1,900 names, and yet this is only a part of it. Another part of it was mailed to me from the Isle of Pines, as I am well assured, and robbed out of the mail. Robberies of mails between here and Cuba are very frequent. This census list gives the names of all of the different landowners and settlers in the Isle of Pines. There are forty-one pages of the paper that I hold in my hand. The name of each person is given—for instance, "William Flint, Spencer, Iowa; number of family, 7; average of land owned, 300 acres; acres improved, 40," and so on. The list goes through with every American citizen in the Isle of Pines.

It was a troublesome matter to get up. It was expensive. It has been honestly taken by three gentlemen as respectable as sit in this Chamber, for that matter, so far as the question of respectability is concerned; but it was interrupted by arrests by Cuban officeholders in the Isle of Pines for undertaking to take this census. The taking of this list has been considered a very grave offense against the Government and the people of Cuba, and members of the committee have been arrested and carried before officers for daring to go around and take a list of their own people for the information of the Congress and of the people of the United States.

Mr. President, I will not make the motion now, but at the proper time I will ask that this list and the one that has been robbed out of the mails, if I can get hold of it, may be printed for the use of the Senate and for the use of any committee that may be sent down there to examine into this subject to ascertain whether it is true. If it is true, it is a very important document. It speaks of the actual facts in regard to this entire transaction in a very thorough and honest way. These facts themselves, if there were no other facts in this case, would show that there are there in the Isle of Pines, as estimated, between 1,800 and 2,000 of the citizens of the United States, who have gone to the Isle of Pines in good faith, bought property, and in every respect have acted without any thought of covin or fraud or any matter of a dishonest kind, whose good faith is as perfectly sincere as that of any settler who ever went from the East out to the broad plains of the West and took up his homestead. These people are there to-day. At the time when the treaty was negotiated, three years and more ago, there were not more than 400 or 500 of them there, and since that time they have built up that country until there are, I suppose, at least 1,800 of them, and perhaps 2,000. I can not get the figures accurately, because I can not get hold of the papers that have miscarried and have failed to reach me.

Mr. President, I want to call the attention of the Senate to this important matter, as I conceive. In passing upon this treaty, under which we propose to sell the Island of Pines to Cuba for an expressed but undefined consideration, ought not that question to be considered at this day and this hour in the light of facts as they now exist, and not in the light of facts as they may have existed on the day of the adoption of the Platt amendment or on the day of the negotiations of this treaty which is said to be in pursuance of that amendment? Can the Senate of the United States, or the Congress of the United States, afford to take up this subject and treat it as if those people were not there, as if no new rights had supervened there? Are we not bound, in the very nature of things, and bound by the obligation of honorable duty to our own people, to send a committee of this body down there to ascertain what are the present conditions and whether or not it is just, right, politic, and wise that the Island of Pines should be sold by the Government of the United States, as is proposed to be done by this treaty, to the Government of Cuba? I wish now to draw attention to and to emphasize these two propositions. First of all, this is a treaty that three years ago proposed to sell the Island of Pines to the Government of Cuba—there can be no doubt of that, because the second article of the treaty says so—for a consideration unexpressed or undefined in the treaty, merely hinted at and alluded to probably for the purpose of justifying the conscience or promoting the popularity of the Administration; I do not know which. I will not take up the question as to what that consideration is or probably may be, for it is a supposititious matter, and we have got to guess at it, except that it has some connection with the purchase of a coaling station on the Island of Cuba, at Guantanamo; but there is to be a sale on that consideration of the Island of Pines to the Cuban Government in that treaty.

Why are we selling it unless we own it? Has not an American citizen the right to believe that he will be protected in all the rights acquired before the sale is made and while the negotiations may be going on? Has he not a right to believe, reading the face of that treaty, that the Government of the United States owns the Isle of Pines, and that the flag is at home over that island, because the Government proposes to sell it to Cuba? Take that one single fact and look at it alone, by itself, in this mass of facts that are presented here, and let this question of the sending of this committee down there be determined by that fact, and the resolution will be adopted. The Government of the United States three years ago offered to sell this island to Cuba for a consideration. That matter has been held up in the Senate of the United States, because, no doubt, the Senate could not get its consent to cooperate with the diplo-

matic Government in making that sale. The Senate has never been called upon to say whether Cuba owned the island or the United States owned it, for the reason that the diplomatic power of the Government of the United States in the treaty itself has announced the fact that the Government of the United States owns it and proposes to sell it.

The people who have gone there, those who were there before this thing took place and those who have gone there since this thing took place, have a perfect right to take the same attitude on the subject which the Government took, which is that the island belonged to the United States; but it is nevertheless proposed to be sold to Cuba. Those people have not believed that the Government could or would denationalize them and force them to accept Cuban citizenship or else abandon their homes, to the utter ruin of the most of them. No American has had occasion heretofore to take such a view of any American administration.

Those people, Mr. President, in looking at that situation, have been—I will not say entrapped or deceived; but according to the present attitude of the Government of the United States, and especially of the Secretary of State, they have been very grossly misled, for, notwithstanding that treaty is here to-day and demanding ratification in the form in which it was negotiated, the Secretary of State has come forward in a letter, which I shall presently present to the Senate, and has stated that the Island of Pines always belonged to Cuba and belongs to it now, and that the United States can never get any title to it except through a treaty of cession from the Government of Cuba. Why, then, is the Secretary of State here urging and demanding the sale of that island to the Government of Cuba, when he announces that Cuba always owned it? If, for reasons that are satisfactory to him, politically or personally, he wants the Government of Cuba to take this island, let him take his treaty out of this body, withdraw it from consideration, and stand on the doctrine that Cuba always owned the island and owns it to-day and that the Government of the United States can not get title to it except by treaty with Cuba ceding it to us. Let the honorable Secretary of State, with all of his great character and his great legal information, stand up before the country and answer this question. He can not afford to do it, having stated that attitude as presented on the face of the papers.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Texas?

Mr. MORGAN. I do.

Mr. CULBERSON. Do I understand the Senator from Alabama to make the proposition that the treaty which has been pending here for three years in one of its sections proposes to sell to Cuba the Isle of Pines, and that after that treaty was submitted and after that position of the United States was known citizens of the United States became financially interested in the Isle of Pines?

Mr. MORGAN. Yes, Mr. President, before that time and since that time; but since that time there has been a greatly accelerated immigration. The people of the United States have gone there and have settled up this island until, if the Senate can see it [exhibiting a map], the red colors there represent American ownership of the land and the yellow colors represent Spanish ownership—not Cuban, but the ownership by Spaniards—of the land of that island. The few little black specks scattered about the map, amounting to probably not 20,000 acres, represent land belonging to men who were Spaniards and registered themselves as Cubans under the treaty of Paris. Here it is [exhibiting].

We have had various statements from time to time about the American ownership there. At one time it is put down as one-fourth, the next time as one-half, the next time as two-thirds, the next time as seven-eighths of the island, and now it is nine-tenths, showing the accelerated immigration and the increased improvements that have been going on there; and farms have been laid out and houses built, on which money has been expended by the people who have purchased lands in the island. It can not be less than two and a half million dollars which has been expended in their improvements.

They have been acting since that treaty was signed upon the statement contained in the body of the treaty, that the United States owned the property and was selling it to Cuba, and they have been migrating there and trying to occupy that country in the hope that they would be able to show the United States that it was better for the people of the United States and better for the people of Cuba and of the world that an honest, enterprising, industrious American citizenship should go there and improve that beautiful and lovely island rather than that it should remain in the neglect which Cuba and Spain had bestowed upon it heretofore. Were they covetous? Had they no claim to a just interpretation of their motives, when they considered the vast sums our people had expended in redeeming Cuba from Spanish despotism, and of the lives of their sons sacrificed in battle and in camp for the independence of Cuba? We will see where the boasted gratitude of Cuba is exhibited in the unlawful and brutal treatment of our worthy citizens on the Isle of Pines.

Mr. President, I wish to present some of my credentials to the Senators of the United States in connection with this particular subject. I have not got a single constituent in the Isle of Pines, except one poor fellow who migrated to the Isle of Pines long before this treaty was made—as soon as the Platt amendment was adopted. He went from the county of Blount, took his wife and his three or four children with him, and bought himself about 10 acres of land, planted it with orchards—oranges, pineapples, and what not. When he saw that a Cuban officer had gone in on the Island of Pines, hauled down the American flag and put up the Cuban flag over that country, he became alarmed about his little family, and he wrote me a quiet, beseeching letter, that I would try to look after his interests in the Senate. Since that time, until the day before yesterday I have never received a communication from any man in Alabama in regard to this business; but I have received hundreds of communications from Ohio, from Pennsylvania, from New Jersey, from New York, from Iowa, from Wisconsin, and from Michigan, all north of the river Ohio, beseeching me, a Democrat, a southern man, an "ex-Confederate brigadier," and a man, of course, who is the despised of the despised of the world in the estimation of those people—beseeching me that I would come forward and advocate their cause, and I am here for that purpose.

These are my credentials in connection with the advocacy of their case. I am not here to advocate anybody—if there is anybody of that sort in the Island of Pines—who is a mere exploiter of capital or of speculation; but there are very many hundreds of honest, upright, industrious, faithful citizens of the United States who are there engaged in attending to their own business and really making the desert blossom as a rose. These are the men to whom my first allegiance is due. That is an allegiance of affection; the other is the allegiance of the law. Both the law and an honest pride in defending the rights of my countrymen unite in supporting me in an honest effort to see that justice is done to them. Age and weariness will not cause me to fail in that duty, especially when our own Government reproaches them for quietly demanding justice.

I have here, Mr. President, some petitions that I desire to read on this subject. The first one that I will read was handed to me this morning. It explains how it happens that this charge got abroad throughout the United States that the Isle of Pines was being settled by speculators for the purposes of money making, and that those are the men whom Senators on the other side of the Chamber are trying to oppose, I must not say, in justice to the other side of the Chamber, because there are a number of Senators on that side of the Chamber who are as much interested in this matter as I am and in the same direction—I will speak of those gentlemen who are afraid that the Isle of Pines is a big speculaton, a land speculation, and who therefore raise their voices against it.

The people whom I am trying to represent here are the farming elements and the mechanics of that region of country, the men who raise fruit and crops of very valuable sorts, and the owners of boats who fish for sponges and other fishes. The last papers I have got explain the reason why it was that in the beginning of the operations in the Isle of Pines it required cooperation in order to raise money enough to get hold of any title that could be made use of. I will read it:

WASHINGTON, D. C., *June 1, 1906.*

HON. JOHN T. MORGAN,
United States Senate.

MY DEAR SIR: In my last communication to you I neglected to mention a few facts relative to the early purchase of land in the Isle of Pines, which I deem of considerable importance to this discussion. The first American purchasers of land on the Isle of Pines after the Spanish-American war were a number of Iowa farmers, headed by Ira A. Brown, who secured their holdings about July or August, 1901. On their visit to the island they found it impossible to purchase land in small lots. The only tract which they found that they could purchase at that time was Santa Rosalie, containing 20,000 acres. They formed a syndicate of Iowa farmers, consisting of forty or more, and purchased this tract for division. They then incorporated under the name of the Isle of Pines Land and Development Company, and spent about $5,000 in surveying and subdividing the same. Following this, they set aside for each member of the syndicate 100 acres, which was turned over to him as his private property, and the balance, divided into 10, 20, and 40 acre tracts, was reserved for sale to others. Nearly every man in the syndicate immediately went to work improving his hundred-acre holding. They laid out the town-site called Columbia, each taking a lot, and since then this town has been slowly building and improving.

A few weeks after this was purchased I took an option on the estate of Don Juan Costa, deceased, an old ex-Spanish military officer, who had been living on the island for many years, and who was a direct

descendant of Captain Duarte, to whom the whole island had been ceded by the Spanish Crown. With the aid of some gentlemen from New York, we purchased this large estate, consisting of about 60,000 acres and a large number of houses and lots in the town of Nueva Gerona, at a cost of several hundred thousand dollars. That was the largest estate on the island, but not a single house upon it or a foot of land in it could have been purchased as a separate entity. The whole estate had to be taken intact, as the heirs of Costa were scattered in different parts of the world. They could not agree upon a division, so the whole property had to be sold together. We have since interested nearly 500 American citizens in small tracts of this property.

Many other syndicates of Americans were formed in this way, as they were forced to raise large capital to buy large tracts of land, as the whole island was divided into large divisions and the owners would only sell on condition that their land was taken as a whole.

All titles in all land on the island go back to Captain Duarte, a Spanish army officer, to whom the whole island was granted by the Spanish Crown, as a reward for cleaning out the pirates who infested the island.

Before the Spanish-American war there never was any great number of civilians living on the island. There were only a few large Spanish landowners, engaged in raising cattle and hogs, who utilized prison labor, as the island was a penal and military station, where prisoners from the other West Indian islands of the Spanish possessions were sent rather than to the Spanish penal possessions in Europe.

The reason that the census taken by the American military in 1899 showed a population of over 3,100 in the Isle of Pines was due to a great influx of Spanish refugees, who had gone there for protection during the change from Spanish to American sovereignty, fearing to remain among their Cuban neighbors, who they believed might attempt to wreak vengeance on all Spaniards in Cuba. At one time these refugees were said to have numbered over 14,000, but when the census was taken, in 1899, the larger portion of them had returned to their homes in Cuba, and within a year after the census was taken they had practically all returned to Cuba, leaving the normal population of the island—which, in my judgment, at that time was not more than 1,500. I believe that about half of these have since emigrated to Cuba, after selling out their holdings to Americans, their places being taken by the purchasers. I believe that the present population of the island is between 1,600 and 1,800. Nearly all of the native population live in Nueva Gerona and Santa Fe, and nearly all the farms are owned and operated by Americans. When all of the 2,500 Americans, many of whom are heads of families, remove with their families to the Isle of Pines and begin improvements on their real estate holdings, as were their intentions when they bought, you can readily see that the American population on the island ought to aggregate 6,000 or 7,000, even if no more land is purchased by Americans down there. In my judgment, the island is capable of supporting a population of 200,000 people.

Yours, truly, S. H. PEARCY.

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me S. H. Pearcy, a resident of the Isle of Pines, who, first being duly sworn, deposes and says that the above letter to Senator JOHN T. MORGAN is true and correct to the best of his personal knowledge and belief.

[SEAL.] BENJ. VAIL, *Notary Public.*

I requested these gentlemen, if they wrote me any letters in regard to conditions in Cuba, to please swear to them, not that I in the slightest degree suspected their veracity, but because their veracity has been frequently questioned. They are constantly accused of false exaggeration in their statements. I undertake to say, with my knowledge of the people there, so far as it goes, and my observation of humanity, that it is about as respectable a community as any community of the same size that you can find in the United States.

Now, Mr. President, I present and ask the Secretary to read for my relief, because I am not very strong, the other petition to me, which causes me to attempt to get justice for these people.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the petition referred to.

Mr. FORAKER. May I interrupt the Senator before the Secretary proceeds with the reading?

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Certainly.

Mr. FORAKER. May I inquire what the paper is which the Secretary is about to read?

Mr. MORGAN. The paper is a sworn statement of Mr. S. H. Pearcy with regard to conditions on the Isle of Pines.

Mr. MONEY. May I ask the Senator from Alabama does he expect to get action on this resolution to-day?

Mr. MORGAN. I do not know. It is here at the disposal of the Senate. I want to press this resolution to a vote. A motion has been made to refer it to the Committee on Foreign Relations, and I am willing to take a test vote on that motion.

Mr. MONEY. I want to say now that before any vote can be had, I desire to be heard in reply to the Senator from Alabama as to certain statements he has made. With all respect to the Senator and in perfect kindness, I have something to say regarding the passage of a resolution like this, which intrusts to a committee of the Senate a duty that belongs, in my opinion, to the diplomatic department of this Government.

Mr. FORAKER. I will want to say something also.

Mr. MORGAN. I seem to be calling gentlemen to their feet before I get my case stated.

Mr. FORAKER. I was not called to my feet by that. I did not hear the Senator state what the paper was which he asked to have read.

Mr. MORGAN. I am just now making a statement of the case.

Mr. FORAKER. I was spoken to by another Senator at the moment, and I wanted to know what the paper was, and so I made the remark as to my desire to say something in answer only because I was on my feet at the time.

The VICE-PRESIDENT. Without objection, the Secretary will read.

The Secretary proceeded to read the petition.

Mr. MORGAN. Mr. President, as the reading of this paper will occupy more time than I believe ought to be occupied this morning, and inasmuch as the resolution will probably have to go over, as it is going to be debated, I will ask leave to insert the petition in the RECORD without further reading, instead of having it read at length, and I will proceed with my other statement. I do not expect to be able to do more in the time remaining than to get my case stated.

The PRESIDING OFFICER (Mr. BACON in the chair). Is there objection to the request of the Senator from Alabama that the paper referred to by him be printed in the RECORD without reading?

Mr. CULLOM. Let it be printed as a document.

Mr. MORGAN. It is suggested to me that it also be printed as a document.

Mr. CULLOM. No; I thought it would be better to print it as a document and not print it in the RECORD.

Mr. MORGAN. No; I want it printed in the RECORD.

The PRESIDING OFFICER. The Senator from Alabama asks that the paper referred to be inserted in the RECORD without further reading, and also printed as a document.

Mr. CULLOM. It seems to me we ought not to double up the printing unnecessarily.

Mr. MORGAN. I have the floor, and I will stay here and read the petition myself, if necessary.

Mr. CULLOM. I have no objection to its being printed in the RECORD, as the Senator desires. I only suggested to him that if he preferred it could be printed as a document, or in the RECORD, whichever he preferred.

Mr. MORGAN. I prefer to have it printed in both forms.

Mr. CULLOM. If the Senator so prefers, I am satisfied, but I do not think it ought to be printed in both forms.

Mr. MORGAN. The Senator suggested that it be printed as a document after I had asked that it be printed in the RECORD. It was to accommodate the Senator that I also asked to have it printed as a document.

Mr. CULLOM. I suggested to the Senator that perhaps he would prefer the latter.

Mr. MORGAN. Either way, I do not care; but let it go in the RECORD.

Mr. CULLOM. I have no objection to that.

Mr. MORGAN. Then I ask that I may have leave to print it in the RECORD without further reading.

The PRESIDING OFFICER. The Senator from Alabama requests that the paper referred to by him be printed in the RECORD without further reading. Is there objection? The Chair hears none, and it is so ordered.

The paper referred to is as follows:

WASHINGTON, D. C., *May 21, 1906.*

HON. JOHN T. MORGAN,
United States Senate, Washington, D. C.

MY DEAR SIR: I desire to call to your attention a few of the conditions existing in the Isle of Pines for the past five years, but more particularly since the American soldiers were withdrawn from Cuba, May 20, 1902.

I am a citizen of the State of Tennessee, but for the past five years have lived in the Isle of Pines. I became a resident of that island on account of assurances which I myself and other American citizens received from the War Department of the United States Government. These assurances were of such a character as to leave no doubt in our minds at the time as to the sovereignty and title to the island being in the United States Government. This belief was further strengthened and confirmed by assurances received from the Hon. John Hay, Secretary of State, at his office in the State Department in Washington, in the presence of other witnesses, who can be produced to verify my statements. These assurances were of such a nature as to leave no doubts in our minds that the island would be retained as American territory. The American citizens resident in the Isle of Pines for a long time never doubted or questioned the fact that the island was American territory, but as the time grew near for the American Government to be withdrawn from Cuba and nothing had been stated in an official public way with respect to what arrangements were going to be made regarding the future government of the Isle of Pines upon the withdrawal of the American troops, we deemed it advisable to see General Wood at Habana and find out from him if any steps were to be taken with regard to an American government in the Isle of Pines after he would withdraw from Cuba on May 20, 1902. Accordingly a mass meeting of the residents of the Isle of Pines was called three or four weeks before the turning over of the island of Cuba to the Cuban Government by General Wood. A committee was selected at this meeting to call on General Wood at his headquarters at Habana and get

such information as we could upon the subject directly from him. Messrs. William Mason, Charles Raynard, and T. J. Tichenor were appointed as spokesmen of this committee. Other Americans as well as myself accompanied the committee to Habana. General Wood received the committee, discussed the matter fully, and gave it every assurance that the people of the island need not have any doubt upon the subject, as he had already selected a United States Army officer to be installed in command of the Isle of Pines on or before May 20, 1902, and that he was to remain there until the United States Congress had made a proper disposition for the future governing of the island.

A number of us Americans left the Isle of Pines and went to Habana to witness the ceremonies of the transfer of the sovereignty of Cuba to the Cuban Government by General Wood, and to congratulate the Cubans and help them celebrate the day. When we returned to the Isle of Pines next day, May 21, 1902, we were surprised and chagrined to learn that the American flag had been pulled down on the custom-house at Nueva Gerona, and the Cuban flag substituted. This act of duplicity, we ascertained, had been forcibly done in spite of the protests and active resistance of the captain of the port of Nueva Gerona, a Cuban serving under the American military government, by one Juan Sanchez, alcalde, a Cuban who had been, and was then, serving under authority of General Wood, from whom he had received a commission as the American governor of the island. This captain of the port, who had refused to pull down the American flag, was shortly afterwards dismissed from the service by the Cuban authorities, but never received any notice from General Wood or the American authorities that he was to pull down the American flag and substitute the Cuban flag therefor. Mr. Sanchez, appointed to his place as alcalde by General Wood during the American régime in Cuba, as an American official, is to-day the alcalde of the island but ostensibly serving the Cuban government. He openly admits that he was appointed by General Wood, and that he has never since received any other commission than that received from General Wood as an American official.

Among the other officials serving to-day ostensibly under Cuban authority are Benito Ortiz and Pedro Ordung, registered as Spanish subjects, under the protection of the Government of Spain, and therefore in no wise Cuban citizens or entitled to rule over Cuban or American citizens. They are serving to-day as deputy alcaldes. Benito Ortez has also been acting as alcalde for the past three years for the reason that Sanchez is seldom on the island.

The present executive officials of the island are: Alcalde, Juan M. Sanchez Amal (a Cuban); first assistant alcalde, Benito Ortiz y Ortiz (a Spaniard); second assistant alcalde, Pedro Ordong y Ortiz (a Spaniard).

Executive council are: Francisco Romitto y Ortiz, Ramon Arrojo Aldave, Jose Gomez Ortiz, Serero Blanco Postrana, Manuel Fernandez Castillo, Ramon Diaz (all Cubans).

Treasurer, Rufino Duarte y Duarte.

Municipal guards or constables: Jose Corvalan (Spanish), Euscvis Blanco (Cuban).

All the executive officers are either Spanish or Cuban citizens. There are very few natives of the island holding public office.

When there is an election to be held for one of these councilmen a constable or city policeman goes around secretly and notifies a few people which the authorities can trust to vote to suit them to come to some place agreed upon and vote for the previously chosen candidate or candidates. No election notice is ever published or posted, and the general public never knows when an election is held or who the candidates are.

There is a register of deeds, who necessarily must be a lawyer. This register has an official secretary, who is a registered Spanish subject. The register is a Cuban from Habana.

For a time we had a notary, who was sent from Habana. He also must be a lawyer. He afterwards resigned, and for the past year the resident notary at Batabano, Cuba, has been coming to the island for a week or ten days out of each month, and he always went away with several hundred dollars of American money in his pocket, as he seldom charges less than $10 for acknowledging an instrument. Just as I left the island to come here a young lawyer arrived there from Habana, and informed us that he had been officially appointed as notary for the island. The notary in the Isle of Pines makes all deeds, contracts, etc., in his own name, asserting that he makes the deed, and the buyer and seller of the property, as the contracting parties, simply sign, as acquiescing to all his acts in transferring the property.

There is also a judicial department, composed first of the municipal judge, being one member of the council, so designated by the judge of first instance, who is sent to us from Habana. This judge has control of all minor civil cases involving less amounts than $200 each. He has two secretaries.

Second, there is the judge of first instance, who has control of all larger civil cases and misdemeanor criminal cases, and is committing justice in all felonious and higher criminal cases for trial at Habana. This official is usually shifted back about once a month and his place filled by another Cuban. He is appointed and sent to the Isle of Pines from Habana. It is generally believed by the Americans in the Isle of Pines that the reason that this official is changed so frequently is because, as soon as he thoroughly knows the Americans, he refuses to be a party to judicial persecutions of respectable people, and therefore must be replaced by another, who can be utilized for useless and trivial prosecutions until he discovers he is making a mistake, when a fresh judge is needed to carry out the concealed purposes of the Cuban Government.

There is on the island a company of the Cuban National Rural Guards, commanded by a captain. They have charge of the prison, and roam over the island at will and make arrests. They generally number from twenty-five to forty.

The customs authorities are composed of the chief of customs or captain of the port and two inspectors or secretaries. They are appointed by the secretary of the treasury of Cuba at Habana. All matters coming before this department, which give rise to protest or misunderstanding, must be referred to the Cuban custom authorities at Habana.

It appears, if I can truthfully judge from the many instances in which I was directly concerned, that the Cuban custom officials are religiously and upon all occasions endeavoring to discourage, by a system of fines, penalties, and confiscations, the importation of American goods, especially all goods which do not come through Cuba by way of Habana, so that the Cuban merchants, railways, truck lines, brokers, and express companies can get a rake off, and thereby add to the cost of our goods.

By this policy the Americans would be forced, in my opinion, to deal in Habana, a market where foreign goods, not made in America, are in many lines exclusively dealt in, and in which Americans can not get the kind of goods, materials, and machinery that they are accustomed to and particularly desire. To show the methods in use by the Cuban customs officials to discourage the bringing in of American goods, especially by any other route than via Habana, I will cite some of the tribulations which I passed through in trying to run a line of boats from Mobile, Ala., to the Isle of Pines direct, thus avoiding Habana and endeavoring to save considerable expense in freights on American household goods and exports sent to the Isle of Pines.

In the first place, they have been in the habit of watching the arrival of my boat from Mobile a week or ten days ahead, employing from one to three revenue cutters for the purpose, and sending these boats out 10 or 20 miles to escort the schooner into port. After her arrival, the Cuban revenue officials will not allow us or any of our people to go on board of the boat for the purpose of inspection, for the purpose of checking off the goods, or of carefully supervising the unloading of fragile goods. We are not allowed even to get the goods until the whole cargo has passed through the custom-house, a week or two after the boat has unloaded and left port. We are not even allowed to cover up the goods, in transit on the lighters plying between the ship and shore, with tarpaulins to save perishable goods from the effects of the rain, consequently when heavy rains were falling we had several hundred dollars worth of goods destroyed.

On one occasion we lost $500 worth of goods in this way at a time when we begged to be allowed to put tarpaulins over them.

On the slightest clerical error, made by any irresponsible shipping clerk at the port of shipment in the manifest or consular invoice, the whole consignment of goods is usually confiscated in spite of protests and abundant evidence that no fraud is intended. The goods are taken from us and put into the custom-house and kept from one to three weeks, and we are not allowed to guard them. The custom-house being a ramshackle affair, with doors and windows insecure, and with a leaking roof, so that thieves can enter at will. We attribute many of our losses to sneak thieves getting into the custom-house and stealing anything that can be carried away. I lost $500 in damages and thefts in one cargo of oats, hay, corn, and perishable fancy groceries on account of this leaking roof and the insecure condition of the custom-house. I have personally paid thousands of dollars in customs into this custom-house, and yet the Cuban authorities have never spent a cent to repair the roof or the other defects in the building.

Through these fines, damages, confiscations, and purloinings I have personally lost in the last fifteen months more than $5,000, all of which I can prove by my books and by numerous witnesses.

To show how irregular their methods of collecting duties are I will state that I paid $18 duty on a little rowing skiff only 11 feet in length. Another American only paid $1.50 duty on a 14-foot skiff, identically the same in material and construction, which cost $20 more than mine. Mine was classed as fancy furniture, and his as a boat. I protested, but they refused to remedy the error. By diligent inquiry as to the procedure of custom-house officers in other countries, I find that all of these petty persecutions are irregular and devised apparently to hound and persecute Americans. I will, if called upon, cite scores of instances of a similar nature.

ARRESTS OF AMERICAN CITIZENS.

In regard to arrests of American citizens, I will say that there have been many made for trivial causes, and persons have been confined in jail and fined, and several have been removed to Cuba for trial, in my opinion contrary to the constitutional rights of the Cuban Government. The first case that I will cite is that of James M. Steere, a prominent citizen and a man of high standing, who was arrested because he had refused for a short time to give up goods to the courts until the storage charges had been paid after a portion of the goods had been surrendered and the storage charges on them had not been paid. For insisting on the payment of these storage dues Mr. Steere was arrested and cited to appear before the higher court in Habana on charges of malversation of public property—an absurd charge. Mr. Steere and myself went to the American minister, Mr. Morgan, at Habana, to ask advice, and a clerk brought us word while we were waiting to see him that Mr. Morgan was so busy that he could not see us. This aforesaid clerk said to us: "We are instructed by Mr. Root to the effect that we are to treat all cases of appeal of Americans in the Isle of Pines to the American minister at Habana in accordance with the declarations of the letter written by Secretary Root to Charles Raynard last November." Mr. Steere, by making inquiries, ascertained that he was liable to imprisonment for a long period on this trumped-up charge, and he immediately departed for Washington to seek the protection of the State Department. On the day of trial in Habana another American, myself, and four Cubans appeared at the court in Habana, in obedience to summons, to give witness in the Steere case, having been given notice that if we did not appear in Habana we would be subject to a $25 fine each, and that the Cuban authorities would collect it in the Isle of Pines. A copy of the summons is herewith inclosed. The four Cuban witnesses were examined, but the Americans were not. We were instructed that we would not be paid our expenses in coming to Habana, and that we would have to return again when notified. Mr. Steere not being present, the court decreed that he be arrested wherever found for contempt of the Habana court. Consequently he could not return to the Isle of Pines, but was obliged to abandon his home on account of the possibility of getting into trouble with the courts of the neighboring Republic of Cuba. His wife was forced to sell out her furniture and other personal property in the Isle of Pines at a sacrifice and follow him to the States.

Another peculiar incident of Cuban court jurisdiction in the Isle of Pines was the arrest of Mr. Otto Parrish, of Cincinnati, at Santa Fe, on the charge of resisting an officer. Parrish was arrested at Santa Fe by the rural guards while intoxicated. His alleged resistance to the officer was so trivial that it was ludicrous to the bystanders. Parrish was kept in jail five or six weeks without trial in the Isle of Pines. He was kept in a small cell with a brick floor and without furniture of any kind, not even a bed. I furnished him with a bed myself. He was afterwards taken to Habana about two months ago, where he has been since kept in prison. His trial has been held and the prosecuting attorney has demanded a sentence of one year and eight months. It is the usual custom in Cuban courts to impose the sentence asked for by the prosecuting attorney. As yet, however, the court has not formally pronounced sentence.

THE LEE CASE.

Another case I will report to you is that involving two brothers by the name of Lee, which has already been circumstantially given to you in letters and affidavits. The two brothers were living together at Columbia, Isle of Pines. One of them died and he was buried in the burial plot set aside for burial purposes by the American colony. A few days after the funeral Mr. Lee, the remaining brother, who was afflicted with consumption, was informed by the Cuban authorities that

be would have to dig his brother's remains up and rebury them in the established burying ground at Santa Fe, 9 miles distant, under penalty of imprisonment. Mr. Lee, not being able to understand the seriousness of his trivial offense, refused to comply. He was soon afterwards arrested and placed in jail in Nueva Gerona for a few days. He was then secretly removed to Cuba on a schooner and confined in jail at Bejucal, Cuba. Here he was subjected to all manner of indignities, and being a man of 70 years of age and weak in health, it resulted in his death afterwards. The full particulars of this incarceration have been reported to you by others. Sufficient it is to say that the whole proceeding was so inhuman as to alone justify a committee being sent to the Isle of Pines to investigate it. The Americans have been refused the right to establish a burying ground anywhere in the island. The principal burying ground is at Nueva Gerona and belongs to the Catholic Church. No one can be buried within the consecrated walls except by permission of the priests, which is only given to communicants of that church.

The church also owns outside of the walls a small lot called the "potter's field," which is kept for the burial of paupers and criminals, and in this plot all Americans in that section of the island must be buried, as if Americans were only fit to be buried among paupers and criminals.

Five or six Americans have been buried there. When new graves are made old skeletons and bones are dug up and thrown away. I have seen as many as four skeletons dug out in the making of one grave. At the time of Mr. Lee's incarceration I wrote to the American minister, Mr. Squiers, at Habana, giving him the full particulars, and received a reply to the effect that he could not interfere with the Cuban courts and the law would have to take its course. Naturally under these conditions we are forced to bury the Americans who die in the island in the potter's field, the same as if they were criminals or paupers, for the reason that the Cuban laws are very strict and do not permit the Americans to have a burying ground of their own.

THE MOERKE CASE.

Another case, which has already been fully and truthfully reported to you, is that of the former postmaster at Columbia, Isle of Pines, Mr. Moerke, who had failed to pay the 30 per cent additional war tax added to his regular license fee for running a small store. Mr. Moerke was willing to pay his regular license tax, but could not understand why he was required to pay an additional tax of 30 per cent imposed by recent act of the Cuban Congress to defray the Cuban war debt. He was arrested, imprisoned, and after some delay was fined $50 or given the alternative of fifty days in jail. Next day the Cuban rural guards took a wagon and went to Moerke's home, which they found locked up. They broke in the doors and, in spite of the protests of his wife, removed all his stock of goods and some of his furniture, including his wife's sewing machine, and leaving his wife and five little girls destitute. They were obliged to live on the charity of neighbors. After sixteen days of incarceration in jail the American residents paid Mr. Moerke's fine and he was released. His furniture and household goods are still held by the Cuban authorities and never have been returned, and his business has been completely wiped out.

It has been stated by the Cubans and other misinformed persons that Mr. Moerke was fully amenable to the Cuban laws because he had taken the oath of fealty to Cuba in order to secure the office of postmaster. This is a mistake. He never took the oath of allegiance to Cuba, and only gave a bond for the faithful discharge of his duties. He did this at the earnest solicitation of his neighbors, as there was no Cuban or native living within several miles of Columbia upon whom the duties of postmaster could devolve.

It is needless for me to recite the other cases of this character that I could, as the details would only weary you.

The persecutions and arrests of members of my own family, consisting of myself and five sons, are too numerous to mention. For instance, my son, 15 years of age, was grabbed by the collar by a Cuban rural guard in a store because he did not get out of the building on orders from the guard quite as quickly as he thought the boy ought to. My son was paraded through the streets in front of my house while being shaken by the collar and roughly pushed by this negro guard, which was observed by my wife and myself.

Naturally I ran out to see what was the matter. I asked the guard why my son was arrested, and received no reply. I followed him to the jail and inquired there, and was arrested, and a bond of $25 each for the appearance of myself and son to answer to the court was demanded. The captain of the guard also demanded bonds of other bystanders who came into the jail to find out about the arrest. The next day my son and myself were fined $10 each, which I paid. I inclose the receipts. Members of my family and myself have been arrested and fined a great number of times on charges which would not be recognized in any civilized country as worthy of notice. This was the most serious charge ever brought against a member of my family in the Isle of Pines.

CUBAN CUSTOMS REGULATIONS.

The Cuban laws with respect to boats and pilots and coast regulations under recent orders are very troublesome; at times prohibitive, and always wound around with an abundance of red tape.

Americans are not allowed to own a boat of any kind, not even a launch, in their own name. They are not allowed to use them unless they have a licensed Cuban pilot aboard for sail boats, and a licensed Cuban engineer and pilot for steam or gasoline launches. I have recently been forced to tie up my sailing yacht, which I have owned and operated under the Cuban flag, with a Cuban licensed crew, for several years. The Cubans made a demand on me that I put the boat in the name of a Cuban. I would not do this, as I feared to do so. This forced me to suspend work on the south side of the island, where we have a large property and are working a large number of men, as I could only get to this part of the island by boat, there being no road or any other means to get there.

Spanish subjects, registered as such, are allowed to own boats and hold office upon the island, and are also allowed all the privileges enjoyed by Cuban citizens, while there are only a dozen or so of them, but there are several hundred American citizens who are not allowed any of these privileges.

Some of the minor regulations with regard to boats are very troublesome, and cause delay, sometimes amounting to a day or two, to make out the necessary papers and comply with the unnecessary red-tape proceedings. We are not allowed to move our little launch even 10 feet, or take on water or fuel, without getting out a batch of papers. All this must be done on primitive forms, and we have to send to certain Cuban printing firms in Havana and buy all these forms. Should we run out, we can not use our boat until we get another supply from Havana, as they can not be bought elsewhere. They cost from 5 to 10 cents each, and it requires five different kinds of these forms before we can move our little boat, after wasting a lot of time to fill them out. In addition to all this, the blanks must be filled out by Cuban pilots. There is now but one Cuban licensed engineer living in the island, and he is employed on one of the steamers plying between Batabano and the Isle of Pines, consequently the only way we can run our boat is to send to Cuba and get a licensed Cuban engineer. Our last man who acted as Cuban pilot could not read or write, and my son Edward had to fill out all the blanks for him. He was a half-breed negro fisherman, and quit his place here because he got stuck up as the master of a ship, and therefore declined to be ordered when and where it might be necessary for us to go.

THEIR SYSTEM OF TAXATION.

The system of taxation enforced in the Isle of Pines is about as follows:

For owning a wagon or vehicle of any kind for hire it is necessary to pay a road tax of $5.50 a year.

For individual use the tax on the same vehicle is $10.50 per year. This tax is rigidly enforced, although the Cuban Government has never spent a cent for roads or any other purpose, except the salary of officials in the island.

All licenses expire on July 1 each year, and if a man should purchase a vehicle in June a Cuban official would be after him as soon as he saw the vehicle taken off the boat to take out a license, which would cost the owner the same amount for the unexpired month of June as it would for a year, and the owner on July 1 would be obliged to take out another license, paying for the full year.

A license is charged for almost every act that a man can perform of semipublic nature. For instance, for operating a sawmill it costs from $21 to $29 per quarter.

For merchandising a special license is required for each class of goods sold, running from $3.50 to $29 for different articles per quarter. For each pair of scales used $2.50 per quarter is levied.

For a hotel or boarding house or lunch room $5.91 per quarter is levied, with $10 a year extra where wines or liquors are kept.

For killing a pig an application to the alcalde must be made, a permit secured, and 75 cents paid.

For killing a beef $1.50 is levied.

An American living in Nueva Gerona a few weeks ago had a small pig in his back yard, for which he had paid 25 cents. The town policeman came in and notified him that he must not keep the pig in town. He concluded that the only thing he could do was to kill it and eat it, although it was very small. The policeman returned in the afternoon to find out what he had done with the pig, and when he told him that he had killed the pig the policeman arrested the citizen and took him before the alcalde for not having obtained a permit and not having paid the 75 cents. The alcalde fined him and gave him a severe reprimand for violating the law.

Every kind of industry and mercantile pursuit and privilege is taxed, but they are too numerous to mention, and many Americans do not discover that they are violating the laws until they are arrested and fined.

The taxes on real estate are supposed to be based on the rental value, a certain per cent thereon being levied. Unimproved and unused land is supposed not to be taxed, but we as American citizens nevertheless are paying taxes on thousands of acres of unused lands. Recently there has been a sudden and enormous increase in these taxes, in some cases as high as 3,000 per cent. In some instances the present taxes amount to more than the rent received from the property. I subjoin a report of property under my control, showing the differences and the immense increases in taxation as per the old and new assessments. The following is a comparative statement of taxation on country property belonging to the Isle of Pines plantation. The taxation is levied semiannually:

Name of tract.	Old assessment.	New assessment.
San Andra Jorobado	$4.50	$26.76
San Andra Copao	9.00	12.00
San Andra Millcon	9.18	28.00
Pueto Francis		4.00
Santa Barbara las Nueva	2.00	38.00
Concepion	2.00	60.00
San Rosiaro	2.00	38.00
La Cisterne	2.00	10.00
Santa Terresa	2.00	38.00
San Carlos	1.00	1.70
Sante Isabel	.32	1.90
Tejar, or Brickyard tract	1.00	.20
Arbrita (Wm. Lampson)	1.20	12.00
Alcancia. (No notice.)		
Town property paid quarterly.		
Hotel license (quarterly)	3.75	5.91
Lot No. 15, Vevis street, Nueva Gerona	1.13	1.72
Lot No. 13½	.45	
Lot No. 13	.45	1.60
Lot No. 6 rejar	.45	.94
Lot No. 4	.45	.94
Lot No. 2	.45	.94
Lot No. 11¼, Penillas	.45	1.31
Lot No. 11	.45	1.31
Lot No. 7	.68	2.50
Lot No. 9	1.13	2.81

I also inclose the official notices from the treasurer of the island, showing the assessments for last year and this year, and indicating, on an average, an increase of over 700 per cent, notwithstanding that there have been no increases in the rental values upon which the tax is supposed to be based. All licenses and taxes, by a special act of the Cuban Congress, are assessed with an additional 30 per cent for the purpose of paying the Cuban war debt.

Any nonpayment of a license or of taxes before the end of the first month in the quarter or semiannual term in which they are to be paid in advance will bring upon the delinquent a penalty of 6 per cent added, and if not paid by the end of the term a 12 per cent added penalty. In case that a quarterly tax is not paid in six months, the property is seized and sold. In case that a quarterly license is not paid in six months the penalty is arrest and fine, and imprisonment in case the fine is not immediately paid. In case of six months' license term the same rule holds.

SCHOOLS AND THE LANGUAGE USED THEREIN.

There are several public schools on the island, conducted exclusively in the Spanish language by teachers sent there from Habana. Their method of teaching is absolutely of no value to the Americans on the island and, in my judgment, of no value to the native children. The Americans are forbidden to carry on private schools at their own expense, unless they can employ teachers who are able to take the Cuban examination in Spanish, and obtain a special permit for the school. This is impossible, as no teacher who could be employed for the salary we could afford to pay and who would be of any value to American children can take this examination.

The Catholic priest at Neuva Gerona recently opened a private school to teach both Spanish and English, but his method of conducting the school is unsatisfactory. Several friends and myself employed a teacher last winter for our school, but we were officially notified that we must have the teacher examined and get a permit or we would be arrested and fined. I went to the school board and told them that it was impossible to allow our teacher to attempt to stand an examination, as she did not understand any Spanish, and that we had brought her from the States at considerable expense and we could not afford to suspend the school. They insisted that we should, and I told them that we would guard the door and shoot anybody who interfered with the school. They then proposed, as a special favor, that she might teach at our homes until we sent a special application to Habana to allow her to teach our children in our homes. This I refused to do, but offered to apply to them for a permit if they would grant it at once, without going to Habana or suspending the school. After a long and troublesome debate, they submitted to this, but prohibited the Americans at Santa Fe from carrying on a similar school, under threat of arresting the teacher. Under this method of carrying on schools of course it is impossible to get any satisfaction either in method or teacher.

AS TO THE POPULATION.

The number of Americans, in my opinion, living on the Isle of Pines is about equal to the number of native Spaniards and Cubans combined, the latter not being more than fifty or sixty. Most of these are nonresident officeholders, as we term them "carpetbaggers," sent there from Habana to govern and guard us. I think there are more American men than there are men of the others combined, but I think that the children of Latin blood are in excess.

The natives and Spaniards, as a rule, are in favor of American rule, but they are afraid to admit it openly. Nine-tenths of the habitable land of the island belongs to the Americans, and the balance belongs to the Spaniards and natives. I do not know of a single Cuban who owns land on the island. There are about 4,000 or 5,000 acres of land that formerly belonged to the Crown of Spain which has recently been taken possession of by a Spaniard (I believe fraudulently), who acts as first assistant alcalde. He is a very rich man, and is selling or offering for sale portions of these lands to Americans at from $25 to $40 per acre. Hence this Spaniard, who was heretofore strongly in favor of American control, is now openly fighting for Cuban rule, as he knows that he would lose this land if the island came under control of the United States. I am informed that he has recently applied for Cuban citizenship papers, although he has been an officer under the Cuban Government for several years without citizenship.

At a mass meeting of the Americans held in the island a short time ago a committee was appointed to take the census and ascertain exactly the number of Americans and other nationalities living on the island. The man who had charge of this work in the Santa Fe district was arrested and fined and prohibited from proceeding further. The parties who had charge of the Neuva Gerona district were arrested and taken before the alcalde and reprimanded and told that if they proceeded further they would be arrested and locked up. These arrests prevented from taking a census by a house-to-house canvas. Hence we have no way to ascertain the exact population of the island, which, in my judgment, is less than eighteen hundred. But as over twenty-five hundred Americans have purchased land in the island, many of whom have not yet come to live there permanently, there is a continual immigration there of these people and their friends to look over the island and arrange for improving their lands. Here I wish to state that very few of these have obtained deeds to their property, but nearly all have purchased upon contract to avoid the heavy expenses of filing deeds until the "carpetbag" government is a thing of the past.

One tract of 5,200 acres, which has been colonized from the city of Buffalo, has nearly 500 purchasers in small amounts, running from 3 to 20 acres, and only about twenty-five of these have deeds. As I have the making of these deeds I can positively assert the truth of the above statement.

If all the land that is now sold to Americans on the island was to be deeded to the purchasers, the fees to two Cuban officials, the notary and the register, would amount to more than $125,000, say nothing of the 1 per cent that we are forced to pay to Cuba on all deeds, mortgages, contracts, etc., that are placed on record, on the amounts of consideration in such instruments. For instance, if you should sell a piece of property for $1,000 and take a mortgage for one-half of the selling price, you would be forced to pay 1 per cent on the full selling price and also the same per cent on the mortgage. So also when you dismiss and satisfy it you will have to pay another 1 per cent on the face value of the mortgage. This 1 per cent always goes to Habana and is paid directly to the Cuban Government, and this in the case mentioned would amount to $20, or 2 per cent, on the face value of the original sale. This tax has nothing to do with the notarial and registration fees, which are extra. It cost us $500 to have the notary write one deed for us, $1,160 to put the same instrument on record, and $1,310 in Cuba State taxes of 1 per cent. In view of these charges, there can be little wonder that the Americans in the Isle of Pines are not anxious to place their deeds on record. The expense of the instruments of record, taxes, etc., in small sales, such as town lots, are frequently almost equal to the cost price of the property.

THE OLD SPANISH LAWS.

In truth, the laws administered in the Isle of Pines are such anachronisms, smacking as they do, of the sixteenth century, that they could hardly be administered without gross inequalities and hardships under modern enlightened conditions anywhere in the world. The laws made by the Crown of Spain to govern the Cubans, when violence and revolution were rife in Cuba against Spanish rule, are to-day being administered by the Cubans in the Isle of Pines against the Americans, and no effort is made to change them. The Cubans openly boast in the Isle of Pines that these laws suit them, as long as they have the administering of them, although they made a great outcry against them when they were administered by the Spaniards. Verily I believe to-day, if the famous reconcentrado order of General Weyler was permanent instead of temporary, the Cuban authorities in the Isle of Pines would be enforcing it now against the Americans.

For example, a man came into our hotel at Nueva Gerona and attempted to kill a woman, but was prevented by two Americans. He was held by them until taken in hand by the authorities and placed in jail in Bejucal, Cuba.

While there he reported to the judge of that district that the two young Americans who arrested him had tried to kill him. A large number of people, including the alcalde and the priest, saw the whole affair, including the resistance and arrest, but notwithstanding this fact and that the truth could easily have been ascertained the two Americans who had prevented the crime were arrested and forced to put up $200 each as collateral to appear in Bejucal, Cuba, for trial. Afterwards the prisoner escaped from the Bejucal jail, but the two Americans did not find it out for a year, as the Cuban authorities never notified them that the prosecution had been abandoned, owing to the escape of the prisoner. After another year of hard work, with numerous legal complications, the two Americans got their money back. It cost them over $100 in expenses and numerous trips to Cuba. There are many other instances too numerous to mention going to show that any kind of a charge preferred by a criminal or any other irresponsible person will cause an American to lose his liberty and the most flagrant prosecution and persecution by the Cuban judicial authorities both in the Isle of Pines and subsequently in Cuba. Until he can prove himself innocent under Cuban-Spanish laws the American is treated as a convicted criminal, no matter how irresponsible the Cuban accuser may be, or how responsible the American may be. Hence our lives, liberty, and property are continually imperiled and some of our people have been forced to abandon their homes and property in the island and flee to the United States to avoid persecution. Others of us have so far stood our ground, notwithstanding these persecutions, continually hoping to get recognition and protection from our own Government, which to date has been denied us by the executive authorities.

One of the old Spanish laws, which dates back for centuries, and was intended to be enforced against filibustering expeditions, is revived and rigidly enforced against the Americans. It is the law to prevent anyone from carrying arms or having ammunition in his possession. It is rigidly enforced down to squirrel and bird guns.

No American is allowed to have any kind of a firearm in his possession (a right guaranteed in the American Constitution) unless he secures first a permit from the governor of Habana Province in Habana, for which he is obliged to pay $6 per gun per annum, provided the permit is granted. It is very difficult to get such a permit. A prominent American who has a $60,000 winter residence on the island recently brought a little gasoline launch to the island and purchased a rifle and cartridges for the purpose of running up and down the rivers and shoals to shoot crocodiles. His rifle and cartridges were confiscated, and he was refused the privilege of running his launch because he would not put it in the name of a Cuban and hire a Cuban pilot. It was only 21 feet in length, and was secured for the purpose of having the members of his family run it, any of whom were perfectly competent to do it.

In view of all the facts above set forth, which are only a few of the many abuses practiced upon Americans in the Isle of Pines, I, as a special representative of the people sent here to plead before Congress for our rights and for recognition and simple justice, have come here to lay before the Senate, through you, the whole facts, and to assure them that hundreds of witnesses in the Isle of Pines can substantiate every fact set forth in this letter, and many others that I do not at present care to set forth in this already too lengthy instrument can be brought before any committee that their honorable body may see fit to appoint.

We believe that the Senate is a just and honorable body, and we think that ours is a just cause. We are only asking for a very little. Heretofore we have sent innumerable petitions and memorials to the State Department, to the President, and to others, but have received no answer or recognition except in one letter addressed to Charles Raynard, from the Secretary of State, in which he said, in part, as follows: "The island is subject to the control and government of the Republic of Cuba, and you and your associates are bound to render obedience to the laws of that country so long as you remain on the island." The truth of this statement we deny, and we think that the facts will fully support our contention. We only beg that the Senate investigate for itself, through a proper committee, and we guarantee to furnish any quantity of evidence that we are right in all that we have asked for.

We also beg that measures be taken to have the War Department resume its control over the government of the island pending the settlement of its status and the question of sovereignty in order that our lives, liberty, and property be immediately placed under proper protection, and thus remove any possibility of persecutions and unforeseen troubles.

Sincerely, yours, S. H. PEARCY.

WASHINGTON, *District of Columbia, ss:*

Personally appeared before me S. H. Pearcy, a resident of Nueva Gerona, Isle of Pines, who, first being duly sworn, deposes and says that all of the facts above stated in his above letter to Senator Morgan are true and correct to the best of his personal knowledge and belief.

Subscribed and sworn to before me this 22d day of May, 1906.

[SEAL.] ANNA M. ANDERSON,
Notary Public, District of Columbia.

Mr. FORAKER. I should like, before the paper is passed by, to have the Senator tell us what is in it. I do not know what is in it, and it is almost impossible to go back and read long communications in the RECORD the following day when we are being pressed so by other matters.

Mr. MONEY. If the Senator from Ohio will allow me, I think it had better go in the RECORD, as the Senator from Alabama requests. It can not do any harm, and there may be some information in it.

Mr. FORAKER. I do not object at all to its going into the RECORD. The only thing I asked of the Senator from Alabama was if he would not state something about the nature of the paper. I do not ask to have it read. That would take up a good deal of time.

Mr. MONEY. That would take up a good deal of the time of

the Senator from Alabama, which he says he wants to use in stating his case. I hope the paper may be published in the RECORD.

Mr. FORAKER. I will be satisfied if the Senator will tell us something of the nature of the paper—what is in it which is new, if anything; that is all.

Mr. MORGAN. I now present four letters written by the same party, whom I do not know; I have not the honor of her acquaintance. But the letters will explain themselves and the motive of their having been written, and I think they will show that there pervades in the Isle of Pines about as high a sentiment and about as keen a sense of propriety as can be found in almost any community in the United States.

Senator MORGAN,
The Senate of the United States:

Noting that you are a champion—

I beg pardon for reading that word here—

for a just settlement of difficulties in the Isle of Pines, I take the liberty of addressing you upon the subject. Your proposition to send to the island a committee of investigation is most fair, and I hope it may be acted upon favorably and immediately by the Senate. It will be cordially approved by the Americans who have homes on the Isle of Pines. They wish the true conditions to be known. They have tried again and again to get some leading journals of the North to publish, as a mere piece of justice, their "side" of the situation, but all in vain. Most untruthful statements as to the assurances given by the Government to investors during General Wood's rule at Habana have had to go uncontradicted, as have absurd assertions pronouncing the island "worthless except for grazing purposes."

I inclose some general notes upon the subject. They are probably unnecessary, but I think they can at least do no harm. I write from personal knowledge, having spent several months upon the placid, fruitful isle, exploring it and noting conditions.

If I can serve you by any further communication as to the Americanized island, I shall take pleasure in doing so.

I am, very truly,

(Miss) GERTRUDE E. WALL.

1406 L STREET, WASHINGTON, *March 26, 1906.*

Amongst the inclosures which this lady sent to me is a transcript of the indorsement of the Commissioner of Public Lands upon a map of the United States published by order of Mr. McKinley, in which he asserted that the Isle of Pines was the property of the United States, and then there is another statement in which she gives the area and the productions tabulated, both of which I will ask to have inserted in the RECORD.

The papers referred to are as follows:

MAP IN THE NEWBERRY LIBRARY, CHICAGO.

Date, 1900. Gift of Hon. H. S. BOUTELL. Date, "12, 29, 1902."
Inscription: Department of the Interior, United States General Land Office, Hon. Binger Hermann, Commissioner. United States and Territories and Insular Provinces.
Compiled from official surveys of the General Land Office and other authentic sources.—Harry King, C. E.
Philippine Islands.
Guam.
Hawaiian Islands.
Pine Island.
Porto Rico.

[NOTE (by Miss Wall).—Is there not governmental encouragement in a map issued by the Department of the Interior, with an inscription such as this, and a definite arrangement of "possessions?" This map sent broadcast over the country, is, I believe, not the only publication of the kind.]

SOME OF THE PRODUCTS OF THE ISLE OF PINES.

Cocoa, cotton, corn, coffee, cocoanuts, cane, bananas, limes, oranges, lemons, grape fruit, figs, olives, guaras, pineapples, custard apples, rice, melons, maumee, breadfruit, grapes, strawberries, mangoes, kumquats, sapodillos, English walnuts, citron, etc.; potatoes, onions, tomatoes, okra, cassava, etc.; sea-island cotton, tobacco, India rubber.

N. B.—Two or three crops to the year.

N. B.—The island is below the frost line. It has no volcanoes. It has no wind storms. It has never had (as yet) a case of yellow fever. It has cool nights. It has a mingling of mountain air and sea breezes. It is a land of pines and palms. Its present development—a mere beginning of possibilities—is due entirely to American energy and capital.

Mr. MORGAN. The next letter which I shall read is from the same lady. Although I have the consent of the lady to read this letter in full to the Senate, I have thought it was better perhaps to keep her out of contact with a certain question she suggests here and in regard to which she sends some testimony. So I omit that part of her letter.

MARCH 21, 1906.

DEAR SENATOR MORGAN: To the packet left yesterday for you at the Senatorial post-office, I think the inclosed clipping should be added. The tobacco question is of no interest to me, but I believe it is an important factor in the present Cuban-American controversy. The clipping is from a paper of influence in trade.

It is a paper called "Tobacco." Without reading it I will insert it at this place in her letter:

LAY BLAME AT THE TRUST DOOR—IT IS STRONGLY HINTED IN WASHINGTON THAT IT WAS THE TOBACCO COMBINE THAT CAUSED THE AMERICAN FLAG TO BE HAULED DOWN IN THE ISLE OF PINES.

[Special to Tobacco.]

WASHINGTON, *December 26, 1905.*

The fight which will be made at the present session of Congress to have the Isle of Pines declared a part of American territory by the rejection of the treaty with Cuba, which makes it a part of the territory of that Government, will be as vigorously prosecuted as the representatives of the 1,200 or 1,500 Americans on the island are capable of. The stories of Cuban misrule, to which the Americans on the Isle of Pines are subjected, sound like tales from the middle ages.

Secretary Root recently announced in emphatic terms that the Isle of Pines was the territory of Cuba, and that any attempt to set up a territorial government under the United States would be justly regarded by Cuba as action calling for the exercise of governmental authority to suppress. Secretary Root was thus carrying out an entirely new policy of the United States Government toward the Isle of Pines.

The American Government seems never to have had any doubt as to the sovereignty of the Isle of Pines until within a year or two ago. The treaty of Paris, through which all our difficulties with Spain preceding and resulting from the war of 1898 were settled, provided for the cession to the United States of the Philippines, Porto Rico, "and other islands," in the neighborhood of Cuba.

The minutes of the conference between the American and Spanish envoys prior to the adoption of the treaty show clearly that the intention was to cede the Isle of Pines to the United States. When one of the Americans objected to the payment of $20,000,000 for the Philippines, one of the Spanish envoys called attention to the fact that, while we were not getting Cuba, we were getting not only the Philippines, but Porto Rico and also the Isle of Pines.

The War Department recognized the Isle of Pines as American territory. A citizen of the United States wrote the Department in August, 1899, for information concerning the sovereignty of the Isle of Pines. Captain Pershing (now Colonel Pershing) wrote him, by direction of the Assistant Secretary of War, that the island was the territory of the United States, under the terms of the treaty of Paris, though it was at that time a part of the Department of Habana for purposes of administration.

Captain Pershing also inclosed his correspondent a copy of a pamphlet prepared by the Department exploiting the resources and advantages of the island for the purpose of inducing Americans to locate there.

Americans did locate there, acting on the assurance that the island was American territory. Some forty families from Iowa went to the Isle of Pines, bought land, set out their orange and banana groves, and some of them began the cultivation of tobacco.

This tobacco, it is claimed, was the starting point of all the troubles that have since befallen the band of Americans who have settled in the island under the assurance that the Stars and Stripes were hoisted and were not to be hauled down.

The War Department, acting under the orders of President McKinley, was at that time assuring Americans that the Isle of Pines had become ours by the treaty of Paris, and was inducing Americans to emigrate and begin the development of the resources of the beautiful isle.

But the tobacco trust already had its representatives in Cuba engaged in trying to buy up all the land suited to the cultivation of the world-famed Habana tobacco—the celebrated Vuelta Abajo—the finest variety of the weed known to man.

The trust was busily absorbed in its work, and while it succeeded in getting a good deal of land it never obtained control of the tobacco output of Cuba. There were men in the trust, however, who deluded themselves with the idea that they were going to be able to monopolize the growing of fine tobacco in the island of Cuba. While this dream was upon them some one asked: "How about the Isle of Pines tobacco?"

This was followed by whispers in the ear of the trust magnates that there were large tracts of land in the Isle of Pines upon which tobacco as fine as any produced in the Vuelta Abajo district could easily be grown.

This caused some of the trust men to promptly tender their resignations from the Don't Worry Club. They feared that their carefully planned schemes were about to miscarry, and that their efforts to secure control of the production of Habana tobacco, on which they had been engaged for years, and which it had up to then seemed to them were about to succeed, were doomed to failure if the Isle of Pines should be declared American territory. It was perfectly clear the tobacco grown on the Isle of Pines would have no duty to pay on being brought to the United States, while the Cuban tobacco would of course be subject to the usual tariff charges of $4.50 a pound and 25 per cent ad valorem for wrapper leaf and 35 cents a pound for filler. The trust seems to have accepted at their face value the claims that the tobacco grown on the Isle of Pines would be in every way equal to that produced in the Vuelta Abajo district.

Just what steps the trust took to protect itself against the Isle of Pines tobacco of course may not be said with certainty, but it has been asserted frequently, and is being asserted to-day, that it is due to the influence of representatives of the trust and the powerful lobby which it constantly maintains in Washington that the Administration decided to haul down the flag on the Isle of Pines.

It is not believed, of course, that President Roosevelt had the slightest suspicion that the trust was in any way interested until the Administration had been definitely committed to the purpose of relinquishing the Isle of Pines.

The American colony on the Isle of Pines is in the meantime suffering greatly because of the relinquishment of the island by the United States Government. Its members declare that conditions on the island under Cuban administration are unbearable. Latin-Americans have not the faculty for governing Anglo-Saxons, and Anglo-Saxons have not the faculty of submission to Latin-American rule.

The President and the Secretary of State are said to be firmly fixed in their determination to give the island to Cuba. But there are Senators who are bitterly opposed to transferring the Isle of Pines to Cuba, after it was made ours by solemn treaty with Spain, and after many Americans had been induced by our Government to go there and invest capital in the development of the wonderful resources of the island.

The Isle of Pines is about 30 by 40 miles in extent and contains the finest harbor in the Spanish Main. If the Americans have to leave, as they will if the treaty is ratified, it will be a long time before the development of the resources of the island is undertaken with any degree of energy.

If the Isle of Pines is finally given over to Cuba, President Roosevelt will have the unenvied distinction of being the first President of the United States who ever ceded American territory to a foreign nation, either at the behest of a trust, or for any other reason.

My correspondent continues:

I hope I shall not weary you in adding some bits of information to the details given in my late letter.

The Cuban rule is complained of as nagging and irritating rather than openly oppressive. As administered at present, it is, as I have

said before, under restraint. The Cubans have a jealous dislike for Americans, and, once secure in power, it is believed they would be oppressive in many ways. Let me cite some instances of petty tyrannies now prevailing:

No Protestant clergyman is permitted to perform a marriage ceremony; restrictions are imposed as to social gatherings; secret organizations, especially Masonry, are positively forbidden; and in cases of illness a Cuban doctor must be summoned, if not as sole physician, at least as a consulting one. I think Americans quietly disregard this last law, but should anyone die under the care of an unaided American doctor the bereaved family would be punished by an offended government. The mortuary laws are especially unbearable. It is scarcely safe for an American to die. Public autopsies must be held, and it is only when necessity pushes aside the law that Protestant dead can be buried.

I will stop here to remark upon that statement that I will produce evidence to the Senate that when an American has died a natural death in Cuba the rural guarde, the authorities, come and drag him out of his house and carry him to the market place and cut him up like a dead hog to see whether he died a natural death.

Fortunately, thus far, the Americans have been practically immortal. I think there have been but three deaths since the American occupation of the island, and two of these were the result of accidents.

Just now American indignation is running high over Cuban injustice in a transportation matter. The steamship *Campbell*, an American vessel plying between Batabano and the ports of the Isle of Pines, becoming infirm, a new boat was last year decided upon. An order was sent to New York, and the boat is now ready for service. In it the citizens of the Isle of Pines invested $50,000. And now the Cuban Government declares that it must be transferred to Cuban ownership before it can go into service. As I understand, the new steamship is lying idle on the Cuban coast. Is not this an outrage? For the travel between the islands—Cuba and the Isle of Pines—there would be today only sailing vessels had it not been for American money and resolution. And now, after having had the expense and trouble of equipping a modern steamship, the Americans are asked to deliver it to Cuban ownership and management. It would seem that the Habana government had grown sure of holding the island and was now beginning to show its real policy as to rule.

I spoke of the judge at Nueva Gerona as conciliatory in his treatment of Americans. It remains to add that this gentleman has lately been transferred to Cuba and an uncompromising and otherwise undesirable official sent over in his stead. Judge Diego was probably deemed too lenient in his methods for an Isle of Pines position.

I spoke of a sponge industry within the island's maritime limits. Americans who have looked into this matter assert—and claim to be conservative in their estimate—that if the United States were willing to pay Cuba $10,000,000 for the Isle of Pines, as a peace offering, the sponge industry alone would return the investment in less than twenty years.

That is not imagination; that is a fact.

Owing mainly to the mild northern winter the Isle of Pines has this season had a smaller tourist invasion than during previous winters, but I am told that more land has been bought, and more improvements have been made, than in all the previous winters combined. There are a number of large fruit plantations, but much of the improvement goes on in small tracts. Those who have not the means to buy plantations or farms are buying lots and developing them. The old Spanish village of Santa Fe—now the American center—is raying out into a regular system of American streets and parks. One of the parks is to inclose and protect a magnificent Spanish laurel—a tree whose branches have a diameter of more than 100 feet. A fine mango grove on a knoll is sacredly held against any price for a second park. A new and handsome bath house is also projected. Town fathers and general citizens are working together, and, despite the political tangle in which the island is involved and the trade and travel interruptions caused by quarantine measures at Habana, they seem, from all accounts, enthusiastic in what they are doing. Building, clearing, planting, and planning are everywhere going on. The belief reigns that the home land can not and will not consign the owners of four-fifths of the island and authors of all its development to the domination of a race which, with a few individual or family exceptions, has primitive ideas in its head and colored blood in its veins.

I hope I have not presumed upon your patience in adding to my letter of yesterday. Should you wish further information I shall be glad to give it either in person or by pen. I am far from all sources of fresh supply, but after some correspondence, I may have some points of importance to submit. Meantime, of this I am sure—the Americans of the Isle of Pines are anxious for the investigation you propose. It is all they just now ask, and justice demands that it be granted.

I am, very truly,

(Miss) GERTRUDE E. WALL,
1406 L street NW.

The third letter from that lady, which I will read, is as follows:

1406 L STREET NW.,
April 7, 1906.

DEAR SENATOR MORGAN: The morning post has brought me a resolution, which I herewith promptly transmit to you. Surely the senior Senator from Illinois does not well serve, in the matter of the Isle of Pines, the wishes of the legislative body to which he is much indebted. The document comes from the secretary of state at Springfield. Please use it to the best possible advantage.

The resolution of instructions which I have here, reads as follows:

Resolution adopted by the senate of the State of Illinois May 5, 1903, and concurred in by the house May 7, 1903, that the Isle of Pines be permanently retained as territory of the United States.

ISLE OF PINES.

Whereas more than 300 American citizens now residents of the Isle of Pines, said American citizens owning more than one-half of the total territory of said island, have memorialized Congress for relief from the present government of the said Isle of Pines and are praying that the Island be retained by the Government as a part of the territory of the United States; and

Whereas the United States Government continued the present government of the said Isle of Pines as a de facto government to formulate a new and better government for the island until the Island of Cuba was turned over to the Cuban Government; and

Whereas the Isle of Pines was ceded to the United States Government by Spain and the Platt amendment omitted the said Isle of Pines from the proposed constitutional boundaries of Cuba, and the Secretary of War for the United States has placed the Isle of Pines within the constitutional boundaries of Cuba contrary to the wishes of the Americans there resident; and

Whereas the said 300 American citizens are colonists from the United States who have built permanent homes and made other improvements on said Isle of Pines in the reasonable belief that it was to continue to be territory of the United States, and such American citizens are entitled to the protection of the United States Government and desire to live under the flag of this country: Therefore, be it

Resolved by the senate of the forty-third general assembly (the house concurring herein), That it is the sense of the general assembly of the State of Illinois that the said Isle of Pines be permanently retained as territory of the United States.

Resolved further, That the secretary of the senate and the clerk of the house be, and they are hereby, instructed to forward to the United States Senators and Congressmen from Illinois a copy of these resolutions.

Adopted by the senate May 5, 1903.
Concurred in by the house May 7, 1903.

The letter continues:

The three years that have passed since its date only add to its force, as, in that time, American area and population have greatly increased.

I send also some notes which may add clearness to those in your possession. A brother, now in Chicago, lately come from a winter's stay on the Isle of Pines, has this week furnished me with the material for these notes. From my brother who lives on the isle I have not yet had time to hear in reply to inquiries as to the latest phase of conditions there.

After consideration, I have decided to remove any restriction whatever as to the use of my name in connection with the information lodged with you. I am sure you will not give it any unnecessary use; so I say, hold back nothing that promises to help a good cause. Give my name when the authorship of any statement I have made is demanded. I am not in the least afraid of truth. I mean especially to recall my request for reticence as to the sender of the clipping from Tobacco, should any need arise for giving the sender's name. It will be sufficient to say, I imagine, that the clipping was a part of a miscellany collected in making a general study of the island. In sending it to you for use, my feeling was that if it was false, its falsehood could be proved, and that if it was true, its truth should be made to serve the right. I am not given to speaking evil of dignitaries, but I must add that in announcing, as he did last summer, a Cuban ownership for the Isle of Pines, I merely voice the opinion of many in saying that the Secretary of State was guilty of a great discourtesy to the Senate as the sole treaty-ratifying power.

I wish some way might be found to satisfy Cuba's claims—built up by delay and nonacqaintance with real conditions on the part of the United States. She has cared nothing for the little island until recently—until Americans had developed it. The tone in Habana, I observed last spring, was one of more or less open contempt for the island either as a resort or a residence, but Habana has now had time to change her mind, and she has been encouraged to make claims. And so I say, I wish there could be some way found to pacify her without doing a cruel injustice to an Americanized island. Let, at least, the decision be delayed until the island can be visited and the situation fully understood by the deciding body. This is what every American on the island is hoping for to-day.

I am, Senator MORGAN, very truly, GERTRUDE E. WALL.

The notes that accompany the letter I will not stop to read, but I ask to have them inserted as a part of her letter. They are very highly instructive.

The matter referred to is as follows:

The Isle of Pines (Isla de Pinos), discovered by Columbus in 1493 and named by him "Isla de Evangelista." Area, 1,240 square miles, or 800,000 acres.

The northern part, 600,000 acres, is owned principally by Americans. It is a natural fruit orchard and a vegetable garden. The southern part, the Cienaga, or marsh land, is rich in rare woods, as mahogany and many other varieties, admitting of high polish. Its wealth has scarcely been touched.

Temperature: Mercury seldom above 90°; mercury seldom below 60°; average, 74°.

Seasons: Dry season, November to April (season for vegetables and tobacco); wet season, May to October (fruits, cane, corn grow and ripen throughout the year).

CONCERNING THE ISLE OF PINES.

Cuba has in her statute book a large number of laws, inherited from Spanish days, which correspond in a general way to the old blue laws of New England. As the enforcing of these petty laws is left optional with local officials, it can easily be seen how intolerable life may be made for Americans by jealous and hostile officials. These laws relate to small things, but it is the small things that count in the sum total of daily living. At present—under Cuban half-government—the force of these regulations is heavy upon the island. All public meetings of every character and every public enterprise must secure in advance a permit from the Cuban Government. Not even a private school can be opened until Habana has agreed to it.

As the natives have sold their lands they have, with few exceptions, removed to Cuba; and thus the native population is now much smaller than at the beginning of the American occupation of the island.

Recently in view of the clashing statements made in newspapers as to the number of the natives and the number of the American settlers the island really contained, an honest census was attempted. The work was promptly stopped by Cuban officials and the canvassers arrested. The inquiries were informal, no authority was asserted, and no other object was in view than to reach the truth in a disputed matter.

Until lately Cuba regarded the Isle of Pines as American territory, and so the American steamer, the *J. J. Campbell*, was entered and cleared at Batabano for trade with the island as a foreign vessel bent on foreign commerce. Of late, becoming sure that the island was to be declared her property, she has begun to assert a point of marine law for home coast trade, viz, Cuban ownership for all craft so engaged. In consequence the new steamer upon which the citizens of the Isle of

Pines have expended some $50,000 and a great many hopes lies tied up somewhere under Cuban guard. The *J. J. Campbell* is now confronted by the same maritime requirement as to home commerce, though, as yet, it is allowed to struggle along with its biweekly trips.

While representing the United States Government at Habana, General Wood repeatedly declared, in answer to delegations of prospective investors sent to him to inquire as to the future of the Isle of Pines, that the island would remain in American possession; and, at a banquet given him in Habana a few weeks before the end of the American protectorate, he publicly announced his intention of setting up an American de facto government upon the island.

The seaport called Jucaro has no other buildings than those needed to lade and unlade merchandise, and these are relics of a shiftless past. Looking forward to a great sponge industry, which, under modern management they believe would soon rival that of Batabano with its $1,000,000 or more of yearly yield, the Americans have "planted" a town at this port, and plan its early development.

An American company has established a schooner line between Nueva Gerona and Mobile. This line is now one year old.

The young orchards of the island are now beginning to bear for export, and large shipments of fruit are projected. The seizure of the new steamer threatens serious loss to shippers, as the *Campbell*, owing to long and unrelieved travel in tropical waters, is slow and uncertain in its movements. The schooner line will be of great service—if not presently confiscated—but a direct trade with New York is the thing chiefly desired.

Mr. MORGAN. The next letter, from the same authoress, which I will read is as follows:

Dear Senator MORGAN: A letter just received from the Isle of Pines gives me some present-day items, which I herewith submit to you.

Let me remind you, of what you must know, that things governmental are in such a shifting state on the island that what is absolutely true one day may not be entirely so the next. This will explain any modifications as to previous statements you may find in this communication or in any other I may make.

After writing to you my personal observations made on the Isle of Pines one year ago, I wrote to my brother, who lives at Santa Fe, asking for additional news or for any changes of rule that might be taking place. I inclose an extract from his reply. He tells me, moreover, that within the last month—and for the first time on the island—the Protestant marriage ceremony has been celebrated. This came about through a special permit from the Cuban Government. As to Masonry, he says it is still forbidden, but as lodges flourish in Habana, a permit may, in time, be granted for organizations on the isle.

He also announces the arrival of a new island judge, the third of the line, from whom a good administration is expected. He thinks the transfer of Judge Diego, the friend of the Americans, was a recognition of his legal worth, not a rebuke for a lenient course at Neuva Gerona. He was sent, it seems, to Mantanzas, a city of 35,000 inhabitants, where, naturally, his salary would be increased as a result of the transfer.

My brother chronicles the recent death of the Cuban postmaster at Santa Fe, a Doctor Lancis, who, as I wrote some days ago, was universally complained of by the Americans under his reign, and adds: "The office has passed into the hands of a young Cuban girl, who probably will do the best she can, but we shall be pleasantly disappointed if the mails are not very badly handled for a long time to come."

I have not yet learned just how and when the calsadas—

Those are the public roads—

were constructed, but of this I am assured by those who have good reasons for knowing the truth of the statement—they are kept from falling into ruin by American money (self-levied) and volunteer work. I had been led to infer that they had been built under American military rule, but I am now told that an intelligent Cuban living on the island declares that the work was done under English contract and was paid for by port revenues. The history of the island is such a blank from pirate days down to four or five years ago it is difficult to find the truth as to any occurrence antedating, even by a little time, the coming of the American settlers.

In concluding, I wish to say that your resolution relating to a personal investigation of the Isle of Pines and its conditions seems to offer the only fair way of arriving at a settlement of the vexed question. As I was about to leave the island a year ago, I heard the approaching visit of a United States Senator announced with certainty and no little hope. He had promised to come, he might arrive on the next steamer, and he might bring another Senator with him. This visit was eagerly looked for as a means of reaching Washington with the actual conditions as to American development and Cuban rule; but no Senator appeared. And, if I mistake not, up to this day not a single member of the United States Senate has set foot upon the island. Is it possible that this legislative body, devoted to careful deliberation, is going to decide an important question on outside testimony only?

I hope, Senator MORGAN, your resolution may be adopted and so allow opportunities for an impartial investigation before voting upon the fate of the island. After that I have nothing to urge. I wish a just decision, however it may result.

My brother is, as you may note, as anxious as I am to give facts only in the pro-American cause. I am,

Most truly,

GERTRUDE E. WALL.

APRIL 16, 1906.

Mr. President, I have brought forward the letter addressed to me by Mr. Pearcy and these letters addressed to me by this lady whom I have never had the honor of seeing and do not know personally, for the purpose of showing that the spirit of the people there is not an unjust spirit; that the temper in which they look at things is not distorted by covetousness or by any other feeling than that of seeing absolute justice done to the people of the United States.

I have here, sir, a bundle of letters that I will not think of reading to the Senate at this time. It may become necessary to read them at a future time. But I have also statements of various cases that have occurred in the Isle of Pines, to which I wish to make some reference before I close what I have to say in this discussion.

There is a point of time and there is a concurrence of circumstances about this business that trouble, that puzzle me. In the letter which I have had read at the desk to-day and in other papers which I have that prove it beyond question, it is stated that a very intelligent, able committee of gentlemen, men of worth, merit, in every respect, finding that the Government of the United States was going to yield its military control of Cuba, and give to it the functions of government, went over to Habana to interview Gen. Leonard Wood to see what disposition would be made of the Isle of Pines.

They conceived that the Isle of Pines had been conveyed directly to the Government of the United States by the treaty of Paris; that there was no question of geography in it at all; that it was a question merely of being an island, Cuba being named and no other island being named, except Porto Rico. In the whole vast sweep of territory that we acquired under the Paris treaty, those are the only two islands named, one—Porto Rico—ceded to us absolutely, and the other ceded to the United States as, I might say, in a sort of political trust, that they would hold the island and govern it by act of Congress, fixing the rights of the citizens of Cuba by act of Congress of the United States, and that when they came to abandon the governmental control on the part of the United States they would in that instance and for the very first time create a people in Cuba known as a people within the definition of international law, a people assembled together and organized for purposes of government under lawful authority.

Up to the time of the passage of the Platt amendment and the conformity of the Cuban Government to that amendment in its constitution and in other respects, there had been no such people as the people of Cuba. We may speak of any islanders as the people of a certain island. We may speak of the Hawaiian islanders to-day as the people of the Hawaiian Islands, not in the sense of the government, but in the sense merely of characterizing the population. In that sense Cuba had a place in the world. She had even more than that. She had to a limited degree and for a very short time the powers of municipality in her different departments, with the right of representation in the Cortes at Madrid, in Spain; and those representatives were chosen by elections, and certain people were entitled to vote for them. But as "the people of Cuba," entitled to have or receive any powers whatsoever, they did not exist in that character at all, and could not exist until the Platt amendment had made it possible by an act of the Congress of the United States.

Prior to the passage of that act, and certainly prior to the ratification of the treaty of Paris, all the people in Cuba were subjects of Spain, and the United States never contradicted it. The United States refused to recognize the independence of these people. It refused even to concede to them belligerent rights during the civil war or in our war with Spain. I was here, along with other Senators, trying to get for them the acknowledgment of the rights of belligerency while the war was going on. The Senate voted it down whenever it was presented. They were not recognized as anything else except as being subjects of Spain, some of them, alleged to be in a large minority, in a state of insurrection.

So these people in the island of Cuba, or these people of the island of Cuba, had no sort of governmental recognition until the Platt amendment was passed. They got their governmental organization and recognition or power to organize exclusively and entirely from the Platt legislation.

In the very act of creating them a people we circumscribed their limits. In what way? In the most pronounced way that was possible. In a constitutional ordinance which required them to put into their constitution a solemn declaration whereby the Isle of Pines was expressly excepted and excluded from the island of Cuba. That was our requirement. That was the condition upon which they were elevated to that state where they could become a people and exercise the powers of government. They adopted it. It is the law yet, the constitutional law of Cuba. The Isle of Pines is fenced out from that island, segregated, and separated, geographically and in every possible sense.

When that was done, Mr. President, where did this island go? Somebody owned the Isle of Pines. Who was it? It was not Cuba, because she had declared in her constitution that she did not own it and had no jurisdiction over it. Then it either reverted to Spain or it passed to the United States under the treaty of Paris, as other islands in the West Indies. There is a fact, not a problem, that does not admit of doubt or disputation. A schoolboy would have a ferrule put heavily in the middle of his hand who should stand up and say that he could not understand it. It is the plainest proposition in the world.

Now, I could rest the case right upon that proposition. The

first proposition I rest it upon is the terms of the treaty before the Senate, which asserts title in the United States. The second proposition is the constitution of Cuba, which we imposed upon them under the Platt amendment, and expressly excluded the Isle of Pines from the constitutional boundaries of Cuba. How did that ever happen? Cuba or some Cubans, some Spaniards in Cuba, who were never any more reconciled to us than the devil is to holy water, and are not to-day, insisted that the island of Cuba embraced everything around there and that all come to them, and they were making their insistence in such shape as indicated that the first thing we might know these fellows would head a new rebellion and require us to go down and shoot some of them before we got their consent to keep the peace, while accepting the boon of independence, which they never wanted.

What, then, was the law? What was done? That wise man from Connecticut, Senator Platt, who had the management of this matter, wrote into his amendment, "You must declare in your constitution that the Isle of Pines does not belong to Cuba." And so they wrote it. And what are we doing now except that we are trying to repeal that declaration by intendment, by some trick of logic, or some other sort of a trick that has perhaps less logic in it than almost anything else you could mention. What we are here to-day trying to do is to get around the declaration we imposed upon Cuba. In the very moment of her birth, when she first acquired the possibility of owning and possessing any right of government at all, she was loaded down with the constitutional restriction, "You shall have no right of government in the Isle of Pines. It is none of your business where it goes to. We have not asked you where it goes to, or to make any provision that the United States should have it. That has been provided for in the treaty of Paris, under which we got the right to hold you, and let you go as soon as we chose to open the cage and let the bird take wing."

There is the situation. Mr. President, it is too plain, too obvious, too imperative for this generation of men to excuse the Senate of the United States in passing it over as idle talk, as a mere suggestion. To coming generations our reputations will go down smirched with some odious imputation connected with this business if we undertake now through a false sentiment of altrusm, or sympathy, or prejudice, or passion, or some previous pledge, hid away from the observation of the people, or the expression of some opinion on the part of some distinguished Senator, to throw away a valuable island in the Caribbean Sea, where our people have gone to the number of 2,000 and have spent their money and their time, not only under the interpretation of the United States in regard to the meaning of the Cuban constitution and of the Paris treaty, but they have gone there under an invitation of the Government.

I hold in my hand, and I have had printed as a document, for the use of the Senate, a pamphlet put out by the Bureau of Insular Affairs of the United States Government in 1902. It is the finest prospectus I have ever yet seen published by a party that desired to have his lands occupied by settlers. This matter, issued from the Bureau of Insular Affairs in 1902, was circulated by the hundreds of thousands amongst the people of the United States, and no man who reads it can find a hint or an intimation in it that the United States is not the owner of that island. Why was the United States advertising this property in this full, complete, and scientific way unless it was to inform the people of the United States that there was a place where they were welcome to go that had been provided by the benevolent foresight of that great Administration of Mr. McKinley? That was President McKinley's proposition. That was his work. That was his decision. Orville H. Platt agreed with him—I have his letter here to show it.

The people of the United States went there under Mr. McKinley's proposition and invitation. That policy changed in an hour. It changed when Gen. Leonard Wood concluded he had some power as a military commander to fasten the type of a de facto government upon an island where the United States had supreme jurisdiction; that he had power to drive out the supreme jurisdiction of the true, lawful government and by his ipse dixit as a military officer, to establish there a de facto government; and not merely to establish a de facto government, but to haul down the American flag and put the Cuban government in the possession of its power and authority.

How did the government of Cuba get the power to pass over the constitutional limitations that were imposed in its own constitution by the Platt amendment and go down to the Isle of Pines and hoist its flag there as the owner of that property? What did Gen. Leonard Wood do by that simple military decree of his, except to defy the constitution of Cuba, the laws of nations, and the laws of the United States, and of justice, public and private, and by his own pledged word which had sent these people into the Isle of Pines under deception.

Right there is the rub; and right there, Mr. President, is the trouble about getting this committee. That is the sore spot. They are afraid if ever a committee of this body goes down there and commences an examination, they will find reasons for that particular military abuse and outrage. That is what they will find, I have no doubt, and that is the reason of this shrinking and holding back in regard to sending a committee of the Senate there when everybody is petitioning for it. Even the innocent and elegant young women of the country, who know about the condition of the island, have had their sympathies aroused, and their interest excited, and their antagonism awakened by acts of injustice such as have been stated here. Under this de facto government a man could not be buried without the consent of Cuba. He could not be married without the consent of Cuba. Marriages in the Isle of Pines, except with the consent of the government, were forbidden. They could not organize a Masonic lodge there without the express consent of the Government of Cuba. They could not have personal, social meetings without the consent of the Government of Cuba.

This is what this infamous, despicable government de facto that General Wood set up there has inflicted upon those people. Here were two old men who had gone there to spend the evening of their days. Unfortunately perhaps, and yet for their glory, they were ex-Confederate soldiers. They had no family. One of them, after laboring very hard there planting out a little orchard, was taken sick in his tent and died. The people of the neighborhood, all Americans, gathered in there, and in their kindness, generosity, and friendship, full of sympathy and love, they sadly prepared a grave and a coffin and gave him decent Christian burial.

That night a lot of negroes, called the rural guard, were sent down, 21 miles from Nueva Gerona, by the alcalde there, to order that man to dig up the body of his brother and carry it to a consecrated graveyard to be buried. They came there at night and found the poor old brother in a state of prostration because of the loss of his lifelong companion. They said to him, "You must take up this body and carry it to Nueva Gerona and bury it." "Well, I am not able to do it. I can not do it. I could not ask my brethren here in the neighborhood to do it; they are not able; it will have to remain." Thereupon the next morning came back that rural guard. They exhumed the body, took the coffin and put it on a cart and hauled it to Nueva Gerona, and it was followed by a battalion of buzzards to its last resting place. It was dumped into consecrated ground in the potter's field. His old brother soon joined him in their eternal sleep. That is de facto government under the Wood ordination in a place from which he hauled down the American flag without authority. I denounce it. My soul revolts at such outrages.

There is no old Spanish law that has been the scourge of the people that has not been hunted up from its place of hiding, awaiting the hours of revenge upon true civilization, that is not applied by the Cuban Government, through the authority of this infamous government de facto.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived——

Mr. MORGAN. I will simply remark that I will take the floor to-morrow and present half a dozen, or, at least, three other cases, one that of a gentleman—a man, I call him now—from Ohio, who is in the penitentiary suffering with long imprisonment there for no offense in God's world except refusing to be arrested by a negro for the nonpayment of an arbitrary and unlawful tax assessed by Cuba.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. LA FOLLETTE. Mr. President——

Mr. MORGAN. I hope that is not done for the purpose of carrying on this argument, because I have spoken very much beyond my time to-day, and I am exceedingly fatigued. I hope the Senate will excuse me from going on to-day. We have time to consider this and every other matter connected with the Isle

of Pines. If the Senate will kindly excuse me to-day, I will take the floor at a convenient hour to-morrow morning.

The VICE-PRESIDENT. The Senator from Wisconsin is recognized.

Mr. MORGAN. I ask of the Senate that the resolution may go over, keeping its place, until to-morrow morning.

The VICE-PRESIDENT. The resolution will go over, retaining its place on the Calendar.

EMPLOYERS' LIABILITY BILL.

Mr. LA FOLLETTE. I ask unanimous consent to call up House bill No. 239, which was under consideration yesterday.

There being no objection, the Senate resumed the consideration of the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories, and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL] to strike out the proviso at the bottom of page 2, in section 3, which will be read by the Secretary.

The Secretary read the proviso, as follows:

Provided, however, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

Mr. LA FOLLETTE. Mr. President, I believe the amendment proposed by the Senator from Virginia [Mr. DANIEL] should not be adopted. It proposes to strike out the proviso in section 3, which gives credit to the railroad company in any action brought against it for any sum that it may have contributed toward any insurance, relief benefit, or indemnity paid to the injured employee, or, in case of his death, to his personal representative. I know that those who have given some investigation to this subject in the interest of the railway employees are fearful that it might invalidate the law if the provision were stricken out. Besides, it seems just that any railroad company which has paid a certain amount of money as insurance or indemnity for an injury received should, in case of an action brought for that same injury, be credited with the amount so paid.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia [Mr. DANIEL].

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I wish to offer an amendment, which I send to the desk.

The SECRETARY. On page 2, line 1, after the word "none," insert "then for his parents; if none, then;" so that if amended the clause will read:

In the case of his death, to his personal representative for the benefit of his widow and children, if any; if none, then for his parents; if none, then for his next of kin dependent upon him.

Mr. LA FOLLETTE. The purpose of this amendment will be at once apparent. In case of recovery for the death of an employee, it makes the parents of the deceased the beneficiaries where the employee leaves neither wife nor child. If there be no parents, then the next of kin dependent on the employee will recover. I am certain that the amendment will commend itself to the judgment of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I have one more amendment which I offer.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, at the end of section 2, add the following:

All questions of negligence and contributory negligence shall be for the jury.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer an amendment to the title of the bill.

The VICE-PRESIDENT. That will come in after the bill has been passed.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. LA FOLLETTE, the title was amended so as to read: "A bill relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees."

Mr. DANIEL subsequently said: Mr. President, I move to reconsider the vote by which the negligence liability bill was passed to-day. I will later state my reasons for that motion.

PURCHASE OF MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

Mr. ALDRICH. I move to take up the joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from Florida [Mr. MALLORY]. It will be stated.

The SECRETARY. In line 7 of the joint resolution, before the word "unreasonable," strike out "extortionate or."

Mr. STONE. Mr. President, I desire to occupy the time of the Senate for a short while. When the joint resolution was before the Senate on May 28 I was making some remarks with regard to it when I was cut off by the expiration of the morning hour and the withdrawal of the resolution by the Senator from Maine [Mr. HALE].

When interrupted I was inquiring as to the real purpose of the joint resolution. I had read some newspaper reports of declarations made by the Secretary of War, by members of the Canal Commission, by the chief engineer of the canal, and also some formal official utterances of some of these officials, all to the effect that under the law as it stands they considered it their duty to buy canal supplies wherever they could be bought the cheapest.

About a year ago, as everyone can remember, the President and other officials connected with the canal were proclaiming that in purchasing materials and ships for the canal they did not intend to be held up by American manufacturers and shipowners. They considered it their duty, so they said, to protect the Treasury from those who would plunder it by exacting unreasonable prices for what they had to sell. This was a remarkable position for a Republican Administration to take, and naturally it excited wide attention. But, however unusual and unexpected, it is safe to say that this expressed determination of the President to protect the Treasury received the hearty approval of the great body of the people who are to pay for the canal. The President was then in the high tide of his evanescent popularity, and although the people wondered at his utterances, they applauded him. That was true of the great body of the people.

But there were those representing special interests whose cupidity had been aroused by the millions the President had to expend, and who patriotically expected to realize enormous profits out of the materials they had to sell, who did not applaud. On the contrary, they viewed the President's attitude with indignation and alarm. Promptly they organized their forces to resist and discipline him. The "stand-patters" came swarming in from every direction, and a storm of protest was raised in every available quarter. The President's courage was put to the test, and, as usual, proved unequal to the strain. There was a great thundering by him in the index, with the customary Rooseveltian fiasco at the finish. The "Iron man at the White House" again proved himself to be no iron man at all, but only what Bismarck once declared Salisbury to be, "merely a pine lath painted the color of iron." The President surrendered, and, instead of buying canal material, as he vowed he would, as he repeatedly asserted it was his duty to do, in the cheapest market, he bought practically everything he purchased—98 per cent of the whole—at protected trust prices in America.

Let me give you an illustration of how the President signally failed to stand by his guns and to protect the Treasury. Among other things he had to purchase were two ships for the use of the Canal Commission. The prices at which American ships were offered were considered extortionate, as undoubtedly they were. The prices were practically double the price asked for foreign ships. For instance, two foreign ships of 6,000 tons each were offered for $750,000, while the lowest price at which two American ships of similar capacity were at first offered was $1,400,000. The President opened negotiations for the purchase of the foreign ships, but at the same time the batteries of the American shipbuilders and shipowners were opened on the President. The fight, while it lasted, was fast and furious. In speech, the President was bold and defiant; he vowed he would protect the Treasury and the people from extortion so monstrous. The papers were filled with stirring accounts of his brave front and high resolve. He was represented as being implacable and immovable.

Lay on, Macduff,
And damn'd be he that first cries "Hold, enough!"

Was the refrain that came rattling out from the precincts of the White House day after day. For a while—a very short while—it really looked as if the President, for once, at least, would stand his ground, but our hopes, alas, were in vain. He

was not equal to the task. He hauled down his flag and surrendered. Instead of buying two foreign ships of 6,000 tons each for $750,000, he bought two American ships of 5,700 tons each for $1,300,000.

These ships, known as the *Havana* and the *Mexico*, were purchased of the New York and Cuban Mail Steamship Company, of New York, commonly known as "The Ward Line." They had been in commission and in active service for from seven to eight years. Last December I had occasion here in the Senate to refer to the purchase of these ships and to comment on the transaction. At that time I called attention to the fact—for it is a fact that no Senator here will dispute—that it is a rule, based on experience, for shipowners to write off 5 per cent of the cost value of the ship for every year it is in active service. In addition to that, it is generally agreed that the average life of a ship's boiler plant is about eight years, and that the boiler plant represents about 15 per cent of the total value of the steamer. I called attention to the fact that these ships, the *Havana* and the *Mexico*, had been in active service for from seven to eight years, as shown by the public records. Upon the strength of those facts I then contended, as I now contend, that the real market value of these ships at the time the Government purchased them could not have been more than about 60 per cent of their value when new. In the very nature of things, tested by whatever rule, there must have been a depreciation of from 35 to 40 per cent in the value of those ships. But at that time, Mr. President, I was not able to give the original cost of the ships; that is, the price paid the builders for constructing them. Now, however, I am able to supply that information.

At the hearings had before the Merchant Marine Commission during the spring and summer of 1905 Mr. Alfred G. Smith appeared as a witness. His testimony is set out in full in volume 1 of the hearings. He testified that he was secretary and treasurer of the Ward Line, and he gave a list of the ships constituting the fleet of that line, with the dates of their construction. On page 131, volume 1 of the hearings, Mr. Smith testified:

> We have two vessels of 5,700 tons each. They are 16-knot ships.

These were the *Havana* and the *Mexico*. Senator LODGE inquired as to how much they cost, and Mr. Smith answered:

> In the vicinity of $550,000 apiece; perhaps $600,000.

So, Mr. President, we have it directly from the lips of one of the chief officials of the company for whom the ships were built, and who sold them to the Government, that they cost originally in the vicinity of $550,000 each, or possibly, he said, as much as $600,000 each. Here, then, we have an example of how the President kept his promise, so vociferously and repeatedly made, to guard the Treasury and the people against the inroads of plunderers.

Two English ships of larger tonnage were offered for $750,000, but the opportunity to buy them was abandoned under pressure and two American ships of lighter tonnage were purchased for $1,300,000, which was from $100,000 to $200,000 more than the ships cost the owners when they were built.

Be it also remembered that under the rule universally observed by shipowners of writing off a percentage of the value of a vessel for each year of active service these ships were necessarily worth from 35 to 40 per cent less the day the Government bought them than they were the day the Cramps, who built them, delivered them to their owners.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. Has the Senator from Missouri taken the trouble to ascertain the difference in the cost of building ships at the present time and when these American ships were built? And does the Senator know how much that company is paying for two ships of practically the same tonnage to take the place of those ships which were sold to the Government?

Mr. STONE. I can not answer the last question. Can the Senator?

Mr. GALLINGER. I can.

Mr. STONE. I wrote a letter, I will say, to this Mr. Smith, asking him for information, and as yet have received no information.

Mr. GALLINGER. I have very correct information, which leads me to state that they are paying about $900,000 for each of the ships to take the place of the ships they sold to the Government; and not only that, but it is a fact as to the two foreign ships that when our Government went to purchase them, they found that they were already sold, and they found no other two ships that suited their purpose as well as these American ships.

Mr. STONE. Of course I do not know from what source the Senator from New Hampshire gets his information on which he bases the statement that the foreign ships were sold.

Mr. GALLINGER. They were sold.

Mr. STONE. I say I do not know from what source the Senator gets that information. I only know what I saw in the public press last summer as coming directly from the Secretary of War and the Canal Commission. Whether those statements are correct, of course I am not prepared to say.

The statement that the ships that are now being built would cost $900,000 is not significant. I know nothing about the ships that are being built. I have asked for a description of them, their tonnage, and their character, as compared with the ships sold to the Government. I have asked it of the officers of this company, and have not been able to obtain that information. They may cost $900,000 or twice $900,000.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. With pleasure.

Mr. GALLINGER. If the Senator will permit me, I do not think he will be able to get reliable information from any source that the owners of those ships sought the privilege of selling them to this Government. They have not an excess of ships. The Government expressly desired to buy those ships, and put this company to great inconvenience in disposing of those two most excellent ships, because they themselves had to make a contract for the building of two additional new ships. If I remember correctly, they gave an order for three new ships. So that not only would American mechanics get the advantage of building two new ships because of this bargain with the Government, but they get the advantage of building three new ships.

Mr. STONE. But what has that to do, I ask the Senator, with the fact, as stated to the Senate and which the Senator will not gainsay, that these two ships, seven or eight years old at the time the Government purchased them, cost the Ward Line from $1,100,000 to $1,200,000 when built, and after using them for eight years they sold them to the Government for $1,300,000?

Mr. GALLINGER. Has the Senator taken the trouble to ascertain what repairs were put upon those ships?

Mr. STONE. I understand——

Mr. GALLINGER. While it is a fact that there is an annual depreciation in ships, that annual depreciation can be made good by proper repairs.

Mr. STONE. Does the Senator contend that a ship's life might be continued forever by repairs?

Mr. GALLINGER. It can be continued for a long time.

Mr. STONE. The rule is to write off 5 per cent annually and keep up repairs.

Mr. CLAY. I should like to ask the Senator from Missouri if it is not true that the average life of a ship is about twenty years. If that be true, evidently a ship that has been used for seven or eight years would not be as valuable as a new ship, and if the ship only cost $750,000, it evidently would not be worth $1,300,000, having been used for six or seven years.

Mr. STONE. So I contend.

Mr. GALLINGER. The Senator from Georgia [Mr. CLAY] does not mean by that that a ship that cost $750,000 was sold for $1,300,000. I hope the Senator from Missouri [Mr. STONE] will correct that statement.

Mr. STONE. The testimony of Mr. Smith, the secretary and treasurer of this company, before the Merchant Marine Commission last summer was that the ships cost, when built, in the vicinity of—to use his own expression—$550,000 each.

Mr. CLAY. For how much were they sold?

Mr. STONE. They were sold for $650,000 each.

Mr. CLAY. Then I misunderstood the Senator from Missouri.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. STONE. I do.

Mr. FORAKER. I only want to see if I understand the statement the Senator from Missouri is making, for it is a very important one. I understand him to say these two ships, which were bought for $650,000 each, originally cost, according to somebody's testimony, only about $550,000 each.

Mr. GALLINGER. Or $600,000 each.

Mr. STONE. Possibly $600,000 each.

Mr. FORAKER. Well, $600,000 each. At any rate, that, after five or six years' use——

Mr. STONE. Seven or eight years' use.

Mr. FORAKER. They were sold to the Government for more than the original cost. What I want to know is, on what

authority does the Senator make that statement? The Senator doubtless stated, but I did not catch it.

Mr. STONE. I make the statement as to the original cost upon the authority of Mr. Smith, who is secretary and treasurer of the New York and Cuba Mail Steamship Company, commonly known as the Ward Line. For that company the Cramps built these two vessels, known as the *Mexico* and the *Havana*, and this officer of the company testified before the Merchant Marine Commission what the cost of construction was.

Mr. FORAKER. When was that testimony given, if I may inquire?

Mr. STONE. I gave the date, or the page.

Mr. FORAKER. I will not ask the Senator to do it again. If it will be in the RECORD, I will find it.

Mr. STONE. It was in May, about a year ago.

Before I resume where I left off when interrupted, I want to ask the Senator from New Hampshire [Mr. GALLINGER] a question. He asked me if I had investigated to find out what the difference in cost is in shipbuilding now as compared to the cost six or eight years ago, when the *Havana* and *Mexico* were built. Can the Senator from New Hampshire tell me what the difference is?

Mr. GALLINGER. I will say to the Senator that I can not with definiteness, but I understand it is considerably greater.

Mr. STONE. In what does the increase consist?

Mr. GALLINGER. In the first place, in the increased cost of labor.

Mr. STONE. How much is that?

Mr. GALLINGER. I say to the Senator that I can not definitely state it. I say that it costs more.

Mr. STONE. Are the wages paid laborers in shipyards very much more, or any more, now than they were six or seven years ago? I do not believe that is true.

Mr. GALLINGER. They are somewhat more; yes.

Mr. STONE. There has been no perceptible increase in the cost of material, I assume?

Mr. GALLINGER. The Senator has sometimes, I think, argued that there is, and he attributes it to the trusts. I have heard the Senator make that argument.

Mr. STONE. Well, I do say that there is a very great increase in the cost of articles to American consumers by reason of the trusts and the protection they get under our tariff laws. I maintain that; but the question I am asking is whether there is any increase in the cost of material now over what it was six or seven years ago?

Mr. GALLINGER. I think I have heard the Senator argue—I certainly have heard some of his associates argue—that in consequence of the trusts there is a very great increase in the cost of material to the American manufacturer.

Mr. STONE. The material that goes into ships can be brought in free of tariff duties. The law is so made in the interest of American shipbuilding.

Mr. GALLINGER. Exactly.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. STONE. Certainly.

Mr. CARMACK. I will state to the Senator from New Hampshire that the argument he heard made by the Senator from Missouri and others is that there is a very large increase in the price of protected articles over what it was before the tariff was made higher. There has been no increase in the tariff in the last seven or eight years.

Mr. GALLINGER. I will say to the Senator frankly that I can not state it to him with definiteness—of course, no Senator could without looking the matter up carefully—but I have information, which I think is reliable, that there is some considerable increase of cost.

Furthermore, Mr. President, if the Senator will bear with me a moment, he ought not to lose sight of the fact that when this company parted with these two most excellent ships, it put them to considerable inconvenience and considerable loss. They had to immediately proceed to have new ships built in American ship yards. I think the Senator will search in vain for any data that will enable him to make a statement to the Senate and the country that this company sought the privilege of selling these ships to the Government. The Government wanted ships, and they discovered these two ships; they sought to purchase them, and the company sold them to the Government.

Mr. STONE. I know nothing about that. Does the Senator know anything about it?

Mr. GALLINGER. I think that is a correct statement of the matter.

Mr. STONE. It is unimportant, even though it be correct, whether the Government made the first overture or the steamship company made it. I should think that any company that could make such a bargain with the Government would not be slow in looking up the opportunity.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. STONE. Certainly.

Mr. FORAKER. If I understand the Senator from New Hampshire [Mr. GALLINGER]—I hope I may be excused for making some inquiry about this, for it is new to me—the Government was in need of ships, this company happened to have the only ships that would answer the Government's purpose, and, under the stress of necessity, the Government paid the price that was necessary in order to get the ships.

Mr. GALLINGER. That is about the statement, except that I do not concede that the Government paid any more than a fair price, all things considered.

Mr. FORAKER. So I understand.

Mr. STONE. I think we could very well afford to leave the argument at that point. The Government did need ships and the Government had opened negotiations for the purchase of foreign ships. Two foreign ships of larger tonnage were offered to the Government. When it was seeking them throughout the world, when the President declared that it was his intention and his duty to seek them throughout the world wherever he could get the best for the least money, these two ships were offered to him; but he permitted the opportunity to purchase them to pass. His agent came home, and the two American ships were purchased at a price largely in excess—from one hundred to two hundred thousand dollars in excess—of what the ships cost when they were built, and that, too, after they had been in the active service of the company that owned them for a period of seven or eight years.

To my mind it is utterly absurd to say that the authorities, to whom was committed the duty of purchasing these ships, could not find ships in Europe. Mr. President, the one chief complaint that Americans are making is that our merchant marine has almost disappeared from the sea. Whatever the cause, the fact stands out to the shame of the American people that to-day we are at the very foot among the maritime powers of the earth, while the ships of the great powers of Europe are swarming the seas. To say that ships could not have been purchased in Europe, to my mind, is absurd. The fact remains that these vessels, at the time they were purchased, were worth approximately not more than $700,000, when valued under the rules by which ships are rated by shipowners and shipbuilders.

Mr. President, I assert that it would be hard to find a more patent or shameful instance of the misappropriation of public funds than this. It might be interesting while on this point, and especially to the senior Senator from Alabama [Mr. MORGAN], to know that a secretary of one William Nelson Cromwell was the agent of this Government who was sent abroad to negotiate for the purchase of foreign ships, and who reported that it was not possible to procure ships suitable for the service of the Canal Commission. It may be even still more interesting to know that this same William Nelson Cromwell appeared as a representative of this Government in the transaction which culminated in the purchase of the *Havana* and *Mexico*. It is really remarkable that this man Cromwell is present in some form in almost every important transaction connected with the Panama Canal.

This transaction, Mr. President, serves a double purpose: It shows that the President was right in declaring that the Government should have the markets of the world to draw from in order to protect the Treasury from unreasonable extortion, and it shows the weakness of the President and his inability to withstand pressure from powerful financial and political influences even in cases where his duty is perfectly plain. How much the Government has suffered in other purchases on account of the President's unfortunate vacillation and weakness, I can not tell. It has been stated in hearings before the Committee on Appropriations that 98 per cent of all materials purchased have been purchased in America. If this ship transaction can be taken as a sample of the whole, then the graft mounts up already into millions. The President's weakness is a costly thing to the American taxpayers.

Mr. President, there is no public need to pass this joint resolution. No one can doubt that the President will buy practically all canal materials in America, no matter what the difference in prices here and abroad may be.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. STONE. Certainly.

Mr. ALDRICH. I assume that the Senator from Missouri is stating his belief, but unfortunately for his contention both the President and the Secretary of War, in a communication to

Congress, have stated the opposite of that contention to be the fact.

Mr. STONE. I am aware of that. I have read the document the Senator holds in his hand, and I have proceeded notwithstanding to say what I have.

Mr. ALDRICH. The Secretary of War says:

> If there is no prospect of early action by Congress, I shall direct Mr. Shonts, unless ordered by you to take a different course, that he accept the bid of William Simons & Co., of Renfrew, Scotland.

The President says in his reply to the letter of the Secretary of War:

> I approve of your views.

So that, so far as the record goes, it is the purpose both of the Secretary of War and of the President to purchase these materials and articles of manufacture from the foreign producer, unless Congress acts in this matter.

Mr. STONE. I do not care to make a sharp issue of that kind, but, Mr. President, just as positive assertions of the Executive purpose to buy ships and materials in foreign markets, unless they could be purchased in America at reasonable prices compared with foreign prices, were made months ago. I have shown you one example of how that pledge was kept, and the fact that 98 per cent of the materials purchased were purchased at home at the higher prices charged here is proof of my statement that the President would buy at home whether this joint resolution were adopted or not.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. STONE. Certainly.

Mr. ALDRICH. I was about to call the attention of the Senator from Missouri to the fact that there is a difference of condition. The communications from which I read are official communications from the President of the United States and the Secretary of War sent to Congress. The others were published statements, as I understand.

Mr. STONE. Not altogether. I beg the Senator's pardon. Some of the matter that I have put in the RECORD in former remarks was from official documents, from reports of the Secretary of War to the President and from officials of the Canal Commission to the Secretary of War.

Mr. ALDRICH. I was not aware that they were official papers.

Mr. STONE. Some of them were.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. STONE. Certainly.

Mr. FORAKER. I will say to the Senator from Missouri that I have been looking through the testimony taken on this subject before the Interoceanic Canals Committee, and I find this matter all gone over by Mr. Shonts in his testimony, at pages 1425 and following. I should like to read, if the Senator does not object to my taking that much of his time, two or three paragraphs.

Mr. STONE. I would rather the Senator would read them in his own time.

Mr. FORAKER. I did not want to take any time on my own account.

Mr. STONE. The Senator will be at liberty——

Mr. FORAKER. I thought it was only fair to Mr. Shonts, who made the purchase directly, that his statement should be read.

Mr. STONE. I have not said a word about Mr. Shonts.

Mr. FORAKER. I know, but the Senator has stated the transaction, and inasmuch as it appears from Mr. Shonts's testimony that he himself made this purchase directly, supervising it, at any rate, his statement as to how they came to pay as much as they did is important.

Mr. STONE. The Senator can take that up in his own time.

Mr. FORAKER. Very well; I will not insist.

Mr. STONE. No, Mr. President, if we are to judge the future by the past, there is no room for questioning what course the President will adopt. The men who contributed the stupendous slush funds, aggregating millions upon millions of dollars, to carry the last three Presidential elections for the Republican candidates, almost of necessity have their grasp upon those who accepted their princely donations. The beneficiaries of these enormous corruption funds may sometimes wince and shrink from the task imposed upon them, and to hide the shame of it may now and then perform some spectacular stunt in the limelight and before the galleries; but in the end the forces which operate behind the curtain and hold the strings will have their way. But, Mr. President, there has been so much of this blustering, and it has attracted such wide attention that something must be done to relieve the situation. Something must be provided for public credulity to feed upon. A door must be opened for escape, and a soft place must be made for the President to fall. The scheme for all this is wrapped up in this resolution. A short time ago the Secretary of War, in a public speech, which was widely scattered through the country, declared that he considered it the duty of those charged with constructing the canal to build it as cheaply as possible, and that under existing law they had no option to do otherwise. This was merely a repetition of what had been said before.

But in this speech the Secretary went on to say that the whole question had been submitted to Congress with a view to having the legislative department prescribe a rule for the guidance of those into whose hands the work of constructing the canal had been committed. In substance and effect the same declaration by the Secretary of War is repeated in his letter to the President of May 14, 1906, the one referred to by the Senator from Rhode Island, and which was transmitted to the Senate and House by the President the following day. Let me read an extract from the Secretary's letter:

> The result of a consideration of general principles of law and the practice of the Government, in the absence of specific direction to the contrary, is that in the construction of the Panama Canal in the Canal Zone on the Isthmus, which is outside the tariff wall surrounding the United States proper, and into which, by virtue of the Hay-Varilla treaty with the Republic of Panama, material, supplies, and machinery of all kinds for the construction of the canal are to be introduced free from tariff or imposts, it is your duty to buy where you can obtain the material, supplies, and machinery at the cheapest price, other conditions with respect to quality, prompt delivery, etc., being equal. This view it seems to me is confirmed by the failure of Congress to direct any different course on your part, although the matter was brought to its attention more than a year ago, and your view of your duty in the premises, if Congress took no further action, was clearly indicated.

So they bring the matter again before the Congress for their action. Here is a kind of mute appeal to the Congress to help them out of a hole. The President has given up his fight and surrendered, but henceforth, as he goes on patiently bearing his yoke, he must have some excuse to give the people for abandoning the path of duty. And so the Macedonian cry comes over from the White House to Congress. This joint resolution is the response Congress makes to that appeal. Hereafter when the President goes on buying trust materials at trust prices, as he has been doing, and would continue to do whether this resolution should be adopted or not, he can excuse himself on the ground that Congress has established a rule for his guidance. He can shelter himself under this resolution and unload his sins on Congress. It would be a sham performance, of course, but it would answer the purpose. That is about the only possible use to which this resolution can be put. Under its terms, it does not, in fact, restrain or limit the President, except when American materials are offered at reasonable prices; then the resolution would require him to purchase in America. I do not know what the President or the authors of this resolution would consider "reasonable" prices for American materials. I presume it would mean reasonable as compared to the prices offered in other countries; but what the President will consider reasonable is another thing. Nobody imagines that the President, or that anyone else, would go abroad to buy materials for this canal, or for any other purpose, if they could be had at home for prices which are reasonable as compared with foreign prices. There is utterly no need for enacting a law directing the President to purchase at home under circumstances of that nature. With or without this joint resolution, or any other rule on the subject, no one supposes that the President would buy abroad unless the prices asked at home were unreasonable. The very thing the President, in the first instance, declared his intention to do was to go abroad only in the event the manufacturers and shipowners of the United States sought to extort unreasonable prices. That was all anybody could expect or desire him to do. He needs no Congressional authority to carry out that policy. And this resolution, if adopted, will not clothe him with any power he can not exercise already. It would leave him standing substantially where he stands now without it.

The Senator from Rhode Island read an extract from the letter of Mr. Secretary Taft to the effect that certain materials, dredges among other things, on which bids have been taken, would be purchased abroad unless the joint resolution should be adopted. Among the bids that were made, two or three have been mentioned in the Senate. A company in Maryland, dredge builders, have offered two dredges at a price about $70,000 in excess of the price at which a Scotch firm offers to furnish them. Is this a reasonable price asked by the Maryland company? Is it fair, reasonable, just—just to the Government, to the taxpayers, to the Treasury? If so, then the President should buy here, not abroad. Why would he go abroad, why would Mr. Secretary Taft advise him to go to Scotland to buy

instead of buying in Maryland, unless it be the opinion of the Secretary and the President that the price asked by the Maryland dredge builder is exorbitant and unreasonable?

The Senator from Rhode Island says that unless we pass the joint resolution they will go abroad and buy. Very well. If the price is unreasonable they can go abroad anyhow under the terms of this resolution and buy, and should do so if the price asked here is unreasonable. On the other hand, if the price is a fair price they can buy here without the passage of the joint resolution.

Mr. ALDRICH. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. STONE. Certainly.

Mr. ALDRICH. If the Senator from Missouri were buying these dredges and had to take into consideration the prices respectively of the Maryland Steel Company and the concern in Scotland, he would have to pay 45 per cent duty on the foreign dredges, which would make the foreign dredges cost $175,000 more instead of $70,000 less than the American dredges.

Mr. STONE. I fully understand that.

Mr. ALDRICH. That is the question which we are here considering, and that is the question which must necessarily be considered by the President in determining whether the bids of domestic competitors are reasonable or not.

Mr. STONE. Does the Senator want the Senate to understand that the joint resolution in any regard affects the tariff?

Mr. ALDRICH. The joint resolution provides that the Government of the United States shall do what it requires its citizens to do—to buy goods of American production; and because the labor cost in the United States is so much greater than abroad, the Government is forced to the necessity of levying duties upon foreign products. The joint resolution says in effect that the Government of the United States ought to stand in relation to these transactions the same as an American citizen stands.

Mr. STONE. I am not sure but that the Senator is right about that, but——

Mr. PATTERSON. Mr. President——

Mr. STONE. I yield.

Mr. PATTERSON. The Senator from Rhode Island is evidently mistaken as to the view the President takes in determining whether the price asked for a domestic article is reasonable or unreasonable.

Mr. ALDRICH. I am not undertaking to express the views of the President of the United States, and I am willing, if the Senator assumes that he can, that he shall speak for the President of the United States. We are undertaking here to express the opinion of the Congress of the United States as to the policy which ought to be pursued in the purchase of materials for the construction of the canal.

Mr. PATTERSON. Let me call the attention of the Senator from Rhode Island to what the correspondence shows are the facts. According to the letter of Secretary Taft, the difference between the price of the foreign article and the domestic article is only about 8 per cent. The Senator from Rhode Island says that the tariff upon the article would be 45 per cent, and that is the matter which induces the President to make this communication to Congress.

Mr. ALDRICH. Oh, no; I did not say that.

Mr. STONE. No.

Mr. ALDRICH. I did not say that.

Mr. PATTERSON. Is it the idea of the Senator from Rhode Island that if an article is offered by a domestic manufacturer at the cost in a foreign country plus the tariff that that will be a reasonable price? In other words, if these two dredges should cost but $654,000 abroad, then an American manufacturer might add to that sum 45 per cent, or something below 45 per cent, and that the President would be in duty bound to give the contract to the American manufacturer?

Mr. ALDRICH. In determining the reasonableness of a domestic price of course the President is not bound to take into consideration alone the foreign price plus the duty, but the reasonableness in the United States growing out of the competition between domestic producers.

Mr. PATTERSON. Ah!

Mr. ALDRICH. I should like to ask the Senator from Colorado a question. Does he not think that if the Government of the United States is to be forced to buy in the cheapest markets in the world American citizens ought to be permitted the same privilege?

Mr. PATTERSON. I certainly think they should be. Now, I want to ask the Senator from Rhode Island a question.

Mr. ALDRICH. Is not the converse of that proposition also true?

Mr. PATTERSON. No. My question was going to the converse of the proposition. Because, under the American tariff, the trusts may rob the American consumers, is that any reason why they should be robbed the second time when the Government may go into the markets of the world to make the purchase? Should not one robbery be enough?

Mr. GALLINGER. Did I understand the Senator from Colorado to say that he thought American citizens ought to have the same privilege of buying abroad?

Mr. STONE. With all due deference to Senators——

The VICE-PRESIDENT. The Senator from Missouri is entitled to the floor.

Mr. STONE. I think I would rather not have these arguments injected into my speech.

The VICE-PRESIDENT. The Senator from Missouri declines to yield.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. STONE. Certainly.

Mr. BACON. With the consent of the Senator from Missouri, as bearing upon the question he is now discussing, I desire to present an amendment which I intend to propose when it is in order to do so; and I ask that it may now be read in order that it may also be ordered to be printed.

The VICE-PRESIDENT. The Senator from Georgia presents a proposed amendment, which will be read.

The SECRETARY. It is proposed to add at the end of the joint resolution the following:

Provided, That in making said purchases a larger price shall not be paid for any such article of domestic production or manufacture than the price at which the same or similar articles of domestic production or manufacture are sold or offered for sale in foreign markets, or for export to foreign countries. And for the ascertainment of the prices at which articles are sold or offered for sale in foreign countries, the Secretary of Commerce and Labor is hereby directed to procure so far as practicable and to report to the President the following information:

First. What articles and classes of goods produced or manufactured in the United States such as are required, as material and equipment, in the construction of the Panama Canal have, during the year ending December 31, 1905, been sold or offered for sale in foreign countries, or for export to foreign countries by the producers or manufacturers thereof or through their representatives or agents at prices less than the same and similar articles and classes of goods were during the same period sold in the United States by the producers or manufacturers thereof or through their representatives or agents, having special reference in said report to all classes of tools, machinery, steel rails, cars, engines, dredges, vehicles, cement, and other materials largely and principally required in the construction of said canal, and in the maintenance, equipment, and operation of the Panama Railroad.

Second. What, separately stated as to each class of goods and with specification of articles so far as practicable, was the general average during the said period of the comparative prices in sales in the United States and in the several foreign countries.

The Secretary of Commerce and Labor is further directed to make said reports as soon as practicable, and thereafter in the year 1907 and in each succeeding year during the continuance of the construction of said canal, it shall be his duty to procure the said information, and to report to the President concerning said sales in the United States and in foreign countries during the calendar year next preceding the said report.

The VICE-PRESIDENT. The proposed amendment will lie on the table, and be printed.

Mr. STONE. Mr. President, I repeat that the only purpose the resolution can serve is to excuse the President's capitulation to the trusts. Hereafter I imagine there will be few American offerings found to be unreasonable, and none extortionate. An enormous amount of structural steel will be required for use on the canal. The steel trust, as is well known, has two prices for its products—one for their protected American market, and the other for the open market of the world. If steel rails and other steel products can be shipped to Europe and sold at a profit in competition with products manufactured there, then it would be unreasonable for the trust to demand of the Government a higher price than they sell for in Europe. Certainly they could afford to sell to the Government at their export prices on delivery at their mills, thereby adding the cost of transportation to their profits. Anything above that would, in fact, be unreasonable, but I would take no serious chance in predicting that the prices the Government will pay will be nearer the domestic price than the foreign price. This resolution merely crowns the triumph of the trusts over the President.

And, Mr. President, why should not this be so? If we are to continue this Republican policy of a prohibitory tariff, why, indeed, should not the Government itself bear the burden it imposes by law on the citizen?

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. Certainly.

Mr. HALE. I do not want to interfere with the Senator's line of argument, but right in connection with what he has just stated, with his leave, I should like to ask him one question.

Mr. STONE. What is the Senator's question?

Mr. HALE. Can the Senator find an instance anywhere, in Europe or elsewhere, where a government is engaged in any public work, that it does not invariably, always, without exception, buy its material and employ its labor at home, whether that government is free trade or is protection? Will he not find that free-trade England does precisely what protective Germany does and what France does, and that there is not an instance in the civilized world where government is engaged in expending its revenue for public works that it goes outside for its labor or material?

Mr. GALLINGER. And confine the carriage to their own ships.

Mr. HALE. And as the Senator from New Hampshire says, in addition to that they confine the transportation to their own ships.

Mr. STONE. Mr. President, I think every government does wisely to buy at home its materials for use in the construction of public works, and does wisely to employ its labor, as far as practicable, from among its own people, but——

Mr. CARMACK. Will the Senator from Missouri permit me?

Mr. STONE. I will.

Mr. CARMACK. I think the statement of the Senator from Maine is very incorrect indeed. I think the British Government has purchased in the United States material and supplies to a very large extent for Government purposes, in the colonies at least, for public works.

Mr. HALE. I wish the Senator before this debate is terminated—it is not evident that it is going to terminate to-day—would bring in an instance where for Government work, paid for by taxation of the people of the Government, there has been in any single instance a purchase of material or even labor for it from outside.

Mr. CARMACK. I happen to remember the case of the Atbara bridge. The material was purchased almost exclusively in the United States; in Philadelphia, I believe.

Mr. HALE. That was a colony.

Mr. MONEY. If the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. STONE. Certainly.

Mr. MONEY. I do not like to interfere in this debate, because the Senator from Missouri is making a very fine speech, but as it seems to be the order of the day that he shall be interrupted, I want to correct the statement made by the Senator from Maine.

Mr. STONE. I have no objection, I will say to the Senator.

Mr. MONEY. I know. The Senator is very indulgent and complacent about it. As a matter of fact, it was necessary for military operations to build a bridge across the Blue Nile at Atbara. As a matter of fact, advertisements were made for the building of it. As a matter of fact, an American firm got the contract as against every bid made by English firms; and there were many bids. The American firm got the bid for two reasons: One was that the bid was cheaper, and the other was because the bridge could be finished in half the time. That is one instance that I call to mind just now.

Mr. HALE. That does not in any way interfere with my proposition. The Indian matter was a matter of Indian revenues. It was an Indian colonial matter.

Mr. MONEY. It was an Egyptian matter.

Mr. HALE. Well, it was colonial.

Mr. MONEY. I want to state, if the Senator from Missouri will excuse me, that it was a military operation in the Sudan; and it was necessary, having extended the railroad up from Cairo, to build a bridge across the Blue Nile near Khartum; and it was built after advertisements, as I stated, which were published. There were many bids. An American firm got the bid for two reasons; first, because the bridge could be finished in half the time offered by any British firm, and, second, the American bid was lower. Now, that is a fact which, I think, goes directly against the statement of the Senator from Maine, and if he will allow me——

Mr. HALE. No; I renew my proposition that you can not find an instance where the Government is expending money drawn by taxation from its people, and in this case we are furnishing all the money in the canal. Panama does not furnish it; we furnish it. We pay the taxes——

Mr. CARMACK. If the Senator will allow me——

Mr. HALE. Wait a moment. In no case will it be found where, like in this case, the Government pays the bill and does the work it either prefers foreign people or foreign material.

Mr. MONEY. If the Senator will not accept the statement I made, which is a true one and can be verified——

Mr. LODGE. It has no relation. It is Egyptian money. It is not built by British taxpayers.

Mr. MONEY. I know it is Egyptian money, but the contract was made by the Government.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield further?

Mr. HALE. I still insist on my proposition.

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. CARMACK. I wish to say that in the case of building the viaduct in Burma the material was purchased in the United States.

Mr. LODGE. That is in East India.

Mr. STONE. Mr. President, I might find instances by some reflection and attention to them, but of what consequence is it? I imagine it will be somewhat difficult to find a country of sufficient importance to engage in the construction of great enterprises even approximating the magnitude of the Panama Canal where the home market for material is so hedged about by tariffs as to enable the home producer to make such exactions as can be made here in America.

I agree, as I have said, that it would be a wise public policy to purchase at home, thereby keeping our money at home, and to that extent giving employment to our own capital and labor. I agree that it is best, in the prosecution of public enterprises, to employ home labor instead of foreign labor. A proposition of that kind is so evidently true that it will be universally agreed to. There can be no argument about that. But when the home producer of materials needed undertakes to exact prices that are, in effect, as my friend the Senator from North Carolina, in front of me, says, a hold up; when the producers of these materials set two prices upon their products, one for use in foreign markets and another for use at home; when the price at which they sell to foreign consumers is vastly less than what they exact of the home consumer, and would exact of the Government if they could, then, I say, the Government ought to be clothed with power to protect itself against being plundered.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. STONE. Certainly.

Mr. ALDRICH. Does not the Senator think that the joint resolution does precisely that thing? It was the purpose of the committee in reporting it to cover that ground exactly.

Mr. STONE. I have said, and I repeat, that the joint resolution, to my mind, is simply a tinkling cymbal; it is a sound without meaning; there is nothing to it. The President can do now just what he could do under the joint resolution. Without the resolution it might not be strictly his legal duty to buy in the home market even at reasonable prices, yet it would be his patriotic and moral duty to do it, and he would do it. The trouble about it is that the President in future will do what he has done in the past. Threatening the home manufacturers and shipowners to go abroad, possibly with some hope of coercing them, he was himself coerced, and has purchased 98 per cent of everything he has bought in the home market at trust prices.

Mr. HALE. Can the Senator——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. I will yield; but I will say to the Senator that I am anxious to conclude.

Mr. HALE. I do not remember whether the Senator himself took part in the debate, but other Senators upon the other side whom I see before me did, which arose when the bill was up providing for the transportation of Government supplies, mainly coal, to the Philippine Islands. I had the honor to be in charge of the bill, and we debated it here for two or three days. I remember that both the Senators from Colorado, the Senator from Texas, and other Senators took part. We finally adjusted it by language almost the same as that in the pending joint resolution coming from the Committee on Finance. We provided that all transportation of Government supplies to the Philippine Islands should be in American-built ships unless the President found that the bidding for carriage by American firms in American ships was unreasonable or the result of improper combination. The junior Senator from Colorado [Mr. PATTERSON] will remember it, or it may be that it was he who suggested the last words that we put in, when everybody voted for the bill.

Mr. PATTERSON. I think the Senator from Maine is mistaken.

Mr. HALE. I may be.

Mr. STONE. I hope the Senators will not get into a debate on that point.

Mr. HALE. I only wish to call the attention of the Senator to the fact, when he says the words are meaningless and that the joint resolution is meaningless, that it is substantially just the policy that was adopted after full debate in the transportation of Government supplies to the Philippines, and the committee had that in view when they reported the pending joint resolution. If the Senator will look up that bill and will look up the debate, he will find that we went all over it then and finally adjusted it, everybody, I think, voting for it.

Mr. STONE. Mr. President, I would have no objection—I do not see that anyone could have any objection—to directing the President to ship whatever we had to transport to the Philippines in American vessels, unless the rate charged should be exorbitant, and not to ship under a foreign flag. If we could carry our provisions and materials under the American flag at a reasonable price, there could be no objection to giving legislative direction to the President. But at the same time it seems to me to be an utterly useless thing to do. It is impossible to conceive of any American President or official fit to hold his office who would not do without that law what the law required.

Mr. ALDRICH. Will the Senator allow me?

Mr. STONE. So in purchasing materials for the canal perhaps there is no substantial objection to giving some legislative direction, but as a practical proposition this resolution is useless.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. STONE. I yield to the Senator.

Mr. ALDRICH. Does the Senator from Missouri think that the President should purchase these two dredges, which is the practical question now before the Senate, of foreign producers or of domestic producers?

Mr. STONE. Do I think that he could?

Mr. ALDRICH. No; do you think he should, as a matter of duty? What is the Senator's idea, taking into consideration the difference in price, as to what is the duty of the President in the premises?

Mr. STONE. No; I have not given consideration to it. It has been stated that there is a difference of between $60,000 and $70,000 in the bids.

Mr. ALDRICH. Yes; the foreign bid is approximately $67,000 lower than the domestic bid.

Mr. STONE. I do not know the cost of these dredges. I do not know the per cent of difference. I have not gone into that, and I can not now go into a calculation of that kind. It is sufficient to say that if the American price is a reasonable price, a fair and just price, compared with other prices, the purchase ought to be made in America. I do not hesitate to say that anything an American has to sell, if he will sell it to us at a reasonable price as compared with foreign prices, ought to be bought here. That goes without saying. But here is the point: If it is a reasonable price, a fair price, why does the Secretary of War say, as you declare he does, that without this resolution he will go abroad to buy? It must be that, in his opinion, the price asked here as compared with the foreign price is unreasonable; and if it is unreasonable, then the domestic dredge builder should be compelled to lower his bid to a reasonable price or the Secretary should go abroad and buy.

Mr. SCOTT. Will the Senator allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. STONE. For a question; certainly.

Mr. SCOTT. If the Senator from Missouri, after making a careful calculation, should find that the difference in the price of these dredges was the difference in wages between that paid in Europe and that paid in America, would he still favor the purchase of foreign made dredges, when at least $500,000 of the money we are to invest in these two is labor and not over $200,000 of it is material and that material has to be prepared and is labor? If the Senator wants to buy these foreign manufactured articles and cut out American labor, and compel American labor to come down to the price of the pauper labor in Europe, I should like to have him state so on the floor of the Senate.

Mr. STONE. Oh, the Senator, as usual with Senators representing his school of thought, begins a harangue about American labor.

Mr. SCOTT. I should think the Senator from Missouri had heard enough of that in the last few campaigns to convince him that perhaps the American people can not be fooled on that proposition.

Mr. STONE. But the American people, or a great number of them, have been fooled, and badly fooled, by just such speeches as the Senator's.

Mr. President, the price of American labor is higher than the price of European labor, and undoubtedly that should be a consideration which should be kept in mind. I would expect the President in buying these dredges to pay a higher price for them in America than he would pay for them in Scotland, and nobody will have any quarrel with him on that account, provided the price was a fair and reasonable price as compared with the offerings of foreign dredge builders. Whether the domestic bids are reasonable or unreasonable is a question of fact that must be determined upon a consideration of all the circumstances to be considered.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. I yield to the Senator.

Mr. GALLINGER. With the kind permission of the Senator I want to give him the three bids that were received for these dredges.

Mr. STONE. They have been given here before.

Mr. GALLINGER. But the Senator admits he does not know what they are.

Mr. STONE. No; I did not admit it, but I could not——

Mr. GALLINGER. If the Senator does not wish me to give them, I will not trouble him.

Mr. STONE. I have no objection.

Mr. GALLINGER. There was a Dutch bid of $850,000, an American bid of $724,000, and a Scotch bid of $654,000. The Dutch bid was much above the American. The Scotch bid was $70,000 less; but it is clearly shown that with the cost of inspection, sending men over there, and various other expenses that will follow, the difference between the American and the Scotch bids will not be more than from $40,000 to $50,000. It is a very close bid, and I am glad to hear the Senator say that——

Mr. STONE. If it be true that it is a close bid, then what is the need of this resolution to enable the President to buy them here?

Mr. GALLINGER. I was going to complete the sentence by saying that I am very glad to have the Senator from Missouri say that he thinks the President can honorably and justly take into consideration the difference between American labor and foreign labor; but I fear if he did that without the direction that the joint resolution gives him, he would be criticised by the Senator a little later on.

Mr. STONE. The trouble about the resolution is, as I have said, that it is absolutely unnecessary, and to do an unnecessary thing with so much solemnity gives to it some color of suspicion, at least. I mean as to its real purpose. But when last interrupted I was asking the question, Why should the Government protest against a wrong it compels the citizen to suffer? True—"and pity 'tis, 'tis true"—the President backed down from his position, but his bold protest was an indictment of the tariff policy of his party. The Canal Zone is outside of the tariff wall of the United States, and therefore the President could purchase anywhere without subjecting his purchases to the exactions of our tariff laws; and since the people are to furnish the money for the construction of the canal, the President should have the right to buy in the open market and to go abroad if he should find it necessary to protect the Treasury of the people, but he has that right already. When I say that the President should have this right, I am, of course, speaking as a Democrat and from that viewpoint. From the Republican standpoint the Government should buy whatever it needs from American manufacturers without regard to price, and should not only not protest against exorbitant prices, but should be glad to pay for its materials what it compels the American consumer at home to pay. This situation presents some object lessons that ought to be very instructive to the American people. This resolution purports to give to the President a club with which to compel the American manufacturer to offer reasonable prices for his commodities. Of course it is a club the President will never use. It is one of those big sticks that will lie idle in his hands, but the fact that you propose to arm him in that way affords an instructive lesson to the people. The people themselves, the consumers of the country, have no club of this character in their hands. They are helpless; they have no means of resistance; they can only submit. Mr. President, I am more than willing to break the grasp monopoly has on the Government, but to my thinking it is of infinitely greater im-

portance to tear it loose from the throats of the people. That is all I care to say. This much I desired to say before the curtain is rung down and the lights go out on this ludicrous performance.

Mr. CARMACK obtained the floor.

Mr. MONEY. If the Senator from Tennessee will yield to me I desire to offer an amendment, which I should like to have read now, and printed.

The VICE-PRESIDENT. The proposed amendment will be read by the Secretary.

The SECRETARY. Add, at the end of the joint resolution, the following proviso:

Provided, That in making such purchases no price shall be paid for articles of domestic production and manufacture greater than the price for which such like American-produced article can be bought in any foreign market.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. With pleasure.

Mr. FORAKER. The Senator from Tennessee has taken the floor with a view to addressing the Senate. I will not ask him to yield, but I want to put in the RECORD what I was denied the privilege——

Mr. CARMACK. I will yield the floor to the Senator in a very little while. I am going to occupy the floor a very little while.

Mr. FORAKER. I want to move an executive session in a few minutes.

Mr. CARMACK. I will yield to the Senator now, if he prefers.

Mr. FORAKER. I am very much obliged to the Senator from Tennessee, for I would prefer to put in the RECORD that which I am about to call attention to immediately following the remarks of the Senator from Missouri.

In the course of his remarks the Senator from Missouri commented on the purchases for use in connection with the construction of the Panama Canal of two ships from the Ward Line, as it is popularly called. He said, in that connection, that $1,700,000 were paid for the two ships, $850,000 each; that the ships were six or seven years in use at the time when they were so purchased, and that the original cost of the ships was in the vicinity, I believe he expressed it on the authority of some one who testified in regard to the matter, of $550,000 each. So it would appear that when these ships were purchased by the United States Government for use in connection with the Panama Canal and its construction more was paid for them, to the extent of $100,000 to $200,000, than they originally cost.

Mr. GALLINGER. Will the Senator permit me a slight interruption?

Mr. FORAKER. Certainly.

Mr. GALLINGER. I remember very distinctly the testimony of Mr. Smith. Offhand he did say that these ships cost $550,000 or possibly $600,000 each, but, if the Senator from Missouri [Mr. STONE] will follow that testimony along for just one paragraph, he will find that Mr. Smith testified that they had two other ships of 4,500 tons each. These ships are 5,700 tons, and the 4,500 ton ships cost $550,000 each.

Mr. CARMACK. It seems to me that Senators might elaborate this matter and bring out such facts as they desire in their own time.

The VICE-PRESIDENT. The Chair understood the Senator from Tennessee [Mr. CARMACK] to yield to the Senator from Ohio [Mr. FORAKER].

Mr. CARMACK. I yielded for an interruption by the Senator from Ohio; but, it seems to me, if Senators desire to discuss this matter at length, they should take the floor to do so in their own time.

The VICE-PRESIDENT. The Chair understood that the Senator from Tennessee had yielded to the Senator from Ohio.

Mr. CARMACK. I did yield to the Senator from Ohio, but I did not yield for general debate.

Mr. FORAKER. Very well. I will finish what I have to say, and it will not take me very long.

The statement made by the Senator from Missouri [Mr. STONE] was of such a character that I thought it ought to be looked up, and I have taken the trouble to find out what testimony there is on that subject. I have before me the hearings before the Committee on Interoceanic Canals. I read from page 1428, volume 2, the testimony of Mr. Shonts. He was examined in regard to the purchase of these ships. His testimony on this subject commences two or three pages earlier. After explaining the necessity for ships and their efforts to find ships abroad, he then states that he heard of these two ships of the Ward Line. Some one who was a representative of the Cunard Line had told him about them, and expressed the opinion that he might be able to assist him in purchasing them. This representative of the Cunard Line told him that the price of the ships was $750,000 each. It was finally thought that possibly they could be secured for $700,000 each, this coming after considerable negotiation. Then Mr. Shonts testified further, as follows:

I said: "I am willing to pay, flat, $650,000 for each of those ships, subject to survey and inspection, if they are all right, but I will not pay a cent over. I will not pay any commissions to anybody; and if you want to be good enough to help us get those ships at that price, as a patriotic duty or as a citizen, I will be very glad to have your assistance." He took the task in hand, and he finally got it through. That was the way the ships were bought for $650,000.

Omitting two or three immaterial questions and answers, Mr. Shonts proceeds, as follows:

He told me that the ships were well built, and were built at a time when material was cheap, and that they had spent a great many thousand dollars additional to their original cost in strengthening them since because of heavier tonnage that they wanted to carry, and that he thought now, besides the delay of a year and a quarter or a year and a half to get new ships, it would cost a good deal more money to build them than the $700,000. I was talking to him on the $700,000 basis. He thought they were cheap, considering their condition and age, at $700,000.

At another place Mr. Shonts testifies that after he had purchased these ships he caused them to be insured for their full cost, $650,000 each; and the insurance companies, he remarks, evidently thought they were worth what they had paid for them. That testimony is on page 1429.

At page 1430, on the same subject, Mr. Shonts, further testifying, said:

Senator KITTREDGE. What was included in the purchase—the furniture of the ship?

Mr. SHONTS. Yes; and the silver and the china and the linen; but they agreed to take those things back at a fair price, because they were marked with the Ward Line marks, and we knew we would want to put in our own linen and our own china, etc.

Then he further testifies, at page 1432, that he was anxious to buy American ships; and at page 1433, speaking on that point, he says:

Mr. SHONTS. Yes; we thought that we could afford to pay a little more for an American ship, if we had to, in order to carry the American flag and have the benefit of the coastwise shipping.

I might read further to the same effect, but the substance of it all is, or the effect of it all is, that while it is true that these ships perhaps cost only $550,000 originally, yet they were constructed at a time when material and labor were cheaper than at the present time, and the Government bought not only the ship, but all the furniture, all the linen, all the china, and everything else that belonged to the ship. It is true that the insurance companies evidently thought the ships worth all they had cost, because they insured them for their full value.

It is also true that they had a very laudable purpose in view in seeking to get ships of American registry and American construction, so that they might not only engage in the coastwise trade, but that they might fly the American flag. It seems to me it would be rather a pitiable spectacle to see the United States Government constructing a great canal, using, in that connection, ships for carrying the material for it and flying over those ships foreign flags.

Mr. STONE. They could fly the American flag.

Mr. FORAKER. Well, it is possible——

Mr. CARMACK. I must decline to yield further, Mr. President, for general discussion.

The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. STONE. I ask the Senator to yield to me for a moment.

Mr. CARMACK. I yielded to the Senator from Ohio [Mr. FORAKER] for an explanation, and he is making an argument in reply to the Senator from Missouri [Mr. STONE]. I think, in common fairness, he ought to do that in his own time.

Mr. FORAKER. I do not object to an interruption.

Mr. CARMACK. But I do.

Mr. FORAKER. But inasmuch as the Senator from Tennessee objects, I shall proceed.

I will say, in answer to the Senator from Missouri [Mr. STONE], that it is true, I believe, that under the law and regulations an American owner of a foreign-built ship which has been admitted to American registry may fly the American flag; but it is also true that nobody, as I understand it, takes any pride in flying an American flag over a foreign-built ship. I do not know of anybody who owns a ship, if it is only a yacht for pleasure purposes, who does not want it admitted to American registry, so that he will have a right to fly the American flag without any question whatever, and so that it will be what the flag indicates—an American ship, with American registry, entitled to all the rights and privileges that ships admitted to American registry enjoy.

So I say when it is stated that these ships cost $550,000 each, and were years afterwards purchased at a higher price than that, the fact is lost sight of, which should be borne in mind,

that, as Mr. SHOUP has stated, thousands of dollars have been expended upon them to strengthen them, to improve them, and to make them better than they were; and then there are all the other considerations to which I have adverted.

That is all I care to say. I thank the Senator from Tennessee for his kindness in yielding to me.

I will now ask the Senator to yield to me further for morning business, that I may make a report. I offer an amendment to the diplomatic and consular appropriation bill——

Mr. TELLER. I suggest to the Senator that under the new rule, that is not in order.

Mr. FORAKER. This is not against the new rule, as I understand it. I have looked that up.

Mr. TELLER. I think it is.

Mr. FORAKER. It is merely offering an amendment intended to be proposed.

The VICE-PRESIDENT. The Chair is of the opinion——

Mr. KEAN. I think the Senator from Ohio is in order so long as he has the floor. He did not ask any Senator to yield to him.

The VICE-PRESIDENT. The Chair, under the rule, must hold that it is not in order. The Senator from Tennessee [Mr. CARMACK] is entitled to the floor.

Mr. FORAKER. May I not make this report?

Mr. CARMACK. I have no objection to the Senator making his report if he will submit it without debate. I have a few words to say, and I want to get through.

The VICE-PRESIDENT. The Senator from Tennessee.

Mr. FORAKER. The Senator from Tennessee does not deny me the privilege of making a report.

Mr. TELLER. I insist that the Senator is out of order and that the Chair has held him to be out of order.

Mr. FORAKER. I do not think I am out of order.

The VICE-PRESIDENT. The Chair will read that portion of the rule applicable to this case. It is as follows:

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill.

Mr. FORAKER. But, Mr. President, I had the floor. I had not yielded the floor.

The VICE-PRESIDENT. The Senator from Ohio asked the Senator from Tennessee to yield to him for morning business.

Mr. FORAKER. Oh, I beg pardon. I forgot that.

Mr. CARMACK. Mr. President, my views with respect to this matter are expressed in the amendment which I have already offered:

That in all contracts for the purchase of material and equipment for use in the construction of the Panama Canal preference shall be given to articles of domestic production or manufacture, conditions of quality and price being equal.

Mr. President, that amendment is in line with the precedents, with the practice of the Government, and with various provisions of existing law regulating the purchase of Government material and supplies. Such is the law with respect to the purchase of materials for public improvements in the United States, for while that law provides that preference shall be given to American material, it has been uniformly held that this does not justify giving preference to American material where foreign material of equal quality can be had at a cheaper price. The law with respect to the purchase of military supplies is as follows:

The Quartermaster's Department of the Army, in obtaining supplies for the military service, shall state in all advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal.

That is the very language which I propose in my amendment for the purchase of material and supplies for the construction of the Panama Canal.

The Government acted under that law in the purchase of all supplies for the Philippine Islands, buying supplies from Australia and from other countries instead of buying them here in the United States, for the plain, simple, business reason that they could be bought cheaper in other countries than they could be bought from American producers and manufacturers.

So, Mr. President, I can see no reason in this case for departing from the established precedents and practice of the Government as laid down in its statute law, in order to make a wider field for graft and extortion on the part of our American manufacturers.

The joint resolution reported by the Senator from Rhode Island [Mr. ALDRICH] provides that—

Purchases of material and equipment for use in the construction of the Panama Canal—

That is, the purchase of the material and equipment—

shall be restricted to articles of domestic production and manufacture, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

That is very significant, Mr. President, but for all practical purposes it is, in my judgment, without any value whatever, for there is no practical standard erected to determine what shall be extortionate or unreasonable. As Senators on the other side have suggested, the amount of the tariff added to the price of the foreign competing article would not be regarded as extortionate by the President of the United States and that would be a reasonable ground to proceed upon, for tariffs are enacted for the express purpose of enabling American manufacturers to add the duty to the price, and if they did so, the President might very naturally say they were doing only what was intended by the law should be done.

So, I say, there is no practical standard. You can not make a standard by comparing foreign prices with prices in the United States, because by the passage of this joint resolution you will have expressly rejected that standard; and unless the President can find some other way to determine this question, unless he can determine with reasonable accuracy the cost of the production of the American article, or determine with reasonable accuracy whether the profits to be derived by the American bidder would be excessive and unreasonable, there is no way by which he can determine according to any reasonable and practical standard whether the prices fixed in these bids are reasonable or unreasonable or extortionate or otherwise.

I say, Mr. President, the language of this joint resolution reported by the Senator from Rhode Island is significant, although it has no practical value:

Unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

That is an admission, Mr. President, that the committee which reported this joint resolution recognized that some such provision was necessary in order to protect the Government from extortionate prices; that without some such provision the Government would be absolutely at the mercy of the protected American monopolists, who would extort from it whatever price they might deem proper to demand, and that the reserved right on the part of the Government to purchase abroad was the only protection which the Government could have against the extortion it feared.

It is an admission, Mr. President, that under our protective-tariff system there is no effective competition in the United States to regulate prices; that there is nothing in the world to restrain the protected manufacturer of the United States from holding the Government up at the muzzle of a tariff schedule and compelling it to stand and deliver, and that the only protection, the only escape, which the Government can have where such extortion is practiced is to purchase abroad. That is the protection which the Government has reserved to itself, or attempted to reserve to itself, in this resolution, but where is there any protection for the American consumer who himself is confronted with extortionate prices? What remedy has he?

Mr. President, the Senator from Rhode Island [Mr. ALDRICH] suggested a while ago that the citizen of the United States should have the same right that is given to the Government. I should like to give to every citizen of the United States the very same right that is offered to the Government in this resolution; that he shall not, in the purchase of his clothing, his farming utensils, his tools of trade, his household and kitchen furniture, be restricted to articles of domestic production and manufacture where he "deems the bids or tenders therefor to be extortionate or unreasonable." I would give him the very right which the committee seeks to give in this resolution to the Government, but which, in my opinion, is absolutely nugatory and will have no effect whatever.

Mr. President, we are engaged in a great enterprise, one that will be of incalculable benefit to the people of the United States and to all mankind, but which is likely to cost us very dear before we begin to realize upon the investment. I would, therefore, do everything in my power to limit the cost of this great enterprise, to diminish the burden upon the American people. Senators talk, Mr. President, about giving wages to American labor by buying articles in the United States—buying ships and material in the United States at a higher cost than they can be had elsewhere. Every dollar of extra cost that is paid in the construction of the Panama Canal must be paid for by the taxpayers and by the laborers of the United States. Every extra dollar which you add to the construction of that canal is a tax upon the labor and the sweat of the people of this country. So I say, Mr. President, I would do whatever I could to limit the cost of that great enterprise.

There will be extortion there; there will be graft there. Under the most honest government there is bound to be more or less of it; but, Mr. President, all the extortion that can possibly be practiced in the building of the canal by the charging of extortionate prices is a mere bagatelle to the extortion that is

practiced every day in every year upon all the people of the United States by the very same process.

I say it is no more unjust to take by extortionate prices the money of the taxpayer, after it has gone into the Treasury of the United States, than it is to take that money out of his own pocket.

Mr. President, I believe the time is coming, and that it will soon come, when the demand for the revision of our unjust tariff laws will be irresistible, and when the cry that the tariff shall be revised by its friends will be met by the counter demand that the taxpayer shall be taxed by his friends.

Mr. MALLORY. Mr. President, I send to the desk, and ask to have read, an amendment which I intend to propose to the joint resolution under consideration.

Mr. FORAKER. I understand the Senator only wants to offer an amendment.

Mr. MALLORY. I have a few remarks to make on the amendment which I have offered.

Mr. FORAKER. I want to move that the Senate proceed to the consideration of executive business, if it will not interfere with the Senator.

Mr. MALLORY. All right. I will have the amendment read and will then defer my remarks until some other time.

The VICE-PRESIDENT. The Secretary will read the proposed amendment of the Senator from Florida.

The SECRETARY. It is proposed to strike out all after the resolving clause, and to insert:

That the material, supplies, and machinery of all kinds for the construction of the Panama Canal shall be purchased at the cheapest price, conditions as to quality, prompt delivery, and responsibility of bidders being substantially the same: *Provided, however*, That in cases in which such material, supplies, or machinery are produced in the United States, and the conditions as to quality, prompt delivery, responsibility of bidders, and price are substantially the same as those respecting such articles as are offered by foreign bidders, the bids of citizens of the United States shall be given preference.

The VICE-PRESIDENT. The amendment will lie on the table and be printed.

MEMORIAL ADDRESSES ON THE LATE SENATOR BATE.

Mr. CARMACK. Mr. President, I give notice that on Saturday, June 16, I will ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, Hon. WILLIAM B. BATE.

EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-five minutes spent in executive session, the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, June 2, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 1, 1906.

UNITED STATES MARSHAL.

Charles B. Witmer, of Pennsylvania, to be United States marshal for the middle district of Pennsylvania, in the place of Frederick C. Leonard, whose term expired December 11, 1905.

PROMOTION IN THE ARMY.

Infantry Arm.

First Lieut. Ethelbert L. D. Breckinridge, Tenth Infantry, to be captain from May 31, 1906, vice Oury, Twenty-fourth Infantry, detailed in the Signal Corps.

REGISTER OF LAND OFFICE.

J. Henry Smith, of Washington, to be register of the land office at Seattle, Wash., his term having expired May 8. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Frank A. Twichell, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash., vice Lyman B. Andrews, term expired.

Alexander J. Cook, of Washington, to be receiver of public moneys at Vancouver, Wash., his term having expired May 8. (Reappointment.)

Neil B. Morrison, of Duluth, Minn., to be receiver of public moneys at Duluth, Minn., vice Jay M. Smith, term expired.

POSTMASTERS.

CALIFORNIA.

William M. Tisdale to be postmaster at Redlands, in the county of San Bernardino and State of California, in place of William M. Tisdale. Incumbent's commission expires June 19, 1906.

Thomas M. Wright to be postmaster at Watsonville, in the county of Santa Cruz and State of California, in place of George G. Radcliff. Incumbent's commission expired March 21, 1906.

ILLINOIS.

Holly C. Clark to be postmaster at Mount Morris, in the county of Ogle and State of Illinois, in place of Holly C. Clark. Incumbent's commission expired May 27, 1906.

George W. Dicus to be postmaster at Rochelle, in the county of Ogle and State of Illinois, in place of George W. Dicus. Incumbent's commission expired May 27, 1906.

INDIANA.

William C. Gordon to be postmaster at Summitville, in the county of Madison and State of Indiana, in place of James M. Hundley. Incumbent's commission expired March 31, 1906.

Charles H. Kuester to be postmaster at North Judson, in the county of Starke and State of Indiana, in place of Charles H. Kuester. Incumbent's commission expires June 27, 1906.

KANSAS.

William C. Markham to be postmaster at Baldwin, in the county of Douglas and State of Kansas, in place of William C. Markham. Incumbent's commission expired January 16, 1906.

MASSACHUSETTS.

Frank H. Fales to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts, in place of Frank H. Fales. Incumbent's commission expires June 24, 1906.

MICHIGAN.

William H. Arthur to be postmaster at Marshall, in the county of Calhoun and State of Michigan, in place of William H. Arthur. Incumbent's commission expires June 24, 1906.

MISSISSIPPI.

Annette Simpson to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi, in place of Annette Simpson. Incumbent's commission expired April 2, 1906.

MISSOURI.

Albert C. Krog to be postmaster at Washington, in the county of Franklin and State of Missouri, in place of Albert C. Krog. Incumbent's commission expired May 19, 1906.

NEW JERSEY.

William O. Armbruster to be postmaster at Weehawken, in the county of Hudson and State of New Jersey, in place of William O. Armbruster. Incumbent's commission expired May 28, 1906.

Charles Eichhorn to be postmaster at West Hoboken, in the county of Hudson and State of New Jersey, in place of Charles Eichhorn. Incumbent's commission expired May 28, 1906.

Edward W. Martin to be postmaster at Hoboken, in the county of Hudson and State of New Jersey, in place of Edward W. Martin. Incumbent's commission expired May 28, 1906.

NORTH CAROLINA.

Alexander L. McCaskill to be postmaster at Fayetteville, in the county of Cumberland and State of North Carolina, in place of Alexander L. McCaskill. Incumbent's commission expired March 20, 1904.

NORTH DAKOTA.

Henry W. Ellingson to be postmaster at Rugby, in the county of Pierce and State of North Dakota, in place of Herbert C. Hurd. Incumbent's commission expired April 24, 1906.

OHIO.

William H. Cullen to be postmaster at Paulding, in the county of Paulding and State of Ohio, in place of William H. Cullen. Incumbent's commission expired April 18, 1906.

PENNSYLVANIA.

Samuel J. Matthews to be postmaster at Olyphant, in the county of Lackawanna and State of Pennsylvania, in place of Samuel J. Matthews. Incumbent's commission expires June 30, 1906.

SOUTH CAROLINA.

Charles E. Carman to be postmaster at Aiken, in the county of Aiken and State of South Carolina, in place of Charles E. Carman. Incumbent's commission expired May 27, 1906.

TENNESSEE.

M. Haworth to be postmaster at Maryville, in the county of Blount and State of Tennessee, in place of John L. Goddard. Incumbent's commission expired May 23, 1906.

TEXAS.

Hiram T. Andrews to be postmaster at Wolfe City, in the county of Hunt and State of Texas, in place of Hiram T. Andrews. Incumbent's commission expired April 30, 1906.

John T. Cunningham to be postmaster at Graham, in the county of Young and State of Texas, in place of John T. Cunningham. Incumbent's commission expired April 18, 1906.

John T. Dawes to be postmaster at Crockett, in the county of

Houston and State of Texas, in place of John T. Dawes. Incumbent's commission expired April 30, 1906.

Harry E. Downs to be postmaster at Batson, in the county of Hardin and State of Texas. Office became Presidential July 1, 1905.

M. J. Lee to be postmaster at Kirbyville, in the county of Jasper and State of Texas. Office became Presidential April 1, 1906.

VIRGINIA.

Floyd L. Harless to be postmaster at Christiansburg, in the county of Montgomery and State of Virginia, in place of Allen I. Harless. Incumbent's commission expires June 24, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 1, 1906.

UNITED STATES ATTORNEY.

Potter Charles Sullivan, of Washington, to be United States attorney for the western district of Washington.

REGISTERS OF LAND OFFICE.

James M. Burlingame, of Montana, to be register of the land office at Great Falls, Mont.

Elmer E. Esselstyn, of Red Lodge, Mont., to be register of the land office at Billings, Mont.

Frank D. Miracle, of Montana, to be register of the land office at Helena, Mont.

Clarence E. McKoin, of Gilt Edge, Mont., to be register of the land office at Lewistown, Mont.

RECEIVERS OF PUBLIC MONEYS.

George O. Freeman, of Montana, to be receiver of public moneys at Helena, Mont., to take effect June 30, 1906.

Chauncey C. Bever, of Billings, Mont., to be receiver of public moneys at Billings, Mont.

Wyllys A. Hedges, of Yale, Mont., to be receiver of public moneys at Lewistown, Mont.

APPOINTMENT IN THE ARMY.

Rev. Washington William E. Gladden, of Colorado, to be chaplain with the rank of first lieutenant from May 21, 1906.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. John S. Kulp, assistant surgeon, to be surgeon with the rank of major from May 26, 1906.

Infantry Arm.

Capt. Edwin A. Root, Tenth Infantry, to be major from May 25, 1906.

First Lieut. John L. De Witt, Twenty-first Infantry, to be captain from May 25, 1906.

First Lieut. Charles E. Morton, Sixteenth Infantry, to be captain from May 25, 1906.

POSTMASTERS.

ALABAMA.

Joseph P. Dinnick to be postmaster at Montgomery, in the county of Montgomery and State of Alabama.

MICHIGAN.

Chauncey J. Halbert to be postmaster at Sturgis, in the county of St. Joseph and State of Michigan.

Andrew Sutherland, second, to be postmaster at Oxford, in the county of Oakland and State of Michigan.

MISSISSIPPI.

Louis J. Piernas to be postmaster at Bay St. Louis, in the county of Hancock and State of Mississippi.

NEW JERSEY.

John J. McGarry to be postmaster at Edgewater, in the county of Bergen and State of New Jersey.

NORTH CAROLINA.

Branson R. Beeson to be postmaster at Kernersville, in the county of Forsyth and State of North Carolina.

OHIO.

Frank H. Farr to be postmaster at Waynesville, in the county of Warren and State of Ohio.

WISCONSIN.

Christian N. Johnson to be postmaster at Merrill, in the county of Lincoln and State of Wisconsin.

Levi L. Odell to be postmaster at Galesville, in the county of Trempealeau and State of Wisconsin.

James H. Spencer to be postmaster at Necedah, in the county of Juneau and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 1, 1906.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, offered the following prayer:

We meet, O God, our Heavenly Father, under the shadow and gloom of death. Our hearts are profoundly moved with grief and sorrow. One who has gone in and out among us for years, and held a conspicuous place on the floor of this House, zealous in all that pertained to his duties, and sensitive as to his character, has rendered a good service to his people, to his State, and to the nation, and we mourn his loss. Comfort, we beseech Thee, his kindred, friends, and colleagues, and help us to copy all that was pure and noble in his life. And finally fit us all for the ordeal which awaits Thy children, that we may be ready when the summons comes to mount to a larger life and dwell with Thee and the angels on high. In the name of Christ our Lord. Amen.

The Journal of yesterday's proceedings was read.

Mr. PAYNE. Mr. Speaker, I move the Journal be approved.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5769. An act denying the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment; and

H. R. 18030. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907.

ENROLLED BILLS PRESENTED TO THE PRESIDENT ON MAY 31, 1906, FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9375. An act granting an increase of pension to Charles H. McKenney;

H. R. 9529. An act granting an increase of pension to William Gibson;

H. R. 9812. An act granting an increase of pension to Joseph B. Newbury;

H. R. 9923. An act granting an increase of pension to Joseph J. Mishler;

H. R. 10008. An act granting an increase of pension to James W. Dorman;

H. R. 10029. An act granting an increase of pension to Abram Higbie;

H. R. 10246. An act granting an increase of pension to John Harrison;

H. R. 10257. An act granting an increase of pension to Samuel Deems;

H. R. 10318. An act granting an increase of pension to James F. Hollett;

H. R. 10319. An act granting an increase of pension to Harvey Deal;

H. R. 10524. An act granting an increase of pension to Ebenezer W. Akerly;
H. R. 10525. An act granting an increase of pension to Artemas D. Many;
H. R. 10561. An act granting an increase of pension to Joseph N. Piersell;
H. R. 10774. An act granting an increase of pension to James D. Leach;
H. R. 10922. An act granting an increase of pension to John McDonald;
H. R. 10993. An act granting an increase of pension to Samuel Jones;
H. R. 11062. An act granting an increase of pension to Samuel W. Harlan;
H. R. 11151. An act granting an increase of pension to John Sirmyer;
H. R. 11365. An act granting an increase of pension to Robert D. Williamson;
H. R. 11406. An act granting an increase of pension to Benjamin F. Heald;
H. R. 11424. An act granting an increase of pension to Stephen W. Neal;
H. R. 11510. An act granting an increase of pension to Joseph S. Larrance;
H. R. 11552. An act granting an increase of pension to Abraham G. Leiser;
H. R. 11822. An act granting an increase of pension to Lawyer Suggs;
H. R. 11917. An act granting an increase of pension to Davis Preston;
H. R. 11989. An act granting an increase of pension to Francis M. Hinds;
H. R. 12010. An act granting an increase of pension to Lewis Hofmann;
H. R. 12088. An act granting an increase of pension to Louisa Spielman;
H. R. 12160. An act granting an increase of pension to Josephine O. McNary;
H. R. 12180. An act granting an increase of pension to Charles H. Deming;
H. R. 12238. An act granting an increase of pension to Helen S. Crown;
H. R. 12279. An act granting an increase of pension to James S. Topping;
H. R. 12304. An act granting an increase of pension to John McDonough;
H. R. 12331. An act granting an increase of pension to Daniel J. Miller;
H. R. 12372. An act granting an increase of pension to J. Morgan Seabury;
H. R. 12480. An act granting an increase of pension to James McKenna;
H. R. 12588. An act granting an increase of pension to Joseph B. Dickinson;
H. R. 12364. An act granting an increase of pension to William E. Wallace;
H. R. 12727. An act granting an increase of pension to Benjamin D. Bogia;
H. R. 12733. An act granting an increase of pension to Charles W. Kelsey;
H. R. 12734. An act granting an increase of pension to Abram Van Riper;
H. R. 12762. An act granting an increase of pension to Jesse H. Brandt;
H. R. 12792. An act granting an increase of pension to William Wiley;
H. R. 12810. An act granting an increase of pension to Edward Ross;
H. R. 12813. An act granting an increase of pension to Reese Moore;
H. R. 12842. An act granting an increase of pension to William J. Drake;
H. R. 13026. An act granting an increase of pension to J. Bailey Orem;
H. R. 13030. An act granting an increase of pension to John C. Heney;
H. R. 13047. An act granting an increase of pension to Walter Saunders;
H. R. 13060. An act granting an increase of pension to Henry De Graff;
H. R. 13077. An act granting an increase of pension to James S. Prose;
H. R. 13111. An act granting an increase of pension to Lewis S. Perkins;
H. R. 13140. An act granting an increase of pension to Jesse W. Howe;
H. R. 13227. An act granting an increase of pension to Robert Blancett;
H. R. 13228. An act granting an increase of pension to Augustus Hathaway;
H. R. 13229. An act granting an increase of pension to Sarah E. Holland;
H. R. 13232. An act granting an increase of pension to Penina Owens;
H. R. 13233. An act granting an increase of pension to Jesse A. B. Thorne;
H. R. 13236. An act granting an increase of pension to William Haines;
H. R. 13326. An act granting an increase of pension to Augustus McDaniel;
H. R. 13337. An act granting an increase of pension to Joseph W. Harsh;
H. R. 13465. An act granting an increase of pension to Eleanor Gregory;
H. R. 13469. An act granting an increase of pension to Michael Davy, alias James Byron;
H. R. 13493. An act granting an increase of pension to Elizabeth J. Meek;
H. R. 13506. An act granting an increase of pension to Julia A. Bachus;
H. R. 13507. An act granting an increase of pension to Thomas Crowley;
H. R. 13535. An act granting an increase of pension to William Kelly;
H. R. 13577. An act granting an increase of pension to Ellen M. Van Brunt;
H. R. 13679. An act granting an increase of pension to Joseph Nobinger;
H. R. 13689. An act granting an increase of pension to William S. Newman;
H. R. 13809. An act granting an increase of pension to James P. Tucker;
H. R. 13861. An act granting an increase of pension to Wilhelm Dickhoff;
H. R. 13877. An act granting an increase of pension to Juan Canasco;
H. R. 13882. An act granting an increase of pension to Levi L. Price;
H. R. 13923. An act granting an increase of pension to Martin Dayhuff;
H. R. 13979. An act granting an increase of pension to Emeline A. Stewart;
H. R. 13991. An act granting an increase of pension to Wiley H. Dixon;
H. R. 14072. An act granting an increase of pension to George W. Reeder;
H. R. 14106. An act granting an increase of pension to John S. Melton;
H. R. 14118. An act granting an increase of pension to Edward Delany;
H. R. 14142. An act granting an increase of pension to James A. Scrutchfield;
H. R. 14169. An act granting an increase of pension to Bettie Stern;
H. R. 14198. An act granting an increase of pension to William T. Stewart;
H. R. 14200. An act granting an increase of pension to John K. Dalzell;
H. R. 14237. An act granting an increase of pension to Isaac Kindle;
H. R. 14328. An act granting an increase of pension to Charles M. Mears;
H. R. 14391. An act granting an increase of pension to Franklin Cooley;
H. R. 14470. An act granting an increase of pension to William A. Braselton;
H. R. 14490. An act granting an increase of pension to Martha A. Kenney;
H. R. 14493. An act granting an increase of pension to Henry Gentles, alias Henry Hopner;
H. R. 14504. An act granting an increase of pension to Aaron P. Seeley;
H. R. 14539. An act granting an increase of pension to Louis C. Robinson;
H. R. 14545. An act granting an increase of pension to Eliza L. Nixon;
H. R. 14660. An act granting an increase of pension to Daniel M. Philbrook;

H. R. 14731. An act granting an increase of pension to Ezra H. Wiggins;

H. R. 14736. An act granting an increase of pension to Isaac C. Smallwood;

H. R. 14745. An act granting an increase of pension to Frederick B. Walton;

H. R. 14801. An act granting an increase of pension to Thomas Armstrong;

H. R. 14827. An act granting an increase of pension to William K. Stewart;

H. R. 14839. An act granting an increase of pension to James McManis;

H. R. 14854. An act granting an increase of pension to Harriet Howard;

H. R. 14861. An act granting an increase of pension to Dennis W. Ray;

H. R. 14955. An act granting an increase of pension to Eliza Moore;

H. R. 14980. An act granting an increase of pension to Matthew H. Bellomy;

H. R. 14982. An act granting an increase of pension to Isaac N. Long;

H. R. 14994. An act granting an increase of pension to Daniel C. Joslyn;

H. R. 14996. An act granting an increase of pension to John F. Smith;

H. R. 15002. An act granting an increase of pension to George E. Wood;

H. R. 15003. An act granting an increase of pension to James Gray;

H. R. 15058. An act granting an increase of pension to Enoch Rector;

H. R. 15064. An act granting an increase of pension to Jacob Wagenknecht;

H. R. 15102. An act granting an increase of pension to William H. Ryckman;

H. R. 15147. An act granting an increase of pension to Joseph B. Teas;

H. R. 15149. An act granting an increase of pension to William W. Ferguson;

H. R. 15152. An act granting an increase of pension to Mary T. Corns;

H. R. 15178. An act granting an increase of pension to Matilda Morrison;

H. R. 15180. An act granting an increase of pension to Amanda Pitman;

H. R. 15201. An act granting an increase of pension to Edward O'Shea;

H. R. 15206. An act granting an increase of pension to Peter G. Thompson;

H. R. 15229. An act granting an increase of pension to Edwin Howes;

H. R. 15233. An act granting an increase of pension to William G. Westover;

H. R. 15272. An act granting an increase of pension to Patrick Mooney;

H. R. 15274. An act granting an increase of pension to Edward W. Bell;

H. R. 15275. An act granting an increase of pension to John Martin;

H. R. 15305. An act granting an increase of pension to Ezra H. Brown;

H. R. 15316. An act granting an increase of pension to James McKelvy;

H. R. 15355. An act granting an increase of pension to George M. Dailey;

H. R. 15418. An act granting an increase of pension to Samuel P. Sargent;

H. R. 15450. An act granting an increase of pension to Virginia J. D. Holmes;

H. R. 15459. An act granting an increase of pension to Drucillar A. Massey;

H. R. 15495. An act granting an increase of pension to Job B. Sanderson;

H. R. 15499. An act granting an increase of pension to Elias Andrew;

H. R. 15500. An act granting an increase of pension to John W. Thomas;

H. R. 15501. An act granting an increase of pension to Elizabeth Parks;

H. R. 15539. An act granting an increase of pension to John McConnell;

H. R. 15565. An act granting an increase of pension to Josias R. King;

H. R. 15566. An act granting an increase of pension to Andrew F. Kreger;

H. R. 15592. An act granting an increase of pension to Levi H. Towsend;

H. R. 15614. An act granting an increase of pension to Clark Cornett;

H. R. 15632. An act granting an increase of pension to Joseph B. Sanders;

H. R. 15634. An act granting an increase of pension to Samuel M. Reese;

H. R. 15641. An act granting an increase of pension to Eli Woodbury;

H. R. 15675. An act granting an increase of pension to Harley Mowrey;

H. R. 15682. An act granting an increase of pension to Hannah M. Hayes;

H. R. 15748. An act granting an increase of pension to Jacob R. Deckard;

H. R. 15761. An act granting an increase of pension to Lafayette North;

H. R. 15762. An act granting an increase of pension to Harmon Freeman, alias Harmon Storme;

H. R. 15768. An act granting an increase of pension to Mary J. Halbert;

H. R. 15783. An act granting an increase of pension to George W. Sutton;

H. R. 15819. An act granting an increase of pension to William T. Burgess;

H. R. 15854. An act granting an increase of pension to Phillip Schloesser;

H. R. 15867. An act granting an increase of pension to Annie M. Stevens;

H. R. 15886. An act granting an increase of pension to John Misner;

H. R. 15925. An act granting an increase of pension to Abraham Walker;

H. R. 15932. An act granting an increase of pension to Hartley B. Cox;

H. R. 15943. An act granting an increase of pension to William D. Jones;

H. R. 15972. An act granting an increase of pension to Thomas J. Smith;

H. R. 15977. An act granting an increase of pension to Mary E. Ramsey;

H. R. 16044. An act granting an increase of pension to John C. Linsday;

H. R. 16098. An act granting an increase of pension to Frederick Fenz;

H. R. 16165. An act granting an increase of pension to Morris Smith;

H. R. 16174. An act granting an increase of pension to John Williamson;

H. R. 16186. An act granting an increase of pension to William T. A. H. Boles;

H. R. 16193. An act granting an increase of pension to Daniel Shrader;

H. R. 16220. An act granting an increase of pension to George C. Powell;

H. R. 16224. An act granting an increase of pension to Francis M. Crawford;

H. R. 16253. An act granting an increase of pension to Margaret A. Hope;

H. R. 16255. An act granting an increase of pension to James S. Brand;

H. R. 16271. An act granting an increase of pension to Edwin Elliott;

H. R. 16274. An act granting an increase of pension to David Lindsey;

H. R. 16279. An act granting an increase of pension to Edward E. Elliott;

H. R. 16284. An act granting an increase of pension to George Rogers;

H. R. 16285. An act granting an increase of pension to Henry Johnson;

H. R. 16295. An act granting an increase of pension to Lawrence Foley;

H. R. 16319. An act granting an increase of pension to Orrin D. Nichols;

H. R. 16335. An act granting an increase of pension to John A. Bryan;

H. R. 16372. An act granting an increase of pension to Andrew Dorn;

H. R. 16398. An act granting an increase of pension to David Ross;

H. R. 16400. An act granting an increase of pension to James McCracken;
H. R. 16408. An act granting an increase of pension to William Hendricks;
H. R. 16423. An act granting an increase of pension to Andrew J. Roe;
H. R. 16427. An act granting an increase of pension to William W. Carter;
H. R. 16429. An act granting an increase of pension to Caroline M. Peirce;
H. R. 16466. An act granting an increase of pension to Asenith Woodall;
H. R. 16471. An act granting an increase of pension to North Ann Dorman;
H. R. 16486. An act granting an increase of pension to Thomas Bosworth;
H. R. 16491. An act granting an increase of pension to Lewis Denson;
H. R. 16516. An act granting an increase of pension to James B. Fairchild;
H. R. 16522. An act granting an increase of pension to Charles Meyer;
H. R. 16526. An act granting an increase of pension to James R. Hilliard;
H. R. 16527. An act granting an increase of pension to William Martin;
H. R. 16528. An act granting an increase of pension to Catharine Price;
H. R. 16529. An act granting an increase of pension to James M. Sikes;
H. R. 16530. An act granting an increase of pension to William H. Gautier;
H. R. 16535. An act granting an increase of pension to Jonathon I. Wright;
H. R. 16536. An act granting an increase of pension to Cyrus S. Case;
H. R. 16540. An act granting an increase of pension to Sarah M. Evans;
H. R. 16541. An act granting an increase of pension to Ambrose Y. Teague;
H. R. 16547. An act granting an increase of pension to John Rutter;
H. R. 16566. An act granting an increase of pension to Whitman V. White;
H. R. 16576. An act granting an increase of pension to Silas P. Conway;
H. R. 16577. An act granting an increase of pension to Joseph M. Pound;
H. R. 16586. An act granting an increase of pension to William Mattison;
H. R. 16602. An act granting an increase of pension to Christopher C. Reeves;
H. R. 16603. An act granting an increase of pension to Pleasant W. Cook;
H. R. 16606. An act granting an increase of pension to James A. Duff;
H. R. 16622. An act granting an increase of pension to James Webb;
H. R. 16629. An act granting an increase of pension to Louis Stoecklg;
H. R. 16630. An act granting an increase of pension to Philip Dumont;
H. R. 16632. An act granting an increase of pension to Louis Lepine;
H. R. 16648. An act granting an increase of pension to Henry B. Teetor;
H. R. 16699. An act granting an increase of pension to Lewis P. Chandler;
H. R. 16717. An act granting an increase of pension to Sterling Hughes;
H. R. 16724. An act granting an increase of pension to James S. Burgess;
H. R. 16749. An act granting an increase of pension to Henry A. Jones;
H. R. 16751. An act granting an increase of pension to Samuel Hough;
H. R. 16765. An act granting an increase of pension to Angus Campbell;
H. R. 16783. An act granting an increase of pension to David W. Kirkpatrick;
H. R. 16806. An act granting an increase of pension to Henry Brenizer;
H. R. 16810. An act granting an increase of pension to Henry C. Jackson;
H. R. 16824. An act granting an increase of pension to James Waskom;
H. R. 16828. An act granting an increase of pension to Georgia A. Hughs;
H. R. 16881. An act granting an increase of pension to Joel R. Youngkin;
H. R. 16884. An act granting an increase of pension to William D. Woodcock;
H. R. 16887. An act granting an increase of pension to Darwin Johnson;
H. R. 16902. An act granting an increase of pension to Dennis Winn;
H. R. 16936. An act granting an increase of pension to Sherwood F. Culberson;
H. R. 16941. An act granting an increase of pension to Thomas H. Hogan;
H. R. 16991. An act granting an increase of pension to Stephen Vaught;
H. R. 16992. An act granting an increase of pension to John R. Baldwin;
H. R. 16993. An act granting an increase of pension to Melroe Tarter;
H. R. 16994. An act granting an increase of pension to Harriet Payne;
H. R. 16996. An act granting an increase of pension to Joseph Delisle;
H. R. 17003. An act granting an increase of pension to Eleazer C. Harmon;
H. R. 17004. An act granting an increase of pension to Willard F. Sessions;
H. R. 17006. An act granting an increase of pension to Fountain M. Fain;
H. R. 17012. An act granting an increase of pension to Mary Thackara;
H. R. 17014. An act granting an increase of pension to Jackson D. Thornton;
H. R. 17035. An act granting an increase of pension to Samuel Smith;
H. R. 17036. An act granting an increase of pension to Josephine L. Jordan;
H. R. 17055. An act granting an increase of pension to George Fankell;
H. R. 17067. An act granting an increase of pension to Simeon Pierce;
H. R. 17069. An act granting an increase of pension to William L. Wilcher;
H. R. 17070. An act granting an increase of pension to Thomas Blakney;
H. R. 17085. An act granting an increase of pension to George W. Olis;
H. R. 17118. An act granting an increase of pension to John Burke;
H. R. 17143. An act granting an increase of pension to William Taylor;
H. R. 17144. An act granting an increase of pension to Jesse Wiley;
H. R. 17162. An act granting an increase of pension to Scott Ruddick;
H. R. 17165. An act granting an increase of pension to Sophie Pohlers;
H. R. 17173. An act granting an increase of pension to Thomas J. Davis;
H. R. 17174. An act granting an increase of pension to Nathaniel C. Sawyer;
H. R. 17175. An act granting an increase of pension to Andrew E. Kinney;
H. R. 17202. An act granting an increase of pension to Benjamin H. Cool;
H. R. 17209. An act granting an increase of pension to Alva D. Smith;
H. R. 17229. An act granting an increase of pension to Derias Thomas Jean;
H. R. 17231. An act granting an increase of pension to Rachel Allen;
H. R. 17238. An act granting an increase of pension to John G. Vassar;
H. R. 17244. An act granting an increase of pension to James Crandol;
H. R. 17268. An act granting an increase of pension to Charles L. Westfall;
H. R. 17278. An act granting an increase of pension to Mary E. Patterson;
H. R. 17303. An act granting an increase of pension to William H. Hester;

H. R. 17310. An act granting an increase of pension to Francis A. Hite;

H. R. 17333. An act granting an increase of pension to Esek W. Hoff;

H. R. 17342. An act granting an increase of pension to Wesley G. Cox;

H. R. 17344. An act granting an increase of pension to John L. Fuhrman;

H. R. 17361. An act granting an increase of pension to Margaret McGillin;

H. R. 17372. An act granting an increase of pension to Arethusa M. Pettit;

H. R. 17373. An act granting an increase of pension to William T. Stott;

H. R. 17384. An act granting an increase of pension to William Warnes;

H. R. 17385. An act granting an increase of pension to James S. Ruby;

H. R. 17387. An act granting an increase of pension to David P. Eakin;

H. R. 17395. An act granting an increase of pension to Thaddeus C. S. Brown;

H. R. 17402. An act granting an increase of pension to Isaiah H. Hazlitt;

H. R. 17406. An act granting an increase of pension to William B. McAllister;

H. R. 17422. An act granting an increase of pension to Orlando Hand;

H. R. 17430. An act granting an increase of pension to John A. Mather;

H. R. 17480. An act granting an increase of pension to Charles P. Lord;

H. R. 17514. An act granting an increase of pension to Virginia C. Moore;

H. R. 17515. An act granting an increase of pension to John J. Elliott;

H. R. 17526. An act granting an increase of pension to Richard Dunlap;

H. R. 17557. An act granting an increase of pension to John W. Marshall;

H. R. 17584. An act granting an increase of pension to James White;

H. R. 17591. An act granting an increase of pension to William Hall;

H. R. 17592. An act granting an increase of pension to Margaret Haynes;

H. R. 17597. An act granting an increase of pension to Charles Lee;

H. R. 17613. An act granting an increase of pension to Susan E. Nash;

H. R. 17619. An act granting an increase of pension to Davia D. Spain;

H. R. 17635. An act granting an increase of pension to George Willy;

H. R. 17638. An act granting an increase of pension to York A. Woodward;

H. R. 17644. An act granting an increase of pension to Henry C. Eastler;

H. R. 17650. An act granting an increase of pension to Hugh F. Ames;

H. R. 17654. An act granting an increase of pension to Hannah J. K. Thomas;

H. R. 17683. An act granting an increase of pension to John Hoch;

H. R. 17684. An act granting an increase of pension to Joseph M. Hays;

H. R. 17700. An act granting an increase of pension to Andrew T. Mitchell;

H. R. 17711. An act granting an increase of pension to John Dietz;

H. R. 17736. An act granting an increase of pension to Josephine B. Phelon;

H. R. 17747. An act granting an increase of pension to Abraham I. Canary;

H. R. 17761. An act granting an increase of pension to Thomas J. Mackey;

H. R. 17771. An act granting an increase of pension to Deloss Williams;

H. R. 17781. An act granting an increase of pension to Frank M. Parker;

H. R. 17782. An act granting an increase of pension to Aaron K. Clark;

H. R. 17796. An act granting an increase of pension to Thomas C. Alexander;

H. R. 17797. An act granting an increase of pension to Wilbur F. Lane;

H. R. 17806. An act granting an increase of pension to Enoch Boyle;

H. R. 17830. An act granting an increase of pension to William R. Snell;

H. R. 17843. An act granting an increase of pension to Samuel Watkins;

H. R. 17854. An act granting an increase of pension to John Eubank;

H. R. 17855. An act granting an increase of pension to Harriett E. Miller;

H. R. 17890. An act granting an increase of pension to James T. Bandy;

H. R. 17892. An act granting an increase of pension to Abraham K. Smith;

H. R. 17913. An act granting an increase of pension to Philo Green;

H. R. 17921. An act granting an increase of pension to James Reppeto;

H. R. 17933. An act granting an increase of pension to Harriet E. Vandine;

H. R. 17939. An act granting an increase of pension to Robert A. Seaver;

H. R. 17950. An act granting an increase of pension to James W. Hager;

H. R. 17951. An act granting an increase of pension to Elizabeth A. Hodges;

H. R. 17971. An act granting an increase of pension to James G. Wall;

H. R. 17989. An act granting an increase of pension to Elizabeth Hodges;

H. R. 17996. An act granting an increase of pension to Alonzo Wells;

H. R. 18006. An act granting an increase of pension to Martha J. Bass;

H. R. 18019. An act granting an increase of pension to Milton A. Griffith;

H. R. 18032. An act granting an increase of pension to Mary H. Scott;

H. R. 18054. An act granting an increase of pension to Stewart J. Donnelly;

H. R. 18056. An act granting an increase of pension to Moses Davis;

H. R. 18067. An act granting an increase of pension to Joseph Guiott;

H. R. 18075. An act granting an increase of pension to Anna E. Kingston;

H. R. 18094. An act granting an increase of pension to William G. Melick;

H. R. 18143. An act granting an increase of pension to James F. Brown;

H. R. 18147. An act granting an increase of pension to Perry F. Belden;

H. R. 18149. An act granting an increase of pension to S. Horace Perry;

H. R. 18175. An act granting an increase of pension to Jeremiah Van Riper;

H. R. 18188. An act granting an increase of pension to David B. Guthrie;

H. R. 18237. An act granting an increase of pension to Rachel Egeness;

H. R. 18325. An act granting an increase of pension to John W. Schofield;

H. R. 18393. An act granting an increase of pension to David F. Crouch;

H. R. 18406. An act granting an increase of pension to Andrew Jackson;

H. R. 18465. An act granting an increase of pension to Abby B. Cloud;

H. R. 18506. An act granting an increase of pension to Mahala Jones;

H. R. 5842. An act to correct the military record of Charles F. Deisch;

H. R. 5217. An act for the relief of Agnes W. Hills and Sarah J. Hills;

H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;

H. R. 19572. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes;

H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;"

H. J. Res. 98. Joint resolution authorizing the Secretary of War to furnish brass cannon to the General Howell Post, No. 31, Grand Army of the Republic, of Woodbury, N. J.;

H. R. 17220. An act providing for a recorder of deeds, etc., in the Osage Indian Reservation, in Oklahoma Territory;

H. R. 17114. An act to provide for the disposition under the public-land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 16950. An act to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River;

H. R. 16672. An act to punish the cutting, chipping, or boxing of trees on the public lands;

H. R. 8952. An act for the relief of the trustees of Weit's Chapel, Tippah County, Miss.;

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River in Tallahatchie County, Miss.;

H. R. 19473. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama;

H. R. 17758. An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota; and

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.

DEATH OF HON. ROBERT ADAMS, JR.

Mr. MORRELL. Mr. Speaker, it is with the deepest feelings of pain and sorrow that I have to announce to the House the sudden death this morning of an old friend, the death of one of our Members, one of my colleagues from Philadelphia, a gentleman whose characteristics were such as to be admired and emulated, a gentleman whose personality was with us yesterday in the House, and whose conduct of the bill of which he had charge brought it to a successful passage in the late hours of the afternoon.

Mr. Speaker, it is my sad duty to announce to the House the sudden death in the early hours of the morning of ROBERT ADAMS, Jr., a Representative from the State of Pennsylvania.

The SPEAKER. With the consent of the House, the Chair will read the following letter received this morning:

WASHINGTON, D. C., *May 31, 1906.*

Hon. J. G. CANNON.

DEAR MR. SPEAKER: The fact that my personal obligations exceed my resources is my only excuse for abandoning the responsible position I occupy in the House. I am willing to be buried at its expense, but I ask that no committee be appointed or memorial services be held, as I have never been in sympathy with the latter custom.

With assurance of my high regard, sincerely, yours,

ROBERT ADAMS.

Mr. MORRELL. Mr. Speaker, I desire to offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT ADAMS, Jr., a Representative from the State of Pennsylvania.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for the funeral of the deceased, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Mr. MORRELL. Mr. Speaker, I move the adoption of the resolutions.

The question was taken; and the resolutions were adopted.

Mr. MORRELL. Mr. Speaker, as a further mark of respect to the memory of our deceased colleague, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 15 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of War, submitting a recommendation that the Gazette of the Philippine Islands be published as a Congressional document—to the Committee on Printing, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *William*, David Smith, master—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for payment of awards in favor of Jose Menendez and Lucia Lacoste—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for rent of offices for the Reclamation Service and the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the House joint resolution (H. J. Res. 153) directing the Interstate Commerce Commission to investigate and report on block signals and appliances for the automatic control of railway trains, reported the same with amendment, accompanied by a report (No. 4637); which said resolution and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8966) to set apart certain lands in the Territory of Arizona as a public park, to be known as The Petrified Forest National Park, reported the same with amendment, accompanied by a report (No. 4638); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19312) to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River, at or near mouth of Wolf Creek, reported the same with amendment, accompanied by a report (No. 4639); which said bill and report were referred to the House Calendar.

Mr. HAYES, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 19488) to increase the limit of cost of the construction of the immigrant station at Angel Island, in the harbor of San Francisco, Cal., reported the same without amendment, accompanied by a report (No. 4640); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19523) to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River, reported the same with amendment, accompanied by a report (No. 4641); which said bill and report were referred to the House Calendar.

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19856) to authorize the Back River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore, reported the same with amendment, accompanied by a report (No. 4643); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 19846) authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington, reported the same without amendment, accompanied by a report (No. 4642); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19080) granting an increase of pension to Frederick Fienop, reported the same without amendment, accompanied by a report (No. 4569); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19293) granting an increase of pension to William Colvin, reported the same without amendment, accompanied by a report (No. 4570); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19530) granting an increase of pension to Charles P. Gray, reported the same without amendment, accompanied by a report (No. 4571); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19533) granting an increase of pension to Mary Hall, reported the same with amendment, accompanied by a report (No. 4572); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19483) granting a pension to Lydia A. Patmunde, reported the same with amendment, accompanied by a report (No. 4573); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19116) granting an increase of pension to Antonio Macello, reported the same with amendment, accompanied by a report (No. 4574); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19118) granting an increase of pension to Effingham Vanderburgh, reported the same without amendment, accompanied by a report (No. 4575); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19514) granting an increase of pension to James H. Stimpson, reported the same with amendment, accompanied by a report (No. 4576); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19100) granting an increase of pension to Asa G. Brooks, reported the same with amendment, accompanied by a report (No. 4577); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19404) granting an increase of pension to Elias S. Falkenburg, reported the same with amendment, accompanied by a report (No. 4578); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18685) granting an increase of pension to Francis G. Fuller, reported the same with amendment, accompanied by a report (No. 4579); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18606) granting an increase of pension to Maria A. Maher, reported the same with amendment, accompanied by a report (No. 4580); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18363) granting an increase of pension to Rudolph Bentz, reported the same without amendment, accompanied by a report (No. 4581); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17740) granting an increase of pension to Charles M. Sexton, reported the same with amendment, accompanied by a report (No. 4582); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18045) granting an increase of pension to John M. Webb, reported the same with amendment, accompanied by a report (No. 4583); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17675) granting an increase of pension to Jonas M. Sees, reported the same with amendment, accompanied by a report (No. 4584); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17481) granting a pension to Eliza F. Wadsworth, reported the same with amendment, accompanied by a report (No. 4585); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17266) granting an increase of pension to Henry W. Alspach, reported the same with amendment, accompanied by a report (No. 4586); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18066) granting an increase of pension to Alexander M. Fergus, reported the same with amendment, accompanied by a report (No. 4587); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12339) granting an increase of pension to Charles T. Murray, reported the same with amendment, accompanied by a report (No. 4588); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11142) granting an increase of pension to James McQuade, reported the same with amendment, accompanied by a report (No. 4589); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9465) granting a pension to Ella Q. Parish, reported the same with amendment, accompanied by a report (No. 4590); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10267) granting an increase of pension to David W. Farrington, reported the same with amendment, accompanied by a report (No. 4591); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7652) granting an increase of pension to Charles W. Timms, reported the same without amendment, accompanied by a report (No. 4592); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8481) granting an increase of pension to Richard Callaghan, reported the same with amendment, accompanied by a report (No. 4593); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7580) granting an increase of pension to James W. Stewart, reported the same with amendment, accompanied by a report (No. 4594); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4689) granting an increase of pension to James Reeder, reported the same without amendment, accompanied by a report (No. 4595); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5728) granting an increase of pension to William Harvey, reported the same without amendment, accompanied by a report (No. 4596); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6201) granting an increase of pension to George W. Lakin, reported the same with amendment, accompanied by a report (No. 4597); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6495) granting an increase of pension to Phineas Hyde, reported the same with amendment, accompanied by a report (No. 4598); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1217) granting a pension to Spillard F. Horrall, reported the same with amendment, accompanied by a report (No. 4599); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2315) granting a pension to Miranda Berkhead, reported the same with amendment, accompanied by a report (No. 4600); which said bill and report were referred to the Private Calendar.

Mr. CHANEY from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1836) granting an increase of pension to Hiram B. Thomas, reported the same without amendment, accompanied by a report (No. 4601); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2014) granting an increase of pension to Enoch McCabe, reported the same without amendment, accompanied by a report (No. 4602); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1143) granting an increase of pension to Ephraim D. Achey, reported the same without amendment, accompanied by a report (No. 4603); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16741) granting an increase of pension to William J. Girvan, reported the same with amendment, accompanied by a report (No. 4604); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17015) granting an increase of pension to Osbert D. Dickey, reported the same with amendment, accompanied by a report (No. 4605); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14063) granting an increase of pension to Jerome Lang, reported the same with amendment, accompanied by a report (No. 4606); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14537) granting an increase of pension to Robert B. Crawford, reported the same with amendment, accompanied by a report (No. 4607); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16513) granting a pension to Bridget M. Duffy, reported the same with amendment, accompanied by a report (No. 4608); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16342) granting a pension to Matilda Foster, reported the same with amendment, accompanied by a report (No. 4609); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15713) granting an increase of pension to William McCrea, reported the same with amendment, accompanied by a report (No. 4610); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14199) granting an increase of pension to John Ewing, reported the same with amendment, accompanied by a report (No. 4611); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14680) granting an increase of pension to Sampson Parker, reported the same with amendment, accompanied by a report (No. 4612); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13318) granting an increase of pension to Odom Butler, reported the same with amendment, accompanied by a report (No. 4613); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11888) granting an increase of pension to Heman A. Harris, reported the same with amendment, accompanied by a report (No. 4614); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12482) granting an increase of pension to Samuel B. McLean, reported the same with amendment, accompanied by a report (No. 4615); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10814) granting a pension to Eugene A. Myers, reported the same with amendment, accompanied by a report (No. 4616); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12021) granting a pension to James M. Wood, reported the same with amendment, accompanied by a report (No. 4617); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13057) granting an increase of pension to James S. Salsberry, reported the same without amendment, accompanied by a report (No. 4618); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18283) granting an increase of pension to George H. Reeder, reported the same without amendment, accompanied by a report (No. 4619); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19352) granting a pension to Philip Killey, reported the same with amendment, accompanied by a report (No. 4620); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19691) granting an increase of pension to John E. Kingsbury, reported the same with amendment, accompanied by a report (No. 4621); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19215) granting an increase of pension to John Lengenfelder, reported the same with amendment, accompanied by a report (No. 4622); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19163) granting an increase of pension to Margaret Munson, reported the same with amendment, accompanied by a report (No. 4623); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19162) granting a pension to Charles Van Tine, reported the same with amendment, accompanied by a report (No. 4624); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18705) granting an increase of pension to Thomas T. Page, reported the same with amendment, accompanied by a report (No. 4625); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18657) granting an increase of pension to Nicholas Schue, reported the same with amendment, accompanied by a report (No. 4626); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18543) granting an increase of pension to James M. Follin, reported the same without amendment, accompanied by a report (No. 4627); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18544) granting an increase of pension to John W. Coates, reported the same without amendment, accompanied by a report (No. 4628); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12517) granting a pension to William Bays, reported the same with amendment, accompanied by a report (No. 4629); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16748) granting an increase of pension to Lucius C. Fletcher, reported the same with amendment, accompanied by a report (No. 4630); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15945) granting a pension to Cynthia A. Compton, reported the same with amendment, accompanied by a report (No. 4631); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14211) granting an increase of pension to Deborah J. Pruitt, reported the same with amendment, accompanied by a report (No. 4632); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14480) granting an increase of pension to Mary C. Moore, reported the same with amendment, accompanied by a report (No. 4633); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9836) granting an increase of pension to Dyer Collett, reported the same with amendment, accompanied by a report (No. 4634); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16781) granting an increase of pension to John F. Casper, reported the same with amendment, accompanied by a report (No. 4635); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 19161) granting a pension to Marcus D. Tenney reported the same with amendment, accompanied by a report (No. 4636); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DE ARMOND: A bill (H. R. 19896) to extend the time within which certain claims against the United States may be presented—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 19897) granting to the State of Wisconsin the residue of vacant public lands within said State and such as shall hereafter become vacant, as an addition to the State forest reserve of said State—to the Committee on the Public Lands.

By Mr. BABCOCK: A bill (H. R. 19898) regulating certain licenses in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. SOUTHARD: A bill (H. R. 19899) to correct the military record of George Redding—to the Committee on Military Affairs.

Also, a bill (H. R. 19900) for the relief of George W. Bowen—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 19901) for the relief of James S. Garrison—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 19902) granting an increase of pension to John M. Buxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19903) granting an increase of pension to Richard Roach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19904) granting a pension to Peter Brown Middleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19905) for the relief of R. E. Smith—to the Committee on Claims.

Also, a bill (H. R. 19906) for the relief of Susannah Payne and others—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 19907) granting an increase of pension to James Butler—to the Committee on Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 19908) granting an increase of pension to George L. White—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 19909) granting an increase of pension to John H. Wemple—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19910) granting an increase of pension to James W. Bowen—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 19911) granting an increase of pension to Gilford Pippins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19912) granting an increase of pension to Amos R. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19913) granting an increase of pension to James Card—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 19914) for the relief of Lieut. Jerome E. Morse, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. BENNET of New York: A bill (H. R. 19915) granting an increase of pension to Greenleaf W. Crossman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BENNET of New York: Paper to accompany bill for relief of Greenleaf W. Crossman—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Petition of students of Harkell Institute, Lawrence, Kans., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. BURLEIGH: Petition of citizens of Maine, favoring parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CHAPMAN: Petition of L. W. Gould, Lucas Parker, and B. M. Maxey, for amendment of post-office laws making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Paper to accompany bill for relief of S. H. Britts—to the Committee on Invalid Pensions.

By Mr. JOHNSON: Paper to accompany bill for relief of James A. McDavis—to the Committee on Claims.

By Mr. LACEY: Petition of Women's Clubs of Iowa, for immediate passage of pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON: Petition of T. M. McCall Grange No. 351, for the pure-food bill (Heyburn bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of McConnellsburg, Pa., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MANN: Paper to accompany bill for relief of Charles J. Tressler—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany bill for relief of James S. Garrison—to the Committee on War Claims.

By Mr. SHEPPARD: Petition of Fitzgerald & Grafton and W. N. Furly, for amendment to postal laws and regulations, making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN of New York: Petition of Chicago Federation of Labor, favoring anti-injunction legislation—to the Committee on the Judiciary.

SENATE.

SATURDAY, *June 2, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *William*, David Smith, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed:

In the cause of the trustees of Fairfax Lodge, No. 43, Ancient Free and Accepted Masons, of Culpeper, Va. *v.* The United States;

In the cause of John B. Jarratt, administrator of Sarah T. Jarratt, deceased, *v.* The United States;

In the cause of the trustees of the Presbyterian Church of Warrenton, Va., *v.* The United States;

In the cause of Hardy A. Brewington, administrator of the estate of Raiford Brewington, deceased, *v.* The United States;

In the cause of Florin A. Albright *v.* The United States;

In the cause of Clifford C. Pearson, jr., administrator of Clifford C. Pearson, deceased, *v.* The United States;

In the cause of Henry Pepper and Elizabeth H. Cleveland, heirs of William Pepper, deceased, *v.* The United States;

In the cause of Mary E. Buckey *v.* The United States;

In the cause of E. S. Holloway and W. S. Holloway, surviving executors of John G. Holloway, deceased, *v.* The United States;

In the cause of Thomas D. Ruffin *v.* The United States; and

In the cause of the St. George Protestant Episcopal Church of Pungoteague, Va., *v.* The United States.

PETITIONS AND MEMORIALS.

Mr. BURROWS presented petitions of 14,571 citizens of the State of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. MALLORY presented petitions of 2,285 women of the State of Florida, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. SPOONER presented a memorial of sundry citizens of

Spring Green, Wis., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregations of the Methodist Episcopal and Presbyterian churches of Cadott, Wis., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. ANKENY presented a petition of the Frye Bruhn Company, of Seattle, Wash., and a memorial of the Union Meat Company, of Portland, Oreg., remonstrating against the adoption of a certain amendment to the agricultural appropriation bill providing that the cost of meat inspection be paid by the packers; which were referred to the Committee on Agriculture and Forestry.

Mr. LA FOLLETTE presented a petition of sundry citizens of Richland Center, Wis., praying for the enactment of legislation providing that the Federal Government shall not grant liquor-tax receipts to persons residing in prohibition territory, State or local; which was referred to the Committee on the Judiciary.

He also presented petitions of ministers of the Methodist Episcopal churches of Rib Lake, Westboro, and Chelsea, all in the State of Wisconsin, praying for the enactment of legislation providing for the Sunday closing of the Jamestown Exposition, and also to protect the first day of the week as a day of rest in the post order and registry departments of the post-offices in the District of Columbia; which were referred to the Select Committee on Industrial Expositions.

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, I am directed by the Committee on Privileges and Elections to report the action of the committee upon the resolution referred to that committee to inquire into the right and title of REED SMOOT to hold a seat in the Senate of the United States as a Senator from the State of Utah, and to say that the committee reached a conclusion at its last meeting and authorized the chairman to report to the Senate that the senior Senator from Utah is not entitled to a seat in the Senate of the United States. The committee directed the chairman to make a formal report, which will be done some time during the coming week.

An expression of opinion was had by the committee upon what steps would be necessary to take if the report of the committee was adopted by the Senate that the Senator from Utah is not entitled to a seat, and upon that there was a difference of opinion. The commitee were divided as to whether it would have to be followed by a resolution to expel the Senator from Utah or whether a declaration that he is not entitled to a seat would be sufficient. That will be a matter, however, for the Senate to determine.

I was also directed by the committee to say to the Senate that it is the desire of the committee to take up the matter at the earliest possible day and dispose of it during this session, and, if it would be agreeable to the Senate, to fix a day now when the matter could be taken up. Of course it is a privileged question, but it is not the desire of the committee to interfere with the necessary business of the Senate, and it was thought that perhaps the Senate might now consent to a day when it would be taken up. I would suggest a week from next Monday, if that would be agreeable to the Senate. I ask unanimous consent that the case be set down for a hearing a week from next Monday.

Mr. BACON. Mr. President, it was impossible to hear anything the Senator has said.

Mr. BURROWS. I ask unanimous consent that this question may be taken up in the Senate a week from next Monday and disposed of.

Mr. BACON. I will have to say to the Senator again that we did not hear what preceded that. So I ask to what matter he refers.

Mr. BURROWS. I was reporting from the Committee on Privileges and Elections, by direction of the committee, in response to the resolution requiring the committee to inquire into the right and title of REED SMOOT to a seat in the Senate of the United States as a Senator from the State of Utah. I stated that it had been passed upon by the committee, and the committee has determined that he has no right to a seat in the Senate; and the chairman of the committee was directed to make a written report to that effect to the Senate, which will be done some time next week.

It was also requested by the committee that I should ask the Senate to fix a date for the consideration of the matter, and I suggest, as the report may not be brought in until the middle of the week, that the matter be set down for the consideration of the Senate a week from next Monday.

Mr. BEVERIDGE. Will the Senator add to his request for consent a disposition of the matter? I think in the motion directing the chairman to make the statement there was included a request that it should be disposed of, so that a vote on the substantial questions may be had in the Senate.

Mr. BURROWS. Let me suggest to my friend that it could be disposed of in many ways; so that would not be very effective. I think the main point is to have a time fixed for its consideration in the Senate.

Mr. HALE. If the Senator gets his measure up, he will then, like every Senator who has charge of any matter, be at the disposition of the Senate as to what it will do afterwards.

Mr. BURROWS. Absolutely.

Mr. PATTERSON. We can not hear the Senator from Maine on this side.

Mr. HALE. I was suggesting that if the Senator gets his measure up on Monday week he will then be under the control of the Senate as to what he shall do, and I do not think it would be advisable to do any more than agree that it shall be taken up. Of course that, as we understand, does not interfere with appropriation bills and conference reports, which would naturally come in, or with the unfinished business. I do not see the Senator from South Dakota here looking out for his rights.

Mr. GALLINGER. He is here.

Mr. HALE. Of course it ought not to interfere with that.

Mr. BURROWS. Of course I agree with the Senator as to the suggestion of my friend from Indiana that the matter shall then be disposed of. There are many ways in which it can be disposed of. It is quite needless to make that request. I simply want to let the Senate know the desire of the committee that it shall be taken up for consideration a week from next Monday.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. BURROWS. Certainly.

Mr. TELLER. We did not hear very well here. I should like to ask the chairman whether he has made a report in this case?

Mr. BURROWS. I stated that by direction of the committee I was authorized and directed to make this announcement, and I was also directed by the committee to report formally to the Senate. The report is being prepared and will be presented to the Senate next week, probably about the middle of the week.

Mr. TELLER. I do not see how the Senate can fix a time to consider a report that is yet in the hands of a committee. I do not think it is worth while for the Senator to ask the Senate to fix a time when we do not know what the report is. Every Senator will be entitled to some little time to consider that report.

Mr. BURROWS. I will say to the Senator I am simply executing the command of my committee, and I leave it for the Senate. I suggested that date, and if there is any objection to it——

Mr. TELLER. I should like to ask if the testimony has been printed, so that Senators can get it?

Mr. BURROWS. It has.

Mr. TELLER. Has it been indexed, or is it in sheets?

Mr. BURROWS. It is indexed. If there is objection to the request, that ends it. It is a privileged matter. I can call it up.

Mr. TELLER. I want to say that I will not object to fixing a time when the report comes in, but in my experience in the Senate I have never known a case set before the report was before the Senate, so that Senators might examine it. I shall object now to fixing a time. If the Senator will put in his report this morning so that we get the benefit of it, I shall not object.

Mr. BURROWS. I will say to the Senator I have never known of such a case either, but I am carrying out the direction of my committee.

Mr. DICK. Before the chairman is through I wish to ask him a question. Can he inform the Senate as to the probable length of the report? Will it be a very lengthy report?

Mr. BURROWS. I can not yet say.

Mr. DICK. That might perhaps help us in fixing a time.

Mr. BEVERIDGE. Mr. President, while it is clear there will be no consent to the request of the chairman, which he makes on behalf of the committee, upon motion unanimously adopted by the committee, for fixing a day to dispose of the matter at this session, the discussion has served a useful purpose, because I think it has indicated that all wish that the substantial subject itself shall be voted upon and concluded at this session.

I will state, in the absence of the senior Senator from Ohio [Mr. FORAKER], who is my senior upon the committee and who entertains the views of everybody who voted against the ex-

clusion or expulsion of Mr. SMOOT, that it is earnestly desired that the matter should be submitted to the Senate and determined at this session, and that based upon motion was concurred in by the entire committee.

So I think, Mr. President, that the request of the chairman of the committee has served the admirable purpose of revealing the sentiment of the Senate that the question itself shall be disposed of, voted upon, concluded before this session of Congress ends.

Mr. SPOONER. Mr. President, I am utterly unable to discover any evidence, in this discussion of a few moments, of the desire or purpose of the Senate to dispose of the matter at this session. That may happen, but I rather inferred from the observations of the Senator from Colorado that he is possessed of the old-fashioned notion that he wants to know something about the matter and the views of the committee which for a couple of years has had it under consideration before he agrees to a time for taking it up. I have not heard any request as to the time for disposing of it or any expression from any Senator here as to the time of disposing of it. I suppose it is a matter of privilege, more or less.

Mr. BEVERIDGE. Would not the Senator be willing that it shall be voted upon at this session?

Mr. HALE. Mr. President, I must call for the regular order. I do not think we ought to anticipate the discussion on this matter.

Mr. TELLER. Mr. President, I claim the privilege of saying just a word.

I have no objection to taking up this case at a proper time, but I am under the impression that this is one of the kind of cases that the Senate is not in the habit of rushing through without a proper examination. For myself, I am not willing to fix a time now without knowing what the report is. I may know, in a general way, what the report is, but I want to know the ground upon which the report is based.

I should feel that I was derelict in my duty if I did not give this case attention. As far as I am concerned, I expect to consider it here, not upon the public clamor, but upon questions of right—constitutional right. I expect to act upon my oath. As I said on another occasion, a question of this kind is a question of conscience as well as of law, and we can not take up this case and dispose of it in fifteen or twenty minutes or in a day. The committee has taken testimony on it for two years, I understand.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. TELLER. I propose, as far as I am concerned, if I am going to have a vote on it—and I expect to have it—to give some attention to it and consider it, and I hope every other Senator will.

Mr. BURROWS. Will the Senator yield to me for just a moment?

Mr. HALE. Mr. President, I must call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. BURROWS. Just one word.

Mr. HALE. Then somebody else will want a word.

Mr. BURROWS. I think not.

The VICE-PRESIDENT. Is there objection?

Mr. HALE. I ask for the regular order.

The VICE-PRESIDENT. Reports of standing and select committees are in order.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4317) to provide for the payment of certain claims against the District of Columbia, in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5868) to change the name of North Capitol street to Georgia avenue, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2099) authorizing the extension of W and Adams streets NW.;

A bill (S. 5033) authorizing the extension of W and Adams streets NW.; and

A bill (S. 1537) to acquire land for a park approach to Connecticut Avenue Bridge over Rock Creek, District of Columbia.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 3237) providing for public administrators in Indian Territory, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, reported it with amendments, and submitted a report thereon.

BLACKFEET INDIAN RESERVATION LANDS IN MONTANA.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 6354) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, to report favorably without amendment, and I submit a report thereon.

Mr. CARTER. The bill has passed the Senate in another form, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. CARTER. The bill has been read. It is identically the same as the bill which passed the Senate.

Mr. ALDRICH. Let it be read for information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 6355) concerning licensed officers of vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER. In behalf of the Commissioners of the District of Columbia, I introduce a bill, which I ask be referred, with the accompanying papers, to the Committee on the District of Columbia.

The bill (S. 6356) regulating certain licenses in the District of Columbia, and for other purposes, was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. TALIAFERRO introduced a bill (S. 6357) granting a pension to Elizabeth Cason; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6358) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska; which was read twice by its title, and referred to the Committee on the Territories.

Mr. MILLARD introduced a bill (S. 6359) granting an increase of pension to F. D. Garnsey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6360) granting an increase of pension to William Vancour; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LATIMER introduced a bill (S. 6361) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MONEY introduced a joint resolution (S. R. 63) providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CARTER submitted an amendment providing for the survey of certain lands in Valley County, Mont., and also for the survey of certain land lying between the Big Muddy River, in Valley County, Mont., and the Dakota line, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MILLARD submitted an amendment proposing to appropriate $25,000 to pay William Radcliffe for damages to his fish hatchery and property in Delta, Colo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $30,000 for establishing a life-saving station at or near Neah Bay, Washington, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed,

and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, Washington, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $70,000 for the construction of two steam vessels for the Revenue-Cutter Service for duty in the waters of Puget Sound, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $50,000 for establishing on the coast of Washington, between Cape Flattery and Grays Harbor, three life-saving stations, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $225,000 for the construction of a revenue cutter of the first class for duty in Puget Sound and adjacent waters, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $50,000 for establishing a light and fog signal on Eliza Island, Bellingham Bay, Washington, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

AMENDMENT OF COPYRIGHT ACTS.

Mr. KITTREDGE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and are hereby, authorized and directed to investigate, in conjunction with the Committee on Patents of the House of Representatives, all matters pertaining to the copyright laws, to send for persons and papers, and to administer oaths, and to employ a stenographer to report such hearings; and that the committee be authorized to sit during the sessions or recess of the Senate, and to have such hearings printed, and that all expenses of the investigation be paid out of the contingent fund of the Senate.

ISTHMIAN EXPOSITION IN TAMPA, FLA.

Mr. TALIAFERRO submitted the following concurrent resolution; which was referred to the Select Committee on Industrial Expositions:

Whereas it is fitting that the commencement of the work on the Panama Canal should be celebrated in a suitable manner by an exhibition of the resources, development, and progress of the United States, to the end that the importance of this great Isthmian waterway may be accentuated and the sentiment in favor of its early completion fostered and kept alive; and

Whereas such an exhibition should be of a national character and should have the sanction of the United States Government; and

Whereas the city of Tampa, in the State of Florida, by reason of its being farther to the southward and nearer to said canal than any other city in the country having a deep and commodious harbor, reached by ample railroad facilities, as also on account of its salubrious climate and the spirit of American progress among its citizens, manifest in the rapid growth and development of the city and her commerce, affords a suitable place for such an exhibition; and

Whereas it has been determined to hold such an exposition there during the months of January, February, March, April, and May, A. D. 1908; and

Whereas his excellency Napoleon B. Broward, governor of the State of Florida, did on the 30th day of December, 1905, issue his proclamation calling an Isthmian exposition to be held in the city of Tampa, commencing in the month of January, A. D. 1908, for the purpose aforesaid, and inviting the governors of the several States comprising the United States of America, as well as the governors of the Territories of the United States, to secure the cooperation of their State legislatures in aid of said exposition by participating therein and sending exhibits of their resources to said exposition: Therefore, be it

Resolved by the Senate of the United States (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to issue his proclamation to the governors of the several States, inviting them to participate in said exposition by sending exhibits thereto, showing their growth, development, and progress; and that the President be, and he is hereby, further requested to hold a naval review, at his discretion, in Tampa Bay at such time during the progress of said exposition as he may deem best.

Resolved further, That the President of the United States be, and he is hereby, requested to cause to be made such display of the Army of the United States at said exposition as he may deem advisable.

Resolved further, That nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or expenditures or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition, or in connection with such celebration and exhibition.

PURCHASE OF MATERIAL AND EQUIPMENT FOR THE PANAMA CANAL.

Mr. ALDRICH. I ask the Senate to proceed to the consideration of Senate joint resolution No. 60.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

The VICE-PRESIDENT. The pending question is on agreeing to the amendment offered by the Senator from Florida [Mr. MALLORY], which will be stated.

The SECRETARY. On line 7 strike out the words "extortionate or."

Mr. PATTERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBBER. I should like to have the amendment read.

The VICE-PRESIDENT. The amendment will be again read, at the request of the Senator from North Dakota.

The SECRETARY. In line 7 of the joint resolution, before the word "unreasonable," strike out the words "extortionate or;" so that if amended the last clause will read:

Unless the President shall, in any case, deem the bids or tenders therefor to be unreasonable.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Florida.

The Secretary proceeded to call the roll.

Mr. BEVERIDGE (when Mr. HEMENWAY'S name was called). My colleague [Mr. HEMENWAY] is unavoidably absent.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. BERRY], and withhold my vote. If he were present, I should vote "nay."

Mr. DILLINGHAM (when Mr. PROCTOR'S name was called). I wish to announce that my colleague [Mr. PROCTOR] is necessarily absent to-day. He is paired with the senior Senator from Florida [Mr. MALLORY].

The roll call was concluded.

Mr. McCUMBER (after having voted in the negative). I voted without observing the absence of the Senator from Louisiana [Mr. FOSTER], with whom I have a general pair. I will transfer my pair to the Senator from Michigan [Mr. ALGER], and let my vote stand.

Mr. NELSON. I desire to transfer my pair with the senior Senator from Arkansas [Mr. BERRY] to the Senator from New Jersey [Mr. DRYDEN], and I vote "nay."

Mr. PETTUS (after having voted in the affirmative). I wish to inquire if the junior Senator from Massachusetts [Mr. CRANE] has voted?

The VICE-PRESIDENT. He has not.

Mr. PETTUS. I withdraw my vote.

Mr. McCREARY. My colleague [Mr. BLACKBURN] is paired with the Senator from Indiana [Mr. HEMENWAY]. If my colleague were present, he would vote "yea."

The result was announced—yeas 19, nays 39, as follows:

YEAS—19.

Bacon	Dubois	Martin	Simmons
Carmack	Frazier	Money	Stone
Clay	La Follette	Overman	Taliaferro
Culberson	Latimer	Patterson	Tillman
Daniel	McCreary	Rayner	

NAYS—39.

Aldrich	Cullom	Hansbrough	Perkins
Ankeny	Dick	Kean	Piles
Beveridge	Dillingham	Kittredge	Scott
Brandegee	Dolliver	Knox	Smoot
Burkett	Flint	Lodge	Spooner
Burnham	Foraker	Long	Sutherland
Burrows	Frye	McCumber	Teller
Carter	Fulton	Millard	Warner
Clapp	Gallinger	Nelson	Wetmore
Clark, Wyo.	Hale	Nixon	

NOT VOTING—31.

Alger	Clark, Mont.	Gearin	Morgan
Allee	Clarke, Ark.	Gorman	Newlands
Allison	Crane	Hemenway	Penrose
Bailey	Depew	Heyburn	Pettus
Berry	Dryden	Hopkins	Platt
Blackburn	Elkins	McEnery	Proctor
Bulkeley	Foster	McLaurin	Warren
Burton	Gamble	Mallory	

So Mr. MALLORY'S amendment was rejected.

Mr. CARMACK. I offer an amendment as a substitute for the pending joint resolution.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary read as follows:

That in all the contracts for the purchase of material and equipment for use in the construction of the Panama Canal preference shall be given to articles of domestic production or manufacture, conditions of quality and price being equal.

Mr. CARMACK. I ask for the yeas and nays on agreeing to the amendment.

Mr. PATTERSON. Before the roll is called, I wish to make some inquiry of the chairman of the Committee on Finance.

I discover that in the correspondence which accompanies the joint resolution, consisting of a letter from the Secretary of War and the President and some accompanying documents, the Secretary of War recommended a resolution that, in his opinion, would be sufficient to enable the President to act intelligently in the making of purchases of this kind. The joint resolution reported by the committee is in almost the exact language of the first part of the resolution that was recommended by the Secretary of War, except in the matter of the insertion of the words "or extortionate." The insertion of those words makes such a broad and unusual change in the language of the joint resolution that I think the chairman of the Committee on Finance should make some explanation of it to the Senate. The resolution as recommended by the Secretary of War is as follows:

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture unless the President deems the bids therefor to be unreasonable.

In other words, if the President believes the bids to be unreasonable, then he is no longer restricted to domestic material or equipment. The amendment of the committee will require the President to confine himself in the purchase of material and equipment to the domestic article, unless the bids from outside of the United States should prove to be extortionate.

The Senator from Rhode Island [Mr. ALDRICH] shakes his head. I think that a little reflection will convince both him and the Senate that I am right. The words "or extortionate" were inserted before the word "unreasonable" for some purpose. If the Senator from Rhode Island will state the purpose in inserting the words "or extortionate," then we can judge what was in the mind of the committee when they recommended this amendment.

Mr. ALDRICH. The Senator's inquiry is in the nature of a post-mortem examination. This matter was discussed yesterday, and the Senate has just voted upon the amendment which he is now discussing.

Mr. PATTERSON. There are other amendments upon which some light may be thrown by an understanding of the matter, to which I call the attention of the Senate and the Senator from Rhode Island.

Mr. ALDRICH. The words "extortionate" and "unreasonable" in the joint resolution clearly refer to American bids or tenders and not to foreign bids or tenders.

Mr. PATTERSON. I think the Senator from Rhode Island is mistaken. I want to read the language of the resolution again:

That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate——

Mr. SPOONER. "Therefor."

Mr. PATTERSON. Yes.

Mr. ALDRICH. "Therefor."

Mr. PATTERSON. But if he does not deem the bids for domestic articles to be extortionate then he must confine himself to domestic articles.

Mr. ALDRICH. Certainly.

Mr. PATTERSON. That is the idea?

Mr. ALDRICH. That is the purpose of the bill.

Mr. PATTERSON. I know; but by inserting the words "extortionate or" before the word "unreasonable" they have enlarged the meaning of the word "unreasonable." In other words, though the bids for the domestic article might be unreasonable in the ordinary sense of the term, unless they are extortionate the President is confined to the domestic article.

Mr. ALDRICH. The language of the resolution, as the Senator will see, is "extortionate or unreasonable."

Mr. PATTERSON. Now, then, that is the point. Why were the words "extortionate or" inserted before the word "unreasonable?" I call the attention of the Senator from Rhode Island to the proposition. If the bid of the domestic manufacturer is unreasonable, would not that be sufficient to warrant the President in going to other markets for that which he wanted?

Mr. ALDRICH. Mr. President, I may be lacking in comprehension. I suppose I am——

Mr. PATTERSON. No; not at all.

Mr. ALDRICH. The President can reject bids that are either extortionate or unreasonable.

Mr. PATTERSON. Let me propound my question again to the Senator from Rhode Island. If the President should deem the bid of those who are supplying the domestic article to be unreasonable, would not that be a sufficient justification for him to seek other vendors?

Mr. ALDRICH. If the bids were unreasonable or extortionate, that would be a sufficient reason for purchasing abroad.

Mr. PATTERSON. If the prices asked were unreasonable, why should the Senator insert, in addition to that, "or extortionate?"

Mr. ALDRICH. The Senate has inserted those words. The committee recommended it, and the Senate acted on their recommendation and inserted those words.

Mr. PATTERSON. There is a purpose in it. The Senator from Rhode Island certainly had a purpose——

Mr. ALDRICH. We had a purpose.

Mr. PATTERSON. In inserting the words "extortionate or" before the word "unreasonable," the word "unreasonable" being the only word recommended by the Secretary of War.

Mr. ALDRICH. It was for the purpose of enlarging the President's discretion, I will say to the Senator from Colorado; and that seems to be perfectly apparent on the face of the papers.

Mr. HALE. Let me ask the Senator, would the insertion of the word "and" suit the Senator any better, so as to read, "both extortionate and unreasonable?"

Mr. PATTERSON. No; I do not believe that the prices asked for the domestic article will go to the extent of being extortionate before the President would be justified or required to seek other markets.

Mr. HALE. I ask the Senator would it suit any better, if he seeks to make this point upon what the Senate has already decided, to put in the word "and?"

Mr. PATTERSON. No, Mr. President; that would make it worse.

Mr. HALE. I think it would make it better.

Mr. PATTERSON. Why is not the Senator from Maine satisfied with the proposition that the President shall be confined to domestic articles unless the price bid is unreasonable?

Mr. HALE. I am entirely satisfied with the decision of the Senate. It was fully debated, and this morning the Senate upon a yea-and-nay vote deliberately kept the word "extortionate" in. I am entirely content with that, but still I believe it would be better to use the word "and" instead of "or."

Mr. PATTERSON. Oh, no; the words I have been talking about are the words that ought to be out of the joint resolution altogether.

Mr. HALE. The Senate has just voted on that question.

Mr. PATTERSON. I understand that. The only reason I make the inquiry is that we may have light upon other amendments that are to follow.

Mr. President, it seems to me that some such idea as this must have been in the minds of at least some members of the Finance Committee, that the President in making purchases for the Panama Canal should first consider the price of the article that he requires abroad; then that he should add to that price at least the tariff duty, and that the price abroad plus the tariff duty and plus a profit upon that should be regarded by the President as not extortionate, though he might believe it to be unreasonable.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Florida?

Mr. PATTERSON. Certainly.

Mr. MALLORY. Mr. President, I introduced an amendment to the pending joint resolution, and I undertook yesterday afternoon to address the Senate upon it, but yielded to the Senator from Ohio [Mr. FORAKER] for a motion to go into executive session. I had been sitting here this morning waiting for the joint resolution to come up, but was called out of the Chamber temporarily, and by the time I got back—I do not think I was absent more than ten minutes—I found my amendment had been voted down. I think it is proper that I should at least give some reason for the proposition, and while I do not care to intrude upon the time of the Senator from Colorado——

Mr. PATTERSON. Not at all.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Florida?

Mr. PATTERSON. With pleasure.

Mr. MALLORY. Mr. President, I desire very briefly to state what my purpose was in offering the amendment. I do not think there is any question but the Senator from Colorado [Mr. PATTERSON] has struck the keynote of the point I was endeavoring to aim at by introducing the amendment. The two words "extortionate" and "unreasonable" are in the same category, but they do not mean the same thing. The word "extortionate" conveys a signification greater, broader, and much more obnoxious than the word "unreasonable." The word "extortionate" implies also, from its derivation—ex torquere—duress, force, a restraint imposed upon one who is subjected to the extortion. In other words, Mr. President, the word "extortionate," as used in connection with the word "unreasonable" there, simply implies a greater degree of unrea-

somableness. A thing or a proposition would not be extortionate without at the same time being unreasonable; but it might very well be unreasonable without being extortionate. Therefore it is equivalent to saying "that purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, unless the President shall, in any case, deem the bids or tenders therefor to be superlatively unreasonable or unreasonable—unless it is exceptionally unreasonable or unreasonable," because I do not think that anyone would question the fact that an "extortionate bid" is not only unreasonable, but it conveys the obnoxious signification of also carrying with it duress, force, power, compelling the purchaser unwillingly to accept that which is unreasonable. Therefore, Mr. President, I think that one or the other of the two terms ought to go out—either the word "unreasonable" should be stricken out or the word "extortionate" should be stricken out, and that was my motive in offering the amendment.

I have no idea, of course, but that the joint resolution will prevail; but if it shall prevail, much against my will, I wish, at least, to see it in such shape as to compare favorably with other species of legislation. It should be accurate. Its expression should be positive, precise, and vigorous, and there should be no room whatever for an ambiguous construction.

The VICE-PRESIDENT. The question is on the substitute for the joint resolution proposed by the Senator from Tennessee [Mr. CARMACK].

Mr. TELLER. Let it be again read, Mr. President.

The VICE-PRESIDENT. The amendment proposed by the Senator from Tennessee will be again stated.

The SECRETARY. It is proposed to strike out all after the resolving clause and to insert:

That in all contracts for the purchase of material and equipment for use in the construction of the Panama Canal preference shall be given to articles of domestic production or manufacture, conditions of quality and price being equal.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I ask if the Senator from Louisiana [Mr. FOSTER] has voted, Mr. President?

The VICE-PRESIDENT. The Chair is informed that the Senator from Louisiana has not voted.

Mr. McCUMBER. I have a pair with that Senator; but I transfer that pair to the Senator from Michigan [Mr. ALGER], and vote. I vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON]. If he were present, I should vote "yea."

Mr. PETTUS (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE], and therefore withhold my vote.

The roll call was concluded.

Mr. MONEY (after having voted in the affirmative). I am paired with the Senator from Wyoming [Mr. WARREN]. I thought he was in the Chamber, but have since learned that he has not voted. Therefore I withdraw my vote.

The result was announced—yeas 17, nays 39, as follows:

YEAS—17.

Bacon	Daniel	Martin	Stone
Bailey	Dubois	Overman	Taliaferro
Carmack	Frazier	Patterson	
Clay	Latimer	Rayner	
Culberson	McCreary	Simmons	

NAYS—39.

Aldrich	Clark, Wyo.	Hale	Nixon
Anthony	Cullom	Hansbrough	Perkins
Beveridge	Dick	Kean	Scott
Brandegee	Dillingham	Kittredge	Smoot
Bulkeley	Dolliver	Knox	Spooner
Burkett	Flint	La Follette	Sutherland
Burnham	Foraker	Lodge	Teller
Burrows	Frye	Long	Warner
Carter	Fulton	McCumber	Wetmore
Clapp	Gallinger	Millard	

NOT VOTING—33.

Alger	Depew	Hopkins	Pettus
Allison	Dryden	McEnery	Piles
Ankeny	Elkins	McLaurin	Platt
Crane	Foster	Mallory	Proctor
Blackburn	Gamble	Money	Tillman
Borton	Gearin	Morgan	Warren
Clark, Mont.	Gorman	Nelson	
Clarke, Ark.	Hemenway	Newlands	
Crane	Heyburn	Penrose	

So Mr. CARMACK's amendment was rejected.

Mr. TELLER. Mr. President, I voted against striking out the word "extortionate." I do not myself think it makes any difference whether that word is in or out of the joint resolution. If the President finds that the price of a domestic article is unreasonable, under this resolution he has the right to purchase it abroad. If the price of the article is extortionate, it certainly is unreasonable. So there are two elements involved—one, if an article is extortionate, and the other, if it is unreasonable.

I am a member of the committee which reported this joint resolution. For a great many years—I will not say for all my life—I have been in favor of the protective system. I am still in favor of a protective system in this country. I know very well that any tariff that is levied properly on imports coming into the United States which will produce sufficient revenue to carry on this Government, will be a protective tariff; and the cry that we want a tariff for revenue only is, in my judgment, simply a play upon words.

Upon the dredges proposed to be purchased, as I understand, if bought in a foreign country and brought here, there would be paid a duty of 45 per cent upon their cash value. That, in my judgment, is an absolutely prohibitory tariff. I do not believe in prohibitory tariffs. I do not believe any tariff should be placed so high as to give the manufacturers of this country an opportunity to unduly tax the American citizen. I am one of those who believe that the present tariff would be greatly improved if it should be revised. If I want to buy a dredge, or if any of my constitutents want to buy a dredge, we are compelled to pay this tariff. I think it would be a very remarkable spectacle, Mr. President, for the Government of the United States to hold that what every one of its citizens must do, it will not do. I suppose in this case, perhaps, there will be no duty paid upon these dredges; I do not know; but heretofore I understand whenever the Government has imported anything for its public works, it has paid duty just as individuals have done.

At the present time we have a revenue in excess of our expenditures. I believe last month it was said that we had a revenue of about $2,500,000 more than our expenditures. When we shall have paid out the appropriations which we are now making, it will be discovered that there will be a deficiency. I figure that for the last year the real deficiency in the United States revenues was in the neighborhood of $70,000,000, although that is not the statement made from the Treasury Department, but that statement does not include all of these items.

If we are to adhere to the system of protection, or if we are to adhere to the system that has given us as much revenue as our expenditures—I do not care whether you call it a protective tariff or any other, for I am not able to distinguish the difference between a tariff for revenue which amounts to $500,000,000, or a tariff for protection which amounts to the same, so far as I am concerned—we have got to have about one-half of our revenues collected from our imports, or a little more, perhaps. There is not much difference whether a man pays his taxes in the shape of import duties or whether he pays them in the form of internal-revenue duties. It is about the same thing to him, for, in either case, he has got to earn the money with which to pay them.

I think, Mr. President, there is some advantage in having American mechanics construct these dredges. We have already spent upon the Panama Canal, I believe, about $70,000,000, and we are probably going to expend two hundred and fifty or three hundred million dollars more. Whether it is to be a lock canal or a sea-level canal does not make much difference. I am not a strong advocate of the canal, I admit. I have never voted for the canal. I expect the Government to build the canal because it has started it; but I do not expect, Mr. President, that there will be any material benefit to us from building it for a great many years, and perhaps never.

I saw recently in the newspapers that the chairman of the Canal Commission, Mr. Shonts, had made a speech somewhere, in New England or in New York—I have forgotten which—in which he insisted that we were in great haste to build the canal. He said we wanted it right away; immediately. It occurred to me if we did, it would be better for this man, getting $30,000 a year, to go down to the Isthmus and stay there and attend to the business. In the next newspaper that I took up——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. Yes.

Mr. HALE. I think the gentleman to whom the Senator refers not only did that, but while the Senate is deliberately considering the question of what the type of the canal shall be, and while that is a matter for Congressional action, the official to whom the Senator alludes argued but one side of the case, and in effect gave recommendations, if not instructions, to the

Senate. While a grave question of that kind is pending in the Senate and in a matter of legislative discretion, I do not quite see—and I think the Senator will agree with me—that it is precisely the thing for an official connected with the Administration to suggest to or instruct the Senate what its course shall be.

Mr. TELLER. Mr. President, I have become rather used to that of late. I am not so much surprised at that as I would have been, perhaps, a few years ago. But I was going to say that in the next newspaper I took up was a statement of the same general character made by the chief engineer of the canal, who seemed to be in this country, too. There was a criticism in both cases of the Senate, and practically a direction as to what we ought to do as to the type of the canal. It was stated ex cathedra, as if there could not be any question about it, that we must have a lock canal.

If I get a little time next week, I think I may say something about the type of the Panama Canal. I do not care about going into it now. I only wanted to say that if we are to employ there 100 or 150 dredges, which, I understand, is part of the plan, there would be some advantage in having them built in the United States. It would furnish employment for American labor and it would give an opportunity for some of our manufacturers to engage in this work. There might be some advantage in that.

But I do not expect to see very much advantage in this canal when completed, although, as I have said, I noticed that Mr. Shonts was very much disturbed because we were losing so much now. We are carrying, Mr. President, about 10 per cent of our exports and imports in our own ships, and the only way we can make any money out of that canal directly will be by carrying ships through the canal. We may profit by it more if we increase our exports, but I do not think we will make much if we increase our imports, because I think they are large enough now for our benefit and happiness. The real profit will probably come from the passage of ships through the canal.

Mr. President, I think we can wait a little while for this canal. I am in no great haste about it. We have been waiting about four hundred years, and I think we might wait a few years longer—six, eight, or ten years.

As the Senator from Maine [Mr. HALE] said, I do not think it is quite becoming for a man who has been hired to build this canal to spend his time traveling around the country and directing the people what they ought to do, criticising the Congress for what it does not do, and telling us what should be the type of the canal.

For the reason that I thought we could get some benefit out of the passage of the pending joint resolution and as it was the only direct benefit which appears to me possible, I concluded that we had better build these machines at home and spend the money here. Then, I am under the impression that American mechanics will build a better dredge than will be built abroad. I think it can be demonstrated that such machinery is built better here than it is abroad.

Mr. MONEY. Mr. President, I offer the amendment to the joint resolution which I send to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Mississippi will be stated.

The SECRETARY. At the end of the joint resolution it is proposed to add the following proviso:

Provided, That in making such purchases no price shall be paid "for articles of domestic production and manufacture" greater than the price for which such like American-produced articles can be bought in any foreign market.

Mr. MONEY. Mr. President, I wish to say a word or two upon the amendment. The object of the joint resolution is to secure the purchase by the Government of articles purely of domestic manufacture and production. The amendment I have offered meets that end, but at the same time protects the Government by allowing it to pay for articles manufactured in this country the price that is paid for the same articles in foreign markets.

We have all been made familiar with the fact, by instances adduced here in the discussions upon the tariff and such questions, that the American manufacturer sells to his fellow-citizens very many articles, many of which will be used by the Government in the construction of the Panama Canal in very large quantities and at great cost, at prices which very far exceed what he offers the same thing to the foreign market after the marine insurance, the risk, the interest on time drafts, etc., are counted in.

We know that the manufacturers of agricultural implements and carpenters and blacksmith's tools are selling their products in South America at a very much cheaper rate than they are sold for in this country. The same may be said of the Australian Confederacy, South Africa, and New Zealand. I have myself had catalogues of the manufacturers in Spanish and in English, showing a difference in exactly the same products. We are all familiar with the fact that American railroad rails, many of which are to be used on the Isthmus, are selling to-day abroad about $7 a ton cheaper than they are at home. I have been told that a great many other things necessary for work on the canal are sold abroad cheaper than they are at home to the American citizen, and, of course, to the American Government.

The amendment I have offered will give the say in everything needed in the construction of the canal to the American producer or manufacturer, but, at the same time, it will protect the Government from any unreasonable prices. I do not see what objection can be raised to the amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Mississippi [Mr. MONEY].

Mr. BACON. I ask that the amendment be again read.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. At the end of the joint resolution it is proposed to add the following:

Provided, That in making such purchases no price shall be paid "for articles of domestic production and manufacture" greater than the price for which such like American-produced articles can be bought in any foreign market.

Mr. BACON. Mr. President, I submitted to the Senate an amendment yesterday, which I gave notice I would offer at the proper time. I ask now that it may be read, in order that the Senator from Mississippi may see whether he will let it be substituted for his amendment. It is a little more elaborate than his, but contains the same idea.

The VICE-PRESIDENT. At the request of the Senator from Georgia the Secretary will read the amendment intended to be proposed by him.

Mr. ALDRICH. I ask what became of the amendment of the Senator from Mississippi [Mr. MONEY]?

The VICE-PRESIDENT. The amendment of the Senator from Mississippi is pending. The Senator from Georgia [Mr. BACON] requested the reading of his proposed amendment to see if the Senator from Mississippi would accept it as a substitute for his amendment.

Mr. BACON. I withdraw the request.

The VICE-PRESIDENT. The request of the Senator from Georgia is withdrawn. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. MONEY. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MONEY (when his name was called). I am paired with the Senator from Wyoming [Mr. WARREN]. I do not see him in the Chamber, although I think he is in the building. In his absence I will not vote. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON]. If he were present, I should vote "yea."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. BERRY], but I transfer that pair to the Senator from New Jersey [Mr. DRYDEN], and will vote. I vote "nay."

Mr. PETTUS (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE.] If I had a right to vote, I should vote "yea."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I do not see him in the Chamber. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. BEVERIDGE. Mr. President, I am informed that the senior Senator from Montana [Mr. CLARK] is not present. I have a standing pair with that Senator. I voted on the first two votes on the amendments to this measure in ignorance of the fact that he was not here voting. However, I transfer that pair to the Senator from Delaware [Mr. ALLEE], and vote. I vote "nay."

Mr. MONEY. Before the vote is announced, I wish to say in behalf of my colleague [Mr. MCLAURIN] that if present, he would vote "yea" on this amendment, as he would on the several preceding ones.

The result was announced—yeas 18, nays 35, as follows:

YEAS—18.

Bacon	Dubois	Martin	Taliaferro
Bailey	Frazier	Overman	Teller
Carmack	La Follette	Patterson	Tillman
Clay	Latimer	Rayner	
Daniel	McCreary	Simmons	

NAYS—35.

Aldrich	Dick	Hansbrough	Perkins
Ankeny	Dillingham	Hopkins	Piles
Beveridge	Dolliver	Kean	Scott
Brandegee	Flint	Kittredge	Smoot
Bulkeley	Foraker	Lodge	Spooner
Burnham	Frye	Long	Sutherland
Burrows	Fulton	Millard	Warner
Carter	Gallinger	Nelson	Wetmore
Clapp	Hale	Nixon	

NOT VOTING—36.

Alger	Clarke, Ark.	Gearin	Money
Allee	Crane	Gorman	Morgan
Allison	Culberson	Hemenway	Newlands
Berry	Cullom	Heyburn	Penrose
Blackburn	Depew	Knox	Pettus
Burkett	Dryden	McCumber	Platt
Burton	Elkins	McEnery	Proctor
Clark, Mont.	Foster	McLaurin	Stone
Clark, Wyo.	Gamble	Mallory	Warren

So Mr. MONEY'S amendment was rejected.

Mr. BACON. I now offer the amendment which I previously sent to the desk.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add the following proviso at the end of the joint resolution:

Provided, That in making said purchases a larger price shall not be paid for any such article of domestic production or manufacture than the price at which the same or similar articles of domestic production or manufacture are sold or offered for sale in foreign markets or for export to foreign countries; and for the ascertainment of the prices at which articles are sold or offered for sale in foreign countries the Secretary of Commerce and Labor is hereby directed to procure, so far as practicable, and to report to the President the following information:

First. What articles and classes of goods produced or manufactured in the United States such as are required as material and equipment in the construction of the Panama Canal have during the year ending December 31, 1905, been sold or offered for sale in foreign countries or for export to foreign countries by the producers or manufacturers thereof, or through their representatives or agents, at prices less than the same and similar articles and classes of goods were during the same period sold in the United States by the producers or manufacturers thereof, or through their representatives or agents, having special reference in said report to all classes of tools, machinery, steel rails, cars, engines, dredges, vehicles, cement, and other material largely and principally required in the construction of said canal and in the maintenance, equipment, and operation of the Panama Railroad.

Second. What, separately stated as to each class of goods and with specification of articles so far as practicable, was the general average during the said period of the comparative prices in sales in the United States and in the several foreign countries.

The Secretary of Commerce and Labor is further directed to make said reports as soon as practicable, and thereafter in the year 1907 and in each succeeding year during the continuance of the construction of said canal it shall be his duty to procure the said information and to report to the President concerning said sales in the United States and in foreign countries during the calendar year next preceding the said report.

Mr. BACON. Mr. President, I had not anticipated that the vote would be taken upon the joint resolution to-day. It had been my purpose to prepare some figures to submit in support of the amendment. I am not able to do so, however, except in a very general way for the reason I have stated, that the joint resolution has come up for action earlier than I anticipated.

There are some general matters in the way of figures, however, which I will submit to the Senate in order that it may be seen what is the price which it is proposed shall be paid for material in the construction of the canal over and above the necessary price, and which increased cost would be, in a degree at least, saved to the people of the United States if the President in making the purchases of material for the canal should be governed by the terms of the amendment.

It is all very well, Mr. President, to content ourselves with generalities. It is all very well to claim the results which flow from the labor of the agricultural element of this country, and which in the main receives no protection, as the fruit of the protective tariff, and to point to the prosperity of the country, which in so large a measure is due to the labor of this large industrial element in our country, and to claim the fruit of that as the result of this particular system. But, Mr. President, when we come to consider practically and in the concrete what is paid by persons who may not be receiving any particular benefit from this system, it may arrest the attention of the people and cause them to think. We are told that the canal is to cost, if the sea-level plan is adopted, $250,000,000 in round numbers. I have no doubt it will cost more than $250,000,000, whether it is a sea level or a lock canal.

I have taken the pains to make inquiry of those connected with the business of the construction of the canal to ascertain what proportion of that expense will be represented in expenditures for material, including machinery, tools, etc., which will be used in the construction of the canal. From the information thus secured I learn that the proportion of the expense which is to be incurred on account of the matters referred to by the joint resolution—and my information comes from a source which can not be questioned—for material, etc., of this character will be from 25 to 30 per cent of the entire cost. For the purpose of this argument I will take the higher for the purpose of calculation, or, rather, of estimate, because I do not propose to make any very directly accurate calculation. If 30 per cent of the entire cost of the canal is to be represented in material to be purchased, then we may say, in round numbers, that the cost of this material, including tools, machinery, etc., will be $80,000,000. How much of that will be saved if the amendment offered by me is adopted and if the President of the United States, in the making of these purchases, is controlled thereby?

Speaking only generally, I presume it will be recognized that the general average of duties under the Dingley law, as I understand, is between 40 and 50 per cent. It is generally stated at 50 per cent, though possibly it may be a little under that, and while upon some of the particular articles which will be used in the construction of the canal the duty may be less, many of those articles are among those which are of the highest class in the protected list. If we say the average increased cost of these articles will be only 40 per cent by reason of the tariff, upon the basis of $80,000,000 there would be over $30,000,000 more expended in the purchase of material for the construction of the canal if bought here than if bought in foreign markets. But the purpose of my amendment is not to require this material to be bought in foreign markets, but simply that when bought at home it shall be sold to us as cheaply as it is sold to foreign consumers.

Mr. President, it is a notorious fact, one not now disputed, that very largely the manufacturers and producers in this country sell their goods in foreign markets at a figure below the price charged to domestic consumers in the United States. Some two years ago I had occasion to address the Senate upon this subject, and I then presented figures from which it was shown that the range of prices of manufactured articles sold to domestic consumers in this country was from 25 to 100 per cent more than the manufacturers of such articles sold them for in foreign countries. I had occasion particularly to call attention to the matter of steel rails, upon which the duty in this country is in the neighborhood of 40 per cent. The duty not being stated ad valorem, of course the ratio of duty fluctuates with the price. But with the present prices, or as they were then, the duty upon steel rails was in the neighborhood of 40 per cent; and the same thing may be said of other material which enters into the construction of the canal.

At that time the Senator from Rhode Island [Mr. ALDRICH] was present, and having every opportunity to contradict the correctness of the statements not only then, but since, did not challenge or contradict them, and I presume he will not do so now.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I do.

Mr. ALDRICH. It is a very violent presumption on the part of the Senator from Georgia that I assent to every statement made upon this floor on the tariff question if I do not in terms dispute it.

Mr. BACON. I want to state to the Senator that on that occasion I had two letters read to the Senate, and that the Senator from Rhode Island then stated that they recited transactions such as were constantly being had. It was upon the basis of that statement, which I hold in my hand, that I made the assertion just made, that the Senator from Rhode Island did not then contradict it, but on the contrary assented to it.

In order that the matter stated in these letters may be in direct opposition to what I am stating, I ask that they be again read in the hearing of the Senate. I will send to the desk and ask the Secretary to read the two letters marked, one on page 16 and extending to page 17, and the other on page 19.

Mr. MORGAN. Will the Senator from Georgia allow me to make a request about another matter?

Mr. BACON. Certainly.

PROPOSED ISLE OF PINES INVESTIGATION.

Mr. MORGAN. Mr. President, I find that my right or privilege of discussing further the resolution relating to the Isle of Pines which was up yesterday for consideration will be exhausted before the regular business is called. I ask that the resolution which was before the Senate yesterday be laid over

until Monday, with the same privilege of taking it from the table that I now have.

The VICE PRESIDENT. Without objection, it is so ordered.

PURCHASE OF MATERIAL AND EQUIPMENT FOR THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Mr. BACON. I will state that these letters were addressed to me personally, and the writers of them are to me personally known, and the accuracy of their statements can be most thoroughly and confidently vouched for.

The VICE PRESIDENT. The Senator from Georgia requests the reading of two letters. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MACON, GA., *February 23, 1904.*

HON. A. O. BACON, *Washington, D. C.*

MY DEAR SIR: I beg to own receipt of yours of the 20th, and have carefully noted same.

I recall very distinctly my conversation with you on the subject of steel rails purchased by my company from the ——— company, and I take pleasure in giving you the details of the transaction, asking you, however, to refrain from mentioning the names of the parties.

The extension of our road, some 40 miles, was decided upon and cash provided for it early in the spring of 1901. Owing to the demand at that time for steel in all forms and the probability of an advance in price, it seemed wise to take up the matter of the purchase of the necessary rails at once. Inquiries, therefore, were addressed and mailed to all the leading steel-rail manufacturers in the country, asking for tenders on 60 miles of 70-pound steel rail delivered at Savannah or Macon, the point of delivery to be optional with us.

We received prompt responses, but there was practically no difference in the bids, the eastern rail mills contiguous to tide water quoting practically the same price delivered at Savannah and a correspondingly higher price for Macon delivery, the interior rail mills making a lower price for Macon delivery and a higher price for Savannah delivery. It was very evident to me that the field had been divided by the manufacturers and that no one of them would encroach upon the territory assigned to the others.

After endeavoring in vain to obtain better prices than those quoted, we finally accepted the bid of the ——— Steel Company, and placed our order with them for 5,618 tons of rail at $29 per ton, based upon delivery at tide water. This would enable us to arrange our own freight rate to Savannah and effect some saving in the cost of the rails. The order was declined on these terms, the ——— Steel Company refusing to make any price f. o. b. mill, but insisting upon delivered price.

The matter was then taken up with interior mills, who were perfectly willing to make a price f. o. b. mill, but we were unable to obtain any concession in all-rail rates which would reduce the cost of the rail below that quoted by the ——— Steel Company for delivery at Savannah.

The whole transaction in the meantime had been handled by wire, owing to the demands of the ——— Steel Company that it be closed at once, as the price would be advanced.

I made one more effort. Some friends of mine were interested in a railroad project in Central America, and I broached the subject to the representative of the ——— Steel Company who had come here to close the matter with me. I told him that my friends had made some inquiry of me as to the cost of construction in that country, and I should like to know at what price he would sell me steel rails delivered at tide water for shipment to Honduras. He promptly quoted me $20 per ton. Further inquiry developed the fact, however, that they would only load vessels chartered to a foreign port and that the charter should be an essential part of the contract. The wall was complete. There was nothing left for me to do but to place my order and to thank God it was no worse, as within two days thereafter steel rails advanced $2 per ton.

Allowing a liberal amount for cost of delivery at tide water, which in this particular case would have been very small, we American citizens paid to this American industry $33,000 in excess of what foreigners would have been compelled to pay. And $33,000 would have put up a very handsome library filled with standard books on protection.

And this was a very small transaction—only 50 miles of railroad! Payments were cash, and we neither needed nor asked any concessions in the matter of time. Because we were Americans, interested in the development of a small section of our country, involving faith and sacrifices, we were compelled to pay out as a bonus in excess of $600 per mile.

These are the facts. Unfortunately I had only the verbal quotation on the rails for foreign shipment, but I have no doubt that it was at least the top of the market, but I have the full correspondence in my files covering the rest of the transaction.

Owing to the necessity for prompt action, I was unable to secure prices from foreign rail makers, but it would be foolish to imagine that that avenue had not also been closed to us.

I have written you hurriedly, and may not have given you all the facts or as clearly as you desire. If there is still opportunity and I can further elucidate the matter, please advise me, and I shall take pleasure in doing so.

For purely business reasons I must ask you not to mention the names I have given. Personally I should like to see it given the widest publicity; and if the statement is of any use to you, I shall be glad, as an American and as a Republican.

Very truly, yours, J. T. WRIGHT.

Mr. BACON. I desire to say, with reference to the blanks in the letter, that, in accordance with the request of the writer, who, by the way, is from the State of Indiana, I have omitted the names; but I can furnish the names omitted to any Senator who desires to know them. I have omitted them from this reading in deference to the request of the writer, which he stated was for business reasons solely.

I will now ask the Secretary to read the next letter, which is from a gentleman who was then the president of the Mexican National Railroad, a railroad lying partly in Texas and partly in Mexico. That letter was addressed to me also. The caption is left off there.

The Secretary read as follows:

I am in receipt of your letter of the 20th. It would not be any embarrassment for me to give you the information you ask if it were possible for me to do so, but I believe it will not be practicable. I am so overwhelmed with work preparatory to getting my affairs in shape for leaving my present position with the company that I have no time to devote to anything outside of my official work, and to get any accurate information would require going back into the files of the purchasing agent's office, and the man who is familiar with this whole business is leaving for Mexico City to-day.

For a long time past all our purchases have been made on the basis of export prices, even though they have occasionally stopped in Texas, the competition being keen enough to produce this cut in prices in favor of the Texas shipments, so that it has been some time past since we have had any material differences, but those differences do exist and to an iniquitous extent. I use the word "iniquitous" because it certainly seems so to me when the citizens of the United States are required under the laws of the country to pay a higher price to the manufacturers than these same manufacturers are willing to make and sell to foreign people for. In 1902 I secured bids on steel rails for Mexico from United States mills at about $24 delivered at Tampico, while the price I paid at the same time for rail for our road in Texas was $28 at the mills.

I have understood that the Canadian Pacific has just bought a large lot of rails from the United States Steel Corporation at $21. It is asserted and denied that the $21 is for delivery at Montreal. If it is the price at the mill would be about $19, while the price for United States roads is still $28 at the mills. I do not know this of my own knowledge, and it is merely current report.

When I saw that you had introduced a bill in Congress to inquire into these differences in prices, I was very much pleased that you had started the inquiry, and intended to write you a line expressing myself in that sense, but I was interrupted by one thing and another, and finally it escaped me. The source from which you are seeking to get this information will be official and thoroughly authentic, and it seems to me it should supply you with material quite sufficient to establish your case.

* * * * * * *

With kind regards, I remain, yours, very truly,

W. G. RAOUL.

Mr. ALDRICH. Mr. President——

Mr. BACON. One moment, if the Senator will pardon me, and then I will yield to him.

I want to call attention to the fact, the pertinent fact, disclosed in that letter. There is a railroad which, as I stated before, runs partly in Texas and partly in Mexico, and the statement made by the president of the road, for whose credibility I entirely vouch, a man beyond possibility of suspicion, to the contrary is that upon that part of his railroad in Texas he was charged $28 at the mill for rails; that from the same company, at the same time, he was priced rails and furnished rails at $24, delivered at Tampico. Allowing $4 for freight, which is not unreasonable, and which I presume was about the freight, there was a difference of $8 between the price charged by the same mill at the same time to the same consumer for rails for the same railroad, part of it lying in Texas and part of it lying in Mexico—$28 for the rails to be used on the part of the road lying in Texas and $20 for the rails to be used on the part of the road lying in Mexico.

The particular pertinency of this particular instance at this time is this: This relates to a class of purchases which will have to be made in the construction of the canal, for the maintenance and operation of the Panama Railroad is an important part of the expense in the construction of the canal. And, therefore, this transaction, which relates to shipments in that particular part of the world, reveals to us this condition of affairs: If the United States Government buys rails for the operation of the Panama Railroad pending the construction of the canal at prices charged in this country for rails, it will pay $28 a ton, if the prices are now the same as they were then, while at the same time any other party, this particular railroad, the Mexican National Railroad, for instance, desiring to purchase rails for use in Mexico, in that immediate part of the world, will secure them at $20 a ton, speaking in round numbers.

Now, what is true with reference to rails is in a greater or less degree true as to all other articles which will enter into the construction of this railroad which will have to be purchased and carried there to be thus utilized, including material, tools, machinery, etc. It is an easy matter of general computation, not, of course, accurate without going into details, that the country is to be saddled with an increased cost of the construction of this canal of many millions of dollars, when it is perfectly competent for other parties to buy from the same producers in foreign countries the same articles at many millions dollars—I have estimated it at over $30,000,000—less than the Government will pay for those articles in this country, if it pays the ordinary prices charged in this country for those articles.

Now I will yield to the Senator from Rhode Island.

Mr. ALDRICH. It is a well-known fact, about which there is no dispute, that producers in the United States and in every one of the great industrial nations sell portions of their products

from time to time at a less price to people of other countries than to their regular customers at home. This fact, which is well known to the people of the United States, has in no sense affected their decision as to what the policy of the country ought to be with reference to the tariff.

Mr. BACON. The suggestion of the Senator is, I presume, intended to produce the impression that the sale of products by American manufacturers in foreign countries at less prices than those products are sold in this country is not a general thing, but exceptional.

Mr. ALDRICH. It is not exceptional; it goes on all the time all over the world. It is not exceptional in the United States; it is not exceptional in Great Britain, which has a free-trade policy; it is not exceptional in any industrial country in the world.

Mr. BACON. I will accept the broad statement of the Senator, then, that it is not exceptional, that it is a part of the regular business of the manufacturers of this country to sell their products in foreign countries to foreigners cheaper than they sell to our own domestic consumers.

Mr. ALDRICH. While the Senator, I have no doubt, intends to be fair, he puts a different construction entirely upon my statement from what can be fairly given to it. I made no such statement as that which the Senator is now alluding to, and I should like to say one other thing in regard to it.

Mr. BACON. It is difficult for me to hear the Senator, on account of conversation in the Chamber. I hope the Senator will repeat his statement. I did not hear it clearly.

Mr. ALDRICH. The Senator has gone into the question of the cost hypothetically of this resolution, if adopted, to the people of the United States. I have heretofore heard that Senator, and I have heard other Senators, undertake to show——

Mr. BACON. I thought the Senator was going to repeat what he said just now and was not going to answer the argument generally.

Mr. ALDRICH. I was about to make another statement in reference——

Mr. BACON. I am sorry I missed the other.

Mr. ALDRICH. I think the other had been answered sufficiently. I repeat, I have heard the Senator from Georgia and other Senators on this floor and other people elsewhere undertake to enter into a definite calculation in dollars of how much the protective policy costs the people of the United States in increased prices, the cost thus estimated running into thousands of millions of dollars. Now, if it is only a question of $32,000,000 in this case, based upon a pure hypothetical statement, without any foundation other than that——

Mr. BACON. No; I beg the Senator's pardon.

Mr. ALDRICH. It is a very small amount to be added to the thousands of millions which, in his opinion, the protective system costs the people of the United States.

Mr. BACON. I beg the Senator's pardon, I am not basing it upon a hypothetical suggestion without——

Mr. ALDRICH. He is basing it——

Mr. BACON. I listened to the Senator with perfect quiet, and I hope he will allow me to reply. The Senator says that my statement was based upon a hypothesis without any foundation. My statements have been based upon a well-recognized estimate of the cost of the canal. We all agree that for the minimum cost the estimate is $247,000,000; stated in round numbers, $250,000,000. I have no doubt that is the minimum and that it will cost a great deal more than that. That is one fact which is not a hypothesis without a foundation.

Another was the statement which I made from the high officials of this canal, those in charge of the construction of the canal. I have had an estimate that the material which is to be bought and carried there to be used in the construction, including tools, machinery, etc., will cost from 25 to 30 per cent of that amount. That certainly is not a hypothesis without a foundation.

Then, Mr. President, the other important factor which enters into the estimate is the amount of tariff which we have imposed upon articles like those articles of domestic manufacture by the Dingley tariff act. I presume the Senator will agree that my statement was not inaccurate, that the general average of these duties is between 45 and 50 per cent.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I will yield to the Senator if he will let me finish the sentence. Therefore, I say that those are statements well based and do not constitute a hypothetical statement without foundation, as stated by the Senator.

Mr. ALDRICH. The first two statements are more or less hypothetical. The last one is absolutely imaginary.

Now, it is not a question of amount of difference in tariff rates, but a difference in the cost of purchase. The question is how much more it would cost the Government of the United States to buy this $80,000,000 of material in the United States than it would if bought of foreign producers.

Mr. BACON. Very well.

Mr. ALDRICH. We have a concrete case before us, where the difference, according to the report of the Secretary of War, is but 8 per cent. Why does the Senator say 40 per cent? Why does he imagine 40 per cent? Why does he base any hypothesis of the cost of the canal upon 40 per cent additional when the only concrete case we have gives a difference of but 8 per cent?

Mr. BACON. By no means. I have given the Senator another concrete case where the difference is 40 per cent, and I will repeat it in order that the very emphatic statement of the Senator from Rhode Island may not be considered as an utter refutation of what I said. I give an instance of one particular article that will have to be used in large amounts—the article of steel rails.

Mr. ALDRICH. The Senator ought to know, if he is familiar with this subject, that the Government has been buying steel rails of domestic producers at much less than the price charged domestic purchasers, and at the foreign price.

Mr. BACON. I am not speaking about what the Government has done.

Mr. ALDRICH. The Senator undertook to show what the practical effect of purchasing articles of domestic production would be upon the Treasury of the United States, and he has given two concrete examples, one where the difference is but 8 per cent and the other where there is a difference of even less than that.

Mr. BACON. I take issue with the Senator. I say that in the concrete instance of steel rails the difference is one of 40 per cent.

Mr. ALDRICH. But the Senator——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I will yield to the Senator in proper order, but I can not consent that the Senator shall interrupt me and be heard by me with perfect patience, and that then when I seek to reply the Senator shall prevent such reply.

The VICE-PRESIDENT. The Senator from Georgia declines to yield.

Mr. BACON. The Senator should permit me to finish my statement. I will certainly yield to the Senator now and at all other times in a proper way, and I will be very glad to have the Senator to reply, but he must certainly give me an opportunity to say something in reply to the statement which he makes that no concrete instance is furnished.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia now yield?

Mr. BACON. No; not now. I have not yet made the statement.

The VICE-PRESIDENT. The Senator from Georgia declines to yield.

Mr. BACON. I will yield to the Senator at the proper time. I say, Mr. President, that steel rails, which must enter largely into the expense of the construction of the canal, furnish a concrete instance where, if the Government pays the price charged in this country for rails, it will pay 40 per cent more than the same manufacturers of rails charge other people in foreign countries. Now, that is the statement I make, and I proceed to prove it.

Mr. ALDRICH rose.

Mr. BACON. Wait a moment, if you please. I prove it in this way: I have had read from the desk two statements of two distinct transactions, where it is shown that the manufacturers of steel rails charged approximately either a little more or a little less than 40 per cent more to the consumers of domestic rails in this country than the same manufacturers charged to the consumers of the same rails in a foreign country.

Now, the Senator replies that I ought to know that the Government has bought rails from domestic manufacturers at a less price than it sells on the market to domestic consumers. That may be true as a fact as to what has been done, but that does not alter the proposition that if the Government of the United States pays the same price for rails that domestic consumers pay it will be paying more by 40 per cent than is charged by the same manufacturers to the foreign consumers of the same rails, and my amendment simply seeks to prevent that.

The amendment seeks simply to accomplish this: That if the manufacturer of rails sells to people in Mexico rails at $20 a ton, the United States Government shall not pay to the manufacturers of those same rails $28 a ton, to go into the same part of the world, to be laid on the Panama Railroad.

This is all this proposition means. There is a concrete instance. I said in the beginning that I did not have the details as to all the material to be purchased. The Senator from Rhode Island has them in his head, without the necessity of sitting down to figure them out, as I would have to do, because that is his particular specialty. Let the Senator take, if he will, each of the articles that will enter into the construction of the Panama Canal and show what is the amount of duty upon each and the cost of them as sold in the United States, and then let him furnish us with the information which this amendment of mine seeks to obtain, as to how much less than that the manufacturer of this same article sells those articles to foreign consumers. Then when the Senator does that the Senator will not have to stand and make a general denial. He will confound me by the proof of particular and detailed instances.

But in the absence of that I furnish one instance where the facts are known to me, and the statement can not be refuted. That it is equally true as to other articles is not to be doubted. It may be, as stated by the Senator, that the Government in a particular instance has bought rails for less. This amendment seeks simply to impose upon the Government the obligation to do in the future what the Senator says it has done in the past, to wit, to buy at the prices which the same manufacturers charge to foreign consumers.

Now, I will hear the Senator if he desires to interrupt me.

Mr. ALDRICH. The Senator has answered my question in his last statement.

Mr. BACON. Very well. Now, Mr. President, I think it is proper that this amendment should be adopted. Why should Senators in favor of the protective tariff object to this amendment? It may be true, as the Senator says, that other countries do the same thing, that they sell to foreign consumers at less prices than they sell to domestic consumers. It may be true, and it is true, in this country that manufacturers sell to foreign consumers for less prices than they sell to domestic consumers. Does that furnish any reason why we, engaged in an enterprise in the construction of this important world work, should not have the benefit of prices in that foreign country that the same manufacturer will sell to foreigners in the adjoining country? I am instancing steel rails simply because I have the figures on that particular article. If they are willing to sell to foreigners in Mexico rails at $20 a ton, is there any hardship, is there anything in conflict with the doctrines of the protective tariff, to say to them that in this particular work, where the Government is engaged in the construction of a canal which shall be a tax upon every man, woman, and child of this country, that when the people of this country put their hands in their pockets for the purpose of taking the money out to build this canal they shall not be required to produce more money for the material used in the construction of that canal than foreigners in the adjoining country are required to produce when they get the same articles in the United States from the same manufacturers?

Now, Mr. President, that is all I care to say on this subject.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

Mr. BACON. On that I ask for the yeas and nays.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived——

Mr. MORGAN. Mr. President, I desire to make some observations on the joint resolution.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. ALDRICH. I ask that the consideration of joint resolution No. 60 be continued.

The VICE-PRESIDENT. The Senator from Georgia demands the yeas and nays upon the amendment which he has offered.

The yeas and nays were ordered.

The VICE-PRESIDENT. Did the Senator from Alabama rise to the pending amendment?

Mr. MORGAN. I rise to the amendment of the Senator from Georgia. Has the regular order gone over?

The VICE-PRESIDENT. The regular order has gone over.

Mr. MORGAN. Mr. President, the younger members of the Senate, it appears, during this discussion upon what they seem to consider a very trifling, small matter connected with the canal, seem to have absented themselves from the body and left a few old men in charge. I suppose they are taking their recreation in the hope that the Senate will do what it has been doing ever since this canal project started—slight over every question that comes along, giving it the shortest possible consideration, and refusing to listen to those matters which are of real importance in regard to the construction of this great work.

As a member of the Committee on Interoceanic Canals, with which I have been connected from its origin, I have not only had occasion, but I have felt it to be my most unavoidable duty to try to look into every fact connected with this great subject that might affect the interests and welfare of the people of the United States.

So far as the little political tricks that may be wrapped up in this affair, or the small peculations which might arise out of it, or the temporary scandals circulated about it through the country, I have no serious concern, for I understand that this great work is to outlive Presidential terms. It is to outlive political organizations and their domination. It is to outlive the scandalmongers. It is to outlive all of the feeble and inept and unnecessary criticisms that are made upon the operations of this great work. Viewing it in that way, I have been trying to seek for principles of action connected with the government of the canal, but more particularly connected with the question of the financing and the construction of the canal that would stand and would challenge the tests of time as to their wisdom.

Mr. President, we can not control this canal at all within the bounds of any reasonable expenditure, nor can we control its operations so as to gratify a sound public sentiment, unless we ascertain first of all what we have got to do, and the best methods of doing that thing, and the best places at which to perform these operations, so we will have a guide that the Senate or the Congress of the United States has had something to do in preparing. As matters have stood for the last two years, it has been strictly a hand-to-mouth business. A suggestion will be made or a line of action taken by the President of the United States, under the vast and unqualified powers, as is alleged—I do not admit it—that have been conferred upon him; and whenever he gets into a difficulty or makes a mistake a sudden and hasty and impetuous resort is made to the Congress of the United States to cure up the difficulty and give him a new start. So it has been in regard to purchasing supplies of different kinds.

There is no subject connected with this great matter in which the people of the United States have such an intimate and such a necessary and important connection as with the purchase of supplies. The supplies for this canal of every kind, or nearly every kind, have been expected, naturally and properly, to be produced in the United States, and I do not know anybody who objects to that proposition, provided it can be done in a rational, permanent, and proper way.

The transportation of supplies also has a great deal to do with this work, and it ought to be under a system of regulation that is intelligent and correct. The studies that the Senate of the United States ought now to bestow upon this question are profound. The action that it should take in every proposition that is presented here of any importance should be rational and consistent, and in support of the general proposition that the canal is to be constructed in the shortest time practicable, and at the lowest cost, and with a view also of its permanent usefulness to the United States and to the world.

The committee of which I have the honor to be a member has since last December spent its time most diligently and studiously in collecting facts from the highest possible sources of testimony, official and unofficial, and recording them in reports, which, I now believe, amount to four volumes of five or six hundred pages each. I do not believe, Mr. President, that an irrelevant matter has been considered in that committee room. I do not believe that any question which came in the reach of the committee that bore importantly upon the great questions we have been dealing with has been neglected or overslaughed.

Among other things that we have had to deal with was the very important matter of the purchase of supplies. In Senate Document No. 261, by the direction of the committee, there was compiled and I had printed here a "list of contracts, aggregating 1,000 or more, entered into by the Isthmian Canal Commission as the result of advertising for proposals February 1, 1905, to October 31, 1905, inclusive." The committee have gone further and has investigated to a later date, but the accounts and records were not made up in such a form as that we could present them with completeness of detail.

In the paper that I have presented, that I refer to here, if Senators choose to consider this question at all they will find the exact date respecting every purchase that has been made by the Government of the United States, on whose order made,

from what firm or party made, and the price of each class of articles that has been purchased. Senators could get there information that would enable them without any difficulty at all to regulate by law the method of making purchases.

Can anyone conceive a more important law to regulate this business than that which controls the method of making purchases? I can not, and I do not think any other Senator can.

There are some facts which have come out in evidence in regard particularly to the subject of cement that I do not find in this list, and I suppose that the purchases of cement have taken place either before the date of this list or subsequent thereto. I do not recall exactly the date. The facts are in the record, and I refer to them for the information of the Senate.

Cement is one of the leading articles which enter into the construction of any canal that we may build there, whether a sea-level or a lock canal. It is one of the most costly articles, an article in which there is to be the greatest possible skill and diligence and care in its preparation and in the testing of it, an article which, if it is slighted in examination in any particular, leads to disastrous results in any structure that we make there, such as the great locks of the canal, the great dam at Gamboa—I was about to say the great dam at Gatun, but that is to be built out of earth, not out of cement. In many other structures on all the plans that have been submitted to Congress cement is one of the most important of all those articles—important in its cost, important in the character of material, which is affected by various conditions which, of course, I will not undertake now to describe to the Senate, but which are fully described by scientific men in the hearings before the Senate committee.

A man who wants to understand the subject of Portland cement can go to these hearings and obtain information from the best and most valuable sources in the world of a scientific character. The Isthmian Canal Commission have heretofore purchased their cement very largely in foreign markets, and they brought that material across the ocean, subjecting it to the danger of being saturated with moisture, with water, before it could be delivered for use on the Isthmus.

The inducement for purchasing that cement was not the want of capacity of the cement producers in the United States to furnish an abundant supply. It is very true that the demands for cement have increased with astonishing rapidity, and the production, which ten years ago did not exceed, perhaps, 1,000 barrels in the United States, is now 36,000,000 barrels within the period of about ten years, involving an amount of capital and labor that is astonishing and greatly profitable.

Notwithstanding the great local demand which has thus increased the production of this great essential material of structural work, these companies in the United States have been all the time ready and prepared to deliver to the Isthmian Canal Commission all of the cement that they want, to be shipped on short lines, as, for instance—if they had ever condescended to notice such a subject—from New Orleans to Colon, instead of from New York to Colon, and not be exposed to the atmospheric conditions that very frequently destroy its value. They have been prepared all the time to supply this demand, and when they saw that the Government of the United States was going to England and Germany and buying cement they rallied to this committee and wanted a hearing. They demanded it, and they got it. They presented the facts upon the record, which show that the Government of the United States had gone to England to buy cement for the sole purpose of getting an article at a lower price. When this body of highly intelligent, able, and wealthy gentlemen appeared before the committee a change took place in the views of the Isthmian Canal Commission—I will not say of the President. I must not assert that the President can change.

What was that change? It was that we have got to abandon this idea of buying cement and dredges on bids from foreign people, or else we have got to trick up some arrangement of legislation by which the President can, at his option, buy cement and dredges and the like of that from foreign countries in preference to American manufacturers if he finds the bids that are put in by American manufacturers are extortionate or unreasonable.

This is a left-handed compliment to our protected manufacturers, when the Senator of Rhode Island states in his resolution that they might, by any possibility, be either unreasonable or extortionate toward an indulgent, parental Government. He knows them. They are the spirit of his political life.

Mr. PERKINS. I should like to state to my friend from Alabama the fact in reference to the purchase of cement in Arizona. The Government advertised some time since for large quantities of cement in Arizona for the purpose of building one of the restraining dams there. There was a trust or combination on that article, and the prices were so high that the Government, after investigation, decided to manufacture the cement itself in Arizona; which it is now doing at a saving to the Government of fully 50 per cent of what the combination charged. Why should not the Government do the same in this instance?

Mr. MORGAN. Mr. President, in order to try to facilitate the construction of this canal, which I do not believe you will ever build at Panama—I do not believe it, yet I intend as long as I can stand in this Senate to vote for it just as earnestly and work for it just as hard as if I did believe it would be a success, and I have always done so—in order to ascertain whether or not the indurated clay that is piled up in great banks against the coastal borders of Panama, and upon which they want to put that dam, which you see there on that long red map hanging on the wall of this Chamber, which is called the Gatun dam, I wanted to see whether that indurated clay might not be useful as a material for producing Portland cement. By various petitionings and the kindness of one of the Canal Commissioners I had specimens sent up from borings from that dam and from the Culebra Heights also. They were submitted to the chemists of the Geological Survey of the United States, and they have returned their analyses, which I have here now. I have specimens of the borings in my locker in the retiring room of the Senate. These analyses show that that material at Gatun has no value whatever for the purpose of producing Portland cement. I wanted, if possible, to locate the cement factory at the dam, in order to make the cement right there. None of these savants, none of these great, highly educated gentlemen, who have been educated, it seems to me, out of all the practical common sense they ever had, thought about trying to see what that material was. They contented themselves with calling it "indurated clay," a thing that does not exist as a geological structure or formation anywhere in the world, I am told. It turns out now that Portland cement could not be manufactured on the Isthmus. That question has departed and is closed. We must then rely upon the United States market for cement, or upon the European market, or upon both. European cement travels four or five thousand miles by sea, exposed to all the danger of destruction by dampness that may be infused into it, and the other on short lines of haul, to be carried from New York, if you please, or, if you want it 800 or a thousand miles nearer, from New Orleans, or from the coast of the Pacific, because they have good cement material on the coast of the Pacific.

Mr. PERKINS. We are making it there.

Mr. MORGAN. Yes; there is good cement material there. The Isthmian Canal Commission ran along very smoothly in buying this cement. They bought large quantities of it at an undervaluation, as compared with American cements, of some 25 to 50 cents a barrel. A barrel weighs about 400 pounds. It consists of cement packed in canvas bags or put in barrels. They bought it at a lower market price, and no one made any fuss or trouble about it until these gentlemen came here to show up the injustice that was being done to the American cement producer by the purchase of it abroad. That brought the question up to the President, and brought the Senator from Rhode Island square to his feet to demand of us that we should not only pass a law that would authorize the President to make such purchases at his discretion—for that is what it amounts to—but that we should thereby condone and heal over this transaction which the cement men were complaining about. So we are doing both; we are killing two birds with one stone; and the Senator from Rhode Island seems to be very anxious that that stone should hit its mark as suddenly as possible and with as little discussion as possible.

That is the cement question. A similar question, but a still more important one in some respects, is the one which relates to the construction of dredges and steel shovels. There are now thirty benches in the Culebra cut, which is about 7½ miles long. Upon each of those thirty benches is built a double-track railroad. On one of those tracks runs a steel shovel and on the other track run the cars that carry off what the shovel digs up. Of course there must be a continual supply of cars at the shovels in order to prevent loss of time in that very expensive operation. The thirty benches that are now ready would occupy thirty shovels, without any respect to the reserve that is absolutely necessary to replace a shovel when one has turned itself upside down and gone down into the valley, as is frequently the case. We have got to have a large reserve.

No estimate has been made, Mr. President, that I am aware of, as to the number of shovels that will be required to dig that canal. An estimate has been made of this hand-to-mouth business, that we will want so many shovels in a certain space of time, but no general estimate has ever been made, that I am

aware of, as to how many shovels will be consumed in the work that is to be done in digging out that great gulch through Culebra.

So in regard to dredges. If a sea-level canal is adopted, many more dredges will be needed than if you adopt the lock canal, as I estimate and as I believe. But the taking in of these dredges will dispense with the work of many of the shovels; so that when you come to balance up the account between the machines that are put there, the cost of them would be about the same, perhaps, whether you have a sea-level canal or a lock canal, and no argument can be made in favor of or against either plan in respect of the machinery that is to be employed in the working out of the ditch.

Now, here appears to be a bidding let out for the making of two powerful steam dredges. Mr. President, no dredge that does not stand at the very head and front of all such constructions in the world ought ever to be put in that canal to dredge out a sea-level canal or the parts of a sea-level canal that belong to a lock canal. We ought to have the very best; and I have not any doubt that up to date we have got the best.

Plans and specifications have been worked out very diligently and very scientifically for these great dredges. They are enormous structures and cost a vast amount of money. I forget just what the prices are in these biddings, but perhaps some Senator can remind me just what the prices are in the biddings for these two dredges that appear to be considered as the test. It appears to be a test case we are considering.

The Scotch manufacturers and the Dutch manufacturers are in competition with each other in the bidding. I said incautiously yesterday, and upon incorrect information, that I believed that there was a combination in Europe for the purpose of holding the prices down below our market, with the view of getting the control of it and managing the supply and the number of dredges that we would hereafter be compelled to buy. After a call from a gentleman who is a member of one of these companies—the Dutch company, I believe—I am assured that I was mistaken in that statement, and I am informed that they are really in competition with each other.

Now, here is a difference in the cost of two dredges of $70,000, or $35,000 a dredge, between the American bid and the foreign bid. Thirty-five thousand dollars, Mr. President, is a good deal of money upon a single dredge. How many do we need? Nobody has intimated to us how many are to be needed. I do not believe there is an engineer connected with canal matters to-day who can state, or who would undertake to state, how many dredges will be needed in opening up either a sea-level or a lock canal at Panama. Two are presented; and we find a difference of $70,000 between the American bidders and the foreign bidders in regard to those two. I judge—I think I can not be incorrect in it—that we can not possibly get along with less than fifty of these dredges. A more reasonable calculation is that we shall require 100 dredges in working out that canal either as a lock canal or a sea-level canal, because a sea-level canal and, if you please, a lock canal likewise, is 200 to 250 feet wide at the bottom and gets wider at the surface, according to the softness or the hardness of the earth on either side of the canal prism. Two hundred feet would mean perhaps that three dredges could work abreast in that 200 feet in attacking what was in front of them and sending the "spoil," as it is called, back to the rear in barges, and carried out to sea.

Suppose we put the number of dredges at fifty, and that that will be the full complement that will be demanded in the construction of the canal when it is completed. Why do I say "suppose?" Because these great engineers have not enabled me to say anything else. These matters ought to have been here, and if they had been thinking as much about the interest and welfare of the Government of the United States in digging this canal as they have been thinking about the controversies in which their personal greatness is concerned we should have had very much closer estimates.

Mr. PERKINS. Mr. President, with the permission of the Senator, I should like to ask him a question.

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. MORGAN. Certainly.

Mr. PERKINS. The Senator from Alabama has perhaps given more thought, more consideration, has written more and spoken more than any gentleman, I think, in this country upon the subject-matter of the construction of an isthmian canal; he has most ably discussed its various problems; and I want to ask him if he does not believe that it would be to the interest of the Government to let contracts to private parties for constructing the canal, for the excavation of the rock and the earth, and the building of locks, if it is to be a lock canal, rather than for the Government itself to undertake the work? If the Senator answers in the affirmative, would not the adoption of that method perhaps solve this whole question so far as the purchasing of dredges, etc., is concerned, whether they are to be purchased at home or abroad?

Mr. MORGAN. Mr. President, I happened to be in the very act of presenting that question when my friend interrupted me with a compliment that almost takes me off my feet, but which I feel is quite undeserved, for while I have thought and studied a great deal about this canal, it has been with very small material at my command, mental, as well as information from the outside. I have had to guess my way through this intricacy of trouble and danger and to feel my way along, like one groping in the dark trying to ascertain something by touch that he could not see.

I was about to say that the building of these dredges requires special and very important preparation. I will call the attention of the Senate to the fact that when we undertook to change our Navy from the old wooden system to the present great steel system, and our guns from pot metal, etc., that we had in the old Navy into the enormous machines of destruction we now have—when we first approached that subject, there was very much more ignorance in the Senate of the United States on it than there is to-day regarding the canal, and that is saying a good deal. But we found that it was necessary to have an establishment somewhere to make guns, and that great man, whose memory I venerate with affection, the late Senator Hawley, of Connecticut, at his own expense went abroad and took with him experts to examine the machines of Europe for the making of guns. He came back and secured the location of the magnificent gun plant at the Washington Navy-Yard, which has been a credit to the Government every day that it has existed.

But the billets had to be furnished. Steel of a certain tensile strength and breaking strain, and so forth, and so on, had to be furnished, and that had to be done by contract at places where the steel could be manufactured. We let out some very generous contracts to some of our excellent manufacturers, and they went ahead and produced a steel equal to any that was produced in Europe, and some people say it is better. We built up steel-producing establishments, furnaces, rolling mills, hammers, and the like, constructing some of the greatest hammers that were ever constructed in the world and upon entirely new principles—hydraulic compressors and hydrostatic hammers. After a while the contracts were gone over and over in this Senate from session to session and we found that these American producers were willing to sell—perhaps they had contracts to sell—the Russian Government the steel they were producing at a lower rate than they were willing to sell it to the Government of the United States. Senators all recall that great controversy; and it is now about to repeat itself in a small way, but exactly in the same way, in regard to the building of these dredges and steam shovels.

There are only two machines that are worthy of consideration, or of mention almost, in connection with the digging of this canal. One is the steam shovel and the other is the steam dredge. There are several establishments in the United States which have been patronized in the purchase of steam shovels. The prices are given in this document here, as well as the date of purchase and the firms from whom the shovels had been purchased. They are pretty costly and somewhat delicate, for I know that a very large expenditure is necessary to replace the steel teeth in these machines when they break out.

Now, we are trying to project a plan upon which we can get steam dredges at a fair cost to the Government. The manufacturer that produces a steam dredge has to expend a large amount of money in the preparation for the construction of that particular class of ship. He has to have a plant adapted to it. It has to undergo inspection every hour of its construction, and at the time of delivery it has to be perfect in all of its parts, so far as mechanism can make it.

One of the arguments in favor of paying large prices for steel for making our guns was that the buying of the metal here necessitated the building of establishments in the United States that were suited to the production of this material. Now, suppose you have got 100 steel dredges to build for this canal. Is it not proper, is it not a wise forecast that we should have an establishment or establishments in the United States that are prepared to build them? It will not do to wait, Mr. President, until some of your dredges break down or you have a pressing necessity for other dredges, and then go skirmishing around through the country to see if you can find a man who will build you a great steam dredge. A man can not afford to put his money into such establishments and to await the opportunity of getting bids for work. After the plant has been

built, after he has expended his money, and is waiting for the opportunity to secure the contract, it may go to another competitor, and so on. So this is a business that must be entered upon, if at all, in the right way.

The Senator from California [Mr. PERKINS] has put the question to me as to whether this part of the work and every part of the work of digging the canal could properly be done under contract rather than by the Government. I say that peculiarly and conspicuously it is necessary that a contract should be made with some competent and proper person for a supply of the steel dredges that the United States may need in the entire work of digging this canal. I mean a continuous and uninterrupted supply.

If we had such an establishment as was described by the Senator from Maryland [Mr. RAYNER] the other day, which he says has put in the lowest bid, and which is perfectly competent to make these dredges—if we had an establishment such as that and it answered all the commendations that the Senator has bestowed upon it, would it not be wise for the Senate of the United States to take a little time to consider a contract which would cover the whole period of the construction of the canal and provide that dredges should be supplied to the Government of the United States as they were needed, at a certain fixed cost? We could well afford to give a company undertaking such a contract a very decided premium on their work, because they would have themselves and their workmen and their appliances and machinery of every kind adapted to the particular work we have got to do, without providing it in haste. It is a great work. Leave the supply of dredges for this canal at haphazard, with dredges to be purchased whenever we find an opportunity of getting a dredge at what we consider a low price, and, Mr. President, you are on the wrong track. You are liable to be disappointed.

There is no feature of this work that ought to be more under the control of contract than the supply of dredges and steam shovels. We can buy rails to lay down spur tracks, and the like of that, from almost any manufactory in the world. There are plenty of them in the United States. We can buy locomotives from American manufacturers, who are making those machines for the use of the railroads, and we might, as to locomotives and as to steel rails, and the like of that, not enter into a permanent contract for the supply of all that are needed; but we can not do so as to the dredges and we can not do so as to the steam shovels.

In being here discussing the question of how we shall handle this difference of $70,000 in the cost of two dredges and giving the preference into the hands of the American manufacturer, are we not belittling the subject? Ought we not to take it up and treat it as a great question, to be permanently provided for in the legislation of Congress?

This is a land of law, Mr. President, and not of discretion in the hands of the Executive or of any other Department of the Government of the United States. I do not like the type of this resolution; I do not like the principles on which it is based. It is on a false foundation, providing, as it does, that we shall devolve the settlement of a question of this kind upon the personal judgment of the President of the United States, not upon a commission, but upon the President of the United States, and that he shall decide whether a contract proposed, in answer to a demand for bids for making these dredges, is extortionate or unreasonable. How far does that power go? It might be easy enough and in satisfaction of American prejudice or American sentiment to settle it in favor of the American as against the foreigner. That might be a very popular movement; but when you come to the American manufacturers themselves, there are three or four or five bids here for making these dredges from different establishments in the United States. They have spent a large amount of money in making up their estimates and their calculations as to what it would cost them to put up the necessary machinery and fixtures for making these dredges. Some of these gentlemen informed me that they had spent $10,000 in making their plans and specifications. That, of course, is all wasted and thrown away, and they lose the money by being here nibbling at this job, and seeing whether or not they can satisfy some Democrat who may be in the Presidential chair for the next term, and who will want, of course, to traffic as much as he can upon all the expectations of this great Treasury of the United States if he follows the drift of these present times. It is more than likely we have got that difficulty to meet. And, as an old Democrat who is soon going out of service, I am trying to guard you against what a Democratic President of the same sort as Mr. Roosevelt would do, if he had a chance at this job, in deciding between his friends as to who was the best and the lowest bidder, or who was the extortionate or was the unconscionable man.

All that is wrong. The Senate of the United States ought to have more self-respect than to delegate to any man in the world any such power of lawmaking to apply to every special case that may arise. We ought to take up the subject and consider it and decide it for ourselves, upon our responsibility; and, above all else, in regard to these dredges, right now a law ought to be passed to enable the President of the United States to make contracts for dredges clear through the whole job; and you can well afford to make them, at least for ten years, if not longer. So much for that feature in reply to the very pertinent and sensible question of the Senator from California.

When we come to the great work of doing the whole business, Mr. President, it is beyond all question, upon the evidence that is submitted to the Senate to-day in the reports of this committee—the best testimony that can be obtained anywhere in the world—that this canal will not be built within thirty years, if built at all, under the present system. We have to come down to the proposition of building the canal by contract, one contract or several. And there are several distinct species of work in it. Dredging is one. That is a speciality in itself. Construction of dams is another. That is also a specialty. Digging out the earth and removing the great basaltic plates that underly the Culebra cut 7½ miles is another specialty, and a very important one, and one that will tax to the very extreme the ingenuity and the patience and the money and the power of any contractor who gets it. These contracts separate themselves naturally into divisions, and we can very well intrust these special subdivisions of the subject into the hands of contractors who have special information and special knowledge of facts requisite to the completion of the work in due order and in due season.

There is one proposition connected with it upon which I wish to say a word at this moment, it being perhaps the most opportune time I shall ever have, and that is the control of the railroad across the Isthmus. I leave out of view the very important function that the Panama Railroad performs in respect of interoceanic commerce, and consider only the question of its usefulness, its indispensable usefulness, in the removal of the material and the other hauling that is necessary to be done in the construction of the canal on any plan. That railroad must be retained under the control of the Government of the United States, whether the canal is built by contract or by the Government, for the reason that if we have four or five contractors there—the argument is strongly intensified in that view of the subject—we have got, by governmental power and authority, to admeasure the amount of service that railroad is going to do for each contractor, so as to keep the contractors out of collision with each other and with the Government, and more particularly, to avoid the objection that the Government has not complied with its plans and specifications and is liable for damages for not having supplied the cars or the railroad tracks and the like just as they were needed by the contractors. We must have absolute power over that transportation, and we must have no responsibilities or liabilities to contractors for accidents or mistakes or miscarriages in bringing their material back and forth or in dumping it after they have excavated it from the canal, whether dry excavation or water excavation.

I wish to say this right now: It is the duty of the Government of the United States to put that railroad in law where it actually is in fact, in the control and ownership of the Government of the United States and the Isthmian Canal Commission, without any of this supposititious instrumentality that we call the New York company, standing there as an independent body in the very bosom of the work, with powers under the laws of New York, as they contend, to control the United States in the building of that canal. The United States owns everything about the railroad, every dollar of stock, and all the property, and has possession of the whole of it. Why should we keep up that vain, technical illusion? I will tell you why. Because the income from that railroad is heavy; it is coming in constantly, and somebody wants to keep the money that is derived from the railroad and its earnings out of the Treasury of the United States, so that they can handle it without coming here for an appropriation according to law. They want to go to New York for a law and not come to Congress.

I mention this as I go along because I desire to call the attention of the Senate to the real points of difficulty in this situation, in the hope that we will take time to consider it properly and that we will enact laws here which are worthy of the body and worthy of the great undertaking which we have begun, or attempted to begin.

I think, Mr. President, that the joint resolution of the Senator from Rhode Island is based on an incorrect principle, and of course if it is enacted in this regard, it will be necessitated to be re-enacted in regard to everything else that may be demanded—the vast supplies of timber, coal, of iron in various forms, of

food supplies, clothing. You would be astonished on looking over this list to see what has been purchased and the immense variety—from hair combs up to locomotives. But you adopt the principle that the President of the United States has a right to decide between bidders upon his conception as to whether the price is reasonable or extortionate, and when the Democratic successor to Theodore Roosevelt, President of the United States, comes in, I am very much afraid that the grand old Democratic party will lose its character in trying to sustain the preferences that that individual may choose to give between his friends.

Of course I would not impute that to the present Administration, but when you get over this one, as you will very soon and very happily, and get into a Democratic atmosphere, with a Democrat at the head of the Government, I do not want that man to be permitted to leave the high functions of his great office and come down and go to dickering between bidders for supplies, preferring his friends and taking care of them, because there is nobody who will take care of his friends sooner than the President of the United States. He seems to embosom every friend he has or everybody who pretends to be his friend—I am not speaking of the present President, but of the President of the United States—in the deepest receptacles of his soul and to stand by them through thick and thin, assuming that anything that is done unto one of his friends is done unto him also. I am afraid of a President who has too many friends when he is required to distribute great contracts among them. I prefer to save a President from his friends by enacting laws and requiring him to obey them.

What I am attacking here is principle. What I want the Senate to do is to take pause on this joint resolution, and let some Senator of the majority frame a bill to have these dredges bought by contract, and let the contract extend for ten years to come, at least—five years at the very lowest. Let it be provided that the President of the United States shall have the right to let contracts for the building of these dredges, and let the laws give a preference to American citizens and American establishments, because we want these establishments. We want them just as much as we want the iron works and the steel works in the United States that are now supplying gun metal and armor plate for our ships. It should also be remembered that when we get through with that job we will have to throw these dredges away or sell them. That ought to be carried into the calculation of the cost of the canal. Let it be so arranged that in the course of our action in building this canal and using these great steel dredges at the end of the time we will have some great establishment or establishments in the United States prepared to go on with other great works that we may have to do, for all these works are in the interest of the progress of the Government and of the people of the United States—solid, successful progress. I do not think we ought to be indulging in any sham or temporary work about this business. I do not think the canal property and the entourage, the whole layout there, should be subordinated to mere temporary ideas or the advantages of political parties or the friendship of individuals. I think it ought to be cleared from all these things as far as it is possible to do.

The joint resolution on which we are acting was referred to the Committee on Finance, and I was very glad to have it referred to them, because it appeared to be a financial question. I saw that the discussion of it would run afoul of the tariff question naturally and necessarily. It involves that as it stands to-day. It is a question whether the President of the United States shall have the right to repeal the tariff in regard to the 45 per cent importation duties on these dredges. That is about the substance of it. I am very much of an antitariff man, but I am very much tempted to go in that direction for the sake of building up in this country these establishments which are so essential to its present and future prosperity.

I devised a plan here, but I am too modest a man to bring it before the Senate, because Senators have not thought about it, and they will not think about it. They would vote it down, and I do not want to offer it until there is a better chance for its consideration. What is that? To set apart the Canal Zone for the construction of the canal and the railroad appurtenant thereto, not for the purpose of establishing there a civil government; not for the purpose of carrying on friendly or unfriendly diplomatic relations with the little republic down there, which seems to be in a great broil just at this time about an election; not for any such purposes at all, but for the solitary and sole purpose of building the great work which it is claimed will be the triumph of American genius, American patriotism, and American power.

This country can not be glorified more than to have successful, decent, and honest work done in Panama. It can not more disgrace itself than to load itself down with the frauds and villainies and corruptions and combinations that have already given to Panama a name that is disfigured in history as the seat of corruption and crime. We ought to come out and take our stand upon our own doctrines, our own rights, and our own principles; and the world, when it comes to pronounce upon the completed work, will say "the American Government has done this great work through the labors and the taxing power of a patriotic citizenship;" and it is, after all, the most material and the grandest monument that can be erected to the history of this country.

Mr. BACON. Mr. President, I wish to say just a word before the vote is taken. I desire to repeat in the hearing of the Senate what I have already said, and to emphasize it, that this amendment does not contemplate the purchase of material in foreign markets. It simply provides that while purchased in our own markets, the articles must be sold to the Government at the same rates at which the manufacturers sell the same articles to foreigners for foreign consumption.

Mr. STONE. Mr. President, before the vote is taken, I desire to put one or two matters in the RECORD as supplementary to the debate had here yesterday.

Mr. BEVERIDGE. Will the Senator permit me out of order to make a report?

Mr. BACON. That is not in order.

Mr. STONE. I have no objection.

Mr. McCUMBER. Can we have the amendment read?

The VICE-PRESIDENT. Does the Senator from Missouri yield for that purpose?

Mr. STONE. No.

The VICE-PRESIDENT. The Senator from Missouri declines to yield.

Mr. STONE. I am going to occupy only a very few minutes.

Mr. President, yesterday I called attention to the fact that the Government through its officials had paid $1,300,000 for two ships which it had cost the owners only about $1,100,000 to build. I also called attention to, and sought to emphasize it, the fact that these ships had been in the active service of the Ward Line, to which they belonged and which sold them to the Government, for a period of seven or eight years; that it was a rule established by experience and generally observed by shipowners to write off 5 per cent on the original value of the vessels that they were sailing for every year they were in service. Based on that, I made the deduction that the actual market value of these vessels at the time they were purchased could not have exceeded about 60 per cent of their original value. So the Government paid $1,300,000 for vessels which really were not worth in the market exceeding about $700,000.

The Senator from New Hampshire [Mr. GALLINGER] interrupted to ask me if I had taken the trouble to ascertain what repairs were put upon those ships and proceeded to say—I quote now what the Senator said yesterday:

> While it is a fact that there is an annual depreciation in ships, that annual depreciation can be made good by proper repairs.
>
> Mr. STONE. Does the Senator contend that a ship's life might be continued forever by repairs?
>
> Mr. GALLINGER. It can be continued for a long time.
>
> Mr. STONE. The rule is to write off 5 per cent annually and keep up repairs.
>
> Mr. CLAY. I should like to ask the Senator from Missouri if it is not true that the average life of a ship is about twenty years. If that be true, evidently a ship that has been used for seven or eight years would not be as valuable as a new ship.

The only possible purpose the Senator from New Hampshire could have had in injecting into my speech what I have read and some other things he said which I have not read, was to create the impression that these ships were kept as good as new by repairs that were made upon them, and that they were as good as new when the Government purchased them a year ago.

Mr. President, I hold in my hand the report of the Commissioner of Navigation, made to the Secretary of the Treasury on October 19, 1901. I desire to read two or three lines from that report, as follows:

> The first cost of a vessel is carried into its annual cost of operation in the three items of depreciation, insurance, and interest. Depreciation is generally reckoned at 5 per cent, a rate sufficient at the end of twenty years to remove a vessel as an asset from the books of its owner.

That is the general rule, but if we are to accept what the Senator from New Hampshire says, then the rule is reversed as to these particular ships. They grew better by reason of use and repairs. These ships, like wine, improved with age.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. Does the Senator argue that at the end of twenty years, with 5 per cent depreciation each year, the ships are worth nothing?

Mr. STONE. I make the statement of what the rule is as it obtains among shipowners, and I support the statement by what I have read from the Commissioner of Navigation. There is no need for me to make any contention.

Mr. GALLINGER. Is it not a fact that at the end of twenty years a ship loses its register of A 1, for instance?

Mr. STONE. Certainly; but according to the Senator's conception it ought to be double A 1. It ought to get better.

Mr. GALLINGER. Oh, no. That is the hallucination of the Senator from Missouri. It is not my contention at all.

Mr. STONE. Then I misunderstood the Senator, and it is a hallucination.

Mr. GALLINGER. Yes. Then, again, the Senator from New Hampshire has not, perhaps, investigated the matter sufficiently to know that the ships are not only repaired, but strengthened and made much more efficient than they were when originally built.

Mr. STONE. I know the Senator said they were better by reason of use and repair. That is all I care to say upon that particular subject.

One other thing. An attempt was made also to impress us with the belief that every possible, at least every reasonable, effort was made by the President and the Secretary of War, or the subordinate officials under them in charge, to purchase ships abroad, and that after exhausting their efforts in good faith they were unable to buy abroad, and were, therefore, in a sense, compelled to buy at home at higher prices.

The Senator from Ohio [Mr. FORAKER] read from the testimony of Mr. Shonts. I desire to read a little from the testimony of Mr. Shonts as bearing upon the particular matter to which I have referred—that is, the effort made by Mr. Shonts and his superiors to buy ships in foreign markets. I read now from the hearings before the Committee on Interoceanic Canals, page 1431. The Senator from Alabama [Mr. MORGAN] did the interrogating:

If I understand you correctly, Mr. Farnham had nothing to do with the inspecting or making the trade or carrying on any of the negotiations in respect to the Ward Line steamers that you bought?

Mr. SHONTS. Not after he went abroad. I think that he did look at them before he went abroad.

Mr. Farnham was one of the clerks of Mr. Cromwell, be it remembered.

Senator MORGAN. Did he ever make any report about it?

Mr. SHONTS. He talked with me about them. I do not think he ever made any official report.

Senator MORGAN. What price did they propose to Farnham to take for them?

Mr. SHONTS. I am not sure whether it was $700,000 or $750,000 at first.

Senator MORGAN. And you gave how much for them?

Mr. SHONTS. Six hundred and fifty thousand dollars.

Senator MORGAN. Six hundred and fifty thousand dollars?

Mr. SHONTS. Yes.

Senator MORGAN. After he had had his talk with you about these Ward Line ships then he went abroad and inspected an English ship?

Mr. SHONTS. Yes.

Senator MORGAN. Only one?

Mr. SHONTS. Oh no; he inspected a lot of them.

Senator MORGAN. Did he report upon them?

Mr. SHONTS. A number of them.

Senator MORGAN. Did he report upon them as to price, and all that?

Mr. SHONTS. Yes; we have a long report from him.

Senator MORGAN. You have a copy of that report, have you?

Mr. SHONTS. I can get it.

Senator MORGAN. I would like to have it in this record.

Mr. SHONTS. All right.

Senator MORGAN. You will furnish it, if you please. Then you have the prices of all of them, and a description of the ships?

Mr. SHONTS. All that he wrote about—a description of the ships, etc. Yes, sir.

I have not been able to see that report. I do not think it has been filed; at least it is not printed in these hearings.

Senator MORGAN. Did he acquire this knowledge of shipping, shipbuilding, and ship values while he was a clerk in the law office of Mr. Cromwell in New York?

Mr. SHONTS. I understood that he had had more or less to do with shipping for some years. I think some one told me he had sailed before the mast.

Senator MORGAN. He was a sailor before the mast?

Mr. SHONTS. That he had been in the shipping business.

Senator MORGAN. He has been in the employment of this law office on a salary for a number of years.

Mr. SHONTS. I do not know anything about that. I know that I have been told——

Senator MORGAN. Mr. Cromwell's statement to that effect is in the record.

Mr. SHONTS. Yes; I mean I did not know it personally.

Senator KITTREDGE. Do I understand you, Mr. Shonts, to say that the Ward Line was to replace free of cost to the Government the ships that you turned over to it?

Mr. SHONTS. Oh, no; we were to buy our own linen and our own silver and our own china, and they were to take their old ones at mutually agreed price.

Senator MORGAN. Was not Mr. Farnham sent out for the purpose of negotiating amongst the English shipowners to see what the prices were?

Mr. SHONTS. Well, yes; he was to report on ships and prices.

Senator MORGAN. Ships and prices?

Mr. SHONTS. Yes.

Senator MORGAN. Was it not your purpose, if you could possibly do it, to buy an American-built ship?

Mr. SHONTS. Yes, sir.

Senator TALIAFERRO. It was your purpose particularly to buy these two ships because you thought they were adapted to your purpose?

Mr. SHONTS. They were more nearly adapted to our work than any others.

Senator MORGAN. Did Farnham render any other service in this purchase of ships except to examine and report upon the prices and the conditions and the form and size and power, etc., of the English ships?

Mr. SHONTS. No.

Senator MORGAN. You sent him across there just to sample the market, to find out what you could get ships for there?

Mr. SHONTS. Well, both, Senator. I did not know how it was going to turn out. We might have run across a bargain there. We might have gotten good ships there that answered our purposes. But as a matter of fact, we only heard of the one that he strongly recommended. That was a new ship, and would answer our purposes, because it had big hatches and was a big freight carrier.

Senator MORGAN. Do I understand that they dropped a hundred thousand dollars on each ship from the price they first asked?

Mr. SHONTS. The price was not paid to me at any time, you understand. I was told that they had commenced at $750,000; but I know that they talked very strongly at $700,000. We finally traded at $650,000.

Senator MORGAN. Yes; and they made a patriotic sacrifice for the flag, and came in and sold them for $650,000?

Mr. SHONTS. I do not know about that. I do not know what their motives were; but they accepted $650,000 each, and we got the ships.

I read that, Mr. President, simply to show that no serious and sincere effort was made to purchase the ships abroad, and the President and the Secretary had declared over and over again that they would go abroad to buy unless a reasonable price were offered at home; that they considered it their duty under their oath of office to buy abroad unless fair and reasonable prices were asked at home. They were offered, as I stated yesterday, two ships of 6,000 tons for $750,000. They abandoned the whole project of purchasing abroad, came home and bought two ships of 5,700 tons for $1,500,000 and now excuse the transaction by saying that they could not find any ships abroad suitable to the service, and were compelled to buy those they did buy in the American market.

I have read this to show that as a matter of fact no honest or sincere effort was made to buy the cheaper ships abroad and therefore to carry out the declared purpose of the Administration. The declaration of the Administration was made for public effect and consumption, and it was quietly abandoned under political pressure.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

The Secretary proceeded to call the roll.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I do not see him in the Chamber, and so I withhold my vote. I should vote "yea," if he were present.

Mr. NELSON (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. BERRY]. I transfer that pair to the Senator from New Jersey [Mr. DRYDEN], and vote "nay."

Mr. PETTUS (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK]. He is absent. I do not know how he would vote, but I think he would vote "yea." I transfer my pair to the Senator from Idaho [Mr. HEYBURN], who is absent, and I vote "nay."

The roll call was concluded.

Mr. CLAY (after having voted in the affirmative). I desire to ask if the senior Senator from Massachusetts [Mr. LODGE] has voted.

The VICE-PRESIDENT. He has not voted.

Mr. CLAY. I am paired with the senior Senator from Massachusetts, and withdraw my vote. If he were present, I should vote "yea."

Mr. MCCUMBER (after having voted in the negative). I understand that the Senator from Louisiana [Mr. FOSTER] has not voted.

The VICE-PRESIDENT. He has not voted.

Mr. MCCUMBER. Then I withdraw my vote.

Mr. MONEY. I will state that the Senator from Louisiana [Mr. FOSTER] is absent on imperative business.

Mr. CLAY. I transfer my pair to the junior Senator from Oregon [Mr. GEARIN], so that the senior Senator from Massachusetts [Mr. LODGE] will stand paired with the junior Senator from Oregon, and I will vote. I vote "yea."

The result was announced—yeas 15, nays 37, as follows:

YEAS—15.

Bacon	Frazier	Money	Simmons
Clay	La Follette	Overman	Stone
Culberson	Latimer	Patterson	Taliaferro
Dubois	McCreary	Rayner	

NAYS—37.

Aldrich	Clark, Wyo.	Hansbrough	Smoot
Ankeny	Dick	Kean	Spooner
Beveridge	Dillingham	Kittredge	Sutherland
Brandegee	Dolliver	Knox	Teller
Bulkeley	Flint	Long	Warner
Burkett	Foraker	Millard	Warren
Burnham	Frye	Nelson	Wetmore
Burrows	Fulton	Perkins	
Carter	Gallinger	Piles	
Clapp	Hale	Scott	

NOT VOTING—37.

Alger	Crane	Hemenway	Newlands
Allee	Cullom	Heyburn	Nixon
Allison	Daniel	Hopkins	Penrose
Bailey	Depew	Lodge	Pettus
Berry	Dryden	McCumber	Platt
Blackburn	Elkins	McEnery	Proctor
Burton	Foster	McLaurin	Tillman
Carmack	Gamble	Mallory	
Clark, Mont.	Gearin	Martin	
Clarke, Ark.	Gorman	Morgan	

So Mr. BACON's amendment was rejected.

Mr. MONEY. I send up an amendment which I ask to have inserted at the end of the paragraph as section 2. I wish to have it read and to make a few remarks.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be read.

The SECRETARY. Add at the end of the joint resolution the following:

SEC. 2. Nothing herein contained shall prevent the purchase of domestic articles of manufacture and production in foreign markets.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. MONEY. Mr. President, the object of the joint resolution, supported by very distinguished Senators, is that all the material shall be of domestic manufacture which enters into the construction of this great public work, which, at the lowest estimate of engineers, will cost $247,000,000 on any plan selected, and it is the opinion of a great many other people, some engineers and some inquiring minds, that it will reach four or five hundred million dollars. It is their intention that all this material shall be supplied by domestic articles of production and manufacture, in order that citizens of the United States may have the exclusive sale to the Government of these articles; and of course these gentlemen see in this resolution the continuance of what they deem a wise public policy.

The amendment which I have offered as a second section does not at all disturb that. I take it for granted that while these distinguished Senators desire that the American producer and manufacturer shall have exclusive market for goods furnished for the building of the canal, they do not propose that the Government should pay excessive prices, or, in other words, secure the whole trade to American citizens; but they desire that the Government shall buy its material as cheaply as possible, confining itself to articles of American production and manufacture.

Now, taking that for granted, and giving these gentlemen full credit for their patriotism in maintaining what they deem a wise public policy to protect the industries of the United States, and at the same time giving them a like credit for patriotic purpose, desiring that the Government, confining itself exclusively to this class of sellers, shall have an opportunity to buy as cheaply as possible, I have provided by this second section that the Government can buy American products anywhere in the world at the market price, and I do not see how any man can object to the amendment.

Mr. GALLINGER. Let the amendment be read; it is very brief.

The VICE-PRESIDENT. At the request of the Senator from New Hampshire, the amendment will be stated.

The SECRETARY. At the end of the joint resolution insert the following as an additional section:

SEC. 2. Nothing herein contained shall prevent the purchase of domestic articles of manufacture and production in foreign markets.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. MONEY. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MONEY. I call for a division. I do not question, of course, the Chair, but I think Senators ought to vote.

The VICE-PRESIDENT. The Senator has the right to demand a division.

The question being put, there were, on a division—ayes 13, nays 35.

Mr. MONEY. I now demand the yeas and nays on the proposition.

The VICE-PRESIDENT. The Senator from Mississippi demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "yea."

Mr. DILLINGHAM (when his name was called). I note the absence from the Chamber of the senior Senator from South Carolina [Mr. TILLMAN]. As I have a pair with that Senator, I will withhold my vote.

Mr. McCUMBER (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. FOSTER]. I will transfer that pair to the Senator from Michigan [Mr. ALGER], and that pair can stand for all votes upon this subject. I will therefore vote. I vote "nay."

Mr. MALLORY (when his name was called). I announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. In his absence, I withhold my vote. I would vote "yea" if he were present.

Mr. NELSON (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. BERRY] to the Senator from New Jersey [Mr. DRYDEN], and I vote "nay."

The roll call was concluded.

Mr. SPOONER. I ought to state that on this vote the Senator from Tennessee [Mr. CARMACK] stands paired with the Senator from Idaho [Mr. HEYBURN].

Mr. McCREARY. My colleague, the senior Senator from Kentucky [Mr. BLACKBURN], is paired with the Senator from Indiana [Mr. HEMENWAY]. My colleague is absent discharging his duties as a member of the Board of Visitors to the United States Military Academy. I shall not make the statement any more to-day.

The result was announced—yeas 15, nays 36, as follows:

YEAS—15.

Bacon	Frazier	Money	Simmons
Bailey	La Follette	Overman	Stone
Culberson	Latimer	Patterson	Taliaferro
Dubois	McCreary	Rayner	

NAYS—36.

Aldrich	Clapp	Hale	Piles
Ankeny	Clark, Wyo.	Hansbrough	Scott
Beveridge	Dick	Kean	Smoot
Brandegee	Dolliver	Kittredge	Spooner
Bulkeley	Flint	Long	Sutherland
Burkett	Foraker	McCumber	Teller
Burnham	Frye	Millard	Warner
Burrows	Fulton	Nelson	Warren
Carter	Gallinger	Perkins	Wetmore

NOT VOTING—38.

Alger	Crane	Gorman	Morgan
Allee	Cullom	Hemenway	Newlands
Allison	Daniel	Heyburn	Nixon
Berry	Depew	Hopkins	Penrose
Blackburn	Dillingham	Knox	Pettus
Burton	Dryden	Lodge	Platt
Carmack	Elkins	McEnery	Proctor
Clark, Mont.	Foster	McLaurin	Tillman
Clarke, Ark.	Gamble	Mallory	
Clay	Gearin	Martin	

So Mr. MONEY's amendment was rejected.

Mr. PETTUS. Mr. President, I offer an amendment entirely on a different subject. It has no tariff in it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Alabama will be read.

The SECRETARY. On line 5 of the joint resolution, after the word "manufacture," insert the words "and from the lowest bidder."

Mr. GALLINGER. So as to read?

The SECRETARY. So as to make the joint resolution read:

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture and from the lowest bidder unless the President shall, in any case, deem the bids or tenders there for to be extortionate or unreasonable.

Mr. PETTUS. Mr. President, if the President of the United States were to make all these purchases in person, I would not consider the amendment nearly so important as I consider it now in the present attitude of things, when Mr. Cromwell is one of the most important purchasing agents of the United States, and men like him are the purchasing agents.

Mr. President, I have had some little experience on the matter of purchasing. The Book says, "The race is to the

swift," but it frequently happens in the United States that the race has no connection with the value or the price of the article sold, though it has a good deal to do with the man who has the selling of it. During the Spanish war the Government had use for a large amount of coal down at the end of Florida. Alabama could have furnished the coal much cheaper than almost any other part of the world, and was much more convenient to the place where the Government wanted to use it, but that coal was bought away up toward the Lakes.

Mr. ALDRICH. If the Senator from Alabama will modify his amendment so as to read "from the lowest responsible bidder"——

Mr. PETTUS. Certainly; I am willing to do that. I do not wish to buy from anyone who is not responsible.

Mr. ALDRICH. I shall be willing to accept that amendment if the Senator will modify it in the way I have just suggested.

Mr. PETTUS. Very well; I am willing to do so.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Alabama [Mr. PETTUS] as modified.

The SECRETARY. After the word "manufacture," on line 5, it is proposed to insert the words "and from the lowest responsible bidder."

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Alabama [Mr. PETTUS] as modified.

The amendment as modified was agreed to.

Mr. MALLORY. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. It is proposed to strike out all after the resolving clause and to insert:

That the material, supplies, and machinery of all kinds for the construction of the Panama Canal shall be purchased at the cheapest price, conditions as to quality, prompt delivery, and responsibility of bidders being substantially the same: *Provided, however*, That in cases in which such material, supplies, or machinery are produced in the United States and the conditions as to quality, prompt delivery, responsibility of bidders, and price are substantially the same as those respecting such articles as are offered by foreign bidders, the bids of citizens of the United States shall be given preference.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Florida.

Mr. MALLORY. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. TILLMAN], who, I see, is not present; but I transfer that pair to the Senator from New York [Mr. PLATT], and vote. I vote "nay."

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If the Senator from Vermont were present, I should vote "yea."

Mr. NELSON (when his name was called). My pair with the Senator from Arkansas [Mr. BERRY] having been transferred to the Senator from New Jersey [Mr. DRYDEN], I am at liberty to vote, and I vote "nay."

The result was announced—yeas 16, nays 38, as follows:

YEAS—16.

Bacon	Dubois	McCreary	Rayner
Bailey	Frazier	Money	Simmons
Clay	La Follette	Overman	Stone
Culberson	Latimer	Patterson	Taliaferro

NAYS—38.

Aldrich	Clark, Wyo.	Hansbrough	Scott
Ankeny	Dick	Kean	Smoot
Beveridge	Dillingham	Kittredge	Spooner
Brandegee	Dolliver	Lodge	Sutherland
Bulkeley	Flint	Long	Teller
Burkett	Foraker	McCumber	Warner
Burnham	Frye	Millard	Warren
Burrows	Fulton	Nelson	Wetmore
Carter	Gallinger	Perkins	
Clapp	Hale	Piles	

NOT VOTING—35.

Alger	Crane	Gorman	Morgan
Allee	Cullom	Heinenway	Newlands
Allison	Daniel	Heyburn	Nixon
Berry	Depew	Hopkins	Penrose
Blackburn	Dryden	Knox	Pettus
Burton	Elkins	McEnery	Platt
Carmack	Foster	McLaurin	Proctor
Clark, Mont.	Gamble	Mallory	Tillman
Clarke, Ark.	Gearin	Martin	

So Mr. MALLORY's amendment was rejected.

Mr. CULBERSON. Mr. President, so far as I recall, the information which is given in Senate Document No. 444, with respect to the purchase of dredges for the Panama Canal, has not yet been given general publicity. I therefore ask, before the vote is taken on the joint resolution, to have this document printed in the CONGRESSIONAL RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

The document referred to is as follows:

[Senate Document No. 444, Fifty-ninth Congress, first session.]

The Senate and House of Representatives:

I transmit herewith copies of correspondence between the Secretary of War and myself on the subject of the purchase of two steel dredges for the Panama Canal.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 15, 1906.*

WAR DEPARTMENT,
Washington, May 11, 1906.

MY DEAR MR. PRESIDENT: The Isthmian Canal Commission advertised for bids for two seagoing suction dredges, to be used—one in the harbor of Colon and Cristobal, on the north, or Atlantic, side of the Isthmus, and the other at La Boca, on the Panama, or Pacific, side of the Isthmus. The dredges were to be built according to certain plans and specifications. The proposals required the bidders to state where they proposed to erect and deliver the dredges and the time that would be required to erect and deliver them.

There were nine bids, seven by American bidders, one by Dutch bidders, and one by Scotch bidders. I shall refer only to the lowest two bids.

The Maryland Steel Company, with its headquarters at Sparrows Point, Md., bid for the two dredges to be delivered at Sparrows Point, $724,850, to be completed in 365 days. The Scotch firm of William Simons & Co., of Renfrew, Scotland, bid for the same dredges, delivered in Scotland, on the Clyde, $654,000, one to be completed in 365 days and the other in 335 days. This made a difference of $70,850 in favor of the Scotch bid. The Scotch bid was in the alternative, and offered to deliver the dredges, which were required to be seagoing, one for $17,980 at Cristobal, and the other for $34,020 at La Boca, in addition to the price for delivery on the Clyde. No figures were furnished by the Maryland Steel Company for the price at which it would deliver the dredges at Cristobal and La Boca.

I inclose, however, an argument in which the Maryland Company points out certain advantages accruing to the Government in the acceptance of its bid over that of the Scotch bid, which would reduce the difference between the two bids. I submit, also, the comment of Mr. Shonts on this letter of the Maryland Company, the statement of Mr. Brown, the representative and attorney in fact of Simons & Co., and a memorandum from Brigadier-General Mackenzie, Chief of Engineers, stating the advantage of the Scotch bid. General Mackenzie includes a telegram from Major Sanford, of the Corps of Engineers, who has had large experience in dredge design and construction, and whom the president of the Maryland Company was especially anxious for me to consult in this matter.

The result of these comments seems to be that there is, under any circumstances, a difference in favor of the bid of Simons & Co. of about 8 per cent of the total expenditure. There is no question of the high standing of both bidders, and no doubt that if the bid of either is accepted it will be satisfactorily performed. The exact question now presented is whether on the sole ground that one bidder is an American manufacturing corporation and the other is Scotch, the Isthmian Canal Commission shall pay to the Maryland Company from $60,000 to $70,000 more for two steel dredges than the price at which it may buy those dredges from Simons & Co.

In my letter of January 12, 1905, in which I transmitted to you the first report of the Isthmian Canal Commission, I invited your attention to the general policy to be pursued in cases like this, in the following language:

"An important question of policy is yet to be determined. If the Isthmian Canal Commission are not bound by any restriction of Congress as to where they shall purchase machinery, material, and supplies then it would seem to be their duty to construct the canal as cheaply as possible and so to buy what they need where they can get it cheapest. This, however, is certain to produce, every time that a large contract is awarded to a foreign manufacturer or dealer, an outcry on the part of the American unsuccessful competitors. If Congress approves the policy of favoring American manufacturers and dealers, even if it increases the cost of the construction of the canal, then it seems to me only just that it should declare this policy by law and lay down a rule which the Commission can easily follow."

This letter, with the accompanying report, was submitted by you to Congress January 13, 1905, and was referred in the House to the Committee on Interstate and Foreign Commerce and in the Senate to the Committee on Interoceanic Canals. No action has since been taken by Congress on this subject.

I also append a statement made by me before the Committee on Interoceanic Canals, on the 20th of last month, on the same subject.

The construction of the canal is being carried on under the so-called "Spooner Act," approved June 28, 1902. This act authorizes you, as the President, and the Commission under you, to make contracts for the construction of the canal and to buy the necessary supplies, machinery, and material, and it imposes no specific limitation upon the manner of your purchases or the method of your contracting. This is to be determined under general principles of law. I find no specific legislation which would control you in determining what bid should be accepted. The general principle which applies is of course that it is your duty to build the canal as economically as you can, and, therefore, as between two bids of otherwise equal merit you should accept the lower bid.

In the appropriation act of March 3, 1875, there was contained the following clause, which is still the law:

"That in all contracts for material for any public improvement the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States."

This has application to public improvements in the United States which are by law directed to be conducted under the War Department. It of course does not extend to the construction of the canal under the Spooner Act, which contemplates the action of the President through a canal commission. The intervention of the Secretary of War in the matter is only to assist the President, and is not by virtue of statutory law, but by an Executive order issued in the exercise of the discretion vested in the President under the Spooner Act to select such agents as

he sees fit to add him in the duties thereby imposed upon him. Moreover, the act of March 3, 1875, would not justify the giving of preference to American material in case foreign material were offered at a cheaper price. The Engineering Bureau of this Department, which has acted under the statute for a number of years, has never given such a construction to the clause. In its invitations for bids there has always appeared in the general instructions to bidders the following:

"(2) Preference will be given to articles or materials of domestic production, conditions of quality and price being equal, including in the price of foreign articles the duty thereon."

For nearly ten years Government importations have paid duty.

In the act of September 22, 1888 (25 Stat. L., 480), which is the fortifications appropriation act of that year, it was provided that—

"All guns and materials purchased under the authority of this section shall be of American production and furnished by citizens of the United States."

This was an express limitation and prevented the purchase of any materials outside of the United States. It had application, however, specifically to fortifications, and did not indicate a general policy on this subject.

On the other hand, the general Congressional policy as to the purchases of Army supplies is contained in the following proviso of most Army appropriation bills:

"That after advertisement all the supplies for use in the various departments and posts of the Army shall be purchased where the same can be purchased the cheapest, quality and cost of transportation considered * * *."

The only case of purchase by the Government of supplies or material directly affected by a statute which furnishes a precedent of any relevancy in the present instance is that of the purchase of quartermaster supplies in the Philippine Islands under section 3716, which has been the law since July 15, 1866. That section provides that—

"The quartermaster's department of the Army, in obtaining supplies for the military service, shall state in all advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal."

When the Army went to the Philippines, which were not affected by the Dingley tariff and where Army supplies were admitted free of duty, the question arose as to where Army supplies were to be purchased. The practice was adopted under this section to buy supplies for the army in the Philippines where they could be had at the cheapest price, preference of course being given to American supplies and material, when conditions of price and quality were equal. Accordingly, large amounts of meat have been purchased from Australia instead of from the United States, because meat could be purchased at about one-half what it would cost to bring it over from the Pacific coast.

The result of a consideration of general principles of law and the practice of the Government, in the absence of specific direction to the contrary, is that in the construction of the Panama Canal in the Canal Zone on the Isthmus, which is outside the tariff wall surrounding the United States proper, and into which, by virtue of the Hay-Varilla treaty with the Republic of Panama, material, supplies, and machinery of all kinds for the construction of the canal are to be introduced free from tariff or imposts, it is your duty to buy where you can obtain the material, supplies, and machinery at the cheapest price, other conditions with respect to quality, prompt delivery, etc., being equal. This view it seems to me is confirmed by the failure of Congress to direct any different course on your part, although the matter was brought to its attention more than a year ago, and your view of your duty in the premises, if Congress took no further action, was clearly indicated.

I ought to add that, while of course a very large proportion of all the purchases made for the construction of the canal have been from American merchants and manufacturers, some purchases have already been made abroad, and a saving effected in the purchase of comparatively small quantities of cement. In the construction of the canal an enormous quantity of cement will have to be purchased, and the question will soon recur again as to the acceptance of foreign bids for this material.

Members of Congress have manifested an interest in this matter, and Senators DICK and ANKENY have applied to me to know the situation. I append correspondence that I have had with both of those gentlemen, together with a form of resolution which, at Senator ANKENY's request, I had drafted to carry out his views. The resolution has been introduced into the Senate by Senator DICK.

As I pointed out to Senator ANKENY, if this resolution is to control the acceptance of bids for the construction of these dredges, then it should be promptly considered and passed by Congress, for it is of great importance to secure their early construction. If there is no prospect of early action by Congress, I shall direct Mr. SHONTS, unless ordered by you to take a different course, that he accept the bid of William Simons & Co., of Renfrew, Scotland.

Very respectfully,

WM. H. TAFT, *Secretary of War.*

The PRESIDENT.

THE WHITE HOUSE,
Washington, May 14, 1906.

MY DEAR MR. SECRETARY: I have received your letter of May 14 in reference to the purchase of two steel dredges for the Panama Canal. I approve of your views, and shall transmit this correspondence to Congress for such action, if any, as it may see fit to take thereon.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. WILLIAM H. TAFT,
Secretary of War.

ISTHMIAN CANAL AFFAIRS,
OFFICE OF ADMINISTRATION, PANAMA CANAL BUILDING,
Washington, D. C., May 4, 1906.

SIR: I have the honor to inclose you herewith abstract of bids opened April 23, 1906, on two seagoing suction dredges, item 1 being for use at the Cristobal end of the canal, and item 2 being for use at the La Boca end of the canal, together with a letter from the Maryland Steel Company, who are the lowest American bidders.

You will observe that the bid of the Maryland Steel Company is about $70,000 higher than the bid of William Simons & Co., of Renfrew, Scotland, for the two dredges delivered at their respective works. The Maryland Steel Company did not submit bids on the basis of delivery at Cristobal and La Boca, respectively, although William Simons & Co. did make bids for such delivery, in addition to delivery at their works.

It will be seen from the letter of the Maryland Steel Company that its object is to show that from their point of view their bid would ultimately be cheaper than the bid of William Simons & Co.

The first two statements of the Maryland Steel Company speak for themselves.

The third statement, I am advised by Purchasing Officer Ross, will not amount to much, as practically the only difference between the cost of inspection in this country and in Scotland would be the cost of transportation of the inspectors to and from Scotland.

In the fourth statement I can not see much force, as only experienced men will be employed in any event, and as these dredges follow the general plan of others now in operation, it will not be difficult to get men familiar with the work.

I do not think there is much force in their fifth statement, as the auxiliaries and articles of outfit mentioned could be purchased either in this country or abroad if not made on the Isthmus.

As to statement No. 6, while I think the figures given as the cost of delivering at Cristobal and La Boca, respectively, dredges built on the Chesapeake are low, yet, even accepting these figures, there is still a considerable difference between the prices of Simons & Co. and those of the Maryland Steel Company, which it is not thought the additional cost of inspection, additional cost of shipping crews, and additional cost and disadvantages of dealing at long distance, which they mention, would offset.

With respect to statement No. 7, while they may have patterns and designs for these exact dredges, you will observe that the length of time they stipulate for building the dredges is thirty days longer than that stipulated by Simons & Co.

Their statement No. 8 may have considerable merit; but in order for it to have considerable merit two things will be required. The first is that these dredges will outlive the period of construction of the canal, which is probably a fact; and the second is, if such proves to be the case, it would have to follow that we would have no further use for them at the harbor entrances of the canal after the canal is constructed, whereas in all probability we will always have use for seagoing dredges for harbor work at both termini.

While we would, of course, prefer to patronize American industries, until the Congress changes the law, are we not compelled to buy in the lowest market?

Very respectfully,

T. P. SHONTS,
Chairman.

The SECRETARY OF WAR.

Abstract of bids for two seagoing suction dredges—Opened by D. W. Ross, general purchasing officer, on the 23d day of April, 1906.

[Circular 298.]

	Name.	Address.		Item 1.	Days.	Item 2.	Days.	Items 1 and 2.	Delivery.
1	Union Iron Works	San Francisco, Cal	G			$500,000	540		San Francisco.
2	New York Shipbuilding Co	Camden, N. J	CC	$410,000	390	410,000	420	$780,000	Camden, N. J.
3	The Hollando-American Dredge Building Syndicate.	Shiedam, Holland	G		365		425	852,000	Add $89,000 for delivery at Cristobal and La Boca.
4	Newport News Shipbuilding and Dry Dock Co.	New York, N. Y	G	460,000	280	460,000	310		Newport News, Va.
5	Wm. Simons & Co. (Limited)	Renfrew, Scotland	G	327,000	305	327,000	335		Renfrew, Scotland. Subject to letter. Add $17,980 delivery Cristobal, item 1. Add $34,020 delivery La Boca, item 2.
6	Maryland Steel Co	Sparrows Point, Md	G	366,900	365	366,900	365	724,850	Sparrows Point, Md.
7	Motley, Green & Co	New York, N. Y	AG	425,000	425	465,000	485		Cristobal and La Boca.
8	Fore River Shipbuilding Co	Quincy, Mass	G	450,000	a 14	450,000	a 14		Quincy, Mass.
9	The Moran Co	Seattle, Wash	G			435,000	365		Seattle, Wash.

a Months.

MARYLAND STEEL COMPANY,
MARINE DEPARTMENT,
Sparrows Point, Md., April 30, 1906.

SIR: In view of the fact that the Maryland Steel Company was the lowest American bidder on two dredges for the Isthmus, bids for which were opened on April 23, we desire to call your attention to certain points in connection with our bid:

1. We understand that the only reason for obtaining foreign-built vessels would be a lower cost of the same.

2. The bid submitted by this company was $724,850 for two dredges delivered at Sparrows Point, Md. The lowest foreign bid for these same dredges delivered in Scotland is $654,000, or delivered at the Isthmus $706,000, making a difference of $18,850 between the vessels delivered at their destination or delivered in the Chesapeake Bay.

3. If the vessels are built in Scotland it will be necessary to send inspectors to the foreign works, costing anywhere from $5,000 to $10,000 more than if the inspection were done here.

4. If the vessels are delivered at the Isthmus it will be necessary to

assemble and train their crews at that point, at an undoubted disadvantage and considerable increased expense. If the vessels are delivered in Chesapeake Bay, the crews can be shipped there and become thoroughly familiar with the working of the dredges during the time the contractor's tests are made, which tests will be made at a point convenient to the works under the supervision of people thoroughly familiar with this class of dredge, they having previously built six of the same type, two of which are practically duplicates of the dredges in discussion. This point appears to us to be of the utmost importance, since these dredges are of a type that has been developed in this country, the working of which to good advantage depends in a large measure to a proper crew, and it is not within our knowledge that any foreign builders have experience with this particular style of dredge. It is easily possible that serious losses through inefficiency and breakdowns may occur if a properly trained crew is not obtainable.

5. It is undoubtedly desirable that the auxiliaries and articles of outfit (namely, pumps, electric plant, hoisters, steering engine, windlass, capstan, refrigerating machinery, plumbing, gauges, and instruments) should be of American manufacture, so in time of necessity to be more easily and quickly replaced. This would be the case if the dredges were built here, but under the specifications it is, in almost every instance, optional with the builder as to what make of goods he will furnish, and in case of the dredges being built abroad it would be necessary for the Commission to purchase all articles of outfit supplied by them abroad or be under the expense of shipping them from this country. The matter of auxiliaries is of considerable moment, and previous experience with these dredges gives us knowledge of the proper articles to supply.

6. The cost to the Commission of delivering at Cristobal a dredge built on the Chesapeake is a matter of very small moment, being practically the cost of running the vessel for about eight days, amounting to about $2,400. The cost of delivering the other dredge at La Boca is estimated at $23,600 and will take about fifty-five days, making a total difference on the face of the bids of $44,850 between the American and foreign bids, from which should be deducted the additional cost of inspection, additional cost of shipping crews, various additional costs and disadvantages of dealing at long distance, and an almost certain additional cost of putting the dredges into operation, making it entirely problematical as to whether the foreign-built vessels will cost at all less than vessels built in this country.

7. We have patterns and designs for the exact dredges required; have experience with building and running the same; are able to actually start work as soon as the contract is awarded; all of which should be given some consideration.

8. Under present legislation, if these dredges are foreign built it will not be possible to use them in United States waters.

9. Finally, we desire to ask the question, "Is it at all certain that the cost of these dredges to the Commission when actually in operation for one or two months will be less at the foreign price than at the price quoted in this country?"

Very respectfully,

MARYLAND STEEL COMPANY,
H. A. MAGOUN,
Superintendent Marine Department.

Hon. THEODORE P. SHONTS,
Chairman Isthmian Canal Commission, Washington, D. C.

MARYLAND STEEL COMPANY,
OFFICE OF THE PRESIDENT,
Sparrows Point, Md., May 9, 1906.

SIR: In reply to your inquiry concerning our estimate of cost of delivering the Panama dredges at their stations, we beg to say that as the specifications furnished bidders provide for acceptance by the Government at points of construction only, we have taken as a proper basis for the estimate in question the actual expenditure by the War Department, viz, $2,098, in moving a dredge of similar type, the *Howard*, with full dredging crew, from Norfolk to New Orleans, due allowance being made for extra coal storage and other temporary outfit requisite for the trip to the west coast.

The difference in delivered cost between the foreign and American bids on the above basis is, as stated in our former letter, $44,850, or 9.35 per cent in favor of the tender of Messrs. Simonds.

We again respectfully urge that against this difference due weight should be given to the additional costs and disadvantages to which we have before called attention and which as shipbuilders and repairers we can say positively will result from building these dredges in Europe.

Yours, respectfully,

F. W. WOOD, *President.*

The SECRETARY OF WAR.

WASHINGTON, D. C., *May 8, 1906.*

SIR: With reference to the letter received by the Hon. Theodore P. Shonts, chairman Isthmian Canal Commission, from the Maryland Steel Company, Sparrows Point, re the dredges required for the Isthmus, and which I have had the opportunity to peruse, I have to report—

First. That with regard to the inspection during construction: These vessels would be built under the supervision of the officials of the American Bureau of Shipping or British Lloyds, and the cost of same is already included in our contract price, as is the custom with all vessels built in Great Britain to Lloyd's requirements. Doubtless it would be desirable in addition to the above that an inspecting engineer be sent to Scotland to directly represent the United States Government, but we hardly think it necessary for him to remain there all the time during their construction, but probably only at the commencement of the work and at the preliminary trials when vessels are completed. We do not, therefore, consider that the difference in cost of inspection would represent anything like the amount mentioned by the Maryland Steel Company.

Second. With regard to training of a crew to work the vessels at the Isthmus: If necessary, the experienced leading men we send could remain until such time as the new crew got accustomed to their duties, which, having regard to the experience we have had with vessels of similar type, should not take long.

Third. With regard to the statement made by the Maryland Steel Company that the cost of delivering at Cristobal a dredge built on the Chesapeake "is a matter of very small moment," viz, $2,400, I am of the opinion that there is some mistake in the above figure, because I believe that the cost of delivering at Cristobal a dredge built on the Chesapeake should not be much less than to send a dredge from the Clyde (Scotland) to Cristobal. I may say that our estimate for marine insurance alone for the voyage amounts to over $6,500, and there has to be allowed for in addition the cost of navigation, including crew's wages, coal for voyage, oil, and stores, which makes the sum mentioned by the Maryland Steel Company very inadequate.

Fourth. It is our custom to provide at schedule rates a list of those parts most likely to wear out, and these could be sent with the dredges. Further renewals could either be got from us or in the United States, where they would be made to the detailed drawings provided for under the contract.

I remain, yours, very respectfully,

WM. SIMONS & CO. (LTD.),
WALTER BROWN, *Director.*

Hon. WM. H. TAFT,
Secretary of War.

WASHINGTON, *May 8, 1906.*

Approximate cost to deliver dredge at Cristobal from Clyde, Scotland.

For crew's wages	$5,000
Coals for voyage, oils, stores, etc	4,000
Marine insurance	6,500
Preparing vessel for voyage after trials	2,500
Total	18,000

For delivery at La Boca the above items will require to be about doubled, making the total price for delivery there $34,020, as already mentioned in our bid.

WALTER BROWN, *Director.*

COMMITTEE ON INTEROCEANIC CANALS,
UNITED STATES SENATE,
Washington, D. C., Friday, April 20, 1906.

The committee met at 10.30 o'clock a. m.

Present: Senators MILLARD (chairman), KITTREDGE, DRYDEN, HOPKINS, ANKENY, MORGAN, TALIAFERRO, and SIMMONS.

Present, also, Maj. Gen. George W. Davis, United States Army, retired.

Statement of Hon. William H. Taft—Continued.

The CHAIRMAN. Mr. Secretary, as we have all before us the statement which you have made to the committee during the past two days, I think we are ready to proceed with the questioning. Senator MORGAN, do you wish to take up the questions with the Secretary this morning first?

Senator MORGAN. Yes, sir.

The CHAIRMAN. Please proceed, then. We are all ready.

Secretary TAFT. May I introduce something that I omitted from my statement?

Senator MORGAN. Of course; or make any statement that you desire to make, Mr. Secretary.

Secretary TAFT. This is something that I omitted. A clause of this kind occurs on page 2400 of the evidence, the report of the Isthmian Canal Commission of 1904, printed in connection with the testimony of General Davis. [Reading:]

"An important question of policy is yet to be determined. If the Isthmian Canal Commission are not bound by any restriction of Congress as to where they shall purchase machinery, material, and supplies, then it would seem to be their duty to construct the canal as cheaply as possible, and so to buy what they need where they can get it cheapest. This, however, is certain to produce, every time that a large contract is awarded to a foreign manufacturer or dealer, an outcry on the part of the American unsuccessful competitors. If Congress approves the policy of favoring American manufactures and dealers, even if it increases the cost of the construction of the canal, then it seems to me only just that it should declare this policy by law and lay down a rule which the Commission can easily follow."

It is entirely natural that almost everything which is bought should be bought in the United States, provided there is no great discrepancy in the matter of value—I mean, for convenience. Foreign manufacturers do not come in here for contracts unless the profit is considerable; and the advertising is not so general in Europe as it is in this country. But we are constantly confronted with complaints, every time that a foreign manufacturer puts his goods in competition, that we ought to favor American dealers. It should be one way or the other.

Either we ought to limit our bids received to American manufacturers and American merchants who can furnish supplies, or else we ought to make the competition general. My understanding is that it is our duty in conducting affairs here to build this canal as cheaply as we can; and therefore that if Congress says nothing on the subject, that we ought to invite as broad and wide competition as possible. That is the policy that, so far as I have control of the matter, I expect to follow, unless Congress shall relieve the persons who are responsible from that responsibility by laying down a different rule. I omitted to put this in, but it is a very important part of the policy to be pursued, and I suggest to the committee that the question be considered, and if it is thought wise to do nothing, then we understand that the decision is that we are to pursue the course which we have already laid down.

Senator TALIAFERRO. That is, to buy the goods where they can be bought the cheapest?

Secretary TAFT. Of course other considerations may enter into the matter. For instance, in the case of the purchase of the steamships there was the question whether we could sail them under the American flag; and it was thought that, in addition to the other advantages of those steamers, the fact that they were under the American flag was a consideration which justified us in buying them.

Senator TALIAFERRO. I would put it this way: Other things being equal, the policy would be to buy where you could buy the cheapest.

Secretary TAFT. Yes, sir. That is all I desire to add.

Senator MORGAN. It would be practicable, I suppose, to authorize the purchase of American material and manufactures in preference to foreign productions, materials, and manufactures at a rate of discount equal to the percentage of the tariff?

Secretary TAFT. Well, I am not a tariff expert. I do not know how that would work.

Senator MORGAN. I am not either, and that is the reason I think I understand it. [Laughter.]

Senator DRYDEN. I suppose the simplest way would be to regulate it by the question of price and cost to the Government, and of course it would be necessary to take into consideration the facility and rapidity of delivery of the goods. That is a very important matter.

Secretary TAFT. Yes, sir; it is; and the convenience of getting them.

Senator DRYDEN. Yes.

Secretary TAFT. The natural tendency would be, even if you adopted no rule, to take American goods.

Senator DRYDEN. Naturally.

Secretary TAFT. That has been the result, although we have followed generally the rule which I stated. I think about 95 per cent of all that is bought has been bought in the United States. But there are some particular contracts that will invite the attention of foreign governments. I know that, because I am in receipt of communications through the State Department from the ambassadors of the various countries, inquiring as to the form of the advertisement and the bids and when the bids are to be opened.

There is an important letting of bids to be made in the course of a few days—the bids for dredges. I know that the Dutch are making an effort to compete, and I have been advised that the English are. Of course the question of delivery, the question of the probability of prompt delivery, and other matters of that sort might lean the person selecting the bid toward the American bidder, even though he might not be the lowest bidder; but if there was a large difference I am quite sure that the policy would be to accept the foreign bidder, and that is sure to bring to the War Department a great number of communications on the subject in which the statement is made that if we are spending millions of dollars down there we ought to spend it for the benefit of our own citizens.

The CHAIRMAN. We have had some such communications here in regard to this matter. [Laughter.]

Senator DRYDEN. Well, I suppose that within reasonable limits you would favor that policy, naturally?

Secretary TAFT. Of course I would rather have the American get the contract than somebody else, if the American would furnish the goods for the same price.

Senator DRYDEN. Yes.

Secretary TAFT. But the question here is of the duty of an Executive upon whose conduct in that respect there is no limitation.

Senator DRYDEN. Would you prefer to have the matter stand as it is without any action of Congress, or have Congress legislate distinctly upon that point?

Secretary TAFT. I would much prefer to have Congress legislate distinctly.

Senator HOPKINS. What class of goods, or what class of machinery, do you find that the foreigners can furnish cheaper than the Americans?

Secretary TAFT. I am not familiar, Senator, with the prices; but I should think that in the case of dredges, probably, the foreigners could furnish them at a less rate; though it is by no means certain that the dredges which they furnish would be the best dredges. Of course the American facility for getting good machinery, and machinery that will work "up to date," so to speak, is so great that it is quite possible that with respect to that class of goods they would be entitled to the award, at any rate.

Senator HOPKINS. The dredges that you use down there are the character of dredges that we find in use in the United States?

Secretary TAFT. Yes, sir.

Senator HOPKINS. There is no special type that you are having manufactured?

Secretary TAFT. I think not. I think there are some general specifications. I have not examined them with care.

Cement is a very important item. We shall have to use millions of barrels of cement, especially if the lock canal is adopted as the type. We have already, if I recall, purchased some foreign cement, on the ground that we could save $7,000 in the particular contract which we were making.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 12, 1906.

[Memorandum for the Secretary of War.]

1. I have the honor to return herewith the papers which accompanied the memorandum of May 10 from your office on the subject of the Panama Canal dredge bids.

2. The bids were carefully scrutinized by Maj. J. C. Sanford, Corps of Engineers, who has had large experience in dredge design and construction, and his views as to the most desirable bid are contained in the following telegram, dated May 11:

"Referring telephonic conversation with Kutz, think Scotch bid Panama dredges undoubtedly cheaper, everything considered, except duty; understand no duty there on such materials. Learn here that delivery from England of parts ordered about equally prompt as from America. Inspection cost in Scotland little different from cost here, as builders pay Lloyds inspection materials and workmanship. More extra parts should be provided with Scotch make pending making patterns. Matthy wishes to provide part of crew from Panama employees; number unknown. Advantageous to send permanent crew with dredges, but exact value indeterminable. Altogether think Scotch offer cheaper 10 to 15 per cent, increased by shorter time advantage."

3. The great difference between the price named for delivering the Scotch dredge at Colon and the estimated cost of transferring such a dredge from Chesapeake Bay to Colon is partly accounted for by the item of marine insurance, $6,500, included in the former and not in the latter.

4. To make them comparable they must be placed on the same basis, both as to cost of insurance and cost of returning crews to place of construction.

5. While with such adjustment the difference is greatly reduced, it still appears that the estimate of the Maryland Steel Company for this service is too low. In my opinion the chief advantage that would result from an acceptance of the American bids lies in the desirability of having the various auxiliaries of American manufacture, so that they can be readily placed.

6. It is difficult to give a money value to this advantage, but even after allowing most liberally for it there would remain a difference in favor of the bid of William Simons & Co. of between 6 and 8 per cent.

7. I therefore concur in the views expressed by Major Sanford that the bid of William Simons & Co. as a business proposition is the most desirable one for the Government to accept.

A. MACKENZIE,
Brigadier General, Chief of Engineers, U. S. Army.

UNITED STATES SENATE,
COMMITTEE ON MINES AND MINING,
April 2, 1906.

DEAR MR. SECRETARY: The inclosed communication from Mr. S. B. Newberry, manager Sandusky Portland Cement Company, Sandusky, Ohio, is self-explanatory, and is referred to you for such attention at the hands of your Department as you may deem proper.

Trusting to be afforded with information that will enable me to make proper reply, I remain,

Very truly, yours,
CHARLES DICK.

Hon. WM. H. TAFT,
Secretary of War.

SANDUSKY PORTLAND CEMENT COMPANY,
Sandusky, Ohio, March 22, 1906.

DEAR SIR: In the last requisition for bids for Portland cement for the Panama Canal there is no specification that "American" Portland cement is required, and in the last letting English Portland cement, manufactured with English capital and by English labor, was purchased at lower price than American cement, owing to lower freight rates in foreign vessels to Panama.

The manufacturers of Portland cement in the United States represent an investment of over $100,000,000, and produced last year 26,000,000 barrels of Portland cement, a quantity nearly equal to that made in all countries of the world taken together.

We earnestly request that you will use your influence in favor of the adoption of American Portland cement, made at factories built by American capital, and from American materials, and by the aid of American labor in all further work on the Panama Canal.

Very respectfully,

SANDUSKY PORTLAND CEMENT CO.
S. B. NEWBERRY, *Manager.*

Hon. CHARLES DICK,
United States Senator.

ISTHMIAN CANAL AFFAIRS,
OFFICE OF ADMINISTRATION, PANAMA CANAL BUILDING,
Washington, April 5, 1906.

SIR: I have the honor to acknowledge the receipt, by reference from the Secretary of War, of your letter of the 2d instant, inclosing a communication addressed to you from the manager of the Sandusky Portland Cement Company, of Sandusky, Ohio, with reference to the last purchase of Portland cement by the Isthmian Canal Commission, under date of October 7 last.

When the lot of cement in question was purchased a number of bids were received on American cement and a number also on foreign cement. The lowest bid received on American cement was 37 cents per barrel higher than the lowest bid on foreign cement. After full investigation and test the lowest bid was accepted, and the cement furnished on the contract has proven to be very satisfactory. As the quantity of cement purchased at that time was 20,000 barrels, you will note that this lot of cement would have cost the Commission $7,400 more if the use of foreign cement had been prohibited.

The statements made in the communication inclosed in your letter as to the desirability of purchasing materials needed in the construction of the canal, as far as possible, in the United States are fully appreciated, and where prices have been anything like equal, home concerns have been favored.

I think you will agree, however, that in the case of the lot of cement in question the Commission would not have been justified in paying $7,400 more for American cement than for foreign cement, particularly in view of the fact that there was no doubt as to the quality of the foreign cement being fully equal to that offered by the lowest bidder on American cement.

Respectfully,
JOSEPH BUCKLIN BISHOP,
Secretary.

Hon. CHARLES DICK,
United States Senate.

UNITED STATES SENATE,
COMMITTEE ON MINES AND MINING,
April 18, 1906.

DEAR SIR: Your esteemed favor of recent date, wherein you explain the policy of the Commission in connection with the purchase of materials to be used for construction work, was duly received, and having carefully noted what you say I can not do less than to frankly state my opinion that to favor foreign manufacturers with patronage at the expense of business that should be placed with American firms to the benefit of American labor and industry is not in accord with the spirit which it seems should dominate those in charge of a public enterprise under the auspices of the American Government. Nor does such a course seem justified even by a more or less inconsequential difference in favor of the foreign product as to price when at least a fairly reasonable price is obtainable by requiring competitive bids from American firms.

To put the American manufacturer upon a competitive basis with the foreigner, regardless of those conditions involving cost of labor and material which it may be impossible for him to meet, is to deprive him of that patriotic support and encouragement which he has a right to expect from his home Government, and I can not believe such a policy will receive any material measure of support or indorsement from American citizens, whatever the amount of argument it may be possible to adduce in its favor as a mere matter of saving a few paltry dollars, which in any event would and should be spent with our own people whose money will build the canal rather than with those of a foreign country who do not assume any financial responsibility, and yet may receive even greater benefit than ourselves from the international utility of this great undertaking.

Very respectfully,
CHARLES DICK.

Hon. JOSEPH B. BISHOP,
Secretary Isthmian Canal Commission, Washington, D. C.

WAR DEPARTMENT,
Washington, April 19, 1906.

MY DEAR SENATOR DICK: Mr. Bishop, the secretary of the Isthmian Canal Commission, has handed me your letter of yesterday in which you take exception to the policy of the Commission in regard to the purchase of materials to be used in the construction work on the canal.

I beg to call your attention to page 12 of my letter transmitting the First Annual Report of the Isthmian Canal Commission, of date January 12, 1905, which was sent to the Senate by the President and there referred to the Interoceanic Canal Committee. It was also sent to the

* Probably an error.

House and referred to the Interstate Commerce Committee. In that letter I used the following language:

"An important question of policy is yet to be determined. If the Isthmian Canal Commission are not bound by any restriction of Congress as to where they shall purchase machinery, material, and supplies, then it would seem to be their duty to construct the canal as cheaply as possible and so to buy what they need where they can get it cheapest. This, however, is certain to produce, every time that a large contract is awarded to a foreign manufacturer or dealer, an outcry on the part of the American unsuccessful competitors. If Congress approves the policy of favoring American manufacturers and dealers, even if it increases the cost of the construction of the canal, then it seems to me very plain that it should declare this policy by law and lay down a rule which the Commission can easily follow."

This suggestion to Congress to take some action and change the policy which was then announced as the necessary policy under the existing law, was made more than fifteen months ago, and Congress has not yet taken no action, apparently willing to allow the policy heretofore announced to be carried out.

I suggest to you, in your view of the proper policy to pursue, that it might be well for you to introduce a resolution in the Senate embodying your views, in order to bring about action by Congress.

Very sincerely, yours,

WM. H. TAFT.

Hon. CHARLES DICK,
United States Senate.

WAR DEPARTMENT,
Washington, May 8, 1906.

MY DEAR SENATOR ANKENY: I herewith inclose a resolution in accordance with your suggestion, which, if Congress passes, will secure the result you wish.

I desire to suggest to you, however, that the pressure for the acceptance of the bids already made and opened for dredges is great, because the dredges are needed and have to be constructed, and I must therefore urge that action, if it is to be taken, ought to be taken at once.

Very sincerely, yours,

WM. H. TAFT.

Hon. LEVI ANKENY,
United States Senate.

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture unless the President deems the purchase to be unreasonable, in which case bids may be invited and awarded for material and equipment of foreign production or manufacture to the extent of the consumption of such articles that may be required in the construction of the said canal.

Mr. CULBERSON. While I have the floor, Mr. President, I desire to ask the Senator who has charge of this joint resolution a question with reference to the purchase of these dredges; and that is whether or not it is true that the Isthmian Canal Commission called for bids throughout the world for these two dredges, and that, in response to that invitation, which was supplemented by the State Department of the United States through its embassies in Europe, the foreign bids were not opened, and if, in addition to that, expenses were not incurred on account of this invitation by the Government of the United States by persons who made bids, one of them being the lowest bid that was made. I will ask the Senator from Rhode Island [Mr. ALDRICH] if what I have said is not substantially true?

Mr. ALDRICH. I am not certain about all the details of the statement made by the Senator from Texas, but I understand substantially what he now states was done.

Mr. CULBERSON. Yes. Now I offer the amendment to the joint resolution which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated by the Secretary.

The SECRETARY. At the end of the joint resolution it is proposed to add the following proviso:

Provided, That this resolution shall not apply to the purchase of the two suction dredges, bids for which have already been invited and received by the Isthmian Canal Commission.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been stated.

Mr. CULBERSON. I ask for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PETTUS (when Mr. MORGAN'S name was called). I desire to announce that my colleague [Mr. MORGAN] is paired with the junior Senator from Iowa [Mr. ALLISON].

Mr. NELSON (when his name was called). I again announce the transfer of my pair with the Senator from Arkansas [Mr. BERRY] to the Senator from New Jersey [Mr. DRYDEN], and vote "nay." I ask that this announcement of my pair may hold good on all the votes on this joint resolution and all amendments thereto.

Mr. PETTUS (when his name was called). As I have previously announced, I have a general pair with the junior Senator from Massachusetts [Mr. CRANE], and therefore withhold my vote.

The roll call was concluded.

Mr. MALLORY. I again announce my pair with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea" on this amendment.

The result was announced—yeas 15, nays 37; as follows:

YEAS—15.

Bacon	Frazier	Overman	Stone
Clay	McCreary	Patterson	Taliaferro
Culberson	Martin	Rayner	Tillman
Dubois	Money	Simmons	

NAYS—37.

Aldrich	Cullom	Hansbrough	Scott
Ankeny	Dick	Kean	Smoot
Brandegee	Dillingham	Kittredge	Spooner
Bulkeley	Dolliver	Lodge	Sutherland
Burkett	Flint	Long	Teller
Burnham	Foraker	McCumber	Warner
Burrows	Frye	Millard	Warren
Carter	Fulton	Nelson	
Clapp	Gallinger	Perkins	
Clark, Wyo.	Hale	Piles	

NOT VOTING—37.

Alger	Clarke, Ark.	Hemenway	Newlands
Allee	Crane	Heyburn	Nixon
Allison	Daniel	Hopkins	Penrose
Bailey	Depew	Knox	Pettus
Berry	Dryden	La Follette	Platt
Beveridge	Elkins	Latimer	Proctor
Blackburn	Foster	McEnery	Wetmore
Burton	Gamble	McLaurin	
Carmack	Gearin	Mallory	
Clark, Mont.	Gorman	Morgan	

So Mr. CULBERSON'S amendment was rejected.

Mr. BAILEY. Mr. President, I can understand how gentlemen who support the policy of protection can cordially support a resolution like this. Indeed, I can not understand how a Senator who supports the policy of protection could oppose a resolution like this.

For the sake of a clearer understanding of this question throughout the country, I could have wished that the majority would have supported the Administration in its avowed determination to purchase canal supplies wherever they can be purchased most cheaply. A government which possesses the wealth of all the people and which insists upon going into the open markets of the world, where it can purchase its supplies at the lowest cost, would have a difficult task in justifying to its citizens a law which denied them a privilege which it had claimed for itself. But although the political sagacity of the majority in Congress has denied the country an illustration of the effects of the protective tariff, the moral of this resolution will not be entirely lost upon the public mind.

It seems to me that, according to the logic of protection, the easy and certain way to have avoided even the necessity for this joint resolution was simply for the Government to have met these materials at the water's edge and collected a tariff duty. That would have given our American manufacturers a greater advantage than this resolution is expected to give them. It does not lie in the mouth of the advocates of protection to say that if the Government had collected a tariff duty on these imports it would have been taking the money out of one pocket to put it into the other, because we have heard it iterated and reiterated that the foreigner pays the tariff, and therefore, if we had imported these supplies from a foreign country and had collected a duty on them, it would have been, according to their old argument, the foreigner who paid the tax. But our friends on the other side have lived long enough to get beyond that argument, and now they credit the people with too much intelligence to attempt in this day to impose upon them with that argument. So at least we are not without this comfort, that the Republican party admits that the people who purchase supplies do pay the tariff. Not only so, but the Republican party also admits that the disparity in prices between the domestic and the foreign article is so great that it requires a joint resolution of Congress to keep the Republican President of the United States from making purchases in foreign markets.

It seems to me plain that if this difference were slight, ocean freights and insurance would have given the domestic manufacturer a sufficient advantage; but the majority, perceiving that the President intended buying these supplies where ever he could buy them cheapest—I do not know that he was determined or that he had proclaimed his determination to do that, though I have seen a statement to that effect in the public prints—but wholly apart from anything which the newspapers may have published it is an absolute certainty that the majority thought the President would do it, or else they would not have deemed this joint resolution necessary.

So far as I am concerned, I think the majority in adopting this resolution are consistent, if they are not wise. Of course I do not think it could possibly be wise to pursue a policy that is consistent with the protective tariff, but I do think that no advocate of protection could justify himself, either to his own conscience or to the country, if he demanded of the American Government to purchase in cheap markets and denied that

same right to the American citizen. Surely it is better to allow the poor to go where they can buy the cheapest than it is to allow the Government, which so long as the people are rich can never itself be without inexhaustible resources, to seek the cheap markets of the Old World.

Before we are through with the next campaign our friends on the other side must not only concede that many articles manufactured in this country may be bought for less in other lands than in this, but they must also concede that this Administration intended to buy them abroad, because the difference in price was such as to tempt it to pursue that course. Gentlemen on the other side have stood here to-day voting down amendment after amendment, when those amendments only proposed to put the American Government on the same basis as foreigners in the purchase of American goods. We first proposed that in making its canal purchases the Government might go into foreign markets and might buy American goods which were offered for sale there at less than the American price.

Mr. President, it is a matter of common knowledge that American goods are sold in foreign markets cheaper than they are at home, and all the minority of the Senate have asked was that whenever an American ware was exposed for sale in any market of the world the American Government might be permitted to buy it at its foreign price. The majority denies the Government that privilege by voting down such an amendment in whatever form it was offered. Surely, Mr. President, when the American commodity has paid the expense of a shipment abroad and then the further expense of a shipment back, that would be advantage enough for the domestic seller; and yet it was believed that at least in some instances the American Government could go into foreign markets and purchase American goods that had once paid ocean freights and the insurance going there and then itself pay the ocean freights and insurance coming back, and still save something for American taxpayers.

I thoroughly agree that a good American would rather buy his goods from an American manufacturer than from a foreigner, but, Mr. President, I confess that my preference for the American manufacturer is confined to those who do not think it wise and proper to sell their goods cheaper to foreigners than to American citizens. I have no patience with American manufacturers who pay ocean freights and insurance upon their goods and then deliver them to the foreigner cheaper than they will deliver those same goods to an American citizen at their own doors. I would rather buy from a foreigner at a fair price than to buy from an American who sells more cheaply to foreigners rather than to his own fellow-citizens. My patriotism only comprehends the men who share it, and whenever an American manufacturer thinks foreigners are entitled to his goods at a cheaper price than American citizens I would invite foreign competition against him and against all of his kind. An American manufacturer is only entitled to a preference in the markets of America when he supplies his countrymen upon terms and prices as favorable as those which he offers to his foreign customers.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and read the third time.

The VICE-PRESIDENT. The question is, Shall the resolution pass?

Mr. MONEY. On that I demand the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCCUMBER (when his name was called). I have a pair with the Senator from Louisiana [Mr. FOSTER]. I transfer the pair to the Senator from Pennsylvania [Mr. PENROSE], and will vote. I vote "yea."

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON]. If he were present, I should vote "nay."

Mr. SPOONER (when his name was called). I again announce my pair with the Senator from Tennessee [Mr. CARMACK] and the transfer of that pair to the Senator from Idaho [Mr. HEYBURN], leaving the Senator from Tennessee paired with the Senator from Idaho, and I will vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I notice that the Senator from South Carolina [Mr. TILLMAN] has not responded to his name. I have already voted. I transfer my pair with him to the Senator from New York [Mr. PLATT], and will allow my vote to stand.

Mr. LATIMER (after having voted in the negative). I desire to inquire whether the junior Senator from Illinois [Mr. HOPKINS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. LATIMER. I withdraw my vote, being paired with that Senator.

The result was announced—yeas 39, nays 16, as follows:

YEAS—39.

Aldrich	Clark, Wyo.	Hale	Piles
Ankeny	Cullom	Hansbrough	Scott
Beveridge	Dick	Kean	Smoot
Brandegee	Dillingham	Kittredge	Spooner
Bulkeley	Dolliver	La Follette	Sutherland
Burkett	Flint	Lodge	Teller
Burnham	Foraker	Long	Warner
Burrows	Frye	McCumber	Warren
Carter	Fulton	Millard	Wetmore
Clapp	Gallinger	Perkins	

NAYS—16.

Bacon	Daniel	Martin	Rayner
Bailey	Dubois	Money	Simmons
Clay	Frazier	Overman	Stone
Culberson	McCreary	Patterson	Taliaferro

NOT VOTING—34.

Alger	Crane	Heyburn	Newlands
Allee	Depew	Hopkins	Nixon
Allison	Dryden	Knox	Penrose
Berry	Elkins	Latimer	Pettus
Blackburn	Foster	McEnery	Platt
Burton	Gamble	McLaurin	Proctor
Carmack	Gearin	Mallory	Tillman
Clark, Mont.	Gorman	Morgan	
Clarke, Ark.	Hemenway	Nelson	

So the joint resolution was passed.

STATEHOOD BILL—CONFERENCE REPORT.

Mr. BEVERIDGE. I present a conference report, which I ask may be printed for the information of the Senate.

The VICE-PRESIDENT. The Senator from Indiana presents a conference report, which will be printed in the RECORD.

Mr. SPOONER. What is the subject of the conference report which the Senator from Indiana has made?

Mr. BEVERIDGE. It is a conference report on the statehood bill, I will say to the Senator from Wisconsin. I ask that it may be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37 and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 39; and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, inclusive, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"SEC. 2. That all male persons over the age of twenty-one years, who are citizens of the United States, or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State; and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be one hundred and eleven in number, fifty-five of whom shall be elected by the people of the Territory of Oklahoma, and fifty-five by the people of Indian Territory, and one shall be elected by the electors residing in the Osage Indian Reservation in the Territory of Oklahoma; and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall apportion the Territory of Oklahoma into fifty-five districts, as nearly equal in population as may be, which apportionment shall not include the Osage Indian Reservation, but said Osage Indian Reservation shall constitute one election district, and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall appoint an election commis-

sioner who shall establish voting precincts in said Osage Indian Reservation and shall appoint the judges for election in said Osage Reservation; and the Commissioner to the Five Civilized Tribes, and two judges of the United States courts for the Indian Territory, to be designated by the President, shall constitute a board, which shall apportion the said Indian Territory into fifty-five districts, as nearly equal in population as may be, and one delegate shall be elected from each of said districts; and the governor of said Oklahoma Territory, together with the judge senior in service of the United States courts in Indian Territory, shall, by proclamation in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in said proposed State at a time designated by them within six months after the approval of this act, which proclamation shall be issued at least sixty days prior to the time of holding said election of delegates. The election for delegates in the Territory of Oklahoma and in said Indian Territory shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of the Territory of Oklahoma regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma now in force, as far as applicable and not in conflict with this act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended to and put in force in said Indian Territory until the legislature of said proposed State shall otherwise provide, and until all persons offending against said laws in the election aforesaid shall have been dealt with in the manner therein provided. And the United States courts of said Indian Territory shall have the same power to enforce the laws of the Territory of Oklahoma, hereby extended to and put in force in said Territory, as have the courts of the Territory of Oklahoma: *Provided, however*, That said board to apportion districts in Indian Territory shall, for the purpose of said election, appoint an election commissioner for each district, who shall distribute all ballots and election supplies to the several precincts in his district, receive the election returns from the judges in precincts, and deliver the same to the canvassing board therein named, establish and define the necessary election precincts, and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that said judges of election so appointed shall supervise the election in their respective precinct and canvass and make due return of the vote cast to the election commissioner for said district, who shall deliver said returns, poll books, and ballots to said board, which shall constitute the ultimate and final canvassing board of said election, and they shall issue certificates of election to all persons elected to such convention from the various districts of the Indian Territory, and their certificates of election shall be prima facie evidence as to the election of delegates: *Provided further*, That in said Indian Territory and Osage Indian Reservation nominations for delegate to said constitutional convention may be made by convention, by the Republican, Democratic, and People's Party, or by petition in the manner provided by the laws of the Territory of Oklahoma; and certificates and petitions of nomination in said Indian Territory shall be filed with the districting and canvassing board, who shall perform the duties of election commissioner under said laws, and shall prepare, print, and distribute all ballots, poll books, and election supplies necessary for the holding of said election under said laws. The capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma, and shall not be changed therefrom previous to anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the legislature: *Provided, however*, That the legislature of said State, except as shall be necessary for the convenient transaction of the public business of said State at said capital, shall not appropriate any public moneys of the State for the erection of buildings for capitol purposes during such period."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out "or in which the United States maintained laws prohibiting the traffic in intoxicating liquors"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"Where any part of the lands granted by this act to the State of Oklahoma are valuable for minerals, which term shall also include gas and oil, such lands shall not be sold by the said State prior to January first, nineteen hundred and fifteen; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days' advertisement, in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: *Provided, however*, That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases, not in conflict herewith."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert the following:

"SEC. 23. That the inhabitants of all that part of the area of the United States now constituting the Territories of Arizona and New Mexico, as at present described, may become the State of Arizona, as hereinafter provided.

"SEC. 24. That all qualified electors of said Territories, respectively, as described in this act, are hereby authorized to vote for and choose delegates to form a convention for said Territories; such delegates shall possess the qualifications of such electors. The aforesaid convention shall consist of one hundred and ten delegates, sixty-six of which delegates shall be elected to said convention by the people of the Territory of New Mexico and forty-four by the people of the Territory of Arizona; and the governors, chief justices, and secretaries of each of said Territories, respectively, shall apportion the delegates to be thus elected from their respective Territories, as nearly as may be, equitably among the several counties thereof in accordance with the population as shown by the Federal census of nineteen hundred; and such governors, respectively, shall, within twenty days after the approval of this act by the President of the United States, by proclamation, in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in their respective Territories, to be held on the fifth Tuesday after the approval of this act as aforesaid; and the proper officials, as now provided by law in each of said Territories, respectively, shall immediately upon the approval of this act make or cause to be made, as the case may be, in time for the election, a supplemental or general registration, as may be necessary, of the male citizens of the United States over the age of twenty-one years who shall have resided in said Territories, respectively, for six months, in the county for ninety days, and in the precinct, ward, or election district where they are to vote thirty days next preceding the date fixed for said election, whose names shall be placed upon or added to the great registers, or registration lists, as the case may be, exhibiting the names of the qualified voters of said Territories, respectively. And the persons so qualified shall be entitled to be so registered and to vote for delegates to the constitutional convention. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territories, respectively, regulating elections therein of members of the legislature, save that not more than two judges of each of the election boards holding elections under this act shall be of the same political party: *Provided*, That the secretary, or other proper officer, of the Territory of Arizona, into whose hands the result of said election in the Territory of Arizona finally comes, shall immediately transmit and certify the same to the secretary of the Territory of New Mexico, at Santa Fe. Persons possessing the qualifications entitling them to vote for delegates to the constitutional convention under this act shall be entitled to vote on the ratification or rejection of the constitution submitted to the people of said Territories hereunder, and on the election of all officials whose election is taking place at the same time, under such rules or regulations as said convention may prescribe, not in conflict with this act: *Provided*, That said registration lists shall answer for both or all such elections.

"SEC. 25. That the delegates to the convention thus elected shall meet in the hall of the house of representatives of the Territory of New Mexico, in the city of Santa Fe therein, on the second Monday after their election, but they shall not receive compensation for more than thirty days of service, and after organization shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

"Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territory of Arizona and of said Territory of New Mexico shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which either of said Territories now has.

"Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

"Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

"Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to anno Domini nineteen hundred and fifteen, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

"SEC. 26. That in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election to be held on the sixth day of November, nineteen hundred and six, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe; who, with the governors and chief justices of said Territories, or any four of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast on that question in each of said Territories shall be for the constitution the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this act, under the name of Arizona, on an equal footing with the original States, from and after the date of said proclamation.

"The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of New Mexico to the State authorities.

"SEC. 27. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, and also all other State and county officers, shall be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of the constitution, and the State is admitted into the Union, the Territorial officers of said Territories, respectively, including Delegates to Congress, shall continue to discharge the duties of their respective offices in said Territories until their successors are duly elected and qualified.

"SEC. 28. That upon the admission of said State into the Union there is hereby granted unto it, including the sections thereof heretofore granted, four sections of public land in each township in the proposed State for the support of free public nonsectarian common schools, to wit: Sections numbered thirteen, sixteen, thirty-three, and thirty-six, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section and as contiguous as may be to the section in lieu of which the same is taken; such indemnity lands to be selected within said respective portions of said State in the manner provided in this act: *Provided*, That the thirteenth, sixteenth, thirty-third, and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subject to the grants nor to the indemnity provisions of this act, but other lands equivalent thereto may be selected for such school purposes in lieu thereof; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants of this act, but such reservation lands shall be subject to the indemnity provision of this act: *Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Casa Grande Ruin as now defined or as may be hereafter defined or extended, or the power of the United States over it, or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Casa Grande Ruin as it now is or may be hereafter defined or extended by law, but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Casa Grande Ruin, or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State; and said lands shall not be subject at any time to the school grants of this act that may be embraced within the metes and bounds of the national park, game preserve, and other reservation, or the said Casa Grande Ruin, as now defined or may be hereafter defined; but other lands equivalent thereto may be selected for such school purposes hereinbefore provided in lieu thereof.

"SEC. 29. That three hundred sections of the unappropriated nonmineral public lands within said State, to be selected and located in legal subdivisions, as provided in this act, are hereby granted to said State for the purpose of erecting legislative, executive, and judicial public buildings in the same, and for the payment of the bonds heretofore or hereafter issued therefor.

"SEC. 30. That the lands granted to the Territory of Arizona by the act of February eighteenth, eighteen hundred and eighty-one, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the proposed State to the extent of the full quantity of seventy-five sections, and any portion of said lands that may not have been selected by said Territory of Arizona may be selected by the said State. In addition to the foregoing, and in addition to all lands heretofore granted for such purpose, there shall be, and hereby is, granted to said State, to take effect when the same is admitted to the Union, three hundred sections of land, to be selected from the public domain within said State in the same manner as provided in this act, and the proceeds of all such lands shall constitute a permanent fund, to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

"SEC. 31. That nothing in this act shall be so construed, except where the same is so specifically stated, as to repeal any grant of land heretofore made by any act of Congress to either of said Territories, but such grants are hereby ratified and confirmed in and to said State, and all of the land that may not, at the time of the admission of said State into the Union, have been selected and segregated from the public domain, may be so selected and segregated in the manner provided in this act.

"SEC. 32. That five per centum of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five million dollars for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid. Said appropriation of five million dollars shall be held inviolable and invested by said State, in trust, for the use and benefit of said schools.

"SEC. 33. That all lands herein granted for educational purposes may be appraised and disposed of only at public sale, the proceeds to constitute a permanent school fund, the income from which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than ten years, and such common school land shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"SEC. 34. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by the said State under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of any grant of saline lands to said State, save as heretofore made, the following grants of land from public lands of the United States within said State are hereby made, to wit:

"For the establishment and maintenance and support of insane asylums in the said State, two hundred thousand acres; for penitentiaries, two hundred thousand acres; for schools for the deaf, dumb, and the blind, two hundred thousand acres; for miners' hospitals for disabled miners, one hundred thousand acres; for normal schools, two hundred thousand acres; for State charitable, penal, and reformatory institutions, two hundred thousand acres; for agricultural and mechanical colleges, three hundred thousand acres: *Provided*, That the two national appropriations heretofore annually paid to the two agricultural and mechanical colleges of said Territories, respectively, shall, until the further order of Congress, continue to be paid to said State for the use of said respective institutions; for schools of mines, two hundred thousand acres; for military institutes, two hundred thousand acres.

"SEC. 35. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the unappropriated public lands of the United States within the limits of the said State, by a commission composed of the governor, surveyor-general, and attorney-general of said State; and no fees shall be charged for passing the title to the same or for the preliminary proceedings thereof.

"SEC. 36. That all mineral lands shall be exempted from the grants made by this act; but if any portion thereof shall be found by the Department of the Interior to be mineral lands, said State, by the commission provided for in section thirty-five hereof under the direction of the Secretary of the Interior, is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof.

"SEC. 37. That the said State, when admitted as aforesaid, shall constitute two judicial districts, to be named, respectively, the eastern and western districts of Arizona, the boundaries of said districts to be the same as the boundaries of said Territories, respectively, and the circuit and district court of said districts shall be held, respectively, at Albuquerque and Phoenix for the time being, and the said districts shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at said Albuquerque and Phoenix in said State. The regular terms of said courts shall be held in said districts, at the places aforesaid, on the first Monday in April and the first Monday in November of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territories of Arizona and New Mexico, respectively.

"SEC. 38. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of said Territories, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts, respectively, hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme courts of the said Territories as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of the said Territories mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union.

"SEC. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this act established might have

had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territories, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territories at the time of the admission of such Territories into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

"SEC. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution, one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act. In case the constitution of said State shall be ratified by a majority of the legal voters in each of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of said Territories in force at the time of their admission into the Union shall be in force in the respective portions of said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said States as elsewhere within the United States.

"SEC. 41. That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of registration and holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expensess, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of one hundred and fifty thousand dollars shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona and in the present Territory of New Mexico, through the respective secretaries of said Territories, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act."

Amend the title so as to read: "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

And the Senate agree to the same.

ALBERT J. BEVERIDGE,
WM. P. DILLINGHAM,

I agree to the above and foregoing recommendations except as to amendment No. 40, and as to said amendment I disagree.

T. M. PATTERSON,
Managers on the part of the Senate.

E. L. HAMILTON,
A. L. BRICK,

I agree to the above and foregoing recommendations except as to amendment No. 40, and as to said amendment I disagree.

JOHN A. MOON,
Managers on the part of the House.

Mr. FORAKER subsequently said: Mr. President, I understand that while I was out of the Chamber a few minutes ago, having been called out by some one who wanted to see me, the conference report on the statehood bill was presented. I understand in a general way what the conference report is, and I wish now to give notice that at the proper time I shall make a motion that the Senate disagree to the report and that the conferees be instructed to insist upon the Senate amendments.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I desire to submit the report of the conference committee of the two Houses on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission. I ask that the report be printed and that the bill as it will stand amended if the conference report is agreed to be printed, so that each Senator may have on his desk the law as it will be if it should be approved by both Houses and signed by the President.

Mr. SPOONER. That is, as proposed to be amended by the conferees?

Mr. TILLMAN. Yes; the agreement that we have reached as it will be ratified if the Senate chooses to ratify it—in other words, to have every Senator have it on his desk instead of having me or some one else try to explain what has been done.

Mr. SPOONER. With the amendments printed in italics?

Mr. TILLMAN. Yes. I ask that the amendments be printed in italics, and that the amendments to the amendments, or the changes that have been made by the conferees, be printed in roman.

Mr. KEAN. And the numbers of the amendments.

Mr. TILLMAN. The numbers to be the same as they are now.

Mr. HALE. That will show where the conference committee have introduced entirely new matter?

Mr. TILLMAN. Everything of that sort. We have only added matter in two or three places, and explanation will be made when the proper time comes as to why we thought it was necessary to do so.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 39, 45, 49, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46; and agree to the same.

Amendment numbered 2: That the House recede from its dis-

agreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In line 3 strike out "sleeping-car companies" and insert "all persons or corporations engaged in the transportation of oil by pipe lines, or partly by pipe line and partly by railroad, or partly by pipe line and partly by water;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert "No carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passage. Any carrier violating this provision shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not exceeding one thousand dollars; and any person who uses, solicits, or accepts for himself or for another any such interstate free ticket, free pass, or free transportation shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a like penalty;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: In line 3 strike out "district of the United States" and insert "the District of Columbia;" in line 4 strike out "district of the United States" and insert "the District of Columbia;" in lines 5 and 6 strike out "other than timber and the manufactured products thereof;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with amendments as follows: In line 2 strike out "shall promptly;" in line 2, after "of," insert "any lateral, branch line of railroad, or of;" in line 3, after "transportation," insert "shall;" in line 5, after "any," insert "such lateral, branch line of railroad, or;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 6, after "established," insert "If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares, and charges applied to the through transportation;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 1 strike out "special;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 3 strike out "section one of:" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In line 15, page 6, of the blueprint, after "traffic," insert ", transportation, or facilities;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 5 strike out "the first section of;" in line 6 strike out "section" and insert "act;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 2 strike out "representation" and insert "demand;" in line 3 strike out "of the need therefor;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 35 strike out "knowingly and willfully;" in line 77 strike out "district of the United States" and insert "the District of Columbia;" in line 78 strike out "district of the United States" and insert "the District of Columbia;" in line 79 strike out "knowingly and willfully;" in line 93 strike out "knowingly and willfully;" in lines 104, 105, 106, and 107 strike out ": *Provided*, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act;" and the Senate agree to the same.

Amendments numbered 30 and 31: That the House recede from its disagreement to the amendments of the Senate numbered 30 and 31, and agree to the same with an amendment as follows: In line 16, page 10, of the blue print, after "rates," strike out the comma and insert "or transportation;" in line 23, page 10, of the blue print, after "such," insert "rates or;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 strike out "accrued claims" and insert "claims accrued prior to the passage of this act;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 4, after "the," insert "lawful;" in line 18 strike out "through whose negligence" and insert "on whose line;" in line 21, after "property," insert "as may be evidenced by any receipt, judgment, or transcript thereof;" and the Senate agree to the same.

Amendment numbered 48: That the Senate recede from its amendment numbered 48, and agree to the same with an amendment as follows: Restore the matter stricken out; and, in line 3, page 26 of the blueprint, after "party," insert "Said Commission shall appoint a secretary, who shall receive five thousand dollars compensation annually, and an assistant secretary, who shall receive four thousand dollars compensation annually;" and the House agree to the same.

Amendment numbered 51: That the Senate recede from its amendment numbered 51, and agree to the same with an amendment as follows: Restore the matter stricken out; and, in line 15, page 26 of the blueprint, after "force," insert "sixty days;" and the House agree to the same.

B. R. TILLMAN,
S. B. ELKINS,
S. M. CULLOM,
Managers on the part of the Senate.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

WHARVES AND PIERS IN THE WATERS OF PORTO RICO.

Mr. FORAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment on page 3, line 24, after "Secretary of War," as follows: "*Provided, however*, That vessels having contracts with the Government of the United States for carrying the mails may, with the consent of the owner of said structure and under the control and direction of the Secretary of War, be given a preference to expedite the landing and discharge of their cargoes at said structure."

That the House recede from its disagreement to all other amendments of the Senate and agree to the same.

J. B. FORAKER,
GEO. PEABODY WETMORE,
S. R. MALLORY,
Managers on the part of the Senate.

HENRY ALLEN COOPER,
EDGAR D. CRUMPACKER,
WILLIAM T. ZENOR,
Managers on the part of the House of Representatives.

The report was agreed to.

EXTENSION OF IRRIGATION ACT TO TEXAS.

Mr. MCCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills and bills to correct military records upon the Calendar.

Mr. BAILEY. Pending that request, to which I do not object, I desire unanimous consent for the consideration of a short bill. The Senator from Massachusetts and the Senator from North Dakota objected to it the other day. They have both withdrawn their objections. It is the bill (H. R. 11181) to extend the irrigation act to the State of Texas.

Mr. MCCUMBER. I yield for that purpose.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESTERN JUDICIAL DISTRICT OF TEXAS.

Mr. CULBERSON. Mr. President——

Mr. McCUMBER. I yield to the Senator from Texas.

Mr. CULBERSON. By the courtesy of the Senator from North Dakota, I ask unanimous consent for the present consideration of the bill (S. 6288) to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes. It is a short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent——

Mr. McCUMBER. I had agreed to yield to the Senator from Florida, if Senators have no objection. It is a pension matter.

Mr. KEAN and others. Regular order!

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases and bills to correct military records unobjected to. Is there objection? The Chair hears none.

Mr. GALLINGER. I wish to inquire whether an understanding has been reached that no other business shall be done to-day?

The VICE-PRESIDENT. There has been no understanding to that effect.

Mr. McCUMBER. I will ask for that understanding.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that no other business be considered to-day except pension bills and bills to correct military records. Is there objection? The Chair hears none, and it is so ordered.

STEPHEN CUNDIFF.

The VICE-PRESIDENT. The first bill in order under the agreement will be stated.

The bill (H. R. 10395) granting an increase of pension to Stephen Cundiff was announced as the first business in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Cundiff, late of Company A, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES B. ADAMS.

The bill (H. R. 16878) granting an increase of pension to James B. Adams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Adams, late of Company E, Fifteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HERMAN BUCKTHAL.

The bill (H. R. 1178) granting an increase of pension to Herman Buckthal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herman Buckthal, late of Company E, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 a month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLUMBUS BOTTS.

The bill (H. R. 1247) granting an increase of pension to Columbus Botts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Columbus Botts, late of Company G, Eleventh Regiment, and Company C, One hundred and thirty-ninth Regiment, Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEX. O. HUFFMAN.

The bill (H. R. 6596) granting an increase of pension to Alex. O. Huffman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alex. O. Huffman, late of Company F, Twenty-first Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY E. SEELYE.

The bill (H. R. 8155) granting an increase of pension to Henry E. Seelye was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry E. Seelye, late of Company A, Ninth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. WARREN.

The bill (H. R. 9862) granting an increase of pension to William B. Warren was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Warren, late of Company A, Twenty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SPRAUER.

The bill (H. R. 12184) granting an increase of pension to Joseph Sprauer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Sprauer, late of Company I, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN SNOOK.

The bill (H. R. 13594) granting an increase of pension to Jonathan Snook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Snook, late second lieutenant Company A, Fifteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH MYERS.

The bill (H. R. 13824) granting a pension to Noah Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Noah Myers, late of Company G, Fiftieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. BENNETT.

The bill (S. 4318) granting an increase of pension to H. S. Bennett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the first time, to strike out the letter "H.," and insert "Henry;" in line 7, before the word "Militia" to insert "State," and in line 8, before the word "dollars" to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Bennett, late of Company D, Thirteenth Regiment New York State Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry S. Bennett."

WILLIAM N. DICKEY.

The bill (S. 1976) granting a pension to William N. Dickey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the letter "a;" in the same line, after the word "scout," to strike out "of the;" and in line 7, before the word "dollars," to strike out "fifty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Dickey, late scout, United States Army, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL H. DAVIS.

The bill (S. 6155) granting an increase of pension to Samuel H. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Davis, late of Company D, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA A. ALEXANDER.

The bill (S. 4390) granting an increase of pension to Rebecca A. Alexander was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the second time, to strike out the letter "A." and insert "Alfred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca A. Alexander, widow of Alfred P. Alexander, late of Company A, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABNER R. BARNES.

The bill (S. 4391) granting an increase of pension to Abner R. Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner R. Barnes, late of Company B, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS W. CARTER.

The bill (S. 5353) granting an increase of pension to Thomas W. Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas W. Carter, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LOGAN.

The bill (H. R. 1034) granting an increase of pension to John Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Logan, late of Company G, First Regiment Minnesota Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE KING.

The bill (H. R. 3351) granting an increase of pension to George King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George King, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. CONNER.

The bill (H. R. 6208) granting an increase of pension to William D. Conner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Conner, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER S. GUTHRIE.

The bill (H. R. 7244) granting an increase of pension to Christopher S. Guthrie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher S. Guthrie, late of Company E, Fifty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL AARON.

The bill (H. R. 11161) granting an increase of pension to Michael Aaron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Aaron, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN SHELLY.

The bill (H. R. 11855) granting an increase of pension to Mary Ann Shelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Shelly, widow of Bailey Shelly, late of Company D, Third Regiment Indiana Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. BOGGS.

The bill (H. R. 14678) granting a pension to James A. Boggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Boggs, late of U. S. S. *Nebraska, Essex, and Louisville*, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN SCHLOSSER.

The bill (H. R. 14702) granting an increase of pension to Christian Schlosser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christian Schlosser, late of Company I, Second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. LOGAN.

The bill (H. R. 16492) granting an increase of pension to John M. Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Logan, late of Company A, Fifty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HENRY.

The bill (H. R. 17772) granting an increase of pension to John W. Henry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Henry, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN L. STONE.

The bill (H. R. 18509) granting an increase of pension to Ellen L. Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen L. Stone, widow of Joseph C. Stone, late captain and assistant adjutant-general, United States Volunteers, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK N. NICHOLS.

The bill (S. 5262) granting an increase of pension to Frank N. Nichols was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank N. Nichols, late of Company D, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALMOND GREELEY.

The bill (S. 5598) granting an increase of pension to Almond Greeley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the second time, to strike out "Second Battery" and insert "Company B, First Regiment;" and in line 8, before the word "dollars," strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almond Greeley, late of Company B, First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUFUS M. ASHLEY.

The bill (S. 4651) granting an increase of pension to Rufus M. Ashley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "captain of the hold" and insert "of;" and in line 7, before the word "and," to insert "United States Navy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rufus M. Ashley, late of U. S. S. Massachusetts, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN M. DYER.

The bill (S. 6065) granting an increase of pension to Ellen M. Dyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen M. Dyer, widow of Cyrus G. Dyer, late captain Company A, Twenty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET BONYNGE.

The bill (H. R. 2785) granting an increase of pension to Margaret Bonynge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Bonynge, widow of Thomas Bonynge, late of Company K, First Regiment Rhode Island Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EGBERT J. OLDS.

The bill (H. R. 3488) granting an increase of pension to Egbert J. Olds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Egbert J. Olds, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. TOWER.

The bill (H. R. 3495) granting an increase of pension to Charles F. Tower was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Tower, late of Company I, Tenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID B. COLEMAN.

The bill (H. R. 4241) granting an increase of pension to David B. Coleman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David B. Coleman, late of Company D, Twenty-ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN PLATT.

The bill (H. R. 6774) granting an increase of pension to John Platt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Platt, late of Company H, Twenty-third Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOWELL M. MAXHAM.

The bill (H. R. 8736) granting an increase of pension to Lowell M. Maxham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lowell M. Maxham, late of Company F, Seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK W. CLARK.

The bill (H. R. 8852) granting an increase of pension to Frederick W. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick W. Clark, late of Company C, Tenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. MONTGOMERY.

The bill (H. R. 12336) granting an increase of pension to Margaret A. Montgomery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret A. Montgomery, widow of James Montgomery, late of Company C, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS P. CRANDALL.

The bill (H. R. 12418) granting an increase of pension to Thomas P. Crandall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas P. Crandall, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. BUSSELL.

The bill (H. R. 14661) granting an increase of pension to John B. Bussell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Bussell, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID FORD.

The bill (H. R. 14729) granting an increase of pension to David Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Ford, late of Company H, Twenty-seventh Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILO E. DAVIS.

The bill (H. R. 18910) granting an increase of pension to Philo E. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philo E. Davis, late of Company I, One hundredth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHEBE W. DRAKE.

The bill (S. 3735) granting an increase of pension to Phebe W. Drake was considered as in Committee of the Whole.

The bill was reported from the Committee on Pension with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe W. Drake, widow of Jonathan B. Drake, late hospital steward Thirtieth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Phebe W. Drake."

HELEN C. SANDERSON.

The bill (S. 3028) granting an increase of pension to Helen C. Sanderson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Robert," to strike out the initial "C" and insert "B;" in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen C. Sanderson, widow of Robert B. Sanderson, late of Company G, Second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OBADIAH DERR.

The bill (S. 3168) granting an increase of pension to Obadiah Derr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Obadiah Derr, late of Company G, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HYACINTH DOTEY.

The bill (S. 5952) granting an increase of pension to Hyacinth Dotey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hyacinth Dotey, widow of John Wesley Dotey, late of Company F, Third Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB C. SHAFER.

The bill (H. R. 3005) granting an increase of pension to Jacob C. Shafer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Volunteer," to insert "Veteran;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob C. Shafer, late of Company F, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BENEDICT SUTTER.

The bill (H. R. 18135) granting an increase of pension to Benedict Sutter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benedict Sutter, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE H. RODEHEAVER.

The bill (S. 2566) granting an increase of pension to George H. Rodeheaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Rodeheaver, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH MONTGOMERY.

The bill (H. R. 5040) granting an increase of pension to Joseph Montgomery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Montgomery, late of Company F, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE M. AUCHMUTY.

The bill (H. R. 9609) granting an increase of pension to Jesse M. Auchmuty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse M. Auchmuty, late of Company C, One hundred and thirty-first

Regiment, and Company D, Two hundred and eighth Regiment, Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER CALDWELL.

The bill (H. R. 10865) granting an increase of pension to Alexander Caldwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Caldwell, late of Company K, Thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW H. BRANDON.

The bill (H. R. 12971) granting an increase of pension to Matthew H. Brandon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew H. Brandon, late of Company D, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEZEKIAH J. REYNOLDS.

The bill (H. R. 16005) granting an increase of pension to Hezekiah J. Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hezekiah J. Reynolds, late of Company E, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LEWIS BERNARD BREIGHNER.

The bill (H. R. 18052) granting a pension to John Lewis Bernard Breighner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lewis Bernard Breighner, helpless and dependent son of Francis Breighner, late of Company F, Ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS D. ADAMS.

The bill (H. R. 17922) granting an increase of pension to Thomas D. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas D. Adams, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER T. SMITH.

The bill (H. R. 1458) granting an increase of pension to Oliver T. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver T. Smith, late of Company I, First Regiment New York Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUDSON J. VAN SCOTER.

The bill (H. R. 2265) granting an increase of pension to Hudson J. Van Scoter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hudson J. Van Scoter, late of Company G, Twenty-third Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES RAMSEY.

The bill (H. R. 15056) granting an increase of pension to James Ramsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Ramsey, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. WILLIS.

The bill (H. R. 16272) granting a pension to William D. Willis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Willis, late of Battery A, Fourth Regiment United States Artillery, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY AMANDA NASH.

The bill (H. R. 16525) granting an increase of pension to Mary Amanda Nash was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Amanda Nash, widow of Shepard K. Nash, late of Company D, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. JONES.

The bill (H. R. 18121) granting an increase of pension to John W. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Jones, late of Company G, Eighty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE SALTER.

The bill (H. R. 6533) granting a pension to Horace Salter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace Salter, late of Morgan's independent company, Iowa Mounted Volunteers, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY BROWN.

The bill (H. R. 6878) granting a pension to Lucy Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Brown, widow of George Brown, late of Company H, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. MOORE.

The bill (H. R. 7535) granting an increase of pension to John L. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Moore, late of Company K, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. JARED.

The bill (H. R. 8232) granting an increase of pension to James M. Jared was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Jared, late of Company K, Twenty-first Regiment Illinois Volunteer Infantry, and Company K, Ninth Regiment United States Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN M. LATHAM.

The bill (H. R. 8817) granting an increase of pension to Calvin M. Latham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin M. Latham, late of Company F, Eighty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. ERICK.

The bill (H. R. 9844) granting an increase of pension to John J. Erick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Erick, late of Company K, Eighty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRIEND S. ESMOND.

The bill (H. R. 12669) granting an increase of pension to Friend S. Esmond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Friend S. Esmond, late captain Company C, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. HAMMONTREE.

The bill (H. R. 13413) granting an increase of pension to James E. Hammontree was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Hammontree, late of Company H, Fifth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. COMBS.

The bill (H. R. 15613) granting an increase of pension to William W. Combs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Combs, late of Company G, Twenty-second Regiment, and Company A, Seventh Regiment, Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB CLINE.

The bill (H. R. 16109) granting an increase of pension to Jacob Cline was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Cline, late of Company D, Nineteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN M. HILL.

The bill (H. R. 2092) granting an increase of pension to Franklin M. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin M. Hill, late of Company B, Second Regiment Ohio Volunteer Infantry, and Company G, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN POOL.

The bill (H. R. 2237) granting an increase of pension to Martin Pool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Pool, late of Company C, Forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY SANSPEUR.

The bill (H. R. 2247) granting an increase of pension to Anthony Sanspeur was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Sanspeur, late first lieutenant and quartermaster Twelfth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT BEATTY.

The bill (H. R. 4161) granting an increase of pension to Robert Beatty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Beatty, late of Company C, Eighty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS HANES.

The bill (H. R. 6059) granting an increase of pension to Elias Hanes was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of Elias Hanes, late of Company B, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY VAN SLYKE.

The bill (H. R. 6422) granting an increase of pension to Anthony Van Slyke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Van Slyke, late of Company G, Twelfth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. VAN CAMP.

The bill (H. R. 11260) granting an increase of pension to James H. Van Camp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Van Camp, late of Company I, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GINTHER.

The bill (H. R. 16073) granting an increase of pension to John Ginther was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Ginther, late of Company G, Eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA JANE BOLT.

The bill (S. 6187) granting an increase of pension to Martha Jane Bolt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "company," to insert "South Carolina Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Jane Bolt, widow of Andrew Bolt, late of Capt. A. C. Jones's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID M'CREDIE.

The bill (S. 4375) granting an increase of pension to David McCredie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "company," to strike out "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David McCredie, late of Captain McNeill's independent company, Florida Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DORA D. WALKER.

The bill (S. 6189) granting a pension to Dora D. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "mother," to insert "dependent;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dora D. Walker, dependent mother of Ward V. Walker, late of Company C, Fortieth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH YOUNG.

The bill (S. 6188) granting an increase of pension to Sarah Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Young, widow of Andrew J. Young, late of Company I, Second Regi-

ment Mississippi Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES C. BRYANT.

The bill (H. R. 4956) granting an increase of pension to James C. Bryant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Bryant, late of Company G, Twenty-ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HESTER A. VAN DERSLICE.

The bill (H. R. 12330) granting an increase of pension to Hester A. Van Derslice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hester A. Van Derslice, widow of Joseph H. Van Derslice, late captain, Fourteenth Regiment United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE MYERS.

The bill (H. R. 12879) granting an increase of pension to Catharine Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Myers, widow of Adelbert Myers, late of Company A, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH WATSON.

The bill (H. R. 13993) granting an increase of pension to Joseph Watson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Watson, late of Company G, Third Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. OWENS.

The bill (H. R. 15104) granting an increase of pension to Thomas E. Owens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Owens, late of Company E, Ninth Regiment, Company H, One hundred and third Regiment, and Company E, Eighty-first Regiment, New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. FINICAL.

The bill (H. R. 15288) granting an increase of pension to Benjamin F. Finical was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Finical, late of Company C, First Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH J. GOODE.

The bill (H. R. 16441) granting an increase of pension to Joseph J. Goode was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Goode, late of Company K, Fifth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIUS S. CUENDET.

The bill (S. 6164) granting an increase of pension to Julius S. Cuendet was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "musician," to insert "band;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius S. Cuendet, late musician, band, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN FREEMAN.

The bill (S. 6154) granting an increase of pension to Edwin Freeman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company K, Ninth Regiment Invalid Corps;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Freeman, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and Company K, Ninth Regiment Invalid Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL H. MORRISON.

The bill (S. 5870) granting an increase of pension to S. H. Morrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "S." and insert "Samuel;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Morrison, late of Company G, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel H. Morrison.

CALVIN LAMBERT.

The bill (S. 6168) granting an increase of pension to Calvin Lambert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Lambert, late of Company B, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. HUMRICH.

The bill (S. 5543) granting an increase of pension to William A. Humrich was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provision and limitations of the pension laws, the name of William A. Humrich, late of Company A, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. WALKER.

The bill (H. R. 1736) granting an increase of pension to Charles A. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Walker, late of Company I, Thirteenth Regiment

Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. CHRISTY.

The bill (H. R. 1788) granting an increase of pension to William D. Christy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Christy, late of Company D, and quartermaster-sergeant, Second Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. ANDERSON.

The bill (H. R. 3243) granting an increase of pension to John H. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Anderson, late of Company I, Twenty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM L. RILEY.

The bill (H. R. 3572) granting an increase of pension to William L. Riley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William L. Riley, late of Company C, Twenty-first Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY CHUBB.

The bill (H. R. 5560) granting an increase of pension to Henry Chubb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Chubb, late of Company F, Fifteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY E. ENGLER.

The bill (H. R. 6205) granting an increase of pension to Lucy E. Engler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy E. Engler, widow of Joel Engler, late of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORRIN A. A. GARDNER.

The bill (H. R. 8795) granting an increase of pension to Orrin A. A. Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orrin A. A. Gardner, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB SCHULTZ.

The bill (H. R. 10794) granting an increase of pension to Jacob Schultz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Schultz, late of Company A, Thirteenth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS VANMATRE.

The bill (H. R. 11457) granting an increase of pension to Cyrus Vanmatre was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus Vanmatre, late of Company B, and first lieutenant Company E, Eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM DIXON.

The bill (H. R. 16252) granting an increase of pension to Adam Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adam Dixon, late captain Company G, One hundred and fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS DAILEY.

The bill (H. R. 16496) granting an increase of pension to Thomas Dailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Dailey, late of Company B, Fifty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. VAN DUSEN.

The bill (S. 5155) granting an increase of pension to Charles H. Van Duzen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Van Duzen, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles H. Van Dusen."

FRANK M. DOOLEY.

The bill (H. R. 15692) granting a pension to Frank M. Dooley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank M. Dooley, late scout, United States Volunteers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CARMACK subsequently said: I move to reconsider the vote by which the bill (H. R. 15692) granting a pension to Frank M. Dooley was passed.

Mr. McCUMBER. I had agreed to hold the bill for the Senator from Tennessee, but I had forgotten the particular bill and had to wait until he came into the Senate. So far as I am concerned, I will consent to an amendment increasing the sum to $20.

The VICE-PRESIDENT. Without objection, the votes by which the bill was ordered to a third reading and passed will be reconsidered, and the bill is in the Senate and open to amendment.

Mr. CARMACK. I ask the Senate to make the rate $20. I therefore move, before the word "dollars," in line 7, to strike out "twelve" and insert "twenty."

Mr. KEAN. I understand that it conforms to the rule of the committee.

Mr. McCUMBER. I have just examined the report and it seems to conform to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Tennessee making the rate $20 per month.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM ICKES.

The bill (S. 4961) granting an increase of pension to William Ickes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William Ickes, late of Company B, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIDNEY H. COOK.

The bill (S. 5195) granting an increase of pension to Sidney H. Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney H. Cook, late of Company A, and second lieutenant Company E, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN D. METCALFE.

The bill (H. R. 17872) granting an increase of pension to Allen D. Metcalfe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen D. Metcalfe, late of Company B, Eleventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB H. LYNCH.

The bill (H. R. 1614) granting an increase of pension to Jacob H. Lynch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob H. Lynch, late of Company A, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK B. WATKINS.

The bill (H. R. 1650) granting an increase of pension to Frank B. Watkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank B. Watkins, late of Company H, First Regiment Michigan Volunteer Engineers and Mechanics, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. WHITING.

The bill (H. R. 4715) granting an increase of pension to John H. Whiting was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Whiting, late of Company B, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BROUGHTON.

The bill (H. R. 9828) granting an increase of pension to John Broughton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Broughton, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL LENNON.

The bill (H. R. 10828) granting an increase of pension to Michael Lennon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Lennon, late of Company G, Second Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS J. POST.

The bill (H. R. 11057) granting an increase of pension to Lewis J. Post was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis J. Post, late of Company A, Thirteenth Regiment, and Company H, Sixth Regiment, New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE S. CURRIER.

The bill (H. R. 11152) granting an increase of pension to Theodore S. Currier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore S. Currier, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. EVERSOLE.

The bill (H. R. 14264) granting an increase of pension to John H. Eversole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Eversole, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WILKINSON.

The bill (H. R. 18367) granting an increase of pension to John Wilkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wilkinson, late of Company I, Thirty-third Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. BROADWAY.

The bill (H. R. 18262) granting an increase of pension to John H. Broadway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Broadway, late of Company E, First Regiment Tennessee Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM K. TRABUE.

The bill (H. R. 15126) granting an increase of pension to William K. Trabue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William K. Trabue, late captain Companies E and G, Thirteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA ROGERS.

The bill (H. R. 9531) granting an increase of pension to Eliza Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Rogers, widow of Michael Rogers, late of United States Marine Corps, and to pay her a pension of $16 per month in lieu of that she is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH A. BARNARD.

The bill was reported to the Senate without amendment. Joseph A. Barnard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. Barnard, late of Company A, Eleventh Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN M. TODD.

The bill (H. R. 7402) granting an increase of pension to Edwin M. Todd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin M. Todd, late of Companies H and I, Forty-ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRONSON ROTHROCK.

The bill (H. R. 7147) granting an increase of pension to Bronson Rothrock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bronson Rothrock, late of Company A, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. CHAPMAN.

The bill (H. R. 6505) granting an increase of pension to Mary C. Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Chapman, widow of Mathew D. Chapman, late of Company G, Ninth Regiment Missouri State Militia Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD D. LOCKWOOD, ALIAS GEORGE E. M'DANIEL.

The bill (H. R. 5911) granting an increase of pension to Edward D. Lockwood, alias George E. McDaniel, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward D. Lockwood, alias George E. McDaniel, late of Company A, Ninth Regiment Provisional Enrolled Missouri Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN ELLISON.

The bill (H. R. 4597) granting an increase of pension to Martin Ellison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Ellison, late of Company C, Colonel Lane's battalion, Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. RIGGIN.

The bill (H. R. 3588) granting an increase of pension to William H. Riggin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Riggin, late of Company I, Ninth Regiment Illinois Volunteer Infantry, and Company E, First Regiment United States Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. KOHLER.

The bill (H. R. 612) granting an increase of pension to George W. Kohler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Kohler, late of Company I, Forty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. CARROLL.

The bill (H. R. 13828) granting an increase of pension to John M. Carroll was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Carroll, late of Company K, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LORENZO W. SMITH.

The bill (S. 1936) granting an increase of pension to Lorenzo W. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo W. Smith, late of Company L, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILDRED M'CORKLE.

The bill (S. 5148) granting an increase of pension to Mildred McCorkle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mildred McCorkle, widow of Henry L. McCorkle, late first lieutenant, Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Henry L. McCorkle until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSIE E. FOSTER.

The bill (S. 2501) granting an increase of pension to Jessie E. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jessie E. Foster, widow of Emory S. Foster, late major, Seventh Regiment Missouri State Militia Volunteer Cavalry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM D. DROWN.

The bill (H. R. 18551) granting an increase of pension to William D. Drown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Drown, late of Company I, Second Regiment United States Dragoons, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. WEAVER.

The bill (H. R. 18862) granting an increase of pension to Joseph H. Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Weaver, late of Company B, First Regiment Missouri Mounted Volunteers, war with Mexico, and Company H, Eleventh Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM G. HUNT.

The bill (H. R. 18249) granting an increase of pension to Hiram G. Hunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram G. Hunt, late of Company B, Forty-second Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAULINE BIETRY.

The bill (H. R. 18399) granting an increase of pension to Pauline Bietry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pauline Bietry, widow of John Bietry, late of Company G, First Regiment Michigan Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELMIRA M. GAUSE.

The bill (H. R. 18400) granting an increase of pension to Elmira M. Gause was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elmira M.

Gause, widow of Edward A. Gause, late of Captain Elmore's company, Alabama Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY W. POWELL.

The bill (H. R. 18462) granting an increase of pension to Lucy W. Powell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy W. Powell, widow of Owen C. Powell, late of Company A, First Regiment Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M'FARLANE.

The bill (H. R. 18073) granting an increase of pension to Mary McFarlane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary McFarlane, widow of Anjer W. McFarlane, late of Captain Cowan's company, Alabama Mounted Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA WALZ.

The bill (H. R. 17340) granting a pension to Julia Walz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia Walz, widow of Nicholas Walz, late of Companies A and B, Boonville Reserve Corps Regiment, Missouri Home Guards, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON S. DAVIS.

The bill (H. R. 17346) granting an increase of pension to Newton S. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Newton S. Davis, late of Tenth Independent Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA M. BUICE.

The bill (H. R. 17891) granting an increase of pension to Eliza M. Buice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza M. Buice, widow of Elijah E. Buice, late of Company H, First Regiment Tennessee Mounted Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW C. WOODARD.

The bill (H. R. 17935) granting an increase of pension to Andrew C. Woodard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew C. Woodard, late of Captain Hart's independent company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VAN BUREN BEAM.

The bill (H. R. 16662) granting an increase of pension to Van Buren Beam was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Van Buren Beam, late of Company I, Thirtieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERASTUS C. CLARK.

The bill (S. 3122) granting an increase of pension to E. C. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out the letter "E." and insert the name "Erastus;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erastus C. Clark, late captain Company H, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Erastus C. Clark."

HARVEY GAMBLE.

The bill (S. 6272) granting an increase of pension to Harvey Gamble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey Gamble, late of Company C, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. WALKER.

The bill (H. R. 18486) granting an increase of pension to William F. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Walker, late of Company B, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month is lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ANN DAY.

The bill (H. R. 18542) granting an increase of pension to Sarah Ann Day was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Ann Day, widow of Lloyd Day, late of Captains Hamilton's and McEldry's and Lieutenant Blacklock's companies, Maryland Volunteer Militia, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON KINNISON.

The bill (H. R. 18319) granting an increase of pension to Newton Kinnison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Newton Kinnison, late of Company C, First Regiment Colorado Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GARDINER K. HASKELL.

The bill (H. R. 17637) granting an increase of pension to Gardiner K. Haskell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gardiner K. Haskell, late first lieutenant Company A, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORANGE BUGBEE.

The bill (H. R. 16915) granting an increase of pension to Orange Bugbee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orange Bugbee, late first lieutenant Company A, Twenty-fifth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL M. VERTNER.

The bill (H. R. 17210) granting an increase of pension to Daniel M. Vertner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel M. Vertner, late of Company F, One hundred and thirty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL C. DEAN.

The bill (H. R. 18469) granting an increase of pension to Samuel C. Dean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel C. Dean, late of Company G, Third Regiment Ohio Volunteers, war with Mexico, and Company I, Second Regiment California

Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. M'ROY.

The bill (H. R. 18794) granting an increase of pension to William C. McRoy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. McRoy, late of Company E, First Regiment Tennessee Mounted Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. RANEY.

The bill (H. R. 18795) granting an increase of pension to James E. Raney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Raney, late of Captain Frierson's company, First Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAY RIGGS.

The bill (H. R. 18308) granting an increase of pension to Clay Riggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clay Riggs, late of Company I, Forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGIL A. BAYLEY.

The bill (H. R. 18310) granting an increase of pension to Virgil A. Bayley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Virgil A. Bayley, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. CUSTER.

The bill (H. R. 18356) granting an increase of pension to William A. Custer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Custer, late of Companies I and B, Forty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUDOLPH W. H. SWENDT.

The bill (H. R. 18467) granting an increase of pension to Rudolph W. H. Swendt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rudolph W. H. Swendt, late of Company C, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUDLEY M'KIBBEN.

The bill (H. R. 16812) granting an increase of pension to Dudley McKibben was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dudley McKibben, late of Company I, Thirty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. ALDEN.

The bill (S. 6222) granting an increase of pension to John A. Alden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Alden, late of Company A, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M'GOWAN.

The bill (S. 5810) granting an increase of pension to Thomas McGowan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McGowan, late second-class fireman, United States steamers North Carolina, Shamrock, and Commodore Hull, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN K. LAMSON.

The bill (S. 4459) granting an increase of pension to Edwin K. Lamson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin K. Lamson, late of Company E, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN COKER.

The bill (S. 6192) granting an increase of pension to John Coker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Coker, late second lieutenant Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIUS SULLIVAN.

The bill (S. 6264) granting a pension to Cornelius Sullivan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelius Sullivan, late of U. S. S. *Iris*, United States Navy, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IDA L. MARTIN.

The bill (H. R. 13149) granting an increase of pension to Ida L. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida L. Martin, widow of Augustus N. Martin, late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVANS P. HOOVER.

The bill (H. R. 18678) granting an increase of pension to Evans P. Hoover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evans P. Hoover, late of Company G, Thirty-fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED GUDE.

The bill (H. R. 18724) granting an increase of pension to Alfred Gude was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Gude, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRYANT BROWN.

The bill was reported to the Senate without amendment, or-Bryant Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bryant Brown, late of Company H, Forty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HATHAWAY.

The bill (H. R. 18426) granting a pension to Elizabeth Hathaway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Hathaway, dependent mother of John C. Hathaway, late of Company G, Thirty-fourth Regiment United States Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR M. LEE.

The bill (H. R. 8722) granting an increase of pension to Arthur M. Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur M. Lee, late first lieutenant, Eighteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET M. SMITHERS.

The bill (H. R. 6120) granting a pension to Harriet M. Smithers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet M. Smithers, former widow of William E. Wood, late musician of the band of the Seventieth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH BARTLEY.

The bill (H. R. 18076) granting an increase of pension to Elizabeth Bartley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Bartley, widow of Reuben Bartley, late second lieutenant, Signal Corps, United States Army, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARISSA L. DOWLING.

The bill (H. R. 17938) granting an increase of pension to Clarissa L. Dowling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarissa L. Dowling, widow of Michael Dowling, late of Companies D and A, Seventy-seventh Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. HICKS.

The bill (H. R. 16595) granting a pension to James R. Hicks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Hicks, late of Company B, Seventy-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. CHASE.

The bill (H. R. 17309) granting an increase of pension to John W. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Chase, late of Company B, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. WORKMAN.

The bill (S. 4741) granting an increase of pension to Andrew J. Workman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico;" and in the same line, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Workman, late of Company B, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA A. CLARK.

The bill (S. 5898) granting a pension to Louisa A. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa A. Clark, widow of Henson L. Clark, late of Company B, Seventieth Regiment, and Company D, and unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Louisa A. Clark."

ALLAMANZA M. HARRISON.

The bill (H. R. 18572) granting an increase of pension to Allamanza M. Harrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allamanza M. Harrison, widow of William Harrison, late of Company C, Santa Fe Battalion Missouri Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH THOMAS.

The bill (H. R. 18651) granting an increase of pension to Elizabeth Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Thomas, widow of Dudley Thomas, late of Company K, Second Regiment Missouri Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. M'KAY.

The bill (H. R. 19001) granting an increase of pension to Elizabeth A. McKay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. McKay, widow of Daniel A. McKay, late of Company C, First Regiment Mississippi Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BLANCHARD.

The bill (H. R. 18132) granting an increase of pension to John W. Blanchard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Blanchard, late of Company B, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. STARR.

The bill (H. R. 18357) granting an increase of pension to William E. Starr was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of William E. Starr, late of Eighteenth Independent Battery, Indiana Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH CURTIS.

The bill (H. R. 16908) granting an increase of pension to Elijah Curtis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah Curtis, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER G. PATTON.

The bill (H. R. 7836) granting an increase of pension to Alexander G. Patton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander G. Patton, late lieutenant-colonel First Regiment New York Volunteer Mounted Rifles, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. BELLE MAY.

The bill (H. R. 18505) granting an increase of pension to M. Belle May was considered as in Committee of the Whole. It proposes to place on the pension roll the name of M. Belle May, widow of Henry J. May, late captain and quartermaster, United States Army, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

JOHN HAMILTON.

The bill (H. R. 18560) granting an increase of pension to John Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hamilton, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA J. MAYS.

The bill (H. R. 18930) granting an increase of pension to Eliza J. Mays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. Mays, widow of William Mays, late of Captain Johnson's company, Colonel Hay's regiment, Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. FARRELL.

The bill (H. R. 17445) granting an increase of pension to William H. Farrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Farrell, late of Company B, Forty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. THORNBURGH.

The bill (H. R. 16842) granting an increase of pension to Thomas H. Thornburgh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Thornburgh, late second lieutenant Company F, Eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN SKEANS.

The bill (H. R. 18561) granting an increase of pension to Jonathan Skeans was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan Skeans, late of Company H, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GREEN EVANS.

The bill (H. R. 18116) granting an increase of pension to Green Evans was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Green Evans, late of Company D, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES RICHARDS.

The bill (S. 5038) granting an increase of pension to James Richards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Richards, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. CROUCH.

The bill (S. 6006) granting an increase of pension to William H. Crouch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Crouch, late of Company G, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE F. BELDING.

The bill (H. R. 18633) granting an increase of pension to Jennie F. Belding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie F. Belding, widow of Wallace J. Belding, late of Company I, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT D. GARDNER.

The bill (H. R. 18634) granting an increase of pension to Robert D. Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert D. Gardner, late of Captain Preston's Grenadiers, First Regiment Virginia Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEANDER GILBERT.

The bill (H. R. 18635) granting an increase of pension to Leander Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leander Gilbert, late of Company I, Forty-seventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC HOWARD.

The bill (H. R. 18746) granting an increase of pension to Isaac Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Howard, late of Company D, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. COLEGATE.

The bill (H. R. 18747) granting an increase of pension to William H. Colegate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Colegate, late landsman, U. S. S. *Columbus*, United States Navy, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. HOWELLS.

The bill (H. R. 18184) granting an increase of pension to John J. Howells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Howells, late of Company C, Thirty-third Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB S. RICKARD.

The bill (H. R. 18243) granting an increase of pension to Jacob S. Rickard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob S. Rickard, late of Company K, One hundred and ninty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB WOODRUFF.

The bill (H. R. 17590) granting an increase of pension to Jacob Woodruff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Woodruff, late of Company C, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOLIVAR WARD.

The bill (H. R. 17825) granting an increase of pension to Bolivar Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bolivar Ward, late of Company I, Separate Battalion of Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL YEHL.

The bill (H. R. 17999) granting an increase of pension to Samuel Yehl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Yehl, late of Company E, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HAMMOND.

The bill (H. R. 16682) granting an increase of pension to William Hammond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hammond, late of Company D, Eighth Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABEL NEWLIN.

The bill (H. R. 16977) granting an increase of pension to Isabel Newlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isabel Newlin, widow of Ellis P. Newlin, late of Company L, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON D. TURLEY.

The bill (H. R. 17170) granting an increase of pension to Jackson D. Turley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson D. Turley, late of Company C, Seventh Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID H. PARKER.

The bill (H. R. 17171) granting an increase of pension to David H. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Parker, late of Company D, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES N. BROWN.

The bill (S. 6041) granting an increase of pension to James N. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James N. Brown, late of Company C, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES O'BRYAN.

The bill (S. 5877) granting an increase of pension to Charles O'Bryan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles O'Bryan, late of Company D, One hundred and sixty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH R. RUTLEDGE.

The bill (H. R. 18510) granting an increase of pension to Hugh R. Rutledge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh R. Rutledge, late assistant surgeon, United States Army, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIUS RECTOR.

The bill (H. R. 18524) granting an increase of pension to Julius Rector was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julius Rector, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA JANE WITHERSPOON.

The bill (H. R. 18821) granting an increase of pension to Eliza Jane Witherspoon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Jane Witherspoon, widow of George McC. Witherspoon, late of Captain Gibson's company, South Carolina Mounted Volunteer Infantry, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIMA A. BOSWELL.

The bill (H. R. 18935) granting an increase of pension to Mima A. Boswell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mima A. Boswell, widow of William B. Boswell, late of Company G, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL A. WEBSTER.

The bill (H. R. 18355) granting an increase of pension to Rachel A. Webster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel A. Webster, widow of William L. Webster, late captain Company I, Fifth Regiment Tennessee Volunteer Mounted Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. DUNLAP.

The bill (H. R. 18378) granting an increase of pension to Martha A. Dunlap was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Martha A. Dunlap, widow of John M. Dunlap, late of Captain Bowman's company, Georgia Volunteers, Cherokee Indian disturbance, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE E. BLANDING.

The bill (H. R. 17920) granting an increase of pension to Sallie E. Blanding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sallie E. Blanding, widow of Ormsby Blanding, late of Company D, Twelfth Regiment United States Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RHETTA FLORENCE TILTON.

The bill (H. R. 17940) granting a pension to Rhetta Florence Tilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rhetta Florence Tilton, widow of Palmer Tilton, late first lieutenant, Twentieth Regiment United States Infantry, and to pay her a pension of $17 per month, and $2 per month additional on account of the minor child of said Palmer Tilton until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. GORDON, ALIAS GORTON.

The bill (H. R. 16565) granting an increase of pension to George H. Gordon, alias Gorton, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Gordon, alias Gorton, late first lieutenant, Nineteenth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. QUINTON.

The bill (H. R. 18573) granting an increase of pension to John M. Quinton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Quinton, late of Company H, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LAWRENCE.

The bill (H. R. 18605) granting an increase of pension to William Lawrence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Lawrence, late of Company E, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIE S. PARKER.

The bill (H. R. 18822) granting an increase of pension to Sophie S. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sophie S. Parker, widow of Newton O. Parker, late of Company A, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS GARRATT.

The bill (H. R. 18236) granting an increase of pension to Thomas Garratt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Garratt, late of Company L, Sixteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH R. JACOBS.

The bill (H. R. 18449) granting an increase of pension to Hannah R. Jacobs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah R. Jacobs, widow of Abram B. Jacobs, late of Company H, Sixth Regiment United States Cavalry, and to pay her a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. TUDOR.

The bill (H. R. 18460) granting a pension to Benjamin F. Tudor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Tudor, late of Company B, Santa Fe Battalion, Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISOM WILKERSON.

The bill (H. R. 17374) granting an increase of pension to Isom Wilkerson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isom Wilkerson, late of Company I, Second Regiment California Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CAIN.

The bill (H. R. 17542) granting an increase of pension to John Cain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Cain, late of Company D, Second Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALEB T. BOWEN.

The bill (S. 257) granting an increase of pension to Caleb T. Bowen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" in the same line, after the word "Company," to strike out the letter "H" and insert "I;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caleb T. Bowen, late captain Company I, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RANSOM C. RUSSELL.

The bill (S. 6141) granting an increase of pension to Ransom C. Russell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ransom C. Russell, late of Company F, Seventh Regiment Connecticut Volunteer Infantry, and United States ships Agawan, Minnesota, and Roanoke, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA P. NORTON.

The bill (S. 6138) granting an increase of pension to Eliza P. Norton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza P. Norton, widow of Joseph R. Norton, late of Company I, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORLANDO H. LANGLEY.

The bill (S. 1254) granting an increase of pension to Orlando H. Langley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orlando H. Langley, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE L. WAKEFIELD.

The bill (S. 1122) granting an increase of pension to George L. Wakefield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Wakefield, late of Company G, Ninth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGET QUINN.

The bill (S. 2853) granting an increase of pension to Bridget Quinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget Quinn, widow of Timothy Quinn, late of Company D, Fifth Regiment Vermont Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH A. ANDERSON.

The bill (H. R. 18627) granting an increase of pension to Elizabeth A. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Anderson, widow of Antonio Anderson, late seaman, U. S. revenue cutter *Ewing*, United States Navy, war with Mexico, also seaman, U. S. S. *James Campbell*, *Crawford*, *Miami*, and *Ewing*, United States Navy, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. CHAMBERS.

The bill (H. R. 18628) granting an increase of pension to William E. Chambers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Chambers, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON S. PRESTON.

The bill (H. R. 18976) granting an increase of pension to Nelson S. Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson S. Preston, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD B. PRIME.

The bill (H. R. 18702) granting an increase of pension to Edward B. Prime was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward B. Prime, late of Company G, Tenth Regiment New Hamp-shire Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH G. GOULD.

The bill (H. R. 18447) granting an increase of pension to Elijah G. Gould was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah G. Gould, late of Company K, Tenth Regiment Maine Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK M'CARTHY.

The bill (H. R. 17388) granting an increase of pension to Patrick McCarthy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick McCarthy, late of Company D, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SHEEHAN.

The bill (H. R. 17390) granting an increase of pension to Mary Sheehan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Sheehan, widow of William Sheehan, late of Company A, One hundred and seventy-fifth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BALLARD.

The bill (H. R. 17476) granting an increase of pension to Henry Ballard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Ballard, late of Company I, Fifth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA J. WILLIAMS.

The bill (H. R. 16918) granting a pension to Matilda J. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda J. Williams, dependent mother of Henry A. Williams, late of Companies I and D, Ninetieth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GIDEON M. BURRISS.

The bill (H. R. 19005) granting a pension to Gideon M. Burriss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gideon M. Burriss, late of Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. MAHAFFEY.

The bill (H. R. 18730) granting an increase of pension to William C. Mahaffey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Mahaffey, late of Company F, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER W. CARRUTH.

The bill (H. R. 18887) granting an increase of pension to Alexander W. Carruth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander W. Carruth, late of Capt. J. O. Fuqua's company, Sixth Regiment Louisiana Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. MONTGOMERY.

The bill (H. R. 18034) granting a pension to Mary A. Montgomery was considered as in Committee of the Whole. It proposes to place on the pension roli the name of Mary A. Montgomery, widow of Ritchard J. Montgomery, late recruit, general service, United States Army, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERASTUS W. BRIGGS.

The bill (H. R. 18038) granting an increase of pension to Erastus W. Briggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erastus W. Briggs, late of band, Thirty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. STEPHENS.

The bill (H. R. 18639) granting an increase of pension to John W. Stephens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Stephens, late of Company I, Thirty-third Regiment Missouri Volunteer Infantry, and Company H, Seventeenth Regiment Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. HINER.

The bill (H. R. 18041) granting an increase of pension to William B. Hiner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Hiner, late of Company E, Eleventh Regiment Missouri Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. BYRD.

The bill (H. R. 17934) granting an increase of pension to Thomas J. Byrd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Byrd, late of Company E, First Regiment Alabama Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER H. HIBBEN.

The bill (S. 5447) granting an increase of pension to Oliver H. Hibben was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver H. Hibben, late of Company K, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MOREHEAD.

The bill (S. 4047) granting an increase of pension to William Morehead was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Morehead, late of Company F, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANGELINE R. LOMAX.

The bill (H. R. 18339) granting an increase of pension to Angeline R. Lomax was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Angeline R. Lomax, widow of William A. Lomax, late of Company E, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT G. PACKER.

The bill (H. R. 18359) granting an increase of pension to Albert G. Packer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert G. Packer, late captain Company F, Sixty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. WARD.

The bill (H. R. 18966) granting a pension to John W. Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Ward, late of Fourteenth Company United States Coast Artillery, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA C. GIBSON.

The bill (H. R. 18696) granting an increase of pension to Louisa C. Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa C. Gibson, widow of Ralph J. Gibson, late of Company K, Second Regiment Mississippi Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA L. BEESLEY.

The bill (H. R. 18697) granting an increase of pension to Martha L. Beesley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha L. Beesley, widow of John S. Beesley, late of Company K, First Regiment Texas Volunteer Foot Riflemen, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. PATTERSON.

The bill (H. R. 18106) granting an increase of pension to Mary E. Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Patterson, widow of George W. Patterson, late of Capt. D. P. F. Newsons' company, Florida Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. LYLE.

The bill (H. R. 18105) granting an increase of pension to John A. Lyle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Lyle, late of Company E, Ninety-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. HALL.

The bill (H. R. 17466) granting an increase of pension to James P. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Hall, late of Company K, Forty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI E. MEACHAM.

The bill (H. R. 6067) to change the records of the War Department relative to Levi A. Meacham was considered as in Committee of the Whole. It authorizes the Secretary of War to change the records of the War Department wherein they pertain to the military record of Levi A. Meacham, late of Company G, Sixty-seventh Regiment Ohio Volunteer Infantry, so that the records will read Levi E. Meacham; also that the Secretary of War be, and he is hereby, authorized and directed to issue to said Levi E. Meacham a corrected certificate of honorable discharge in lieu of the certificate of honorable discharge heretofore issued to said soldier of the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADA COLLINS.

The bill (H. R. 1982) granting a pension to Ada Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ada Collins, helpless and dependent daughter of John W. Collins, late of Twenty-sixth Battery, New York Volunteer Light Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER MOORE.

The bill (H. R. 17678) granting an increase of pension to Alexander Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Moore, late captain and aid-de-camp, United States Volunteers, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. MORRIS.

The bill (S. 3521) to correct the military record of Thomas J. Morris was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Infantry," to insert the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Thomas J. Morris, late of Company H, Twentieth Regiment United States Colored Infantry: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. HASKELL.

The bill (S. 5149) to grant an honorable discharge to William C. Haskell was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 3, after the word "authorized," to insert "and directed;" in line 5, after the word "served," to insert "as a private;" in line 6, after the word "months," to strike out "three" and insert "four;" and in the same line, after the word "months," to strike out the comma and insert "and three days;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place upon the rolls of the War Department as having served as a private in Company I, Nineteenth Ohio Volunteer Infantry, for four months and three days from April 27, 1861, the name of William C. Haskell, and to issue to him an honorable discharge as of such service: *Provided*, That no pay, bounty, or other allowance shall become due and payable by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN MENDENHALL.

The bill (S. 2987) to remove the charge of desertion from the military record of Nathan Mendenhall was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Volunteers," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Nathan Mendenhall, late a private in Company C, Nineteenth Regiment Indiana Infantry Volunteers: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY GUDE.

The bill (H. R. 12245) to correct the military record of Henry Gude was considered as in Committee of the Whole. It directs that Henry Gude shall be held and considered to have been honorably discharged from Company K, Seventeenth Missouri Infantry Volunteers, as of date of August 26, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN PURKAPILE.

The bill (H. R. 13735) for the relief of John Purkapile was considered as in Committee of the Whole. It authorizes the Secretary of War to amend the record of John Purkapile so as to show him honorably discharged from Company F, Fifty-first Illinois Infantry Volunteers, for disability contracted in line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar of pension and military record bills.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until Monday, June 4, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 2, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Division, Mr. Speaker.

The House divided; and there were—ayes 180, noes 37.

So the motion was agreed to.

REPRINT OF SUNDRY CIVIL BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for a reprint of the sundry civil bill and report—500 copies for the use of the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for a reprint of the sundry civil appropriation bill and report—500 copies for the use of the House.

Is there objection? [After a pause.] The Chair hears none.

REVENUE.

Mr. PAYNE, from the Committee on Ways and Means, reported the following bills; which were severally read by their titles, referred to the Committee of the Whole House on the state of the Union, and, with their accompanying reports, ordered to be printed:

A bill (H. R. 19750) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897;

A bill (H. R. 7099) to amend section 2871 of the Revised Statutes; and

A bill (H. R. 15096) to appoint a solicitor for the customs department of the Treasury.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I submit the conference report on the Army appropriation bill, to be printed under the rule.

The SPEAKER. The gentleman from Iowa submits a conference report on the Army appropriation bill, to be printed under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed Senate bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6300. An act providing when patents shall issue to the purchasers of certain lands in the State of Oregon;

S. 6240. An act granting an increase of pension to John G. Fonda; and

S. 6329. An act authorizing James A. Moore or his assigns to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington.

AGRICULTURAL LANDS WITHIN FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I present a conference report on the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, to be printed under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 18630) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, with Senate amendments, which were read.

The SPEAKER. Is there objection to noncurring in the Senate amendments, and asking for a conference?

Mr. BARTLETT. I object to unanimous consent.

The SPEAKER. Is there objection to unanimous consent that they may be considered at this time, on a motion to nonconcur, and send the amendments in gross to a conference?

Mr. BARTLETT. Mr. Speaker, I understand the gentleman to ask unanimous consent. I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Under the rules, this bill, having come back to the House from the Senate with amendments made by the Senate, those amendments containing additional appropriations then those made by the House, the bill would ordinarily go to the Committee on Military Affairs.

The SPEAKER. If the amendments to the bill are germane and additional matter, automatically it would go to the Committee on Military Affairs; if, however, the amendments that are germane merely change the amounts, then it would not.

Mr. BARTLETT. I understand that where it simply increases or diminishes the amount that the House provided for the particular matter in the House heretofore, it would not be necessary.

The SPEAKER. If there are original amendments.

Mr. BARTLETT. I understand there are several original amendments.

The SPEAKER. The Chair is under that impression; and, of course, it could not be taken from the Speaker's table except by unanimous consent.

Mr. BARTLETT. That is the reason I made the inquiry. I object.

The SPEAKER. The gentleman from Georgia objects, and the bill will be referred to the Committee on Military Affairs, under the rules.

NATURALIZATION.

Mr. BONYNGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15442—the naturalization bill.

The SPEAKER. The gentleman from Colorado moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naturalization bill, indicated by the gentleman.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Division, Mr. Speaker.

The House divided; and there were—ayes 201, noes 37.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER. Forty-two; not a sufficient number.

Mr. CLARK of Missouri. The other side, Mr. Speaker.

The SPEAKER. The other side will rise. [After counting.] One hundred and ninety-eight; not a sufficient number.

Mr. CLARK of Missouri. Tellers, Mr. Speaker.

The SPEAKER. Forty-one have arisen; a sufficient number. Tellers are ordered. The gentleman from Missouri [Mr. CLARK] and the gentleman from Colorado [Mr. BONYNGE] will take their places as tellers.

The House again proceeded to divide.

Mr. PAYNE. A parliamentary inquiry.

The SPEAKER. Tellers will suspend.

Mr. PAYNE. I understood the gentleman from Missouri to ask for tellers upon going into Committee of the Whole, and I understood the Speaker to put it so.

The SPEAKER. What did the gentleman from Missouri demand tellers on?

Mr. CLARK of Missouri. I demanded it on the last motion I made.

The SPEAKER. On the yeas and nays?

Mr. CLARK of Missouri. I did not make a speech on it; it is not the practice to do so.

Mr. FITZGERALD. It was on ordering the yeas and nays.

The SPEAKER. One moment. What does the gentleman now ask?

Mr. CLARK of Missouri. I demand tellers on the yeas and nays.

The SPEAKER. The Chair so understood. Tellers will cease this division, and the vote will be taken de novo.

Mr. CLARK of Missouri. A parliamentary inquiry.

The SPEAKER. Tellers will cease the count, and the vote will be taken de novo.

Mr. CLARK of Missouri. A parliamentary inquiry. How does it happen that Members have got the right to come back and be counted on the other side after having voted on my side?

The SPEAKER. The vote by tellers is under the jurisdiction of the Chair, and the gentleman having made his request, as he himself states, in simple fairness to the House, if there was a vote under a mistake, it should be taken de novo. Those in favor of ordering the yeas and nays will pass between the tellers, and the tellers will pay no regard to the vote already taken, but the vote will be taken over.

The question being taken, the tellers reported ayes 61 on ordering the yeas and nays.

The SPEAKER. A sufficient number, and the yeas and nays are ordered. As many as favor the motion of the gentleman from Colorado that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naturalization bill will, as their names are called, vote "aye," those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 222, nays 14, answered "present" 18, not voting 126, as follows:

YEAS—222.

Adams	Dawson	Kennedy, Nebr.	Richardson, Ala.
Alexander	De Armond	Kennedy, Ohio	Richardson, Ky.
Allen, Me.	Denby	Kinkaid	Rixey
Allen, N. J.	Dixon, Ind.	Kitchin, Claude	Roberts
Bannon	Dixon, Mont.	Klepper	Rodenberg
Barchfeld	Draper	Knowland	Russell
Bartholdt	Driscoll	Lacey	Ryan
Bartlett	Dunwell	Lafean	Samuel
Beall, Tex.	Edwards	Lamar	Scott
Bede	Ellis	Landis, Chas. B.	Shackleford
Bell, Ga.	Esch	Landis, Frederick	Shartel
Birdsall	Fassett	Law	Sheppard
Bishop	Finley	Lee	Sherley
Bonynge	Fletcher	Le Fevre	Sibley
Bonynge	Foss	Lester	Sims
Bowersock	Foster, Ind.	Lloyd	Slayden
Bowie	Foster, Vt.	Lord	Slemp
Brantley	French	McCarthy	Smith, Cal.
Brick	Fulkerson	McCreary, Pa.	Smith, Ill.
Brooks, Tex.	Fuller	McGavin	Smith, Iowa
Broussard	Gaines, W. Va.	McKinlay, Cal.	Smith, Md.
Brownlow	Gardner, Mass.	McKinley, Ill.	Smith, Pa.
Brundidge	Gardner, Mich.	McKinney	Smyser
Buckman	Gardner, N. J.	McLachlen	Southwick
Burke, S. Dak.	Gillespie	McMorran	Speight
Burleigh	Gillett, Cal.	Mahon	Stafford
Burnett	Goebel	Mann	Steenerson
Burton, Del.	Graff	Marshall	Sterling
Burton, Ohio	Graham	Maynard	Stevens, Minn.
Butler, Pa.	Griggs	Michalek	Sullivan, Mass.
Byrd	Grosvenor	Miller	Sulloway
Calder	Hamilton	Minor	Talbott
Campbell, Kans.	Hayes	Mondell	Tawney
Campbell, Ohio	Hedge	Moon, Tenn.	Taylor, Ohio
Candler	Heflin	Moore	Thomas, Ohio
Capron	Henry, Conn.	Mudd	Tirrell
Cassel	Hepburn	Murdock	Townsend
Chaney	Hermann	Murphy	Underwood
Chapman	Hill, Conn.	Needham	Volstead
Clark, Fla.	Hinshaw	Nevin	Vreeland
Clayton	Hogg	Norris	Waldo
Cole	Hopkins	Otjen	Wallace
Conner	Houston	Overstreet	Wanger
Cooper, Pa.	Howard	Page	Watkins
Cooper, Wis.	Howell, N. J.	Parker	Watson
Cousins	Hubbard	Patterson, S. C.	Webb
Cromer	Hull	Payne	Weems
Crumpacker	Humphrey, Wash.	Pearre	Wharton
Currier	Humphreys, Miss.	Perkins	Wiley, N. J.
Curtis	Hunt	Pollard	Wilson
Cushman	Jenkins	Prince	Wood, N. J.
Dale	Johnson	Pujo	Woodyard
Dalzell	Jones, Wash.	Ransdell, La.	Young
Darragh	Kahn	Reeder	Zenor
Davidson	Keifer	Reynolds	
Davis, Minn.	Kelliher	Rhodes	

NAYS—14.

Adamson	Butler, Tenn.	Garner	Robinson, Ark.
Aiken	Clark, Mo.	Henry, Tex.	Smith, Tex.
Burgess	Fitzgerald	McLain	
Burleson	Floyd	Macon	

ANSWERED "PRESENT"—18.

Andrus	Hardwick	Padgett	Sparkman
Bowers	Howell, Utah	Powers	Stephens, Tex.
Deemer	Kitchin, Wm. W.	Rucker	Weeks
Flood	Lilley, Pa.	Sherman	
Greene	Mouser	Small	

NOT VOTING—126.

Acheson	Dresser	Haskins	Lilley, Conn.
Ames	Dwight	Haugen	Lindsay
Babcock	Ellerbe	Hay	Littauer
Bankhead	Field	Hearst	Little
Bates	Flack	Higgins	Littlefield
Beidler	Fordney	Hill, Miss.	Livingston
Bennet, N. Y.	Fowler	Hitt	Longworth
Bennett, Ky.	Gaines, Tenn.	Hoar	Lorimer
Bingham	Garber	Holliday	Loudenslager
Blackburn	Garrett	Huff	Lovering
Bradley	Gilbert, Ind.	Hughes	McCall
Brooks, Colo.	Gilbert, Ky.	James	McCleary, Minn.
Brown	Gill	Jones, Va.	McDermott
Burke, Pa.	Gillett, Mass.	Ketcham	McNary
Calderhead	Glass	Kline	Madden
Cockran	Goldfogle	Knapp	Martin
Cocks	Goulden	Knopf	Meyer
Davey, La.	Granger	Lamb	Moon, Pa.
Davis, W. Va.	Gregg	Lawrence	Morrell
Dawes	Gronna	Legare	Olcott
Dickson, Ill.	Gudger	Lever	Olmsted
Dovener	Hale	Lewis	Palmer

Parsons	Ruppert	Stanley	Wachter
Patterson, N. C.	Schnebeli	Sullivan, N. Y.	Wadsworth
Patterson, Tenn.	Scroggy	Sulzer	Webber
Pou	Smith, Ky.	Taylor, Ala.	Weisse
Rainey	Smith, Samuel W.	Thomas, N. C.	Welborn
Randell, Tex.	Smith, Wm. Alden	Towne	Wiley, Ala.
Reid	Snapp	Trimble	Williams
Rhinock	Southall	Tyndall	Wood, Mo.
Rives	Southard	Van Duzer	
Robertson, La.	Spetry	Van Winkle	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. MOUSER with Mr. GARRETT.

Mr. HULL with Mr. SLAYDEN.

Mr. BRADLEY with Mr. GOULDEN.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. HOLLIDAY with Mr. WILEY of Alabama.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. BARTHOLDT with Mr. LITTLE.

Mr. BATES with Mr. GRANGER.

Mr. DEEMER with Mr. KLINE.

Mr. DOVENER with Mr. SPARKMAN.

Mr. FOWLER with Mr. PADGETT.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. GRONNA with Mr. HILL of Mississippi.

Mr. HASKINS with Mr. LEVER.

Mr. HITT with Mr. LEGARE.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KNOPF with Mr. WEISSE.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. LITTLEFIELD with Mr. SMITH of Kentucky.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. WELBORN with Mr. GUDGER.

Mr. WEEKS with Mr. STANLEY.

Until June 10:

Mr. OLMSTED with Mr. FLOOD.

For this day:

Mr. DRESSER with Mr. SOUTHALL.

Mr. MADDEN with Mr. SULZER.

Mr. GILBERT of Indiana with Mr. REID.

Mr. MOON of Pennsylvania with Mr. RANDELL of Texas.

Mr. SNAPP with Mr. POU.

Mr. OLCOTT with Mr. JONES of Virginia.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. LOVERING with Mr. MCDERMOTT.

Mr. LOUDENSLAGER with Mr. RAINEY.

Mr. LAWRENCE with Mr. LINDSAY.

Mr. HUGHES with Mr. LEWIS.

Mr. KETCHAM with Mr. LAMB.

Mr. DAWES with Mr. JAMES.

Mr. COCKS with Mr. HAY.

Mr. CALDERHEAD with Mr. GREGG.

Mr. BURKE of Pennsylvania with Mr. GLASS.

Mr. BROOKS of Colorado with Mr. GILL.

Mr. BINGHAM with Mr. FIELD.

Mr. BENNET of New York with Mr. HEARST.

Mr. BEIDLER with Mr. DAVIS of West Virginia.

Mr. BABCOCK with Mr. COCKRAN.

Mr. AMES with Mr. DAVEY of Louisiana.

Mr. ACHESON with Mr. BANKHEAD.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. LITTAUER with Mr. LIVINGSTON.

Mr. BLACKBURN with Mr. SMALL.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. GILLETT of Massachusetts with Mr. MCNARY.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. RIVES with Mr. TOWNE.

Mr. TYNDALL with Mr. VAN DUZER.

Mr. VAN WINKLE with Mr. TRIMBLE.

Mr. WACHTER with Mr. BUTLER of Tennessee.

Mr. WM. ALDEN SMITH with Mr. MEYER.

Mr. LONGWORTH with Mr. TAYLOR of Alabama.

Mr. HALE with Mr. ELLERBE.

Mr. PARSONS with Mr. GARBER.

On this vote:

Mr. MCCLEARY of Minnesota with Mr. WILLIAMS.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15432) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, with Mr. CURRIER in the chair.

Mr. BONYNGE. Mr. Chairman, I think we had reached section 5. I ask that the Clerk read section 5, and I will call attention to the fact that we were reading the bill by sections and not by paragraphs.

The CHAIRMAN. The Chair so understands.

The Clerk read as follows:

SEC. 5. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien.

Second. Not less than two years nor more than five years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife, and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrived in the United States since January 1, 1900, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution, shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention.

Mr. BONYNGE. Mr. Chairman, I have some amendments which I wish to offer on behalf of the committee, and which I send to the desk and ask to have read.

The Clerk read as follows:

Line 20, page 4, after the word "alien," insert the following words: "*Provided, however*, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States, shall be required to renew such declaration."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Page 4, line 21, strike out the word "five" and insert in lieu thereof the word "seven."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Page 5, line 12, after the word "petition," insert the following words: "*Provided*, That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Page 6, line 19, after the word "petitioner," strike out "arrived in the United States since January 1, 1900," and insert in lieu thereof the following: "arrives in the United States after the passage of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. BONYNGE. Mr. Chairman, those are all of the amendments that the committee has to offer to this particular section of the bill.

Mr. STEENERSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 5, page 4, insert the following words: "Except as provided in section 2172, Revised Statutes of the United States."

[Mr. STEENERSON addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY of Minnesota. Mr. Chairman, I ask unanimous consent that my colleague may proceed for five minutes.

Mr. BONYNGE. If the gentleman intends to confine himself to this particular amendment under consideration, I shall not object.

The CHAIRMAN. Is there objection?

Mr. BONYNGE. Reserving the right to object, I desire to ask the gentleman whether he desires more time to discuss his first amendment or some other amendment which he desires to offer later?

Mr. STEENERSON. I will say I do not think the gentleman can control my remarks.

Mr. BONYNGE. Then, Mr. Chairman, I object.

Mr. STEENERSON. I can speak on the subject when I reach it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. STEENERSON) there were—ayes 16, noes 27.

So the amendment was rejected.

Mr. STEENERSON. Mr. Chairman, I desire to ask unanimous consent to extend the remarks I made in regard to this proposition in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LILLEY of Pennsylvania. Mr. Chairman, in line 7, page 9, I move to strike out the word "thirty" and insert "sixty."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report. The Chair desires to state to the gentleman from Pennsylvania that section has not yet been read. That is the sixth section, and we are now considering section 5.

Mr. FITZGERALD. Mr. Chairman, on page 4, line 23, I move to strike out the words "in duplicate."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 23, strike out the words "in duplicate."

Mr. FITZGERALD. Mr. Chairman, if I am correctly informed, the purpose of this language is to compel an alien intending to file a declaration of intention to become a citizen to make, in his own handwriting, two petitions to be filed with the clerk of the court, and by a later section the clerk of the court is required to file one of those petitions with the Bureau of Naturalization. I ask the gentleman from Colorado if that be true?

Mr. BONYNGE. One of them is sent on to the Bureau, but he does not have to write the whole petition. He simply signs it in his own handwriting. There will be printed blanks, and all that is required of the alien is that he sign his name twice.

Mr. FITZGERALD. Why is this petition to be filed in the Bureau of Immigration in Washington? Is it the purpose to have the investigation conducted from the Bureau previous to the final action of the court?

Mr. BONYNGE. Certainly. That is the object and purpose.

Mr. FITZGERALD. That is what I imagined. That is why I moved to strike this language out. It seems to me, Mr. Chairman, if this provision be continued it will result in the building up of a tremendous bureau here in Washington. In the city of New York, for instance, every year there are from 10,000 to 20,000 applications for citizenship filed in the courts that have jurisdiction of naturalization cases. I suppose that a large number of applications are filed throughout the country, and all of these applications will be filed in Washington. The Bureau here is to conduct an independent investigation of all of these applications for citizenship. If the law be enacted in that way it will require a very large force to make these investigations. I desire to call the attention of the committee to the fact that such a provision is unnecessary.

The last day that this bill was under consideration the gentleman from Iowa [Mr. HEPBURN] stated that in all his experience he had never known but one applicant for citizenship to be rejected. I have here the statistics furnished by the commissioner of naturalization for the eastern district of New York, which embraces the former city of Brooklyn and that portion of the State of New York contained on Long Island. From the 16th of June to the 31st of December, 1903, 2,754 petitions were granted, and 868 petitions were denied—24 per cent of the total number of applicants. In the year 1904 6,910 petitions were granted, 3,348 petitions were denied—32 per cent of the applicants for citizenship. In 1905 5,316 petitions were granted, 2,165 petitions were denied, or 28—almost 29—per cent of the total number of applicants. And in this present year, including the month of April—four months—2,143 petitions were granted, and 1,143 petitions were denied—34 per cent of the applicants in that time.

Mr. GRAHAM. If the gentleman will permit me in this connection, I will state that the statistics of the United States court at Pittsburg show almost the same percentage of applicants rejected by the United States court at that place.

[Here the hammer fell.]

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that my time may be extended for five minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. I am informed that the number of rejections in the southern district of New York, which embraces the former city of New York, the boroughs of Manhattan, Richmond, and the Bronx, and some little additional territory, perhaps, are relatively about the same. Evidently these courts are effectively doing this work. Now, if this language "in duplicate" is retained in the bill, and the later provision requiring an independent investigation by the Bureau of Immigration at Washington of all applications filed for citizenship throughout the United States, the committee will readily understand that it will require an enormous force to make these independent investigations. It seems to me that it has hardly been brought to the attention of the Members that it is the purpose to establish this great force in Washington, or, originating in Washington, to investigate the petitions filed in the several courts. If this investigation is to be authorized, of what use is it to have the investigation by the courts themselves upon these applicants for citizenship? I am in favor of as strict a compliance with the law as possible, but I doubt whether it is necessary to have this duplication of work.

Mr. YOUNG. I wish to ask the gentleman if the striking out of these words and the subsequent words to which he refers is not exactly in line with the amendment which the committee has already adopted in striking out section 4? Section 4 provided for the examination of the conduct of the court. We have stricken that all out.

Mr. FITZGERALD. I thank the gentleman for calling my attention to that fact. It is. For instance, certain State courts under this bill have jurisdiction of applications for naturalization, and before these courts act upon the applications filed in the court it is the intention of this bill to have the Bureau of Naturalization at Washington make an independent investigation.

Mr. BONYNGE. The gentleman misunderstands the purpose when he says that it is necessary that there shall be an independent investigation in each case. The object and purpose of having this record sent to Washington is that there may be one central place where a record in all these cases may be kept, so

that if there should be anything appearing in the record in this one central bureau that required an investigation, then the Department can call upon the United States district attorney in the proper district and give him information when he appears in opposition to the application before the court, and it is not for the purpose of having a large force in Washington investigating all these cases and sending them all over the country. It is simply permissive to have this bureau, and in line upon the recommendations of three Presidents of the United States for a central bureau, where the record of all these naturalization proceedings shall be kept.

Mr. FITZGERALD. My experience has been that if you make some duty permissive upon some bureau or Department of this Government a way will be found by which the necessary funds will be obtained to do everything possible under the permission given under the law. It seems to me that it would be easy to place upon the United States district attorney of the respective districts where these applications are made the duty of making any independent investigation necessary, and I hope the committee will adopt this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. Mr. Chairman, the question as suggested by the argument of the gentleman from New York is a very important one that concerns a very vital portion of this bill. If the argument of the gentleman from New York shall prevail, and we are to do away with this bureau, thereby one of the great reforms that it is hoped to accomplish by the passage of this bill will be absolutely defeated. This proposition, Mr. Chairman, providing for the establishment of a central and national bureau having control of naturalization, is not a new proposition. It has been submitted to Congress by three Presidents of the United States, and I desire to call the attention of the committee to what these different Presidents have said. In his annual message of 1884 President Arthur said:

> It might be wise to provide for a central bureau of registry, wherein should be filed or concentrated transcripts of every record of naturalization in the several Federal and State courts, and to make provision also for the vacation or cancellation of such record in cases where fraud has been practiced upon the court by the applicant himself or where he had renounced or forfeited his acquired citizenship.

President Cleveland said in his first annual message of 1885:

> I regard with favor the suggestion put forth by one of my predecessors that provision be made for a central bureau of record of the decrees of naturalization granted by the various courts throughout the United States now invested with that power.

President Roosevelt in his message of 1904 said:

> The courts should be required to make returns to the Secretary of State at stated periods of all naturalizations conferred.

Mr. FITZGERALD. Will the gentleman yield to a question?

Mr. CAMPBELL of Kansas. Will the gentleman allow me to ask him a question?

Mr. BONYNGE. I yield first to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Has the gentleman from Colorado or the committee made any estimate of the number of clerks that will be added to the Bureau of Immigration by reason of the provisions of this act?

Mr. BONYNGE. Not by number. We have appropriated in this bill $100,000, and the naturalization fees will cover what will be required.

Mr. CAMPBELL of Kansas. Does the gentleman think $100,000 will cover the expense that will be entailed by the addition to the force of the number of men required?

Mr. BONYNGE. I think it will more than cover it. Now, to proceed with what I was about to say——

Mr. FITZGERALD. Will the gentleman now yield to me for a question?

Mr. BONYNGE. Certainly.

Mr. FITZGERALD. Would it not suffice if the records of the court of these applicants were filed with the Bureau?

Mr. BONYNGE. Not at all, Mr. Chairman, for this reason: It is provided in this section of the bill that the Bureau of Immigration and Naturalization shall keep—as has been done since 1900—a complete record of every alien arriving in the United States, keeping the date of his arrival, together with his description, and the vessel by which he came, if he came by a vessel. That has been done since 1900, and it is provided now by this bill that it shall continue to be done. Now, this bill provides that all aliens shall be furnished with a certificate to that effect. The object and purpose of having these petitions sent to Washington is that they shall set forth the date of his arrival, a description of the man, and all the information relative to him shall be carried in the records of the Bureau of Immigration and Naturalization at Washington. The district attorney can not have that information except by corresponding with the Bureau at Washington. Having a record of the petition in each case here in the Bureau at Washington, the Bureau will, by simply referring to its record—it does not require an army of clerks to do so—ascertain whether or not the statements in the petition agree with the records of the Bureau. If it does agree, that is an end of it; if it does not agree with that on file in the Bureau, then the Bureau will communicate with the district attorney of the particular district and give him such information as will enable him when the applicant appears in court to properly cross-examine him. It is done not to work any hardship upon those applying for naturalization, but in order to safeguard and protect the interests of the United States in admitting aliens to citizenship——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman may be extended five minutes.

There was no objection.

Mr. BONYNGE (continuing). And to see that those who make application comply with the requirements of the law before they are admitted to citizenship. I can not conceive, Mr. Chairman, why anyone upon either side of the House, or from any section of the country, should oppose a provision which imposes no hardship upon the applicant, but simply safeguards and protects the United States in seeing that no one receives a naturalization certificate until he has complied with the laws of the country whose citizenship he is seeking.

I say to you, Mr. Chairman, and members of this committee, that I feel certain that if you had gone over the records and knew the large number of naturalization frauds that have been committed throughout the United States, there would not be a Member upon the floor of this House who would not join with us in this attempt to perfect our naturalization laws. The demand has existed for a number of decades. No general revision of our naturalization laws has been had since 1802. Every true American, naturalized or native-born, will, I am sure, join with us in the effort to guard and protect the citizenship of the United States from the gross frauds that have disgraced the administration of our naturalization laws. [Applause.] That is the object and purpose of this bill, and I hope you will rally to the support of the committee in this vital part of the measure and settle it once for all, in order that we may proceed with this bill and secure, if possible, its passage to-day.

Mr. FITZGERALD. The gentleman from Colorado seems to infer that I have some desire to emasculate this bill. My only purpose is to perfect it so that I may be able to support it. The fact is that when an alien files a petition for naturalization, he must to-day produce a certificate from the Bureau of Immigration——

Mr. BONYNGE. No; he does not have to do that to-day.

Mr. PALMER. He will have to do it under this bill.

Mr. FITZGERALD. First, I will state my position and then I will go on. He must produce a certificate to-day showing when he arrived and verifying the facts of his petition. Now, I have here a letter signed by William Williams, commissioner of the Immigration Service, formerly located at Ellis Island, New York, in reply to a request from an applicant for citizenship for such a certificate. It is dated January 28, 1905, and he says:

> I regret to have to advise you, in answer to your request for verification of your landing here June 8, 1892, that this can not be done, owing to the unfortunate destruction of all the old immigration records in possession of the Government in the Ellis Island fire of June 14, 1897.

This is a man with whom I am personally acquainted, who applied for naturalization. When he came to get his final papers the United States district court for the eastern district of New York required that he should produce a certificate from the Bureau of Immigration verifying the statements in his petition as to when he landed and the ship on which he came and the other information of which a record is kept. He applied to the Bureau to obtain the certificate for that purpose, with the result which I have stated. This shows that that is the practice to-day in the Federal court.

Mr. BONYNGE. In your court only.

Mr. FITZGERALD. Why not make it in every court?

Mr. BONYNGE. That is the object of it.

Mr. FITZGERALD. Make the courts require the production of a certificate, and that would do away with the necessity of filing a duplicate in the Department at Washington with every petition filed in any court having jurisdiction of naturalization. That is unnecessary. The same result can be accomplished by compelling the applicant for citizenship, before final action is taken, to have the court pass upon the question whether the facts stated in the petition correspond with the facts stated in the certificate. And as the gentleman from Pennsylvania [Mr. PALMER] said, this bill provides that such a certificate must be filed with every petition, and it becomes part of the petition.

The gentleman says the bill makes it permissive for the Bureau in Washington to investigate every single application for citizenship. I repeat, if you make it permissive, if you give

the power to do it, the Bureau will without doubt investigate every application that is filed. For the reason that it is unnecessary, that it does not accomplish any useful purpose, that it means the building up of a great and unnecessary force, I hope that these provisions will be taken from the bill.

Mr. PALMER. Mr. Chairman, for the purpose of asking a question, I move to strike out the last two words. I understand the proposition of the chairman of this committee is that the reason why this duplicate petition should be filed in the Bureau in Washington is to enable the clerks here to make a comparison, to see whether or not the man is genuine or a fraud. It is provided on the sixth page, beginning in the seventeenth line, that at the time of filing his petition he shall also file with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrived in the United States since January 1, 1900, stating the date, place, and manner of his arrival.

He must file that with his petition, and, under the statement of the chairman of the committee, all the clerks in Washington would have to do would be to find out whether or not the certificate that he filed with his petition corresponds with the certificate which they have here in their department. It seems to me the provision is entirely unnecessary. In the first place, when a man files his petition he must file a certificate from the Department of Commerce and Labor, showing when he arrived, and all about himself. Having filed that, there can be no purpose and no good in having anybody here in Washington compare his petition and his certificate with the original record.

It will only duplicate the expense, as the gentleman from New York [Mr. FITZGERALD] has properly said. It will take an army of clerks to examine every petition, and while everybody, I suppose, is in favor of preventing fraudulent naturalizations, it is not worth while to put the United States Government to this extraordinary expense for nothing.

Mr. BONYNGE. Mr. Chairman, I call for a vote.

Mr. PALMER. Oh, I would like to have the gentleman from Colorado answer my question.

Mr. BONYNGE. I am not aware that the gentleman has asked any question. I have listened with pleasure to the gentleman's remarks, but I do not recall that the gentleman had submitted any question.

Mr. PALMER. Oh, yes; I did. I submitted a question as to whether there is anything to be done except for the clerk to compare the papers.

Mr. BONYNGE. I am very glad to answer the question. I did not understand the gentleman. Certainly, there is more than that to be done. When a man files his petition and he states in the petition that he has lived in the United States continuously for five years, and it goes to Washington, if the Department learns that he has not been living here it would communicate that fact to the United States attorney, or if they get information from the country from which he emigrated that he did not maintain a good moral character——

Mr. PALMER. If who gets information?

Mr. BONYNGE. Why, the Department at Washington. If they have any reason to believe there is any good reason why the applicant should not be admitted to citizenship, whether they obtain that information from the State Department or any other Department, it will be the duty of the Bureau of Naturalization to advise the United States attorney, so that he may properly examine the applicant. Would the gentleman be opposed to having the district attorney of his district furnished with all information that might show that an applicant for naturalization was unfitted for naturalization? Will the gentleman favor me with an answer to that question?

Mr. PALMER. Certainly I would not be opposed to any such thing as that.

Mr. BONYNGE. That is the object of this provision of the bill. It is to give the district attorney that information. Mr. Chairman, I ask for a vote.

Mr. PALMER. Oh, wait a minute. There is no hurry about this. I would like to ask the chairman of the committee another question. I would like to know what there would be on the face of the papers that are sent up here from all the courts throughout the United States that would arouse the suspicion of the officers here in Washington as to the character of any aliens?

Mr. BONYNGE. Why, he will have his information stated in the petition as to where he has been living—all these facts, called for by this petition. They keep the entire record in reference to the man.

Mr. PALMER. He has to file with his petition a certified copy of the record, showing the time when he came to the United States.

Mr. BONYNGE. Yes.

Mr. PALMER. That is all they have got here in Washington and all they can possibly do is to compare one paper with the other.

Mr. BONYNGE. No; this provision requires that the petition shall also be sent to Washington.

Mr. PALMER. What good does it do to send a petition to Washington except to compare it with the original record to see whether he is a fraudulent or a true person?

Mr. BONYNGE. That is one of the objects of it, so that they can make that comparison.

Mr. PALMER. He files with his petition a certificate from the record, showing when he arrived and all about himself.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

Mr. LILLEY of Pennsylvania. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill a question. I refer now to page 4, line 21, wherein the bill states, "not less than two years nor more than five."

Mr. BONYNGE. Mr. Chairman, I would state that that has been amended so as to read seven years.

Mr. LILLEY of Pennsylvania. Do I understand that under the provisions of this bill as amended if seven years have elapsed since the first application or declaration was filed, that the applicant can not then be naturalized?

Mr. BONYNGE. He can start all over again.

Mr. LILLEY of Pennsylvania. Well, must he?

Mr. BONYNGE. Yes; and I would say, Mr. Chairman, that the Secretary of State has urged this provision most strongly, because of international complications that have frequently arisen. I desire now to read, for the information of the gentleman and for the information of others, a letter addressed by the Secretary of State, Mr. Elihu Root—who is not only a great Secretary of State, but who is recognized as one of the very ablest lawyers in the country—which he wrote to Mr. HOWELL, of date February 27, 1906. It is as follows:

> The Department has received a copy of the bill (H. R. 15442) to establish a bureau of immigration and naturalization, etc., introduced in the House of Representatives by you February 22, 1906, and I have had it carefully examined to ascertain if its provisions are such that they would probably provide a remedy for those evils in the matter of the naturalization of aliens which the Department has called to the attention of Congress on several occasions.
>
> I am gratified to be able to say that those who have examined the bill think that if it were enacted into law it would work a great improvement in the granting of citizenship. They think, however, that it would be improved by slight amendments.
>
> First. Section 5 provides that an alien shall make a declaration of his intention to become a citizen of the United States at least two years prior to his admission, and that he shall file the petition for final naturalization not more than five years after making the declaration, that the declaration of intention shall have a life of not more than five years. It is suggested that section 29 be so amended as to require that the certificate of declaration of intention set forth that the document is not valid after five years from the date of its issuance.

Now, the Secretary did not suggest the amendment from five to seven years, and I am pleased to accord the originality of that suggestion to the distinguished gentleman from Minnesota, and to express, as I pass, Mr. Chairman, not only my high personal regard and esteem for the gentleman, but likewise to express my extreme regret that the committee did not have the benefit of the gentleman's very great ability in the preparation of this bill, because if we had I know it would have been so perfect that even the enlightened judgment of the 385 other Members of the House could not have improved it in the slightest particular. [Applause.] Now, returning, Mr. Chairman, to the letter I was reading——

Mr. STEENERSON. I desire to express my profound thanks for the very hearty compliment that has been paid me, but I desire to demand an answer to this question, if it would not——

Mr. BONYNGE. I decline to answer any demand, Mr. Chairman.

Mr. STEENERSON. I withdraw the word "demand," and I was only using it with a pleasant intention. I will most politely ask if it was not due to my initiative that the committee finally agreed that the educational qualifications, so called, should not apply——

Mr. BONYNGE. Oh, we have not reached that section of the bill.

Mr. STEENERSON. I believe——

Mr. BONYNGE. I decline to yield further. I now desire to read this letter in answering the question of the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Pennsylvania declines to yield to the gentleman from Minnesota.

Mr. BONYNGE. I am answering an interrogatory from another gentleman, and I can not answer two at the same time.

Mr. STEENERSON. I will wait.

Mr. BONYNGE (reading)—

The Department constantly receives applications for passports from persons who have made the declaration of intention many years ago and have supposed the certificate to be sufficient evidence of their citizenship. Occasionally such documents are presented to our diplomatic and consular officers abroad. It would seem to be desirable that the person who makes the declaration of intention should not be led into error and should not be able to lead anyone else into error on the vital subject of its validity.

Now, it appears from the Secretary of State——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LILLEY of Pennsylvania. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. Is there objection?

Mr. STEENERSON. I object, unless the gentleman will allow me——

Mr. STAFFORD. Mr. Chairman, I move to strike out the last five or six or any number of words, in order to put a question to the gentleman having charge of the bill. I understand from the letter just read by the gentleman having charge of the bill that the Secretary of State made reference to the phrase on page 4, lines 8 and 9, which says, "two years at least prior to his admission." I would like to inquire what the word "admission" refers to in that connection?

Mr. BONYNGE. Admission to citizenship in the United States.

Mr. STAFFORD. Then I would like to call the gentleman's attention to the wording on page 7, beginning in line 12, which says, "It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application." Does that mean application by declaration, or application to the court for citizenship, or——

Mr. BONYNGE. Application to the court.

Mr. STAFFORD. Or the filing of the petition for citizenship?

Mr. BONYNGE. The same thing—application for admission to citizenship.

The CHAIRMAN. Without objection, all pro forma amendments will be considered as withdrawn.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I move to strike out the last three words. I would like to ask the gentleman from Colorado if this bill becomes a law will any certificate be granted to the declarant who has made his declaration of intention or will that declaration simply be embodied in the court record?

Mr. BONYNGE. Is your question whether it affects existing declarations of intention?

Mr. SULLIVAN of Massachusetts. No; I am speaking now of those filed under the provisions of this act.

Mr. BONYNGE. There will be two declarations of intention, and the applicant will have one and the other will be kept by the court.

Mr. SULLIVAN of Massachusetts. Just the same as in the case of the petition?

Mr. BONYNGE. Yes, sir; well, I could not say just the same as the petition, because the petitioner does not keep one copy. The court has one and the other comes to the Bureau at Washington.

Mr. SULLIVAN of Massachusetts. Is there any provision in the bill providing for such a case as the loss or destruction of certificates of declaration of intention?

Mr. BONYNGE. My own opinion is that section 882 of the Revised Statutes will cover certified copies in all cases, but some gentlemen think it will not, and there is an amendment which is to be offered providing that certified copies may be had in all cases. And I will say to the gentleman from Massachusetts that we welcome any amendment that perfects the bill, exactly as we were glad to accept the idea suggested by the gentleman from Minnesota [Mr. STEENERSON] and to frame an amendment in accordance therewith.

The Clerk read as follows:

SEC. 6. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpœna for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. I know the gentleman has already explained the procedure in reference to the application, but can he state it in just a few words again?

Mr. BONYNGE. I beg the gentleman's pardon. What was the question?

Mr. MANN. Under the procedure provided for in the bill for obtaining final papers—in just a few words. I do not wish to detain the committee.

Mr. BONYNGE. The applicant files a petition, in which he sets forth the facts entitling him to naturalization, and it is filed with the court. One copy of that comes to Washington and one copy is kept by the clerk of the court. After ninety days have elapsed, there is a hearing in court to ascertain whether or not he is entitled to naturalization.

The Clerk read as follows:

SEC. 7. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: *Provided*, That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I offer an amendment, on page 9, line 4, to strike out the word "ninety" and substitute "thirty."

The CHAIRMAN. The gentleman from Massachusetts offers and amendment, which the Clerk will report.

The Clerk read as follows:

On page 9, line 4, strike out "ninety" and insert "thirty."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, under this bill, after the petition is filed, the final order may not be made until ninety days. In another provision of the bill an appeal may be taken within forty-five days after the date of the final order. Another part of the bill provides that no certificate of naturalization may be granted within thirty days of a general election.

Now, I assume that after a petition is filed the court would not make the final order until the last of the ninety days, and the appeal in many cases would not be entered until the last of the forty-five days limited by law. In that manner one hundred and thirty-five days would have elapsed between the filing of the petition and the entry of the appeal. No time is limited in the bill for the decision of the appeal, and, obviously, no time could be, but it is fair to assume that the higher court would not decide the appeal for at least thirty days. If we add those to the previous one hundred and thirty-five days we have one hundred and sixty-five days after the filing of the original petition. Now, then, as in most States no man may be registered within fourteen days of the time of the election, that adds additional time. I do not believe that anyone will object to allowing sufficient time to make a full examination of all the facts which are necessary to determine whether a petitioner is getting naturalized properly or fraudently, but it seems to me that the ninety days might well be cut down to thirty days, and that the time for entering the appeal might be limited to thirty days. That would give sixty days within which the Government could investigate.

Now, when the alien comes here in the first instance a complete description of him is entered upon the records and forwarded to the Bureau of Immigration, and later, when he makes his declaration of intention, that, too, is filed and placed upon the records of the court, and the officers of the court passing upon his petition for naturalization must have recourse to the records of the court which received his original declaration; and they have a perfect means of determining whether any fraud is attempted to be practiced upon the United States Government. They have ample means, because they have recourse to the records which were made at the time the alien landed upon our shores. With those facts in their possession it seems to me that the long period of ninety days serves no useful purpose, because the Government in the shorter period could make all the examination which would be necessary, and the longer period serves, therefore, to postpone that day upon which the alien may become a full-fledged citizen of the United States.

I appreciate every effort that is made to purge our citizenship of all bad men, but there is no reason for keeping out good men or postponing the day when good men may become citizens of the United States. And I respectfully urge this upon the attention of the committee, and ask that this amendment be accepted.

Mr. BONYNGE. Mr. Chairman, in answer to the gentleman from Massachusetts, I will say that I heartily agree with him in the statement that we do not desire to keep out any who are worthy of our citizenship. The object and purpose of this amendment is simply to give the United States an opportunity to make a thorough investigation as to the qualifications of the applicants for admission to its citizenship. The gentleman

from Massachusetts has taken the extreme case, a very extreme case. This provision for delay in the issuing of a certificate for forty-five days is only required in those cases where the district attorney of the United States has appeared in opposition to granting the application. I presume it will be safe to say that in 90 per cent of the cases there will be no opposition to granting the application and that the petitions will be granted within ninety days. Where, however, there has been reason to believe that opposition should be made by the Government of the United States to the granting of an application, on the ground that the applicant is not worthy for any reason—and it makes no difference what the particular objection may be—then it is no hardship to that individual if in that particular case he has to wait forty-five days until the Government has an opportunity to determine whether or not it desires to appeal. It is not only in the courts of Boston, which are six or eight hours from Washington, where naturalization under this bill will be carried on, but in the courts in California, in Hawaii, courts in all the Territories and in every State of the Union are authorized by this bill to grant naturalization. They have to communicate with the Department at Washington; the Department at Washington may, perhaps, in some extreme case be required to communicate with some foreign government. Ninety days is not too long to give the Government an opportunity to post itself as to the qualifications of the applicant, and it is no hardship to the applicant if he should wait the ninety days. I say to the gentleman—and I know he will agree with me—that when an applicant is applying for what I believe the most priceless boon to be given to man—American citizenship—it is no hardship to him to have his qualifications examined by the Government, and that the Government should have ample opportunity to make that examination thorough in every respect. These various courts are permitted to naturalize aliens not for the benefit of the Government, but for the convenience of the applicants. I submit, therefore, that the time is none too long, and I hope that the amendment of the gentleman from Massachusetts will be voted down.

Mr. DRISCOLL. What cases of application are those in which it is expected the Government will appear in opposition to naturalization? Where citizenship has already been granted?

Mr. BONYNGE. In any case where the Department at Washington has reason to believe that the man is not entitled to citizenship; in a case, for instance, where the applicant applies for citizenship where the record shows that he has not lived in the country long enough; or, where a man represents himself to be a certain individual, is applying for naturalization under some fraudulent or false name, and many others that might be given and which will probably occur to the gentleman.

Mr. DRISCOLL. Is it reasonable to believe that the Government would appear in opposition in more than 10 per cent?

Mr. BONYNGE. I think it would not be. It would only be in exceptional cases, I would say to the gentleman from New York. I think if this bill is enacted there will be very few fraudulent applications. Of course there have been a large number of fraudulent certificates issued, and in the past the number of cases in which the Government ought to have intervened would exceed 10 per cent; but with the safeguards against fraudulent applications and fraudulent certificates provided by the terms of this bill, I am certain that the number of cases in which it would be necessary for the Government to intervene will be greatly diminished. The provisions of this bill, allowing investigations relative to the qualifications of all applicants, will, if enacted into law, deter those not entitled under our laws to naturalization from making application therefor. The cases will therefore, in my judgment, be comparatively few in which it will be necessary for the Government to appear.

Mr. SULLIVAN of Massachusetts. I move to strike out the last word.

The trouble with this provision, Mr. Chairman, is that it not only deals with the certificates of the men who are not entitled to them by reason of some fraud they are attempting to practice, but applies to every petition. Under the terms of this bill, a court can not make a final order until ninety days after the filing of the petition. Now, in each case the object is to get an exact description of the petitioner, his age, the country he came from, and all the circumstances necessary to guide the court in arriving at a just decision; and as these facts are all recorded it seems to me that it ought not to take three months' time to get them. Now, take the extreme case of the gentleman from Colorado, that of an applicant in Hawaii. All the facts are of record at Washington, and it ought not to take more than two weeks' time to get those facts, even to Hawaii, and not more than three days' time to get them to any other part of the United States. Now, then, in order to meet that extreme case, why should the great body of petitioners all over the United States be delayed?

Mr. BONYNGE. The gentleman must be referring to a delay of ninety days?

Mr. SULLIVAN of Massachusetts. I am discussing that.

Mr. BONYNGE. We have provided for posting of notices of the application. That gives public notice to everybody in the community, if anybody is interested to advise himself, and it may be that some person, seeing that notice posted and knowing that a person has applied for a petition who is not entitled to it, may desire to call attention to the fact. Surely ninety days is not a very long delay. The gentleman surely does not think that to wait ninety days for such a gift, a great benefit as we are bestowing—American citizenship—is a hardship to an applicant. It may be that he will be required to go back a second time in order to safeguard the interests of the Government.

Mr. SULLIVAN of Massachusetts. The trouble with the section which the gentleman speaks of is that it simply emphasizes the difficulty, for immediately that the notice is posted any person who seeks maliciously to oppose the granting of the petition may do so, and thereby increase the hardship of the petitioner. I assert that every fact which the Government ought to know is contained in the official records made up at the time the alien lands here and supplemented by his declaration, and it seems to me there is no good reason for requiring an applicant to wait for ninety days before his petition may be acted upon.

Let us see when a man would have to begin the naturalization proceedings in order to vote at a general election. Suppose he files his petition on the 1st day of June. He waits ninety days. The final order is made on the 1st of September. The United States attorney waits forty-five days and then enters an appeal. That brings it to the 15th day of October. No time is stated in the act and can not be stated for the decision of the appeal. The result is that if the court takes any considerable time in deciding the appeal, a man can not vote at that election. The result is that any man who wishes to vote must file his petition in the early spring, at least nine months before the general election.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MANN. Mr. Chairman, I rise in opposition to the pro forma amendment. I can not agree with the distinguished gentleman from Colorado [Mr. BONYNGE] and, apparently, the committee in the supposition that the United States will not appear in 10 per cent of the cases. I think the observation and experience of almost every Member of the House is that where it is made a duty of the Government, or the Government is given a right to do a thing, it is the duty, and the Government does it. In these cases, if the Government has a right to appear and cross-examine a petitioner, it becomes the duty of the Government to appear; and if the Government fails in the duty, some newspaper, with a scare headline, tells how somebody is naturalized who is a scamp of some sort, and then the Department of Justice over here will have a fit. Congress will then be instantly called upon to make an appropriation to provide sufficient help, so that the district attorneys may appear in every court where naturalizations occur. It is just as inevitable—this process—as the following of day by night. It is a sure thing that if the United States Government is given a right and the United States district attorney is given a right to appear in opposition or to cross-examine—I will not say in opposition—the petitioner, then district attorneys will exercise that right by force of public opinion, brought about by a few cases, at some time. I do not say that that would be wrong. The gentleman asks, Would it be wrong? What I want to call the attention of the committee to is this: You place, through this bill, the power in an administration at Washington, in case of a closely contested national election, of electing its party candidates. We naturalize in the United States every year hundreds of thousands of citizens, I take it.

Mr. BONYNGE. I think the gentleman is in error. We have no exact data, but the estimate made by the Bureau, from the best sources that could be obtained, is somewhere between 75,000 and 100,000.

Mr. MANN. Immigrants are coming into the United States now, and will continue to come, unless they are cut off by the proposed immigration bill, at the rate of a million a year. That means more than 100,000, probably 200,000 persons who are capable of becoming citizens, so far as age is concerned, and perhaps more than that. Most of these people in the past have applied for citizenship. But whatever the number may be (in the city of Chicago it certainly amounts to thousands every year), an astute district attorney who wanted to carry the election in favor of his side could very easily take

an appeal in all cases of men who were going to vote the opposition ticket. And my observation and experience are that these advantages are seldom let go by, and I have not the slightest doubt that that sort of thing would be resorted to; not openly, not with the pretense that that was being done, but a suspicion would arise as to the propriety of the naturalization of men who were going to vote the Democratic ticket, when the administration was Republican, and vice versa when the administration was Democratic.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

Mr. DRISCOLL. I move to strike out the last two words. I am not a member of this committee, but I am in accord with the committee in proposing this term of ninety days, and I believe that citizenship in this country is worth ninety days, or a longer period if necessary, to secure what is looked after in this bill. The gentleman from Illinois [Mr. MANN] says that the Government will appear in many cases. Now, suppose the Government does appear in many cases. The Government ought to appear in every case in which there is any doubt. The Government ought to appear in every case that should be investigated. These immigrants are coming to this country from all over the world, and all that may be required to be known concerning them before they are naturalized can not be determined in thirty or forty days, and therefore the Government ought to have all the time that is necessary. And it seems to me that ninety days, where inquiry has to be made in other countries, is not too much time.

Mr. MANN. Will the gentleman yield for a question?

Mr. DRISCOLL. Yes.

Mr. MANN. Waiving the matter as to whether the Government ought to appear in all cases, as a matter of argument, will the gentleman tell us how the Government can determine what cases are suspicious unless the Government does appear in every case?

Mr. DRISCOLL. Then this bill ought to be amended so that the Government should be required to appear in every case, one way or the other.

Mr. MANN. I thought that was the logic of it.

Mr. DRISCOLL. In my judgment, the Government will not appear save in exceptional cases.

Mr. MANN. How can the Government tell what are exceptional cases unless it appears in all the cases?

Mr. BONYNGE. That is what the Bureau is for, Mr. Chairman.

I move that all debate on the section and amendments thereto be closed.

Mr. FITZGERALD. Will the gentleman make it five minutes? I want to offer a substitute.

The CHAIRMAN. The gentleman from Colorado moves that all debate on this paragraph and amendment be now closed.

Mr. FITZGERALD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FITZGERALD. To offer an amendment.

The CHAIRMAN. The amendment can be offered.

Mr. FITZGERALD. I wish to offer an amendment to the motion that debate be closed. My amendment is that debate be closed in five minutes. I wish to offer a substitute and to have a chance to explain it. I hope the gentleman will accept that amendment.

Mr. BONYNGE. I will accept that amendment, to close debate in five minutes.

Mr. SMITH of California. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Chair can not recognize anybody until this question is stated. Without objection, the motion of the gentleman from Colorado [Mr. BONYNGE] will be modified in accordance with the suggestion of the gentleman from New York.

The question was taken on the motion, and it was agreed to.

The CHAIRMAN. Debate will be closed, in accordance with the motion.

Mr. FITZGERALD. Mr. Chairman, I offer the following substitute for the amendment.

The CHAIRMAN. The gentleman from New York offers the following substitute, which the Clerk will report.

Mr. MANN. I understood the Chair to state that debate was closed.

The CHAIRMAN. The Chair should have stated the five-minute debate. The Clerk will report the amendment.

The Clerk read as follows:

Line 4, strike out "ninety" and insert "thirty;" and insert after "petition," in line 5, "except in case where the United States has appeared, when final action shall not be taken until at least ninety days have elapsed.

Mr. FITZGERALD. Mr. Chairman, this amendment does this: It reduces the time, except in cases where the United States has appeared, and in those cases no final action shall be taken until after ninety days have elapsed.

Mr. BONYNGE. I do not quite catch your amendment.

Mr. FITZGERALD. I will ask the Clerk to report the amendment again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. BONYNGE. I do not understand how that would work at all.

Mr. FITZGERALD. I will call the attention of the gentleman to it. The section then would read, commencing line 3: "In no case shall final action be had upon a petition until at least thirty days have elapsed after filing and posting the notice of such petition, except in cases where the United States has appeared, when final action shall not be taken until at least ninety days have elapsed."

Mr. BONYNGE. Then the gentleman would require, within thirty days from the filing of the petition, the examination should have been completed and that the district attorney should have appeared in court and entered an appearance. I can not accept that amendment.

Mr. FITZGERALD. It covers the gentleman's objection, that where objection has been made they ought to have ninety days.

Mr. BONYNGE. The ninety days I said they should have was in order to give the authorities—the Government of the United States, which is the other side to the application—an opportunity to determine whether or not it desires to object. You are to shut them off in thirty days, and say at the end of thirty days you must complete your examination.

Mr. FITZGERALD. I simply wish to call attention to the fact that if the present provision be left in the bill it will be impossible for anybody to be naturalized in the State of New York within six months of any general election. If there be no objection filed within thirty days——

Mr. BONYNGE. Will the gentleman permit me to ask a question?

Mr. FITZGERALD. Yes; I will.

Mr. BONYNGE. Do not your State laws now provide in New York State that no man can vote at a general election unless he has been naturalized ninety days preceding the election?

Mr. FITZGERALD. Yes; that is my recollection.

Mr. BENNET of New York. We have that law in our own State just now.

Mr. FITZGERALD. That is true; but with this provision no one could get naturalized within at least three months previous to the three-months' period. So it would be seven or eight months, or perhaps longer, that it would be necessary to file a petition before a general election in order to vote at that election. This amendment covers the gentleman's objections.

Mr. HINSHAW. Is it not a fact, if your amendment was adopted, in self-defense the Government of the United States would be forced to enter appearance within thirty days in every case, so as to give ninety days' notice and——

Mr. FITZGERALD. I have no doubt it is intended that the United States shall enter every case, and my belief is——

The CHAIRMAN. The time for debate has expired. The question is on agreeing to the substitute offered by the gentleman from New York to the amendment offered by the gentleman from Massachusetts.

The question was taken; and the substitute was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

The question was taken; and the amendment was rejected.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 9, line 4, strike out "ninety" and insert "sixty."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SULLIVAN of Massachusetts. Now, I will ask the gentleman from Colorado [Mr. BONYNGE] whether or not sixty days would be sufficient for all purposes?

Mr. BONYNGE. I have to say, Mr. Chairman, that the debate has been closed and I have no right to take the time of the committee any more than anybody else.

Mr. SULLIVAN of Massachusetts. Can not the gentleman take time enough to answer the question?

The CHAIRMAN. Debate can only proceed by unanimous consent.

Mr. GRAHAM. Mr. Chairman, I desire to offer an amendment at the close of this section.

The CHAIRMAN. There is an amendment now pending, offered by the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. GRAHAM. Mr. Chairman, I desire the opportunity——

The CHAIRMAN. The Chair will recognize the gentleman. The question now is on agreeing to the amendment of the gentleman from Massachusetts [Mr. SULLIVAN].

The question was taken; and the amendment was rejected.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert in line 9, page 9, after the word "jurisdiction," the following: "It shall be lawful at the time and as a part of the naturalization of any alien, for the court in its discretion upon the petition of such alien to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The question was taken; and the amendment was agreed to.

Mr. GRAHAM. Mr. Chairman, I desire to say a few words on this amendment.

The CHAIRMAN. The amendment is agreed to.

Mr. GRAHAM. I ask unanimous consent that I can speak for at least five minutes. It is not often that I desire to talk.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent——

Mr. GRAHAM. I desire to strike out the first word in the next section.

The CHAIRMAN. That is not in order. The gentleman from Pennsylvania [Mr. GRAHAM] asks unanimous consent that he may speak for five minutes. Is there objection?

Mr. MANN. Does that go with the reconsideration of the amendment?

Mr. SHERLEY. Mr. Chairman, reserving the right to object, I would like to know whether after permission is given the amendment will be before the House and the previous action of the House considered as disregarded.

The CHAIRMAN. The amendment is agreed to, and will not again be before the House for consideration. Is there objection to the gentleman from Pennsylvania for unanimous consent to address the committee for five minutes?

There was no objection.

Mr. GRAHAM. Mr. Chairman, I desire first of all to thank the House for this courtesy.

This amendment was suggested and, in fact, drafted by Hon. Joseph Buffington, of the United States court of western Pennsylvania, and sent by him to my colleague [Mr. BURKE], who is unavoidably absent.

It will enable many of the foreigners who have almost unpronounceable names, and who are now being naturalized, to change their names to English names corresponding to their foreign names or abbreviate their original names. They can now, by filing applications and duly advertising according to law, accomplish this result, but as it entails great expense and trouble very few avail themselves of the present law. They can now of their own free will drop a portion of their name, but very few people are aware of that fact and others are deterred from fear of legal complications.

At common law a man may lawfully change his name, or by general usage or habit acquire another name than that originally borne by him, and this without the intervention of either the sovereign, the courts, or Parliament; and the common-law rule, unless changed by statute, of course, obtains in the United States. (21 Am. and Eng. Ency. Law, p. 311.)

At the common law a man may lawfully change his name. (Linton v. First Nat. Bank of Kittanning, 10 Fed. Rep., 894. Opinion by Acheson, J.)

A man's name is the designation by which he is distinctively known in the community. Custom gives him the family name of his father and such prænomina as his parents choose to put before it, and appropriate circumstances may require senior or junior as a further constituent part. But all this is only a general rule, from which the individual may depart if he chooses. The legislature in 1852 provided a mode of changing the name, but that act was in affirmance and aid of the common law, to make a definite point of time at which a change shall take effect. (Laflin & Rand Co. v. Steytler, 146 Pa. St., 442.)

Two names familiar to the American public are noted in the opinion of the court in the last-named case, both of which were names adopted by the individuals themselves without the aid of courts, to wit, *U. S. Grant* and *Grover Cleveland*, instead of *Hiram Ulysses Grant* and *Stephen Grover Cleveland*. The facts are set forth in the opinion of the court as follows:

The blunder of the friendly Congressman who nominated him to West Point transposed and altered the names by which General Grant has gone into history, and considerations of convenience or taste have induced President Cleveland to omit one of the names his parents bestowed upon him. *A name, therefore, is the title used for the identification of an individual*, and the intent of its requirement in full is certainty of such identification. The full name, therefore, is no more than the whole of such title, as it is used by himself and his neighbors for such purpose. To construe the statute to require the literal and absolute following of the entire list of names which the person may have had bestowed upon him would be giving it not only a very narrow and technical construction, which serves no purpose of the act, but even one which might tend to defeat its real intent. A statement signed "Stephen Grover Cleveland" would not create certainty, but doubt, as to its author.

Now, as to an object lession to the Members of the House, I send up to the Speaker's desk a list of a few names of citizens of the United States recently naturalized in Pittsburg and ask that it be read.

The Clerk read as follows:

Sample list of names of American citizens recently naturalized in the United States courts at Pittsburg.

Mocseh Zemiszkcivicz, Franciszek Wojciechosky, Jonas Szuhodolinszkoi, Josef Schloegigruber, Ivan Srbljanovic, Stanislaw Szymkewich, Panagiotis Roskinitopoulos, Blazej Radziszewski, Felice Pietropaolo, Stephan Onarejcso, Antoni Niespodzianski, Piotr Myslywiecz, Antonio Mazzacarallo, Ignacz Leszczynska, Franz Imbierowicz, Petro Georgopulos, Jan Giboslewrce, Georgy Feckomichala, Antoni Lzingielleski, Josef Drijanovcani, Vincenzo Campisano, Pasquale Perre Francesco Bevilaqua, David Zala Aghakhon, Jan Blahumsiak, Johan Skrzycki, Mihaly Sztachanes.

Mr. SMITH of California. Mr. Chairman, I ask unanimous consent that I may have two minutes to explain the purpose of the amendment that I offer.

The CHAIRMAN. The gentleman from California offers the following amendment:

The Clerk read as follows:

Insert on line 5, page 9, after the word "petition," the following: "*Provided*, That if no objection be made to the naturalization of the applicant within the ninety days' notice, then the applicant may appear at any day after the day named in the notice and have his petition heard."

The CHAIRMAN. The gentleman asks unanimous consent that he may have two minutes to explain the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of California. Mr. Chairman, as I understand the provision of the bill as it now stands, if the applicant does not appear upon the day set in the notice and make his proof, the entire procedure would fall to the ground, and he would have to begin de novo. Now, applications for naturalization are generally made on the approach of an election, and if one were defeated on the first attempt he would not have his right to vote; but having gone to the extra trouble and annoyance which this bill calls for to bring his case to the attention of the court, and then being unable to appear either himself or his witnesses on the day set, he ought not to be compelled to lose what he has been to a great deal of trouble and annoyance to have done. But if there be no objection, then he shall be permitted to appear at any time thereafter and have his petition heard. If no objection is made up to the day stated in the notice, then it is fair to assume there is not going to be any objection; but he might not be able to appear on the day set for him or might not be able to have his witnesses there. I called attention once before to the very great hardship which this bill is going to work upon the aliens of the western country, where the distances to the courts are very great. A man in my district may have to go 200 miles to reach the county seat or the court. Now, they are to go there with their witnesses, and generally they have not a great number of neighbors from whom they can select their witnesses. They must be there on a day certain, and if they are not they lose the benefit of all they have done theretofore in making their application. I think this amendment justifies the purpose of the bill, and I hope the committee will not oppose it, as it does not undo any of the safeguards that they have provided.

Mr. BENNET of New York. I ask forty seconds to answer the gentleman.

Mr. Chairman, the language "stated days," in line 2, page 9, very plainly refers to days set by the court, and there is nothing——

Mr. BONYNGE. It is a law in New York to-day.

Mr. BENNET of New York. It is the law of New York to-day. Now, there is nothing in the language which provides that if a given case is not reached and not concluded on one day the court shall not adjourn until another stated day.

Mr. SMITH of California. I ask unanimous consent for one minute to reply.

Is it not necessary in order to preserve his case that he should have it changed to another day certain? It will be necessary for him or some one to appear and make the motion for a continuance. It is not supposed that the judge will continue this case; and even if the court would, how could the court know what other day would be convenient to an alien who lives from 150 to 200 miles distant, when he might be absent because of sickness of himself or of witnesses, and the

court would not know what had prevented him from appearing on that day; but if no objection were made, he could present himself at some other time, if he were permitted to come in, and finish making his proof.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken; and the motion was rejected.

The Clerk read as follows:

SEC. 9. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not write in his own language or in the English language, and who can not read, speak, and understand the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States.

Mr. BONYNGE. Mr. Chairman, I ask the Clerk to read the amendment of which I gave notice and which is at the desk.

The CHAIRMAN. The gentleman from Colorado offers the following amendment, which the Clerk will report.

The Clerk read as follows:

In line 3, page 10, after the word "States," add the following words: "*And provided further*, That the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration."

The amendment was agreed to.

Mr. WHARTON. Mr. Chairman, I rise for the purpose of offering an amendment to this section.

The amendment was read, as follows:

Amend section 9, by striking out, in lines 22 and 23, the words "write in:" and in line 23, after the word "or," strike out the word "in;" and in lines 23 and 24, to strike out the words "and who can not read, speak, and understand the English language;" and to insert in line 22, after the word "not," the words "read, write, speak, and understand;" so that the same as amended shall read:

"That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not read, write, speak, and understand his own or the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States."

Mr. KENNEDY of Nebraska. Mr. Chairman, I desire to have an amendment to the same section read for information.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the amendment which he sends to the Clerk's desk may be read for information. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out lines 21, 22, 23, 24, except the syllable "pro," and insert: "SEC. 9. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language."

Mr. WHARTON. Mr. Chairman, the report of the committee, on page 3, says, among other things:

An alien is admitted into this country under existing laws without any educational qualification. He is permitted to reside in the country and enjoy all the advantages of our citizenship and its opportunities for his own improvement. It has seemed to your committee that any alien of ordinary intelligence who desired to take advantage of these opportunities and to fit himself for citizenship in our country could, in the five years' residence which is required in the country before he can apply for naturalization, acquire sufficient education to comply with the requirement that he shall be able to write, either in his own language or in the English language, and speak, read, and understand the English language.

It seems to me that is too harsh a qualification for us to require before a man can become a citizen at this time. I have therefore offered my amendment, which provides that a man be required to speak, read, write, and understand either the English language or his own. It puts it in the alternative. It gives him the option of one or two languages, and that I think in itself is a liberal education. And if you will stop to consider how many men we have here, how many people there are in this country who do not thoroughly understand the science of language, either English or any other kind, yet who have made good citizens, I believe you will say that this amendment of mine goes as far as we dare go in requiring an educational test. To go any further would simply be saying that we are going to build up two classes—one class, the educated, who shall have the right to vote and say who shall make the laws, and another class who can simply come here and live, work, and pay taxes, but have no rights as citizens. I say if we are going to do this, let us make it impossible for those people to reach our shores; but let us make it so that if they do come here by our invitation they shall be taken and given the rights to which they are entitled.

The amendment offered by the gentleman from Nebraska [Mr. KENNEDY], in my opinion, goes a little too far in one direction, and in another direction it does not seem to me to go far enough, in providing that a man shall be able to speak English. Now, a man may be able to speak English, and yet may not be able to read, write, or understand it. That would hardly be a qualification which would fit him for naturalization or citizenship, if we are going to pass any restrictions at all; but, on the other hand, there may be many people, and undoubtedly there are many Members of Congress who have in their districts colonies of people who have come here and settled and who make some of the best citizens in this country. For instance, a colony of French, Swiss, Polish, Bohemian, Lithuanian, or German citizens come from the mother country and settle in one particular part of our country, say, in a particular county. They never get much outside of that county. Now, to say that they are not good citizens I think we will all agree will be stating an untruth. I believe this amendment of mine is as far as we should go at this time in providing educational qualifications. I ask the Members of this House to pass it. [Applause.]

[Mr. STEENERSON addressed the committee. See Appendix.]

The Clerk read as follows:

Strike out the last word in line 22, page 9, and all of lines 23 and 24 and insert the following, "read and write in the English language or in his own language."

Mr. KENNEDY of Nebraska. Mr. Chairman, I move that the amendment which I just sent to the desk be substituted for the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair understood the gentleman from Minnesota to ask that his amendment be reported. The Clerk will again, without objection, report the amendment offered by the gentleman from Nebraska.

The amendment was again reported.

Mr. KENNEDY of Nebraska. Mr. Chairman, the amendment just read from the desk removes from the bill practically all of the educational tests. No man has a higher appreciation of the privileges of American citizenship than I have, and no man has a stronger desire to dignify American citizenship. I believe that any policy which would permit any large body of men to live in the United States and not be eligible to American citizenship is wrong. The tests to apply to this proposition are those which tend to common ends and common interests, and if we require immigrants coming to this country to speak the English language after they have lived here for five years, that is not an unreasonable requirement.

Mr. WHARTON. Mr. Chairman, I would like to ask the gentleman, under your amendment as it reads now, might not it be possible for a man to live here any number of years, and although he may have all of those qualities which would fit him in every way for citizenship, make him a man who would be in accord with our principles, the principles of our Government and our institutions, yet it would not be possible for him to gain admittance as a citizen, because he could not speak the English language.

Mr. KENNEDY of Nebraska. No, sir; because when a man otherwise eligible to become a citizen has lived in this country for five years, if he has taken an interest in the affairs of the country, if he has intermingled with our people, if he has brought himself in contact with our institutions, he will be able to speak the English language so as to comply with this requirement.

Mr. WHARTON. Suppose this alien who comes here from a foreign shore, poor as most of them are, has to go to work in some plant or factory or some other line of industry where he earns his living with his hands and has to work all day to support his family and lives in a community of people from the same country that he comes from, whether he be Lithuanian, French, Swedish, German, Polish, Bohemian, or of any other nationality, is it not possible such a man as that, while he might become a good citizen, yet it would not be physically possible for him on account of lack of time to give away from his work and the necessity of rest, of sleep, of recreation, etc., would it not be possible for large numbers of them or one of them not to be able to learn English or speak it?

Mr. KENNEDY of Nebraska. No, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PALMER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

Mr. HINSHAW. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PALMER. I want to ask a question——

Mr. KENNEDY of Nebraska. Let me answer the question of the gentleman from Illinois. No man, no matter what language he may have spoken, can labor day in and day out in any employment and not acquire a practical knowledge of the English language, because he is not associated always with men who speak a foreign tongue. He is associating with men who in most instances speak the English language, and the one thing which

tends to the assimilation of all elements in this country is the common language.

If I believed, Mr. Chairman, that a man otherwise qualified to become a citizen would by that requirement be excluded from citizenship, I would not offer this amendment; but I believe that any man who has sufficient interest, sufficient energy, and sufficient ambition to become an American citizen should and would make the effort necessary to acquire the language which is the language of the land of his adoption.

Mr. BARTHOLDT. Of course we are dealing here with facts—not with conditions as they ought to be, but as they are. Suppose a man had not the opportunity of learning the English language; suppose he is a good citizen in every other respect, but by his associations in the shop and with his family, and considering the locality in which he lives, he has not the opportunity of learning the language, would you not punish him by this provision? Would you not keep him for all time out of the privilege of becoming an American citizen?

Mr. KENNEDY of Nebraska. Perhaps so, if the conditions stated by the gentleman from Missouri [Mr. BARTHOLDT] existed. But, Mr. Chairman, I can not conceive of any man employed in this country in any line of business or work who has not this opportunity.

Mr. STEENERSON. I would like to cite an instance. Two-thirds of the State of Minnesota has been settled by men who could not speak the English language originally. They have built schools and colleges throughout that State, and they have the best educational system in the United States. They had no opportunities themselves for learning the language on the frontier. When a man is on the frontier, where he is building a schoolhouse for the future generations, he can not go to school himself. He is busy. Those are things that you can not get around.

Mr. KENNEDY of Nebraska. Let me ask the gentleman, What language is being taught in the schools that are being built?

Mr. STEENERSON. The English language. They are the most enthusiastic people in any State in the Union.

Mr. BURLESON. Will the gentleman permit me to make this suggestion? Suppose a foreigner was a farmer and remained at home attending to his own business, what opportunity would he have for association with those acquainted with the English language and to acquire a knowledge of it?

Mr. KENNEDY of Nebraska. I will say to the gentleman that I have in my district a large foreign population speaking languages other than English. If I believed by this amendment I would take from one of these men a right he is reasonably entitled to, I would not offer it. I believe, and my observation is, that in five years' time they do acquire a sufficient knowledge of the English language to comply with this requirement.

Mr. BURLESON. If that is so, what is the necessity for an amendment? Why do you have any amendment at all?

Mr. KENNEDY of Nebraska. Because, Mr. Chairman, this bill as it stands requires that the applicant shall read and write. My amendment does not require that he shall read or write in any language, and makes the sole requirement his ability to speak the English language after five years' residence in this country.

Mr. BARTHOLDT. Of course your amendment liberalizes the provision?

Mr. KENNEDY of Nebraska. Yes, sir; that is the point I am getting at.

Mr. BARTHOLDT. Probably we shall vote for that, unless we can vote——

Mr. COCKRAN. Is it in order to oppose the adoption of all of these amendments?

The CHAIRMAN. The Chair did not understand what the gentleman has said.

Mr. COCKRAN. Is it in order now to move to strike out the whole section? Is it in order to take the floor in opposition to all these amendments?

The CHAIRMAN. To take the floor in opposition to any of them. The Chair will recognize the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Now, Mr. Chairman, I would like the indulgence of the committee in advance for a little additional time, as I want to discuss the whole principle underlying this opposition, and I was incapacitated from attending the House during the pendency of the general debate.

Mr. BONYNGE. Mr. Chairman, I desire to ask the gentleman from New York how much time he desires?

Mr. COCKRAN. I do not quite know. It will be but a short time, I think, as I have not anything prepared. I came down under sudden summons.

Mr. BONYNGE. I realize, Mr. Chairman, that the gentleman was absent during the general debate, but he expressed to me a long time ago the desire to debate this section of the bill. I do not wish to be at all unreasonable, but desire to say that most of the general debate was not upon this section. I intend that there shall be debate upon it, but I would like to get some idea from the gentleman how much time he will require.

Mr. COCKRAN. Twenty minutes to half an hour to debate this section.

Mr. BONYNGE. Mr. Chairman, I yield to the gentleman twenty minutes to see if he can not conclude his remarks in that time. I ask unanimous consent that the gentleman may be allowed twenty minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the gentleman from New York [Mr. COCKRAN] may proceed for twenty minutes. Is there objection?

There was no objection.

Mr. COCKRAN. Mr. Chairman, while I take the floor formally to oppose all pending amendments, my ultimate intention is to move that the entire section be stricken out.

It is not any exaggeration to say that this proposal is one of the most important ever submitted to the American Congress. If adopted into law, it must work a complete revolution in the naturalization laws which have governed us since the foundation of this Government, and therefore it would not merely affect decisively our own condition, but it would involve consequences of the utmost moment to the whole human race.

So far as this measure aims to regulate the procedure of naturalization, to make it orderly, uniform, effective in all the different States, I think it deserves nothing but praise. Whatever conditions of naturalization Congress in its wisdom may see fit to establish, it is in the highest degree desirable that they be enforced with rigor and impartiality. But this particular section proposes a change, not in the procedure by which the conditions of naturalization are to be enforced, but in the conditions themselves—a change so radical that if adopted, it will result in the withdrawal of this country from one of the most commanding positions which it has occupied in promoting the improvement of human hopes, the uplifting of human conditions, and the spread of civilization throughout the world.

Mr. Chairman, there are two aspects of this question which I hope the committee will consider very carefully. First, its effect if engrafted upon existing immigration laws, and secondly, the advisability of enacting it, even if it were possible to assure ourselves that the laws governing the admission of immigrants to this country would be amended in a similar direction.

I think the committee will have little difficulty in concluding that while the law governing immigration remains in its present form this proposal is wholly indefensible. As the law stands, our ports are wide open to all members of the Caucasian race. To enter this country a person needs only to be of good moral character and of physical ability to earn a livelihood. Up to the present time the conditions of admission to our population and of admission to our citizenship have been practically identical. Under this proposal they are made wholly different. It establishes an educational qualification for naturalization which probably not 10 per cent of the million and odd people who came into this country last year could undergo successfully.

The first question we must consider, then, is the effect of admitting every year a million aliens to our population who must be excluded from our citizenship if this proposal be adopted into law.

Of course, if the immigration bill introduced by the gentleman from Massachusetts [Mr. GARDNER] should become law, then an educational qualification will be imposed on every immigrant at the port of entry, and, of course, it would apply itself automatically to the same person when he sought admission to citizenship. But I am sure the gentleman from Colorado will concede that we must consider this section in the light of its effect on the law as it is, not on the law as it may be altered or amended hereafter.

Now, I wonder do gentlemen conceive the full significance of this proposal. First, consider its possible effect upon our foreign relations. Gentlemen must be aware that the Government of the United States claims the right to protect its citizens wherever they may be; to follow them with its watchful eye whithersoever they may go, and see that in every country a traveling or visiting American shall be afforded equal rights before the law with the native-born citizen or subject. While we assert that right against all other governments, we must in morals and conscience concede the same right to them. Our citizens sojourning abroad are a numerous class, but generally they are wealthy travelers for pleasure, who spend large sums of money wherever they abide. Their visits are keenly welcomed, and

wherever they may go everything is done to promote not merely their security, but their comfort and even their amusements, so that their expenditures may be encouraged.

Aliens coming to this country, on the other hand, as a general rule, are without money to spend, but under the stern pressure of a livelihood to gain. There is nothing about them to awaken friendly interest among those with whom they come in contact. In the main, they are ignorant of our language and of our laws. Far from appealing to the interest of the native, they are likely to provoke hostility which may even reach turbulent demonstrations. If these aliens are not received as citizens, they must remain subjects of the governments under which they were born. Any violence perpetrated against them that could be charged to race prejudice or religious animosity may form a basis for representations by the government to which they owe allegiance.

The gentleman from Colorado must remember that only a few years ago in the city of New Orleans the lynching of some Italians became the subject of an acute diplomatic crisis, which this country settled by the payment of a large sum—I think it was $25,000—to the relatives of the victims. Had these men been naturalized they would have been entitled to the same protection as all their fellows and no more. Their security would have concerned no government but that of the State in which they lived. No alien government could have asked a question about them. Is it wise, is it defensible, to multiply sources of foreign complications by maintaining a large and constantly increasing body of alien residents whose right to equal treatment under the laws may at any time become a subject of discussion between the United States and foreign countries?

Surely, sir, a proposal effecting a change so momentous in our policy should be justified by reasons cogent, weighty, unanswerable. What reasons are advanced in support of it? So far as I know, we have nothing but some vague phrases of the gentleman from Colorado, reiterated again and again, to the effect that benefits resulting from citizenship are very great, and therefore that conditions of citizenship should be made very difficult, apparently on some mysterious principle that benefits and difficulties should be made to balance each other. The gentleman seems to forget that admission to citizenship involves the assumption of burdens as well as the acquisition of privileges. He seems to forget that while American citizenship is a high privilege, it does not consist in escaping burdens to which others are subject and acquiring rights which are denied to others, but rather in assuming very serious burdens without any very great extension of substantial rights.

What essential right that the citizen enjoys can you deny to an alien, once you have admitted him to your population? The right which our political system holds essential and inalienable is the right of every man to work when, where, how, and for what he pleases, and to enjoy in liberty and security all that his work produces. Can you deny that right to the alien the moment he lands on this soil, without reducing him at once to servitude? Your Constitution, which prohibits slavery, compels you to give the alien when he reaches this country the full protection of your laws, the right to work, the right to sell his labor, and to enjoy all that his labor produces. All the power of your Government must be exercised to defend him in that privilege, not for his sake, but for your own. True, in some States he is not allowed to own land directly, but all other fields of investment are open to him, and by ownership of corporate shares he can become the possessor of land to any amount that he may wish to acquire. And while you must, by the very organic law of your political being, employ every agency of government to protect and defend him in all his essential rights, yet under the operation of this proposal he would be exempt from any obligation to bear a part in defense of that government if this country were invaded or threatened with invasion. He is exempted from jury duty and many obligations which are part of the burdens assumed when citizenship is acquired.

While vast and steadily increasing numbers are admitted to your population, whose lives, liberties, and property must be protected by your laws, is it wise to relieve them from bearing a share in the common defense? But the gentleman justifies this proposal on the ground that an educational qualification will of itself improve the quality of the electorate by limiting the suffrage to educated men. Even if the gentleman's fundamental assumption be true, if education be indeed conclusive proof of moral merit—which I deny—this proposal would not restrict suffrage to the educated among those who seek our shores. This proposal would not exclude anybody from the suffrage, for the simple reason that the suffrage is not a subject of Federal control, and therefore can not be regulated by Federal statute. We can exclude voters from citizenship, but we can't prevent aliens from becoming voters. If this proposal be adopted, aliens who never can be citizens will still vote in many States of this Union.

Conceive, Mr. Chairman, what this may portend. It is well within the bounds of possibility that this country may become involved in a dispute with another country, against which a large number of persons dwelling here may be inflamed by racial prejudices, by memories of wrongs inflicted on themselves or on relatives, and the votes of these aliens in pivotal States may decide a Presidential election. On that election may turn a question of peace or war. Its result may plunge this country into hostilities, and if this provision be adopted these aliens will be free from any obligation to face the bullets which their votes may have provoked.

But, Mr. Chairman, the most ludicrous feature of this proposal, conceived in distrust, if not contempt, of the alien, is that in operation it will result in creating two distinct classes of citizens by elevating the naturalized to a higher plane than the native citizen. Under such a system a vast majority of the aliens admitted to citizenship must speak and know two languages. Everyone not from an English-speaking country must be able to speak, read, and write his own language, and besides he must be able to speak and read English. This is practically a requirement that he be master of both tongues, for whoever can write one language can write any other which he is able to read.

Now, this will be rather a high degree of intellectual attainment. How many of us here could meet such a test? But everyone holding a certificate of naturalization will be adjudged to have passed it successfully. Citizenship for the native carries with it no implication of any particular excellence of quality. The native may be ignorant, unable to read or write. He may be quarrelsome. He may be unclean of person and unclean of speech. He may be incapable of earning his own support. But so long as he keeps out of jail he is equal in point of citizenship with the best, the most cultivated, the most efficient of all his fellows. In the whole body of our citizenship the naturalized under this law must be raised to a plane of peculiar distinction, since he alone will be held by the formal finding of a competent court—by solemn judicial decree—to be a scholar and a gentleman.

Is this an exaggeration? It was said of Sir Walter Raleigh that he was a soldier, a sailor, a scholar, a statesman, and a gentleman. Well, Mr. Chairman, under this proposal every naturalized citizen must have four-fifths of the qualifications which distinguished that most brilliant ornament of the Elizabethan age. He must be a sailor, at least to the extent of having crossed the sea. He must be a soldier to the extent of assuming liability to bear arms in case of war. He must be a scholar to the extent of having mastered two languages; and he must be a gentleman, because he must satisfy a court that he is of unblemished moral character; and surely no one will question that the possessor of all these excellencies, moral and intellectual, must be a gentleman.

This section does not absolutely require an applicant for citizenship be a statesman, but as statesmanship is an accomplishment that can be acquired, and as the naturalized citizen will be eligible to every office in the country except one, it is reasonable to assume that in some instances at least he will develop into a statesman. Is it any exaggeration to say, sir, that if this proposal be adopted, in the body of your general citizenship a select body will be established, of which each one must be actually four-fifths and potentially five-fifths a Sir Walter Raleigh, while the native citizen may be anything short of a convict?

Mr. Chairman, I am opposed to the creation of separate classes in the body of our citizenship, and I think it is in the last degree unwise, almost disloyal, to change our naturalization laws so that while citizenship will raise no presumption of excellence in native born, it will raise a presumption of high excellence in naturalized citizens.

The gentleman from Colorado may say that these criticisms do not constitute an argument against the principle of this provision, but merely in favor of carrying it a step further back and of applying the educational test to every immigrant at the port of entry. I am quite ready, sir, to concede that it is impossible to discuss this policy intelligently or profitably unless we go to the very root of the proposal and argue candidly the graver question which underlies it. Should immigration itself be restricted; and if so, should the restriction be made effective by an educational qualification?

Sir, I have no hesitation in submitting to the judgment of this committee, and I think it is capable of demonstration, first, that immigration instead of being restricted should be encouraged, and, secondly, that this legislation, if it be adopted, instead of operating to exclude the undesirable will operate

to admit none but the undesirable, while it will shut out those who are in the highest degree desirable.

In discussing whether immigration itself should be restricted, the first step is to ascertain the precise relation between the immigrant and this country. Some gentlemen seem to think there is a great sacrifice, or at least a grave risk, of imperiling some American interests in giving asylum to this body of refugees from over the world. I believe that the immigrant, while he obtains great advantages from this country, gives as much—aye, sir, more than he receives. I will go a step further. I say there is nothing can come through our ports so valuable to our prosperity and welfare as a pair of human hands willing and eager to employ themselves in the cultivation of this soil. [Applause.]

What object can move the unlettered immigrant to come here? What can he do when he enters this country? Does anybody think that he comes here to seek a life of ease? How could he expect to secure it? Who would furnish him with support or with amusement? He can come with but one purpose, and that is to work. As he comes without capital, he can not be his own employer. He must therefore sell his labor in the open market. No one will employ a laborer for the mere sake of obliging him or being generally agreeable. The laborer will be employed only where there is a profit in employing him. He can't find employment—he can't work—he can't live unless he produces by his own labor all that he consumes himself—that is to say, his wages plus a profit to his employer. The difference between the wages which he receives for his own support and the total value of his product is the measure of his contribution to the general welfare of the country. Every laborer who comes here is, then, a source of abundance. No matter what his disposition may be, under the very law of his being he must be a contributor to the common stock, because he must produce more than he himself consumes. Any attempt to restrict the number of immigrants coming to this country is, therefore, an attempt to reduce the sources of our prosperity.

I know that certain shortsighted persons say the immigrant, when he engages in work, displaces some American laborer. Mr. Chairman, I will not dispute that statement. It is true in one sense. Every immigrant who works on this soil does displace a native laborer. But how? He displaces him not by excluding him from all employment, but by lifting him on his shoulders to a higher plane of industry, where he earns higher wages. Surely, sir, it must be obvious to every gentleman here that under the essential conditions of industry no immigrant can work without improving the condition of everyone who dwells on the same soil.

The immigrant is nearly always an unskilled laborer. To live he must engage in what is called "day's work"—that is to say, in the most poorly paid, though the most important, in the whole field of industry. He digs drains and ditches; he paves streets and sweeps them; he builds railroads; he engages in every form of work which requires the strongest muscular exercise and obtains the smallest compensation.

Now, this work the American can not be induced to do. Yet it must be done. It is the most important of all work, the fountain of all other employment. It must be performed before any skilled workman can ply his trade. Do gentlemen realize that skilled work is seldom if ever exercised on the earth itself, but always on some product of the earth? No mechanic, whatever his skill, can become productive until he obtains raw material on which that skill may be employed. And those raw materials must be produced by that manual labor (the most poorly paid, yet the most important), to which the American laborer will not stoop, but which the immigrant gladly embraces an opportunity to perform. Every immigrant who brings from the bosom of the soil a single commodity gives employment to others instead of wresting employment from them. The coal which he produces with his pickax gives employment to the railway hand who transports it and to countless others at every stage of its progress from the mouth of the pit where it is mined to the furnace where it is consumed.

The agricultural laborer who turns a furrow in the field and scatters seed upon it is producing grain which when harvested must be carried to the mills and there ground into flour, and then transported to bakeries, where it is made into bread for the consumption of millions; and at every stage of this production men are furnished employment by the raw product of unskilled labor. Wherever a skilled mechanic is active, we know that somewhere or other unskilled laborers are ministering to the necessities of his industry, providing the materials on which his craft is exercised. Can a building be constructed, or a bricklayer, a plumber, a carpenter, or any other skilled laborer be employed in its erection until the foundations are laid and the cellar dug by unskilled labor? Can an engine be placed in motion by the trained hand of the engineer until the untrained hand of some common laborer shovels the coal which feeds its boiler?

Skilled laborers in this country obtain the highest compensation in the world, but these high wages could not be paid if the materials of their industry were not furnished by cheaper labor. A bricklayer, who is paid, say, $5 a day for eight hours' labor, receives a very high compensation judged by the rate of wages throughout the world. But how is it possible to pay him that amount? For remember every laborer, skilled or unskilled, must not only produce the amount of his own wages, but in addition he must produce a profit to the capitalist who employs him. It is possible to pay the bricklayer $5 a day only by keeping him every minute of the eight hours, which constitute his period of toil, actively at the work of laying bricks. Suppose he had to carry his own bricks from the pile in which they were heaped to the place where he was working. Does anybody suppose he could earn $5 a day, that any employer could afford to pay him such wages if two-thirds of his time were spent in carrying bricks from the ground? But this an unskilled laborer can do quite as well, and perhaps better than a trained mechanic. And under the operation of our immigration laws, an alien, and Italian, a Hungarian hod carrier is glad for $1.60 a day to carry those bricks to the bricklayer who is thus left free to occupy every minute of his time in the higher form of industry for which he is specially trained, and therefore to produce the equivalent of his own wages and of his employer's profit.

While the high wages of the bricklayer are made possible by the laborer who carries his bricks, yet the skilled laborer is not benefited at the expense of the unskilled laborer. That Italian or Hungarian hod carrier never had wages one-half so high as what he receives for aiding the bricklayer. The immigrant improves his own position considerably by performing the unskilled labor, while at the same time he contributes decisively to the welfare of the native laborer. In the light of these indisputable truths, what must be the effect of the policy which you propose on the prosperity of the American people? What will be the result of applying to prosperous conditions this jejune statesmanship, which, in the name of improvement, seeks constantly to disturb or modify the political system of a country whose history shows that its government is the best and its laws the wisest the world has ever known? Exclude immigrants from your soil, and what becomes of the bricklayer, what becomes of the engineer, what becomes of all the skilled workmen who must depend for their high wages upon the facility and cheapness with which they can secure the raw materials of their industry?

If immigrants be shut out, obviously Americans must be required to do this rude elemental work, which can not be suspended without paralyzing the whole industrial machine. This means higher wages must be paid for it. But if the hod carrier be paid more the bricklayer must be paid less. Every building, every enterprise, every productive scheme, whatever it may be, is yielding in wages now the utmost that can be drawn from them. You can by this provision or by other legislation rearrange the distribution of the total wage fund, but you can not swell its volume. If the wages of the hod carrier be increased, the wages of the bricklayer must be reduced, and what is true of bricklaying is true of industry in all its branches. This vast tide of immigrants coming to our shores, seeking no advantage or privilege except to use their hands in production, take nothing from any man's mouth, but they are increasing abundance on all sides. The marvelous prosperity which has distinguished this country above all others began when the tide of immigration began to flow hitherward. Our prosperity has grown with the growth of immigration, and now, Mr. Chairman, for no reason that can be understood, we are asked to arrest this stream of producers which, while improving the condition of its own units, has worked measureless improvement to this country.

Mr. Chairman, I confess I can not understand the mental processes which have brought such a proposal before this House. I am aware, sir, the gentleman from Colorado insists that he aims merely to improve the quality of our citizenship and the quality of immigration to this country, while gentlemen who agree with him say that we should welcome good immigrants, that we can not have too many of them. Then, sir, in the name of common sense, of right thinking, of profitable, not to say reasonable, discussion let us know what is meant by a "good immigrant."

I believe, sir, that we do not want linguists, but we do want laborers. [Applause.] I do not think we need men skillful in dialectics, but we do need men efficient in wielding implements of production. Strike out this section, and I will gladly agree to a provision which, instead of providing a ridiculous

educational test, which can not operate to exclude the really undesirable, will establish an industrial test so thorough that anyone who meets it will have proved himself an efficient laborer, and, therefore, a useful citizen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKRAN. I ask for ten minutes longer.

Mr. BONYNGE. If the gentleman will finish in ten minutes, I will not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COCKRAN. I wish to add merely this suggestion: So far from improving the quality of citizenship, this provision, I repeat, will result in debasing it. Whom will this shut out?

Does the gentleman realize that the men who can pass the test which is applied in this section, or the test proposed in the immigration bill of the gentleman from Massachusetts [Mr. GARDNER], are not men who will work at manual labor for $1.50 a day? A man who has received such training will in the nature of things seek employment where these intellectual attainments can be turned to profit. He will compete with Americans in the field of bookkeeping, the various branches of clerical work, in journalism, or in the professions. Do we need any additional competitors in these fields? I trust some supporter of these measures will answer this question candidly and frankly. On the other hand, we can not have enough producers. We can not have enough men to wield the pickax and shovel, to swell the tide of production and to broaden the demand for skilled labor throughout the country by multiplying the raw products which must be manufactured into the finished commodities available for consumption.

The gentleman from Colorado seems to think that the man who can read and write is morally better than the man who, ignorant of letters, can merely work. Sir, I have never known a man working with his hands who was dangerous to any community. The pests of society—the men who imperil the existence of governments and violate their laws—are all educated to some extent, and the most dangerous are not those of least extensive reading. Certainly this section would not operate to exclude a single one of those whom we regard as peculiarly objectionable, while, as I have said, it would shut out multitudes who are highly desirable. Do you think this section would exclude the man who hurled the bomb at the procession returning from the royal marriage in Madrid on Wednesday? Would it have excluded the Chicago anarchists? Would it have excluded Czolgosz? Would it have excluded Guiteau, had he been foreign born? Would it exclude Johann Most or a single anarchist who has come here to spread his pernicious doctrines? Sir, this section might be described with perfect accuracy as a device to shut out the laborious and admit the loquacious. [Laughter and applause.]

I appeal to the experience of all gentlemen here, and ask who are the best men morally you have ever known? Have they always been the possessors of certificates declaring them to be educated or highly trained? How many of you have met depraved men or vicious men in the great tide that rolls every morning from humble homes to some scene of industrial activity? If I were asked to name the man who of all my acquaintance came nearest to filling my ideal of a gentleman—and my acquaintance has been pretty extensive, covering every class and description of men, from the culprit awaiting his doom to the Pontiff on his throne—I should say it was an unlettered naturalized day laborer, who lived for fifty years in the village where I have passed the last twenty summers, who with no peculiar advantage whatever, so impressed every one who met him, from the laborers who worked with him and the neighbors who lived near him, to the foreman who directed him and the employer who paid him, with such a sense of his excellence and native dignity that he was always addressed personally and referred to in his absence as "Mr. Carey."

He is dead now and I can speak of his as a completed life. He was a citizen of Port Washington, a constituent of the gentleman from New York [Mr. COCKS], who probably knew him personally. He had accumulated by untiring industry and rigid economy some money, variously estimated at $30,000 to $50,000. Equally free from insolence or servility, he never offended or feared anyone. Indeed, he had but one fear. It was not of death. I visited him in his last sickness, and saw him face the final ordeal with perfect composure and majestic calm. But he was haunted by an apprehension that some day he would be unable to do a day's work. This he dreaded, not from fear of want, he was beyond it; not from avarice, he was singularly free from the slightest taint of it, but from mere love of work, from a simple, unaffected, but profound sense of loyalty to the task—the obligation to labor of some sort—which is imposed on every human being by the God who created him.

Sir, Mr. Carey was not an exceptional person. He was a type of a large class, members of which are found in every city and village of this country. I appeal to gentlemen residing in small communities, where the different elements constituting the population are known to each other, is there a village or town in any State of this Union—at least in any of those States with large numbers of alien-born inhabitants—where men of this character can not be found? Yet, sir, Mr. Carey would be excluded from citizenship under this proposal or from admission to this country under the law projected by the gentleman from Massachusetts, while Czolgosz, Guiteau, Spies, Most, and every apostle of assassination and murder, preaching hostility to all government and all morality, could meet the test imposed by either bill.

Mr. Chairman, I have discussed this matter solely in the light of our own interests. I do not believe we have a right to consider proposals of legislation in any other light. As the head of each family must be governed by the interest of its members in everything he does, each government must exercise all its powers to promote the welfare of its own citizens. Still, Mr. Chairman, it is an inspiring and glorious feature of any political system that the laws which operate most effectively to promote its welfare operate also to improve the conditions and brighten the prospects of the whole human race. Sir, our policy of offering free asylum and cordial welcome to all white men has been at once the wisest and most beneficent for ourselves, but at the same time it has been the most decisive contribution of all ages to the progress of mankind. All the great events of history, the struggles and tumults, the conquests and invasions, the victories and defeats of which it is a record, are merely features of an irresistible tendency to movement among human beings. That movement of races no system of political organization, no form of government, however powerful or extensive, has been able to arrest or even to check, and that movement of races has always been the result of land hunger, of an imperious demand for new lands by mouths which could no longer be fed by the lands they occupied.

It was this hunger for land that moved barbarian tribes to invade the Roman province, overturn the Empire, and wreck the monuments of ancient civilization. That same hunger kept all the nations in a state of practically perpetual war during the period known as the "dark ages." Hitherto this pursuit of land led inevitably to violence. Men could obtain access to new soil only by conquering it, and new soil was essential to their existence. And so it came to be a general belief that the very condition of life forced men to war against each other. This belief of past ages has been refuted by the experience of this country. This soil has been the theater of a race movement greater than any the world has ever seen, yet it has involved no violence, entailed no injury to anyone, but wrought enormous benefits to countless multitudes. We have lit before the footsteps of humanity this shining truth: That men in the largest numbers can obtain access to new soil and new lands, not as foes to trample it, or as conquerors to plunder it, but as laborers to cultivate it, and while bettering their own condition, improve immeasurably the condition of those who receive them. We have changed this movement of races from a source of dread and waste to a source of confidence and abundance. The instinct which hitherto has raised the hands of men against each other in destruction, whereby all were injured, has under the benign influence of this country led them to cooperate in peaceful production, whereby all are benefited.

Sir, I appeal to every gentleman present, in the name of American patriotism, of human progress, and of Christian civilization, to maintain that policy which has been such a fountain of abundance to ourselves and such a light of inspiration to the world, to leave wide open the doors through which all the industrious may freely enter here, that hereafter, as in the past, vast masses of men, however dissimilar in language, in tradition, and in habits, may in our fields of industry—and their children in our public schools—continue to be fused into that mighty citizenship which for a century has been the strongest inspiration to progress, which is to-day the supreme hope of civilization, and which will remain its firmest bulwark forever. [Loud applause.]

Mr. BONYNGE. Mr. Chairman, during the general debate that was had upon this bill much of the discussion was devoted to this particular section. I do not think it will be unreasonable, therefore, if I shall ask that some limit shall be placed upon the debate upon this section. Before attempting to fix that time, I desire, however, Mr. Chairman, to make a brief

statement of the position of the committee in reference to this section.

During the general debate, Mr. Chairman, I yielded readily and willingly to any gentlemen who desired to propound questions to me either in regard to this section or any other section of the bill. I had no opportunity, and have had none up to the present time, to make any concise, consecutive statement of the views of the committee in reference to this matter, and therefore I shall ask, Mr. Chairman, that I shall not be interrupted in making the statement that I desire to make to-day. No effort was made to interrupt the gentleman from New York, and therefore I must give notice now that I shall decline, until I have made the statement that I desire to make, to yield to any gentleman to ask a question.

Mr. COCKRAN. Before the gentleman begins, would he allow me to suggest that if he has any question that he desires to put to the gentleman from New York, the gentleman is ready to answer?

Mr. BONYNGE. Mr. Chairman, I will not yield. I asked unanimous consent for the gentleman to have thirty minutes' time. I think the gentleman will certainly accord me the courtesy of not asking a question. I did not ask him any question, and I ask this consideration, which I think is due to me from the Committee of the Whole.

Mr. COCKRAN. One moment!

Mr. BONYNGE. I will not yield to the gentleman from New York.

The CHAIRMAN. The gentleman declines to yield.

Mr. COCKRAN. It is a personal explanation.

The CHAIRMAN. The gentleman declines to yield to a question and declines to yield for a personal explanation.

Mr. COCKRAN. The gentleman misunderstood what I said.

Mr. BONYNGE. What is it the gentleman desires to say?

Mr. COCKRAN. The gentleman yields now. I did not ask the gentleman a question now, as he does not desire to be interrupted; what I did say was, if there were any questions the gentleman from Colorado wished to put, the gentleman from New York was entirely ready to answer.

Mr. BONYNGE. Why, Mr. Chairman, I suppose the gentleman from New York will understand that if I had desired to ask him a question I would have propounded it to him. I had no question or I would have asked it. The gentleman asked a great many questions during general debate and I tried to answer them at that time, and do not desire to be interrupted now.

Now, Mr. Chairman, I desire to proceed. This section is in the exact language of the bill drafted by the commission appointed by the President to revise the naturalization laws. We have consented to one amendment, and, after consideration, the committee proposes—or, at least, so far as I am concerned, I shall favor an additional amendment.

I desire to say, Mr. Chairman, that the strong argument that has appealed to me from the beginning in reference to the provision of this section is that which every Member upon the floor of this House, so far as I can recall, who discussed this bill during the general debate agreed to—that those who speak the English language will more readily and more easily assimilate with the great mass of our population and become familiar with our institutions. I do not recall in the general debate had upon this bill a statement made by a single gentleman upon the floor in contradiction of that proposition; and that is, that those speaking the English language more readily assimilate with our people. It is not that I regard the English language as better than any other language. The French language is more accurate, the German language more forcible, and the Italian language is more rhythmic. Other languages may have other advantages.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. I ask unanimous consent for ten minutes more time.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BONYNGE. But, Mr. Chairman, whatever the advantages of other languages may be, the English language is the language of this country, the language in which all its court proceedings and legislative proceedings and the large part of all its business is conducted.

I say to you, Mr. Chairman and gentlemen of the committee, that history and reason alike demonstrate that you can not make a homogeneous people out of those who are unable to communicate with each other in one common language. You will not point to an instance in history where you will find a homogeneous people who have been unable to communicate in a common language. If you point to the Roman or the Danish or the Norman invasion of England, I answer you that it was but one single invasion, and that the invaders were soon lost, in a generation or two, in the great mass of the people. Wherever one race has conquered another it has in almost every instance either imposed its own language upon those whom it conquered or else it has taken the language of those whom it conquered. There never has been an instance in history where a great homogeneous people has been built up unless those people have had a common language.

Ah, some gentleman may point to the little Republic of Switzerland and tell me that they speak three different languages in that Republic—the French, the German, and the Italian. I believe it is true, but those who speak different languages are gathered together in their separate cantons, separated, as I understand, by mountain ranges, and have but little communication with one another. Remember, too, if you will, that we are not confronted with a single invasion, but yearly great numbers, now exceeding a million, already 90 per cent of whom can not speak English, are coming to our shores. This bill does not deal with the immigration question. We are concerned now with the requirements that we shall prescribe by law for the granting of naturalization to aliens. The gentleman from New York [Mr. COCKRAN], during most of his speech, was not discussing the question that is before the House, and, consequently, there was no reason why I should interrupt him with any questions. He was discussing another and a different bill that will be presented at some other and some future time. I am not in charge of that bill. The bill that is before this House is a bill dealing with naturalization, a question which the gentleman from New York knows is separate and distinct, although growing out of the immigration question. But the question whether you are to make a citizen of an alien and whether you are to admit him into this country are two separate and distinct propositions.

Now, I want to say, Mr. Chairman, that the requirement that an alien shall speak the English language before being admitted as a citizen will not work a hardship upon aliens, and in support of that proposition I call the attention of the committee to what is shown by the census of 1900. According to that census, Mr. Chairman, there were in the United States at that time 5,167,000 persons of foreign birth, males and of voting age. The number who had become naturalized was 2,857,907. Of those who had become naturalized only 3.5 per cent were unable to speak the English language. Of those who had filed first naturalization papers there were 415,000, and of those 13 per cent were unable to speak the English language, demonstrating that the great majority of those who took out the first papers did during the succeeding five years acquire the English language.

But now mark what it shows in reference to those who had not taken out even their first papers. Of that number there were 1,067,000 (I will not give the odd figures) who had not taken out their first papers. Of that number 34 per cent were unable to speak the English language; demonstrating to my mind, Mr. Chairman, that of those who do not acquire our citizenship or acquire our language a larger percentage of them remain not only aliens in law but aliens in sentiment. Mr. Chairman, I submit that it is a travesty upon the naturalization laws of this country that such an occurrence should take place as happened in the Federal court of my own State less than a month ago. On the 9th day of May, according to a clipping from the Denver Republican, two Italians were brought before the Federal court of Colorado to answer to the charge of perjury in securing their naturalization papers. They pleaded guilty, and in throwing themselves upon the mercy of the court, as ground for leniency, they urged to the court that they did not understand the questions that were propounded to them when they were being made citizens of the United States; and because they could not understand those questions, because they did not understand the English language, the Federal court granted leniency to them and simply imposed a small fine upon each of them. I am not complaining of the sentence of the court. I pity the Italians, who were probably herded by some political committee to go into court and be naturalized for the purpose of using them upon election day. That is one of the things we want to prevent; but I do condemn the system that makes it possible for a great number to be gathered in, just preceding an election, for such purposes. Men thus naturalized can have but a poor conception of the dignity of American citizenship.

Ah, Mr. Chairman, some gentlemen say that this is a discrimination in favor of English-speaking people as against foreigners. I do not share in the slightest degree any sentiment of hostility to any aliens of any race. I could not by any possibility, Mr. Chairman, entertain such views. Antagonism to foreigners! Nothing could be further from my thoughts. I am simply seeking to do that which I believe to be for the wel-

fare of my country. I will yield to no man in admiration of what foreigners have done for the upbuilding of the country and in its defense, but I trust that above all things I am an American citizen and that I can look at this question from the standpoint of an American seeking to do that which is for the welfare of our country. I am ready to accept every man for what he is, regardless of his race, his color, or the language that he speaks. When you tell me that we never had such a qualification for a hundred years, let me answer you, Mr. Chairman, that during the past thirty or forty years there has been a large increase in the percentage of the non-English-speaking people.

Prior to 1870 a majority were of the English-speaking races. Since that time the increase has been such until now, as I remember the figures, more than 90 per cent during the past five or six years who came to this country were unable to speak the English language. We provide by law, and have for over a century, that an alien must live in the country for five years before he can be naturalized as an American citizen. The purpose of that requirement is that he shall fit himself for American citizenship during that period. It is admitted on all hands that the ability to speak the English language will enable the alien to more readily assimilate with our people. I think that during the five years of residence required of an alien before he can become an American citizen it is not unreasonable to ask that he take advantage of the opportunities afforded to him in this country and at least make sufficient progress toward assimilation as to be able to speak the language of the country whose citizenship he seeks. The statistics show that it will not work a hardship, that there would be a very small percentage who would be left out if this requirement existed, and I am satisfied that even that small percentage would qualify if they knew it was a requirement for citizenship. I can not be answered by citing individual cases. We never are able to legislate for individual cases. We must legislate for that which is for the best good of the greatest number.

Now, Mr. Chairman, I am inclined to think, after the careful consideration I have given this matter for the past three months, that perhaps all the committee hoped to accomplish by the provisions of this section, as originally presented, can be accomplished by the requirement that the applicant shall speak the English language. We are not concerned at this time with the question of suffrage. That matter, under the Constitution, is relegated to the several States. In view of the other provisions of the bill under consideration, which will, I trust and believe, prevent as far as laws can the commission of naturalization frauds, speaking for myself and several other members of the committee, I shall be satisfied to accept the amendment offered by the gentleman from Nebraska [Mr. KENNEDY]. I can not speak for the committee. I am firmly of the opinion that the passage of the bill, and the provisions of the section under discussion, will meet with the earnest approval of all true Americans, whether native born or naturalized. The naturalized American is equally interested with the native born in safeguarding and elevating our citizenship. He has proved it in a thousand ways, and I know we can trust our naturalized citizens to approve whatever measures may be necessary or proper to make of our people what they have ever been in the past—a happy, progressive, and homogeneous people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to extend his remarks for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from Colorado be permitted to proceed for five minutes. Is there objection?

Mr. BONYNGE. No, Mr. Chairman; I will object to that myself. I am desirous of finishing this bill this afternoon. I shall not ask for any further time, but will ask for unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado to extend his remarks in the RECORD? [After a pause.] The Chair hears none.

Mr. DAWSON. Mr. Chairman, I agree with the framers of this bill that it is desirable to enact legislation that will raise the standard of American citizenship, but will it be wise legislation to deprive a deserving man from another country of the rights and privileges of American citizenship because his circumstances and environment may render it impracticable for him to acquire a high state of proficiency in the English language, in addition to his own language.

Let us examine section 9 of this bill a little. It provides:

SEC. 9. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not write in his own language or in the English language, and who can not read, speak, and understand the English language.

Under that section an alien might be highly educated in his own tongue and be able to *understand* the English language, and yet he could not become an American citizen. Further than that, he might be a profound scholar in his native language, and be able to *speak* and *understand* English, and yet, if he could not also *read* the English language, he is barred from American citizenship.

In my own State and district there are thousands of Germans—as well as other nationalities—who are proficient in their own language, and they are among the best citizens of our country—loyal, patriotic, hard-working, and thrifty. These same people have contributed largely toward making the city of Davenport, with its 40,000 people and $20,000,000 of bank deposits, the first city of the United States in the per capita amount of money in banks. They are familiar with the best American thought and ideals. They read their own daily and weekly newspapers, which are thoroughly American in everything but the type in which they are printed.

Would it be fair to say to such men: The door of American citizenship shall be closed against you, because, perhaps, your hours are so fully occupied in productive toil that you can not find time to acquire a thorough and complete knowledge of the English language; or because, probably, you have passed the age when it is practicable for you to do so?

If this section is enacted into law as it now stands, would not the result be a discrimination in favor of immigrants from English-speaking countries, and against those from Germany, Norway, Sweden, and other countries?

This section imposes a more severe educational test for naturalization than is imposed by any State in the Union, with possibly two or three exceptions, upon those qualified to vote. But more than that, no standard is fixed as to how proficient he must become in reading, speaking, and understanding the English language. That is left to the will of the judge to whom he applies for naturalization, to be exercised as he sees fit in any case.

If it be wise to impose an educational test for naturalization, let it be so drawn that it will not discriminate against some of our most desirable classes of immigrants. It would be an injustice to fix such a rigid educational test as would exclude from citizenship men who are otherwise in every way worthy and well equipped for its duties. [Loud applause.]

[Mr. BURNETT addressed the committee. See Appendix.]

Mr. BENNET of New York. Mr. Chairman, I desire to be heard in opposition to the amendment offered by the gentleman from Illinois [Mr. WHARTON], and to concur, before starting in, with my colleagues on the committee from Alabama [Mr. BURNETT] and Colorado [Mr. BONYNGE] in advocating, or, at least, consenting to, the amendment offered by the gentleman from Nebraska. Mr. Chairman, I can not at all agree with my colleague from New York in his statement that there is no difference between immigration and naturalization——

Mr. COCKRAN. Mr. Chairman, I hope the gentleman did not misunderstand me.

Mr. BENNET of New York. I had not completed my sentence.

Mr. COCKRAN. Oh——

Mr. BENNET of New York. So far as the requirements are concerned or so far as the basic principles involved in the two are also concerned.

Mr. COCKRAN. I think the gentleman ought to realize what I said was this: That if the similar provision reported in the immigration bill were adopted into law it would apply itself automatically to naturalization; but the first part of my speech was directed to showing that under the law as it stands, if this provision be adopted there will be one qualification for admission to the country and another for naturalization, and the result must be a vast and increasing number of men could not become citizens.

Mr. BENNET of New York. I think the statement I made reiterates in substance the statement which the gentleman made. I regard the two questions as far apart as the questions of opportunity and achievement. I want to say to my colleague from New York that on the immigration question I thoroughly agree with him and have gone so far on that question as to disagree with a majority of the committee which has reported the Gardner immigration bill. I believe in allowing able-bodied, clean-minded aliens to come here whether they can read or write in any language or not, so long as they are willing to undertake their share of the burdens of this country; but naturalization is another question. There was a man out in one of the Western States who recently sent a letter to the President inclosing a two-dollar bill, and he wrote in the letter something like this:

Mr. President, I have recently been naturalized out here—

I think it was in the State of Iowa—

and I have come to the conclusion that it is not worth the price, and to get unnaturalized I send you another $2.

I do not think there is another man in the United States other than that gentleman and my colleague from New York who does not think there is value attached to American citizenship. [Applause.]

I was born an American citizen, and I value in the highest degree every attribute of American citizenship. I would not call it a burden to serve my country under that flag. I do not call any privilege of an American citizen a burden, but we must remember when we extend American citizenship that, as the gentleman truly said, we extend every attribute, privilege, and burden of American citizenship. And what does that mean? It means that a man who becomes an American citizen can, among other things, go abroad and claim at all times the protection of the American flag. There are a thousand men to-day doing business in the city of Jerusalem each one of whom claims to be an American citizen, and not one of whom can speak the English language. In what does that result? It results in the condition where an American citizen under our laws goes to his consul and demands his protection, and has to have the assistance of an interpreter in order to make his wants known to the consul of the Government of which he claims to be a citizen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET of New York. I ask unanimous consent that I may proceed for three minutes longer.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for three minutes longer. Is there objection?

There was no objection.

Mr. BENNET of New York. It is perfectly clear, it seems to me, that a man who stays here for five years, who has all the opportunities of mingling with English-speaking people, of reading English-printed books, of assimilating English in every way, and who in five years does not take enough interest in the institutions of the country to learn the English language sufficiently to speak it, ought to remain an alien in fact as he is in mind.

Mr. RUCKER. Is it not true that a great many men come here after passing middle age because they have a son or daughter here—old men, highly respectable, intelligent in their own language, industrious, law-abiding in every sense, and become attached to our institutions and want to become citizens?

Mr. BENNET of New York. I will answer that last year there were 1,026,000 inmigrants who came into this country through the ports on steamers. Out of that 1,026,000 there were over 45 years of age—and that is not such extreme old age—only 60,000 men and women. So you will see how few there are. And I will venture the statement that those men and women, if they become attached to the principles of the Constitution of the United States, if they desire to be good citizens and become good citizens, can in five years learn the English language.

Why, Mr. Chairman, in our own city of New York, where there are so many foreign born, it is affecting and touching to see the interest which men of the class such as the gentleman from Missouri [Mr. RUCKER] has called attention to—men who come here over the age of 45—take in learning the English language, learning to speak it, learning to read it, and learning to write it, until, when the time comes and they sign their final applications in the courts, 90 per cent of those men can sign their names. I do not for a moment agree with any man that disparages our foreign-born citizens. They have the energy, they have the honesty, they have the pluck, and they have the intention, and they do learn to read and speak and understand the English language, and any one of them that does not take the interest to at least learn to speak the English language ought to stay a citizen of the country from which he came.

[Here the hammer fell.]

Mr. GARDNER of Massachusetts. I do not think that the committee understands that the amendment of the gentleman from Nebraska [Mr. KENNEDY] provides no reading and writing test at all. The amendment of the gentleman from Illinois [Mr. WHARTON] provides that the reading and writing and speaking test may be made in any language.

I have been somewhat astonished to find members of the committee, when we had not had any committee meeting on the question, advocating the acceptance of the amendment of the gentleman from Nebraska, for if that is accepted, gentlemen, it means that we cut out entirely the qualification which says that a man must read and write before he can be naturalized. If, on the other hand, we accept the amendment of the gentleman from Illinois, we allow the test to be made in any language, and therefore, although we do not require it in English, if we accept his amendment, we require that a man must be educated and must read and write in some language. That is exactly the provision which is in the immigration bill which will be before you in a few days.

I have no objection to the amendment offered by the gentleman from Illinois [Mr. WHARTON], but I have a decided objection to the amendment of the gentleman from Nebraska [Mr. KENNEDY]. I shall not argue the general principles which control this matter. Every man in this House has considered over and over again whether or not a man ought to be able to read and write before he is naturalized. You can all decide that for yourselves. You have all thought of it repeatedly. This is the law in my own State. In Massachusetts a man must read and write before he can vote and before he can be naturalized. Every man here has ideas on this subject; but I want the House to understand that the Committee on Immigration does not accept the amendment of the gentleman from Nebraska, nor any other amendment. If they put in the amendment of the gentleman from Nebraska [Mr. KENNEDY], they vote to cut out all requirements that a man must read and write; if they vote for the amendment of the gentleman from Illinois, they do not cut out the reading and writing requirement, but they say that he must read and write in some language.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18502) to empower the Secretary of War under certain restrictions to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbors, areas, and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6354. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement.

NATURALIZATION BILL.

The committee resumed its session.

Mr. BARTHOLDT. Mr. Chairman——

Mr. BONYNGE. I want to see if we can not fix the time when debate on this amendment shall close.

The CHAIRMAN. The Chair had recognized the gentleman from Missouri.

Mr. BONYNGE. I ask that all debate close at 4 o'clock.

The CHAIRMAN. The Chair had recognized the gentleman from Missouri. Does the gentleman yield?

Mr. BARTHOLDT. I yield for that purpose.

Mr. BONYNGE. How much time does the gentleman himself want?

Mr. BARTHOLDT. About five minutes, and probably an extension.

Mr. BONYNGE. I move that all debate close in fifteen minutes on this paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Colorado moves that debate on this paragraph and amendments thereto close in fifteen minutes.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Division!

The committee divided; and there were—ayes 84, noes 75.

Mr. CLARK of Missouri. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] and the gentleman from Colorado [Mr. BONYNGE] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 99, noes 57.

So the motion was agreed to.

Mr. PALMER. Mr. Chairman, that a Presidential campaign is approaching is manifest from the outbreak of impassioned oratory on both sides of this House upon the subject of the tariff, presaging another warfare over that well-worn theme.

It would seem that time and experience ought to have settled some things, and among them the immeasurable value of the doctrine of protection to American industry, wages, and markets through the imposition of tariff duties.

The subject has been under discussion since James Madison reported an act in the First Congress for levying "duties on foreign goods, wares, and merchandise," which its preamble declared to be "for the support of the Government, for the discharge of the debts of the United States, and for the encouragement and protection of manufactures." This enactment was the second recorded on the statute books of the United States. It received the approval of George Washington on the 4th of July, 1789. As the 4th of July, 1776, was the date upon which the little band of patriots assembled at Philadelphia in the name of the people of the English colonies, threw off the tyranny of the British crown, and declared the "colonies were and of right ought to be free and independent," so the 4th of July, 1789, was the auspicious date when industrial independence, not only of Great Britain, but of all the world was declared, and the foundations were laid for the system that has at least helped to set the United States in the front rank of all the great manufacturing nations.

Observe the purpose of the first tariff act as declared by the act itself. It was to "encourage and protect manufactures" by levying "duties on foreign goods, wares, and merchandise." The patriots who assembled in the First Congress, who had laid the foundations of the Republic broad and strong, believed in the policy of protection. They believed in the "enlightened selfishness" that would secure to workmen on this side of the Atlantic the privilege of employing their labor in the manufacture of all articles needed for domestic consumption. They believed in keeping for the merchants and manufacturers of the United States the opportunity to sell the merchandise and manufactured articles made by these workingmen in the home market. They believed in taking care of their own and in fulfilling the scripture, that "he who provideth not for his own, especially for those of his own household, hath denied the faith, and is worse than an infidel."

The results of the first and of all subsequent tariff acts passed for the purpose of protecting home workmen and home markets have fully justified the belief of the members of the first Congress and of the immortal Washington, who added to the first law the luster of his name.

The doctrine and practice of protection have helped to make the United States the Eldorado of the nations. In point of material wealth it is the richest of all; in education, intelligence, morality, second to none. No people in all the world are so well clothed, housed, fed, and cared for as the people of the United States. While the millennium has not dawned and there are still advances to be made and fields to conquer, the dweller in this favored land may rightfully claim that his country leads the stately procession of the nations in all that pertains to conditions that make life worth living. He who fails to gather from a century of experience in tariffs for revenue only and for protection the lesson of the immense superiority of the one over the other reads history with little discrimination or desire for knowledge.

Many times the doctrinaires, "students of maxims and not of markets," have succeeded in imposing their views upon the people, and many times in our history disaster has overtaken our enterprises.

Now, after a period of prosperity unexampled in this or any other country, the demand is again made that the doctrine of protection be abandoned and a tariff for revenue only substituted in its place. In the face of all the ruinous experience of a hundred years the people are asked to try it again.

The reasons put forward in support of the demand for change are:

1. The tariff is an unconstitutional scheme of plunder calculated to tempt a few at the expense of many.

2. It is the promoter and protector of the trusts, which enable a few men to accumulate immense fortunes at the expense of the many; strangles individual effort and reduces the workingman to a kind of industrial slavery.

The change demanded is the enactment of a tariff for revenue only, which, it is declared, is the only lawful and just tariff, one which will bring the largest revenue from the lowest rate of duty. No higher rate than the lowest possible rate should be imposed.

The first reason, viz, that a protective-tariff law is unconstitutional, is merely a rhetorical flourish. The Supreme Court of the United States finds a tariff laid, not for revenue but for protection, within the power of Congress under the Constitution, which is an end of the contention.

If a protective tariff is a scheme of plunder, it must plunder somebody. Who, then, is plundered by the tariff? Not the wageworker, who finds steady work and the highest wages in the manufacture of the articles needed in the daily life and business of the people. Not the manufacturer, who is shielded from foreign competition in his home market. Not the farmer, who finds ready market at his door at remunerative prices for all he can raise to those who toil in gainful occupations, and who have wages sufficient to enable them to purchase all the necessities and some of the luxuries of life. Not the salaried employees, because their very employment depends on the general prosperity which always attends high wages and plenty of work. Not the teachers, whose schools must close in hard times, when business is dull, wages low, and work scarce.

Perhaps the idle rich, who "toil not, neither do they spin," may pay more money to live than they would under a tariff for revenue only, but they are not complaining, and if they were, the complaint would not be heeded.

Those who may reasonably complain of the American protective tariff are the foreign workmen, who have less work than they would have if they could make for American markets; the foreign manufacturer, who hates the American tariff with a holy hatred; the importer of foreign goods, whose opportunity is circumscribed and business injured.

In 1902 I chanced to travel from Amsterdam to Berlin. The day was hot and the way long, which was an excuse for listening to a most vehement and eloquent denunciation of the American tariff by a fellow-traveler. He demonstrated to his own satisfaction that it would ruin America and that very shortly.

Toward the end of the day it occurred to me to ask the business of the enemy of the tariff and friend of the United States. He turned out to be an agent for a cloth house in Manchester, England, on his way to Roumania to establish a trade in cloth for that his house had lost in the United States by reason of the robber tariff.

These are the classes who do and who do not complain of a protective tariff.

The second reason—that the tariff is a promoter of the trusts—would be more convincing if it were not true that the combinations of capital called "trusts" originated in other countries and are most numerous in England, which is the last free-trade stronghold in the world, and that the most complained of and apparently obnoxious of all the trusts, viz, the Standard Oil Company, deals exclusively in an article which is free of duty. Both facts demonstrate the claim that the trusts exist independent of tariffs and are in no way dependent upon them.

Diminution of the tariff duties to a revenue basis would have no other influence on the trusts than to strengthen them by ruining their small competitors, individual and others, because in times of disaster the weakest must go down first.

The third reason that a tariff for revenue only is the only lawful, logical, and just tariff remains to be considered. In its favor it is argued that the smallest tariff plus the ocean freight would afford incidental protection equal to the difference in wages, which would be sufficient for all useful purposes.

Of course, if any duty at all were collected, it could be only on noncompetitive articles upon which no duty is now paid, and which would add to the price paid by the consumer, or on competitive articles now practically excluded by higher duties. Just to the extent that articles now excluded were allowed to come in under lower duties the home market would be surrendered to the foreigner, and the home workman and manufacturer would be deprived of the opportunity to make and sell the quantity of goods imported. Any duty higher than the lowest sum that would give the largest return would violate the principle of a duty for revenue only and become protective. If a protective tariff is an unconstitutional scheme to rob, then whether the duty protects little or much could make no difference with the principle. A little protection would be a little robbery if a great protection would be a great robbery. If a protective-tariff law is unconstitutional, the amount of the protection could not make the law more or less a violation of the Constitution.

Therefore a tariff for revenue only differs in no respect from free trade, so far as its effects on home interests are concerned. Make the duty low enough to encourage large importations, to the end that the most revenue will result, and the mischief would be practically as great as though no duty at all were exacted, because every yard of imported cloth or ton of imported steel costs the workman of this country the number of days' work that it took to make them.

One of two results would inevitably follow the enactment of a revenue tariff. Either wages would go to the European standard, or the goods consumed in this country would be made abroad and the immense sums distributed for wages annually would go to foreign workmen. It is not pleasant to contemplate the consequences of such a situation. I do not believe that any advocate of a tariff for revenue only can be found who will admit that he wishes to deprive American workmen of their work or wages; yet no other result could follow if the law proposed

proved at all efficient as a raiser of income. Either the law would fail to raise revenue or, if it succeeded as a revenue raiser, it would be at the cost of American workmen. The theory that a tariff for revenue only would bring down the price of manufactured articles so that workmen could afford to work for less wages is fallacious. Just as soon as foreign manufacturers obtained possession of our markets and succeeded in closing our mills and factories the prices would be at their command, and, being human, it is safe to assume that prices would not grow less.

The effect of the present highly protective tariff is to practically prohibit the importation of manufactured goods which can be produced in this country in quantities sufficient to supply the wants of the people; at least that may be assumed to be the intention. The only valid objection that can be raised to the principle of protection is that a combination of manufacturers may cease to compete and exact too great a price. Indeed one of the conditions upon which a protective tariff is allowable is that competition will keep the prices down to a reasonable figure. If such combinations exist, they are in violation of the statute of the United States known as the "Sherman antitrust law," and violators are subject to severe punishment, provided by the law. Since the passage of that act existing monopolies have gone out of existence, either voluntarily or under pressure of prosecutions. The prices of manufactured articles in this country are not excessive if the rate of wages and cost of production are considered. That there are some remaining abuses none can doubt. "Justice travels with a leaden heel, but strikes with an iron hand." But the time is at hand when the last of this particular brand of lawbreakers will either go out of the business or behind the bars. Public sentiment is greatly excited on the subject, and it is not safe to trifle with an aroused public. Congress has armed the Department of Justice with sufficient law and sufficient munitions of war to bring all offenders to justice, and they are coming down like Crockett's coon, many of them without being fired at.

The vital burning question soon to be decided is, Shall present conditions continue; shall we endure the ills we have or "fly to others that we know not of?"

Before embarking on the experiment of changing the plan upon which the business of the country has been carried on since 1861, no doubt the people of the United States will undertake an examination of existing conditions for the purpose of ascertaining whether on the whole the system has produced satisfactory results. If the fact is established that the country and the people are growing poorer, that business enterprises are becoming less remunerative, that wages are less and work more difficult to get, that the army of unemployed is growing larger, then a speedy change will be desirable, the sooner the better.

In December of the year 1892 Benjamin Harrison, then President of the United States, sent a message to Congress, in which in figures which have never been disputed he proved that between the years 1860 and 1892, under a high protective tariff system, the wealth of the country had increased 287 per cent, the mileage of railways 448 per cent, and the average wages of labor per capita 41.71 per cent. Depositors in savings banks had increased 513 per cent, and the amount deposited 921 per cent. All of which justified him in saying that—

> There has never been a time in our history when work was so abundant or when wages were so high whether measured by the currency in which they are paid or by their power to supply the necessaries and comforts of life.

The President accounted for this wonderful and unexampled prosperity. He said:

> I believe that the protective system, which has now for something more than thirty years prevailed in our legislation, has been a mighty instrument for the development of our national wealth and a powerful agency in protecting the homes of our workmen from the invasion of want.

This message was written after Mr. Cleveland had been elected to succeed President Harrison. Upon this subject the message spoke of a protective tariff:

> The result of the recent election must be accepted as having introduced a new policy. We must assume that the present tariff, constructed upon lines of protection, is to be repealed, and there is to be substituted for it a tariff law constructed solely with reference to revenue; that no duty is to be higher because the increase will keep upon an American mill or keep up the wages of an American workman, but that in every case such a rate of duty is to be imposed as will bring to the Treasury of the United States the larger returns of revenue. The contention has not been between schedules, but between principles, and it would be offensive to suggest that the prevailing party will not carry into legislation the principles advocated by it and the pledges given to the people.

The prevailing party did attempt to carry into legislation the principles advocated by it.

The subject of tariff revision, in accordance with Mr. Cleveland's views, was taken up at an extra session of the Fifty-third Congress, and what is known in history as the "Wilson-Gorman tariff bill" was passed. It was based upon the idea that revenue and not protection should be the object of tariff legislation.

Probably no measure ever enacted by Congress carried such general destruction to the industries of the country. The bill was not altogether a bill "for revenue only," but wherever it undertook incidentally to protect, the protection was inadequate, and therefore useless. It deserved the name given it by President Cleveland, who called it an act of perfidy and refused to give it the sanction of his signature.

Under this tariff immense stocks of foreign goods were forced on the market, displacing goods of American manufacture. Prices fell, factories closed, and an army of men, estimated at 3,000,000 in number, were thrown out of employment. Financial institutions closed their doors, cutting off the opportunity on the part of business men to borrow money; failures in business were so common as not to excite comment. Railroads went into the hands of receivers, more suspensions and more failures occurred from week to week, until it seemed as though the financial basis of support had given way, and that the whole country would be involved in irretrievable ruin.

Mistaken statesmen seized upon the distressful condition of the country to put forward the most seductive and dangerous financial theories. It was proposed to open the United States mint for the free and unlimited coinage of silver, foreign and domestic, at the ratio of 16 to 1, without reference to its intrinsic value. The inevitable result would have been to pour out upon the country an enormous amount of depreciated currency, worth not more than 50 cents on the dollar, with which the debtors could discharge their debts, and with which speculators could rob in a market in which prices would advance by leaps and bounds, only to go down with a crash that would have bankrupted the most conservative.

Nothing but the sterling sense of the American common people stood in the way of indescribable ruin. That sense did not fail. The "Boy Orator of the Platte" was laid low, and McKinley, who, as chairman of the Ways and Means Committee, had prepared and passed the bill that bore his name, under which the wonderful prosperity achieved under the Administration of President Harrison had been made possible, was elected President. Sanity prevailed, and the verdict of 1892 was reversed.

The news of his election was not a day old before confidence began to return. Without waiting for what they knew must come to pass the manufacturers and business men took hope. A special session of Congress was called to meet on the 15th day of March, 1897. The disastrous Wilson bill was repealed, and the McKinley bill, remodeled and made more thoroughly protective by Nelson Dingley and a Republican House, became a law. It has remained upon the statute books substantially as passed until the present time, the extra war tax imposed to pay the expense of the war with Spain having been repealed.

Under this and other protective acts passed since 1861 the country has reached a prosperity far in excess of that portrayed by President Harrison. Prosperity in "good measure, pressed down, shaken together, and running over" came to the country under the Dingley bill. Let the marvelous figures tell the story:

From available sources of information prepared by the Bureau of Statistics of the United States under the direction of the Secretary of Commerce and Labor facts of interest and importance may be obtained which will shed great light upon the inquiry.

First, as to population. A poor country where work is scarce, times hard, and wages low never attracts people from other countries and is not apt to increase its population rapidly by natural causes.

In 1861 our population numbered 32,064,000. Since that time the increase has been enormous and without precedent in history. We numbered last year 83,143,000. Of these, 16,385,974 came from every country in Europe to better their condition and to share in the heritage of freedom. More than a million came last year, which is proof that in other countries the belief prevails that our country is still the haven in which the hungry may find food and the oppressed shelter. I know that a strong opinion is entertained by some very good men that immigration should be restricted, and that our doors should be closed lest our own people suffer. So far as excluding the anarchists, the criminal, the pauper, the dependent, and diseased, the opinion should prevail, but to the industrious and self-supporting immigrants who come here to make homes, to take up an allegiance to the Government of the United States and help to build up the great Republic I would not close the door of opportunity. We have but 25 persons to the square mile. When we approach Denmark, with 400 to the square mile, it may be necessary to

consider total exclusion. The deputy commissioner of immigration at New York, a representative of labor, appointed because he was a fit man and because it was supposed he might be relied upon to enforce the immigration laws, is of opinion that every healthy and able-bodied immigrant is worth $1,000 to the country. If he is correct we gained near a thousand million of dollars from that source last year.

A great population would not be an advantage to a country if it was an idle population. Idleness and poverty are twins.

Our people are industrious. In 1880 we had 253,852 industrial establishments. They employed a capital of $2,790,272,606. They paid annually in wages $947,953,795. They employed 2,732,595 toilers and produced manufactured articles worth $5,369,579,191. Ten years later, in 1900, the number of establishments had almost doubled. They numbered 512,191, with a capital nearly quadrupled, being $9,813,824,380, paying more than twice the wages, viz, $2,320,938,168, to nearly twice the number of employees, namely, 5,306,143, and producing the enormous sum of $13,000,149,159 worth of manufactured goods, more than double the amount produced ten years before.

In 1861 the total number of miles of railroads in the United States was 31,283. In 1904 it was 212,349 miles, which is a little more than the sum of all the miles of European roads. Upon these national thoroughfares passengers and freight are carried more cheaply than in any other country in the world. Since 1892 the average rate per ton per mile for freight has been reduced from 0.94 of a cent to 0.78 of a cent. A poor country does not build railroads or reduce freight rates. The railroads are the pioneers of industrial development, as necessary to progress as labor or capital, and their prosperity is a true index of good times. The people may properly object to the methods of some of their managers, but they can not do business without them.

A great people doing a great business must have capital. Our capital increased from $13.98 per capita in 1861 to $31.08 in 1905. Every dollar of it is as good as any other dollar, and all are as good as any dollar in the world, whether represented by gold or silver, coin or Treasury notes, national-bank notes, or any other kind of notes with backs green or yellow—all are honest money, as good as gold.

Another sure testimony of prosperity and growth may be found in the business of the Post-Office Department, which disseminates information to the people. An ignorant, nonreading, and unprogressive people have no use for mails. In 1879 the revenue of the Post-Office Department amounted to $30,041,983 Last year, 1905, it reached the enormous total of $152,826,485, but this did not cover the cost of carrying on the business—that was $167,397,169.

If the factories have marvelously multiplied in number, production, and wealth, the farms, which are the foundation of all enterprise, the essential factors without which no wheel can turn, because men who work must eat, have not lagged in the rear of development. In 1866 they raised 867,946,295 bushels of corn, worth $411,450,830; but in 1905 the crop swelled to 2,707,930,540 bushels, worth $1,116,696,738. In 1866 they grew 151,999,906 bushels of wheat, valued at $232,109,630. Last year the bushels of that golden grain had multiplied to 692,-979,489, worth in the market $518,372,727.

This is not the whole story. It can all be summed up in the fact that between 1860 and 1900 the value of the farm land, implements, and farm property had increased from $7,789,-493,063 to $20,439,901,164.

Out of our abundance we sold farm products abroad in 1861 amounting to $149,492,626, but in 1905 the prolific soil yielded for foreign markets agricultural products worth $820,863,405.

Thrifty people pay their debts as rapidly as possible. Tested by this standard, the United States will not fail. In 1861 the debt per capita was $2.74. Owing to circumstances over which they had temporarily no control, the debt increased to $76.98 per capita by 1875. Last year the gratifying fact appeared that the public debt had been divided by six, leaving the per capita $11.91.

The true test of the prosperity of a nation is to be found in the value of its production in excess of its consumption. If a people ate up and wore out during the year all they had made or raised they would be no richer at the end than at the beginning. Furthermore, if they buy more than they sell, bankruptcy is only a question of time. In 1861, when the protective system was inaugurated which has been preserved since that time, we exported goods and farm products worth $219,-553,853; but in the same year we purchased and imported foreign goods worth $289,310,542, and thus fell behind $60,756,709. Last year the total exports were $1,518,561,666, the imports $1,117,513,071, leaving a balance of trade in our favor of $401,048,595.

Quoting from the great speech of Hon. JOHN DALZELL:

During the last seven years of Republican administration that had passed when the Chicago convention met (1904), the balance of trade in our favor was nearly ten times as great as the aggregate balances of trade during all the years from Washington to McKinley.

But if the people do not save, if they spend their gains in riotous living or unnecessary luxury, their condition is not essentially better than that of those who sit in adversity. The savings banks of the United States, which are the banks of the plain people, showed deposits last year amounting to $3,663,-077,357, belonging to 7,696,229 depositors. The average per capita was $423.74. This is the largest deposit and the greatest per capita ever achieved; it spells prosperity, full and abundant.

Lest it be said that the greater good is not to be found in the pursuit of mere national wealth, however successful, and that a nation may be populous and prosperous and rich, and at the same time sordid, groveling, and base, I turn with pride and pleasure to the fact that in 1904 an army of children, 16,256,638 strong, marched to the sound of the morning bell to the people's colleges, the public schools, where they acquired the beginning of education at the public expense, which amounted to $273,216,227. At the same time 7,392 students were fitting themselves in theological seminaries to preach the everlasting Gospel; 14,306 others were pursuing the ennobling study of the law; 23,778 others were in the medical schools and colleges fitting themselves to alleviate the suffering of the sick; 51,535 were fitting themselves in the normal schools for the honorable occupation of teachers, while 142,453 others were pursuing the pleasant path of knowledge in colleges and universities.

It is a record of which every American citizen has a right to be proud; it is proof that our people have not lost faith in the saving grace of religion or the ennobling influence of education.

The simple question, easily understood by the most unlettered laborer in the land, now is, Shall we go back to a tariff for revenue only; shall we again go through a period of idleness, depression, and starvation; or shall we stand by the doctrine of protection to American labor and American industry, which assures work and wages to our working men and women and prosperity for all our people?

Place power in the hands of the Democratic party, let as it is, and "the things that have been it is that which shall be," unless our Democratic friends, who now ask to take charge of our Government, write our laws, and dictate our policies, "have learned wisdom and acquired knowledge, and repented them of the evil." How do they stand upon the great, vital question of protection and free trade? We have a right to look at the utterances of their leaders and the declarations of their platforms for an answer. One of the great men of the Democratic party in the House of Representatives is Hon. CHAMP CLARK, Member of Congress from Missouri. He was chairman of the Democratic convention at St. Louis; he was charged with the duty of conveying to Judge Parker the news of his nomination; he is a prominent and frequent expounder of Democratic doctrine on the floor of the House. His opinions are therefore authentic and entitled to respect. In discussing the Dingley bill, he said:

I repeat, that all may hear, that I am a free trader, and proudly take my stand with Sir Robert Peel, Richard Cobden, and Henry George. I may be a humble member of that illustrious company, but it is better to be a doorkeeper in the house of honest free traders than to dwell in the tents of wicked protectionists. I would destroy every custom-house in America. If I had my way to-day, sir, I would tear them all down from turret to foundation stone, for from the beginning they have been nothing but a den of robbers.

If any rise to suggest that he does not speak with authority, then listen to Hon. BOURKE COCKRAN, who was applauded to the echo when he said, in the House of Representatives on the 23d day of April, 1904:

There never was a speech, there never was an appearance, there never was a performance that illustrated more clearly how directly every vicious perversion of government can be traced to the foundation of all corruption—the protective tariff, which has demoralized our whole political system.

If anyone still inclines to the belief that he spoke only his own sentiments and not those of his party, let him mark the language of the Hon. JOHN SHARP WILLIAMS, the Democratic floor leader in the House, temporary chairman of the convention at St. Louis, author of the platform which was adopted and of the gold plank which was not:

In this country, owing to the decision of the Supreme Court in the income-tax case, founded on the provision of the Constitution of the United States about direct taxes, the goal can not be, as it was in Great Britain, free trade. Tariff for revenue to carry on a government economically and effectively administered becomes the American tariff reformer's goal.

If still in doubt as to what the Democratic party believes on this interesting subject, surely we may go to their platform of

principles, put forth by the authority of their national convention in July, 1904:

We denounce protection as robbery of the many to enrich the few. We favor a revision and gradual reduction of the tariff.

Therefore we may be sure that no change has taken place in the beliefs of the Democratic party upon this subject since 1893. In fact, no change has taken place in the beliefs of the Democratic party since the appalling days of human slavery—since the human chattel by his unrequited toil produced for export the only crop raised in the South, supporting his master in idleness, leaving him abundant times to curse protection first added to the price of the goods in which he took his pay, and at the same time built up the free labor and added to the wealth and power of the North. Experience has taught them nothing; adversity, low wages, silent factories, starving men have taught them nothing.

Can the Ethiopian change his skin or the leopard his spots? Then may ye also do good that are accustomed to do evil.

Not until the leaders of the Democratic party are cradled north of Mason and Dixon's line will any change occur in their tariff views.

What, then, may we reasonably expect if the Democratic party should again control the Government, assuming that the declarations of their leaders and the assertions of their platform are in earnest and honest? Certainly they ought to make an effort to save the people from what they call the evils that they assert inhere in the protective system. Protection is robbery and protectionists are robbers, says the platform. Surely, if they have their way, the robbery will be stopped and the robbers deprived of their means of robbing the people. If active measures are not taken to stop the robbery and protect the robbed, what can be gained by changing rulers? If active measures are taken, then people will be called upon to face again such dreadful times as prevailed between 1893 and 1897. There is no room for doubt about that.

If the time shall ever come when a change is desirable in the policy of this country with respect to the doctrine of protection, certainly it is not now. Of all the great nations, England is the only free-trade country left. France, Germany, Austria, Russia are all protectionist countries. Free trade has well-nigh ruined England. Her farmers, mechanics, laboring men, and manufacturers are crying for fair trade. They point to the fact that all other countries protect their home markets and secure them for their own manufactures, while England is a dumping ground for surplus product, which is furnished at a price that renders competition impossible. Her statesmen are taking action. Chamberlain, ex-prime minister, and Balfour, prime minister, in public speeches from London to Glasgow, have advocated a change in the fiscal policy of Great Britain as essential to save the remnant of her colonial trade and keep her home markets from being absolutely occupied by American and German manufactured goods.

They demonstrate that the doctrine of free trade has cost England her commercial leadership, and that her commerce and industries have fallen on evil times.

Mr. Chamberlain said at Glasgow:

It is not well with British trade. After a long period of success, the policy of unrestricted free imports has now shown evident signs of failure. Our exports are stationary in amount and declining in character. We receive from our competitors a large proportion of manufactured goods, and we send them a larger proportion of raw materials than we used to do. Our supremacy in what have always been considered our standard industries has been wrested from us, or is seriously menaced. One by one markets once profitable and expanding are closed to us by hostile tariffs. We have lost all power of bargaining successfully for the removal or reduction of these barriers to our trade.

Mr. Balfour said:

The most advanced of our commercial rivals are not only protectionists now, but in varying measure are going to remain so. Other nations have in their policies accepted the principle of free trade; they have consistently adhered to it. Irrespective of race polity and financial circumstances, every other physically dependent community whose civilization is of the western type has deliberately embraced, in theory if not in practice, the protectionist system.

In the face of our own recent experience from 1893 to 1897, and of the unmistaken drift of events in other countries, the proposition to change our fiscal policy and substitute a tariff for revenue without protection, and thereby open our markets to the production of foreign mills and looms, with the consequent loss by our own people of opportunity to labor and earn bread, can not be entertained. Those who would do it must take the thirty millions of people in this country who are engaged in gainful occupations, earning living wages, to be lacking in ordinary common sense, or they would never have the hardihood to propose such folly. We seek no change, and least of all such change as they would bring us.

The Republican party renews its allegiance to the doctrine of protection. It is the bulwark of our industrial independence and the sure foundation of the prosperity of our people. A tariff for revenue is substantially, for all practical purposes, no better for the people than free trade. A protective tariff must adequately protect, or it is useless. Adequate protection keeps foreign goods out of our markets and gives the work of manufacturing and the consequent wages of labor to our own workers, and not to those of foreign countries. If the Republican party is retained in power the protective tariff will be assured.

Failing to convince the people that the doctrine of protection is unsound or to overthrow it by direct assault, the advocates of a tariff for revenue contrive by divers indirect means to destroy it. Among the insidious charges is one that the tariff allows goods to be sold by American manufacturers in foreign markets cheaper than at home. From this alleged fact the argument is adduced that if goods can be sold cheaper abroad than at home, then the price charged at home is extortionate, and that is made possible by the protective tariff, which shuts out foreign competition. As a punishment and preventive it is proposed to take the tariff off goods of this kind in order to let in foreign competition, which would destroy the business, and with it the opportunity to sell abroad.

First. Let the facts be ascertained. According to the census of 1900, the total value of goods manufactured in the United States that year was $13,039,299,566. The value of the manufactured goods exported was $433,851,756, which is about 3 per cent. Ninety-seven per cent of all the enormous production, valued at $13,000,000,000, was consumed at home. The small percentage of goods sold abroad would cut no figure if they were given away. But they are not given away. A careful investigation made by the Industrial Commission, a nonpartisan body, proved that more than 90 per cent of the total amount of goods sold abroad are sold for prices as high or higher than those received in the United States. About 10 per cent is all that is sold for cost or less.

To illustrate: Of every $100 worth of goods produced in the United States we consume $97 at home; of the $3 worth sold abroad, 90 per cent, or $2.70 worth, is sold for the price charged here, 30 cents' worth are sold for cost or less. Thus, out of every $100 worth of goods made we sell $99.70 at the same price at home and abroad and sell 30 cents' worth abroad at cost or less. In any event, it is not a killing matter, and has no effect on home prices; but no man sells his property at a loss without a reason. American manufacturers are not in the charity business if they can help it. What, then, is the reason for selling even 3 per cent of our manufactured goods abroad at less than cost? Simply a business reason. Overproduction, no sale at home, choice between shutting down factories, putting men out of employment, and disposing of goods in a foreign market at cost or below. That is a sufficient reason. It is not a question of tariff. The tariff has nothing to do with it. It is a matter of business policy, pursued by business men in this and all other countries.

Another indirect assault on the doctrine of protection is made by an appeal to the popular hatred of the trusts.

After indiscriminately and picturesquely denouncing all combinations of capital, classifying them under the general denomination of trusts, a remedy for the trust evil is proposed. It is to admit free of duty all goods the like of which are made in this country by trusts, and thus destroy them by competition.

Practically all the kind of goods manufactured in this country are now made in whole or in part by combinations called trusts. The remedy proposed would therefore admit free of duty all kinds of manufactured goods. There can be no doubt that the end proposed would be reached. Goods made by the pauper labor of Europe would certainly undersell and take the place of those made by the paid labor of the United States.

The trusts would be killed, but all men and women who work for wages would be mourners at the funeral. Before the big combinations went down under the avalanche of foreign importations the small concerns, owned and operated by individuals, which manufacture 87 per cent of the whole amount, would succumb. The conditions would permit all working men and women to join in the obsequies over dead trusts, and also all business men, manufacturers, employers of labor, agriculturists, all could consistently lift up a voice of lamentation over ruined industries, impoverished business, and universal ruin.

The country has been through similar experiences not less than four different times in her history, when under mistaken fiscal policies our markets have been surrendered to foreign competition.

The Republican party stands upon its record. It is without a parallel in the civilized world. A great rebellion suppressed;

a Union reconstructed; slavery abolished; credit restored; debt paid; industry revived; prosperity assured; population trebled; wealth sextupled; our flag honored throughout the earth. Our very name has become a synonym for national patriotism and devotion to liberty.

The mission of this grand party will be ended "when every man within our borders may dwell securely in a happy home, and cast and have counted his equal vote." Until these things are accomplished our warfare with our ancient adversary will not end. [Prolonged applause.]

[Mr. BARTHOLDT addressed the committee. See Appendix.]

Mr. BURGESS. Mr. Chairman, this is a matter of very considerable importance. In my judgment, any action we take one way or the other will be far-reaching in its effect, more so than many gentlemen seem to think. I think we have been getting along nicely with our naturalization laws. I think to put a limitation upon the right to become an American citizen, of those who live here now, requiring them to read and write the English language, is a mistake. Section 9 of this bill says:

That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not write in his own language or in the English language, and who can not read, speak, and understand the English language.

This is unfair and unwise. We want all honest, industrious people of the white races here who care to come, and when here we should not require more knowledge of them than 80 per cent of our native-born people possess in order that they may become citizens.

I believe we can not base American citizenship upon the degree of knowledge that men possess, but it must be based upon character and courage, as it always has been, on the field in time of war, and at home in time of peace, in all our past history. I am willing to join with those who would exclude criminals and anarchists, who would draw the circle of moral character about all those who enter here; but when once you admit them, I do not believe it is wise to say that, no matter how honest they may be, no matter how industrious they may be, no matter how devoted they may become to the flag, no matter how well they may understand American institutions through the papers they read, printed in their own language, in German, Bohemian, French, Italian, and all the different languages; no matter what their worth as men may be, they can not become American citizens unless they learn to read and write the English language. I believe that is a great mistake. I believe we ought not to commit ourselves to such a precedent. I believe it would be a slap in the face of many of the very best citizens that we have in the country to-day.

I do not know about these people in the Northwest, who came from Europe to build up the great country to which they have immigrated. I have not lived in the Northwest, but I know from those who have lived there and from the history of the country that they must have been an honest, industrious, and God-fearing people, worthy of all the privileges of American citizenship. I do know something, however, of the two great peoples—the German and the Bohemian. South Texas is full of them, and I would to God there were more such scattered all over her fair domain. Wherever you go you will find them devoted to obedience to law, devoted to order, industrious and honest. You will go in many communities where you will find those who can not speak perhaps twenty words of English, but they know the duties that they owe to the country and they discharge them with fidelity. You will find many who want to bring their relatives over from the old country to live here, and to say to those people that they can not obtain the right of American citizenship unless they can read, write, and speak the English language is not giving them a square deal in the matter. I agree thoroughly with the views expressed in this line both by the gentleman from New York [Mr. COCKRAN] and by the gentleman from Missouri [Mr. BARTHOLDT]. When we get down to it, what is the need of this? Whatever objection there may be to the presence here of certain classes is a question to be remedied by the immigration laws, but we are now discussing the naturalization of those who are here as well as those who may be admitted hereafter. If those who seek our shores are of a race we are willing to intermarry with and are honest and industrious, let them in, no matter what tongue they speak; and if, after being a reasonable time among us, they desire to declare allegiance to our Republic, upon proof of good character and devotion to free government, let them swear allegiance to our flag and take up the burdens and receive the benefits of American citizenship, no matter whether they read and write the English or any other language or not. Whatever troubles have come to us by immigration, none of them have rested on ignorance of English, but on vice, want of character, and an aversion both to work and to obey the law. I see no good reason to abandon the policy in this respect we have pursued from the beginning of our Government, and hence I shall oppose the adoption of what appears to me as a revival of knownothingism. [Applause.]

Mr. POLLARD. Mr. Chairman, I have an amendment here that I should like to send to the Clerk's desk and have it read, and I should like one minute in which to explain it.

The CHAIRMAN. If there be no objection, the amendment will be read in the time of the gentleman from Nebraska for the information of the House.

The Clerk read as follows:

On page 9, in line 22, amend by inserting the words "read and" after the word "not;" and strike out the word "read" in line 24; so that section 9, down to the proviso in line 24, will read: "That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not read and write in his own language or in the English language, and who can not speak and understand the English language."

Mr. BARTHOLDT. Mr. Chairman, I would ask if there is an amendment pending?

The CHAIRMAN. The amendment just read has not been offered. It is read merely for the information of the House.

Mr. BARTHOLDT. I want to know whether there is an amendment pending to strike out the whole section.

The CHAIRMAN. No; but the Chair understands that such an amendment will be offered later on, when it is in order.

Mr. POLLARD. Mr. Chairman, I have presented my amendment as a sort of compromise, and it seems to me that it meets the exigencies of the case and will solve the difficulties that are before us. The bill as it now stands makes it necessary for the alien to be able to write his own tongue and the English language, and to be able to read and understand the English language before he can become naturalized. The amendment of my colleague from Nebraska makes it necessary for the alien to be able to speak the English language only before he can become naturalized. The amendment offered by the gentleman from Illinois [Mr. WHARTON] makes it necessary for the alien to be able to read and write his own language or the English language before he can become naturalized, and nothing more. My amendment goes further than the amendment offered by the gentleman from Illinois.

Mr. WHARTON. Mr. Chairman, will the gentleman yield for a question?

Mr. POLLARD. Oh, Mr. Chairman, I have only a minute, and I do not care to be interrupted. My amendment not only provides that the alien must read his own language, but he must also be able to read and write his own language or the English language, and then he must be able to speak and understand the English language. I believe those are conditions that will not prove a hardship. I do not believe they are unreasonable or that they are conditions that any alien ought not to willingly subscribe to in order to become a citizen of this great Republic. If my amendment is adopted, it simply makes it necessary for an alien to be able to either read and write his own or the English language and be able to speak and understand the English language. This certainly is not a severe test for citizenship. I do not believe there is to exceed 2 per cent of the aliens who are from those countries from which desirable immigrants come, and those that make desirable citizens, that can not easily fulfill this requirement. It is the illiterate, riot-precipitating class that should be excluded from citizenship under any and all circumstances. If my amendment is written into law it will not deny citizenship to the great mass of aliens, such as the German, the Frenchman, the Swede, the Norwegian, or the Irishman. It is from these countries that men come who make our very best citizens. I believe we should raise our standard of citizenship in this country. It means something to be a citizen of the United States. I do not believe it should be extended promiscuously and without limitations. Citizenship under Old Glory is the most exalted privilege and the most cherished duty known to mankind. I believe the time has come when reasonable restrictions should be imposed, and I sincerely hope my amendment will prevail.

Mr. FULLER. Mr. Chairman, I do not care to make any extended remarks or occupy any time in discussing this amendment or the bill now under consideration. As a general proposition I do not believe that very much fault need be found with our naturalization laws as they now exist, if they are properly enforced and if the courts perform their duties thereunder in accordance with the spirit and intent of the law. However, if this bill will, as some claim, serve to raise the standard of American citizenship, then I am in favor of its passage. If the proposed amendments will encourage foreigners who come here intending to remain to learn our language and become educated in it, then I am in favor of the amendment.

What I desire, however, at this time to address the Committee of the Whole House upon, very briefly, is an entirely different question, and relates to a different bill. I choose this time to do so, because I do not know that any other time will be available for that purpose. I refer to the rate bill and the so-called "antipass amendment," which has been proposed thereto. I have received very many letters and telegrams from railroad employees protesting against that portion of the proposed amendment which is intended to prohibit the railroad companies from granting passes or any kind of free transportation to employees or to the families of such employees. I am unable to understand why, Mr. Chairman, any such legislation should be enacted. I can not conceive whose business it is, or whom it could possibly harm, for the railroad companies to grant free transportation, if they choose to do so, to their own employees and to the families of such employees. I can see no harm in the practice that has heretofore prevailed in that respect, and I think I can see much of good. In my opinion no other one thing so conduces to the faithful and long continued service of railroad employees as the granting to them of free transportation by the employing companies. If no wrong is done, if no one suffers any injury therefrom, then what right has Congress to interfere to prevent the practice? I aver that under the Constitution of the United States we have no power to prohibit anything which injures no one, which by no possibility could injure anyone, and in which the public has no possible concern. I think Congress might say that no railroad corporation doing an interstate business should grant free transportation to any Member of Congress or to any Government official; that would be a question of public policy, and such legislation might well be enacted. I would vote for it without hesitation, because I believe that a public official should be under personal obligations to no corporation which depends for favors and franchises upon legislation or upon any other official act. In other words, that an employee of the Government should serve it alone, and under no circumstances have two masters. That is one thing, but, in my judgment, free transportation granted by a railroad company to its employees is quite another thing; it is part of the compensation of the employees. It is granted for a purpose which concerns no one in the world except the corporation itself and the employee to whom the favor is granted. It is solely a question between employer and employee, and in which the public has no interest one way or the other. I do not believe that Congress has the right or power to prohibit it, and I do not believe that any public interest requires that Congress should attempt to do so; consequently I have no hesitation in saying that such amendment should be voted down, or at least so changed as not to attempt in any way to interfere with the relations between employer and employee so far as the granting of free transportation by the employer to the employee is concerned. I hope such a change may be made before the rate bill, important as it is, is allowed to become a law.

Mr. CAMPBELL of Kansas. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. Three minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the whole of section 9.

The CHAIRMAN. That is not in order at this time until the section has been perfected. The Chair will recognize the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Mr. Chairman, the whole section is so objectionable that I think it quite impossible by any amendments that have been offered to make it satisfactory to this House or to the country. Some of the most industrious citizens of this Republic, native and foreign born, can neither read nor write in any language, much less in two. Some of the most prosperous men among the laboring people of the country, among the farmers of the country, are men who can neither read nor write to the extent required in this section. Now, you put in this bill as a necessary qualification for citizenship in the Republic a requirement that a man shall be able to read and write in two languages, a thing that the gentleman in charge of this bill can not do. Why, Mr. Chairman, I know men who have come to this country, who have become among its best citizens, and who have not yet learned to read or write in our language. I saw one of them enlist to fight under the flag of his adopted country. He made a good soldier in a regiment that won fame in our war with Spain. He neither reads nor writes in our language. Yet he is a patriotic citizen, naturalized under the laws as they now exist. Men who neither read nor write make good citizens, whether they be native or foreign born, if they are honest and industrious; and I agree with the gentleman from New York [Mr. COCKRAN] that some of the most dangerous men who come into this country from foreign lands are men who are educated, who are able to promulgate the vicious doctrines of anarchy they have learned under the monarchies of the Old World.

They are the men against whom the Republic needs protection—not against the honest men who come to this country to improve their condition by seizing opportunities that are to be found here for honest labor. Such men are not a menace to the citizenship of this country, but add to it and make it better. I wish they were all able to read and write our language as well as the language of their native country, but many of them can not, and I would not deny those who can not the privilege of citizenship after they have been admitted into the body of our people if they are qualified in all other respects. Love of our country, loyalty to its flag, and frugal habits and industry are the real essentials for good citizenship. [Applause.]

Mr. KEIFER. Mr. Chairman, I rise to a parliamentary inquiry. I understood the Chair to rule that a motion to strike out the section was not in order. I suppose it was in order to have it pending and that other amendments might be offered and voted on first.

The CHAIRMAN. The Chair, without objection, will state the parliamentary situation to the House. The gentleman from Illinois [Mr. WHARTON] has offered an amendment to strike out and insert. The gentleman from Nebraska [Mr. KENNEDY] has offered a substitute, and the gentleman from Minnesota [Mr. STEENERSON] has offered an amendment to the substitute. Without objection, the Clerk will report the three propositions.

Mr. BONYNGE. Mr. Chairman, before that is done I ask unanimous consent that all Members of the House may have ten days within which to insert remarks in the RECORD upon the bill, and to extend remarks.

The CHAIRMAN. The Chair will state that that can not be done in Committee of the Whole. That is something which has to be done in the House.

Mr. BURGESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Chairman, I wish you would have the Clerk, for the information of the House, announce whose amendment it is he is reading as he reads it.

The CHAIRMAN. The Clerk will comply with the suggestion.

The amendment offered by the gentleman from Illinois [Mr. WHARTON] was again read.

The amendment offered by Mr. KENNEDY of Nebraska was again read.

The amendment offered by Mr. STEENERSON was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois to perfect the text.

The question was taken; and the Chair announced that the ayes appeared to have it.

On a division (demanded by Mr. MANN) there were—ayes 37, noes 57.

Mr. WHARTON. Mr. Chairman, I ask for tellers.

Tellers were refused.

Mr. CLARK of Missouri. No quorum, Mr. Chairman.

The CHAIRMAN (after counting). One hundred and sixty-five Members are present, a quorum.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota to the substitute offered by the gentleman from Nebraska.

Mr. COCKRAN. What would an affirmative vote be for, Mr. Chairman, the proposition of the gentleman from Nebraska?

The CHAIRMAN. It would be in favor of the amendment offered by the gentleman from Minnesota, which, without objection, the Clerk will again report.

The amendment was again reported.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Nebraska.

Mr. GARDNER of Michigan. May we have it read again?

The amendment was again reported.

The question was taken; and the Chair announced that the ayes appeared to have it.

On a division (demanded by Mr. GARDNER of Massachusetts), the ayes were 93, and the noes were 34.

Mr. GARDNER of Massachusetts. Tellers, Mr. Chairman.

Mr. EDWARDS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. EDWARDS. To make a motion.

The CHAIRMAN. The gentleman from Massachusetts demands tellers.

Tellers were refused.

Mr. COCKRAN. Mr. Chairman, I move to strike out the whole section.

The CHAIRMAN. It is moved by the gentleman from New York that section 9 be stricken out.

The question was taken; and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. COCKRAN), there were—ayes 55, noes 104.

Mr. BURGESS and several MEMBERS. Tellers!

Mr. POLLARD. Mr. Chairman——

The CHAIRMAN. No gentleman rose to demand tellers.

Mr. BURGESS rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BURGESS. I demanded tellers.

The CHAIRMAN. The Chair did not see the gentleman from Texas.

Tellers were ordered.

The committee again divided; and the tellers [Mr. BONYNGE and Mr. BURGESS] reported—ayes 51, noes 106.

So the amendment was rejected.

Mr. POLLARD. Mr. Chairman, I would like to know whether my amendment will be in order, which I submitted to the desk some time since?

The CHAIRMAN. The gentleman's amendment will not be in order in its present form for the reason that it seems to amend certain lines in section 9 which have been stricken out.

Mr. POLLARD. Then, Mr. Chairman, I move as a substitute for the amendment that was adopted, introduced by the gentleman from Nebraska, the following: "That no alien shall hereafter be naturalized"——

The CHAIRMAN. The gentleman is too late to make that motion.

Mr. POLLARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. POLLARD. Mr. Chairman, I would like to inquire whether I can offer a substitute for the whole paragraph, section 9?

The CHAIRMAN. If the gentleman has a new proposition covering the entire subject, he could.

Mr. POLLARD. I would like to submit it and then the Chair can rule on it. I move, then, as a substitute, Mr. Chairman, that the following be adopted for section 9:

That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not read or write in his own language or in the English language and who can not speak and understand the English language: *Provided* That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise to become citizens of the United States.

I offer that as a substitute for the section.

Mr. BONYNGE. Mr. Chairman, I make the point of order that we have just voted upon that proposition.

The CHAIRMAN. The Chair does not think the gentleman makes his amendment in order.

The Clerk read as follows:

SEC. 10. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

Mr. FITZGERALD. I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 10, line 10, insert: "*Provided*, That whenever, in any Federal court of naturalization, the pressure of business during the last preceding year has become such that causes or proceedings in admiralty, equity, bankruptcy, or at common law or criminal proceedings can not be reached for trial within six months after the date of issue in such actions or proceedings, the judge or justice of such court may enter an order under his hand appointing masters or United States commissioners, before whom all testimony, oaths (except the oaths prescribed by subdivisions 1 and 3 of section 5), affidavits, petitions, and depositions shall be taken, and who shall report their findings of law and fact to the court: *Provided further*, That such judge or justice may appoint a competent person as stenographer in naturalization proceedings; and the aggregate fees of such master or commissioner and stenographer shall be fixed and apportioned by the court, and shall not exceed the sum of $3 in each proceeding."

Mr. FITZGERALD. Mr. Chairman, an act has just been passed creating a third district judge for the southern district of New York. It has been necessary to provide three United States district judges for the southern district of New York because of the immense amount of business before the Federal courts about the city of New York. Under this bill as at present formed, if it be necessary to have all of the final hearings in naturalization cases before the judges, it will be necessary for the Federal judges to stop the business of their already overcrowded calendars and to take the testimony in longhand themselves. There are no salaried stenographers in the Federal courts, and under section 23 of this bill a petitioner for naturalization can not even agree to pay a stenographer for taking the testimony without subjecting himself to a penalty and committing a crime. If the United States intervenes in any of these cases, and testimony is to be taken, it must be taken by the judge in longhand, because section 23 of this bill would make it impossible for the petitioner to pay the fees without being guilty of the crime, and the only manner in which stenographers can be had in Federal courts is by the agreement of the parties to pay therefor.

This amendment, which was suggested by some of the Federal judges about New York, makes it possible when their business is at least six months behind for them to appoint masters to take testimony and report the conclusions of law and findings of fact, and provides that the fees shall not exceed $3, and that they shall be apportioned between the master and the stenographer.

Two classes of oaths are excepted. The first is the oath which is to be taken before the clerk, as provided in subdivision 1 of section 5, and the other is the oath provided in subdivision 3 of section 5, where a proposed applicant for citizenship has some title which he is compelled to renounce. The oath renouncing the title must be taken in open court.

In the southern district of New York there are now three Federal judges. In the eastern district there is one, and the calendars of both of these courts are very much crowded. If the judges be compelled, either in New York, Brooklyn, Boston, Chicago, or Philadelphia, where the Federal calendars are greatly crowded, to take the testimony in these naturalization cases in longhand, it would be impossible for them to properly discharge the duties of their office and to give the necessary time and attention to the ordinary business of the court that should be given. I hope that the committee will accept this amendment, or, if it desires, extend the time within which courts may be behind in their business before they can order the taking of the depositions and testimony before masters or commissioners instead of taking it themselves. At least it seems to me that some provision should be made that would enable the court, where the United States intervenes, to cross-examine witnesses and summon witnesses to contravert the allegations of the petitioner, to permit the petitioner to pay a stenographer and thus expedite the business of the courts.

Mr. BONYNGE. I do not desire to take up the time of the committee, Mr. Chairman. I will say that we considered a similar proposition in the committee, and after full consideration voted it down unanimously. As it appears in reference to section 23, that will be removed when we reach that section. I ask for a vote, Mr. Chairman, on this amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 13. That in any naturalization proceeding in any court exercising jurisdiction under this act either party shall have the right of appeal to the United States circuit court of appeals of the proper circuit, and in any case such as is described by section 5 of the judiciary act of March 3, 1891, such appeal may be taken direct to the Supreme Court of the United States: *Provided*, That all appeals under this section shall be taken within forty-five days after the entry of the final order by the court before which such proceeding is had. And in no case in which the United States appears in opposition to the granting of a petition for naturalization shall the court before which such hearing is had, or the clerk thereof, issue a certificate of citizenship within forty-five days after the entry of the final order unless the Bureau of Immigration and Naturalization shall file with the clerk of said court a statement to the effect that the United States does not propose to take an appeal. In case an appeal is taken within said time the court shall not issue a certificate in such case except upon and in conformity with the mandate of the court to which such appeal shall have been taken.

Mr. SHERLEY. I would like to call the attention of the gentleman in charge of the bill to the fact that the reference to the appellate court is descriptive only where the appeal may be taken from a United States court, and while it is evidently in the minds of the framers of this section that the appeal should be had to the circuit court of appeals having jurisdiction of appeal from the inferior United States court of the district within which is situated the State court, there is nothing that actually says so; and as there is now no circuit court of appeals that has jurisdiction of appeals from inferior State courts, there ought to be some language that would more accurately describe what was in the minds of the framers of the section.

Mr. BONYNGE. I do not know what other language could

be employed. It would be the circuit court of appeals of the circuit in which the court was located. It says, "of the proper circuit."

Mr. SHERLEY. I do not think the gentleman catches the point. It is where the appeal is from the action of the United States court that you are speaking of. It is an appeal from the district court to that court, but it is an appeal from a State court I am speaking of. There is nothing except an inference that would indicate what circuit court of appeals the appeal is to in such a case.

Mr. BONYNGE. I think the same language would apply. It would be the circuit court of appeals of the circuit in which the State court was located.

Mr. SHERLEY. That, of course, is in the minds of the drawers of the bill, but it is not in the bill.

Mr. CLARK of Missouri. I want to ask the gentleman from Colorado a question.

Mr. BONYNGE. I yield to the gentleman.

Mr. CLARK of Missouri. In lines 15, 16, and so forth, I find this language:

And in no case in which the United States appears in opposition to the granting of a petition, etc.

Now, does this bill provide for the appearance of the United States in opposition to every one of these cases on application?

Mr. BONYNGE. Oh, no; not at all. We went over that this morning. I will say to the gentleman that the United States district attorney can appear in any case where he thinks there is cause for opposing the application, and we do not stay the proceedings for the forty-five days except in those cases where it is found to be necessary to appear on behalf of the Government in opposition.

Mr. CLARK of Missouri. Who is it that puts the United States attorney on the qui vive to find out this?

Mr. BONYNGE. The Bureau of Immigration and Naturalization.

Mr. CLARK of Missouri. They are going to run it?

Mr. BONYNGE. They give him the information. He runs the case, the same as in any other case where it is necessary to have an attorney.

Mr. CLARK of Missouri. Is the United States district attorney put under the jurisdiction and supervision of this Bureau of Immigration and Naturalization for the purposes of this case?

Mr. BONYNGE. No, sir; he is under the jurisdiction of the Attorney-General, and he appears in all cases where the United States is a party, and the United States is a party to proceedings in naturalization.

Mr. CLARK of Missouri. Then it comes right back to the question I asked you a moment ago—if the United States is to be considered as appearing in opposition to the granting of every petition?

Mr. BONYNGE. No. The United States is a party to the proceedings, and it may appear in opposition to any case where it deems it necessary.

Mr. PERKINS. I move to strike out the last two words in order to ask a question. I would ask the gentleman in charge of the bill——

The CHAIRMAN. The gentleman from Kentucky has the floor, and his time has not expired.

Mr. SHERLEY. I simply desire to get a little more information in regard to the first part of the section. I think the gentleman, in a sense, misunderstands the proposition I made to him. Of course, it is evident that the intention was to make an appeal from the State court to the same circuit court of appeals that would have jurisdiction in the event that the appeal was taken from the United States district court.

Mr. BONYNGE. That is true.

Mr. SHERLEY. But it does not say so, and the language is exceedingly loose.

Mr. BONYNGE. Can the gentleman suggest any language that would convey the idea better than that which the committee have used?

Mr. SHERLEY. The gentleman will understand that it is difficult on the floor to consider such a matter so as properly to perfect it; but those in charge of the bill must have had their attention directed to a matter of this kind, and that such language as this, providing for a procedure which, to say the least, is unusual, ought to be very clearly expressed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for two minutes.

There was no objection.

Mr. SHERLEY. Ordinarily no right of appeal lies from a State court to the United States court at all, except in certain enumerated cases. Now, you have created a new appeal from an inferior State court to the United States court, and you are doing it in language that, while clear to you gentlemen, because you know what you desire, is not clear to a mere reader of the law, and I suggest to the gentleman that the section had better be passed, if he is not prepared to perfect it.

Mr. BONYNGE. I will say to the gentleman that the section was prepared or was given to us by the Commission, upon which was the Assistant Attorney-General, who had this particular section in charge, and the committee considered it for some time, and no more apt language to convey the idea occurs to me at this moment. The proper circuit court is the circuit court in the district in which the State court is located. I think it is covered by this language.

Mr. SMITH of California. Suppose the State court in which the proceeding was had was part in one Federal district and part in another. Then to which Federal court would the appeal be had?

Mr. PERKINS. I move to strike out the last two words. I should like to ask the gentleman in charge of the bill what are the circumstances under which an appeal is allowed direct to the Supreme Court of the United States? Why should that be, and when is it?

Mr. BONYNGE. That is covered by the act of 1891, creating the circuit court of appeals. By section 5 of that act appeals may be taken direct from the existing district or circuit courts of the United States to the Supreme Court without going through the circuit court of appeals in certain cases involving the Constitution or involving treaty matters, and some other specific cases, but those are the only ones in which naturalization proceedings could by any possibility become involved.

Mr. PERKINS. Could there be any case under the naturalization law in which that question could arise?

Mr. BONYNGE. There might under some treaty, I think.

Mr. PERKINS. Then under that alone would the appeal be allowed to the Supreme Court?

Mr. BONYNGE. Direct to the Supreme Court.

Mr. PERKINS. Either directly or indirectly, any appeal at all.

Mr. SHERLEY. I should like to ask the gentleman whether there is any provision in the bill as to how the record is to be certified up, or anything as to the procedure on appeal from the State court to the circuit court of appeals?

Mr. BONYNGE. No; because I think the act creating the court of appeals provides for all appeals, and how they may be taken.

Mr. SHERLEY. Yes; but the act creating the circuit court of appeals does not provide for such an appeal as this from the State court.

Mr. BONYNGE. No; it does not.

Mr. SHERLEY. Does not the gentleman think, then, that provision might well be made by inserting herein language to cover the procedure that applies now in cases of appeals from State courts to Federal courts, and thus applying it in this case? In other words, the gentleman has a skeleton arrangement here, with absolutely no information as to how the procedure is to be had.

Mr. BONYNGE. I think that is covered by the statute of 1891, creating the circuit court of appeals, which provides how appeals may be taken to that court. I would have no objection to a short amendment, providing that appeals from the State court to the circuit court of appeals should be governed by that statute, or something to that effect.

Mr. SHERLEY. Can the gentleman tell the committee just what the practice now is, and how far it may be applicable? The proviso that exists in regard to appeals now in the circuit court of appeals act is a proviso intended for classes of cases entirely different from this sort of a case.

Mr. BONYNGE. That is true.

Mr. SHERLEY. This case is in a sense an ex parte matter. There are no parties in the strict sense of the word, and it seems to me the committee having in charge this bill ought to have considered the advisability of providing for some method of procedure. As it is now there is nothing but a general statement that an appeal shall be had to the circuit court of appeals for the proper circuit, without any suggestion, even, as to the proper circuit.

Mr. BONYNGE. Mr. Chairman, an amendment has been suggested to me which I think will probably meet with the gentleman's approval. It is an amendment drawn by the gentleman from New York [Mr. WALDO]. I shall move to amend by striking out the word "proper," in line 9, page 11, and after the word "circuit," in line 9, to insert the words "in which the naturalization proceeding is pending." I think that is an improvement. I offer that amendment.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn, and the Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Strike out the word "proper," in line 9, page 11, and after the word "circuit," in line 9, insert the words "in which the naturalization proceeding is pending."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LACEY. Mr. Chairman, I move to strike out the whole section.

The CHAIRMAN. An amendment is now pending, and a motion to strike out the section is not in order until that is disposed of.

Mr. KEIFER. Mr. Chairman, is not the amendment offered by the gentleman from Colorado, the chairman of the committee, pending?

The CHAIRMAN. Yes.

Mr. KEIFER. I desire to be heard on that.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. KEIFER. Mr. Chairman, I am not trying to embarrass the passage of this bill. I am not entirely satisfied with it, but I am quite certain that the committee has not fully considered this section 13. What the committee undertakes to do in the way of providing for the right of appeal to the United States circuit court of appeals will not be improved in the least by the amendment just offered by the gentleman from Colorado. It will only more definitely fix the United States court to which an appeal might be taken, providing the proceeding to be appealed from is pending in a United States court. When gentlemen talk about providing for an appeal from a State court to a United States circuit court, they are talking about an anomaly in the law. There has never been any such thing as an appeal of this character, and it is not provided for in any general law and never was. It is asserted that there are cases taken from the State court to the Supreme Court of the United States, but they are only cases involving a constitutional question, where it is made to appear to the United States Supreme Court that some constitutional question, some question involving some clause of the Constitution is involved. Then that court takes jurisdiction, but it is not in the nature of an appeal as generally understood at all. It is more properly an error proceeding, to obtain a construction of the Constitution of the United States.

There are possibly provisions for a like proceeding where a United States statute is involved. I am not now talking about cases which may be transferred from a State to a United States court for trial where a United States law or the Constitution is involved.

Mr. BONYNGE. Will the gentleman yield for a moment?

Mr. KEIFER. Certainly.

Mr. BONYNGE. Does the gentleman say that an appeal can not be taken from the highest court of a State, under existing law in any case involving a Federal question pure and simple.

Mr. KEIFER. Mr. Chairman, if the gentleman had been listening to what I have said he would not have asked that question, because it would have been wholly unnecessary.

Mr. STAFFORD. Does the gentleman believe that from the courts of unlimited jurisdiction, which alone have power under this bill to naturalize, that any appeal should lie whatsoever to any court?

Mr. KEIFER. Oh, I am not speaking about what the bill ought to have in it, but the gentlemen who framed and advocate this bill are undertaking to provide for an appeal from the State court to the United States circuit court of appeals and for a retrial there.

Mr. STAFFORD. I am trying to ascertain the gentleman's opinion.

Mr. KEIFER. That can not be done in this way, for the reason that there is no provision for the perfecting of an appeal or any sort of procedure to work it out.

Mr. STAFFORD. I am trying to ascertain the gentleman's opinion as to whether he thinks there is any need for an appeal in any case.

Mr. KEIFER. I am sure it is better to strike out all provisions relating to an appeal of this kind rather than to confuse the law, if the bill should become a law. I do not know that it is necessary to have an appeal at all. I have not been trying to perfect this bill; but I understand those who have had charge of it claim that they are providing for an appeal from any State court that may take jurisdiction in the matter of naturalization, within a certain number of days, to the United States circuit court of appeals. That I deny can be done. There is no provision here or ever was outside of the bill to that effect, and it is an anomaly to have it in it. If there is any authority to authorize a State court to take jurisdiction of a case or proceeding and for an appeal from it after trial, which I doubt, it certainly would be unwise to attempt it.

Mr. HINSHAW. It involves a Federal question, a question of naturalization. Now, if we invest by law State courts with authority in Federal questions, why can not we by a statute give an appeal to a Federal court?

Mr. KEIFER. Mr. Chairman, the gentleman asks a question that I will answer. I answer it by the general practice that there never has been, and for convenience and practicability there never will be, a provision of this kind with reference to ordinary litigation. I understand perfectly well, Mr. Chairman, that where we have a case pending in a State court that involves a Federal question we may go to a Federal court not by appeal, but for the purpose of review and by transfer, as I have tried to state. How would an appeal from a State to a Federal court be taken should this bill become a law with this section 13 in it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LACEY. Mr. Chairman, the whole section ought to go out of the bill, in my judgment. There is a temptation in this bill to a partisan district attorney to select out of the list of those who have been recently naturalized such as he would want to prevent from voting at the next election. An appeal can be taken by him and all of those individuals thus selected would be prevented from voting. It is much safer to leave this whole matter as it is now, entirely a question of fact and law with the court in which the naturalization is granted. It is proposed to open up this question so that any alien who seeks naturalization will at once become a party to a lawsuit ending only in the Supreme Court of the United States. It is a wholly unnecessary proposition, and the short way to dispose of this section will be to strike it out absolutely.

We can certainly trust these courts. They have to hear these cases, they are tried on their merits, they are tried on the evidence, and under the provision of law the district attorney may appear and controvert the facts in the court. That ought to be the end of it, but thousands of cases—enough cases to absolutely overwhelm the Supreme Court of the United States—could be piled up from any single State. The courts formerly in England had no jurisdiction of appeals in criminal cases. In criminal cases a man was tried for the crime and the trial court was the final judge of the case. We have opened up in this country a wide arena of appeals to such an extent as to overwhelm the courts and to prevent the speedy administration of justice in all criminal cases. It is proposed to add to the appeals every case where a man may seek naturalization. The court before which his case is presented, which sees the witnesses, which sees the applicant and determines that he possesses the requisite qualifications, ought to be the final judge of the law and the fact. If the question may then be relitigated and taken to the circuit court of appeals at some distant point involving the applicant in a great expense, it would work a wholly unnecessary hardship, and I think this whole section ought to go out.

Mr. HINSHAW. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. LACEY. I yield to the gentleman.

Mr. HINSHAW. It has been alleged at different times that courts themselves have been corrupt in regard to naturalization of aliens, and therefore there would be no chance to reverse the decisions of these fraudulent courts if this section is stricken out.

Mr. LACEY. But the contrary abuse is so much worse than the occasional and very rare corruption of a court that it would be infinitely worse than the difficulty that it seeks to remedy. Last year in Iowa I recall an instance where fifteen or twenty fraudulent naturalization papers were obtained. Every one of the applicants have been indicted for the crime of perjury.

The cases are rare where a court has been found corrupt. A partisan district attorney would be more likely to take a partisan appeal than would a court be to do injustice.

Mr. BONYNGE. I am going to ask unanimous consent that this section may be passed without prejudice.

Mr. LACEY. Very well; and I hope my friend, after further thought, will pass the section out without prejudice.

Mr. CLARK of Missouri. Mr. Chairman, I would like to do whatever is necessary to do in order to get five minutes. [Laughter.]

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] moves to strike out the last word.

Mr. CLARK of Missouri. Now, if the gentleman from Colorado [Mr. BONYNGE] will agree to move to strike out the whole section, I will yield back my five minutes.

Mr. BONYNGE. I have asked unanimous consent to pass this section without prejudice.

Mr. CLARK of Missouri. If that is the status of it, I want to say what I have to say.

I agree with the gentleman from Ohio [Mr. KEIFER] in what he says, and I thoroughly agree with the gentleman from Iowa [Mr. LACEY] in what he says. This section undoubtedly ought to go out. Let us see what a preposterous position we are putting ourselves in before the country. We are providing here, for one thing, that the man who gets into controversy about naturalization shall have the right, if he is in a Federal court, to appeal to the Federal circuit court of appeals. Nobody doubts we can confer that jurisdiction. But, so far as the language in this section goes, it seems to imply that if the proceeding is in a State court he still can appeal to the United States circuit court of appeals.

I say that it is absolutely preposterous to have an appeal lie from the circuit court of Iowa, if that is what you call it up there, or the district court of Kansas, or the circuit court of Missouri, to an inferior Federal court. It is absolutely ridiculous. Or, go further, and suppose the man prosecutes an appeal, if there is any machinery for it, from the nisi prius State courts to the supreme court of that State, then you put us into the ridiculous attitude of saying to the country that a man may appeal from the supreme court of one of these States to an inferior Federal court.

While I am at it I want to say another thing. There has been a good deal of insinuation and assertion here in the course of this debate, from the first of it to the last, that the State courts are not to be as much relied upon as the Federal courts. I do not believe a word of it, and if I had to take my chances in any court to get justice, I would rather go to the State court of any State in the Union than to go to the Federal courts. It seems to me that some people are getting daffy on the whole subject anyhow. We have managed to wigwag along in this country for several years without tying everybody up with statutes that nobody can understand, and we might manage to wigwag along until Congress meets in December, under the same statutes we have now. [Applause.]

Mr. BONYNGE. Mr. Chairman, I understand unanimous consent has been granted to pass this section without prejudice.

The CHAIRMAN. The Chair has not heard the request made.

Mr. BONYNGE. I ask unanimous consent that this section may be passed without prejudice.

Mr. SIMS. Without an explanation, I shall object.

The CHAIRMAN. The gentleman from Colorado [Mr. BONYNGE] asks unanimous consent that this section may be passed without prejudice. Is there objection?

Mr. SIMS. Without explanation, I reserve the right to object.

Mr. BONYNGE. Mr. Chairman, I have concluded from the debate that possibly it does require some amendment in reference to the proceeding for the appeal. You can not prepare such an amendment in two minutes, and therefore I have asked unanimous consent that it may be passed without prejudice.

Mr. SIMS. My idea was to vote on it while the discussion was fresh and we knew what it was.

The CHAIRMAN. Is there objection?

Mr. SMITH of California. Reserving the right to object, I would like to call the committee's attention to another equally ridiculous feature in this, and maybe they can doctor that up when they get in the committee room. The bill as it now reads provides that if the district attorney appears and offers any objection, however formal it may be, it stays judgment, as you would say, or it stays the issuance of the certificate of naturalization for forty-five days. Now, he might go in and make the appearance in good faith and find there was nothing in it, and yet he is absolutely powerless to withdraw that and allow the matter to go to final judgment, as we say, or to the issuance of the certificate, for it says that it shall stay the matter for forty-five days, "unless the Bureau of Immigration and Naturalization shall file with the clerk of said court a statement to the effect that the United States does not propose to take an appeal." I think that should be doctored, too.

Mr. CLARK of Missouri. Mr. Chairman, I move that the committee do now rise. It is Saturday night, and we want to get ready to go to church.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise.

Mr. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend remarks in the RECORD on another subject.

The CHAIRMAN. Does the gentleman from Missouri withhold his motion for that purpose?

Mr. CLARK of Missouri. Yes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Missouri moves that the committee do now rise.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. CLARK of Missouri. Division, Mr. Chairman.

The committee divided; and there were—ayes 70, noes 78.

Mr. CLARK of Missouri. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] and the gentleman from Colorado [Mr. BONYNGE] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 74, noes 88.

So the motion was lost.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that this section may be passed without prejudice. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

SEC. 14. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of $25 in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of $50, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

Mr. RUCKER. Mr. Chairman——

Mr. BONYNGE. If amendments are to be offered to this section, I move that the committee do now rise.

Mr. RUCKER. I will not offer one now.

The CHAIRMAN. The gentleman from Colorado moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15442, and had come to no resolution thereon.

Mr. WOOD of New Jersey. Mr. Speaker, on the 13th of December, 1905, I introduced a bill to erect a monument to commemorate the battle of Princeton. In this distinguished body of official representatives of the American people, in the presence of men so well versed in American history, and who are so familiar with the events of our great Revolutionary struggle, it is not necessary to say more than a word as to the importance of the battle of Princeton. It played a large, conspicuous, and decisive part in the illustrious and forever memorable war that brought about the independence of the American colonies. It marked the crisis of the Revolution. It was the dividing point, so historians concede, between defeat and victory. It was there that new inspiration brought fresh hope and courage to the disheartened forces of the colonies and lighted anew the fast-ebbing flame of heroism and devotion in the breasts of those brave patriots. And it was from Princeton that the colonial troops marched forward over a pathway that was ever brightening, to culminate at length in the glorious triumph of Yorktown.

Nearly one hundred and thirty years have passed since that time, and yet there is no monument in bronze or marble or granite to commemorate the dauntless valor and heroism displayed on that occasion by our colonial troops, or to testify to the magnificent military skill and strategy there shown by the commander in chief, whose reputation from that time forth as a great military character attracted the attention of all Europe.

Nearly all the other great historic battle grounds of the Revolution have their appropriate monuments. This is the last to appeal for similar recognition to the patriotic sentiment of Congress and the American people.

Princeton will be for all time one of the great historic places of America. It was there that the Continental Congress held its sessions. It was there that the commander in chief issued his proclamation of peace with Great Britain. The first president of its college, John Witherspoon, was one of the signers of the Declaration of Independence. The old walls of her academic buildings still bear the imprint of British bullets, and the patriotic wisdom of her founders made imprints deeper and still more lasting on the beginnings of our American life.

Princeton is known all over the globe as one of the oldest and greatest of all our educational institutions. A monument in that old academic town would forever be an incentive to the truest and loftiest patriotism on the part of the thousands and tens of thousands of youths who in the years to come shall go forth from her academic halls to play their part in developing, maintaining, and perpetuating the free institutions whose right to exist was there, in so large a measure, achieved.

On the 3d day of January, 1887, the one hundred and tenth anniversary of the battle of Princeton, the Princeton Battle Monument Association was organized. The one great patriotic endeavor of this association during all the years, nearly a score, that have elapsed since that time has been to rear a monument that should be a shrine for American patriotism and that should be the embodiment of the great and patriotic memories that will forever cluster about that historic place.

This bill provides for the appropriation of $30,000 on condition that a like amount be raised by the Princeton Battle Monument Association. Fifteen thousand dollars of this amount have already been appropriated by the State of New Jersey, and the balance will speedily be raised by this association. Bills having a similar object in view passed the Fiftieth, the Fifty-second, the Fifty-seventh, and the Fifty-eighth Congresses, and this bill has been heartily recommended by the Committee on the Library of this House.

No better investment, I take it, could be made in the interest of real patriotism; none that would bring returns of larger and truer value; none that would pay greater dividends, than the appropriation of this amount in the recognition of the mighty deeds wrought in that soul-stirring period of our colonial strife by the mighty heroes of our Revolutionary conflict.

REGULATION OF RAILROAD RATES.

Mr. HEPBURN. Mr. Speaker, I desire to present the conference report on the bill H. R. 12987, and the statement of the House conferees, and ask to have the same printed in the RECORD under the rule.

The SPEAKER. The gentleman from Iowa presents a conference report to be printed under the rule.

BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles and House bill with Senate amendments were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6240. An act granting an increase of pension to John G. Fonda—to the Committee on Invalid Pensions.

S. 6300. An act providing when patents shall issue to the purchasers of certain lands in the State of Oregon—to the Committee on Indian Affairs.

H. R. 18070. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes—to the Committee on Military Affairs.

S. 6354. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement—to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 17072. An act granting an increase of pension to Joseph French;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 13022. An act granting an increase of pension to Sarah L. Glirist;

H. R. 12135. An act granting an increase of pension to William Laudahn;

H. R. 15869. An act granting an increase of pension to William H. McCune;

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent census office," approved March 6, 1902;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials;

H. R. 14513. An act to prevent the giving of false alarms of fires in the District of Columbia; and

H. R. 18333. An act granting land to the city of Albuquerque for public purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5561. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901; and

S. 1243. An act providing for compulsory education in the District of Columbia.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 17507. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

WHARVES AND PIERS, PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I present the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 18502), together with the statement of the managers on the part of the House of Representatives, and ask that they be printed in the RECORD, under the rule.

The SPEAKER. The gentleman from Wisconsin presents a conference report and statement for printing under the rule.

PERSONAL REQUESTS.

The SPEAKER. The Chair lays before the House the following personal requests:

Mr. BARTHOLDT requests leave of absence, for one day, on account of important business.

Mr. COLE requests leave of absence, for one day, on account of important business.

Mr. HUMPHREY of Washington requests leave of absence, indefinitely, on account of sickness in family.

Mr. GAINES of Tennessee requests leave of absense, for five days, on account of sickness.

Mr. TAYLOR of Alabama requests leave of absence, indefinitely, on account of important business.

Mr. LOVERING requests leave of absence, for one week, on account of important business.

Mr. LONGWORTH requests leave of absence, for balance of session, on account of important business.

Mr. BURKE of South Dakota requests leave of absence, for four days, on account of important business.

Mr. SHERMAN asks leave to withdraw from the files of the House, without leaving copies, the papers in the case of Milo Loomis, Fifty-second Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the requests be granted.

The question was taken; and the motion was agreed to.

STATEHOOD.

Mr. HAMILTON. Mr. Speaker, I desire to present the report of the conferees on the statehood bill for printing in the RECORD, with the statement accompanying the same.

The SPEAKER. The gentleman from Michigan presents a conference report and statement for printing under the rules.

Mr. MURPHY. Mr. Speaker, I desire to present a privileged resolution.

The SPEAKER. The gentleman presents a privileged resolution. The Clerk will report the same.

The Clerk read as follows:

Resolved, That the rule or resolution heretofore adopted on January 25, 1906, sending H. R. 12707, commonly know as the "statehood bill," to conference, be, and the same is hereby, rescinded and vacated as to all matters and things therein contained, and that the conferees on the part of the House be, and they are hereby, discharged from further consideration or action thereon; and it shall be in order for the House immediately, without debate, intervening motion, or appeal, to pro-

ceed to vote upon the following proposition: Shall the House agree to and concur in the Senate amendments to H. R. 12707, known as the "statehood bill?"

Mr. PAYNE. I make the point of order that that is not privileged or parliamentary.

The SPEAKER. The Chair will state that the position of this bill is that the Senate conferees have the papers, and under the practice and precedents the report is there first made. Even if it presented a question of privilege at this stage and the House had the papers, the Chair doubts if this would be in order; but it is clearly out of order, because the report presented here is presented for printing only. The Chair sustains the point of order.

Mr. MURPHY. Mr. Speaker, I appeal from the decision of the Chair.

Mr. BONYNGE. I move that the House do now adjourn.

The SPEAKER. The gentleman from Colorado moves that the House do now adjourn.

Mr. MURPHY. That is not a square deal.

The question was taken on the motion of Mr. BONYNGE, and it was agreed to.

Accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Raines against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Brooks, son of Isaac Brooks, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. M. Allison, administrator of estate of Francis Allison, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a schedule of claims allowed by the several accounting officers of the Treasury Department under the act of June 20, 1874—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GILLETT of California, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19822) establishing regular terms of the United States circuit and district courts for the northern district of California at Eureka, Cal., reported the same without amendment, accompanied by a report (No. 4645); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19815) to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga., reported the same without amendment, accompanied by a report (No. 4646); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19816) to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga., reported the same without amendment, accompanied by a report (No. 4647); which said bill and report were referred to the House Calendar.

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4190) to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895, reported the same with amendment, accompanied by a report (No. 4650); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation in the State of Washington, reported the same without amendment, accompanied by a report (No. 4653); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 18021) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, reported the same with amendment, accompanied by a report (No. 4654); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the House joint resolution (H. J. Res. 166) providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes, reported the same without amendment, accompanied by a report (No. 4656); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUCKER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9343) providing for the resurvey of certain townships of land in the county of Baca, Colo., reported the same with amendment, accompanied by a report (No. 4658); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON of Indiana, from the Committee on Public Lands, to which was referred the bill of the House H. R. 19654, reported in lieu thereof a bill (H. R. 19916) withdrawing from entry certain lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts, reported the same with amendment, accompanied by a report (No. 4649); which said bill and report were referred to the Private Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16670) to indemnify Edgar P. Sweet, of Alger County, Mich., for homestead lands by granting other lands in lieu thereof, reported the same with amendment, accompanied by a report (No. 4657); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DIXON of Montana, from the Committee on the Public Lands: A bill (H. R. 19916) withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts—to the Private Calendar.

By Mr. REYNOLDS: A bill (H. R. 19917) to increase the pension of widows from $8 to $12 per month under the provisions of the act of June 27, 1890, and its amendments—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 19918) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington"—to the Committe on the District of Columbia.

By Mr. BURLESON: A bill (H. R. 19919) to amend section 1814 of the Revised Statutes of the United States—to the Committee on the Library.

By Mr. TIRRELL: A bill (H. R. 19920) to regulate the service of process in the circuit and district courts of the United States—to the Committee on the Judiciary.

By Mr. SMITH of Maryland: A joint resolution (H. J. Res. 168) providing for a survey of Tuckahoe River, Maryland—to the Committee on Rivers and Harbors.

By Mr. BANNON: A resolution (H. Res. 559) providing for the payment of assistant foreman in the House folding room—to the Committee on Accounts.

By Mr. CUSHMAN: A resolution (H. Res. 560) providing for the consideration of the bill H. R. 18891—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 19921) granting a pension to Robert M. Jones—to the Committee on Pensions.

Also, a bill (H. R. 19922) granting an increase of pension to Mary A. Sutherland—to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 19923) granting an increase of pension to Bettie Ferguson—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 19924) granting an increase of pension to Joseph L. Wright—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 19925) granting an increase of pension to Samuel Arterburn—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 19926) granting an increase of pension to Andrew Leupold—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 19927) granting an increase of pension to Samuel W. Stigleman—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 19928) granting an increase of pension to Elisha G. Baldwin—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 19929) granting an increase of pension to S. A. Bradley—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication—to the Committee on Indian Affairs.

By Mr. FOSS: A bill (H. R. 19931) to authorize the granting of American registry to the Culgoa, a vessel of the third class, and to the Zafiro, a vessel of the fourth class, in the United States Navy—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSTER of Vermont: A bill (H. R. 19932) for the relief of John Lavine—to the Committee on Military Affairs.

Also, a bill (H. R. 19933) granting an increase of pension to Samuel A. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19934) for the relief of Alexander Hutchinson—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: A bill (H. R. 19935) granting an increase of pension to Clara E. Daniels—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 19936) to correct the military record of Charles Coburn—to the Committee on Military Affairs.

By Mr. KENNEDY of Nebraska: A bill (H. R. 19937) granting an increase of pension to Mildred L. Allee—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 19938) granting an increase of pension to Josiah Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19939) granting an increase of pension to William S. Strain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19940) granting an increase of pension to Joseph D. Williams—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: A bill (H. R. 19941) to remove the charge of desertion against John Roper, as of Battery L, First United States Artillery—to the Committee on Military Affairs.

By Mr. McCARTHY: A bill (H. R. 19942) granting an increase of pension to Joseph Westbrook—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 19943) granting an increase of pension to E. La Coste—to the Committee on Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 19944) granting an increase of pension to Elizabeth Presnell—to the Committee on Pensions.

Also, a bill (H. R. 19945) granting an increase of pension to Lucretia Grice—to the Committee on Pensions.

Also, a bill (H. R. 19946) granting an increase of pension to Satirhe Feagle—to the Committee on Pensions.

Also, a bill (H. R. 19947) for the relief of Thomas B. Ellis—to the Committee on War Claims.

Also, a bill (H. R. 19948) granting an increase of pension to Sarah D. Jones—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 19949) granting an increase of pension to Charles Van Ostrand—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 19950) granting an increase of pension to Daniel A. Lamberson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19951) granting a pension to Emma Bussard—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19952) granting an increase of pension to James R. Dale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19953) granting an increase of pension to James W. Hunsaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19954) granting an increase of pension to John W. Clem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19955) granting an increase of pension to John J. Kem—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 19956) granting an increase of pension to Felix D. Allbright—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 19957) granting a pension to Rebecca Daniels—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 19958) granting an increase of pension to John Bergin—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 19959) for the relief of the heirs of Charles Ruffner, deceased—to the Committee on War Claims.

By Mr. WALLACE: A bill (H. R. 19960) for the relief of William C. Barnes—to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 19961) granting an increase of pension to William Worden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19962) granting an increase of pension to David D. Rains—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 19963) granting an increase of pension to Charles Alford Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19964) granting an increase of pension to John Kinney—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Chicago Federation of Labor, for anti-injunction law (the Pearre bill—H. R. 18752)—to the Committee on the Judiciary.

By Mr. AIKEN: Petition of citizens of South Carolina, against interference with navigation on Savannah River—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Mary A. Sutherland—to the Committee on Pensions.

By Mr. BARTLETT: Paper to accompany bill for relief of Orrin J. Lucas—to the Committee on Military Affairs.

By Mr. BATES: Petition of Rev. R. N. Stubbs, Cambridge Springs, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Municipal Art Society of Baltimore, for a national board of art experts—to the Committee on the Library.

Also, petition of E. T. Fleming, Philadelphia, Pa., against passage of bill H. R. 18895, relative to tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Bertie Ferguson—to the Committee on Pensions.

By Mr. BOWERSOCK: Petition of 300 citizens of Ottawa, Kans., for Government mediation in affairs of Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Petition of citizens of Maine, for retention of present law relative to imitation butter—to the Committee on Agriculture.

By Mr. CHAPMAN: Petition of Journal-Republican, Metropolis, Ill., for amendment to post-office laws to make legitimate all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. COLE: Petition of Don C. Bailey and E. M. Day, for amendment to post-office laws making legal all paid paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. DICKSON of Illinois: Petition of W. A. Hunt, Bridgeport; James M. Donahue, Dieterich; E. G. Mendenhall, Kinmundy; C. S. Courtney, Ramsey, and Homer Clark, Effingham, for amendment to post-office laws making all newspaper subscriptions legal—to the Committee on the Post-Office and Post-Roads.

By Mr ESCH: Petition of Municipal Art Society of Baltimore, for Government board of art advisory experts—to the Committee on the Library;

Also, petition of Chicago Federation of Labor, for anti-injunction laws (H. R. 18752)—to the Committee on the Judiciary.

Also, petition of executive directors of the Chicago Commercial Association, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FINLEY: Paper to accompany bill for relief of S. A. Bradley—to the Committee on Claims.

By Mr. FITZGERALD: Petition of the New York Retail Grocers' Union, favoring duty of 10 per cent on teas imported from Canada—to the Committee on Ways and Means.

Also, petition of New York Retail Grocers' Union, for increase of salary for tea inspectors—to the Committee on Ways and Means.

Also, petition of Chicago Federation of Labor, for bill H. R. 18752, relative to anti-injunction laws—to the Committee on the Judiciary.

Also, petition of Municipal Art Society of Baltimore, for a Government board of art experts—to the Committee on the Library.

By Mr. FLOYD: Paper to accompany bill for relief of S. H. Britts (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FORDNEY: Paper to accompany bill for relief of Josephine Honor (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. FULKERSON: Petition of C. S. Dragoo, J. W. Morris, and J. S. Wood, for amendment of post-office laws to make legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Chicago Federation of Labor, for anti-injunction law—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Newport Association for Relief and Prevention of Tuberculosis, for the more stringent inspection of meat-packing establishments engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of Columbia University, New York; Pope Motor Company et al., Toledo, Ohio; granges of New Jersey; Thomas Taggart et al., Indianapolis, Ind.; ex-Postmaster-General John Wanamaker, Charles Emery Smith, James A. Gary, Thomas L. James, and the officers of the Philadelphia Trades' League; Baltimore Board of Trade, and Baltimore Chamber of Commerce et al.; Women's Department of Columbia University, and citizens of Denver, Colo., for consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of George A. Byrne, publisher of the Advocate, for amendment to post-office laws and regulations making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

Also, petition of Meeting of Friends, at Lincoln, Nebr., for mediation of the Government in affairs of the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of Charles O. Piper, for amendment to postal laws to make legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. LEVER: Paper to accompany bill for relief of Adolphus Leininger—to the Committee on War Claims.

By Mr. LINDSAY: Petition of Chicago Commercial Association and Merchant Marine League of the United States, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. MAHON: Petition of Kenny W. Robinson, master of Grange No. 781, Pennsylvania, and H. C. Crownover, master of Grange No. 1211, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of San Francisco Labor Council, for the anti-injunction bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of A. L. Taylor, Republican Leader, Trenton, Nebr., for amendment to post-office laws making legal all newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Sarah D. Jones—to the Committee on Pensions.

Also, petition of wage-workers of Chicago, as represented by Chicago Federation of Labor, for anti-injunction legislation (H. R. 18752)—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Thomas B. Ellis—to the Committee on War Claims.

Also, paper to accompany bill for relief of Elizabeth Presnell, Lucretia Grice, and Satirha Feagle—to the Committee on Pensions.

By Mr. SHEPPARD: Petition for favorable action on bills relating to interstate shipment of intoxicating liquors, by Representatives Sheppard, Stephens of Texas, Wallace, Finley, William W. Kitchin, Richardson of Alabama, Lloyd, Beall of Texas, Smith of Texas, Webb, Adamson, Hardwick, McLain, Claude Kitchin, Broocks of Texas, Candler, Sims, Patterson of South Carolina, Macon, Heflin, Floyd, Bowers, Johnson, Gillespie, Page, Russell, Humphreys of Mississippi, Flood, Houston, Hopkins, Robinson of Arkansas, Bell of Georgia, Small, Watkins, Ransdell of Louisiana, Byrd, Smith of Maryland, Brundidge, Lamar, Bowie, Lee, Clark of Florida, Sparkman, Butler of Tennessee, Spight, Clayton, Pujo, Pou, and Broussard—to the Committee on the Judiciary.

By Mr. STERLING: Paper to accompany bill for relief of Julius C. Witherspoon—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of Retail Grocers and General Merchants Association, against a parcels-post law or consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Portland Produce Association, for bill by Hon. J. ADAM BEDE, relative to private car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Wholesale Liquor Dealers' League, relative to tax on distilled spirits (H. R. 18895)—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Petition of H. C. Parsons, Grange Republican, Chardon, Ohio, and the Tribune, Warren, Ohio, for amendment to post-office laws to make legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. WHARTON: Petition of Chicago Commercial Association, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

SENATE.

MONDAY, *June 4, 1906.*

Rev. ULYSSES G. B. PIERCE, of the city of Washington, offered the following prayer:

We come into Thy presence, our Father, with hearts veiled with sorrow. But it is not as if Thy love were taken from us or Thy power had failed, for we are still Thy children, Thou still our Father.

Renew our days as of old. Cause the light of Thy countenance to shine upon us. Let Thy grace strengthen us, and through the cloud lead us into the light that never was on land or sea. So, our Father, wilt Thou turn our mourning into joy and our tears into thanksgiving. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DEATH OF SENATOR GORMAN.

Mr. BAILEY. Mr. President, in the absence of the surviving Senator from Maryland, it becomes my painful duty to announce the death of Senator GORMAN. The end which awaits us all found him this morning. At his residence in this city, surrounded by his stricken family, he passed from the strife and bitterness of this world to the peace and rest of a better one.

I would ask the Senate to honor his long and faithful service as a member of this body by holding a public funeral in the Senate Chamber except for the fact that he has left instruction that his burial shall be a simple one. In obedience to his wishes, I forbear to make any request further than to ask the adoption of the resolutions which I send to the desk.

At some later time Senator RAYNER, who learned of Senator GORMAN's death when it was too late for him to reach the Chamber for this morning's session, will ask us to set apart a day upon which the Senate will pay a fitting tribute to the memory and services of our deceased associate.

The VICE-PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Texas.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ARTHUR PUE GORMAN, late a Senator from the State of Maryland.

Resolved, That a committee of seventeen Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. GORMAN, which will take place at his late residence Thursday, June 7, at 11 o'clock, and that the Senate will attend the same.

Resolved, That as a further mark of respect that his remains be removed from his late home to the place of interment in Oak Hill Cemetery for burial, in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect; and that the necessary expenses in connection therewith be paid out of the contingent fund of the Senate.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions read by the Secretary.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT appointed as the committee, under

the second resolution, Mr. RAYNER, Mr. ALLISON, Mr. MORGAN, Mr. HALE, Mr. ALDRICH, Mr. TELLER, Mr. GALLINGER, Mr. ELKINS, Mr. MARTIN, Mr. TILLMAN, Mr. CLAY, Mr. SPOONER, Mr. KEAN, Mr. BAILEY, Mr. BLACKBURN, Mr. CLARK of Montana, and Mr. GORMAN.

Mr. BAILEY. Mr. President, as a mark of further respect to the memory of Senator GORMAN, I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 5, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 4, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The motion was agreed to.

PORT ARTHUR A PORT OF ENTRY.

Mr. BROOCKS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, with amendments.

The Clerk read the bill as amended, as follows:

A bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes.

Be it enacted, etc., That an additional collection district in the State of Texas shall be, and is hereby, established, to be known as the district of Sabine, to comprise all of that portion of the State of Texas formerly embraced in the district of Galveston and now hereby detached therefrom, beginning on the Gulf of Mexico at the center of the stream of Sabine Pass; thence north with the center of the stream of Sabine Pass to Sabine Lake; thence with the center of the stream of Sabine Lake to a point directly opposite to the Sabine River; thence north with the east shores of the Sabine River to the north boundary line of Shelby County, Tex.; thence west to the Neches River; thence down said river with its west shores to a north boundary line of Jefferson County; thence in a westerly direction with the said boundary line to the east boundary line of Liberty County, Tex.; thence south to the Gulf of Mexico; thence in an easterly direction along the Gulf shores to the place of beginning; that Port Arthur, in the county of Jefferson, shall be the port of entry for said district, and Sabine, in the county of Jefferson, shall be a subport of entry: *Provided*, That there shall be conveyed to the United States, free of cost, a valid title to the line of water communication between Taylors Bayou and Sabine Pass, known as the "Port Arthur Ship Canal," together with a valid title to the existing turning basin and to the slip known as slip No. 3 in Taylors Bayou, and to the artificial slip on which the lumber dock of the Port Arthur Canal and Dock Company is built, and there shall also be ceded by the State of Texas to the United States exclusive jurisdiction and sovereignty over said waterway, basin, and slips; and the Secretary of War is hereby authorized to accept the said waterways as the property of the United States upon the delivery to him of a clear and indefeasible title thereto and upon proof being furnished to him of legal cession by the State of Texas of jurisdiction and sovereignty as aforesaid; and the said waterways shall thereupon become free public waters of the United States, and be subject to the laws heretofore enacted and that may be hereafter enacted by Congress for the maintenance, preservation, protection, and regulation of navigable waters: *Provided further*, That the company or corporation conveying title to said canal as aforesaid shall also convey to the United States, free of cost, the fee to a strip of land 150 feet wide along the westerly margin of the canal, except that where the right of way of the Southern Pacific Railroad Company prevents the transfer of such strip of land along the westerly margin of said canal there shall be conveyed such strip on the easterly margin thereof as may be necessary to make up such 150 feet of width, with the reservation that until Congress shall have authorized and provided for the enlargement and widening of said canal the said company or corporation, its successors or assigns, shall have the right to control, occupy, and use the said strip of land and every part thereof in the same manner and to the same extent as before the execution and delivery of the conveyance, and also the right to transfer, lease, sell, quitclaim, or otherwise dispose of said property and every part thereof, subject to the grant made to the United States: *And provided further*, That the person or persons, companies, or corporations owning or controlling docks, wharves, or terminals in, along, or upon said canal, or in, along, or upon any basins, slips, or channels connected therewith, directly or indirectly, shall by valid contract agree that the charges for the use of said docks, wharves, and terminals shall be such as the Secretary of War may from time to time approve: *And provided further*, That this act shall take effect only when the foregoing requirements shall have been fully complied with to the satisfaction of the Secretary of War.

SEC. 2. That a collector for the district of Sabine aforesaid shall be appointed by the President, with the advice and consent of the Senate of the United States, who shall hold his office upon the terms and for the time prescribed by law for the like offices in other districts. The said collector shall reside at Port Arthur, the port of entry, and shall receive a salary of $1,000 a year in addition to the fees allowed by law, the total compensation not to exceed in the aggregate $3,000.

SEC. 3. That Sabine, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Sabine, and a customs officer, or such other officers, shall be stationed at said subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The SPEAKER. Is a second demanded?

Mr. KENNEDY of Nebraska. I demand a second.

Mr. BROOCKS of Texas. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. KENNEDY of Nebraska. I object.

The SPEAKER. The gentleman from Texas and the gentleman from Nebraska will take their places as tellers.

Mr. KENNEDY of Nebraska. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection to a second being considered as ordered?

There was no objection.

Mr. BROOCKS of Texas. Mr. Speaker, this is a bill which was introduced by myself early in the session to create a new collection district in southeast Texas and to establish a port of entry therein at Port Arthur. There have been numerous committee hearings upon this bill, and there has been so much printed matter in reference to it distributed among the Members of the House that the most of them, I should think, are somewhat familiar with the conditions at Port Arthur. The opposition at a hearing upon this bill before the Ways and Means Committee freely admitted that a port of entry was needed in that section of southeast Texas. Their only objection to this bill was that they wanted the port of entry at a different place. They wanted it established at Sabine instead of at Port Arthur. We have made ample proof, Mr. Speaker, that a port of entry is badly needed at Port Arthur. Instead of being an expense to the Government, a port of entry there would be a source of revenue for the Government. A city not more than 9 years of age has sprung up there and with it an immense business. The Government receipts for dues, clearances, etc., at Port Arthur for the year 1905 amounted to $8,361.97. There is an immense shipping business done through the port. There are twenty-eight ocean-going ships which are owned by people who live in Port Arthur. Under the present conditions the owners of these ships are put to great inconvenience and expense from the fact that the masters of the ships have to go once annually in person to the collector of customs at the port of Galveston and once each time a ship changes from foreign to domestic trade.

The trip from Port Arthur to Galveston and back, including the time necessarily spent in Galveston in obtaining clearance papers, consumes three days' time, during a part of which demurrage is charged on the vessel. This business can not be transacted within less time by mail. Such delay is not only a very great inconvenience, but a great hardship as well upon the owners of the vessels. The exports from Port Arthur have increased year by year since the beginning of shipments through the canal leading out from that place to deep water at Sabine Pass. Within five years, from 1901 to 1905, inclusive, over $40,000,000 worth of traffic has gone through Port Arthur. The post-office receipts in that city show a most healthful state of affairs, the amount of the same for the year ending June 30, 1905, being $9,917.51. The city now has a population of between 5,000 and 6,000 people, with all the modern conveniences, including paved streets, waterworks, an ice plant, electric lights, etc. They have a large grain elevator situated there with a storage capacity of 500,000 bushels, three oil refineries with tremendous capacity, a rice mill, and many other very important industries; and the city is populated by people who are wide awake, intelligent, and energetic. They have spent their money freely in the establishment of the great industries mentioned, and having created by their enterprise an immense business, I think it but just that they should not be hampered by lack of facilities for handling the same.

There is a private canal leading from near Port Arthur to the Government's deep water at Sabine Pass. This canal is 7½ miles long, 25 feet deep, and 183 feet wide. There is now being constructed by the Government a canal leading from the mouths of the Sabine and Neches rivers to the mouth of Taylors Bayou, at which point it will connect with said private canal. The owners of this private canal, upon condition that the bill now before the House is passed during the present session of the Congress, propose to cede the same, with its turning basins and slips, to the Government. They also obligate themselves to make valid title to the Government to 150 feet of land lying along said canal, provided the Government may determine hereafter to widen the same. These owners of the private canal were perfectly willing to retain ownership thereof and maintain said canal at its present depth, but made the alternative proposition to cede the canal to the United States that those who object to a port of entry being established upon a private waterway might no longer have ground for such objection. This occurs to me, Mr. Speaker, as most liberal action on the part of the owners of the private canal. Nothing could be more so. They feel the great importance to the business interests of Port

Arthur and the country tributary thereto of the establishment of the port of entry. I feel this great importance, too, and I may say that this feeling is shared by every Member from Texas in Congress, including our two Senators. My opinion is that a great majority of the people whom I have the honor of representing favor the passage of this bill; and I must think that, upon a careful consideration of the facts set forth in the committee's report upon it no Member of this House will dispute the fact that the showing made by Port Arthur in support of her claim will amply justify the House in passing the bill, and I trust there will not be any hesitation in doing so.

Mr. KENNEDY of Nebraska. Mr. Speaker, I yield to the gentleman from New York [Mr. PAYNE] such time as he desires.

Mr. PAYNE. Mr. Speaker, I find myself unable to agree to the wisdom or expediency of this proposed legislation. As is well known, I suppose, to the Members of the House, Sabine Pass is located on Sabine River, about 2 miles from the Gulf coast. The Government has built a fine harbor at the pass by dredging out the river and extending the works into the Gulf, so that they have a good flow of water and a good depth for large vessels. Sabine Pass has been a port of entry since 1838. Since that time a private corporation has built what is known as the "Port Arthur Canal." It leaves the Sabine River some 5 or 6 miles above Sabine Pass and extends up into the country from 5 to 6 miles to Port Arthur, located about 12 miles north of Sabine Pass. They have built a canal there drawing about 25 feet of water, with a width of about eighty-odd feet, I think, on the bottom and 110 feet on the top, and by means of that they have been able to take vessels up to Port Arthur, and a considerable commerce has grown up through this private canal. The reason that this city or village was started and this port established at Port Arthur grew out of rival real estate booms in Sabine Pass and Port Arthur. The excuse was given for it that a storm had swept Sabine Pass and destroyed considerable of the town—the same storm, I believe, which damaged Galveston so materially. It was claimed that that storm did not reach to Port Arthur, but this has been strenuously denied, as has almost every fact in the case, before the committee. There was not much of Port Arthur there to be destroyed at the time of that storm, as I recollect it. Now, they come in and ask us to make a port of entry at Port Arthur and to make it a collection district. Of course, I have been in favor of abolishing some of the collection districts and not adding to them. But every exigency of commerce, every public question, could be met in this case by making Port Arthur a subport and giving to that subport the privileges of collecting duties and of clearing and entering vessels and all that sort of thing without adding the expense and trouble of a new collection district.

This proposed legislation met with an insuperable objection in the first place, because Port Arthur was at the head of this private canal. It was suggested, and after long consultation we had an offer that the Government should be invested with this private canal free of charge. Well, that struck some of the committee as being an offer that ought to be accepted, but they claim that the private canal as it is built cost $1,300,000. Now, that canal is not at present sufficient to accommodate the commerce that is coming to Port Arthur at this time. It is not safe for two vessels to undertake to pass each other coming and going through this private channel as it exists to-day. They have to clear the canal from one end to the other before a vessel can start in the canal to reach the supposed harbor, which contains a basin about 200 feet wide at one end and 500 at the other and about 1,800 feet long, where the vessels have to be turned by tugs and where no two vessels can turn in this harbor at the same time without danger of being destroyed. Of course if we take this magnificent gift of $1,300,000 worth of canal, it means that the Government is to improve it in the near future by at least doubling its width, and that fact struck the committee and those in favor of the bill so forcibly that they put into this proposed cession the right of way to dig out and double this canal, and these people who own the canal are to give us not only the canal, but are to give us sufficient land on one side of it to double the canal when we get ready to do the work, which means another $1,300,000. It means additional improvements, it means dredging every year, estimated by the Engineer Department at the minimum of $100,000. It means endless expense for the Government of the United States, and all for what? Why, in order that Port Arthur may be advertised throughout the world as a port at the head of a collection district, when, if you made it a subport, with the privileges that have been given to such places at Tacoma and Seattle, it would answer all the requirements of commerce, all the conveniences of the public, and all the interests of the United States.

Now, Mr. Speaker, that is the whole case in a nutshell. I do not believe in the bill. I do not believe in this kind of legislation; I do not believe in going in with these gentlemen in their land schemes and advertising such a place as Port Arthur at the expense of the Government of the United States. Some 40,000 acres of land, more or less, are held at Port Arthur by a private land company. One gentleman was conspicuously before the committee advocating this bill, and it turned out that he had got his interest in the land company within a year. It turned out that he was interested in the railroad company and in the canal company six or eight years ago, and yet he never thought of coming to Washington (although this bill had been before the committee for the last six or seven years), never thought of coming here to advocate the bill until after he got hold of part of this land scheme located at Port Arthur, and he has been numerously in and out, persisting day by day for the passage of this bill. I do not want to be a partner to any such scheme as that, and therefore I said in the committee that I was opposed to the bill, and I propose to vote against it to-day.

Mr. McMORRAN. Is it not a fact that the Committee on Ways and Means have recommended the passage of this bill?

Mr. PAYNE. Why certainly; it comes here on the report of a majority of the committee.

Mr. BROOCKS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, I do not care to be drawn into a controversy which is really nothing but a quarrel between two localities and between large and conflicting financial interests. Nevertheless, I am satisfied that the merits of the question lie with Port Arthur, and that this bill should pass. Port Arthur is the place where much the larger share of business now going through Sabine Pass is transacted and the prospect is that in the future the proportion transacted at Port Arthur will be even larger. Neither of these localities is entirely safe from cyclones or tidal waves, but of the two Port Arthur is much the safer, and it is a sort of general rule the world over that the farther inland a port can be reached by a convenient channel the farther inland it is located. I have twice visited this locality, and must say that in the year 1904, the date of my latest visit, Sabine Pass was as dead a place as I have ever seen.

Mr. KENNEDY of Nebraska. Mr. Speaker, I should like to ask the gentleman from Ohio how many feet above sea level Port Arthur is?

Mr. BURTON of Ohio. Where the village is, perhaps 4 to 6 feet.

Mr. KENNEDY of Nebraska. I will ask the gentleman whether or not Sabine is not higher—that is, the altitude greater?

Mr. BURTON of Ohio. A portion of it is, due in part to the deposit on the shore of the spoil from the dredged-out channel.

Mr. KENNEDY of Nebraska. But, as a matter of fact, taking it generally, Sabine is more elevated—more above the sea level than Port Arthur?

Mr. BURTON of Ohio. No; because there is an elevation at the town of Port Arthur the natural height of which is greater than at Sabine.

Mr. KENNEDY of Nebraska. I will ask the gentleman how far inland Port Arthur is?

Mr. BURTON of Ohio. The length of the canal is 7.2 miles. The distance inland is 12 to 15 miles. I am not able to state the exact distance.

Mr. KENNEDY of Nebraska. This port, which it is proposed to make a port of entry, is inland from the bay 12 miles.

Mr. BURTON of Ohio. Inland from the Gulf.

Mr. KENNEDY of Nebraska. And it is reached now by a private canal.

Mr. BURTON of Ohio. Which, by the terms of this bill, is to be turned over to the United States Government and which was constructed at a cost of perhaps a million dollars by private parties.

Mr. SULZER. One million three hundred thousand dollars.

Mr. BURTON of Ohio. Which, by the terms of the bill, it must turn over free gratis to the Government, provided it is made a port of entry.

Mr. KENNEDY of Nebraska. But it is true that at this time the canal, which is the only means of reaching Port Arthur, is owned by private parties.

Mr. BURTON of Ohio. At present it is.

Mr. KENNEDY of Nebraska. Can the gentleman state to the House what the cost of maintaining this canal has been each year in the past?

Mr. BURTON of Ohio. I do not know what the cost has

been in the past, because it has been under private control. The estimate made by General Mackenzie, chief of engineers, is that it would cost $10,000 a year or thereabouts.

Mr. KENNEDY of Nebraska. So that if this private canal is ceded to the United States, the total cost of maintenance will be not less than $10,000 per year, which will be saddled on the United States and added to the cost of maintaining that port?

Mr. BURTON of Ohio. Before answering the gentleman's question I will say that the question is not where the ground is highest, but where the business is transacted, and where it can be transacted most conveniently and safely. The answer to that is "at Port Arthur." As regards the $10,000 a year, I will say, in reply to the gentleman, that with a commerce of considerable size it is really trifling. In response to the gentleman from New York [Mr. PAYNE], I would say that I do not anticipate that for many years to come it will be necessary to incur the expense of widening that canal. It is sufficient for present uses. If it is widened or must be widened, it will be because the business is greatly increased and would justify enlargement.

Mr. KENNEDY of Nebraska. Now, will the gentleman from Ohio answer the question I asked—that is, if the fact of making Port Arthur a port of entry will not be to place upon the United States Government the expense of at least $10,000 per annum to maintain a private canal?

Mr. BURTON of Ohio. I have already answered that question, but will again answer it by saying yes; but that amount is trifling in comparison with the commerce involved. The expense of maintaining the pass below is probably $50,000. Now, there would be very little commerce on the expenditure of that $50,000 if it only reached Sabine Pass. The only justification for that expenditure at Sabine Pass to-day is the commerce at Port Arthur.

Mr. BURGESS. I would like to suggest to the gentleman from Nebraska in reply to his position that if this bill passes there will be saddled upon the National Government the expense of maintaining a private canal, and the answer to that lies in this——

The SPEAKER. The time of the gentleman has expired.

Mr. BURGESS. I will ask unanimous consent for two minutes, Mr. Speaker.

Mr. MANN. I object to unanimous consent on suspension day. Let the gentleman yield time.

Mr. BROOCKS of Texas. I yield two minutes more to my colleague from Texas.

Mr. BURGESS. The answer to the proposition of the gentleman from Nebraska lies in this. It is true that if this bill passes a private canal lying wholly within the State of Texas will pass to the Government, and of course the Government must of necessity assume the cost of its maintenance, but the last river and harbor bill carried an appropriation of $411,000 added to a previous appropriation of $125,000, making $536,000 to construct a channel 9 feet deep leading from Orange and Beaumont to a connection with this canal along the west shore of Sabine Lake, and that we must maintain in the interest of commerce of those cities and localities, and this canal either ought to be ceded to the Government or the parties who own it will have the right under the laws of Texas to tax commerce flowing through it enough to maintain it. So I say it is better, it is right and proper that the Federal Government should take it over when it can get it for nothing and maintain it than to tax the commerce flowing through it to maintain it together with the difficulties that may arise from the maintenance of a part of a waterway under private ownership and part of a waterway under public ownership. If this bill is passed the whole waterway to the open sea will belong to the Government. It will be charged of course with its maintenance, but the commerce that flows through it will be untaxed and the whole people, not only the State of Texas, but of all the Northwest who ship down the Kansas City Southern out to the sea, will be benefited by it. That is the answer to the gentleman from Nebraska. [Applause.] And the fact that he hails from Nebraska, from the great wheat fields there that ship out through these lines to the open sea and the European ports ought to stop his mouth, and these facts which I have given, if they get into his head, ought to stop his mouth, and it is to the interest of Nebraska and Texas and all States tributary to this section that the bill be passed. That is the answer to the gentleman.

The SPEAKER. The time of the gentleman has expired.

Mr. KENNEDY of Nebraska. How much time has each side, Mr. Speaker?

The SPEAKER. The gentleman from Nebraska has ten minutes and the gentleman from Texas nine.

Mr. KENNEDY of Nebraska. The gentleman from Texas had better take some time now. Mr. Speaker, if the gentleman from Texas does not desire to use more time, I do.

Mr. BROOCKS of Texas. I would like to hear from the gentleman from Nebraska.

Mr. KENNEDY of Nebraska. Very well, I will ask the gentleman from Texas what sort of a harbor there is at Port Arthur?

Mr. BROOCKS of Texas. I think there is a good harbor at Port Arthur.

Mr. KENNEDY of Nebraska. How large is it?

Mr. BROOCKS of Texas. Has not the gentleman read the statement of facts in the committee's report?

Mr. KENNEDY of Nebraska. The House has not time to read the statement of facts, and perhaps the gentleman knows.

Mr. BROOCKS of Texas. The committee's report is before the House, but I will say it is large enough to meet the demands of commerce, and there is an immense commerce coming through that port, I will say to the gentleman.

Mr. KENNEDY of Nebraska. I will ask the gentleman if it is not a fact that there is no harbor at Port Arthur except what has been dug there by artificial means?

Mr. BROOCKS of Texas. Mr. Speaker, some years ago the State of Texas changed its laws on account of severe storms immediately on the Gulf coast——

Mr. KENNEDY of Nebraska. I did not ask the gentleman for a speech. I asked him a question. [Laughter.]

The SPEAKER. Gentlemen must settle it among themselves. [Laughter.] The gentleman declines to yield further.

Mr. BROOCKS of Texas. I will answer the gentleman's questions specifically.

The SPEAKER. Does the gentleman yield?

Mr. KENNEDY of Nebraska. Oh, yes.

The SPEAKER. How much time?

Mr. KENNEDY of Nebraska. For an answer to my question.

Mr. SULZER. Mr. Speaker, I will say to the gentleman that during the past five years over $40,000,000 worth of business was cleared from Port Arthur, and over $14,000,000 was cleared for the last fiscal year. This is a most commendable bill and ought to pass at once.

Mr. KENNEDY of Nebraska. I am not asking the gentleman about the amount of business done there.

Mr. SULZER. I thought the gentleman wanted information.

Mr. KENNEDY of Nebraska. I do, on the point I am inquiring about.

Mr. SULZER. It appears to me the gentleman is trying to embarrass the gentleman from Texas because he is a new Member.

Mr. KENNEDY of Nebraska. I am a new Member, and it does not embarrass me.

Mr. SULZER. The gentleman apparently was trying to embarrass him, but appears to be embarrassed now.

The SPEAKER. Does the gentleman yield to a question?

Mr. KENNEDY of Nebraska. No, Mr. Speaker; because if I wanted information I would not ask it from the gentleman from New York. [Laughter.] The gentleman in charge of this bill has not given the House any satisfactory reason why the bill should pass. This is not a question as to whether this port shall be at Port Arthur or Sabine. It is a question whether this bill shall pass, and whether there shall be an additional port at all. I say, Mr. Speaker, that we do not need an additional port at Port Arthur. And I will say to the gentleman from Texas [Mr. BURGESS] that the gentleman from Nebraska knows what the interests of Nebraska require; and if he does not, he will not go to Texas to get his information.

Mr. BATES. Is it not a fact that this measure now before the House has been approved by a favorable report from the great Committee on Ways and Means?

Mr. KENNEDY of Nebraska. Yes, sir; I believe so; and nobody has a greater respect for the Ways and Means Committee than I have.

Mr. SULZER. And also by the Secretary of the Treasury?

Mr. KENNEDY of Nebraska. Now we have some more interpolation from New York. [Laughter.]

Mr. Speaker, it is an easy thing to get through this House bills which create additional offices and make additional expense.

Mr. MADDEN. I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. KENNEDY of Nebraska. I do.

Mr. MADDEN. Is it not a fact that instead of creating additional offices and expense by the creation of this port, the revenues to be derived from the establishment of the port at this point will be more than sufficient to meet any expenses that may be created? [Applause.]

Mr. KENNEDY of Nebraska. That, Mr. Speaker, is an evasion of the question. [Laughter.]

Mr. MADDEN. I am asking you the question.

Mr. KENNEDY of Nebraska. I will answer you. I will say that the commerce at Port Arthur will be there whether it is made a port of entry or not. I say that Sabine is a subport now, and it has been sufficient for all purposes and will be sufficient for all purposes for the commerce that will come to that port of Texas, whether Port Arthur is made a port of entry or whether this bill passes or does not pass. Mr. Speaker, I want to know what instances there are in the United States where inland towns have been taken and made ports of entry, with subports on the open Gulf, with natural harbors suitable for all purposes?

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. BURTON of Ohio. Will the gentleman allow me to ask him a question?

Mr. POWERS. Will the gentleman allow me to ask him a question?

The SPEAKER. To whom does the gentleman yield?

Mr. KENNEDY of Nebraska. I will yield to the gentleman from Ohio.

Mr. BURTON of Ohio. I would like to ask the gentleman if he is aware of the situation of Astoria, on the Columbia River, and Portland, which is on the Willamette River, a branch of the Columbia, and about 100 miles from the mouth, while Astoria is very near the mouth? I would like to call his attention to Philadelphia and the ports below it on the Delaware River, on the way to Delaware Bay and the open ocean.

Mr. KENNEDY of Nebraska. Are they made original ports?

Mr. BURTON of Ohio. Certainly; Philadelphia is and so is Portland.

Mr. KENNEDY of Nebraska. Now, Mr. Speaker, this House should not pass this bill under suspension of the rules, because it provides that this canal shall be ceded. It is high time to make this inland town a port of entry when that has been done, and I protest against the creation of that port, against the establishment of more offices, against the cost of the maintenance of that canal, and against the whole system which will make a port of entry of an inland town when the open harbor is 12 miles away on the Gulf.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Nebraska. Yes.

Mr. MADDEN. Will the gentleman tell the House, while he is objecting to the establishment of a port at this point because of the expense to be incurred for the maintenance of the canal by the Government, how much the Government spent on the canal at Sabine and how much it spends annually for its maintenance?

Mr. KENNEDY of Nebraska. I do not think that has anything to do with the question.

Mr. MADDEN. Oh, yes.

Mr. KENNEDY of Nebraska. Because the question here is as to the additional expense.

Mr. GROSVENOR. Why, if the Government had not spent the money which it has spent in making and maintaining the harbor at Sabine you could not get within 15 miles of Port Arthur in a john boat. The expenditure which the gentleman is talking about, which amounts to nearly $5,000,000, every dollar of which has been appropriated since I have been in Congress, was expended to make at Sabine a harbor which has been one of the best harbors on all the southern coast, and there is a complete harbor. The other proposition is to go 12 miles up a channel, part of it a public channel and part of it a private channel; that is all.

Mr. MADDEN. It will all be public when it is ceded to the Government.

Mr. GROSVENOR. Nobody knows whether it will be ceded or not.

Mr. CURTIS. The gentleman ought not to make that statement, because the act does not take effect until the canal is ceded to the Government. [Cries of "Vote!" "Vote!"]

Mr. BROOCKS of Texas. Mr. Speaker, I yield three minutes' time to the gentleman from Minnesota [Mr. MCCLEARY].

Mr. MCCLEARY of Minnesota. Mr. Speaker, this bill has been favorably reported by the Committee on Ways and Means after exhaustive investigation in which both sides were heard. It has the approval of the Secretary. It has my own personal approval [applause]——

A MEMBER. That is enough. [Applause.]

Mr. MCCLEARY of Minnesota (continuing). For several reasons.

On the Gulf coast, between Galveston and New Orleans, a distance of several hundred miles, there are no harbors of any consequence, except at the place referred to in the bill. Tributary to this harbor is a great and growing section of country. The usefulness of this harbor is seen in the fact that within a few years there has grown up at Port Arthur a thriving little city, destined, I believe, to be a considerable city. To accommodate the rapidly growing trade every proper encouragement should be given to the upbuilding of this shipping point.

I admit that I have a selfish reason, too, for supporting the pending bill. I support it because I believe that in the upbuilding of Port Arthur much of good will come to the section of country lying between the Mississippi River and the Rocky Mountains, in which section lies the great State of Minnesota, which I have the honor to represent in part on this floor. That great section lies away out at the heart of the continent, far from the ocean. Necessarily we have a long haul for our exports and imports. Most of our surplus products for export now move eastward to the Atlantic ports. Another exit toward the Gulf would mean additional competition in transportation, and, therefore, lowering of freight rates. In my judgment it is of the utmost value to that interior country to have this harbor and the railways leading to it developed, and, therefore, in the interest of all that part of the country in which I live I support this bill.

Mr. HINSHAW. Is there a subport at Sabine now?

Mr. MCCLEARY of Minnesota. Yes; there is a subport at Sabine.

Mr. HINSHAW. And is it necessary to go from Port Arthur to Galveston to arrange the papers now, or can you go to Sabine?

Mr. MCCLEARY of Minnesota. The testimony before the committee is that the captains of the vessels now have to go to Galveston to get their clearance papers. That is exactly the necessity for the port instead of a subport. The testimony before the committee shows that there are twenty-eight vessels owned at Port Arthur.

I yield back the remainder of my time to the gentleman from Texas. [Cries of "Vote!" "Vote!"]

The question being taken (two-thirds voting in the affirmative), the rules were suspended and the bill passed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 8, 1906:

H. R. 11946. An act to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

On May 17:

H. R. 13783. An act to provide souvenir medallions for the Zebulon Montgomery Pike Monument Association.

On May 23:

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue; and

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, New York.

On May 25:

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana.

On May 26:

H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired; and

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland.

On May 28:

H. R. 395. An act concerning foreign-built dredges.

On May 31:

H. R. 19572. An act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes.

On June 2:

H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas.

On June 4:

H. J. Res. 98. Joint resolution authorizing the Secretary of

War to furnish brass cannon to the General Howell Post, No. 21, Grand Army of the Republic, of Woodbury, N. J.;

H. R. 5842. An act to correct the military record of Charles F. Deisch;

H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;"

H. R. 17220. An act providing for a recorder of deeds, etc., in the Osage Indian Reservation, in Oklahoma Territory;

H. R. 18026. An act permitting the building of a dam across the Mississippi River near the city of Bemidji, Beltrami County, Minn.;

H. R. 18439. An act to authorize the construction of a bridge across Tallahatchie River in Tallahatchie County, Miss.; and

H. R. 19173. An act authorizing the use of the waters in Coosa River at Lock No. 4, in Alabama.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 14184. An act to extend the irrigation act to the State of Texas;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

H. R. 6536. An act granting an increase of pension to Alex O. Huffman;

H. R. 8155. An act granting an increase of pension to Henry E. Seelye;

H. R. 9862. An act granting an increase of pension to William B. Warren;

H. R. 12484. An act granting an increase of pension to Joseph Sprauer;

H. R. 13594. An act granting an increase of pension to Jonathan Snook;

H. R. 13824. An act granting a pension to Noah Myers;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 3351. An act granting an increase of pension to George King;

H. R. 6208. An act granting an increase of pension to William D. Conner;

H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;

H. R. 11161. An act granting an increase of pension to Michael Aaron;

H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;

H. R. 14678. An act granting a pension to James A. Boggs;

H. R. 14702. An act granting an increase of pension to Christian Schlosser;

H. R. 16492. An act granting an increase of pension to John M. Logan;

H. R. 17772. An act granting an increase of pension to John W. Henry;

H. R. 18509. An act granting an increase of pension to Ellen L. Stone;

H. R. 2785. An act granting an increase of pension to Margaret Bonynge;

H. R. 3488. An act granting an increase of pension to Egbert J. Olds;

H. R. 3495. An act granting an increase of pension to Charles F. Tower;

H. R. 4241. An act granting an increase of pension to David B. Coleman;

H. R. 6774. An act granting an increase of pension to John Platt;

H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;

H. R. 8852. An act granting an increase of pension to Frederick W. Clark;

H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;

H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;

H. R. 14661. An act granting an increase of pension to John B. Bussell;

H. R. 14729. An act granting an increase of pension to David Ford;

H. R. 18910. An act granting an increase of pension to Philo E. Davis;

H. R. 5040. An act granting an increase of pension to Joseph Montgomery;

H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;

H. R. 10865. An act granting an increase of pension to Alexander Caldwell;

H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;

H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;

H. R. 18052. An act granting an increase of pension to John Lewis Bernard Breighner;

H. R. 17922. An act granting an increase of pension to Thomas D. Adams;

H. R. 1438. An act granting an increase of pension to Oliver T. Smith;

H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;

H. R. 15056. An act granting an increase of pension to James Ramsey;

H. R. 16272. An act granting a pension to William D. Willis;

H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;

H. R. 18121. An act granting an increase of pension to John W. Jones;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 7535. An act granting an increase of pension to John L. Moore;

H. R. 8232. An act granting an increase of pension to James M. Jared;

H. R. 8817. An act granting an increase of pension to Calvin M. Latham;

H. R. 9844. An act granting an increase of pension to John J. Erick;

H. R. 13069. An act granting an increase of pension to Friend S. Esmond;

H. R. 13443. An act granting an increase of pension to James E. Hammontree;

H. R. 15613. An act granting an increase of pension to William W. Combs;

H. R. 16109. An act granting an increase of pension to Jacob Cline;

H. R. 2092. An act granting an increase of pension to Franklin M. Hill;

H. R. 2237. An act granting an increase of pension to Martin Pool;

H. R. 2247. An act granting an increase of pension to Anthony Sansperur;

H. R. 4161. An act granting an increase of pension to Robert Beatty;

H. R. 6059. An act granting an increase of pension to Elias Hanes;

H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;

H. R. 11260. An act granting an increase of pension to James H. Van Camp;

H. R. 16073. An act granting an increase of pension to John Ginther;

H. R. 4956. An act granting an increase of pension to James C. Bryant;

H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;

H. R. 12879. An act granting an increase of pension to Catharine Myers;

H. R. 13003. An act granting an increase of pension to Joseph Watson;

H. R. 15104. An act granting an increase of pension to Thomas E. Owens;

H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;

H. R. 16441. An act granting an increase of pension to Joseph J. Goode;

H. R. 1736. An act granting an increase of pension to Charles A. Walker;

H. R. 1788. An act granting an increase of pension to William D. Christy;

H. R. 3242. An act granting an increase of pension to John H. Anderson;

H. R. 3572. An act granting an increase of pension to William L. Riley;

H. R. 5560. An act granting an increase of pension to Henry Chubb;

H. R. 6205. An act granting an increase of pension to Lucy E. Engler;

H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;

H. R. 10794. An act granting an increase of pension to Jacob Schultz;
H. R. 11457. An act granting an increase of pension to Cyrus Vanmatre;
H. R. 18367. An act granting an increase of pension to John Wilkinson;
H. R. 18262. An act granting an increase of pension to John H. Broadway;
H. R. 15126. An act granting an increase of pension to William K. Trabue;
H. R. 9531. An act granting an increase of pension to Eliza Rogers;
H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;
H. R. 7402. An act granting an increase of pension to Edwin M. Todd;
H. R. 7147. An act granting an increase of pension to Bronson Rothrock;
H. R. 6505. An act granting an increase of pension to Mary C. Chapman;
H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;
H. R. 4597. An act granting an increase of pension to Martin Ellison;
H. R. 3588. An act granting an increase of pension to William H. Riggin;
H. R. 612. An act granting an increase of pension to George W. Kohler;
H. R. 16252. An act granting an increase of pension to Adam Dixon;
H. R. 16496. An act granting an increase of pension to Thomas Dailey;
H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;
H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;
H. R. 1650. An act granting an increase of pension to Frank B. Watkins;
H. R. 4715. An act granting an increase of pension to John H. Whiting;
H. R. 9828. An act granting an increase of pension to John Broughton;
H. R. 10828. An act granting an increase of pension to Michael Lennon;
H. R. 11057. An act granting an increase of pension to Lewis J. Post;
H. R. 11152. An act granting an increase of pension to Theodore S. Currier;
H. R. 14264. An act granting an increase of pension to John H. Eversole;
H. R. 18469. An act granting an increase of pension to Samuel C. Dean;
H. R. 18794. An act granting an increase of pension to William C. McRay;
H. R. 18795. An act granting an increase of pension to James E. Raney;
H. R. 18308. An act granting an increase of pension to Clay Biggs;
H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;
H. R. 18356. An act granting an increase of pension to William A. Custer;
H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;
H. R. 16812. An act granting an increase of pension to Dudley McKibben;
H. R. 13149. An act granting an increase of pension to Ida L. Martin;
H. R. 18078. An act granting an increase of pension to Evans P. Hoover;
H. R. 18724. An act granting an increase of pension to Alfred Gude;
H. R. 18239. An act granting an increase of pension to Bryant Brown;
H. R. 18426. An act granting a pension to Elizabeth Hathaway;
H. R. 8722. An act granting an increase of pension to Arthur M. Lee;
H. R. 6120. An act granting a pension to Harriet M. Smithers;
H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;
H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;
H. R. 16595. An act granting a pension to James R. Hicks;
H. R. 17309. An act granting an increase of pension to John W. Chase;
H. R. 18551. An act granting an increase of pension to William D. Brown;
H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;
H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;
H. R. 18393. An act granting an increase of pension to Pauline Bletry;
H. R. 18400. An act granting an increase of pension to Elmira M. Gause;
H. R. 18402. An act granting an increase of pension to Lucy W. Powell;
H. R. 18486. An act granting an increase of pension to William F. Walker;
H. R. 18542. An act granting an increase of pension to Sarah Ann Day;
H. R. 18319. An act granting an increase of pension to Newton Kinnison;
H. R. 17637. An act granting an increase of pension to Gardner K. Haskell;
H. R. 16915. An act granting an increase of pension to Orange Bughee;
H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;
H. R. 18073. An act granting an increase of pension to Mary McFarlane;
H. R. 17340. An act granting a pension to Julia Walz;
H. R. 17346. An act granting an increase of pension to Newton S. Davis;
H. R. 17891. An act granting an increase of pension to Eliza M. Buice;
H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;
H. R. 16662. An act granting an increase of pension to Van Buren Beam;
H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;
H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;
H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay;
H. R. 18132. An act granting an increase of pension to John W. Blanchard;
H. R. 18357. An act granting an increase of pension to William E. Starr;
H. R. 16998. An act granting an increase of pension to Elijah Curtis;
H. R. 7836. An act granting an increase of pension to Alexander G. Patton;
H. R. 18505. An act granting an increase of pension to M. Belle May;
H. R. 18560. An act granting an increase of pension to John Hamilton;
H. R. 18630. An act granting an increase of pension to Eliza J. Mays;
H. R. 17445. An act granting an increase of pension to William H. Farrell;
H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;
H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;
H. R. 18950. An act granting an increase of pension to Albert G. Packer;
H. R. 18966. An act granting a pension to John W. Ward;
H. R. 18636. An act granting an increase of pension to Louisa C. Gibson;
H. R. 18697. An act granting an increase of pension to Martha L. Beesley;
H. R. 18106. An act granting an increase of pension to Mary E. Patterson;
H. R. 18105. An act granting an increase of pension to John A. Lyle;
H. R. 17466. An act granting an increase of pension to James P. Hall;
H. R. 6967. An act to change the records of the War Department relative to Levi A. Meacham;
H. R. 1982. An act granting a pension to Ada Collins;
H. R. 17678. An act granting an increase of pension to Alexander Moore;
H. R. 18447. An act granting an increase of pension to Elijah G. Gould;
H. R. 17388. An act granting an increase of pension to Patrick McCarthy;

H. R. 17330. An act granting an increase of pension to Mary Sheehan;
H. R. 17476. An act granting an increase of pension to Henry Ballard;
H. R. 16918. An act granting a pension to Matilda J. Williams;
H. R. 19005. An act granting a pension to Gideon M. Burriss;
H. R. 18730. An act granting an increase of pension to William C. Mahaffey;
H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;
H. R. 18634. An act granting a pension to Mary A. Montgomery;
H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;
H. R. 18039. An act granting an increase of pension to John W. Stephens;
H. R. 18041. An act granting an increase of pension to William R. Hiner;
H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;
H. R. 18935. An act granting an increase of pension to Mima A. Boswell;
H. R. 18555. An act granting an increase of pension to Rachel A. Webster;
H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;
H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;
H. R. 17940. An act granting a pension to Rhetta Florence Tilton;
H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;
H. R. 18573. An act granting an increase of pension to John M. Quinton;
H. R. 18605. An act granting an increase of pension to William Lawrence;
H. R. 18822. An act granting an increase of pension to Sophie S. Parker;
H. R. 18236. An act granting an increase of pension to Thomas Garrett;
H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;
H. R. 18460. An act granting a pension to Benjamin F. Tudor;
H. R. 17374. An act granting an increase of pension to Isom Wilkerson;
H. R. 17542. An act granting an increase of pension to John Cain;
H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;
H. R. 18628. An act granting an increase of pension to William E. Chambers;
H. R. 18976. An act granting an increase of pension to Nelson S. Preston;
H. R. 18702. An act granting an increase of pension to Edward R. Prime;
H. R. 18633. An act granting an increase of pension to Jennie F. Belding;
H. R. 18654. An act granting an increase of pension to Robert D. Gardner;
H. R. 18655. An act granting an increase of pension to Leander Gilbert;
H. R. 18746. An act granting an increase of pension to Isaac Howard;
H. R. 18747. An act granting an increase of pension to William H. Colgate;
H. R. 18484. An act granting an increase of pension to John J. Howells;
H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;
H. R. 17590. An act granting an increase of pension to Jacob Woodruff;
H. R. 17825. An act granting an increase of pension to Bolivar Ward;
H. R. 17999. An act granting an increase of pension to Samuel Yohl;
H. R. 16682. An act granting an increase of pension to William Hammond;
H. R. 16977. An act granting an increase of pension to Isabel Nowlin;
H. R. 17170. An act granting an increase of pension to Jackson D. Turley;
H. R. 17171. An act granting an increase of pension to David H. Parker;
H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;
H. R. 18524. An act granting an increase of pension to Julius Rector;
H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;
H. R. 13245. An act to correct the military record of Henry Gude; and
H. R. 13735. An act for the relief of John Purkapile.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 10395. An act granting an increase of pension to Stephen Cundiff;
H. R. 16878. An act granting an increase of pension to James B. Adams;
H. R. 3005. An act granting an increase of pension to Jacob C. Shafer;
H. R. 18135. An act granting an increase of pension to Benedict Sutter;
H. R. 15692. An act granting a pension to Frank M. Dooley;
H. R. 13828. An act granting an increase of pension to John M. Carroll;
H. R. 18561. An act granting an increase of pension to Jonathan Skeans; and
H. R. 18116. An act granting an increase of pension to Green Evans.

The message also announced that the Senate has passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4318. An act granting an increase of pension to H. S. Bennett;
S. 1976. An act granting a pension to William N. Dickey;
S. 6155. An act granting an increase of pension to Samuel H. Davis;
S. 4390. An act granting an increase of pension to Rebecca A. Alexander;
S. 4391. An act granting an increase of pension to Abner R. Barnes;
S. 5353. An act granting an increase of pension to Thomas W. Carter;
S. 5262. An act granting an increase of pension to Frank A. Nichols;
S. 5598. An act granting an increase of pension to Almond Greeley;
S. 4651. An act granting an increase of pension to Rufus M. Ashley;
S. 6065. An act granting an increase of pension to Ellen M. Dyer;
S. 2566. An act granting an increase of pension to George H. Rodcheaver;
S. 3735. An act granting an increase of pension to Phebe W. Drake;
S. 3028. An act granting an increase of pension to Helen C. Sanderson;
S. 3168. An act granting an increase of pension to Obadiah Derr;
S. 5952. An act granting an increase of pension to Hyacinth Dotey;
S. 6187. An act granting an increase of pension to Martha Jane Bolt;
S. 4375. An act granting an increase of pension to David Mc Credie;
S. 6189. An act granting a pension to Dora D. Walker;
S. 6188. An act granting an increase of pension to Sarah Young;
S. 6164. An act granting an increase of pension to Julius S. Cuendet;
S. 6154. An act granting an increase of pension to Edwin Freeman;
S. 5870. An act granting an increase of pension to S. H. Morrison;
S. 6168. An act granting an increase of pension to Calvin Lambert;
S. 5543. An act granting an increase of pension to William A. Humrich;
S. 4961. An act granting an increase of pension to William Ickes;
S. 5195. An act granting an increase of pension to Sidney H. Cook;
S. 5155. An act granting an increase of pension to Charles D. Van Dusen;
S. 1936. An act granting an increase of pension to Lorenzo W. Smith;

S. 5148. An act granting an increase of pension to Mildred McCorkle;
S. 2501. An act granting an increase of pension to Jessie E. Foster;
S. 3122. An act granting an increase of pension to E. C. Clark;
S. 6272. An act granting an increase of pension to Harvey Gamble;
S. 6222. An act granting an increase of pension to John A. Alden;
S. 5810. An act granting an increase of pension to Thomas McGowan;
S. 4459. An act granting an increase of pension to Edwin K. Lamson;
S. 6192. An act granting an increase of pension to John Coker;
S. 6264. An act granting a pension to Cornelius Sullivan;
S. 4741. An act granting an increase of pension to Andrew J. Workman;
S. 5898. An act granting a pension to Louisa A. Clark;
S. 5038. An act granting an increase of pension to James Richards;
S. 6006. An act granting an increase of pension to William H. Crouch;
S. 6041. An act granting an increase of pension to James N. Brown;
S. 5877. An act granting an increase of pension to Charles O'Bryan;
S. 257. An act granting an increase of pension to Caleb T. Bowen;
S. 6141. An act granting an increase of pension to Ransom C. Russell;
S. 6138. An act granting an increase of pension to Eliza P. Norton;
S. 1254. An act granting an increase of pension to Orlando H. Langley;
S. 1422. An act granting an increase of pension to George L. Wakefield;
S. 2853. An act granting an increase of pension to Bridget Quinn;
S. 5447. An act granting an increase of pension to Oliver H. Hibben;
S. 4047. An act granting an increase of pension to William Morehead;
S. 6222. An act granting an increase of pension to John A. Alden;
S. 6188. An act granting an increase of pension to Sarah Young;
S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal;
S. 6149. An act to grant an honorable discharge to William C. Hall;
S. 2587. An act to remove the charge of desertion from the military record of Nathan Mendenhall; and
S. 3521. An act to correct the military record of Thomas J. Morris.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4318. An act granting an increase of pension to H. S. Benton—to the Committee on Invalid Pensions.
S. 1976. An act granting a pension to William N. Dickey—to the Committee on Invalid Pensions.
S. 6155. An act granting an increase of pension to Samuel H. Davis—to the Committee on Invalid Pensions.
S. 6390. An act granting an increase of pension to Rebecca A. Alexander—to the Committee on Invalid Pensions.
S. 6391. An act granting an increase of pension to Abner R. Barnes—to the Committee on Invalid Pensions.
S. 5553. An act granting an increase of pension to Thomas W. Carter—to the Committee on Invalid Pensions.
S. 5262. An act granting an increase of pension to Frank A. Nichols—to the Committee on Invalid Pensions.
S. 5598. An act granting an increase of pension to Almond Greeley—to the Committee on Invalid Pensions.
S. 4651. An act granting an increase of pension to Rufus M. Ashley—to the Committee on Invalid Pensions.
S. 6065. An act granting an increase of pension to Ellen M. Dyer—to the Committee on Invalid Pensions.
S. 1936. An act granting an increase of pension to Lorenzo W. Smith—to the Committee on Invalid Pensions.
S. 5148. An act granting an increase of pension to Mildred McCorkle—to the Committee on Military Affairs.
S. 2501. An act granting an increase of pension to Jessie E. Foster—to the Committee on Invalid Pensions.
S. 3122. An act granting an increase of pension to E. C. Clark—to the Committee on Invalid Pensions.
S. 6272. An act granting an increase of pension to Harvey Gamble—to the Committee on Invalid Pensions.
S. 6222. An act granting an increase of pension to John A. Alden—to the Committee on Invalid Pensions.
S. 5810. An act granting an increase of pension to Thomas McGowan—to the Committee on Pensions.
S. 4459. An act granting an increase of pension to Edwin K. Lamson—to the Committee on Invalid Pensions.
S. 6192. An act granting an increase of pension to John Coker—to the Committee on Invalid Pensions.
S. 6264. An act granting a pension to Cornelius Sullivan—to the Committee on Pensions.
S. 4741. An act granting an increase of pension to Andrew J. Workman—to the Committee on Pensions.
S. 5898. An act granting a pension to Louisa A. Clark—to the Committee on Invalid Pensions.
S. 5038. An act granting an increase of pension to James Richards—to the Committee on Invalid Pensions.
S. 6006. An act granting an increase of pension to William H. Crouch—to the Committee on Invalid Pensions.
S. 6041. An act granting an increase of pension to James N. Brown—to the Committee on Pensions.
S. 5877. An act granting an increase of pension to Charles O'Bryan—to the Committee on Invalid Pensions.
S. 257. An act granting an increase of pension to Caleb T. Bowen—to the Committee on Invalid Pensions.
S. 6141. An act granting an increase of pension to Ransom C. Russell—to the Committee on Invalid Pensions.
S. 6138. An act granting an increase of pension to Eliza P. Norton—to the Committee on Invalid Pensions.
S. 1254. An act granting an increase of pension to Orlando H. Langley—to the Committee on Invalid Pensions.
S. 1422. An act granting an increase of pension to George L. Wakefield—to the Committee on Invalid Pensions.
S. 2853. An act granting an increase of pension to Bridget Quinn—to the Committee on Invalid Pensions.
S. 2566. An act granting an increase of pension to George H. Rodeheaver—to the Committee on Invalid Pensions.
S. 3735. An act granting an increase of pension to Phebe W. Drake—to the Committee on Invalid Pensions.
S. 3028. An act granting an increase of pension to Helen C. Sanderson—to the Committee on Invalid Pensions.
S. 3168. An act granting an increase of pension to Obadiah Derr—to the Committee on Invalid Pensions.
S. 5952. An act granting an increase of pension to Hyneluth Dotey—to the Committee on Pensions.
S. 6187. An act granting an increase of pension to Martha Jane Bolt—to the Committee on Pensions.
S. 4375. An act granting an increase of pension to David McCredie—to the Committee on Pensions.
S. 6189. An act granting a pension to Dora D. Walker—to the Committee on Invalid Pensions.
S. 6188. An act granting an increase of pension to Sarah Young—to the Committee on Pensions.
S. 6164. An act granting an increase of pension to Julius S. Cuendet—to the Committee on Invalid Pensions.
S. 6154. An act granting an increase of pension to Edwin Freeman—to the Committee on Invalid Pensions.
S. 5870. An act granting an increase of pension to S. H. Morrison—to the Committee on Invalid Pensions.
S. 6168. An act granting an increase of pension to Calvin Lambert—to the Committee on Invalid Pensions.
S. 5543. An act granting an increase of pension to William A. Humrich—to the Committee on Invalid Pensions.
S. 4961. An act granting an increase of pension to William Ickes—to the Committee on Invalid Pensions.
S. 5195. An act granting an increase of pension to Sidney H. Cook—to the Committee on Invalid Pensions.
S. 5155. An act granting an increase of pension to Charles H. Van Dusen—to the Committee on Invalid Pensions.
S. 5447. An act granting an increase of pension to Oliver H. Hibben—to the Committee on Invalid Pensions.
S. 4047. An act granting an increase of pension to William Morehead—to the Committee on Invalid Pensions.
S. 5148. An act granting an increase of pension to Mildred McCorkle—to the Committee on Pensions.
S. 6154. An act granting an increase of pension to Edwin Freeman—to the Committee on Invalid Pensions.
S. 3735. An act granting an increase of pension to Phebe W. Drake—to the Committee on Invalid Pensions.

S. 3521. An act to correct the military record of Thomas J. Morris—to the Committee on Military Affairs.

S. 2787. An act to remove the charge of desertion from the military record of Nathan Mendenhall—to the Committee on Invalid Pensions.

S. R. 69. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal—to the Committee on Ways and Means.

STOCK YARDS AND THEIR PRODUCTS.

The SPEAKER laid before the House a message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Agriculture, and ordered to be printed.

The message is as follows:

The Senate and House of Representatives:

I transmit herewith the report of Mr. James Bronson Reynolds and Commissioner Charles P. Neill, the special committee whom I appointed to investigate into the conditions in the stock yards of Chicago and report thereon to me. This report is of a preliminary nature. I submit it to you now because it shows the urgent need of immediate action by the Congress in the direction of providing a drastic and thoroughgoing inspection by the Federal Government of all stock yards and packing houses and of their products, so far as the latter enter into interstate or foreign commerce. The conditions shown by even this short inspection to exist in the Chicago stock yards are revolting. It is imperatively necessary in the interest of health and of decency that they should be radically changed. Under the existing law it is wholly impossible to secure satisfactory results.

When my attention was first directed to this matter an investigation was made under the Bureau of Animal Industry of the Department of Agriculture. When the preliminary statements of this investigation were brought to my attention they showed such defects in the law and such wholly unexpected conditions that I deemed it best to have a further immediate investigation by men not connected with the Bureau, and accordingly appointed Messrs. Reynolds and Neill. It was impossible under the existing law that satisfactory work should be done by the Bureau of Animal Industry. I am now, however, examining the way in which the work actually was done.

Before I had received the report of Messrs. Reynolds and Neill I had directed that labels placed upon any package of meat food products should state only that the carcass of the animal from which the meat was taken had been inspected at the time of slaughter. If inspection of meat food products at all stages of preparation is not secured by the passage of the legislation recommended, I shall feel compelled to order that inspection labels and certificates on canned products shall not be used hereafter.

The report shows that the stock yards and packing houses are not kept even reasonably clean, and that the method of handling and preparing food products is uncleanly and dangerous to health. Under existing law the National Government has no power to enforce inspection of the many forms of prepared meat food products that are daily going from the packing houses into interstate commerce. Owing to an inadequate appropriation the Department of Agriculture is not even able to place inspectors in all establishments desiring them. The present law prohibits the shipment of uninspected meat to foreign countries, but there is no provision forbidding the shipment of uninspected meats in interstate commerce, and thus the avenues of interstate commerce are left open to traffic in diseased or spoiled meats. If, as has been alleged on seemingly good authority, further evils exist, such as the improper use of chemicals and dyes, the Government lacks power to remedy them. A law is needed which will enable the inspectors of the General Government to inspect and supervise from the hoof to the can the preparation of the meat food product. The evil seems to be much less in the sale of dressed carcasses than in the sale of canned and other prepared products; and very much less as regards products sent abroad than as regards those used at home.

In my judgment the expense of the inspection should be paid by a fee levied on each animal slaughtered. If this is not done, the whole purpose of the law can at any time be defeated through an insufficient appropriation; and whenever there was no particular public interest in the subject it would be not only easy but natural thus to make the appropriation insufficient. If it were not for this consideration, I should favor the Government paying for the inspection.

The alarm expressed in certain quarters concerning this feature should be allayed by a realization of the fact that in no case, under such a law, will the cost of inspection exceed 8 cents per head.

I call special attention to the fact that this report is preliminary, and that the investigation is still unfinished. It is not yet possible to report on the alleged abuses in the use of deleterious chemical compounds in connection with canning and preserving meat products, nor on the alleged doctoring in this fashion of tainted meat and of products returned to the packers as having grown unsalable or unusable from age or from other reasons. Grave allegations are made in reference to abuses of this nature.

Let me repeat that under the present law there is practically no method of stopping these abuses if they should be discovered to exist. Legislation is needed in order to prevent the possibility of all abuses in the future. If no legislation is passed, then the excellent results accomplished by the work of this special committee will endure only so long as the memory of the committee's work is fresh, and a recrudescence of the abuses is absolutely certain.

I urge the immediate enactment into law of provisions which will enable the Department of Agriculture adequately to inspect the meat and meat food products entering into interstate commerce and to supervise the methods of preparing the same, and to prescribe the sanitary conditions under which the work shall be performed. I therefore commend to your favorable consideration and urge the enactment of substantially the provisions known as Senate amendment No. 29 to the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, as passed by the Senate, this amendment being commonly known as the "Beveridge amendment."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 4, 1906.*

The PRESIDENT:

As directed by you, we investigated the conditions in the principal establishments in Chicago engaged in the slaughter of cattle, sheep, and hogs and in the preparation of dressed meat and meat food products. Two and a half weeks were spent in the investigation in Chicago, and during this time we went through the principal packing houses in the stock-yards district, together with a few of the smaller ones. A day was spent by Mr. Reynolds in New York City in the investigation of several of its leading slaughterhouses. During our investigation statements of conditions and practices in the packing houses, together with affidavits and documentary evidence, were offered us from numerous sources. Most of these were rejected as being far from proving the facts alleged and as being beyond the possibility of verification by us. We have made no statement as a fact in the report here presented that was not verified by our personal examination. Certain matters which we were unable to verify while in Chicago are still under investigation. The following is therefore submitted as a partial report touching upon those practices and conditions which we found most common and not confined to a single house or class of houses. A more detailed report would contain many specific instances of defects found in particular houses.

I.—*Condition of the yards.*

Before entering the buildings we noted the condition of the yards themselves as shown in the pavement, pens, viaducts, and platforms. The pavement is mostly of brick, the bricks laid with deep grooves between them, which inevitably fill with manure and refuse. Such pavement can not be properly cleaned and is slimy and malodorous when wet, yielding clouds of ill-smelling dust when dry. The pens are generally uncovered except those for sheep; these latter are paved and covered. The viaducts and platforms are of wood. Calves, sheep, and hogs that have died en route are thrown out upon the platforms where cars are unloaded. On a single platform on one occasion we counted fifteen dead hogs, on the next ten dead hogs. The only excuse given for delay in removal was that so often heard—the expense.

II.—*Buildings.*

Material.—The interior finish of most of the buildings is of wood; the partition walls, supports, and rafters are of wood, uncovered by plaster or cement. The flooring in some instances is of brick or cement, but usually of wood. In many of the rooms where water is used freely the floors are soaked and slimy.

Lighting.—The buildings have been constructed with little regard to either light or ventilation. The workrooms, as a rule, are very poorly lighted. A few rooms at the top of the buildings are well lighted because they can not escape the light, but most of the rooms are so dark as to make artificial light necessary at all times. Many inside rooms where food is prepared are without windows, deprived of sunlight, and without direct communication with the outside air. They may be best described as vaults in which the air rarely changes. Other rooms which open to the outer air are so large, the windows so clouded by dirt, and the walls and ceilings so dark and dingy that natural light only penetrates 20 or 30 feet from the windows, thus making artificial light in portions of even these outside rooms necessary. These dark and dingy rooms are naturally not kept suitably clean.

Ventilation.—Systematic ventilation of the workrooms is not found in any of the establishments we visited. In a few instances electric fans mitigate the stifling air, but usually the workers toil without relief in a humid atmosphere heavy with the odors of rotten wood, decayed meats, stinking offal, and entrails.

Equipment.—The work tables upon which the meat is handled, the floor carts on which it is carried about, and the tubs and other receptacles into which it is thrown are generally of wood. In all the places visited but a single porcelain-lined receptacle was seen. Tables covered with sheet iron, iron carts, and iron tubs are being introduced into the better establishments, but no establishment visited has as yet abandoned the extensive use of wooden tables and wooden receptacles. These wooden receptacles are frequently found water soaked, only half cleansed, and with meat scraps and grease accumulations adhering to their sides, and collecting dirt. This is largely true of meat racks and meat conveyors of every sort, which were in nearly all cases inadequately cleansed, and grease and meat scraps were found adhering to them, even after they had been washed and returned to service.

Sanitary conveniences.—Nothing shows more strikingly the general indifference to matters of cleanliness and sanitation that do the privies for both men and women. The prevailing type is made by cutting off a section of the workroom by a thin wooden partition rising to within a few feet of the ceiling. These privies usually ventilate into the workroom, though a few are found with a window opening into the outer air. Many are located in the inside corners of the workrooms, and thus have no outside opening whatever. They are furnished with a row of seats, generally without even side partitions. These rooms are sometimes used as cloakrooms by the employees. Lunch rooms constructed in the same manner, by boarding off a section of the workroom, often adjoin the privies, the odors of which add to the generally insanitary state of the atmosphere.

Abominable as the above-named conditions are, the one that affects most directly and seriously the cleanliness of the food products is the frequent absence of any lavatory provisions in the privies. Washing sinks are either not furnished at all or are small and dirty. Neither are towels, soap, or toilet paper provided. Men and women return directly from these places to plunge their unwashed hands into the meat to be converted into such food products as sausages, dried beef, and other compounds. Some of the privies are situated at a long distance from the workrooms, and men relieve themselves on the killing floors or in a corner of the workrooms. Hence, in some cases the fumes of the urine swell the sum of nauseating odors arising from the direct, blood-soaked, rotting, wooden floors—fruitful culture beds for the disease germs of men and animals.

New buildings.—It is stated that many of the insanitary conditions are due to the fact that these buildings are old and have been built by piecemeal, and that in the newer buildings, being erected from time to time, the defects of the earlier structures are being remedied. This contention is not borne out by the facts. One of the large plants erected within recent years has most of the defects of the older buildings. It is true that three large model buildings have been erected, but one is an office building, while the other two contain only cooling, storage, and sales rooms. No model building for the preparation of food products has been built in the stock yards of Chicago.

III.—*A model slaughterhouse in contrast with those of Chicago.*

In impressive contrast to the conditions that we saw in the stock yards of Chicago is an establishment that Mr. Reynolds visited in New York City. It well merits a description in those particulars in which it is vastly superior to similar concerns in Chicago. The two upper floors used for cattle pens are paved with well-laid bricks and cement, with side walls of brick, the top floor being covered to protect the cattle from the weather. The killing floor is paved with bluestone, sloping toward well-arranged drains, and has a large air shaft for special ventilation.

and abundant windows. The ceiling and upper side walls are of hard cement, with steel crossbeams and cement-faced steel supports. The lower side walls are covered with white porcelain brick. When the slaughtering of each day is finished, water is turned on, and in not more than fifteen minutes the room is so thoroughly cleansed that all perceptible odors and traces of the work are removed.

Other rooms, such as those for cooling and storage, are of similar construction to the killing floor. White porcelain-lined bricks and curved tiles join floors and side walls, that no corners may retain dirt and refuse. Ventilation is everywhere excellent and light abundant, both these matters having evidently received careful consideration in planning the building. The privies contain separate sections with self-flushing bowls, white porcelain-lined wash basins, shower baths, and mirrors. Towels and toilet paper are provided, and everything is kept clean. The effect of all these excellencies of construction and arrangement is evident in promoting the care of the products and in elevating the morals of the workers.

The same principles of sanitation and the same care of the health and cleanliness of the workers would revolutionize the stock yards of Chicago, and the attainment of such a standard should be the concern of the National Government and of the city of Chicago.

Under existing conditions the burden of protecting the cleanliness and wholesomeness of the products and the health of the workers and of improving the conditions under which the work is performed, must fall upon the National Government.

IV.—*Treatment of meats and prepared food products.*

Uncleanliness in handling products.—An absence of cleanliness was also found everywhere in the handling of meat being prepared for the various meat-food products. After killing, carcasses are well washed, and up to the time they reach the cooling room are handled in a fairly sanitary and cleanly manner. The parts that leave the cooling room for treatment in bulk are also handled with regard to cleanliness, but the parts that are sent from the cooling room to those departments of the packing houses in which various forms of meat products are prepared are handled with no regard whatever for cleanliness. In some of the largest establishments sides that are sent to what is known as the "boning room" are thrown in a heap upon the floor. The workers climb over these heaps of meat, select the pieces they wish, and frequently throw them down upon the dirty floor beside their working bench. Even in cutting the meat upon the bench, the work is usually held pressed against their aprons, and these aprons were, as a rule, indescribably filthy. They were made is most cases of leather or of rough sacking and bore long accumulated grease and dirt. In only a few places were suitable oilcloth aprons worn. Moreover, men were seen to climb from the floor and stand, with shoes dirty with the refuse of the floors, on the tables upon which the meat was handled. They were seen at the lunch hour sitting on the tables on the spot on which the meat product was handled, and all this under the very eye of the superintendent of the room, showing that this was the common practice.

Meat scraps were also found being shoveled into receptacles from dirty floors, where they were left to lie until again shoveled into barrels or into machines for chopping. These floors, it must be noted, were in most cases damp and soggy, in dark, ill-ventilated rooms, and the employees in utter ignorance of cleanliness or danger to health expectorated at will upon them. In a word, we saw meat shoveled from filthy wooden floors, piled on tables rarely washed, pushed from room to room in rotten box carts, in all of which processes it was in the way of gathering dirt, splinters, floor filth, and the expectoration of tuberculous and other diseased workers. Where comment was made to floor superintendents about these matters, it was always the reply that this meat would afterwards be cooked, and that this sterilization would prevent any danger from its use. Even this, it may be pointed out in passing, is not wholly true. A very considerable portion of the meat so handled is sent out as smoked products and in the form of sausages, which are prepared to be eaten without being cooked.

A particularly glaring instance of uncleanliness was found in a room where the best grade of sausage was being prepared for export. It was made from carefully selected meats, and was being prepared to be eaten uncooked. In this case the employee carted the chopped-up meat across a room in a barrow, the handles of which were filthy with grease. The meat was then thrown out upon tables, and the employee climbed upon the table, handled the meat with his unwashed hands, knelt with his dirty apron and trousers in contact with the meat he was spreading out, and, after he had finished his operation, again took hold of the dirty handles of the wheelbarrow, went back for another load, and repeated this process indefinitely. Inquiry developed the fact that there was no water in this room at all, and the only method the man adopted for cleaning his hands was to rub them against his dirty apron or on his still filthier trousers.

As an extreme example of the entire disregard on the part of employees of any notion of cleanliness in handling dressed meat, we saw a hog that had just been killed, cleaned, washed, and started on its way to the cooling room fall from the sliding rail to a dirty wooden floor and slide part way into a filthy men's privy. It was picked up by two employees, placed upon a truck, carried into the cooling room and hung up with other carcasses, no effort being made to clean it.

Treatment of meat after inspection.—The radical defect in the present system of inspection is that it does not go far enough. It is confined at present by law to passing on the healthfulness of animals at the time of killing; but the meat that is used in sausage and in the various forms of canned products and other prepared meat foods goes through many processes, in all of which there is possibility of contamination through insanitary handling, and further danger through the use of chemicals. During all these processes of preparation there is no Government inspection and no assurance whatever that these meat-food products are wholesome and fit for food—despite the fact that all these products, when sent out, bear a label stating they have been passed upon by Government inspectors.

As to the investigation of the alleged use of dyes, preservatives, or chemicals in the preparation of cured meats, sausages, and canned goods we are not yet prepared to report. We did look into the matter of sanitary handling of the meats being prepared for the various food products. The results of our observations have already been partly given. Other instances of how products may be made up, and still secure the stamp of Government inspection are here given. In one well-known establishment we came upon fresh meat being shoveled into barrels, and a regular proportion being added of stale scraps that had lain on a dirty floor in the corner of a room for some days previous. In another establishment, equally well known, a long table was noted covered with several hundred pounds of cooked scraps of beef and other meats. Some of these meat scraps were dry, leathery, and unfit to be eaten; and in the heap were found pieces of pigskin, and even some bits of robe strands and other rubbish. Inquiry evoked the frank admission from the man in charge that this was to be ground up and used in making "potted ham."

All of these canned products bear labels, of which the following is a sample:

ABATTOIR NO. —.

The contents of this package have been inspected according to the act of Congress of March 3, 1891.

QUALITY GUARANTEED.

The phraseology of these labels is wholly unwarranted. The Government inspectors pass only upon the healthfulness of the animal at the time of killing. They know nothing of the processes through which the meat has passed since this inspection. They do not know what else may have been placed in the cans in addition to "inspected meat." As a matter of fact, they know nothing about the "contents" of the can upon which the packers place these labels—do not even know that it contains what it purports to contain. The legend "Quality guaranteed" immediately following the statement as to Government inspection is wholly unjustifiable. It deceives and is plainly designed to deceive the average purchaser, who naturally infers from the label that the Government guarantees the contents of the can to be what it purports to be.

In another establishment piles of sausages and dry moldy canned meats, admittedly several years old, were found, which the superintendent stated to us would be tanked and converted into grease. The disposition to be made of this was wholly optional with the superintendents or representatives of the packers, as the Government does not concern itself with the disposition of meats after they have passed inspection on the killing floor. It might all be treated with chemicals, mixed with other meats, turned out in any form of meat product desired, and yet the packages or receptacles in which it was to be shipped out to the public would be marked with a label that their contents had been "Government inspected." It is not alleged here that such was to be made of this stuff. The case is pointed out as one showing the glaring opportunity for the misuse of a label bearing the name and the implied guaranty of the United States Government.

Another instance of abuse in the use of the labels came to our notice. In two different establishments great stocks of old canned goods were being put through a washing process to remove the old labels. They were then subjected to sufficient heat to "liven up" the contents—to use the phrase of the room superintendent. After this, fresh labels, with the Government name on them, were to be placed upon the cans, and they were to be sent out bearing all the evidence of being a freshly put up product. In one of these instances, by the admission of the superintendent, the stock thus being relabeled was over two years old. In the other case the superintendent evaded a statement of how old the goods were.

V.—*Treatment of employees.*

The lack of consideration for the health and comfort of the laborers in the Chicago stock yards seems to be a direct consequence of the system of administration that prevails. The various departments are under the direct control of superintendents who claim to use full authority in dealing with the employees and who seem to ignore all considerations except those of the account book. Under this system proper care of the products and of the health and comfort of the employees is impossible, and the consumer suffers in consequence. The insanitary conditions in which the laborers work and the feverish pace which they are forced to maintain inevitably affect their health. Physicians state that tuberculosis is disproportionately prevalent in the stock yards, and the victims of this disease expectorate on the spongy wooden floors of the dark workrooms, from which falling scraps of meat are later shoveled up to be converted into food products.

Even the ordinary decencies of life are completely ignored. In practically all cases the doors of the toilet rooms open directly into the working rooms, the privies of men and women frequently adjoin, and the entrances are sometimes no more than a foot or two apart. In other cases there are no privies for women in the rooms in which they work, and to reach the nearest it is necessary to go up or down a couple of flights of stairs. In one noticeable instance the privy for the women working in several adjoining rooms was in a room in which men chiefly were employed, and every girl going to use this had to pass by the working places of dozens of male operatives and enter the privy, the door of which was not 6 feet from the working place of one of the men operatives. As previously noted, in the privies for men and women alike there are no partitions, but simply a long row of open seats. Rest rooms, where tired women workers might go for a short rest, were found as rare exceptions, and in some establishments women are even placed in charge of privies chiefly for the purpose, it was stated, to see that the girls did not absent themselves too long from their work under the excuse of visiting them. In some instances what was called a rest room was simply one end of the privy partitioned off by a 6-foot partition from the remaining inclosure. A few girls were found using this, not only as a rest room, but as the only available place in which to sit to eat their luncheon.

Much of the work in connection with the handling of meat has to be carried on in rooms of a low temperature, but even here a callous disregard was everywhere seen for the comfort of those who work in these rooms. Girls and women were found in rooms registering a temperature of 38° F. without any ventilation whatever, depending entirely upon artificial light. The floors were wet and soggy, and in some cases covered with water, so that the girls had to stand in boxes of sawdust as a protection for their feet. In a few cases even drippings from the refrigerator rooms above trickled through the ceiling upon the heads of the workers and upon the food products being prepared. A very slight expense would have furnished drier floors and protected them against the tricklings from the ceiling. It was asserted by the superintendent of these rooms that this low temperature was essential to the proper keeping of the meat; but precisely similar work was found in other establishments carried on in rooms kept at a fair temperature. In many cases girls of 16, 17, and 18 years stand ten hours a day at work, much of which could be carried on while sitting down.

In several establishments well-managed restaurants were provided for the clerical force, and in one instance a smoking room was provided for them; but no provision was found anywhere for a place to eat for the male laborers. In pleasant weather they eat their luncheon sitting outdoors along the edge of the sidewalk, or any place where they can find standing room. In winter, however, and in inclement weather, their lunches have to be eaten in rooms that in many cases are stifling and nauseating. Eating rooms are provided in a number of places for women workers in the various departments;

and in most of the large establishments coffee is served them at a penny a cup. Beyond this meager consideration for their convenience at meal times, scarcely any evidence is found that anyone gave a thought to their comfort.

The neglect on the part of their employers to recognize or provide for the requirements of cleanliness and decency of the employees must have an influence that can not be exaggerated in lowering the morals and discouraging cleanliness on the part of the workers employed in the packing houses. The whole situation as we saw it in these huge establishments tends necessarily and inevitably to the moral degradation of thousands of workers, who are forced to spend their working hours under conditions that are entirely unnecessary and unpardonable, and which are a constant menace not only to their own health, but to the health of those who use the food products prepared by them.

VI.—*Government inspection.*

We observed carefully the inspection before slaughter, the inspection after slaughter on the killing beds, the more minute examination of animals tagged on the killing floors, and the microscopic examination for trichinosis.

Inspection before slaughter.—Inspection before slaughter appears to have little value in most cases. That undue advantage of this inspection is taken by outside parties is charged, and opportunities for such are abundant, but no specific evidence was presented to us. That this unimportant and superficial examination should be compulsory under the present law, whereas the more scientific examination after slaughter is only permissive, indicates a serious defect in the law.

Inspection after slaughter.—Inspection after slaughter appears to be carefully and conscientiously made. The Government veterinarians maintain that it is adequate, insisting that a passing examination of certain glands, of the viscera, and of the general condition of the carcass is sufficient to enable an expert, engaged constantly on this work, to detect at once the presence of disease, or of abnormal conditions. On the slightest indication of disease or abnormal conditions the carcass is tagged and set aside for a later and more careful examination. There should, however, be more precautions taken to insure that the instruments used be kept antiseptically clean.

Microscopic examination.—The microscopic examination of hogs to be exported to Germany appears to be made with great care, and it may fairly be asked why the same inspection is not made of hogs killed for the American market. The statement that ham, pork, and sausage, that are frequently eaten raw in Germany, are not so used in America, is not strictly true. Large numbers of our foreign-born population eat ham and pork comparatively raw, and hence need this protection; and further, much of this pork goes into sausage to be eaten without being cooked.

Number of inspectors.—The present number of inspectors is certainly inadequate, as the Secretary of Agriculture has often complained. We noted that some large establishments had an obviously insufficient force. A few small concerns have no inspectors at all, and may sell uninspected meat wherever they please in the United States.

VII.—*Legislation.*

1. Examination before slaughter is of minor importance and should be permissive instead of mandatory. Examination after slaughter is of supreme importance and should be compulsory.

2. Goats, now exempt from inspection, intended for foreign or interstate commerce, should be included in the list subject to the inspection of the Bureau of Animal Industry, and should be equally controlled by the regulations of the Secretary of Agriculture.

3. The examination of all meat products intended for interstate commerce at any stage of their cure or treatment should be consigned to the Bureau of Animal Industry, and no mark or sign declaring that inspection has been made by Government officials should be allowed on any can, box, or other receptacle or parcel containing food products unless the same has been subject to Government inspection at any and every stage of the process of preparation, and all such labels should contain the date of issuance, and it should be a misdemeanor to erase, alter, or destroy any such labels. Meat products and canned, preserved, or pickled meats, when sent from any packing or canning establishment, if returned to the same, should be subject to such further inspection, regulation, and isolation from other meat products as the Secretary of Agriculture may prescribe.

4. Power should be given to the Secretary of Agriculture to make rules and regulations regarding the sanitation and construction of all buildings used or intended to be used for the care of food products for interstate or foreign trade, and to make such regulation as he may deem necessary to otherwise protect the cleanliness and wholesomeness of animal products prepared and sold for foreign and interstate commerce.

5. It should be forbidden to any person, firm, or corporation to transport or offer for transportation from one State to another any meat or meat food products not inspected and labeled.

General suggestions.—1. The number of inspectors should be largely increased, so that special assignments may be made for night inspection, for the examination of animals at the platforms of stock yards, for the following of dead animals to their alleged destination, and for other special work.

2. Special Government inspection should be carried on continuously to prevent violations of the law and general abuses in the trade, and to secure evidence when necessary.

3. A careful study of the standards of inspection in other countries should be made, and the results of the study should be published and circulated for the public information.

4. Consideration should be given to the question of specific labeling of all carcasses sold as fresh meat, which, upon examination after slaughter, show signs of disease, but are still deemed suitable for food.

JAMES BRONSON REYNOLDS.
CHAS. P. NEILL.

WASHINGTON, D. C., *June 2, 1906.*

WEIGHING OF THE MAILS.

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 54, with the House committee amendments.

The Clerk read as follows:

Resolved, etc., That on account of the earthquake calamity in California on April 18, 1906, the Postmaster-General is hereby authorized and directed to use the average daily weight of mails ascertained during the successive working days from February 20 to April 17, 1906, both inclusive, in adjusting the compensation, according to law, on all railroad routes in the fourth section for the transportation of mails during the quadrennial term beginning July 1, 1906, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days not less than ninety.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

CONSTRUCTION OF WHARVES, PIERS, ETC., IN LAKE COUNTY, IND.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass House joint resolution 162, authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.

The Clerk read the bill, as follows:

Resolved, etc., That the owners of those parts of the property known as sections Nos. 15, 16, and 22, township 37, range 9 west, Lake County, Ind., abutting on Lake Michigan, be permitted to fill the whole, or such portion as they may elect, of the bed of Lake Michigan adjacent to such property, and within the boundary established by the extension of such section lines, out to a depth of water not exceeding 25 feet, and that such owners may be permitted to build wharves, piers, and such other structures as may be useful for occupancy or to promote navigation inside of and out to such 25-foot line: *Provided*, That the owners thereof shall present a map showing the line to which they intend filling and complete plans to the Secretary of War and Chief of Engineers, and until they shall approve the same this permission shall not be effective: *Provided further*, That this permit shall not conflict with any law or statute of the State of Indiana, in which said property is located.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MONUMENT TO COMMODORE JOHN BARRY.

Mr. McCLEARY of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 86) for the erection of a monument to the memory of Commodore John Barry.

The Clerk read as follows:

Be it enacted, etc., That there shall be erected in the city of Washington, D. C., a statue to the memory of Commodore John Barry; and for the purpose of procuring and erecting said statue, with a suitable pedestal, and for the preparation of a site, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the Secretary of the Navy, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives.

SEC. 2. That the commission herein created is empowered to select a site for the statue authorized by this act on ground belonging to the Government: *Provided*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

The SPEAKER. Is a second demanded?

There was no demand for a second.

Mr. BRICK. Mr. Speaker, the time has at last arrived to do justice to brave old Jack Barry and to ourselves.

The true history of the world is told in the lives of the great men who have lived and struggled, worked and wrought, and suffered in it.

Men whom we revere for what they did and love for what they felt.

The real nobility of a people dwells not so much in numbers as it does in the emulating memory of the hero.

Exultant destiny is heroism made known to every son of hope.

Heroism taught by the printed page that childhood spells in the morning flush of the heart's best day.

A heroism that looks down from the cherished picture on the wall of garret and cottage and mansion in daily inspiration of truth and honor.

The heroism of the memoir enshrined as man's best friend on the open shelves of honest thought.

And then, again, heroism born and bred in the sculptured bust that fills a consecrated niche of high resolve.

And the statue in the park—it issues from the shades of sleep to become at once a resurrected ideal of subtile art and touching valor.

No power of earth can stay the hand of time; but with the statue the man himself walks out upon us through the parting veil of the changeless past; to people, the brain of now with visions of the virtues that have been.

The busy multitude may not go over with him, the long journey.

But they will, though it be unwittingly, stumble across his path.

They will, this day and another, look up into his face, and, without knowing it perhaps, carry away with them the indefinable something that makes men good and true and brave.

He was a steel engraving; but at last he is a personal friend and neighbor.

He was dead before, embalmed and buried between the leaves of a forgotten book; but now they know him—his form and figure has made him real—his countenance reveals the consummate glory of an age gone by and which has come back to us, the mute fingers strike the stringless lyre of the dead years in silent strains of tender thought, to be carried home in lingering memory, there to dwell through all the nights of doubt and fear and failure, despair and death; through all the happy morns of joy and love and hope and glad success.

And such is life—we feel our way into the future over the trodden paths of yesterday.

A babe is born, he plays awhile to laugh and cry; a flower is planted in his heart, and from the rooftree of a vine-clad home there comes the wondrous melody of love's sweet song.

A star appears to lead him on to deeds and glorious day; and then a shadow falls, as fall it must to each and all—the world is touched with a sentiment, a tear, and a new idea.

The book, a picture, the statue, and the star still shine. For the heart it will live on forever, though the song, the tree, and the flower have long since died.

Now, in the days when America's fair fame encompasses the earth, and her fleet's the pride of the ocean, let us not forget the story of the fathers, stately and stainless, who have builded the glory and honor, the dignity and immortality of the Republic.

One distinguished character may cover a whole peoples' brow with unfading laurel; one great name may fill an age with

Every generation breeds in its own mysterious way a dreamer of ideals, or perhaps a breaker of images, or it may be a pioneer of thought blazing a trail.

And then by chance it may evolve a mighty captain to raise a new flag in the glad sky.

And so it happened that about one hundred and sixty-one years ago John Barry was born.

He first opened his wondering eyes in an humble cottage thatched with straw, beneath the spreading branches of an immemorial rooftree.

I can see it now, unfolding a quiet and peaceful scene of pastoral beauty, a dreamy lake, the still wide waters of the bay, the undulating fields that spread about, an emerald sward melting far away into the violet hills and the depths of blue.

And in the center of it all the tree and the little home, filled with love and kindness, where all the day was work, and when the dusk came down to mingle with the light, the man, but not the master, by the side of a loving wife, listening to the song of childhood's laughter, watched the sun go out of the dying day.

And this was where John Barry was born, in the county of Wexford, Ireland.

No stars fell on that night to mark the unheeded event.

No courier of fashion heralded his birth to the neighborhood.

He was simply a child of common fortune, born to a modest, God-fearing, honest tiller of the soil, in the midst of the idyls and tragedies of Ireland, the brightest, strangest, and saddest of all time.

It did not occur to anyone just then that all the proudest progeny of the world have stooped to kiss the brow of mother earth and gather manly strength.

That, like the soil, whole families may lie fallow for ages to incubate, and then burst forth in the resplendent flower of genius.

The chemists of the earth, the searchers of the mind, have not yet fathomed the secret and cunning essence of the magnificent thing we call the human heart.

Nature always conceals the detail, but everywhere unveils the monumental fact.

So far as it is known, no blood of royal blue coursed the veins of John Barry; it was all red, and, to his credit, it never changed its color down to his dying day.

And yet he so lived and labored in unfailing faith and unfaltering courage that when the last hour shall come, when the long roll is called, Ireland, redeemed and free, will stand up in imperial grace with a greater pride than did the old Roman, and say, "I thank God that I am the mother of John Barry;" and there by her side will be America, clothed with laurel and liberty crowned, with her outstretched hands of kindly jealousy, to proclaim in the pathos of rival tones, "Commodore John Barry belongs to us."

And in the glory that encircles the name of that splendid captain the Red, White, and Blue and the green and gold are entwined together in a common sympathy that shall linger beyond all the graves and through the shades and into the dawn.

How did it all happen?

What strange and shadowy power, what mystic, incomprehensible tide cast up this child of circumstance from an unknown sea to uplift humanity?

Here we are with nothing to say.

We come without consent and leave under protest.

We live in a narrow vale.

The dawn is a dream and the evening dusky hope.

But I do not believe in the utter fickleness of fate. I believe that in the boundless sweep of matter each man and woman and child is a cog in the great wheel of revolving destiny.

I believe that every act and deed, thought and word is an evolution, and that every condition and sentiment of life is formed and fashioned out of something that has gone before.

And so it comes to each of us as it did to John Barry. We are here through the intelligent will of the Creator. We are here a cog designed to fill a niche.

Shall we fill it well or ill? That's the question.

Shall we advance the measured harmony of the onward move by our birth, or shall we, by delaying sloth, create an ignominious discord in the universe?

Some men solve that mystery gloriously.

An unseen and inexplainable something incites the soul to perform a precursored mission, and we have the discovery of the Western Hemisphere by Columbus or the creation of an ideal freedom there by John Barry and his fellows.

The boy is the father of the man—that is plain to all—but at the same time every man is the child of his environment.

One day, in the afternoon of his life, a distinguished warrior went back to the old times again.

And while there watching the schoolboys in their playground sports, at the same old place where he had years ago fought and failed and sometimes came out victor, the Duke of Wellington turned to his friend and said:

It was there the battle of Waterloo was won.

Waterloo, the synonym of colossal egoism and of its ultimate downfall everywhere.

Its soothing syllables hardly die upon the lip when the name of Napoleon comes without calling.

I see him now on the Isle of St. Helena, statuesque and remorseless, with folded arms and relentless face, unmoved by any thought of all the red carnage of conflict, the maimed and the dead, the guns that lay broken with the heart of the mother, the swords that were rust in the tears of the orphan, the graves that were dug, and the hopes that were buried, all for his glory.

And then my thoughts go back to the year 1784, when, at the age of 15, Bonaparte climbed the weary steps to the mean quarters of his attic chamber in the military school of Paris.

The first thing that met his view, bescrawled in charcoal on the whitewashed wall, was the character of his predecessors in three signed inscriptions. They were:

An epaulet is very long to win.
The finest day in life is that of battle.
Life is but a prolonged lie.

Napoleon read them and then added a fourth sentence, the last of the chapter:

The end of all is 6 feet of earth.

And it was there the battle of Waterloo was lost.

Just one more bit of life to round the thought.

There once lived a poor boy reared in a land big in men and large in brain. A land where liberty was the birthright and tyranny the legacy; where the Government forsook its traditions and statesmen forgot their manhood.

Where the ruthless hand of man purloined the pen of Magna Charta to write desolation, ruin, and misery in the statute books of a great, strong, brilliant race, a whole race of big-hearted, bright-minded, affectionate people.

Where the powers of might wrung from unwilling submission an enforced tribute and then beggared the subject, starved the body, impoverished the intellect by coerced ignorance, and with infinite cruelty filled with tears the myriad eyes that should have been as blue and bright as the sunlit skies of Innisfail.

The lonely wanderer inherited no rich bequest of learning from governmental bounty.

Nor could he in after years go back to the playground of a school day filled with prophetic memory.

He was educated by want and self-reliance; by flower and field; by cloud and star; by all the wrongs and woes of his tortured land; by the sorrows that bleed and the agonies that sear; by the wind-swept wave, and the ebb and flow of the untired sea, ever sounding in the human heart that eternal longing for the freedom of its unmeasured reach—the endless music of the Infinite's sublimest anthem of the free.

This was his university, except that over his cradle, gilded by no canopy of pretense, there hung the sweet face of her who never sleeps when childhood needs her care. And as he grew, her loving arms about his neck, murmuring soft and low with

mother's lips an inspired song that old ocean in his grandest mood could ne'er express.

And this was the cradle in which American liberty was rocked, the academy of its growth, and the playground of its victories.

Yes; man is the offspring of his surroundings.

Deprived of fundamental sustenance he hungers for it with all the consuming passion of starving life.

Liberty is the constitutional gift of the Almighty everywhere.

Without it all the wasting days are but the solemn echo of sad memories, freighted with the wrecks of human hope and the thoughts of joy that might have been.

John Barry belonged to a race of unrequited destiny, who love liberty stronger than life, and whose sons and daughters rather than wear the servile badge are scattered far and near in every land and on all the seas.

At about the age of 15 Barry turned his face toward the dawn and said good-by to home and friends, to Erin, the green banner, and the golden harp.

Forever after his home was the sea and America his country.

Through all the troubled spirit of the times, through all the gigantic struggles of an almost hopeless contest, he fought by the side of Washington with more than mortal valor—battling with him to light a torch below and set a new star in the firmament above.

In the fierce fires of seven ensanguined years of heroism, unsurpassed and rarely equaled, they did kindle a spark that gave to man about the only thing worth living for—his full and unrestricted conscience, tolerance of equality, fraternity of thought, the enfranchisement of reason, and a Republic which places him above the government—a Republic whose chiefest honor lies in the happiness of the average citizen, where worth is aristocracy and work the final test of rank.

They did rear a torch which threw a shadow around the throne, lighted a rainbow in every tear, and illumined all mankind in the sovereignty of justice, the sanctity of labor, the matchless possibilities of human endeavor; and the flag that floats a benediction over every stalwart son that stands beneath its folds.

And now, Mr. Speaker, I am talking to you with grateful word for a good man gone.

Five score years and more have passed since the majestic stream of Commodore Barry's life hurried away in the sunlight, in the moonlight, beneath the storm and beneath the sky, to join the azure sea he loved so well.

For the ocean is always calling, and the rivers are ever flowing over the golden bar and into the twilight tide.

The country of his lifelong devotion is his grave; his deeds are an ample monument, and he needs no other; but we do in justice to ourselves.

We owe England a debt of gratitude for the men she banished.

Oppression always exiles the best.

And it came about that Great Britain in those days impoverished her proudest citizenship to enrich the wilderness.

She drove from their hearthstones the men who dared to think and who believed they had a right to tell their thoughts; the men who had the courage to act, and a pride that refused to bend the suppliant knee save in the presence of their Maker.

When you read the epic drama of things human in the celebrated history of the nations dead and gone you will find all such regal souls had vanished like a dream just before decay set in.

If the Republic shall ever become a tradition of fading memory, like Carthage, Greece, and Rome, it will be because we have forgotten—forgotten the honest, rugged character of the "noblest men that ever lived in the tide of times."

Now and then a being comes down to us possessed of a clairvoyant something, whose unfettered spirit leaps all the barriers that fortress and confine the mind, to capture knowledge on every field of exploit.

And for want of a better name we call it "genius."

It follows no rule. It obeys no law.

A brilliant, occult, unfixed star that flashes across the dark places and conjures up intelligence out of chaos.

But nature never used a meteor to make a world or found a state.

And it made its real statesmen out of a full rounded character, too well poised to be called brilliant, too slow to excite the imagination, too steadfast to ever jar the mind in wonder, too patient and commonplace, too human and universal, to touch the singing chords of romance and turn a single unusual act into a battle hymn or national anthem.

No; the stars will continue to glorify the shades, the queen of night will forever shed its reflected rays, but the unrivaled sun drowns all the splendor of contrasts with its undeviating glow, that fills the breadths and depths of every horizon.

And such is the genius of men like Washington and Barry, too broad and elemental, too plainly useful in perfected symmetry to startle the senses. They were the state builders, the creators of an epoch. Their every thought breathed undying devotion, their every act spoke, "duty, stern daughter of the voice of God."

We know a man by the friends he makes.

Great men have friends who are good.

Washington refused to meet Talleyrand and shake his hand, first, because he was a refugee from France, and Washington was President of the United States; but that was not all; second, because Washington was an honest, sincere man, who hated the treachery of craft, who despised the perfidy of intrigue, and all honors bought with the loss of self-respect—they never met.

We love Washington and call him father.

He was the admiring friend of Commodore Barry.

Washington was his friend, and he admired him because John Barry was pure in heart and live oak to the core; because he was the truest, manliest type of a Christian soldier, as spotless in private honor as he was great in the discharge of his duty; because he was a man of sleepless energy, who was brave and cool whenever and wherever danger summoned; a dauntless warrior, whose kindly nature tempered a firmness that never knew defeat.

And so it was when the crucial time arrived, when Great Britain had marshaled her veteran armies, her unconquered navies, to wring an unjust tribute from her protesting colonies, and when all but men of oak and iron, who were willing to say, "give me liberty or give me death," would have called resistance unutterable folly, it became the last and only hope of success to have officers with sound judgment and consummate skill, whose experience and valor, whose courage and loyalty, were beyond all doubt.

In the quest of this responsibility Congress, through Washington, discovered in John Barry the rare possessor of all those qualities and enlisted his lifelong services in one of the first naval commissions.

The supremest test of generalship is the ability to know and have faith in men.

Lincoln found Grant, and no poisoned shaft of envy, no barbed arrow of slander, could drive him from his side. Both are now dead, but the Union survives and their names are written in the stars.

Hood and Wellington had the brain to believe in Lord Nelson.

His battle of the Nile drove Napoleon out of Egypt, a dreary failure. His dying victory at Trafalgar swept France from the ocean. After that came Waterloo, and England was mistress of the seas, the autocrat of nations.

And so Washington had the genius to know Barry.

He first met and marked him with discerning favor at the home of Meredith, in Philadelphia.

Barry was at that time the captain of the *Black Prince*, at the age of 25, and Meredith was the owner.

When revolution was decided upon Washington fully realized the stupendous character of the undertaking, an enterprise which was destined to test not only the highest powers of military genius, but a superb moral courage which must needs bulwark the almost insurmountable difficulties that threatened many times to deprive martial prowess of its fairest opportunities.

And early in the Titanic struggle Washington recognized that ultimate victory rode upon the ships that ruled the sea and dwelt in the heroic breasts of the men who commanded them.

The price of supremacy in the naval warfare of that unequal conflict meant that indomitable pluck, quick perception, and splendid patriotism must take the place of mere brute strength and animal courage; and this was what he thought upon the subject, as told in a letter sent to Lafayette:

> In any operation and under all circumstances a decisive naval superiority is to be considered as a fundamental principle and the basis upon which every hope of success must ultimately depend.

Naturally in the extreme necessities of a time that "tried men's souls" and which meant liberty or death, when he needed a man to tie to and to win with, his mind immediately went back to that brave Irish boy captain he had met at Meredith's and to whom he had given his faith in mental silence three years before.

He made him captain of the *Lexington*, which was the first boat actually put to sea for liberty, under authority of the Continental Congress in the forepart of 1776.

Captain Barry accepted the commission with patriotic gladness, and from that time forward until death claimed him he

fought for the cause of the oppressed colonies and took a distinguished part in all the unspeakable vicissitudes of his adopted country.

To use his own language, he gave up "the finest ship and the first employ in America and entered the service of his country."

He never abandoned that service until, wrapped in the flag, he went to a reward that knows no sound of strife and means immortal honor.

His fame does not rest on a single splendid day of crowning glory, but on long and weary years of self-forgetting sacrifice.

His honor does not lie alone in the glare of brilliant and startling achievements, but on a whole life of toil, of heroic toil, and sometimes of martyrdom.

And no American patriot ever breathed a more devoted prayer of inextinguishable loyalty for his country than animated the breast of Commodore John Barry.

At one time when the metropolis had fallen into the possession of the British, when the enemy had triumphed and the best friends of America began to despair beyond expression, General Howe, believing Barry to be the most important naval factor against the successful progress and issue of the English arms, authorized an offer to the commodore of what amounted to $100,000, and the command of the best frigate in the British fleet.

Barry spurned the outrageous insult with all the indignation of injured patriotism and assaulted virtue.

This was his immortal answer to the insolent Britain:

I have devoted myself to the cause of my country, and not the value and command of the whole British fleet could seduce me from it.

Yes, Washington was Barry's friend and admirer. Barry had more than equaled his fondest expectations and unmeasured confidence.

On the occasion of one of his greatest and most signal triumphs, which has been characterized by an eminent naval expert as an achievement that for boldness of design and dexterity of execution was not surpassed, if equaled at all, during the war, Washington with evident pride and certain friendship, wrote these memorable sentiments:

I congratulate you on the success which has crowned your gallantry * * * in the late attack upon the enemy's ships. Although circumstances have prevented you from reaping the full benefit of your conquests, yet there is ample consolation in the degree of glory which you have acquired. With my wishes that a suitable recompense may always attend your bravery.

And from that day to this the world has not given the Christian, sincere, brave, honest, modest Jack Barry the "full benefits of his conquests" in the founding of the only true Republic that ever existed nor the "suitable recompense" that has belonged to him all these years.

But the gods are just, and time is the instrument of Providence that solves all problems and decrees all justice.

Judged by his unrivaled services and the eminent creative qualities of his long and patriotic career, Commodore Barry was the real father of the American Navy we have to-day.

True, the annals are full of glorious deeds that must have inspired the final outcome beyond all question.

Yes; there were giants in those days. They were all fathers, and they have bequeathed us the richest legacy of all the dead—of all the dead that have just begun to live and whose memory will never die.

Every one a son of freedom and the defender of human rights.

But every great idea, every distinguished event, has had a first and original fountain head, from which has flowed the ever-widening stream that sparkles in the lives of men.

It may be that John Adams should be given the honor, if fatherhood is to be bestowed upon anyone.

He was the man of all others in Congress who best comprehended what seamen could do in defeating their enemies.

He was the one man most potent of everybody who pushed through the act establishing the Navy of the Revolution, whose intrepid doing had so much to do with the fate of the colonies.

If it be John Adams, then, I say, it would be worse than dishonor to deprive him of it.

Under that act, inspired by John Adams, Barry was commissioned captain of the *Lexington*.

He was the first to put to sea; the first to fly the colonial colors by its orders.

And within a few short weeks, amidst a superior and hostile force, in a wide and dangerous field, he defeated the enemy after a spirited contest, and captured the first prize of any vessel of war by a regular American cruiser in battle.

But no one would venture this as a reason, taken alone, to assert that he was the fountain head of our Navy.

But with a spirit that could not be subdued and an energy that refused to be rested he was again in the thick of the fight, and again had engaged the foe with such valorous onslaught as to win the praises of his commander in chief in those memorable words of Washington.

He was then given command of the *Effingham*, one of the largest men-of-war built at Philadelphia under the act fostered by John Adams.

While in this ship Barry made a most notable capture, filled with daring courage and consummate strategy.

To illustrate his splendid courage and valiant disposition, when he received orders to destroy the *Effingham* to prevent her falling into the hands of the enemy he at first refused with characteristic sailor bluntness, saying he could defeat them, he was there to fight, and not to sink his gallant ship.

Then he fought with Washington on land in the Jerseys till he was ordered to the command of the *Raleigh*.

So zealous was he in the cause of his country that rather than lie idle when fighting was to be done he volunteered and served as aid-de-camp in Jersey till another ship was furnished him.

Later he was placed in command of the *Alliance*, considered the stateliest ship of the American Revolutionary Navy, in which he fought with many victories and renowned valor.

It was upon the *Alliance* that the last action of the Revolution took place, which was described at the time as a most brilliant exploit, unsurpassed in the war.

In this action Barry was seriously wounded, and while below they reported to him that his colors were about to be struck. No, said he, "if the ship can not be fought without, I'll be carried to the deck." When his sailors knew he was to be with them, they fought with redoubled fury. Their battle cry "We'll stick by Jack."

Within an incredibly short time the enemy had struck, and Captain Barry was a victor's victor.

His individual spirit had put a flag of triumph over defeat.

It was here the splendid magnanimity of his heroic manhood was most conspicuously displayed. When Captain Edwards was conducted to the cabin of the commodore he presented his sword to Barry, who immediately returned it as a testimonial of what is in the heart of one brave man for another.

Commodore Barry observed at the time "that Captain Edwards richly merited it, and that his King ought to give him a better ship." But the King had no hopes of other ships in that contest; this was the closing glorious naval fight of seven long years of glorious warfare—fraught with the world's largest hope. And Barry was there at the close.

In a fight he made in the Mediterranean, Captain Vaughan, commander of the British frigate, with the frankness of a generous foe, confessed that he had never seen a ship so ably fought as the *Alliance*.

Barry served all through the Revolution.

His career began with the infancy of the Navy and ended in its full reorganization.

With the *Lexington* he made the first fight, and with the *Alliance* the last.

His name shines on all the pages of Revolutionary history, filling them with his brilliant services and remarkable victories.

Still, this may not be enough to call him father.

Cooper has pathetically related the end of it all. "It remains only to say that the Navy of the Revolution, like its Army, was disbanded at the termination of the struggle, literally leaving nothing behind it but the recollections of its services and sufferings."

But Barry did not go.

He was an Irish patriot; in his book of faith there was no such word as disband. After the termination of hostilities the country needed him above all others, and he still remained in public service.

Washington was President and the friend and admirer of John Barry, who was, of all the naval captains that remained, the one who possessed the greatest reputation for experience, conduct, and skill.

And Washington knew this.

He with Adams also knew that we must have immediately a strong and dominant Navy. That it must be a Navy of the highest standard of warships in the world at that time, combining everything that was new upon the subject and everything of novel force and effect that could be devised from the young and buoyant brain of the new Republic. The first thing Washington did in the consummation of these plans was to give a commission of what amounted to commodore, or commander in chief of all the American navies, to John Barry.

And under him Congress authorized the immediate building of the infant Navy.

He was authorized and instructed to supervise and reorganize a more powerful armament.

Six ships were provided for.

Mr. Humphreys, of Philadelphia, and Barry, with whatever advice they could get from all sources, finally settled on the models.

The new Navy was constructed on these plans and under John Barry's watchful guidance and supervision.

It contained, when built, the best warships of the world.

They were the model battle ships of that time, and Humphreys, the shipbuilder, and Barry, the commodore, the master minds.

This new Navy was composed of the *United States*, *Old Ironsides*, *President*, *Chesapeake*, *Congress*, and *Constellation*, the most famous battle ships of the war, that encountered the cruisers of the French, and later the English in the war of 1812.

They had no naval schools in those days.

Our great captains learned their skill by experience and from the example and inspiration of their commanders.

Under Commodore Barry had served Dale, and following the Revolution Jacob Jones, Decatur, Bainbridge, Charles Stewart, Somers, Barron, Mullany, in fact, directly and indirectly all the great commodore heroes of the later wars.

This new Navy was the beginning of our present Navy. It was the model till iron and steel took its place.

Barry was the proud inspiration and naval exemplar for the brightest names of the sea that illuminate our flag down to the civil war.

And now I have given the reason why I say, Mr. Speaker, that Commodore John Barry is the actual father of the American Navy.

His name is one of the purest and brightest among the galaxy of pleiads that swept the sea for liberty and for us.

Mr. Speaker, let us become as true and loyal as he was great.

He, with blameless life and godlike act, has builded a noble pedestal. Let us make honor with ourselves by keeping his memory forever green around the statue we have placed upon it. [Loud applause.]

Mr. DRISCOLL. Mr. Speaker, the eternal fitness of things is here being observed. This is a very appropriate occasion for the passage of this and other monument bills, which cause us for the time to turn our eyes from the present and the future and pay the nations's tribute of respect and honor to the lives and deeds of the great and good of former times. The fading flowers still lying on our late colleague Adams's desk remind us that after an active, busy, useful career he became weary of life and chose, before his call, to enter the great beyond, the unknown and unknowable mystic realm whence no traveler returns. Also that the angel of death has come again and summoned from his home and friends a distinguished Senator of the United States, and in respect to whose memory and services the House is soon to adjourn. These warnings are impressive and lead the mind to more solemn and serious thoughts and quicken the conscience to a keener sense of duty and obligation. The man endowed alone with intellectual capacity for success in business affairs is not the highest type of the human family. Without some of the finer and more modest tastes and virtues his life is frigid, and he can not afford much comfort to his companions. The heart as well as the head should be educated. It should be developed, refined, ennobled, and uplifted. Sentiment is a sweet and wholesome trait. A people devoid of it have but little hope. They may prosper for a while in material things, but as a nation their standards can not be high and noble, and as individuals they are strangers to many of the keenest pleasures and sweetest joys. Our country is rich and prosperous. Its income is large, and thus far we have been making liberal appropriations for the expenses of the Government and the development of our boundless natural resources that more wealth may be created. This practical business we now lay aside for the hour and engage in a little legislation for the sake of pure sentiment.

Looking backward is not a mistake. Hero worship is not a fault. The principles on which the great Republic was founded should be preserved, and the heroes who created the nation should be blessed and honored, and even idealized, as examples to the living. By our action here to-day we but feebly express the nation's gratitude and high esteem for a few of the distinguished dead who subdued the wilderness, achieved the independence, and adorned the literature of the American nation.

Nearly three centuries since, when Europe was in the throes of a religious revolution, and rulers strove to regulate the views and chain the consciences of men, a little band of resolute, rebellious souls, fearing naught but God, embarked in a frail and tiny craft. They bade farewell to relatives and friends, sundered all their sweet associations, and sailed away to seek their fortunes in a land unknown where worship might be free to them. They braved the dangers of an uncharted ocean, and landed on the forbidding shores of a savage wilderness. There they established a colony and called it "home." They were earnest, honest, bold, religious folk, fitted to the times, the climate, and the soil. Their virtues were severe and militant. They hewed their way into the primeval forests, opened schools, erected churches, and founded colleges, and laid the foundations of a vigorous, active, and enterprising civilization. To-day we provide for the erection of a stately shaft at Provincetown to immortalize their deeds and mark the spot where first they knelt and sanctified the soil.

Later on in the tide of time other white men came from the swarming hives across the seas and settled on our eastern shore—some for gold, some for conscience sake, and some for license. They were bold and fearless freedom-loving men, and jealous of their rights. The progeny of the *Mayflower* Pilgrims multiplied and prospered, and their influence and power spread beyond the limits of the Old Bay Colony. The compact signed in that good ship's cabin before they put a foot on shore was guarded as sacredly as the Jews protected the Book of Laws in the Ark of the Covenant. That was the first declaration of constitutional government in the New World, and served as a guide and inspiration for the great Charter which was to be. It came, and eight years of frightful war in its defense.

Britain was determined to crush out the rebellion, and considered neither men nor means. The colonial volunteers were sorely pressed, and the patriots' cause was languishing. Even the resolute soul of the great Commander in Chief was sad and filled with doubts and gloomy forebodings, when the battle of Princeton was fought and won. The enemy was driven toward the south, and the troops were inspired with fresh hope and courage. It was one of the decisive engagements of the war. By our appropriation here a monument will be erected to signalize that field of Mars and memorialize the brave and valiant heroes of that fight.

Kings Mountain was one of the most brilliant, complete, and decisive victories of the Revolution. The enemy had swept over the lowlands of Georgia and the Carolinas, and was marching toward the highlands in the west to complete the conquest of those States, when the resolute mountainers rallied to the encounter in defense of their homes and native heath. They repulsed, pursued, surrounded and killed or captured the British commander and all his royal troops. Cornwallis was frightened and beat a retreat, and the patriots of the Southland were electrified into new courage and more stubborn resistance. The tide of battle was there turned. It was the beginning of the end. We honor those resolute heroes, officers, and enlisted men, by providing for the erection of a fitting monument to their valor and glory.

A great nation must have literature as well as heroes, poets as well as patriots. Achilles would not have come down to us from the distant past as the beau ideal of dauntless chivalry had not Homer lived and written his great epic. What Burns is to the Scotchman, and Moore to the Irishman, Longfellow is to the American. He caught the traditions and melodies which were floating in the air and preserved them in beautiful immortal verse. He is the favorite of our youth, the joy of our advancing years, and the delight of all of his true-hearted countrymen. If not the greatest, he is the most beloved of all our poets. We are too parsimonious in our treatment of his claims. However, by this little appropriation a pedestal will be provided for a monument to be erected by his friends to the memory of Henry W. Longfellow.

Our countrymen have always taken a lively interest in John Paul Jones. He was a Scot by birth and a seaman by profession. He inherited a large plantation in Virginia, adopted an American patronymic, and espoused the cause of the Revolutionists at the commencement of the war. He was a soldier of fortune, a knight errant, who loved war for the sake of strife and courted the excitement and danger of battle. In America he enlisted under the standard of freedom and equal rights to all, and when the war was over he entered the service of Russia, the most despotic Government of Europe. The King of France made him a Knight of the Order of Merit, and the Empress of Russia conferred upon him the ribbon of St. Anne and granted him a pension from her bountiful treasury. He spent the remainder of his days amid the gayeties of the fascinating French capital and died in Paris. His guiding star was glory, and susceptibility to flattery his besetting weakness. His was an attractive, charming personality, and he was as brave, brilliant, and masterful as he was vain and spectacular. He acquired a fair knowledge of Spanish and French and was highly accomplished for a man of his early limited opportunities. He was able and resourceful and rendered invaluable assistance to the colonial cause. He was at home on the sea and a deep-water fighter. He carried the flag of the young Republic to the shores of Britain and caused it to be feared and

respected. He bearded the lion in his lair and never gave nor asked for quarter, while he observed the rules of civilized warfare. His capture of the *Drake* astonished the French marines, who were astounded that a British sloop of war could be beaten by an inferior ship and equipment. The victory of the *Richard* over the *Serapis* was perhaps the most brilliant achievement in the annals of naval warfare. He attracted attention, and history has done him justice, and his reputation has been growing with passing years. Our people are disposed to recognize his splendid service and remarkable attainments, and we rejoice to do him honor. Although he chose to live and die abroad, we have just appropriated his remains and buried them at Annapolis with imposing national ceremonies, and as a further tribute of respect and gratitude the Congress directs that a costly monument be erected to his memory in the capital of the nation.

This day's record in commemorating some of the notable events and men of our early history would not be complete or acceptable to the country's sense of justice without a provision that an appropriate monument be erected to the honor and memory of that skillful seaman, determined fighter, able commander, worthy citizen, and incorruptible patriot, Commodore John Barry. During the Fifty-seventh Congress I introduced a bill for the erection of a monument in the city of Washington, to bear this significant inscription:

Erected to the Memory of John Barry,
Father of the American Navy.

Having failed of passage, I introduced a similar bill at the opening of the Fifty-eighth Congress, and again in this Congress, and have declined to modify it by omitting the above inscription. I now rejoice that the bill, in its general terms, receives the unanimous approval of my colleagues, but regret exceedingly that the distinguishing epitaph is not retained.

However, as he was patient and unassuming, so his admirers must follow his example and accept with due appreciation and gratitude this honorable tribute to his life and services. Time and eternal justice right all things. His monument will be erected in one of the beautiful parks of our capital city, where visitors will see it and inquire about him. The original records of our country's early life will be examined. The facts will be developed. Full and impartial history will be written and read, and Fighting Jack Barry will be enshrined in the grateful hearts of future generations as the father of the American Navy. Too much have his lofty character and splendid services been obscured by superficial and unappreciative analysts of modern times. Too long have his fair name and fame been neglected. But this bill and the monument will bring his personal character, his eventful career, and his remarkable victories in the cause of the struggling colonies into the lime light of critical examination. Then justice will be done him, and he will be assigned his proper place in America's pantheon of heroes and patriots.

Of Barry's early life little is known, nor is it very important. He was not of distinguished blood or lineage and made no pretensions. He was not heralded into this world by any popular demonstration. Indeed, so ordinary and obscure was the social status of his parents that the exact time and place of his nativity are not free from doubt. In childhood he was a poor Irish lad, one of millions who have been born in that beautiful isle of song and story, of legend and romance, of faith and superstition, of emerald fields and somber climate, and of brave men and virtuous women. He received his early impressions in that land of plenty and poverty, fertility and famine, courage and oppression, native ability and general ignorance, and all the unfortunate contrasts and contradictions which can be produced only where a generous, warm-hearted, and determined people are sought to be governed by a system of unjust, unwise, and tyrannical laws, and where they suffer all the ills which flow from resistance and reap none of the benefits which may come from obedience and acquiescence, and where the people, by reason of their love of freedom and justice, would not gracefully submit, and by reason of their lack of national unity and cohesion were unable to shake off their chains of bondage.

Barry was born proscribed. He was penalized from birth, and driven from home by the same foolish, short-sighted policy which provoked the revolution in the colonies. Early he took to the sea, visited America and made it the land of his adoption, and the Quaker City his permanent home. By studious habits and close application he largely made up for the lack of early education, which had been prohibited by law, and by willing hands, native ability, and untiring industry he quickly rose in his profession. At 21 he was a shipmaster, and at 30 he was captain of the best merchantman in America and a prosperous man, with excellent prospects.

The revolt against the mother country and armed resistance were by no means unanimous on the part of the colonists. Some were holding office under the Crown, and others were receiving special favors. Some were royalists at heart and believed in the tradition of the divine right of kings and that they could do no wrong. Representative government as we now understand it was at that time unknown, and the European mind could scarcely conceive of it as practical for a large and progressive country. And Americans were Europeans modified by a few years of climatic influence and political environment. Some were conservative, and were dismayed at the violent tendencies of the radical party, and a large proportion of the people of wealth, influence, and social position remained silent, inactive, and noncommittal. They had something to lose and feared the consequences. They sulked in their tents, or secretly gave aid and comfort to the enemy. Barry was not of these. He believed in the largest measure of freedom consistent with stable government. He was a Republican at heart. He hated injustice and oppression. He imbibed that hatred with his mother's milk and inhaled it with the breezes of his native heath. He had much to lose by failure, but he did not hesitate or consider results. He flung policy and discretion to the winds, and arrayed himself under the patriots' standard. He offered his services to Washington and they were accepted. He enlisted for the war, and continued the struggle in season and out of season, on sea and on land, wherever his service was most available, until the victory was won and the independence of the young Republic was recognized.

In a former speech in support of this bill I gave a fairly complete, but very condensed, sketch of Barry's life and services to his country, principally in the form of citations from original records and extracts from standard authorities of his time. They will not be repeated here; but it may not be inappropriate to state a few of the salient facts on which we predicate the claim that he, more than any other, deserves to be known as the father of the American Navy.

At the breaking out of the war he was master of the *Black Prince*, the finest merchant ship in America.

She was purchased by the *First* Congress, armored for war, and made the *first* battle ship of the *first* fleet, under the *first* commodore, and named the *Alfred*, after the father of the English navy.

He won the *first* naval victory of the war in the Continental service, and returned the *first* prize captured from the enemy in command of the *Lexington*, which was named after the *first* battle of the Revolution, and was the *first* ship that bore the Continental flag to victory on the ocean.

During the last three years of the Revolution he was the *first* officer of the Navy.

He fought the *last* battle of the war in command of the *Alliance*, the *last* and best ship of the Continental Navy.

He was the *first* captain of our present Navy.

He was appointed in 1794 and continued *first* in command until he died, in 1803.

When the Marine Committee, early in the hostilities, organized its most formidable fleet and appointed their captains, Barry was named far down on the list. Yet, while others were court-martialed or retired, or, being weary of the service, fell by the wayside, he constantly forged to the front until he became ranking officer, which position he retained until the end. Even Jones, after his great victory over the *Serapis*, retired on his laurels and never returned to this country.

Barry's birth, religion, and social position did not assist him, for in those times these circumstances were millstones rather than supports. He was kept on duty nearly all the time. He fought many battles, won many victories, took many valuable prizes, and was engaged in the most delicate and responsible commissions. Under all conditions he did his whole duty, and served his country with a devotion and singleness of purpose that compelled respect and admiration. His promotions were made on the merits, because his great ability and unswerving patriotism were known to his contemporaries. And when our present naval establishment was created in 1794, President Washington, the Secretary of War, and the Senate of the United States selected him and made him chief, because they considered him the fittest man for the exacting duties and responsibilities, and the most deserving of that distinction.

These are some of the facts and circumstances why his friends believe he is worthy to be named the father of the American Navy.

In conclusion, Mr. Speaker, let me say that republics are not always ungrateful. It is our high honor and privilege to appropriate the people's money for a monument to John Barry, to be erected in the seat of our National Government. The millions of his friends throughout the country, who have waited patiently for this recognition, will be delighted with our action

here to-day. It will accomplish more in fighting value than the same amount of money consumed in a few target shots by our great guns. It will be admired by generations of seamen yet unborn and will be a source of inspiration and encouragement for faithful, efficient, and patriotic service. It will quicken their pulses, nerve their muscles, and strengthen their determination for the crucial trials which may yet occur. And may the time never come when they will cease to profit by his example and emulate his virtues.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MONUMENT TO THE MEMORY OF JOHN PAUL JONES.

Mr. CURRIER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 685) for the erection of a monument to the memory of John Paul Jones.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be erected in the city of Washington, D. C., a statue to the memory of John Paul Jones; and for the purpose of procuring and erecting said statue, with a suitable pedestal, and for the preparation of a site, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the Secretary of the Navy, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives.

SEC. 2. That the commission herein created is empowered to select a site for the statue authorized by this act on ground belonging to the Government: *Provided*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

The SPEAKER. Is a second demanded?

There was no demand for a second.

Mr. CURRIER. Mr. Speaker, early in the Fifty-seventh Congress I introduced a bill for the erection of a statue to Paul Jones. It was favorably reported by the Committee on the Library, but failed to pass. I again introduced a bill in the Fifty-eighth Congress; again it was favorably reported by the Committee on the Library and again failed to be reached. The first day of this session I again introduced the bill. Early in this session the Senate passed a similar bill, and it is the Senate bill which the Committee on the Library reported and which is now under consideration. I spoke at some length in favor of this bill on one of the closing days of the Fifty-eighth Congress. I wish to say only a few words to-day.

It seemed to me fitting that a Representative from New Hampshire should introduce this bill. Paul Jones spent more time in the State I have the honor in part to represent than in any other section of the country except Virginia. His famous sloop of war, the *Ranger*, was built at Portsmouth, N. H., and was largely officered and manned by sons of that State. Our flag which floated over her was made by the girls of Portsmouth from their silk dresses, and it was the first American flag to receive a foreign naval salute. Paul Jones said that "the last ever seen of the *Bon Homme Richard* as she sank after capturing the *Serapis* was the defiant waving of that unconquered and unstricken flag."

Perhaps the turning point of the most marvelous sea duel ever fought was the throwing of a hand grenade from the main yard of the *Bon Homme Richard* through the hatchway and upon the gun deck of the *Serapis*, and there is every reason to believe that this was done by George Roberts, a New Hampshire sailor

Paul Jones was the founder of the American Navy, as he was the first man to fly our flag on a regular man-of-war, the first to receive for it a foreign naval salute, and the first flying that flag to compel the surrender of a British man-of-war. He was a sailor at the age of 12, a mate at the age of 17, and captain of a full-rigged ship at the age of 21. The American Navy was constructed and manned upon the lines laid down by him in his famous reports to the Continental Congress. Few men in all our history have rendered more glorious and important services to the country than he.

A poor Scotch boy, self-educated, and yet when he had reached the age of 25 no man in the naval service of any country at this time was better educated or more accomplished than he. He was something more than the best and bravest sailor of his time, for as a diplomat and as a far-seeing statesman he ranked high among the great men of his generation. He was a personal friend of Franklin, Jefferson, and Washington, and was implicitly trusted by them. No abler, braver, more accomplished, more devoted, and unselfish man ever sailed or fought a ship. [Loud applause.]

Mr. RAINEY. Mr. Speaker, I take this opportunity to pay my tribute of respect to this great naval hero and to refer briefly to his life and achievements. One hundred and forty-six years ago an English ship slowly made her way up a broad river in tidewater Virginia. Upon her deck stood a boy not yet 13 years old, but he had already selected as his vocation the life of a sailor. He was born on the coast of Scotland, and his ancestors had also followed the sea. Forty years before his birth Scotland lost its independence, and the year preceding his birth the office of Scottish secretary of state at London—the last Scottish independent office—was abolished. He regarded the English as the oppressors of his people.

He was born of humble parentage, and every day in his native village there was brought home to his young mind the disadvantages attending his station in life. He learned early that in his own country men were born to positions of power and influence and that mental and physical endowments did not count for much as against the accident of birth. Early in life he learned to feel that for him the door of opportunity in the land of his birth was closed. From the sailors in near-by seaports he heard stories of a land beyond the sea where there were no distinctions of birth and where all men were equal. He heard also of the discontent which prevailed in this new land and felt that with the colonists beyond the sea he had a common cause against the same oppressor.

He eagerly embraced the opportunity of sailing on a vessel bound for Jamaica by way of Virginia. The voyage was a long and eventful one. For two weeks they were becalmed in mid-ocean, for two weeks they were aground on the banks of Newfoundland, for a week they plowed through tempestuous seas. Their provisions were almost exhausted when they reached the coast of Virginia and ascended the Rappahannock River.

We can imagine with what emotions John Paul Jones after his 3,000-mile voyage greeted the land of his dreams. It was early summer in Virginia. He was surrounded on all sides by a luxurious semitropical growth of trees; from the banks of the river came the song of birds; overhead were the bluest skies in all the world. The impression formed in the voyage up this beautiful river in the early summer of 1760 were lasting. He became then, at that early age, an American citizen. Thirty years later, when honors had been heaped upon him by other nations and when he was neglected and almost forgotten by the land of his adoption, in a letter written to the Dutch minister at The Hague he said:

> America has been the country of my fond election from the age of 13, when I first saw it.

The voyage up the Rappahannock ended at Fredericksburg. On an estate near Fredericksburg lived an elder brother who left Scotland before his birth and whom he had never seen. Paul Jones immediately repaired to his residence and the two brothers met for the first time on the banks of the swiftly flowing river. In a few days the harrowing experiences of his long ocean voyage wore away and he was able to calmly view his surroundings.

Three thousand miles of ocean separated him from the land he had learned to hate. He saw here the palatial homes, the splendid sloping lawns, the great tobacco fields of colonial Virginia. He saw the easy, luxurious life of the Virginian planter. He watched the carriages roll past his brother's house, but there were no coats of arms emblazoned on the panels. There were no distinctions of rank. Opportunities were not presented to a favored few, but to all alike. In front of him were 3,000 miles of ocean with all its opportunity for adventure; back of him lay 3,000 miles of forest. Between the mighty ocean and the almost limitless forest lay colonial Virginia, with its great rushing rivers, smiling under skies as blue as any that could be found in far-off Italy. In this favored land he was tasting for the first time the sweets of liberty.

His mind was soon made up. He cast his lot with the colony of Virginia. Back of him in the forest was land to be had for the asking. But in front of him lay the great ocean, and his mind turned to the sea. He realized that in order to become something more than a common sailor he must study navigation, geography, mathematics; that he must improve his knowledge of English and acquire a knowledge of French, German, and Spanish. He decided to remain in Virginia and to diligently prepare himself for a career upon the sea.

For the next three years he pursued his studies amid the quiet of his brother's plantation. At the end of this period he was tendered the position of third mate of the *King George*, of White Haven—a stanch brig of three sails and topmast, with a crew of sixty-five men and officers—being anxious to put in practice the theories he had acquired. He accepted at once, and sailed away. For the next ten years he followed the sea. He rapidly advanced in rank. The vessels upon which he was employed were engaged in part in the slave trade. After five years of this service he became so disgusted at its enormities, which he characterized as a "violation of the rights of man," that he resigned a position as chief mate of a brigantine and returned to Scotland as a passenger on another vessel. On the way the captain and mate died. Jones assumed command, and

brought the vessel safely into port. For this service he was, at the age of 18, appointed master of the vessel he had so successfully navigated. In this vessel he made two trips to the West Indies and the American coast. His reputation as a successful mariner was now established.

His rapid rise in rank attracted the envy of older men, and the grossest calumnies were circulated about him. During the progress of the American Revolution these calumnies were kept alive, and until quite a recent period, and perhaps now, they are still believed in England. He was charged, without the slightest proof to sustain it, with engaging in the smuggling business. This in the latter years of his life he indignantly denied. He was charged with having caused his ship's carpenter to be so severely punished that he died from the effects of it. All the affidavits taken at the inquest showed that the man was never punished and that he died of a fever.

On one of his voyages he was compelled to quell a mutiny on his ship and subdued a huge mulatto with a belaying pin. The negro died soon after as a result of the blow he received. The young captain surrendered at once to the authorities and was fully exonerated. On his return to England his enemies caused him to be arrested and tried on the charge of murder. He conducted his own defense and displayed a thorough knowledge of the law applicable to the case. During the progress of the trial the King's counsel asked him:

Captain Paul, are you in conscience satisfied that you used no more force than was necessary to preserve discipline on your ship?

To which he answered:

May it please the most honorable court, sir, I would say that it became necessary to strike the mutinous sailor Maxwell. Whenever it becomes necessary for a commanding officer to strike a seaman it is necessary to strike with a weapon. I may say that the necessity to strike carries with it the necessity to kill or to completely disable the mutineer. I had two brace of loaded pistols in my belt, and could easily have shot him. I struck with a belaying pin in preference, because I hoped that I might subdue him without killing him. But the result proved otherwise. I trust that the honorable court and the jury will take due account of the fact that though amply provided with pistols throwing ounce balls, necessarily fatal weapons, I used a belaying pin, which, though a dangerous, is not necessarily a fatal weapon.

It would be difficult to more accurately state the law applicable to the case. Jones was acquitted.

In 1773, he again, this time as captain of a West Indiaman, sailed up the Rappahannock and anchored below his brother's plantation. He found his brother unconscious and dying. Shortly after the arrival of the young captain his brother died without regaining consciousness. Under the will Captain Jones succeeded to his brother's estate. He turned over the command of his vessel to his first mate and stepped from the deck of a British ship into the idyllic life of a Virginia planter. He found himself the owner of a plantation of 3,000 acres, well stocked with horses and cattle, a sloop of 20 tons, a mill, a thrashing floor, and thirty slaves.

His real name was John Paul. At this time he assumed also the name of Jones. Why he did this has never been made quite clear. The story heretofore generally accepted is that the estate originally belonged to William Jones, a distant relative, who made William Paul his heir upon condition that he assume the name of Jones, and who provided also in his will that, upon the death of William Paul, the young captain should succeed to this estate provided he also assumed the name of Jones. Colonel Buell, who has written the most pretentious life of John Paul Jones, still clings to this story, in the edition of his book which was published just before his death, two years ago, and insists that he assumed the name of Jones in order to inherit the Virginia estate. Recent investigations, however, in Virginia have brought to light the will of William Paul, executed just before his death, to which is simply signed the name of William Paul, and from which it appears that he never assumed the name of Jones. This completely disposes of this theory.

Why he assumed the name of Jones makes but little difference now. It was, however, not singular for seafaring men to adopt another name in those days. Although only 27 years old, he had experienced a long career in the merchant navy of Great Britain. He had commanded some of her largest vessels. He had already made for himself a most enviable record as a British commander. We have the right to believe that he could now see in the future another career, not as commander of a British vessel, but a position in the navy of another nation about to spring into existence.

The Stamp Act had been passed and had been repealed. The house of burgesses in his own colony of Virginia had been the first to protest against unjust taxation, and Virginia was still ringing with the powerful eloquence of Patrick Henry. The late wars, undertaken largely, as England claimed, for the benefit of the colonies, left the mother country oppressed with a national debt of $645,000,000. In England there was a fixed determination to compel the colonies to assist in its payment, and Paul Jones knew it. In America there was a fixed determination to resist what was considered unjust taxation, and Paul Jones knew that also. The colonies were rich and powerful. They sustained a population of 3,000,000 people. The intercolonial wars had been brought to a successful conclusion. The military spirit predominated. It was apparent to Jones that war between the two great sections of the English-speaking people was inevitable. He had trained himself to be something more than the captain of a merchant vessel. He had already determined to cast his lot with the colonists. He was in full sympathy with the anti-English sentiment which now permeated the colonies. Writing to a friend he said:

I was born in Britain, but I do not inherit the degenerate spirit of that fallen nation which I at once lament and despise.

Under the name of John Paul he had been a prominent figure in the merchant navy of England. He saw opening to his feet a new career in the new navy of a new nation.

What could be more natural than that he should follow the caprice so common among sailors at that time; that he should determine to cut loose from the past as much as possible and under a new name win for himself an honorable place among the founders of a new nation? He saw his chance approaching.

Lord Nelson said:

A naval officer, unlike a military commander, can have no fixed plans. He must always be ready for the chance. It may come to-morrow, or next week, or never, but he must be always ready.

The next two years he devoted to quiet study. He made frequent visits to Williamsburg and attended the sessions of the house of burgesses. He heard the wonderful eloquence of Patrick Henry and the splendid logic of Thomas Jefferson. As a cultured Virginia gentleman he was able to meet and become acquainted with the leading men of the colonies. He became the personal friend of Washington, Jefferson, Franklin, the Lees, and Mr. Livingston. Writing in his journal of January, 1775, he said:

I availed myself of these occasions to assure Colonel Washington, Mr. Jefferson, and all the others that my services would be at their disposal whenever their cause should require service on my own element, which would, of course, be coincident with the outbreak of regular hostilities on the land.

He read the signs aright. Three months later the shot was fired at Lexington and the whole country was ablaze with war.

On land the colonies were well prepared for the struggle. It was possible to organize at once armies of men trained to the use of arms. War offensive and defensive was at once undertaken and large expeditions set out for the invasion of Canada. In the intercolonial wars experienced generals had been developed who were well qualified to command.

On the sea the colonies were absolutely helpless. They had nearly a thousand miles of coast line and not a single ship with which to defend it. The commerce of the colonies had already assumed considerable proportions. It was threatened with complete destruction. The colonial wars had not developed naval commanders or naval constructors. The opportunity for which John Paul Jones had waited was here. The career for which he had prepared himself was open.

He at once tendered his services to the Continental Congress. Before Congress had time to accept his tender of service, and before the battle of Bunker Hill was fought, he had commenced the work of naval preparation. He heard that two French frigates had put in at Hampton Roads. He at once loaded his sloop with the delicacies of the season from his own plantation and, sailing out to the French vessels, presented the provisions to the French officers with the compliments of the Virginia planters. In this way he gained access to the ships and received permission to obtain information and make drawings of the plan—the hull, arrangement of battery, and other technical particulars of the larger vessel. His complete mastery of the French language and his charming personality so pleased the French officers that they permitted him to remain for three days on the ship and to obtain the most complete data. He informed them that he wanted the information for the guidance of the marine department of the new Government, which he assured them would be formed within the next two months and which would fight it out with England to the bitter end. The information thus obtained by Jones was utilized, and twelve months later the American frigate *Alliance* was built on exactly the same lines and mounted the same battery as the vessel whose plans he obtained.

Three days before the battle of Bunker Hill the Continental Congress appointed a naval committee. At the first session of

this committee the chairman was authorized to invite John Paul Jones, of Virginia, master mariner, to lay before the committee such information as might be useful in assisting the committee to discharge its labors. He at once repaired to Philadelphia and entered upon the career which was to emblazon forever his name in the naval history of the world.

No more important task was ever confided to any man. He was not yet 28 years old, but he was called upon to build, equip, and organize, in time of war, a navy able to hold in check the powerful armada of one of the oldest commercial nations in the world. The preliminary work was most important. There was no other man in any of the colonies so able to undertake the work, and perhaps in the navies of Europe it would have been impossible to have found an officer so well qualified to undertake the difficult task presented now to this young Virginia planter. He was requested to report on two general subjects: First, "The proper qualifications of naval officers," and, second, "The kind or kinds of armed vessels most desirable for the service of the United Colonies, keeping in view the limited resources of the Congress." He entered upon his work with energy and enthusiasm. He was requested to report also upon naval personnel and material. His reports were soon ready and were laid before the committee without a word of revision.

A hundred and thirty summers have come and gone since then. The navy founded by John Paul Jones will soon, even in this era of great navies, become the most powerful in the world. The great state papers of the early years of the American Republic have been carefully preserved in our histories and the principles enunciated therein have been taught to our children. The report made by John Paul Jones on this occasion has apparently been forgotten, but upon it a navy was built and organized and operated even to this day. In this present year, in the time of our naval supremacy, when so much depends upon sea power; at this time, when there seems to be a disposition to do justice to the memory of this great man, it ought to be possible to assign to this report its proper place among the greatest of our public documents. It might be interesting at this time to read portions of it. It commences with this prophetic statement:

> As this is to be the foundation, or, I might say, the first keel timber of a new navy, which all patriots must hope shall become among the foremost in the world, it should be well begun in the selection of the first list of officers. You will pardon me, I know, if I say that I have enjoyed much opportunity during my sea life to observe the duties and responsibilities that are put upon naval officers.
>
> It is by no means enough that an officer of the Navy should be a capable mariner. He must be that, of course, but also a great deal more.

He then proceeds to define the qualifications of a naval officer—and we have been educating naval officers along the lines laid down by John Paul Jones for nearly a hundred years. The report concludes as follows:

> You are called upon to found a new navy; to lay the foundation of a new power afloat that must sometime, in the course of human events, become formidable enough to dispute even with England the mastery of the ocean. Neither you or I may live to see such growth. But we are here at the planting of the tree, and maybe some of us must, in the course of destiny, water its feeble and struggling roots with our blood. If so, let it be so! We can not help it. We must do the best we can with what we have at hand.

With reference to this report George Washington said after he had read it:

> Mr. Jones is clearly not only a master mariner within the scope of the art of navigation, but he also holds a strong and powerful sense of the political and military weight of command at sea. His powers of usefulness are great and must be constantly kept in view.

In the building of the new Navy John Paul Jones was the guiding spirit, and his suggestions were carefully carried out in the minutest particulars. The new vessels were built under his supervision and upon plans suggested by him. A few old merchant vessels were purchased and turned over to Jones to be converted into serviceable armed vessels, and these ships comprised the nucleus of the new Navy, which was destined to grow and increase in power and strength until the expectations of Jones were realized, and to-day we are ready to contend, if necessary, with any of the Old World powers for the mastery of the seas.

In December, 1775, when the building of the new Navy was well under way, Paul Jones was given his first commission. He at once repaired to the *Alfred*, to which ship he had been assigned, accompanied by Thomas Jefferson, Robert Morris, Charles Carroll, and others of almost equal prominence, and with his own hand flung out from the masthead of our first man-of-war the first American flag ever displayed upon the seas. This was the "Pine tree and rattlesnake" emblem, with the motto, "Don't tread on me." Afterwards, in his journal, Jones writes:

> I always abhorred this device and was glad when it was discarded for one much more symmetrical, as well as appropriate, a year and a half later.

On the 14th of June, 1777, Congress passed this resolution:

> *Resolved*, That the flag of the thirteen United States of America be thirteen stripes, alternate red and white; that the union be thirteen stars in a blue field representing a new constellation.
>
> *Resolved*, That Captain John Paul Jones be appointed to command the ship Ranger.

Thus John Paul Jones became not only the father of the American Navy, but his name will always be inseparably connected with the origin of our national emblem. He accepted this resolution as a distinction beyond his wildest dreams and was accustomed to say:

> That flag and I are twins, born the same hour from the same womb of destiny. We can not be parted in life or in death. So long as we can float, we shall float together. If we must sink, we shall go down as one!

A few days afterwards, on the first anniversary of the Declaration of Independence, Jones displayed the new emblem from the masthead of the *Ranger* and sailed for France. In the following February he sailed through the "Grand French Fleet" in Brest Roads and received the first salute ever offered by the guns of a foreign fleet to the Stars and Stripes.

It is not my purpose to recount the splendid achievements of our first American admiral. It is said that republics are ungrateful. I believe this Republic has been ungrateful only in its failure to properly recognize the services and honor the memory of this great knight of the sea. He accomplished upon the ocean what George Washington accomplished upon the land. Most of our histories barely mention his name. You must hunt in out of the way places for the real story of John Paul Jones.

During the Revolution he fought twenty-three battles at sea and was never vanquished. Seven times he made victorious descents upon Great Britain and her colonies. He captured many ships—two of them of equal force with his own and two of them of far superior force. He compelled Great Britain to fortify all her ports and forced her to desist from pillaging and burning in America and to exchange as prisoners of war Americans who had been confined in prisons as "traitors, pirates, and felons."

The war had been in progress for nearly five years. The superior resources of the British were beginning to tell. Defeats did not discourage the Americans, but the continental currency was constantly depreciating in value. The war was being carried on under circumstances of great discouragement. The unequal contest seemed about to terminate in favor of the stronger nation. But at this time there came the news of a splendid victory for the Americans on the seas. It spread with great rapidity through the colonies. The worn-out, poorly clad, discouraged soldiers of Washington's army gathered in little groups about their camp fires and thrilled with patriotic pride as they listened to the story of the greatest sea fight in history as it came to them in the official reports of the great Franklin at Paris.

The victory of Jones and the *Bon Homme Richard* in the British Channel brought back courage to the men who were fighting for liberty. It gave to the American cause an impetus which carried it over the surrender of Charleston—beyond the crushing defeat at Camden! It enabled it to survive the shame of Arnold's treason. It remained a source of inspiration for American soldiers and sailors until the surrender at Yorktown and the long war was over. Many decades have come and gone. We have long since taken our place as a world power. The Navy founded by Paul Jones has attained the proportions and prestige he predicted for it. We look back over a brilliant series of naval victories—some of the greatest of them in the immediate past—but the story which most thrills an American heart is the story of the great sea fight which occurred one hundred and twenty-seven years ago under the white cliffs of old England.

It was late in September, 1779. The great Baltic fleet from London and New Castle had at last set sail—thirty days behind time. British merchants were in a state of terror—the war had been brought home to them. The ever-victorious Paul Jones was sailing around the British Isles—terrifying seaports—capturing every day the merchant vessels of England. But at last two ships of the line had been provided, and under their protection the Baltic fleet sailed. Under the guns of the *Serapis* they felt safe. In all the navy of Great Britain there was only one stronger ship, but she was at that time 3,000 miles away in American waters. As the Baltic fleet sailed along the coast of England, there came down from the north the ships under the command of John Paul Jones, and, just as the sun went down, the *Serapis* and the flagship of the American admiral engaged in awful conflict. There was hardly wind enough to stir the sails of the contending ships; and as the harvest moon rose over the arc of the North Sea, the ships were made fast together by the American commander. On the cliffs along the shore thousands of people had congregated to witness the capture of the terror of the seas.

The British crew fought within sight of the shores of England. Just behind them were the strongest fortifications in the world. All around them were the armed vessels of the strongest naval power on the globe; their ships were vastly superior to the American vessels. The Americans were fighting 3,000 miles from home and friends in a converted French merchant vessel that had once been condemned. Their commander had been proclaimed a pirate, and if he had been captured at that time he would have been at once executed. His officers were fighting with ropes around their necks.

Slowly the moon rose, shedding a flood of light on the awful scene of carnage. For nearly three hours the battle had raged. The American vessel was sinking. All the guns in one of her batteries had exploded. The terrified master at arms had released 200 British prisoners who had been confined below the decks. Her consort, under comand of a traitor, who had already bargained for a place in the British navy, had discharged a broadside into the sinking ship; her hatches were crowded with the horribly mangled bodies of 227 dead men; her decks were slippery with the blood of dead and dying men; one of her officers was crying for quarter; but over it all, high up toward the stars, floated still the banner of the young Republic.

In a lull of the battle, as the full harvest moon lighted up the scene disclosing to view the awful condition of the American ship, the British commander said, "Sir, have you struck?" and John Paul Jones replied, "Sir, I have but this moment commenced to fight;" and the fight continued until from a sinking ship he stepped upon the conquered decks of the enemy's vessel. Never before in all history had a ship been captured by the vessel she had sunk—it has never happened since, and it is improbable that it will ever happen again.

All the living men on board the American ship were transferred to the captured vessel. Jones in his journal wrote with splendid eloquence: "No one was now left aboard the *Richard* but our dead. To them I gave the good old ship for their coffin, and in her they found a sublime sepulcher." At her masthead still floated the Stars and Stripes. It was the same flag that was made by the girls of Portsmouth out of slices from their best silk gowns and presented by them to Jones. It was the same flag Jones hoisted on the *Ranger* on the first anniversary of the Declaration of Independence, and it was the first flag to be saluted by the guns of a foreign power. But upon the decks of the sinking vessel lay the bodies of 250 men, who had fought to keep it flying, and the great sea knight had not the heart to take it from them. In after years he wrote:

As I had given them the good old ship for their sepulcher, I now gave to my immortal dead the flag they had so desperately defended for their winding sheet.

Three years later, when Jones visited Philadelphia, he met again one of the young ladies who had assisted in making the flag, and, by way of apology, explained to her that it had been his most ardent desire to bring home the flag with all its glories and return it to the fair hands that gave it to him. But he said:

I could not bear to strip it from the old ship in her last agony, nor could I deny to my dead on her decks, who had given their lives to keep it flying, the glory of taking it with them.

And the young lady replied:

You did right. That flag is just where we all wish it to be—flying at the bottom of the sea over the only ship that ever sunk in victory. If you had taken it from her and brought it back to us, we would hate you!

At the close of the Revolution Jones accepted employment and honors from other nations, but never without having first obtained permission from the United States Government to do so. After the war was over he was sent abroad by Congress to acquire information that might be valuable in continuing the development of the navy he had founded. In pursuance of these instructions, he accepted an important command in the Russian navy and rendered brilliant service on the Black Sea. Writing to Franklin a year before his death, and referring to his Russian service, he said:

You are sensible I did not accept the offer of Her Imperial Majesty with a view to detach myself from the service of America, but that I have done my utmost to fulfill the intention of Congress in sending me last to Europe, "to acquire the degree of knowledge which may hereafter render me more extensively useful."

He died as he had lived since he was 13 years old, an American citizen. Just before his death he summoned two notaries to his bedside and dictated his will, in which he described himself as "Mr. John Paul Jones, a citizen of the United States of America, now residing in Paris." He was buried in the old Protestant cemetery at Paris.

Immediately after his death the clouds which had been gathering over France broke, and there followed the awful period of the French Revolution. The world was thinking of other things and his place of burial was forgotten. For over a hundred years his body rested in an unmarked grave. For over a hundred years he was apparently forgotten by his country.

No man ever made greater personal sacrifices. During the progress of the war his plantation was ravaged by the British—his buildings were all destroyed; his orchards cut down; his stock driven away; nothing was left but the bare ground. He visited the ruins in 1777, and turning sadly away, never returned to the scene again. The greater portion of his estate, in fact nearly all of it, consisted of certain adjudicated claims against the United States, growing out of prize money due him, which he generously refused to present for payment during his lifetime. There was due him the sum of $50,000. This sum was paid to his heirs by the Government fifty-six years after his death.

In 1848 an effort was made to bring back his remains, but Congress could not be interested in the subject and the project failed.

As the years passed it came to be generally believed that the body had been destroyed by quicklime, and that its recovery and recognition was impossible.

In 1899 Gen. Horace Porter took up the work that had been abandoned for fifty years, and as a result of his efforts the place of burial of John Paul Jones was located.

I became convinced four years ago that through his efforts the place of burial had been definitely located, and I introduced in Congress, on November 19, 1903, a joint resolution making an appropriation for the purpose of making the necessary excavations and for the purpose of removing the body to this country.

My resolution was indorsed by the Daughters of the American Revolution in national congress assembled. Other patriotic societies followed with similar resolutions.

I did the best I could to convince the country that General Porter was entitled to substantial aid from Congress and to the cordial support and cooperation of patriotic citizens. I was satisfied that if it could be demonstrated that Jones was buried in a leaden casket the body could be recovered. After devoting considerable time to the subject, I found that everything that has ever been written about John Paul Jones is based either upon the Edinburgh life of Jones, published in 1826, or the Sherburne collection, published in New York in 1825. The Edinburgh life of Jones contained a letter from Colonel Blackden to Mrs. Taylor, a sister of John Paul Jones, which, it seemed to me, settled forever the question as to whether or not the remains were buried in a leaden casket. The following is a copy of the letter:

GREAT TICHFIELD STREET, LONDON, *August 9, 1793.*

MADAM: I had the honor of receiving your letter of the 5d instant, and shall answer you most readily. Your brother, Admiral Jones, was not in good health for about a year, but had not been so unwell as to keep house. For two months past he began to lose his appetite, to grow yellow, and show signs of jaundice. For this he took medicine and seemed to grow better, but about ten days before his death his feet began to swell, which increased upward, so that two days before his exit he could not button his waistcoat and had great difficulty of breathing.

I visited him every day, and, beginning to be apprehensive of his danger, desired him to settle his affairs, but this he put off until the afternoon of his death, when he was prevailed on to send for a notary and made his will. Mr. Beaupoil and myself witnessed it at about 8 o'clock in the evening and left him sitting in a chair. A few minutes after we retired he walked into his chamber and laid himself upon his face on the bedside, with his feet on the floor. After the Queen's physician arrived they went into the room and found him in that position, and upon taking him up they found he had expired.

His disorder had terminated in dropsy of the breast. His body was put in a leaden coffin on the 20th, that in case the United States, whom he had so essentially served, and with so much honor to himself, should claim his remains, they might be more easily removed. This is all, madam, that I can say concerning his illness and death.

I sent copies of this letter and copies of the reports of General Porter's investigations to many prominent American citizens in an effort to interest them in General Porter's work in this connection. Among others I wrote to Colonel Buell, of Philadelphia, calling his attention to the evidence and asking him, in the next edition of his life of John Paul Jones, to publish this evidence and revise the statement in his book, which was to the effect that, in his judgment, the remains could not be identified. I received from him the following reply written a short time before his death:

PEN AND PENCIL CLUB,
1926 Walnut Street, Philadelphia, February 7, 1901.

MY DEAR SIR: In response to your letter of the 4th instant I would say, first, that I am *not* descended from Paul Jones, but from one of his subordinates, Henry Gardner, of Nantucket, who was my maternal great-grandfather.

With regard to the remains of Paul Jones I would say that my own investigations are recorded on pages 365 and 366, Volume II, of the second (revised) edition of my "Life" of him.

From that you will perceive that I do not consider the discovery or identification of his remains possible.

But I will venture to offer a suggestion, which is entirely practicable, and, from my point of view, of equal historical interest.

The Academy of Fine Arts in this city has a bust of Paul Jones, by Houdon, made in Paris in 1786, and presented by Jones to his friend

Gen. William Irvine. This bust, I believe, could be acquired by Congress to be placed in Statuary Hall (the old Hall of the House) in the Capitol.

The work was pronounced by Jones himself, Jefferson, Gouverneur Morris, Lafayette, and others who knew the Commodore intimately to be a perfect likeness. In view of the impossibility of discovering the remains, it seems to me that the only practical and appropriate tribute the nation can pay to the memory of the founder of its Navy would be that of placing this original bust, molded from life, in Statuary Hall among the immortal soldiers and statesmen whom the people delight to honor in memory. Your honorable committee might, if you think well of the suggestion, send a representative to the Academy of Fine Arts to ascertain whether or not the bust of Paul Jones could be acquired by Congress for the purpose indicated.

Very truly, yours, AUGUSTUS C. BUELL.

NOTE—So far as I know there are no surviving relatives of Paul Jones in this country, and I have not been able to trace any in Scotland.

A. C. B.

Another edition of Buell's Life of Jones is just out. It was published after his death. It does not contain the matter I asked him to insert, but it does contain General Porter's illustrated article which recently appeared in the Century Magazine, and which tells the story of the successful search for the remains of this great naval hero.

On February 13, 1905, the matter of recovering the remains was made the subject of a special message from the President to Congress. On March 2, 1905, my resolution was reported out. It was too late then to get it through. General Porter, however, at his own expense continued the work in which he was engaged, and to his energy, enthusiasm, and patriotism is due the fact that the remains of this great man repose now in the land he loved.

My attention to the details connected with the matter satisfied me that General Porter had expended out of his own funds in carrying on the search the sum of at least $35,000. I wrote to him advising him that I proposed to introduce a bill to reimburse him for this outlay, and received from him the following reply:

NO. 277 MADISON AVENUE, NEW YORK, *December 5, 1905.*

DEAR SIR: I have had the pleasure of receiving your highly esteemed letter informing me that you propose to move an appropriation by Congress to reimburse me for the sums expended in the work of recovering the body of John Paul Jones. While I deeply appreciate the extreme kindness of your intention, I feel that I must say to you what I have said to a number of Members of Congress who have been good enough to make a similar suggestion, that the search and excavations were made not in my official capacity, but as a purely personal undertaking without any intention of looking to the Government for reimbursement, and that I trust that no bill may be introduced for that purpose.

I should be much more gratified to have Congress add the amount which might be thought to be due me to the contemplated appropriation for ornamenting the crypt of the chapel at Annapolis, which is to be the permanent resting place of the illustrious dead.

Yours, very sincerely,

HORACE PORTER.

Hon. HENRY T. RAINEY, M. C.

The naval appropriation bill this year carries an additional $35,000 for this purpose, in compliance with the suggestion of General Porter. About the time of the discovery of the body reports were circulated and are still being circulated in certain quarters, to the effect that the body of Jones had been removed from Paris by his mother and buried in the churchyard of his native village in Scotland, and this story is still occasionally referred to in the American press. I at once caused it to be investigated by our consul at Glasgow, Scotland, and received from him the following report, which effectually disposes of the matter:

CONSULAR SERVICE, UNITED STATES OF AMERICA,
Glasgow, Scotland, May 15, 1905.

Hon. HENRY T. RAINEY,
Carrollton, Ill., United States of America.

DEAR SIR: I received your letter of April 27, inclosing an article from the St. Paul Pioneer Press on the subject of the burying place of John Paul Jones, and note the statement therein concerning Mrs. William Preston to the effect that his body had been reinterred at Kirkbean, Scotland, etc.

I may say to you that I have been reliably informed that this story was first telegraphed from Washington to California and then used from there presumably for newspaper effect. However, I have investigated the entire matter, so far as Kirkbean is concerned, and I find that John Paul Jones was never buried there and that there never has been any tradition that he was buried there. His father, however, is buried there, and there is a headstone over the grave with this inscription:

"In memory of John Paul, senior, who died at Abigland the 24 October, 1767, universally esteemed. Erected by John Paul, junior."

The fact that the father is buried there probably has given rise to the later story credited to Mrs. Preston, if there be such a woman at all, as I am very much inclined to doubt.

I remain the clipping, as you may desire it.

Very respectfully, yours,

S. M. TAYLOR, *Consul.*

All these questions are settled forever.

The last voyage of the greatest of all sea fighters is over. There is yet ringing in our ears the solemn salute to an admiral of the American Navy which welcomed him home. In the land of his selection, under the flag he loved, he sleeps well to-day. We are doing the best we can to atone for a century of neglect. The little navy he built is out of commission; the ships he commanded are gone; but the future he predicted for America and the American Navy is here. In all parts of the pathless deep the sea birds are screaming around the flag of freedom as it floats above the decks of our great steel battle ships.

To-day, with uncovered heads, we reverently stand about the grave of this great man and join in the prayer of the chaplain just before the body was placed in the tomb:

God of our fathers, we praise Thee for the life and memory of him whose mortal remains are now to find a resting place under the flag he so loved, in the nation he did so much to create.

[Loud applause.]

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MONUMENT ON KINGS MOUNTAIN BATTLE GROUND.

Mr. WEBB. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17983) providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a monument and inclosure for the same on Kings Mountain battle ground in York County, S. C., to commemorate the great victory won there on October 7, 1780, by the American forces, commanded by Cols. William Campbell, John Sevier, Benjamin Cleveland, Isaac Shelby, Joseph McDowell, James Williams, and Edward Lacey, and Majs. William Candler, Joseph Winston, and William Chronicle: *Provided*, That the money appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument and inclosure for the same, before any money so appropriated is expended, shall be first approved by the Secretary of War: *And provided further*, That no part of the sum hereby appropriated shall be so expended until the Kings Mountain Battle Ground Association of South Carolina shall secure the title to not more than 50 acres of said battle ground, said title to be approved by the Attorney-General of the United States: *And provided further*, That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Kings Mountain Battle Ground Association of South Carolina, it being expressly understood that the United States shall have no responsibility therefor.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MEMORIAL OF THE LANDING OF THE PILGRIMS AT PROVINCETOWN, MASS.

Mr. LOVERING. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4370) to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, to aid in erecting a monument at Provincetown, Mass., in commemoration of the first landing of the Pilgrims on Cape Cod and the signing of the compact in the cabin of the Mayflower in the harbor of said Provincetown: *Provided*, That the said sum of $40,000 shall not be payable until there shall have been raised and made available for the erection of said monument an additional sum of at least $40,000: *Provided further*, That the design of said monument shall be approved by the Secretary of War, the governor of the Commonwealth of Massachusetts, and the president of the Cape Cod Pilgrims' Memorial Association; and the money for the erection of said monument shall be expended under the supervision of the Secretary of War, the governor of Massachusetts, and the president of the Cape Cod Pilgrims' Memorial Association: *And provided further*, That the responsibility for the care and keeping of said monument shall be and remain with the Cape Cod Pilgrims' Memorial Association, it being expressly understood that the United States shall have no responsibility therefor.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

STATUE IN HONOR OF THE LATE HENRY WADSWORTH LONGFELLOW.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution (S. R. 20) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, and the president of the Longfellow National Memorial Association are hereby created a commission to select and prepare a site on property belonging to the

United States in the city of Washington, other than the grounds of the Capitol or Library of Congress, and erect thereon a suitable pedestal for a statue in bronze of the late Henry Wadsworth Longfellow, to be provided by the Longfellow National Memorial Association.

SEC. 2. That for the preparation of the site so selected and the erection of the pedestal the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the design for said statute shall be approved by the commission herein created.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

MONUMENT TO COMMEMORATE THE BATTLE OF PRINCETON.

Mr. WOOD of New Jersey. Mr. Speaker, I move that the rules be suspended and that the bill (S. 333) in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor, which I send to the Clerk's desk, be passed.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Princeton Battle Monument Association, under the direction of the Secretary of War, to aid in erecting and completing, on the battlefield of Princeton, in the State of New Jersey, a suitable monument: *Provided*, That no part of the sum herein appropriated shall be available until the Princeton Battle Monument Association shall have raised an additional sum of $30,000, to be expended in the erection of said monument and in the purchase and improvement of the site: *And provided further*, That the design for said monument shall be approved by the Secretary of War: *And provided further*, That the responsibility for the care and keeping of said monument and grounds shall be and remain with the Princeton Battle Monument Association, it being expressly understood that the United States shall have no responsibility therefor.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONSTRUCTION OF DAMS ACROSS NAVIGABLE WATERS.

Mr. ADAMSON. Mr. Speaker, I move that the rules be suspended and that the bill (H. R. 8428) to regulate the construction of dams across navigable waters be passed.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey, to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this act, a suitable lock or locks, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

SEC. 3. That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works, under the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The person owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War.

SEC. 5. That any person who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

SEC. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

UNITED STATES DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17335) creating a United States district court for China and prescribing the jurisdiction thereof, with certain amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That a court is hereby established, to be called the United States district court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by section 2 of this act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a sitting of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

SEC. 2. The consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed $500 United States money and in criminal cases where the punishment for the offense charged can not exceed by law $100 fine or sixty days' imprisonment, or both, and shall have power to arrest, examine and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States district court for China: *Provided, also*, That appeal may be taken to the United States district court for China from any final judgment of the consular courts of the United States in Korea so long as the rights of extraterritoriality shall obtain in favor of the United States.

SEC. 3. That appeals shall lie from all final judgments or decrees of said district court to the United States circuit court of appeals of the ninth judicial circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are provided to judgments of said court of appeals in cases coming from district and circuit courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken.

SEC. 4. Jurisdiction and appeals in criminal, civil, and probate matters shall in all cases, both in the consular courts in China and in the said district court, be exercised and enforced in conformity with the laws of the United States now in force in reference to the American consular courts in China. But in all such cases, when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China.

SEC. 5. That the procedure of the said district court shall be in

accordance, as far as practicable, with the existing procedure prescribed for consular courts in China in accordance with section 4086 of the Revised Statutes of the United States: *Provided, however*, That the judge of the said district court of the United States in China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections 4106 and 4107 of the Revised Statutes of the United States allowing consuls in certain cases to summon associates shall have no application to said court.

SEC. 6. There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the treaties. The judge of said court and the district attorney, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of $8,000 per annum, $4,000 per annum, $3,000 per annum, and $3,000 per annum. The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary expenses during such sessions not to exceed $10 per day for the judge and $5 per day for the district attorney.

SEC. 7. The tenure of office of said judge of said court shall be fifteen years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President.

SEC. 8. The marshal and the clerk of said court shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court. They shall each nominate deputies at Canton and Tientsin, who shall also be required to furnish bonds to the approval of the judge, and whose appointments shall be made by him. Such deputies shall receive compensation at the rate of $5 each day the sessions of the court are held at their respective cities. The office of marshal in China now existing in pursuance of section 4111 of the Revised Statutes is hereby abolished.

SEC. 9. The tariff of fees of said officers of the court shall be the same as the tariff already fixed for the consular courts in China, subject to amendment from time to time on the recommendation of the judge, and all fees so taxed and received shall be paid into the Treasury of the United States.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONTROL AND REGULATION OF THE WATERS OF NIAGARA RIVER, ETC.

Mr. BURTON of Ohio. Mr. Speaker, I move to suspend the rules, agree to the amendment recommended by the Committee on Rivers and Harbors to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, and that the bill as amended be passed.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and pass the bill with an amendment, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the diversion of water from Niagara River or its tributaries, in the State of New York, is hereby prohibited, except with the consent of the Secretary of War as hereinafter authorized in section 2 of this act: *Provided*, That this prohibition shall not be interpreted as forbidding the diversion of the waters of the Great Lakes or of Niagara River for sanitary or domestic purposes, or for navigation, the amount of which may be fixed from time to time by the Congress of the United States or by the Secretary of War of the United States under its direction.

SEC. 2. That the Secretary of War is hereby authorized to grant permits for the diversion of water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, or its tributaries, in the State of New York, or from the Erie Canal; also permits for the transmission of power from the Dominion of Canada into the United States, to companies legally authorized therefor, both for diversion and transmission, as hereinafter stated, but permits for diversion shall be issued only to the individuals, companies, or corporations as aforesaid, and only to the amount now actually in use: *Provided*, That the said Secretary, subject to the provisions of section 5 of this act, is hereby authorized to grant revocable permits, from time to time, to such individuals, companies, or corporations, or their assigns, for the diversion of additional amounts of water from the said river or its tributaries to such amount, if any, as, in connection with the amount diverted on the Canadian side, shall not injure or interfere with the navigable capacity of said river, or its integrity and proper volume as a boundary stream, or the scenic grandeur of Niagara Falls; and that the quantity of electrical power which may by permits be allowed to be transmitted from the Dominion of Canada into the United States, shall be 160,000 horsepower: *Provided further*, That the said Secretary, subject to the provisions of section 5 of this act, may issue revocable permits for the transmission of additional electrical power so generated in Canada, but in no event shall the amount included in such permits, together with the said 160,000 horsepower and the amount generated and used in Canada, exceed 350,000 horsepower: *Provided always*, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War, and shall in no wise be construed as a direction to said Secretary to issue permits, and the Secretary of War shall make regulations preventing or limiting the diversion of water and the admission of electrical power as herein stated; and the permits for the transmission of electrical power issued by the Secretary of War may specify the persons, companies, or corporations by whom the same shall be transmitted, and the persons, companies, or corporations to whom the same shall be delivered.

SEC. 3. That any person, company, or corporation diverting water from the said Niagara River or its tributaries, or transmitting electrical power into the United States from Canada, except as herein stated, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And, further, the removal of any structures or parts of structures erected in violation of this act, or any construction incidental to or used for such diversion of water or transmission of power as is herein prohibited, may be enforced by the order of any circuit court exercising jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States.

SEC. 4. That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said Government, for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river.

SEC. 5. That the provisions of this act shall remain in force for three years from and after date of its passage, at the expiration of which time all permits granted hereunder by the Secretary of War shall terminate unless sooner revoked, and the Secretary of War is hereby authorized to revoke any or all permits granted by him by authority of this act, and nothing herein contained shall be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power.

SEC. 6. That for accomplishing the purposes detailed in this act the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SHIP ISLAND HARBOR AND GULFPORT, MISS.

Mr. BOWERS. Mr. Speaker, I move to suspend the rules and pass House joint resolution 166, providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Whereas on the 20th day of February, A. D. 1901, a contract was entered into between Maj. W. T. Rossell, Corps of Engineers, United States Army, by and in behalf of the United States of America, and Spencer S. Bullis, for dredging a channel and anchorage basin in Mississippi Sound between Ship Island Harbor and Gulfport, Miss., which contract was made in accordance with a provision of the river and harbor act of March 3, 1899, authorizing the payment of the sum of $150,000 for securing a specified width and a depth of 19 feet in such channel and anchorage basin; and

Whereas under said contract, for several years past, the said channel and anchorage basin have been dredged to the approximate depth and width required in said contract, and the said channel is now and has been available for use by vessels drawing 19 feet of water and more: Now, therefore, be it

Resolved, etc., That the Secretary of the Treasury, or other proper officer of the United States, be, and he is hereby, authorized and directed to pay to Spencer S. Bullis, with whom said contract was made, or to his assigns or agents now authorized to receive payment as aforesaid, the contract price for dredging said channel and anchorage basin, to wit, the sum of $150,000, being the amount heretofore appropriated by Congress and now in the Treasury for payment for the work included in said contract; and it is declared to be the intention of Congress that so much of said contract as relates to securing the depth and width of said channel and anchorage basin provided for therein shall be regarded as complied with at the date of the taking effect of this resolution: *Provided*, That the said amount shall not be paid over to the said Spencer S. Bullis, or other person or persons as aforesaid, until the person or persons, companies, or corporations owning or controlling docks, wharves, or terminals in, along, or upon said basin, or connected directly or indirectly therewith, shall execute an agreement that the charges for the use of said docks, wharves, and terminals shall be such as the Secretary of War may from time to time approve.

SEC. 2. That this resolution shall take effect and be in force from and after its passage.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

BLACK FEET RESERVATION, MONT.

Mr. DIXON of Montana. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 19681, with the amendments recommended by the committee.

The bill as amended was read, as follows:

A bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

SEC. 2. That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation. That there shall be allotted to each adult or head of family 80 acres of irrigable land and 240 acres of additional land valuable only for grazing purposes, or at the option of the allottee the entire 320 acres may be taken in land valuable only for grazing purposes, and to each person under 18 years of age one-half of such acreage, respectively; and for the irrigable lands allotted there is hereby reserved and appropriated out of the waters of the reservation sufficient to irrigate said irrigable lands, and the United

States shall and does hold said appropriation in trust as appurtenant to the land so allotted for the trust period named in the patent to be issued: *Provided*, That such reservation and trust shall only apply to such waters as may be actually and necessarily appropriated for the irrigable portions of Indian allotments within five years from the date of the approval by the Commissioner of Indian Affairs of the allotments of land made to said Indians: *And, further provided*, That, subject to the foregoing provisions, that all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding 320 acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine.

SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of; said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one a resident citizen of the State of Montana, and one a United States special Indian agent or Indian inspector of the Interior Department.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed $7 per day.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land.

That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

SEC. 4. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of $1.25 per acre.

SEC. 5. That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged, but no entry shall be allowed under section 2306 of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than $1.25 per acre for agricultural and grazing lands and $5 per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is $1.25 per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

SEC. 6. That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, into the reclamation funds: *Provided, however*, If any withdrawals are made under this provision, there shall be transferred from the reclamation fund to the credit of the Indians, within one year from the date of withdrawal, the appraised value of the lands so withdrawn: *And provided further*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than $1.25 per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than ——— acres of land shall be sold to any one person or company.

SEC. 7. That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, or timber lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

SEC. 8. That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than $5 per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

SEC. 9. That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as in his judgment would be for the best interests of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe, the Indian beneficiary shall be paid interest thereon annually at the rate of 4 per cent per annum.

SEC. 10. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $65,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of $1.25 per acre; also the sum of $75,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

SEC. 11. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

SEC. 12. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 80 acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots, the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and

unoccupied lots: *Provided, however*, That no lot shall be sold for less than $20; *And provided further*, That said lots when surveyed shall approximate 50 by 150 feet in size.

The SPEAKER. Is a second demanded?

Mr. MANN. Reserving the right to demand a second, I beg to ask what motion is made?

The SPEAKER. The motion is to suspend the rules and pass the bill.

Mr. MANN. Well, from the Clerk's reading of the bill, it is not a printed bill.

Mr. LACEY. The motion is to pass it as amended. There are a number of amendments recommended by the committee.

Mr. MANN. Reserving the right to demand a second, I will ask the gentleman from Montana whether any committee has reported upon the bill according to the motion?

Mr. DIXON of Montana. The committee on Indian Affairs reported unanimously; and the amendments are those recommended by the Commission of Indian Affairs.

Mr. MANN. Has the committee recommended the passage of the bill with amendments, and when?

Mr. DIXON of Montana. This morning.

Mr. FITZGERALD. I demand a second.

Mr. DIXON of Montana. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none.

Mr. DIXON of Montana. I will say to the gentleman the bill is in the usual form——

Mr. FITZGERALD. There is no printed report on this bill, so that we can not find out what the facts are on the amendments which the committee recommended. I suppose the gentleman will make some explanation.

Mr. DIXON of Montana. I will say that the bill was originally——

Mr. MANN. Pardon me. Before making the explanation, will the gentleman not only explain the amendments, but how it happens, if the bill is in the usual form, it is necessary to make any amendment to the bill?

Mr. DIXON of Montana. Yes; I will explain. A bill similar to this passed the Senate as an amendment to the Indian appropriation bill. Not having been considered by the House committee, the House conferees refused to agree to it. A week or ten days ago I introduced the bill, and it was referred to the House committee, and referred by the House committee to the Secretary of the Interior, and by him to the Commissioner of Indian Affairs for his report. We did not get a meeting to report the bill until this morning, not having gotten a quorum on last Thursday. The House committee adopted the amendments offered by the Commissioner of Indian Affairs to the bill, and unanimously reported the bill to the House, but only having been reported this morning, it was impossible to have the report printed.

Mr. FITZGERALD. Did the committee adopt all the amendments suggested by the Commissioner of Indian Affairs through the Secretary of the Interior?

Mr. DIXON of Montana. They adopted all the amendments suggested by him excepting that limiting the time for the holding in trust by the Government of the water rights for the lands allotted to the Indians. The committee have put the period eight years from this date for taking out the Indian water ditches.

Mr. FITZGERALD. I did not catch what the gentleman said.

Mr. DIXON of Montana. The committee adopted every amendment suggested by the Commissioner of Indian Affairs with the exception of the limitation of time placed on the period for making the appropriations for the Indian water rights, making it five years from the date of approval of the allotments, which will make it about eight years from this time.

Mr. FITZGERALD. What time does the Commissioner of Indian Affairs recommend?

Mr. DIXON of Montana. He suggested that it be made to run with the Indian patents.

Mr. FITZGERALD. Now, as the committee did not adopt that suggestion as to the water rights, it is just possible under the bill as amended at present to appropriate the 80 acres of irrigable lands?

Mr. DIXON of Montana. There are 80 acres of irrigable lands and 240 acres of grazing lands to each adult Indian.

Mr. FITZGERALD. Is it possible that the 80 acres of irrigable lands the Indians get may lose their water rights if it is limited to the time adopted by the committee rather than the life of the patent?

Mr. DIXON of Montana. I will say to the gentleman from New York that the Senate bill did not contain that and did not make any such provision. It was my own suggestion that the water be appropriated for them by act of Congress, and that they be given five years in which to take out their ditches.

Mr. FITZGERALD. The action of the Senate has no great weight with me in questions of this character. I understand the gentleman to say that the Commissioner of Indian Affairs recommended the water be apportioned for the life of the Indian patents, which would be twenty-five years. Now, the Committee on Indian Affairs of the House changed the time to eight years. It is upon the theory, I suppose, that within that time these Indians would have obtained sufficient funds from the sale of surplus lands to enable them to take the advantage of the appropriation of the water.

But if the lands are not disposed of within that time, and the Indians do not acquire the fund, the appropriation of the water for their benefit will be useless, and they will lose the benefits of the appropriation of the water, and the so-called "irrigable" lands will be valueless.

Mr. DIXON of Montana. Let me say to the gentleman that he labors under a misapprehension. The amendment suggested by the Indian Commissioner provided that the water appropriation should be held in trust for the full period of the patent.

Mr. FITZGERALD. That is twenty-five years.

Mr. DIXON of Montana. There was no time mentioned in it, but it appeared afterwards that it would be twenty-five years and would prevent the settlers from going in there with any feeling of security at all in making water appropriations during that full period of twenty-five years. I then went down to see the Acting Commissioner, Major Larrabee. Mr. Leupp was not here. We talked it over there in the Indian Office. Out of abundant precaution the Indian Committee put on five years more, and I will say to the gentleman that the provision has the approval of the Indian Office, as against the bill attached as a rider to the appropriation bill by the Senate.

Mr. FITZGERALD. I have had experience of some gentlemen obtaining from some subordinate a recommendation while the Commissioner happened to be out of the city. I do not charge the gentleman with bad faith in this case, but I know of some pretty bad instances where recommendations like that have come in, and this House has assented to the recommendations, only to have the Commissioner protest afterwards against what was done.

Mr. DIXON of Montana. I certainly do not want the gentleman from New York to apply that to the present conditions.

Mr. MONDELL. Will the gentleman allow me?

Mr. DIXON of Montana. Certainly.

Mr. MONDELL. As I understand it, the Indians are given five years in which to make their applications and appropriate their water.

Mr. DIXON of Montana. Five years after the reservation is opened, before any white man can come in with a prior appropriation.

Mr. MONDELL. And under the laws of Montana the Indians would then have about five years to apply the water.

Mr. DIXON of Montana. Five years ahead of any white man.

Mr. MONDELL. So that approximately the Indians have ten years—five years under their application and then five years under the laws of the State, a total of about ten years within which to irrigate the land and apply the water.

Mr. DIXON of Montana. Easily that time.

Mr. MONDELL. It seems to me, Mr. Speaker, that is a sufficient length of time, and that to delay longer would prevent the settlement of the lands which the Indians desire to dispose of, and therefore would not be in the interest of the Indians, and that it is well to have this limitation, and that this length of time is sufficiently long. It seems to me that three years would have been better.

Mr. BROOKS of Colorado. Is it not true that it is to the advantage of the Indians rather than to their disadvantage that some definite time limit be placed during which they shall appropriate the water and initiate their rights?

Mr. DIXON of Montana. Always.

Mr. BROOKS of Colorado. Is it not a reservation in the interest of the Indians rather than adverse to them, to put on this limitation?

Mr. DIXON of Montana. Certainly.

Mr. FITZGERALD. How many acres of land are there in this reservation?

Mr. DIXON of Montana. About a million and a half. I want to say further that a delegation from these Indians were here in the winter, asking that it be done. Their petition was filed, and it is with the approbation of the Indians that the reservation is to be opened.

Mr. FITZGERALD. Mr. Chairman, I simply wish to express my dissent from the passage of these bills opening reservations in this way. In a service of six years on the Committee on

Indian Affairs I had some experience with the opening of Indian reservations, and most of the members of that committee will agree that it is a very unusual thing to move to suspend the rules and pass a bill when it is impossible to obtain a copy of the report from the committee or of the report made by the Department upon the bill. It is possible to get a copy of the bill as introduced, but not as now offered to the House for passage.

Mr. DIXON of Montana. The amendments were those suggested by the Indian Office.

Mr. MANN. We ought to be able to see them.

Mr. FITZGERALD. The Members of the House are entitled at least to have an opportunity to read the amendments suggested by the committee and to read recommendations made by the Indian Office. An Indian bill passed this House this session upon the assumption that it had the approval of the Commissioner of Indian Affairs. That bill went to the President. It was brought back here. I protested against the manner in which the bill came back from the President, and the Commissioner of Indian Affairs called upon me and said that he not only had disapproved the bill, but that he had personally gone to the President and protested against its becoming a law in the form in which it was. The President referred the bill back to the Commissioner of Indian Affairs, and he called attention to certain objectionable provisions, and then the friends of the measure had a resolution passed here bringing the bill back from the President. The Commissioner of Indian Affairs, in my opinion, desires to do his duty and should be sustained by the House. Before we legislate to open any more Indian reservations the House ought to have a chance to read what the Commissioner has to say about the bills.

Mr. DIXON of Montana. He drew the bill himself.

Mr. STEPHENS of Texas. Is it not a fact that copies of these bills are in very great demand all over the country? When it is ascertained by persons wanting homes that there are to be certain reservations opened they write to Representatives and Senators here and get copies of the bill, and that is the reason why copies are not available.

Mr. FITZGERALD. This bill is not available for the simple reason that it has not been printed in the form in which the House is asked to pass it, and not because demand has been made for copies of it outside. There is a great demand in my opinion among people who desire to acquire these lands to get them upon terms very favorable to themselves and without regard to the rights of the Indians.

Mr. STEPHENS of Texas. How can they get them on terms favorable to themselves when they are thrown open to actual bidders in 160-acre lots?

Mr. FITZGERALD. Under the provisions of these bills these lands are obtained upon favorable conditions. The gentleman himself secured the passage of a bill here, supposedly approved by the Commissioner of Indian Affairs, and the President refused to sign it, and subsequently the minimum price at which the lands were to be sold was raised, I believe, from $1.25 an acre to $5 an acre. It is against legislation of that character that I desire to guard.

Mr. STEPHENS of Texas. I will state that the Secretary of the Interior rarely recommends the passage of any Indian reservation opening bill, for the very good reason, as I understand it, from his point of view, that he does not desire to lose any power granted to him by holding these lands in his Department, so that, in my opinion, they can be exploited by the numerous agents whom he has under him.

Mr. FITZGERALD. One moment. The gentleman can get his time from the gentleman from Montana [Mr. DIXON]. I wish to use my own time. I will say that in my experience and recollection, in a service of six years upon the Indian Committee, the only bill opening an Indian reservation, as I recall, that passed without the recommendation of the Secretary of the Interior, was the bill which the gentleman himself secured the passage of, which afterwards came back from the President. Now, as one Member of this House—I do not know that there are many who feel the same way as I do about these bills—I want to see in print the report of the Commissioner of Indian Affairs on these bills opening Indian reservations.

Mr. STEPHENS of Texas. I should like to ask the gentleman——

The SPEAKER. The time is under the control of the gentleman from Montana [Mr. DIXON].

Mr. FITZGERALD. I understood I was using my own time. I do not wish to use the gentleman's time.

Mr. STEPHENS of Texas. I wish to inquire if the gentleman from New York has ever been on an Indian reservation or ever been west of the Mississippi River?

Mr. FITZGERALD. Oh, yes; I was on one reservation where the white people—mostly from the gentleman's own Congressional district—had $500,000 worth of claims against the Indians.

Mr. STEPHENS of Texas. What reservation was that?

Mr. FITZGERALD. The reservation of the Osage Indians, who were farthest from civilization of any tribe in the United States.

Mr. STEPHENS of Texas. That shows how little the gentleman knows about the geography of this country. The Osage Reservation was not within 500 miles of my district.

Mr. FITZGERALD. I say it was the gentleman's own constituents, and I repeat it, who had gone in there and, as the gentleman from Oklahoma knows, had $500,000 worth of claims against these Osage Indians that Congress had to legislate to have paid, and paid with a pretty high interest, if you want to call it that, to put them out of the way. I was on that reservation, and I was on some other reservations, and I have some slight knowledge of the subject.

These Indians happened to be the wealthiest people in the United States, worth, approximately, $10,000 apiece. The gentleman's constituents were in a fair way to have obtained all the wealth if they had been permitted to continue.

Mr. STEPHENS of Texas. I want to say to the gentleman from New York that I have no constituents there and never had.

Mr. FITZGERALD. Mr. Speaker, how much time have I remaining—how much have I used and how much has the gentleman from Montana?

The SPEAKER. The gentleman from Montana has eight minutes remaining; the gentleman from New York has used nine minutes of the gentleman's time.

Mr. FITZGERALD. I will use three or four minutes stating my position to the House, and then the House can do as it pleases about the bill.

Mr. MARSHALL. Will the gentleman allow me an interruption?

Mr. FITZGERALD. Certainly.

Mr. MARSHALL. The gentleman has referred to certain bills in which the price of the Indian lands had to be raised in order to meet the views of the President. He says it was raised from $1.25 to $4 or $5 an acre.

Mr. FITZGERALD. Five dollars an acre.

Mr. MARSHALL. I have known of one or two instances of that kind, and nearly all the lands are liable to be in the hands of the Indians at the expiration of five years, when they will be thrown on the market and sold for a song. I think it was a mistake to raise the price.

Mr. FITZGERALD. Well, I will leave that to be settled between the gentleman and the President of the United States and the Commissioner on Indian Affairs. I believe that the President acted wisely. Now, I want to call the attention of the House to the present status of this bill. It comes here with no Member able to get a copy of the report of the committee, unable to get a copy of the recommendations of any of the officials of the Indian Office, neither from the Secretary of the Interior nor the Commissioner of Indian Affairs, and no Member is able even to get a copy of the bill in the form in which the House is asked to pass it. It may be immaterial to other Members of the House that we are opening 1,500,000 acres of land, some of it containing very valuable timber, some mineral, some agricultural land that is to be classified as of the first and second class, and doing it without any information, but it is of some importance to me. The Indian Office originally recommended that the water be appropriated for the Indians for the life of their patents—twenty-five years. This land, to be of any value, must be irrigated, and yet there is a limitation of eight years fixed in the bill upon somebody else's suggestion. It was not done in the interest of the Indian, not in the interest of the Government, but in the interest of the settlers who have their eyes upon this reservation and desire to get the lands with the water rights. So far as I am concerned, Mr. Speaker, I will protest and vote against the passage of bills of this character unless I am able to obtain some definite and specific information about them.

Mr. DIXON of Montana. I want to ask the gentleman a question.

Mr. GAINES of Tennessee. I want to ask the gentleman from Montana a question. The gentleman from New York would not yield to me. How is it the bill is here without having been reported?

Mr. DIXON of Montana. The report lies on the Clerk's desk. The bill was introduced in the Senate early in the session and was put on as a rider or amendment to the Indian appropriation bill. The bill was drawn, I will say to the gentleman from New York, originally by Commissioner Leupp. The gentleman

from New York has made his speech without knowing what the conditions surrounding the bill were.

Mr. FITZGERALD. That is what I am unable to find out and is the reason of my objection.

Mr. DIXON of Montana. The gentleman, instead of letting me explain it to him, goes into a long exegesis of what has passed in regard to other bills.

Mr. GAINES of Tennessee. I want to ask the gentleman from Montana some more questions. I do not want to vote blind either for or against an Indian.

Mr. DIXON of Montana. As I say, this was introduced early in the session, and passed the Senate, but was attached as an amendment to the Indian appropriation bill. The House conferees refused to accept it, because that kind of legislation prevented the House from taking any part in it and prevented the House committee from having any say so on the legislation whatever. When the conferees refused to agree to it, I introduced the bill—practically the same bill over again—in the House, had it referred to the Indian Office, had a consultation with the Acting Commissioner, and the amendments that were read here to the bill were the amendments proposed by the Indian Office, as amended by the Committee on Indian Affairs this morning.

Mr. GAINES of Tennessee. Now, I am trying to get some questions answered which the gentleman from New York did not answer. These amendments were suggested by whom?

Mr. DIXON of Montana. By the Acting Commissioner of Indian Affairs, Mr. Larrabie, through the Secretary of the Interior.

Mr. GAINES of Tennessee. Did the committee approve the amendments?

Mr. DIXON of Montana. Unanimously, and reported it back here.

Mr. GAINES of Tennessee. When did the committee do that?

Mr. DIXON of Montana. This morning. Unfortunately there was not a quorum of the committee present last Thursday, when we could have reported it and had it printed; but there was a quorum this morning, and we had a unanimous report.

Mr. GAINES of Tennessee. And the bill was approved by the committee this morning?

Mr. DIXON of Montana. Unanimously.

Mr. GAINES of Tennessee. How did it get to the Speaker so quickly?

Mr. DIXON of Montana. Because it was reported this morning, and I offered it under suspension of the rules.

Mr. GAINES of Tennessee. Does the gentleman think it is quite fair to the Indians and to the American people, and quite fair to Congress, to bring in a bill so quickly as that to the Speaker—bringing it in for consideration before it is printed?

Mr. DIXON of Montana. The bill has been printed for over four months.

Mr. GAINES of Tennessee. I understand that; but the gentleman from New York, who is an expert on Indian depredations——

Mr. DIXON of Montana. Now, let me explain.

Mr. GAINES of Tennessee. Is complaining that a man of his information is at a loss to know, except to vote "no," which I am going to do unless I find out something more about this; he is complaining about not having the bill and amendments to examine, so that all can read——

Mr. DIXON of Montana. How in the name of common sense could they be printed in two hours?

Mr. GAINES of Tennessee. Why, you could simply wait until to-morrow.

Mr. DIXON of Montana. To-morrow is not suspension day, and this is probably the last day of the session on which we could get the bill before the House. Ten thousand men from counties surrounding this reservation went into Canada across the boundary line last year and have taken up Canadian land, leaving land in the United States——

Mr. GAINES of Tennessee. Now, do they want to come back and take up this land which we do not know anything about?

Mr. DIXON of Montana. A committee of Blackfeet Indians came here this winter and asked that this bill be passed. I went with them to the Commissioner of Indian Affairs, and together we prepared the bill which is before you to vote on. The Indians of the Blackfoot Reservation have asked——

Mr. GAINES of Tennessee. Even if your bill has absolute merit, you certainly ought to give us a chance to read the report on it.

The SPEAKER. The Chair will be glad to know whose time is being consumed.

Mr. GAINES of Tennessee. We are consuming our own time in trying to take care of the Indians, Mr. Speaker.

The SPEAKER. Does the gentleman yield?

Mr. DIXON of Montana. I refuse to yield any more.

Mr. GAINES of Tennessee. I am very much obliged for the information you have given.

Mr. DIXON of Montana. I want to say in good faith to this House that the amendments which are put in this bill are amendments from the Indian Office.

Mr. FITZGERALD. Mr. Chairman——

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. DIXON of Montana. That the gentleman may ask a question.

Mr. FITZGERALD. The gentleman said the bill was originally drawn by the Indian Office.

Mr. DIXON of Montana. It was.

Mr. FITZGERALD. Then he took the bill to the Assistant Commissioner, and he suggested these amendments. Which should we pass, the bill as drawn by the Commissioner, or pass the bill with these amendments drawn in his absence?

Mr. DIXON of Montana. All right; the bill as introduced in the Senate was first drawn by Commissioner Leupp. The Senate left out some provisions the Commissioner asked for. The bill I introduced in the House—I took a copy of the Senate bill—contains the original suggestions of the Indian Office and are now incorporated in that bill after full consideration and unanimous vote by the Committee on Indian Affairs. Mr. Speaker, I ask for a vote.

Mr. FITZGERALD. I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. DIXON of Montana. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I noticed when the Clerk was reading the bill that a very large portion of it was pasted in the bill. It looked to me very queer that the Clerk should be reading a bill that was pasted up. I take it that the House has the right to have a bill printed for information, at least as a general rule, before the House is called upon to vote upon it. A Member of Congress can not possibly consider the bills which are introduced before they are reported into the House. This bill is numbered 19681. Members of Congress have a right to suppose that they will have an opportunity to examine a bill after it is reported into the House and put in print before they are called upon to vote upon it. Now, I have a high regard for the Committee on Indian Affairs, and yet I am not willing, so far as I am concerned, to turn over to the Committee on Indian Affairs all of my judgment in reference to bills coming from that committee. The gentleman suggests that this bill was drawn last winter. It was introduced on May 25——

Mr. DIXON of Montana. In the Senate, I said——

Mr. MANN. Oh, well; if the bill was drawn last winter the gentleman ought to have introduced it in the House last winter; but, anyway, it is the gentleman's negligence and not ours that the bill was not before the House before, if there be any negligence in the case. We are not supposed to follow the proceedings in the Senate. Members of the House have a right to wait until bills are introduced in the House, and then they have the right further to wait until they have been acted upon by a committee and put in print. Now, I do not know whether any opportunity has been presented to examine the bill.

I have endeavored in the past to keep somewhat the track of these bills opening Indian reservations. Every one of them to me comes with a grain of suspicion. I understand the difficulties in reference to opening these lands to settlement to actual settlers. We endeavor to provide for it, and yet only last summer when out West I heard gentleman after gentleman talking about "beating the law" to obtain lands for settlement, even where they are drawing lots and selling their rights. When I came back I wrote to the Commissioner of the General Land Office and asked him how it happened these men were endeavoring to beat the law. The reply that came was very simple—that they are doing it; which, I understand, is continued by the people of the West to a very large extent.

Now, with great respect for them, I think it is the duty of the Government properly to safeguard the lands of these Indians fully in the interests of the Indians and also in the interest of the actual settlers. I do not know what is in this bill. It is impossible to tell by hearing the bill read at the Clerk's desk. There is no opportunity given to examine the bill. It was introduced on May 25, reported to the House this morning after 12 o'clock. I think the gentleman ought to be willing to let the bill lie over and receive a fair degree of attention from Members of the House. [Cries of "Vote!"]

The question was put on the motion to suspend the rules and pass the bill.

Mr. FITZGERALD. I ask for a division.

The House divided; and there were—ayes 154, noes 13.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ARTHUR PUE GORMAN, late a Senator from the State of Maryland.

Resolved, That a committee of seventeen Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. GORMAN, which will take place at his late residence Thursday, June 7, at 11 o'clock, and that the Senate will attend the same.

Resolved, That as a further mark of respect his remains be removed from his late home to the place of interment, in Oak Hill Cemetery, in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect; and that the necessary expenses in connection therewith be paid out of the contingent fund of the Senate.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

And that in compliance wtih the foregoing the Vice-President had appointed as said committee Mr. RAYNER, Mr. ALLISON, Mr. MORGAN, Mr. HALE, Mr. ALDRICH, Mr. TELLER, Mr. GALLINGER, Mr. ELKINS, Mr. MARTIN, Mr. TILLMAN, Mr. CLAY, Mr. SPOONER, Mr. KEAN, Mr. BAILEY, Mr. BLACKBURN, Mr. CLARK of Montana, and Mr. OVERMAN.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, the House is about to adjourn, and I ask unanimous consent that for two hours to-morrow, immediately after the reading of the Journal, it shall be in order to make motions to suspend the rules and pass bills the same as in order to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DEATH OF HON. ARTHUR PUE GORMAN.

Mr. TALBOTT. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. ARTHUR PUE GORMAN, a Senator of the United States from the State of Maryland.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of seventeen Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken; and the resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the appointment of the following committee.

The Clerk read as follows:

Mr. J. FRED C. TALBOTT, Mr. JOHN GILL, Jr.; Mr. THOMAS A. SMITH, of Maryland; Mr. SYDNEY E. MUDD, Mr. FRANK C. WACHTER, Mr. GEORGE A. PEARRE, Mr. JOHN S. WILLIAMS, Mr. LEONIDAS F. LIVINGSTON, Mr. THOMAS B. DAVIS, of West Virginia; Mr. SAMUEL M. ROBERTSON, of Louisiana; Mr. JOHN A. MOON, of Tennessee; Mr. JOHN H. STEPHENS, of Texas; Mr. C. L. BARTLETT, Mr. J. W. BABCOCK, Mr. THEODORE E. BURTON, of Ohio; Mr. JAMES M. GRIGGS, and Mr. JOHN F. RIXEY.

Mr. TALBOTT. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 28 minutes p m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Jason*, Edward Smith, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Sulphur River, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of a concurrent resolution providing for printing certain volumes of land and pension decisions of his Department—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes, in Comanche County, Okla., reported the same with amendment, accompanied by a report (No. 4675); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States, reported the same without amendment, accompanied by a report (No. 4676); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HINSHAW, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2418) to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes, reported the same with amendment, accompanied by a report (No. 4677); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 2961) for the relief of L. S. Watson Manufacturing Company, of Leicester, Mass., reported the same without amendment, accompanied by a report (No. 4662); which said bill and report were referred to the Private Calendar.

Mr. MCGAVIN, from the Committee on Claims, to which was referred the bill of the House H. R. 18870, reported in lieu thereof a resolution (H. Res. 561) referring to the Court of Claims the papers in the case of Hans Peter Guttormsen, accompanied by a report (No. 4663); which said resolution and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 1218) for the relief of Louise Powers McKee, administratrix, reported the same without amendment, accompanied by a report (No. 4664); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 1443) for the payment of Robert D. Benedict for services rendered, reported the same without amendment, accompanied by a report (No. 4665); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 5675) for the relief of Maj. Seymour Howell, United States Army, retired, reported the same without amendment, accompanied by a report (No. 4666); which said bill and report were referred to the Private Calendar.

Mr. CLARK of Florida, from the Committee on Claims, to which was referred the bill of the Senate (S. 3501) for the relief of the heirs of Joseph Sierra, deceased, reported the same without amendment, accompanied by a report (No. 4667); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6430) authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures, reported the same with amendment, accompanied by a report (No. 4668); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8085) for the relief of Charles E. Danner & Co., reported the same with amendment, accompanied by a report (No. 4669); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 563) to reimburse James M.

McGee for expenses incurred in burial of Mary J. De Lange, reported the same without amendment, accompanied by a report (No. 4670); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 10103) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government, reported the same without amendment, accompanied by a report (No. 4671); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 19493) to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States, reported the same without amendment, accompanied by a report (No. 4672); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 5196) to refund to A. L. Flack & Co., of Tiffin, Ohio, money paid for internal-revenue stamps lost in the mails, reported the same without amendment, accompanied by a report (No. 4673); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 19965) to provide for the purchase and distribution of a digest of reports of the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. CHANEY: A bill (H. R. 19966) for the erection of a monument to the memory of Henry Wadsworth Lawton—to the Committee on the Library.

By Mr. BROWNLOW: A joint resolution (H. J. Res. 169) for the relief of Newton A. Patterson—to the Committee on Military Affairs.

By Mr. McGAVIN, from the Committee on Claims: A resolution (H. Res. 561) referring to the Court of Claims the bill H. R. 13870—to the Private Calendar.

By Mr. MANN: A resolution (H. Res. 562) providing for the consideration of Senate bill 88—to the Committee on Rules.

Also, a concurrent resolution (H. C. Res. 32) providing for the printing of 12,000 copies of the Journals of the Continental Congress—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CALDER: A bill (H. R. 19967) granting an increase of pension to Martin L. Ohr—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 19968) granting an increase of pension to Samuel L. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19969) granting an increase of pension to Henry K. Barger—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 19970) granting an increase of pension to Eugene Demers—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 19971) granting an increase of pension to Conrad Peuster—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 19972) for the relief of Martha A. Davis—to the Committee on War Claims.

By Mr. GRANGER: A bill (H. R. 19973) granting an increase of pension to John McDonough—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19974) for the relief of the trustees, or successors in office, of the Pine Chapel Methodist Episcopal Church South, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 19975) granting an increase of pension to Permelia A. E. Gates—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19976) granting a pension to Nelson Isbel—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 19977) for the relief of the estate of Sarah Pewitt, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 19978) for the relief of R. A. Sisson—to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 19979) granting an increase of pension to John H. Christman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19980) granting an increase of pension to A. H. Guest—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19981) granting an increase of pension to Ezekiel C. Ford—to the Committee on Invalid Pensions.

By Mr. SOUTHALL: A bill (H. R. 19982) for the relief of Robert Michaels—to the Committee on War Claims.

Also, a bill (H. R. 19983) for the relief of the heirs of Francis B. Anderson—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 19984) for the relief of the estate of Peter H. Knight—to the Committee on War Claims.

PETITIONS, ETC.

By the SPEAKER: Petition of Chicago Live Stock Exchange, praying for an investigation of the meat-packing industry—to the Committee on Agriculture.

By Mr. ACHESON: Petition of Safe Deposit and Trust Company, of Pittsburg, Pa., for H. R. 12070, relative to waterway from Chicago to St. Louis—to the Committee on Rivers and Harbors.

By Mr. ALLEN of New Jersey: Petition of Montague Grange, No. 140, for parcels-post law—to the Committee on the Post-Office and Post Roads.

Also, petition of Robert G. Brenner, Passaic Herald, for amendment to postal laws making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wayne Township Grange, No. 145, and Lincoln Grange, No. 136, for repeal of revenue tax on denaturized alcohol—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of citizens of Maine, against Senate bill 529 (ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. BUTLER of Tennessee: Papers to accompany H. R. 16411, granting an increase of pension to Newton Moore—to the Committee on Pensions.

By Mr. CHAPMAN: Petition of Trades Council of Harrisburg, Ill., for H. R. 18752 (anti-injunction bill)—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Chicago Federation of Labor, for H. R. 18752 (anti-injunction bill)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Municipal Art Society of Baltimore, for a national advisory board of art experts—to the Committee on Ways and Means.

Also, petition of Rockford, Ill., Manufacturers and Shippers' Association, for retention in the rate bill relative to responsibility of initial carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAFF: Paper to accompany bill for relief of Martha A. Davis, heirs of Robert M. Davis, and Katherine Davis, of Fulton County, Ill.—to the Committee on War Claims.

By Mr. GROSVENOR: Petitions in letter form and telegrams, protesting against the passage of the eight-hour bill, from business men residing in the following cities: Atlantic City, N. J.; Dayton, Ohio; Evansville, Ind.; Alexandria, Ind.; Syracuse, N. Y.; St Louis, Mo.; Suffolk, Va.; Cleveland, Ohio; Springfield, Mass.; Allegheny, Pa.; Boston, Mass.; Trenton, N. J.; New York, N. Y.; Reading, Pa.; Worcester, Mass.; Philadelphia, Pa.; Coatesville, Pa.; New Britain, Conn.; South Bend, Ind.; Ensley, Ala.; Minneapolis, Minn.; Racine, Wis.; Waukesha, Wis.; Fremont, Ohio; Oneida, N. Y.; Charlotte, N. C.; Parkersburg, W. Va.; Toledo, Ohio; Greenville, S. C.; Bellevue, Ohio; Batavia, N. Y.; Grand Crossing, Ill.; Hamilton, Ohio; Moline, Ill.; Lockport, N. Y.; Norfolk, Va.; Leesdale, Ohio; Indianapolis, Ind.; Milwaukee, Wis.; North Tonawanda, N. Y.; Beaver Falls, Pa.; West Lynn, Mass.; Riegelsville, N. J.; Scranton, Pa.; Fort Madison, Iowa; Fond du Lac, Wis.; Geneva, N. Y.; Phillipsburg, N. J.; Baltimore, Md.; Harrisburg, Pa.; Lebanon, Pa.; Plainfield, N. J.; Elmira, N. Y.; Woonsocket, R. I.; Niles, Ohio; Lynn, Mass.; Cincinnati, Ohio, Detroit, Mich.; North Attleboro, Mass.; Providence, R. I.; Shelby, Ohio; Salem, Ohio; Newark, N. J.; Canton, Ohio; Pittsburg, Pa.; Utica, N. Y.; Buffalo, N. Y.; Rochester, N. Y.; Riverside, N. J.; Sandy Hill, N. Y.; Brooklyn, N. Y.; Binghamton, N. Y.; Mansfield, Ohio; Hartford, Conn.; Bethlehem, Pa.; Rome, N. Y.; Bridgeton, N. J.; Elizabethtown, Pa.; Cambridge, Mass.; South Boston, Mass.; Bristol, Conn.; Middletown, Ohio; Grand Rapids, Mich, Wilkes Barre, Pa.;

Columbus, Ohio; Chicago, Ill.; Poughkeepsie, N. Y.; Greenfield, Ohio; Troy, N. Y.—to the Committee on Rules.

By Mr. LAMB: Paper to accompany bill for relief of Robert Michaels—to the Committee on War Claims.

By Mr. LEE: Paper to accompany bill for relief of John E. Herrod—to the Committee on War Claims.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Newton Isbell—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of estate of Sarah Pewitt, late of Williamson County, Tenn.—to the Committee on War Claims.

Also, paper to accompany bill for relief of D. M. Taylor, administrator of the estate of Sallie Roane, late of Maury County, Tenn.—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of L. B. Frost, late of Williamson County, Tenn.—to the Committee on War Claims.

By Mr. VREELAND: Petition of 42,000 women of Federation of Women's Clubs at St. Paul, Minn., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wellsville, Jamestown, and Celoron, N. Y., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

TUESDAY, *June 5, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM KANSAS.

The VICE-PRESIDENT laid before the Senate the following telegram; which was read, and ordered to lie on the table:

[Telegram.]

TOPEKA, KANS., *June 4, 1906.*

Hon. CHARLES W. FAIRBANKS,
Vice-President of the United States, Washington, D. C.:

Hon. J. R. BURTON has this day tendered his resignation as United States Senator from Kansas, and I have accepted the same.

E. W. HOCH, *Governor of Kansas.*

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Jason*, Edward Smith, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, transmitted to the Senate the resolutions of the House on the death of Hon. ARTHUR PUE GORMAN, late a Senator from the State of Maryland.

The message also announced that the Speaker of the House had appointed Mr. J. FRED C. TALBOTT, Mr. JOHN GILL, Jr.; Mr. THOMAS A. SMITH, of Maryland; Mr. SYDNEY E. MUDD, Mr. FRANK C. WACHTER, Mr. GEORGE A. PEARRE, Mr. JOHN S. WILLIAMS, Mr. LEONIDAS F. LIVINGSTON, Mr. THOMAS B. DAVIS, of West Virginia; Mr. SAMUEL M. ROBERTSON, Mr. JOHN A. MOON, of Tennessee; Mr. JOHN H. STEPHENS, of Texas; Mr. C. L. BARTLETT, Mr. J. W. BABCOCK, Mr. THEODORE E. BURTON, of Ohio; Mr. JAMES M. GRIGGS, and Mr. JOHN F. RINEY, members of the committee on the part of the House to attend the funeral.

The message further announced that the House had passed the following bills and joint resolution:

S. 83. An act for the erection of a monument to the memory of John Barry;

S. 685. An act for the erection of a monument to the memory of John Paul Jones; and

S. R. 20. Joint resolution providing for the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow.

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

S. 333. An act in regard to a monumental column to the memory of the battle of Princeton and appropriating $30,000 therefor;

S. 4370. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact; and

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 17335. An act creating a United States district court for China and prescribing the jurisdiction thereof;

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.; and

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 1243. An act providing for compulsory education in the District of Columbia;

S. 5561. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901;

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent census office," approved March 6, 1902;

H. R. 12135. An act granting an increase of pension to William Laudahn;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 14513. An act to prevent the giving of false alarms of fires in the District of Columbia;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 15869. An act granting an increase of pension to William H. McCune;

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 17072. An act granting an increase of pension to Joseph French;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington;

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials; and

H. R. 18333. An act granting land to the city of Albuquerque for public purposes.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. The Chair presents the memorial of H. R. Fuller, legislative representative of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, remonstrating against the adoption of that part of the report of the committee of conference on the railroad rate bill which prevents the issuance by common carriers of passes to railroad employees and their families.

Mr. CARTER. I ask unanimous consent that the memorial be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial.

Mr. LA FOLLETTE. Mr. President, I will add to the request of the Senator from Montana the request that the memorial be printed as a document.

The Secretary read the memorial, as follows:

H. R. FULLER,
206 Delaware avenue NE., Washington, D. C., June 4, 1906.

Hon. CHARLES W. FAIRBANKS,
President of the Senate, Washington, D. C.

SIR: I am authorized on behalf of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, representing in all 250,000 railroad employees of the United States, to respectfully protest against the adoption of that part of the report of the committee of conference on the railroad rate bill (H. R. 12987) which prevents the issuance by common carriers of passes to railroad employees and their families.

In view of the absolute necessity to at times deadhead men over various parts of the road, the passage of such a law would greatly impede the operation of a railroad, to say nothing of the extra expense, inconvenience, and hardship it would impose upon the employees.

There are many cases where the runs of train and engine men terminate at other than their home stations. This is especially true as regards local, way freight, and work train runs, and it is now the practice of many roads to issue free transportation to these men in order that they may spend their nights and Sundays at home. The passage of the provision in question would require these men to spend their nights and Sundays away from home, for the reason that they could not afford to pay transportation back and forth.

It is also a fact that a very large number of the shop and office forces of many railroads whose headquarters are in the large cities of necessity live in suburban towns along the road, and they are given free transportation back and forth to their work.

It is also true that a large number of crippled employees are receiving passes under agreements with the roads as a condition of their settlement, and for Congress to now declare these contracts void would not only be a lack of humane consideration for these men, many of whom have been distressingly injured in what is regarded as a public service, but it would also be legally wrong.

As to the families of employees: The contractual relations now existing between many roads and their men provide in certain cases for transportation for employees, their families, and household goods. This is regarded as a consideration or a part of the compensation for the services performed.

The passage of this provision would in some cases prevent the wife or family of an injured employee from reaching his bedside because of their lack of means of transportation.

That Congress will pass such a law after knowing its effect we can not believe.

Respectfully submitted.

H. R. FULLER,
Legislative Representative.

The VICE-PRESIDENT. The memorial will lie on the table. Is there objection to printing it as a document?

Mr. HALE. I rise to a question of the order of business.

The VICE-PRESIDENT. Does the Senator from Maine object to printing the memorial as a document?

Mr. HALE. Not at all. I want to make a statement while the Senate is full.

The VICE-PRESIDENT. Without objection, it is so ordered.

BUSINESS OF THE SESSION.

Mr. HALE. At the end of the routine morning business I shall ask the Senate to proceed to the consideration of the naval appropriation bill, and in order that Senators may see how the business of the Senate stands I take this occasion to give a list of the appropriation bills which have not yet been touched by the Senate:

The naval appropriation bill, the District of Columbia appropriation bill, the diplomatic and consular appropriation bill, the great sundry civil appropriation bill (carrying nearly $100,000,000), the general deficiency appropriation bill, and the public-building bill—six appropriation bills that have as yet been untouched by the Senate as a body. I wish Senators to appreciate the importance of action on appropriation bills, if we are to adjourn, as I think everyone here desires that we shall during this month. There are after to-day only twenty-two working days in the month.

It being so important that these bills should be passed here and sent to the House for consideration, I hope the Senate will this morning, at the end of the routine morning business, take up the naval appropriation bill rather than either of the conference reports. I do not belittle the importance of the conference reports and the interest that the public has in them, but a conference report is already in its last stages; it can come up at any time and can not take much time between the two Houses. The appropriation bills, as I have indicated, are entirely different.

We are all interested, if we are to get through in the twenty-two working days, that the appropriation bills shall as fast as they are ready be acted upon here and sent over to the House for its action, so that the general business may be expedited and we may be enabled to adjourn finally in the very last days of this month. I do not hope that we can do it before.

Mr. TILLMAN. Mr. President——

Mr. HALE. I should hope that instead of taking up any conference report at the end of the routine morning business, the Senate will, from these considerations which I have presented, and which all are as much interested in as I am, go on with the appropriation bill.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I see no reason, unless there should be some discussion and opposition to the conference report on the rate bill, why it might not be disposed of in the morning hour. Has the Senator from Maine any assurance that if the conference reports are allowed to go over the naval appropriation bill will not lead to some discussion?

Mr. HALE. I do not think the naval appropriation bill, while a very important bill, and a large bill, will lead to much discussion. The committee, in its action, has robbed it of almost, if not all, of the contested items, and I do not expect that it will take very much time.

Mr. TILLMAN. I think there are one or two items in the naval appropriation bill that will excite some discussion and opposition.

Mr. HALE. There will undoubtedly be some discussion upon it. On the other hand, both the conference report on the rate bill and the conference report on the statehood bill will give rise to very considerable discussion. There is no doubt about that.

Mr. BURKETT. I should like to suggest to the Senator from Maine, who is on the Appropriations Committee and will realize the necessity of it, that the Committee on the District of Columbia has reported the bill pertaining to the school question here in the District. It has passed the House. I understand the Committee on Appropriations are anxious to have the bill disposed of so that the District of Columbia appropriation bill can be properly considered. The Committee on the District of Columbia is ready to take up the bill this morning. I do not think it will take a very long time, and inasmuch as the bill will have to go back to be considered by the House and will probably have to go into conference, it seems to me that we ought to take up that bill this morning and get it in shape for the Committee on Appropriations to act on the matter.

Mr. HALE. Half a dozen Senators have important measures which they have in charge, and which they think ought to pass. I have no doubt that they ought to be passed; but I do not think anything is so pressing as to take up the naval appropriation bill and get that out of the way. If the Senator can get his measure in before the District of Columbia appropriation bill comes up, that is another matter.

The whole matter, Mr. President, is with the Senate. If the Senate does not desire to take up first the naval appropriation bill—which is ready and which would have been taken up yesterday, but Senators know why it was that no business could be done, and the days are passing—the matter is entirely in the hands of the Senate. I shall, if the Chair recognizes me, move at the termination of the routine morning business, to take up the naval appropriation bill. That is the only thing that I can do. The whole thing rests with the Senate. I thought it advisable to state just what the condition of public business is. I leave it with the Senate.

Mr. FORAKER. Can the Senator give us any idea how much time the naval appropriation bill will consume?

Mr. PETTUS. Mr. President, I suggest that we ought to have some morning business transacted.

Mr. HALE. I do not object to the transaction of morning business.

The VICE-PRESIDENT. The Senator from Alabama calls for the regular order. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry railroad men of Indiana; of A. L. Dunbar Lodge, No. 142, Brotherhood of Railroad Trainmen, of Meadville, Pa., and of New York City Division, No. 54, Order of Railway Conductors, remonstrating against the passage of the antipass amendment to the railroad rate bill to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LODGE presented petitions of the publishers of the Leader, of Spencer; the Hibernian, of Boston; the Architectural Review, of Boston, and the Brookline Press, of Brookline, all in the State of Massachusetts, praying for the adoption of an amendment to the postal laws relating to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry railroad employees of Holyoke, Boston, South Braintree, and Greenfield, in the State of Massachusetts, and Indianapolis, Ind., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. FORAKER presented memorials of sundry citizens of Nelsonville, Lorain, Kent, Cleveland, Akron, Cincinnati, Crestline, East Toledo, Chillicothe, Lima, Toledo, Newark, Galion, Massillon, Columbus, Steubenville, Portsmouth, Springfield, Alliance, Chicago Junction, Zanesville, Lima, and Bellefontaine, all in the State of Ohio, remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. FORAKER. I present for the Senator from Michigan [Mr. ALGER], who is unavoidably detained from the Senate, memorials of sundry railroad employees of Jackson, Gladstone, Escanaba, Owosso, and Detroit, all in the State of Michigan, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. DICK presented memorials of sundry citizens of Lorain, Columbus, Lima, Zanesville, Alliance, Youngstown, Bellevue, Toledo, Cleveland, Kent, Conneaut, Chicago Junction, Springfield, Galion, Nelsonville, Akron, Cincinnati, Newark Depot, Chillicothe, Crestline, Massillon, Middleport, and Steubenville, all in the State of Ohio; of Indianapolis, Ind.; Buffalo, N. Y.; Canandaigua, N. Y., and New York City, N. Y., remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KEAN presented memorials of sundry railroad employees of Atlantic, Hoboken, Jersey City, Trenton, and Hammonton, in the State of New Jersey, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented memorials of sundry railroad employees of Atlantic City, Newark, Jersey City, Harrison, Hammonton, and Weehawken, all in the State of New Jersey, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also (for Mr. PLATT) presented memorials of sundry railroad employees of Canandaigua, Buffalo, Syracuse, Elmira, Corning, Oswego, Rochester, and Ravenna, all in the State of New York, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BURROWS presented memorials of sundry railroad employees of Escanaba, Calumet, Detroit, Soo, Marquette, Jackson, Gladstone, and Battle Creek, all in the State of Michigan; of Indianapolis, Ind., and Pittsburg, Pa., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ELKINS presented petitions of 2,624 women of the State of West Virginia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. SCOTT presented memorials of sundry railroad employees of Weston, Fairmont, Hinton, Parkersburg, Bluefield, Vivian, Williamson, Wheeling, and Grafton, all in the State of West Virginia, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CLARK of Wyoming presented memorials of sundry railroad employees of New Castle, Pa., Sidney, Nebr., and Evanston, Laramie, and Sheridan, all in the State of Wyoming, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ANKENY presented memorials of sundry citizens of Spokane, Seattle, and Ellensburg, all in the State of Washington, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ALLEE presented petitions of 1,097 women of the State of Delaware, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. BURNHAM presented memorials of sundry railroad employees of Concord, Lakeport, Woodsville, and Nashua, all in the State of New Hampshire, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. NELSON presented sundry memorials of railroad employees of the State of Minnesota, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented a memorial of the Retail Grocers and General Merchants' Association of Minnesota, remonstrating against the enactment of legislation providing for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McCUMBER presented a memorial of Fargo Division, No. 202, Brotherhood of Locomotive Engineers, of Mapleton, N. Dak., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. DOLLIVER presented memorials of sundry citizens of Burlington, Mason City, Creston, Clinton, Lockridge, Estherville, Ottumwa, Cherokee, Eagle Grove, Council Bluffs, Cedar Rapids, Des Moines, Sioux City, Boone, Perry, Oskaloosa, Valley Junction, Keokuk, Manilla, and Lake City, all in the State of Iowa, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. DILLINGHAM presented memorials of sundry citizens of Rutland and Newport, in the State of Vermont, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. SMOOT presented memorials of sundry railroad employees of Ogden, Utah, and of Indianapolis, Ind., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. SPOONER presented memorials of sundry railroad employees of La Crosse, Tomah, Milwaukee, Antigo, Channing, West Salem, Kaukauna, Madison, Greenbay, Peshtigo, all in the State of Wisconsin, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PATTERSON presented memorials of sundry railroad employees of Denver, Grand Junction, and Salida, all in the State of Colorado, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MORGAN presented sundry memorials of 800 railroad employees of the State of Alabama, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MARTIN presented sundry memorials of railroad employees of the State of Virginia, remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. McCREARY. I present 178 telegraphic memorials of railroad employees of the State of Kentucky, remonstrating against the time-honored privilege being taken away from persons riding free on railroads on which they are employed, and also protesting vigorously against the proposed regulation which prohibits the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. DANIEL. Mr. President, I simply wish to state that a snow of telegrams has been coming to me, and I see, from indications at the desk, to other Senators, protesting against the drastic provision of the conference report prohibiting passes on railroads for their own employees. I hope that the matter may be taken up as soon as possible and disposed of.

Mr. CLARK of Montana presented memorials of sundry railroad employees of South Butte, Butte, Whitefish, and Havre, all in the State of Montana, remonstrating against the adoption of a certain amendment to the so-called railroad rate bill to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. OVERMAN. I desire to state, without encumbering the RECORD, that I have numerous telegrams from thousands of employees of railroads in my State, protesting against the conference report in reference to the pass amendment and protesting against being prohibited to have free transportation on railroads.

Mr. CULBERSON. I present telegraphic memorials of sundry railroad employees of Marshall and Hempstead, Tex., addressed to Mr. H. R. Fuller, who represents the employees' interests in this city, I understand, remonstrating against the adoption of the report of the committee of conference on the railroad rate bill in so far as it prohibits the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. SIMMONS presented memorials of sundry railroad employees of Charlotte, Highpoint, Asheville, and Salisbury, all in the State of North Carolina, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MONEY. I have received a number of these dispatches, one representing more than a thousand employees of the Illinois Central Railroad, but as they are sent to me and not to the Senate I have not filed them. However, I want to say that I am going to vote in accordance with the request of these employees of railroads for free passes for themselves and their families.

Mr. KNOX presented memorials of Lodge No. 703, Brotherhood of Railroad Trainmen, of Brownsville; Division No. 416, Order of Railway Conductors, of Reading; Lodge No. 593, Brotherhood of Railroad Trainmen, of Dubois; Lodge No. 462, Brotherhood of Railroad Trainmen, of Punxsutawney; Lodge No. 142, Brotherhood of Railroad Trainmen, of Meadville; Division No. 452, Brotherhood of Locomotive Engineers, of Downieville; Lodge No. 476, Brotherhood of Railroad Trainmen, of Pottsville; 73 members, Brotherhood of Railroad Trainmen, of Marysville; sundry citizens, of Berwyn; Brotherhood of Railroad Trainmen, of Grove City; Local Freight Agents' Association, of Allegheny; Lodge No. 157, Brotherhood of Railroad Trainmen, of Greenridge; Division No. 129, Order of Railway Clerks, of Hallstead; Lodge No. 565, Brotherhood of Locomotive Firemen, of New Castle; 870 members of Brotherhood of Railroad Trainmen, of Altoona; Lodge No. 8, Locomotive Firemen, of Connellsville; Division No. 10, Order of Railway Conductors, of Sayre; Brotherhood of Railroad Trainmen, of Hallstead; Lodge No. 75, Brotherhood of Locomotive Firemen, of Philadelphia; Brotherhood of Railroad Trainmen, of Park Place; Lodge No. 682, Brotherhood of Railroad Trainmen, of Lewistown; Lodge No. 435, Brotherhood of Railroad Trainmen, of Albion; Brotherhood of Locomotive Engineers, of Harrisburg; Order of Railway Conductors, of Harrisburg; Lodge No. 117, Brotherhood of Railroad Trainmen, of Columbia; Lodge No. 378, Brotherhood of Railroad Trainmen, of Butler; Brotherhood of Railroad Trainmen, of Conemaugh; Division No. 71, Brotherhood of Locomotive Engineers, of Philadelphia; Division No. 114, Order of Railroad Conductors, of Pittsburg; Freight Agents' Organization, Pittsburg Division, Pennsylvania Railroad, of Pittsburg; Lodge No. 277, Brotherhood of Railroad Trainmen, of Monongahela; Lodge No. 283, Brotherhood of Locomotive Firemen, of Hallstead; Division No. 365, Brotherhood of Locomotive Engineers, of Hallstead; Lodge No. 587, Brotherhood of Railroad Trainmen, of Philadelphia; Lodge No. 325, Brotherhood of Locomotive Engineers, of Wilkinsburg; Lodge No. 149, Brotherhood of Railroad Trainmen, of Philadelphia; Lodge No. 587, Brotherhood of Railroad Trainmen, of West Philadelphia; Lodge No. 113, Brotherhood of Railroad Trainmen, of Philadelphia; Lodge No. 511, Brotherhood of Railroad Trainmen, of Philadelphia; Pennsylvania Railroad Young Men's Christian Association, Dubios; Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America, of Philadelphia; Lodge No. 363, Brotherhood of Railroad Trainmen, of Philadelphia, all in the State of Pennsylvania, and Brotherhood of Railroad Trainmen, of Chicago, Ill., remonstrating against the adoption of an amendment to the rate bill prohibiting the issuing of passes to railroad employees and members of their families; which were ordered to lie on the table.

Mr. DUBOIS presented memorials of sundry railroad employees of Pocatello and Montpelier, all in the State of Idaho, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BACON. I presume every Senator has received telegrams such as have been presented by a large number of Senators. I will simply ask that there may be unanimous consent that Senators may present these telegrams at the desk without having permission in each instance to do so. I have myself a large number to which I will give that disposition if permitted by the Senate.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Georgia? The Chair hears none.

Mr. TILLMAN. Mr. President, under the rule which we adopted a week ago, every one of these telegrams can be filed with the Secretary and put into the RECORD, and the very object which every Senator has of giving publicity to the fact that he has received them and presented them will be accomplished in that way. We are losing some valuable time. I have not presented the numerous ones that came to me, because I expect to follow that course. After the avalanche began I did not feel willing to cut off those who felt constrained to adopt this method.

Mr. FORAKER. I hope the Senator will not insist upon the rule being followed, for that would suppress all knowledge of the popularity of this measure.

Mr. TILLMAN. So far as the popularity of it is concerned, it seems that there is a streak of yellow in the Senate rather than a streak of white this morning, and there must be a good many franks somewhere to send so many telegrams on this subject.

But without regard to that, and without defending the measure at all, because I am only in a manner responsible for it and am willing to bear the burden of the responsibility, I call attention to the fact that this provision does not go into effect until January next, and it does not obtain inside of a State; it governs only interstate traffic.

There is great hysteria—if I may so call it—in regard to this matter. I only hope Senators who are so anxious about relieving the employees—and I myself have always been willing to vote to give them free transportation—will not inundate us with requests for additional exceptions when we have this matter up again. That is the trouble now. It was because nearly every Senator here felt constrained the other day to offer an amendment enlarging the circle of exemptions until it practically covered all creation. We had to deal with it somehow in conference, and I preferred the proposed amendment rather than to do nothing, knowing that the Senate, in its own good time, and the House could next winter deliberately prepare some sane and reasonable and proper and just method for the control of this evil and adopt it in time to prevent any harm.

Mr. President, I believe conference reports are privileged, and I will ask that the conference report on the rate bill be laid before the Senate. I wish to make an explanation of the report.

Mr. MONEY. Before the Senator proceeds to that I hope, in view of the fact that he has mentioned that there were a good many franks around, he will allow me to say that every dispatch I have presented was paid.

Mr. CULLOM. Mr. President, I insist on the regular order, and that is the presentation of petitions.

Mr. TILLMAN. I do not want to cut off Senators from presenting petitions.

Mr. LODGE. The Senator can not. A conference report is not privileged now.

Mr. CULLOM. I hold in my hand a large number of dispatches on the rate question and the pass question. Most of them protest against the proposed interference with passes to employees of railroads and their families. This bunch of telegrams I have received since I came into the Senate a few minutes ago. I have a great number in my committee room and a good many at my house. I present these and ask that they be noted in the RECORD.

The telegrams were ordered to lie on the table and to be noted in the RECORD, as follows:

Memorial of Local Division No. 83, Order of Railway Conductors, of Galesburg, Ill.; memorial of Local Division No. 403, Order of Railway Conductors, of Monmouth, Ill.; memorial of Local Division, Order of Railway Conductors, of Freeport, Ill.; memorial of M. H. Butler, chief engineer, and James McElroy, freight assistant engineer, of Bloomington, Ill.; memorial of John J. McGorie, member of Railway Trainmen, of Chicago, Ill.; memorial of William V. Fric, member of Railway Trainmen, of Chicago, Ill.; memorial of G. W. Wingher, member of Railway Trainmen, of Chicago; memorial of John H. McGloon, of Chicago; memorial of George Hale, of Chicago; memorial of Jacob Ellgrass, of Chicago; memorial of John J. Toomey, of Chicago; memorial of Phillip E. Scantan, of Chicago; memorial of J. B. Dempster, of Decatur; memorial of George Shilling, of Decatur; memorial of S. E. Callahan, of Decatur; memorial of J. W. Braddock, of Decatur; memorial of H. J. Mitchell, of Indianapolis, Ind.; memorial of Local Division No. 81, Order of

Railway Conductors, of Beardstown; memorial of Local Lodge No. 350, Brotherhood of Locomotive Engineers, of Mattoon; memorial of E. J. Wilkins, of Decatur; memorial of Walter Romick, of Decatur; memorial of T. C. Russell, of Decatur; memorial of D. R. Talbott, of Decatur; memorial of E. E. Fair, of Decatur; memorial of J. F. Ryall, of Decatur; memorial of J. N. Edwards, of Decatur; memorial of J. B. Fosnaught, of Decatur; memorial of John Roleins, of Decatur; memorial of L. E. Fulmer, of Decatur; memorial of C. W. Schmigge, of Decatur; memorial of Albert W. Holmes, of Chicago; memorial of L. F. Kenerk, of Chicago; memorial of G. A. Menz, of Chicago; memorial of William J. Ricketts, of Chicago; memorial of Albert S. Lunt, of Chicago; memorial of Edward O'Keefe, of Chicago; memorial of M. J. Bazaret, of Chicago; memorial of John Mahon, of Chicago; memorial of Andrew Goyte, of Chicago; memorial of J. J. Thompson, of Chicago; memorial of C. M. Connelley, of Chicago; memorial of James Burke, of Chicago; memorial of Fred Barr, of San Antonio, Tex.; memorial of F. D. Johnson, of East St. Louis; memorial of Local Division No. 727, Brotherhood of Railroad Trainmen, of Venice; memorial of C. H. Everly, of Chicago; memorial of Local Division No. 458, Brotherhood of Locomotive Engineers, of Chicago; memorial of R. D. Beaver, of Centralia; memorial of E. C. Kramer, of East St. Louis; memorial of James McRea, of Pittsburg, Pa.; memorial of G. J. McKinley, of Chicago; memorial of J. F. Roberts, of Mounds; memorial of J. W. Brant, of Decatur; memorial of G. B. Seitz, of Kankakee; memorial of Local Division No. 231, Brotherhood of Locomotive Engineers, of Chicago; memorial of H. C. Murphy, secretary of Railway Young Men's Christian Association, of Indianapolis, Ind.

Mr. CULLOM presented petitions of sundry citizens of Illinois, praying for the adoption of an amendment to the postal laws relating to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY. I present telegraphic memorials of sundry citizens of Hartford and New Haven, in the State of Connecticut, remonstrating against the adoption of a certain amendment to the so-called railroad rate bill to prohibit the issuance of passes to railroad employees and their families. I ask that the memorials lie on the table.

While I am on my feet I desire to say that this is the only expression in regard to the rate regulation of railways that I have received during the three months' discussion of this subject.

The VICE-PRESIDENT. The Chair will state that in the presentation of petitions under the rule debate is not in order. Petitions are submitted without debate. The memorials will lie on the table.

Mr. LA FOLLETTE. Without debate I present sundry telegraphic memorials of railroad employees of Green Bay, Kaukauna, La Crosse, and Madison, all in the State of Wisconsin, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families. I ask that the memorials lie on the table.

The VICE PRESIDENT. The memorials will lie on the table.

Mr. BRANDEGEE presented memorials of sundry railroad employees of New Haven, Conn., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BURKETT presented a petition of the Society of Friends, of Lincoln, Nebr., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry railroad employees of Chadron, Norfolk, and Beatrice, all in the State of Nebraska, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LATIMER presented memorials of sundry railroad employees of Columbia, Blacksburg, Greenville, all in the State of South Carolina, remonstrating against the adoption of a certain amendment to the railroad rate bill to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LONG presented memorials of sundry citizens of Parsons, Emporia, Chanute, Wichita, Herrington, Caldwell, Ellis, Neodesha, Fort Scott, Pittsburg, Dodge City, and Argentina, all in the State of Kansas, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. WARNER presented memorials of sundry citizens of Eldon, Kansas City, Milan, Slater, Monett, St. Joseph, Jefferson City, Brookfield, Sedalia, St. Louis, Lacrelo, Stanberry, Elmo, Trenton, and Bonne Terre, all in the State of Missouri, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. SUTHERLAND presented memorials of sundry citizens of Ogden and Black Rock, in the State of Utah, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CARTER presented memorials of sundry railroad employees of South Butte, Havre, Butte, Whitefish, and Forsythe, all in the State of Montana, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PILES presented memorials of sundry railroad employees of Spokane, Seattle, and Ellensburg, all in the State of Washington, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MILLARD presented memorials of sundry railroad employees of Omaha, Chadron, and Lincoln, all in the State of Nebraska, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KITTREDGE presented memorials of sundry railroad employees of Huron and Aberdeen, S. Dak., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. HANSBROUGH presented memorials of sundry railroad employees of Minot and Larimore, N. Dak., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. WARREN presented memorials of sundry railroad employees of Laramie, Evanston, and Cheyenne, all in the State of Wyoming, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. RAYNER presented memorials of sundry railroad employees of Baltimore, Hagerstown, Brunswick, and Woverton, all in the State of Maryland, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. HOPKINS presented memorials of sundry railroad employees of Chicago, Galesburg, Decatur, Freeport, Mounds, Centralia, Venice, Beardstown, East St. Louis, Danville, Springfield, Effingham, Rock Island, Aurora, Roodhouse, and Kankakee, all in the State of Illinois, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PERKINS presented memorials of sundry citizens of San Francisco, San Jose, and Bakersfield, all in the State of California, remonstrating against the adoption of a certain amendment to the so-called "rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ELKINS presented memorials of sundry railroad employees of Parkersburg, Grafton, Hinton, Lewell, Bluefield, Montgomery, and Williamson, all in the State of West Virginia, remonstrating against the adoption of a certain amendment to the so-called "rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. GAMBLE presented memorials of sundry railroad employees of Huron and Aberdeen, S. Dak.; of Sheridan, Wyo., and Sedalia, Mo., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. TILLMAN presented memorials of sundry railroad employees of Charleston, Chester, Bellevue, Seneca, Florence,

Gaffney, and Greenville, all in the State of South Carolina, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CRANE presented petitions of 12,243 women of the State of Massachusetts, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. HALE presented a memorial of Local Division, Order of Railway Conductors, of Portland, Me., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. MCCREARY. Mr. President, my colleague [Mr. BLACKBURN] is necessarily absent from the Senate attending to his duties as a visitor at the United States Military Academy at West Point. I present for him certain telegrams protesting against that part of the railroad rate bill in regard to passes. I ask that the telegrams be received and laid upon the table.

The VICE PRESIDENT. The memorials will be received and laid upon the table, in the absence of objection.

Mr. MONEY presented the affidavit of Lewis P. McCord to accompany the bill (S. 4591) for the relief of the estate of John T. McCord, deceased; which was referred to the Committee on Claims.

Mr. STONE presented petitions of Word and Works Publishing Company, St. Louis; E. C. Brokmeyer, editor Missouri State Republican, St. Louis; Horse Show Monthly Publishing Company, St. Louis; M. V. Carroll, Sedalia; T. M. Horne, Blackwater; William H. Reed, editor Insurance Leader, St. Louis; I. L. Page, Bonneterre; Joe Burnett, New London; H. W. Belding, St. Louis; J. D. Greer, editor Herald, Laddonia; B. F. Luck, editor Herald, Jackson; A. C. Bledsoe, editor Truth, Harrisburg; H. A. Clay, editor Tribune, Ozark; Homer A. Brooklart, editor Advance, Collins; B. H. Cowgill, editor Sentinel, Lebanon; W. C. Price, editor Post, Princeton; C. M. Zeigle, editor Tribune, Bunceton; A. T. Burge, editor Record, Conway; O. A. Pelzer, editor Headlight, Ilmo; Charles Ray, editor Democrat, Cassville; H. H. Mitchell, editor Republican, Boonville; Walter L. Bales, editor Democrat, Odessa; W. R. Randolph, editor Qui Vive, Waverly; Howard A. Guss, editor Missouri School Journal, Jefferson City; W. M. Barnum, editor Barnum's Midland Farmer, St. Louis; Wigginton & Conger, editors Bulletin, Linneus; Epple L. Barber, editor Herald, Denver; J. S. Wood, editor Register, Elmo; S. B. Osborne, editor Press, Worthington; J. G. Coe, editor Jeffersonian, Higginsville; O. H. Scott, editor Record, Buffalo; J. L. McNabney, editor Republic, Southwest City, and W. W. Kearney, editor Independent, Lowry City, all in the State of Missouri, praying for the adoption of an amendment to the postal laws relating to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Council No. 26, United Commercial Travelers, of St. Louis, Mo., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry railroad employees of Sedalia, St. Louis, Kansas City, Trenton, Brookfield, and Moberly, all in the State of Missouri, and Indianapolis, Ind., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CLAPP presented memorials of sundry railroad employees of Montevideo, Melrose, Two Harbors, St. Paul, Minneapolis, Duluth, Wascca, Austin, and Breckenridge, all in the State of Minnesota, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

GRAIN INSPECTION.

Mr. CLAPP. I ask leave to file and to have printed in the RECORD a statement of the railroad and warehouse commission of Minnesota, in answer to the speech of the Senator from North Dakota [Mr. MCCUMBER].

The VICE PRESIDENT. Without objection, it is so ordered.

STATEMENT IN ANSWER TO THE CHARGES MADE BY SENATOR MCCUMBER, IN HIS SPEECH IN THE UNITED STATES SENATE, MAY 25, 1906.

There seem to be five distinct charges made by the Senator:

First. That the chief inspector is appointed in the interests of the elevators; that he appoints his deputies, and that appeals go from the deputies to the chief inspector, and are almost uniformly affirmed.

Second. That there is a large increase in the amount of grain shipped out to the amount weighed in. It is charged that in ten years the average was 26,000,000 bushels.

Third. That there was an excessive dockage.

Fourth. That a cargo of wheat known as "durum," "macaroni," or "rice" wheat was overgraded when it was shipped to a Mediterranean port. This charge is based upon a letter of H. T. Fowler, of the Alger-Fowler Company, of Superior, Wis.

Fifth. That a larger number of bushels of the higher grades is shipped out than is taken in.

The Senator is misinformed in regard to the manner of the appointment of the chief inspector and the machinery provided in this State for taking appeals.

The chief inspector is appointed by the railroad and warehouse commission, which, by law, has general supervision over the grain business in the State. He appoints his deputies with the approval of the commission. The grain-inspection force consists of a chief inspector, two chief deputy inspectors—one located at Minneapolis and the other at Duluth—and the business at these two terminal points is under the immediate control of the chief deputies located there, subject to the daily supervision of the chief inspector. There are two assistants, known as first and second assistants, at each point, and sufficient deputy and subdeputy inspectors at each terminal who, in the first instance, do the actual work of inspecting the grain.

Until within about a year ago the grain came into the railroad yards at Duluth, Superior, Wis., and Minneapolis. The deputy inspectors assigned to the different yards went to the cars, the helpers opened them, and the deputy inspectors made the inspection; this was done by the helper plunging each car a sufficient number of times, not less than three, with a sectional probe or trier, which brings to the surface a sample of the wheat from the top to the bottom of the car. These samples are all mixed together, and from the same thus obtained the grade is determined. The inspector is not informed from where the wheat comes, nor to whom it belongs, nor to what commission house it is shipped. The inspector has with him a sieve and testing kettle for the purpose of determining the weight of the wheat, and also to determine the amount of dockage, foul seed, etc., contained in the wheat. If in the judgment of the inspector the dockage is more than a pound and a half per bushel it is arrived at by careful test with scale and sieve.

Since the Wisconsin authorities have requested us to withdraw our inspection from Superior the inspection has been done at Cass Lake and Sandstone on the line of the Great Northern Railway; the samples have been gathered there by probing in the same manner as described heretofore, but have been sent to Duluth, and the inspection has actually been made by the inspectors at the office of the chief deputy inspector in Duluth.

The owner of the wheat always has a representative at the terminal point. Wheat is shipped to the terminal point either in care of the elevator owning it or to the commission merchant handling it, so the owner of all wheat has a representative to look after his interests. If the owner is not satisfied with the grade placed on the grain by the deputy inspector he is entitled to call for a reinspection; if the grade is sustained, he pays $1 per car; if changed in any way, either dockage or grade, there is no charge. If he is dissatisfied with the reinspection, he still can appeal to what is known as the "board of grain appeals." This board is appointed by the governor, and is composed of three members in Duluth and three members in Minneapolis, not more than two of whom can belong to the same political party, and is separate and distinct from the inspection department; neither the chief inspector nor the railroad and warehouse commission has anything to say about the personnel of this board. The first board was appointed by Governor Lind in 1899, the second by Governor Van Sant in 1901, and the third by Governor Johnson in 1905. The grain is carefully examined by them, and when necessary sifted and tested for dockage the same as by the inspector and reinspector, and the grade placed by the appeal board upon this grain is final. The charge for an appeal is $1.

The grain inspectors are promoted by the chief inspector from the subordinate position of helper, and a man generally works from three to five years in the position of helper, whose business it is to go with the inspectors, open the car door, do the plunging, thus getting familiar with the different grades and varieties of grain, and only receives his promotion after a careful and rigid examination.

Exhibit A is a statement showing the number of cars reinspected and appealed, and the results of such reinspection and appeal from September 1, 1899, to September 1, 1905. The total number of cars inspected was 1,563,294; cars reinspected, 176,892; cars changed on reinspection, 82,279; cars sustained on reinspection, 94,613; cars appealed, 52,490; cars changed on appeal, 16,262; cars sustained on appeal, 36,228.

The second charge seems to be the most serious one made by Senator MCCUMBER, and to support this statement he relies principally upon the decision rendered by Judge Sanborn of the United States district court of Wisconsin (western district), in which the judge finds that the evidence in the case showed this discrepancy. Since that time, however, the judge has modified his findings as follows:

"What has been said in this opinion respecting changes of weights, dockage, and arbitrary changes of grades is borne out by the record as presented on these motions, nor was there upon the argument any substantial denial of the facts charged. It should be stated, however, that the Minnesota Railroad and Warehouse Commission, under whose jurisdiction these frauds are alleged to exist, is not a party to these proceedings, and has no right to appear in any way. Some things have been brought to my attention since the motions were decided which lead me to think that on final hearing the facts may turn out to be different from what they appear to be as shown in the record, and particularly that the 26,000,000 bushels shrinkage in ten years may turn out to be an exaggeration, if not a mistake. In view of the importance of the interests involved, and the fact that the Minnesota commission has not been and can not be heard, I have appended this memorandum to the opinion.

"A. L. SANBORN, *Judge*.

"MAY 26, 1906."

The Senator also relies upon some statements of figures compiled by Mr. F. R. Crumpton, of Superior, Wis., which are claimed to have been taken from the official records of the Duluth Board of Trade and from the reports of the Minnesota Railroad and Warehouse Commission; and Mr. Crumpton is the only witness who testified to the fact that 26,000,000 bushels more had been shipped out than received in the action in which Judge Sanborn made his findings, and we submit herewith the affidavit of Mr. Crumpton, in which he states that he had made a mistake, and that the amount shipped out is substantially that that was taken in.

Exhibit B is a statement made from the reports of the weighmasters of Duluth and Superior from September 1, 1892, to August 31, 1902, inclusive, showing the amount of wheat weighed in to the elevators and mills, bushels weighed out of the elevators, the bushels weighed into the mills, and the bushels weighed into the Zenith elevator, which should be considered as shipments "out." There were shipped from the Zenith elevator 1,181,317 bushels, on which no different weight was taken, this elevator accepting the "in" weight from the parties to whom the wheat was sold. An examination of this statement will show that there was an equal amount of wheat shipped out and taken in.

The statement on which Mr. McCUMBER relied did not contain the amount of wheat received into the mills for the years ending 1893, 1894, and 1895, which was 30,686,632 bushels. Mr. Crumpton's affidavit fully explains this.

Exhibit C is a statement showing the average amount of dockage per bushel for each year from 1893 to 1902, inclusive, and shows an average dockage for the ten years of 19⅛ ounces to the bushel.

The Senator also stated that there was dockage on wheat received in and no dockage on the wheat shipped out. This is explained by the fact that the grain going out from Duluth in cargoes is all cleaned before it is shipped, and practically all the wheat that goes from that market goes in cargoes over the Lakes.

The charge of the overgrading of a cargo of durum wheat, made by Mr. H. T. Fowler: If this charge had been true, the Department would have heard of this overgrading at Buffalo, New York, or Montreal, whichever route the cargo took. The Commission have had some experience with Mr. H. T. Fowler, of Superior, Wis., who writes the letter making this charge.

All flax is inspected and the dockage determined by taking a sample from the cars to the office of the chief deputy inspector, which is done in the following manner:

The car is sampled by probe or trier passing through the seed at not less than seven points equally distributed through the car. At each point an equal quantity of seed is taken, aggregating 3 pounds, which is deemed an average sample of the carload. From this sample 1 pound of average seed is taken to be tested, and the impurity removed by sieves; the per cent of impurity and weight per measured bushel of the commercially pure seed determines the grade and dockage.

Reinspection and appeal is allowed from this the same as other grain.

When the sample has been taken from the car, for convenience it is hung on the door of the car, and subsequently, when the train of cars has been sampled, these samples are gathered up and taken to the office.

During December, 1903, the Department found that they were having complants in regard to excessive dockage on flax. An investigation was instituted, and it was found that this Mr. H. T. Fowler was tampering with these flax samples which had been hung on the car doors by taking some of the flax out of the bags and putting dirt and foul seed in the samples, and it was found that some of the samples with which Mr. Fowler had tampered showed an increase in the dockage of 100 per cent. After he had fixed the samples he would notify his commission man in Duluth of the numbers of the cars and request him to buy the flax, thereby practically obtaining a large amount of flax from each car.

The commission make this statement advisedly and are willing to stand by it in any forum where Mr. Fowler wishes to try it. We were advised by counsel in West Superior that for the offense committed we had no legal remedy, and we desire this statement to be made to the United States Senate for the purpose of showing to what length some people who are interested in discrediting the Minnesota inspection and weighing department will go and the character of witnesses they will employ.

We append copies of letters received from the chief deputy inspector at Duluth in regard to this matter. (Exhibits D and E.)

Regarding the fifth charge, wherein the Senator quotes from the report of the Hon. George A. Young and submits a table from the chief grain inspector's report showing receipts and shipments for the crop year ending August 31, 1901 (this table was incluaded in his speech of March 30, 1904), he says: "More than three times the amount of 'No. 1 hard' was shipped out than was taken in; also, it will be seen that of the higher grades the amounts shipped out always exceed by two or three times the amounts taken in."

In regard to these charges, will state the annual report of the chief grain inspector does not take into account the amount of grain on hand in the elevators at the beginning or ending of each season; they only show the actual amount handled for the crop year. In this particular case there was on hand September 1, 1900, over 7,000,000 bushels of wheat in the public and private elevators, and I refer you to Exhibit F for a detailed statement of the actual amount on hand, received, and shipped.

Regarding the changes of grades in and out of elevators: In addition to the thorough explanation made by Senator NELSON, we submit the following:

The intermingling or mixing of different grades of grain, resulting in the improving of low grades to a higher grade, is considered by all grain men and handlers as legitimate a business as the improving or mixing of any article in any other line of business.

The grading of grain is largely a matter of judgment, and no rules for this can be laid down that do not allow a certain range for every grade of grain. On this account there is a higher and lower level in every grade, and by mixing certain proportions of the choice qualities of, we will say, 1 and 2 northern in the proportion of the low grade used can be raised so as to make a mixture equal or better than the average run of the higher grade.

Wheat that is put in the 2 northern grade may have all the qualities of 1 northern but one. For instance, it may contain too much cockle, smut, foul seed, etc.; it may be bleached a little too much, or it may be too light in weight, but by mixing with it 1 northern of good color that contains no cockle or bleached kernels, and is very heavy, it brings it up to the average level of the upper grade. To accomplish these results it is necessary to have elevators equipped with special machinery for the handling and improving this class of wheat.

There are two classes of elevators at Minneapolis, Duluth, and Superior—the public and the private. The public elevator affords the shipper the privilege of storing his grain where different grades are not allowed to be mixed. This class of elevator is entirely under the control of the State grain department. The private elevator is not under the control of the State, except by courtesy. They may be classed as grain merchants. They buy all grain which they store from owners or their representatives, by sample or grade, selecting only such as they, in their judgment, think can be improved by handling and mixing—wheat that is graded "No grade" on account of being too wet to store, unless handled and dried, or wheat that is tainted with smut, exceedingly dirty, bin burnt, or musty. This class of grain is thought by many persons not conversant with the grain business to be no good, in fact, worthless, while as a matter of fact it may be, if dried and carefully handled by brushing, tanning, and cleaning, entitled to the highest grade.

Prior to the inception of the private elevators at Duluth, with the exception of a very small quantity which was bought at that time by one or two small local flouring mills, all wheat graded below 2 northern (and even that grade could only be sold in limited quantity), had to find a market elsewhere. Shippers were notified not to ship their low grades to Duluth, but to Minneapolis or some other market where it could be disposed of at better advantage on account of the private elevators. That the mixing of wheat does not injure the producer, but, as a matter of fact, is a benefit, is well known to all conversant with the grain business. It enables mixers to pay a premium above the price of the regular grade for the choice lots or cars of each grade.

Different grades of grain can not be mixed in public elevators, but the law does not prevent an owner of grain from mixing different grades or different qualities in his own elevator, where he is not storing and handling grain for the public; and such a law, in the opinion of this commission, would be unconstitutional.

Dated June 2, 1906.

RAILROAD AND WAREHOUSE COMMISSION OF THE STATE OF MINNESOTA,

By IRA B. MILLS, *Chairman.*

EXHIBIT A.

Statement showing the number of cars reinspected and appealed, and the results of such reinspection and appeal, from September 1, 1899, to September 1, 1905.

[Figures taken from the annual report of the chief inspector of grain of the State of Minnesota.]

Year ending Aug. 31—	Cars inspected.	Cars reinspected.	Cars changed on reinspection.	Cars sustained on reinspection.	Cars appealed.	Cars changed on appeal.	Cars sustained on appeal.
1900	200,949	26,711	11,226	15,485	3,818	1,675	2,143
1901	260,279	24,627	12,392	12,235	7,033	2,965	4,068
1902	261,642	34,230	13,566	20,654	10,817	3,235	7,582
1903	272,044	31,265	14,156	17,109	9,853	2,405	7,448
1904	274,450	29,122	14,145	14,977	10,040	2,772	7,268
1905	284,930	30,947	16,794	14,153	11,009	3,150	7,859
Total	1,563,294	176,892	82,279	94,613	52,490	16,262	36,228

EXHIBIT B.

Official statement of the chief inspector of grain for the State of Minnesota, showing the amount of "wheat" "weighed in" and "weighed out" of elevators and mills at Duluth and Superior from September 1, 1892, to August 31, 1902, inclusive.

Date, year ending August 31—	Bushels weighed into elevators and mills, part gross weight and part net weight.	Bushels weighed out of elevators, net weight, less dockage.	Bushels weighed into "mills" should be considered as an out-shipment.	Bushels weighed into Zenith elevator should be considered as an out-shipment.
1893	42,358,750	35,707,910	5,980,147	42,432
1894	36,851,443	24,416,401	11,266,544	9,046
1895	30,396,473	24,765,949	13,431,094	8,357
1896	67,442,181	52,564,438	14,878,520	145,541
1897	45,758,400	39,560,336	11,490,580	98,023
1898	47,750,338	35,002,596	9,684,782	218,572
1899	81,388,855	64,971,143	11,598,531	567,718
1900	54,665,444	46,316,796	2,553,004	295,189
1901	23,743,626	26,047,596	2,485,596	.....
1902	53,939,157	46,125,853	7,530,469	.....
Total	493,192,557	395,482,858	[a]90,730,457	[a]1,181,317

[a] These amounts are included in total receipts of 493,192,557 bushels.

RECAPITULATION.

	Bushels.
Total amount of wheat weighed into elevators and mills	493,192,557
Total amount of wheat weighed out of elevators	395,482,858
Total amount of wheat weighed into mills shipped out as flour and other products	90,730,457
Total amount of wheat shipped from Zenith elevator on which no "out weight" was taken, the Zenith elevator accepting the "in weight" from the parties to whom their wheat was sold	1,181,317
Dockage on account of dirt, foul seed, etc	4,111,749
Accounted for by direct transfer through shipping bins wherein the "in weight" was also taken as an "out weight"	1,686,196
	493,192,557

F. W. EVA,
Chief Inspector of Grain,
State of Minnesota.

ST. PAUL, MINN., *April 18, 1904.*

EXHIBIT C.

Statement showing the average amount of dockage per bushel for each year from 1893 to 1902, inclusive, September 1, 1892, to August 31, 1902.

[Compiled from the annual reports of chief inspector of grain of Minnesota.]

	Ounces.
1893	14½
1894	20½
1896	14¾
1896	15¼
1897	15
1898	* 28.6
1899	26.3
1900	19.7
1901	23.5
1902	19.8
Average dockage for ten years	19½

This is in answer to the claim that excessive dockage was taken.

EXHIBIT D.

STATE OF MINNESOTA,
OFFICE OF CHIEF DEPUTY INSPECTOR OF GRAIN,
Duluth, Minn., December 3, 1903.

Mr. F. W. EVA,
Chief Inspector of Grain, St. Paul, Minn.

DEAR SIR: We have had quite a number of complaints lately on our flax dockages, and on resamples have had to take as high as 4 per cent off of them. It has occurred on our best men and most careful samplers.

November 22 a resample was called on Great Northern car 33646 by Turle & Co., which originally graded 1 7-8 per cent, on resample was made 1 3-8 per cent. They claim that was the dockage advised.

I thought there was a leakage somewhere, and had Mr. Graves watch the men that were sampling. On investigation he found that Mr. Fowler, of the firm of Alger Fowler, of West Superior, who has been in the yard all fall looking at flax, was in the habit of going up the ladder and watching the men sample. It looked queer to him, so he had the men watch him very closely.

Yesterday he was seen tampering with a sample of Great Northern car 21552. Nothing was said, but after he left the yard a resample was taken and both brought to the office. The first sample tested 10 per cent; the second only 5 per cent. We found the car was consigned to Edwards-Wood & Co. We had them call a reinspection at Ross elevator, and the third sample tested 5 per cent.

I had Mr. Graves use extra precaution to-day. Knutson & Davis saw Fowler putting something into samples of 46206 and 21522. We had new samples taken, and there was a difference of 3 per cent on each car.

Fowler can only buy flax from McKindley & Nicholls, Turle & Co., and H. Poehler, of this side, and I understand he pays a half cent premium. The flax of these firms is all he looks at.

What would you advise? Shall I order him out of the yard, and notify these firms what he is doing, or can we have him arrested?

Hoping to hear from you soon,

Yours, truly, H. E. EMERSON, C. D. I.

EXHIBIT E.

STATE OF MINNESOTA,
OFFICE OF CHIEF DEPUTY INSPECTOR OF GRAIN,
Duluth, Minn., December 4, 1903.

Mr. F. W. EVA, *St. Paul, Minn.*

DEAR SIR: Mr. Staples came up this morning and I stated the Fowler case same as I wrote you last night. He feels the same as we do in prosecuting Fowler, but he says the commission have no jurisdiction and that the Duluth Board of Trade can do nothing in the matter, it having occurred in Wisconsin.

Mr. Ames, president of the board, came in while we were talking and wanted to know the facts of the Fowler case. We told him what we knew and also the evidence we had against Fowler. He called up John Murphy, attorney for the Great Northern Railway, and stated the evidence we had, and if we took affidavits of the men that had seen Fowler tampering with the samples, did he think there was a chance for criminal action? He told him to prepare them and have them ready for Monday morning. In the meantime he would look up the law on cases of that kind and he certainly would do all in his power to land Mr. Fowler where he belonged.

I have had all the boys that were concerned in this matter at the office this afternoon and have their statements. Shall go over them with Mr. Staples in the morning; will then have them typewritten and sworn to before a notary public.

It looks to me as though we had Mr. Fowler in just about the right place.

We had another experience with him to-day. Edwards-Wood had five cars of flax and he loaded four of them and one for McKindley & Nicholls; had two samples of them besides the one he fixed.

Have tried to keep this matter quiet, had cautioned the boys not to say anything, but the whole board of trade knew it this morning and also had a newspaper man up this afternoon. We held him down and there was nothing published to-night.

I heard the West Superior board were going to take the matter up, and if proven were going to expel him. Will keep you posted if anything new turns up.

Yours, truly, H. E. EMERSON.

CHANGING OF GRADES.

[Part of Mr. MCCUMBER'S speech in the Senate, March 30, 1904.]

In 1903 a committee of the North Dakota legislature, in conjunction with a committee from the Wisconsin legislature, sought by their combined efforts to find some source of relief. They were forced to fall back on Federal inspection and grain grading. This committee made a thorough investigation of the subject of wheat inspection and grading, and officials found conditions about as I have mentioned. I quote from the report of Hon. George M. Young, a member of this committee:

"That such abuses exist is a matter of almost universal knowledge among our farmers, who have been systematically robbed; but in addition to the facts presented by our farmers, and in corroboration thereof, I call to your attention the official report of the chief inspector of grain of the State of Minnesota, showing the total receipts and shipments of grain for the year ending August 31, 1901, from which I quote."

Now, from this table alone, and from the official report that is given by the inspector there will be seen the robbery that is going on in the present system of State grain grading at the terminal markets at Duluth, Superior, and Minneapolis.

"No. 1 hard: Receipts, 341,567 bushels; shipments, 1,000,438 bushels."

More than three times as much No. 1 hard was shipped out in those three years as was taken in.

"No. 1 northern [that is a very good grade of grain]: Receipts, 10,070,414 bushels; shipments, 16,900,917 bushels.

"No. 2 northern: Recipts, 7,341,594; shipments, 3,978,311.

"No. 3 spring: Receipts, 1,335,830; shipments, 444,041."

It will be seen that of the higher grades the amount shipped out always exceeds by two or three times the amount taken in, while of the lower grades the amount taken in exceeds from two to three times the amount shipped out.

I will make this table a part of my remarks without quoting further from it.

The table referred to is as follows:

No. 1 hard: Receipts, 341,567; shipments, 1,000,438.
No. 1 northern: Receipts, 10,070,414; shipments, 16,900,917.
No. 2 northern: Receipts, 7,341,594; shipments, 3,978,311.
No. 3 spring: Receipts, 1,335,830; shipments, 444,041.
Rejected: Receipts, 256,063; shipments, 134,471.
No grade: Receipts, 1,335,521; shipments, 344,823.
NOTE.—See attached copy, Exhibit F, for answer to this:
No. 1 hard on hand and receipts, 1,004,203 bushels.
No. 1 northern on hand and receipts, 15,356,760 bushels.

EXHIBIT F.

MINNESOTA GRAIN INSPECTION DEPARTMENT, *Duluth district.*

Statement of the amount of wheat, by grades, on hand at the beginning of the crop year, September 1, 1900; amount received and shipped during crop year of 1901; amount on hand at close of crop year, August 31, 1901; amount taken in at the mills, which was shipped out as flour and other products; amount of dockage for dirt, foul seed, etc.; amount of transfers wherein the "in weight" is also taken as an "out weight."

AMOUNT ON HAND SEPTEMBER 1, 1900, AND RECEIPTS FOR YEAR ENDING AUGUST 31, 1901.

Grade.	Bushels on hand Sept. 1, 1900, in public elevators.	Bushels on hand Sept. 1, 1900, in private elevators.	Bushels received from Sept. 1, 1900, to Aug. 31, 1901 (gross weight).	Total bushels.
1 hard	653,715	8,121	341,567	1,004,203
1 northern	4,781,683	504,663	10,070,414	15,356,760
2 northern	453,028	246,473	7,341,594	8,041,095
3 spring	54,327	.....	1,335,830	1,390,157
Rejected	44,297	.....	255,063	299,360
No grade	97,384	.....	1,335,521	1,432,905
Special bin	.....	88,180	.....	88,180
Winter	26,786	.....	1,799,986	1,826,772
Not inspected	.....	.....	4,327	4,327
Bonded	174,734	4,308	1,258,320	1,437,362
Total	6,285,954	852,545	23,743,622	30,882,121

AMOUNT ON HAND AUGUST 31, 1901, AND SHIPMENTS FOR YEAR ENDING AUGUST 31, 1901.

Grade.	Bushels weighed into mills Sept. 1, 1900, to Aug. 31, 1901.	Bushels on hand Aug. 31, 1901, in public elevators.	Bushels on hand Aug. 31, 1901, in private elevators.	Bushels shipped from Sept. 1, 1900, to Aug. 31, 1901 (net weight).	Total bushels.
1 hard	7,514	6,034	.....	1,000,438	1,013,986
1 northern	344,192	114,469	176,571	16,900,918	17,536,150
2 northern	1,511,930	302,148	431,118	3,978,311	6,223,507
3 spring	450,911	8,423	7,960	444,042	911,336
Rejected	39,348	775	867	134,471	175,461
No grade	29,563	5,213	4,015	344,824	383,615
Special bin	.....	.....	84,411	.....	84,411
Winter	108,880	4,202	7,436	1,653,026	1,773,544
Not inspected	.....	.....	.....	266,505	266,505
Bonded	.....	90,000	.....	1,304,971	1,394,971
Transfers	.....	.....	.....	.....	50,111
Dockages	.....	.....	.....	.....	250,822
Total	2,483,338	531,273	712,408	26,047,505	30,869,624

NOTE.—All the above figures were taken from the official records in the offices of the assistant registrar and State weighmaster of grain at Duluth, Minn., excepting the figures showing the amount of wheat on hand in the private elevators, which figures were obtained from the elevator companies.

STATE OF MINNESOTA, *County of St. Louis, ss:*

Frank R. Crumpton, being first duly sworn, deposes and says as follows:

That he is now, and has been for sixteen years last past, continuously

[*] Owing to the late spring frosts, the weeds got the start of wheat, resulting in a more than ordinarily foul crop, particularly in the central and northern sections. The net average dockage was between 9 and 10 ounces to the bushel in excess of the average of former years.

resident of the city of Superior, in the State of Wisconsin, and has been during all of said period engaged in the business of buying and selling grain.

That affiant is the same Frank R. Crumpton who was a witness in the case of Gregory, Cook & Co. *v.* Wisconsin Grain Commission, which was tried before Judge Parish, in Superior, Wis., on or about March 22, 1906, in which case affiant gave testimony under oath as to a computation made by affiant as to the amount of wheat received and shipped by the elevators located upon Duluth-Superior harbor during the ten years from September 1, 1892, to September 1, 1902, and from which computation it appeared that 26,014,000 bushels of wheat had been reported shipped and manufactured into flour, more than the amount reported as having been received by said elevators during the same period of time.

That affiant is the same Frank R. Crumpton who, at the sessions of the Wisconsin legislature in the winter of 1902 and 1903, used said computation in arguments and conversations with members of the Wisconsin legislature in support of a bill then pending in said legislature providing for the establishment of a Wisconsin grain inspection commission, and that, so far as affiant knows, affiant is the only person who has ever made or used or testified to such a shortage of grain, either before said legislature since the year 1902 or in any pending case in the State of Wisconsin.

That the computation originally made by affiant and used by him in testifying in the case aforesaid and with the members of said legislature is correctly shown by the tabulated statement, hereto attached, marked "Exhibit A," and made a part hereof.

That immediately after affiant gave his testimony in said case of Gregory, Cook & Co. *v.* Wisconsin Grain Commission on March 22, 1906, affiant's attention was called to certain errors and inaccuracies in his original computation, and thereupon affiant, before the close of said case, in open court, called the attention of the presiding judge to the fact that in some respects said computation was not correct.

That since said time affiant has examined into said matter more carefully and has made use of all available statistics and reports as to the amount of wheat received, shipped, and made into flour between September 1, 1892, and September 1, 1902, at the port of Duluth-Superior, and now knows that the original computation made by affiant, and hereto attached, marked "Exhibit A," was not a true or correct statement as to the facts in many respects, though at the time that affiant made said statements affiant believed them to be true.

That affiant now knows that in his original computation, marked "Exhibit A," hereto attached, affiant failed to take into account the following items relating to such receipts and shipments of grain, to wit: (1) A clerical error in the original computation increasing the apparent excess of shipments over receipts by 1,000,000 bushels; (2) the stock of wheat in store in elevators on September 1, 1892, amounting to 1,554,000 bushels; (3) the stock of wheat in store September 1, 1902, amounting to 360,000 bushels; (4) the amount of wheat received by elevators on Duluth Superior harbor, and subsequently shipped out by said elevators to flour mills located at Duluth and Superior, between September 1, 1892, and September 1, 1895, amounting to 30,686,000 bushels; (5) the amount of correction that should be made in the number of bushels of wheat used in the production of flour in said period of time on account of the use in said original statement "Exhibit A" of calendar years instead of crop years, amounting to 905,000 bushels; (6) the amount of allowance that should be made in said "Exhibit A," but not therein taken into account, for tare on account of dirt, foul seed, etc., on 224,216,000 bushels of wheat reported as having been received by the Minnesota State Weighing Department as gross bushels, amounting to 4,671,000 bushels; (7) the amount of allowance that should be made in said statement for transfers of grain between elevators of the same system.

That affiant has prepared a statement, which is hereto attached and marked "Exhibit B," which shows correctly in bushels, no account being made of fractions of a thousand bushels in the final computation, the allowance that should be made in said original statement—"Exhibit A"—on account of the various items hereinabove enumerated, which were not taken into account in said original statement "Exhibit A," and has tabulated said items in the form of a debit and credit statement for the purpose of striking a balance upon said statement as a supplement to the original statement "Exhibit A," hereto attached, and for the purpose of explaining the apparent discrepancy of about 26,000,000 bushels shown by said "Exhibit A."

That after a careful and painstaking examination, which affiant has made of said matter, affiant is now convinced that during the period from September 1, 1892, to September 1, 1902, there was no excess of shipments of grain from the elevators at the head of Lake Superior over receipts of grain by said elevators, including stocks in storage at the commencement and end of said period, as charged by affiant before said legislature and in the testimony in said case of Gregory, Cook & Co. *v.* Wisconsin Grain Commission and in private conversations and correspondence, and that in all such statements and correspondence affiant now finds that he was misinformed and makes this affidavit for the purpose of correcting such misstatements and of showing the true facts.

FRANK R. CRUMPTON.

Subscribed and sworn to before me this 29th day of May, A. D. 1906.
[SEAL.] D. W. STOCKING,
Notary Public, St. Louis County, Minn.

EXHIBIT A.—*Frank R. Crumpton's original statement.*

	Bushels received.	Bushels shipped.
1. Receipts as per State grain weighing department's figures from Sept. 1, 1892, to Sept. 1, 1902	463,506,000	
2. Shipped as per State grain weighing department's figures from Sept. 1, 1892, to Sept. 1, 1902		395,483,000
3. 20,967,650 barrels of flour manufactured from Jan. 1, 1893, to Jan. 1, 1903, as per figures of the Duluth Board of Trade, reduced to bushels by the multiple of 4.5		94,057,000
4. "Shipped and manufactured into flour more than reported as being received"	26,014,000	
Total	489,520,000	489,520,000

EXHIBIT B.—*Frank R. Crumpton's supplemental statement.*

	Bushels received.	Bushels shipped.
1. Exhibit A shows excess of shipments over receipts of		26,014,000
2. Exhibit A (1), original statement, contains clerical error in addition of		1,000,000
3. Exhibit A does not show stock in store of wheat on Sept. 1, 1892, of	1,554,000	
4. Exhibit A does not show stock of wheat in store on Sept. 1, 1902, of		360,000
5. Exhibit A (1) does not take into account the amount of wheat received by mills from Sept. 1, 1892, to Sept. 1, 1895, of	30,686,000	
6. Exhibit A (5) shows the flour production for the 10 calendar years ending Dec. 31, 1902. Should be for the 10 crop years ending Sept. 1, 1902, or a reduction in the production of 201,000 barrels, and using the multiple 4.5 equal to	905,000	
7. Exhibit A does not allow for any dockage or tare on account of dirt, foul seed, etc., on 224,000,000 bushels reported received by the State grain weighing department as gross bushels. Figured at an average tare or dockage of 1½ pounds per bushel this would amount to		4,671,000
8. Apparent excess of receipts over shipments of		1,082,000
Explained by the fact that on transfers between elevators of a system weighing in only has been charged during the last few years, and thus duplicating the receipts that amount.		
Total	33,145,000	33,145,000

I hereby certify that the foregoing statements and affidavit are true copies of the original on file in the office of secretary Duluth Board of Trade.

[SEAL.] H. B. MOORE, *Secretary.*

REPORTS OF COMMITTEES.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (S. 5951) to repeal section 3480 of the Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 747) granting an increase of pension to Oscar B. Morrison, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14345) granting an increase of pension to Peter Noblet;

A bill (H. R. 10965) granting an increase of pension to Mortimer F. Sperry;

A bill (H. R. 8903) granting an increase of pension to John W. Dawes;

A bill (H. R. 6510) granting an increase of pension to Richard A. Roberts;

A bill (H. R. 3369) granting an increase of pension to Albert Sriver;

A bill (H. R. 19068) granting an increase of pension to William Adams;

A bill (H. R. 19262) granting an increase of pension to John Wickline; and

A bill (H. R. 19365) granting an increase of pension to Almus Harrington.

Mr. TELLER, from the Committee on Indian Affairs, to whom was referred the bill (S. 6214) for the relief of Jarib L. Sanderson, reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, reported an amendment proposing to appropriate $200,000 for the construction of a steam revenue cutter to be stationed at Savannah, Ga., intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 3020) for the relief of John P. Hunter, reported it without amendment.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 17153) to amend section 558 of the Code of Law for the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3222) granting an increase of pension to George Merrill;

A bill (H. R. 6190) granting an increase of pension to John J. Schneller;

A bill (H. R. 6914) granting an increase of pension to John Hecker;

A bill (H. R. 7589) granting an increase of pension to Robert A. Scott;

A bill (H. R. 7508) granting an increase of pension to Benjamin F. Andrews;

A bill (H. R. 8140) granting a pension to Lucy A. Thomas;

A bill (H. R. 8552) granting an increase of pension to Elisha G. Horton;

A bill (H. R. 16857) granting an increase of pension to Jeremiah Y. Antrim;

A bill (H. R. 16807) granting an increase of pension to Isabella Ellis;

A bill (H. R. 13075) granting an increase of pension to Pardon B. Lamoreux;

A bill (H. R. 18165) granting an increase of pension to Jacob Stauff;

A bill (H. R. 18125) granting an increase of pension to Wilhelm Griese;

A bill (H. R. 17528) granting an increase of pension to Edgar Slater;

A bill (H. R. 1294) granting an increase of pension to George W. Van De Bogert;

A bill (H. R. 6900) granting an increase of pension to John Rawling; and

A bill (H. R. 19217) granting an increase of pension to William H. Burns.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 5787) for the relief of Lurana Harpole, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8934) granting an increase of pension to Wesley A. J. Mavity;

A bill (H. R. 1689) granting an increase of pension to William A. Ballor;

A bill (H. R. 3238) granting an increase of pension to Samuel Hershey;

A bill (H. R. 3724) granting an increase of pension to Samuel Likens;

A bill (H. R. 4885) granting an increase of pension to James Hennon; and

A bill (H. R. 4887) granting an increase of pension to John F. Brown.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17073) granting an increase of pension to Jacob H. Heck;

A bill (H. R. 17705) granting an increase of pension to John A. Lyons;

A bill (H. R. 18169) granting an increase of pension to Abraham E. Sheppard;

A bill (H. R. 18324) granting a pension to Charles H. Lunger;

A bill (H. R. 18782) granting a pension to James J. Christie;

A bill (H. R. 18829) granting an increase of pension to William Fox;

A bill (H. R. 18869) granting an increase of pension to Ellis L. Ayers;

A bill (H. R. 18888) granting an increase of pension to Samuel Lambert;

A bill (H. R. 18896) granting an increase of pension to Samuel Smith;

A bill (H. R. 18956) granting an increase of pension to Joseph Scattergood;

A bill (H. R. 19010) granting an increase of pension to Charles Edwards, alias St. Clair Acuff;

A bill (H. R. 19025) granting an increase of pension to Milton McFarland; and

A bill (H. R. 19051) granting an increase of pension to William C. Mankin.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13058) granting an increase of pension to Thomas J. Bamm;

A bill (H. R. 13631) granting an increase of pension to James H. Morrill;

A bill (H. R. 14558) granting an increase of pension to Martha L. Wood;

A bill (H. R. 15653) granting an increase of pension to Eliza J. Hudson;

A bill (H. R. 15674) granting an increase of pension to Susan Campbell;

A bill (H. R. 17901) granting an increase of pension to Douglas A. Hunt;

A bill (H. R. 19009) granting an increase of pension to Lafayette H. McClung; and

A bill (H. R. 19121) granting an increase of pension to Isaac Overton.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2385) for the payment of Robert D. Benedict for services rendered, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 9) to amend the Constitution of the United States to authorize uniform marriage and divorce laws and the enforcement thereof by adequate penalties, submitted an adverse report thereon; which was agreed to, and the joint resolution was postponed indefinitely.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 118) to amend sections 713 and 714 of an act to establish a code of law for the District of Columbia, approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 6338) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington," to report it without amendment, and I submit a report thereon.

Mr. RAYNER. I should like to ask for the immediate consideration of the bill. It merely enables the Episcopal Church of the District of Columbia to invest some of their funds in real estate.

The VICE-PRESIDENT. The Senator from Maryland asks unanimous consent for the present consideration of the bill. It will be read for the information of the Senate.

The Secretary read the bill.

Mr. BAILEY. Mr. President, perhaps I am not sufficiently familiar with the religious vernacular, but to incorporate a "convention" seems to me on its face a rather extraordinary proceeding. I take it for granted that "convention," as used in the bill, does not mean a convention in its ordinary sense. I would like to know of the Senator who has charge of the bill if the convention as described in the bill includes more than the relations of that church in the District of Columbia.

Mr. HALE. It is evident this bill will give rise to discussion, and I must ask that it go to the Calendar.

The VICE-PRESIDENT. Under objection, the bill will go to the Calendar.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred the following joint resolution and bills, reported them severally without amendment, and submitted reports thereon:

A joint resolution (H. J. Res. 158) amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes;

A bill (S. 6151) granting an increase of pension to Mark Ham;

A bill (S. 5637) granting an increase of pension to Margaret Himmel;

A bill (H. R. 16836) granting an increase of pension to David C. Winebrener;

A bill (H. R. 17102) granting a pension to Katherine Studdert;

A bill (H. R. 18235) granting a pension to Ida M. Warner;

A bill (H. R. 13998) granting an increase of pension to John C. Barnwell;

A bill (H. R. 15676) granting an increase of pension to Samuel B. Smith;

A bill (H. R. 18609) granting an increase of pension to Henry Delong;

A bill (H. R. 18725) granting a pension to Nancy V. J. Ferrell;

A bill (H. R. 18833) granting an increase of pension to Henry Horton;

A bill (H. R. 18876) granting an increase of pension to Lemuel Hand;

A bill (H. R. 19120) granting a pension to Eliza E. Whitley;

A bill (H. R. 19128) granting a pension to Alexander McAlister;

A bill (H. R. 19220) granting an increase of pension to Calvin Corsine;

A bill (H. R. 19272) granting an increase of pension to Alice Morrill; and

A bill (H. R. 19408) granting an increase of pension to Elisha Brown.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6205) granting a pension to Hansford G. Gilkeson;

A bill (S. 6197) granting an increase of pension to Charles E. Henry; and

A bill (S. 4991) granting a pension to Lycurgus D. Riggs.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2225) granting an increase of pension to Samuel White;

A bill (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh;

A bill (S. 6283) granting an increase of pension to Clara A. R. Devereux;

A bill (S. 6228) granting a pension to Betsey Hattery;

A bill (S. 2880) granting an increase of pension to James C. Coad;

A bill (S. 5994) granting an increase of pension to John Dickey; and

A bill (S. 5081) granting a pension to Lucy Florette Nichols.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, reported an amendment relative to the appointment of a special master to take testimony in the case of The United States *v.* George Edward Adams, and so forth, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. BURNHAM, from the Committee on Territories, to whom was referred the bill (S. 6358) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska, reported it without amendment.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 19364) granting an increase of pension to Anna Bing, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18523) granting an increase of pension to Hugh Reid;

A bill (H. R. 1326) granting an increase of pension to Ora P. Howland;

A bill (H. R. 2053) granting an increase of pension to Annie A. Townsend;

A bill (H. R. 2759) granting an increase of pension to Daniel Eaton;

A bill (H. R. 4647) granting an increase of pension to David C. Austin;

A bill (H. R. 6893) granting a pension to Augusta C. Reichburg;

A bill (H. R. 8291) granting an increase of pension to Daniel S. Chase;

A bill (H. R. 10280) granting an increase of pension to James Spencer;

A bill (H. R. 10282) granting an increase of pension to Emma E. Goodwin;

A bill (H. R. 11100) granting an increase of pension to John Browne;

A bill (H. R. 11422) granting an increase of pension to George B. True;

A bill (H. R. 13609) granting an increase of pension to Charles H. Guile;

A bill (H. R. 17809) granting a pension to William Barrett;

A bill (H. R. 18384) granting an increase of pension to James T. Young;

A bill (H. R. 19179) granting an increase of pension to Eliza A. Smith;

A bill (H. R. 19238) granting an increase of pension to Daniel S. Conover;

A bill (H. R. 19249) granting an increase of pension to Lorano W. Shedd;

A bill (H. R. 19301) granting an increase of pension to Caroline L. Hodgdon; and

A bill (H. R. 19457) granting an increase of pension to Charles H. Prince.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 651) granting an increase of pension to Robert Brandau, alias Brandon;

A bill (H. R. 4397) granting an increase of pension to John M. Byers;

A bill (H. R. 6336) granting a pension to Elizabeth A. Ames;

A bill (H. R. 6421) granting an increase of pension to Reuben Van Buskirk;

A bill (H. R. 6423) granting an increase of pension to Levi A. Canfield;

A bill (H. R. 13466) granting an increase of pension to Albert H. Bradish; and

A bill (H. R. 13652) granting an increase of pension to William O. Tobey.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18360) granting an increase of pension to Fanny G. Pomeroy;

A bill (H. R. 7763) granting a pension to James S. King;

A bill (S. 8920) granting an increase of pension to Andrew J. Lane;

A bill (H. R. 18631) granting an increase of pension to Daniel Whalen;

A bill (H. R. 10356) granting an increase of pension to Martin B. Doty;

A bill (H. R. 10902) granting an increase of pension to James Holderby;

A bill (H. R. 13949) granting an increase of pension to Mary A. Duryea;

A bill (H. R. 14323) granting an increase of pension to Thomas Thornton; and

A bill (H. R. 14798) granting a pension to Lucinda Brady.

Mr. CLAPP, from the Committee on Claims, to whom was referred the amendment submitted by Mr. NELSON on February 6, 1906, relative to the claim of the State of Minnesota for interest paid on $100,000 of bonds issued by said State in 1862, etc., intended to be proposed to the general deficiency bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

POLLARD & WALLACE.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (S. 6299) for the relief of Pollard & Wallace, to report it favorably without amendment.

Mr. CULLOM. I should like very much to have the bill considered at this time. It is a brief bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the firm of Pollard & Wallace, of Champaign, Ill., $6,000, being the value of the plant leased by them to the Government and used by the War Department in the construction of a lock and dam and construction work in the Osage River, near Osage City, Mo., and still retained by the War Department for use in conjunction with the work on the dam, but rendered useless to Pollard & Wallace by reason of the failure of the War Department to complete the work by lack of proper appropriation therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF COPYRIGHT ACTS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. KITTREDGE on the 2d instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and are hereby, authorized and directed to investigate in conjunction with the Committee on Patents of the House of Representatives, all matters pertaining to the copyright laws, to send for persons and papers, and to administer oaths, and to employ a stenographer to report such hearings; and that the committee is authorized to sit during the sessions or recess of the Senate, and to have such hearings printed, and that all expenses of the investigation be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. SPOONER introduced a bill (S. 6362) to approve, ratify, and confirm tariff duties levied and collected at all ports and places in the Philippine Islands between July 12, 1898, and March 8, 1902, and for other purposes; which was read twice by its title.

Mr. SPOONER. Ordinarily the bill should go to the Committee on the Philippines; but it involves a question of law, and I think it should go to the Committee on the Judiciary.

Mr. LODGE. The bill strictly should go to the Committee on

the Philippines. It relates to a question which has grown out of the bill reported from that committee; but it involves wholly a legal question, and I think it will expedite the legislation to send it to the Committee on the Judiciary.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (S. 6363) to provide for the purchase and distribution of a digest of reports of the Supreme Court of the United States; and

A bill (S. 6364) to incorporate the National Child Labor Committee.

Mr. SPOONER introduced a bill (S. 6365) granting a pension to Edward S. Bragg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6366) granting an increase of pension to James A. Viall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 6367) granting an increase of pension to Joseph Johnston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6368) granting an increase of pension to Sherrad Hamilton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 6369) granting an increase of pension to Cornelius D. McCombs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 6370) for the relief of James H. Shannon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 6371) for the relief of the legal representatives of Benjamin Hamilton, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DILLINGHAM (for Mr. PROCTOR) introduced a bill (S. 6372) granting an increase of pension to Marvin Osgood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 6373) for the relief of the Methodist Episcopal Church South, of Ringgold, Ga.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 6374) granting an increase of pension to Collins Van Cleve; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 6375) granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 6376) providing for the temporary maintenance of the Long Bridge over the Potomac River, and for other purposes, which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. ELKINS introduced a bill (S. 6377) granting an increase of pension to Samuel S. Price; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6378) granting an increase of pension to Thomas J. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 6379) for the relief of George Schlindwein; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 6380) granting a pension to Josiah B. Kinsman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 6381) granting an increase of pension to John McDonough; which was read twice by its title, and referred to the Committee on Pensions.

WEIGHING, INSPECTION, ETC., OF GRAIN.

Mr. McCUMBER. Mr. President, there were some remarks made a few days ago, when the agricultural appropriation bill was before the Senate, concerning the method of handling, dealing with, inspecting, and grading of grain at the terminals of Duluth, Superior, and Minneapolis. Some exception was taken by the Minnesota grain and warehouse commission, as I believe it is called, to the deductions which were made from my remarks and also from the opinion of Judge Sanborn, and that commission indicated a desire to have an investigation of the matter. For that purpose, I introduce the joint resolution which I send to the desk, and I ask that it may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

Mr. NELSON. I should like to have the joint resolution read at length.

The joint resolution (S. R. 64) directing the Secretary of Commerce and Labor to investigate the matter of grain weighing, inspecting, grading, dockage, and mixing of grain at certain cities, and for other purposes, was read the first time by its title and the second time at length, as follows:

Be it resolved, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and instructed to examine into and fully investigate the matter of weighing, inspecting, grading, dockage, and mixing of wheat, flax, barley, oats, corn, rye, and other cereals, and all matters pertaining to the buying, selling, handling, and exporting of same at the cities of Minneapolis, Duluth, Superior, Buffalo, New York, and such other places as may be necessary, for the purpose of ascertaining what, if any, irregularities, injustices, or defects exist or result, or have heretofore existed or resulted, to the producer of such cereals or other persons dealing in the same, from the system employed at such places, in such weighing, inspecting, grading, dockage, or mixing, or any other matter pertaining to the buying, selling, handling, transporting, or exporting such cereals; also the effect of such system upon our commerce in grains, both domestic and foreign, and report the result of such investigation, together with recommendations, to Congress on or before December 15, 1906. Such investigation shall cover a period of at least ten years previous to the enactment of this resolution.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ELKINS submitted an amendment proposing to appropriate $100,000 for the purchase of a site and the erection of a building thereon in the District of Columbia, to be used by the Forest Service of the Department of Agriculture as a laboratory for experiments in the seasoning and preservative treatment of construction and other timbers, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $2,400 to enable the Secretary of the Treasury to pay Joseph Williams for stores and supplies furnished to the United States military at Fredericksburg, Va., etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment proposing to appropriate $2,000 to pay Henry W. Lee, out of the funds of the Winnebago Indians of Wisconsin, the amount found due him by the Court of Claims for services rendered these Indians, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CRANE submitted an amendment proposing to appropriate $175,000 for the construction of an able seagoing tug for the Revenue-Cutter Service, at New Bedford, Mass., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

ELEVATOR, GRAIN BUYING, AND FORWARDING BUSINESS.

Mr. LA FOLLETTE. I submit a concurrent resolution, which I ask may be read.

The VICE-PRESIDENT. The concurrent resolution submitted by the Senator from Wisconsin will be read.

The Secretary read the concurrent resolution, as follows:

Whereas certain corporations and individuals engaged in the buying, storing, forwarding, and selling of grain receive from the railroad companies over the lines of which they operate special privileges in the form of rebates, discrimination in the matter of furnishing cars, side track and elevator privileges; and

Whereas it appears that the directors of some of the grain-carrying roads are also heavily interested in the elevator companies which enjoy these special privileges; and

Whereas the granting of these special privileges has resulted in a monopolization of this business and in forcing independent dealers out of business, and in forcing the farmers to sell grain at less than a fair price: Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President request the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of this country, to determine to what extent these special favors have been granted, the influence which the monopolizing of this branch of business has had upon the market, the injury it has worked to the grain producers, the extent to which the railroads, their officers, directors, stockholders, and employees own or control the grain buying and grain forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured their holdings in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session; and, be it further

Resolved, That for the purpose of conducting this investigation, the Interstate Commerce Commission is empowered to summon witnesses, administer oaths, and compel the production of all books, papers, contracts, and such other documents or memoranda which it deems necessary to the making of a full and complete investigation. There is hereby appropriated the sum of $25,000, or so much thereof as may be necessary, to defray the expense of such investigation.

Mr. LA FOLLETTE. I ask to have the resolution lie upon the table, and I give notice that at the earliest possible time I shall call it up, at which time I shall submit some remarks upon it and some communications which I have received with respect to the subject.

The VICE-PRESIDENT. The concurrent resolution will be printed and lie upon the table.

D. RODNEY BROWNE.

On motion of Mr. FLINT, it was

Ordered, That on the application of D. Rodney Browne he is authorized to withdraw from the files of the Senate all papers accompanying Senate bill No. 5131, Fifty-eighth Congress, second session, entitled "A bill granting an increase of pension to D. Rodney Browne," there having been no adverse report thereon.

THOMAS GARRETT.

On motion of Mr. MCCUMBER, it was

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 18236) granting an increase of pension to Thomas Garrett, the beneficiary named in the bill having died.

PILGRIMS' MONUMENT AT PROVINCETOWN, MASS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4370) to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the Mayflower compact, which were, on page 1, line 5, to strike out "as a part contribution toward the erection of" and insert "to aid in erecting;" on page 2, line 8, after "Association," to insert:

And provided further, That the responsibility for the care and keeping of said monument shall be and remain with the Cape Cod Pilgrims' Memorial Association, it being expressly understood that the United States shall have no responsibility therefor.

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PRINCETON BATTLE MONUMENT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 333) in regard to a monumental column to commemorate the battle of Princeton and appropriating $30,000 therefor, which was, in line 15, after "war," to insert:

And provided further, That the responsibility for the care and keeping of said monument and grounds shall be and remain with the Princeton Battle Monument Association, it being expressly understood that the United States shall have no responsibility therefor.

Mr. KEAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

WEIGHING OF THE MAILS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 54) authorizing a change in the weighing of the mails in the fourth section, which was, in line 4, to strike out all after "six" down to and including "six," in line 8, and to insert "the Postmaster-General is hereby authorized and directed to use the average daily weight of mails ascertained during the successive working days from February 20 to April 17, 1906, both inclusive."

Mr. DOLLIVER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolutions were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.; and

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes.

H. R. 17335. An act creating a United States district court for China and prescribing the jurisdiction thereof; was read twice by its title, and referred to the Committee on Foreign Relations.

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces; was read twice by its title, and referred to the Committee on the Library.

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement; was read twice by its title, and referred to the Committee on Indian Affairs.

AGRICULTURAL LANDS IN FOREST RESERVES.

Mr. CARTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment with an amendment as follows, so as to read in lieu of the Senate amendment and in lieu of the words stricken out, "except the following counties in the State of California: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego;" and the House agree to the same.

THOS. H. CARTER,
FRANK P. FLINT,
FRED T. DUBOIS,
Managers on the part of the Senate.

JOHN F. LACEY,
S. C. SMITH,
JOHN L. BURNETT,
Managers on the part of the House.

The report was agreed to.

STATEHOOD BILL.

Mr. DILLINGHAM. Mr. President, at the request of the Senator from Indiana [Mr. BEVERIDGE], who is detained from the Chamber this morning by illness, I ask that the statehood bill, so called, may be printed showing the changes made by the conference committee, and I ask that the report may be also printed as a Senate document, the present supply having been exhausted.

Mr. FORAKER. Mr. President, I should like to make an inquiry of the Senator from Vermont as to when it will suit the convenience of the Senators having the conference report on the statehood bill in charge to call it up for consideration?

Mr. HALE. Mr. President, my attention was diverted for a moment, and I did not hear the Senator's inquiry.

Mr. FORAKER. The Senator from Vermont [Mr. DILLINGHAM] made a request in connection with the printing of the conference report on the statehood bill. I simply inquired when it would suit the convenience of those having the statehood bill in charge to call it up for consideration.

Mr. HALE. The Senator was not asking me?

Mr. FORAKER. No; I was asking the Senator from Vermont [Mr. DILLINGHAM].

Mr. DILLINGHAM. I suppose the report can be taken up at any time, but, of course, I would prefer that it should not be taken up until the chairman of the committee, the Senator from Indiana [Mr. BEVERIDGE], who has the matter more especially in charge, can be present. He was confined to his room yesterday, and informed me this morning that he was unable to go out. I do not understand that his illness is at all serious, and I expect him here at almost any time.

Mr. FORAKER. I will say to the Senator from Vermont that there are some Senators who want to be present when that matter is disposed of who desire to leave the city for a day or two, and I should like to have it disposed of at the earliest date. While I do not want to be unreasonable, I shall feel it my duty not to allow the conference report to lie indefinitely on the table.

Mr. DILLINGHAM. I do not believe there is any disposition to delay the matter.

Mr. FORAKER. No, I am sure there is not; but I want to say to the Senator that it will be very inconvenient to some of us if we can not have the report taken up and disposed of at an early day.

Mr. SPOONER. And the Senator from Ohio might add "or to have it taken up inopportunely."

The VICE-PRESIDENT. The Senator from Vermont asks that the statehood bill may be printed with the amendments agreed to by the conference committee indicated in the bill, and that the report also be printed. In the absence of objection, that order will be made.

REGULATION OF RAILROAD RATES.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Are there further bills or joint resolutions?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. The Senator from Maine.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The VICE-PRESIDENT. The morning business is not yet closed. Does the Senator from Maine insist upon his motion?

Mr. HALE. I think, Mr. President, it is important that the naval appropriation bill should be considered, and practically all the morning business has been disposed of——

Mr. TILLMAN. Mr. President, I have the floor. I yielded to the Senator from Maine, and the Chair had not announced that the morning business was ended. I am very anxious to get the conference report on the rate bill in such shape that the conferees can go to work on it again. I do not think it will lead to any discussion; at least I hope it will not; and if the Senator from Maine will kindly give way, or consent that this matter shall be first taken up, I will be obliged to him. He gave notice that he wanted to get the naval appropriation bill up after the morning hour, and it is nearly three-quarters of an hour yet before 2 o'clock.

Mr. ELKINS (to Mr. HALE). I hope the Senator from Maine will yield to the Senator from South Carolina.

Mr. HALE. Well, Mr. President, I do not think that I am assuming too much when I say that the Senate evidently intends to send that report back to the conference committee.

Mr. TILLMAN. We expect that, Mr. President.

Mr. HALE. I think the Senator expects that. He has been here long and discerns the signs of the times. Now, I have no objection, if it can be understood by the Senate that when the report is sent back to the conference committee it shall be dispossessed of all items that involve new legislation, unconsidered and not adopted by either House—that is, that all new matter shall be struck from the bill——

Mr. TILLMAN. Will the Senator yield to me for a moment?

Mr. HALE. Let me complete my remarks.

Mr. TILLMAN. I was going to ask the Senator is he not assuming a good deal, if he will permit me to say so, when he undertakes to indicate the line of work that the conferees shall follow, when it is contrary to the rules for the Senate to instruct conferees? I think the conferees can be trusted to examine for themselves what are the rights of the Senate, as well as what are their powers and duties, and that they can also be trusted to perform those in good faith; and I object, and shall continue to object, to have the Senator from Maine undertake to indicate what he feels and intends that we shall do. I want the Senate to say that.

Mr. HALE. I have not indicated a single proposition which the committee of conference has injected into this report. The Senate, I say again, very evidently means that the report shall go back. Now, it can go back after spending a day here in debating and delaying appropriation bills. I do not pretend to say what the amendments are; the conferees know well enough what they have put in that is new matter. If the time of the taking effect of the legislation should not be for sixty days, in order that the machinery might be set going, that can be effected by a joint resolution providing for it that will go through the Senate and the House in three minutes. It is not necessary for the conferees to assume to put such a provision into the bill. Time and again since I have been a member of the Senate a measure has been put into operation or postponed by a joint resolution.

Now, what I want is to do business. It is my desire that the Senate shall proceed to the consideration of the appropriation bill, but if the Senator gets up his conference report it may give rise to discussion here which will occupy the whole day.

Mr. TILLMAN. It has to be discussed some day, and I do not see the difference between discussing it to-day and to-morrow. The conference report may give rise to debate, but I do not think the Senator from Maine is justified in assuming that the Senate is going to do one thing or the other, and to instruct the conferees——

Mr. HALE. I do not propose to instruct the conferees.

Mr. TILLMAN. I contend that I have the floor, and I am appealing to the Senate to take up the report. If the Senate wants to take up the naval bill, I will bow, of course, to the will of the Senate.

Mr. HALE. I have no more interest in getting the business of the Senate done than any other Senator here. I said this morning that I thought it was good business to take up the appropriation bills and pass them. The consideration of the conference report can be proceeded with at any time. If the Senate wants to take it up this morning, I will withdraw my motion, and the Senator can move to proceed to the consideration of it.

Mr. TILLMAN. That is all I ask. If the Senate prefers to take up the naval appropriation bill, I certainly shall consent, and have no objection at all.

Mr. LODGE. Mr. President——

Mr. TILLMAN. Let me make the motion, and then——

Mr. LODGE. The motion is not debatable.

Mr. TILLMAN. There is a way to get the report back to the conferees. I would have asked to withdraw it but for the fact that the conferees can not get the report back except by unanimous consent. I move that the Senate proceed to the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The Senator from South Carolina moves that the Senate proceed to the consideration of the conference report on the bill which will be stated by title.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The motion was agreed to.

PROPOSED ISLE OF PINES INVESTIGATION.

Mr. MORGAN. I ask that Senate resolution No. 103 may go over until to-morrow, with the privileges that now belong to it.

The VICE-PRESIDENT. Without objection, it is so ordered.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TILLMAN. I think it is due the conferees and due the Senate that the conferees should make an explanation.

Mr. HALE. If I had known that this matter was to be debated, I would not have withdrawn my motion.

Mr. TILLMAN. It will not take three minutes.

Mr. FORAKER. It will take three minutes, and more than that. I want to make some remarks on this report before it is disposed of. I think we ought to express ourselves as to some of the changes made in the report, in order that the conferees may have the benefit of our views.

Mr. HALE. I wish to make a motion, Mr. President.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. I do.

Mr. LODGE. Mr. President——

Mr. HALE. I move that the Senate proceed to the consideration of——

Mr. TILLMAN. Mr. President, I am in possession of the floor.

The VICE-PRESIDENT. The Chair asked the Senator from South Carolina if he would yield to the Senator from Maine, and he yielded.

Mr. TILLMAN. Not for the purpose of making a motion.

Mr. HALE. I can move at any time that the Senate proceed to the consideration of a bill. Evidently this matter is going to lead to debate, and I object to that.

Mr. BAILEY. The Senator from Maine, as he says, can make a motion to take up a bill, provided he has the floor. But he can not take a Senator off the floor when he is in charge of a bill.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I should like to make my explanation first. However, I yield to the Senator from Massachusetts.

Mr. LODGE. The idea that we can discuss and dispose of this matter in three minutes had better be given up. There is a mass of new matter in the conference report to which attention has been called.

Mr. HALE. I simply wish to give notice that when the Senator from South Carolina has finished his remarks, if the Chair will recognize me, I will move to proceed to the consideration of the naval bill.

Mr. TILLMAN. I hope the Senator will not do that, and that we may proceed with the report until 2 o'clock.

Mr. HALE. I expected to get the bill up an hour ago.

Mr. TILLMAN. I want to make an explanation, and then the Senate will do as it pleases, of course.

Mr. President, as a Senator who has been burned, so to speak, by the action of conferees exceeding their powers and authority, mention of which has been made several times by me in this body, I would be the last man to go beyond the rule that I have sought to have others obey—not to inject new matter or to exceed the powers of a conference committee. The words which have been put into this bill by the conference committee which are new, and in inserting which we knew we exceeded our authority and for which we expect to take the responsibility, are few, and as to them we throw ourselves on the good nature and mercy of the Senate. In our desire to make the bill workable, and in order to make it clearly understood and to make it a matter that would not be subject to litigation, we did undertake to put in, in three or four places, words where we had no authority to put them in.

If Senators will kindly follow me, each Senator can learn what we have done and what we had no rightful power to do. On the top of page 12 of the last print—June 2—the words "transportation or facilities" were inserted after the word "traffic" at the end of the preceding line. It is not necessary to state the reason why those words were put in, but it seemed to us that it was necessary to clarify the matter with respect to contracts, agreements, or arrangements which are to be filed with the Commission. If the point of order is made against those words in the Senate, or whether or not it is, I think the conferees will take them out. I for one will vote to take them out. We had no right to put them in.

Page 21, line 9: The words "or transportation" are inserted where we had no authority or right to put them in. The reason why we put those words in will be found in line 17, where we inserted the words "rates or." This was all one sentence, and it related to a general and specific subject, and the word "rates" being in the first place and the word "transportation" being in the second place, the conferees thought it best to make it uniform, so that the two allusions should be to the same subject. As I said a while ago, knowing we had no right to put them in, but endeavoring to make the bill workable, we put them in, and we take the responsibility. There can be no pretense of any deception, and if the Senate wants to take them out, I shall be glad to have them taken out.

That makes three words that have gone in. On page 40——

Mr. BACON. Will the Senator from South Carolina permit me to ask him a question?

Mr. TILLMAN. With pleasure.

Mr. BACON. I understand that the matter on page 21 is as the bill came from the House and was in nowise amended by the Senate.

Mr. TILLMAN. The Senator is not correct. The words printed in capitals in lines 9 and 10 are new matter, inserted by the conferees and agreed to by neither House. The words "in its judgment" and "and fairly remunerative" were stricken out by the Senate, and the conferees have agreed to leave them out.

Mr. BACON. The words inserted by the conferees are inserted in a clause that was not amended by the Senate.

Mr. TILLMAN. That is it. That is a question for the parliamentarians to determine.

The next amendment, which we knew we had no authority to put in, or at least as to which we were doubtful of our authority, is on page 40. We there inserted the words:

Said Commission shall appoint a secretary, who shall receive $5,000 compensation annually, and an assistant secretary, who shall receive $4,000 compensation annually.

I have consulted the clerk of the Appropriations Committee, who has had a good deal to do with making up conference reports and with the compilation of all the rules that we have got on that subject—in other words, the manual reported May 15, 1902, by Mr. ALLISON, from the Committee on Appropriations, and prepared by Mr. Cleaves. I asked Mr. Cleaves whether or not the amendment on page 40, the words I have just referred to, was amenable to the point of order. He said frankly, "I do not know." But the reason for putting those words in was this: Section 24, the whole section, relating to the composition and salary of the Commission, was stricken out by the Senate. In it the number of the Commissioners was seven and the salary was $10,000, an increase of two Commissioners over the number agreed to by the Senate and an increase in salary of $2,500 each. The House conferees demanded that we should restore this provision—they did not demand anything; they requested. The conference was pleasant and agreeable, and everybody labored earnestly to get the best possible bill out of the conflicting opinions of the two Houses. But, anyhow, the House requested and urged the Senate conferees to reinsert the section. Taking into consideration the fact that the change involved in this law will vastly increase the work of the Commission and that the dignity and power of the Commissioners are recognized by an increase of salary, the Senate conferees felt that the responsibility of this additional labor at least warranted an increase in salary in this direction. Appreciating the fact that the secretary would be the responsible officer necessarily charged with a great many duties that the Commissioners would not be able to see after, we felt that if $10,000 was a proper salary for a Commissioner, it was almost necessary that there should be an increase in the salary of the secretary.

Mr. HALE. Will the Senator allow me?

Mr. TILLMAN. Let me get through.

I will say right now that while I have noted that a good deal of the personal equation enters into this question, and that there is some opposition, my view of a legislator's duty is not that he is to consider men, but measures, and to make a symmetrical and workable and properly adjusted law, and therefore we felt that we had the right to insert this clause. Therefore the Senate conferees agreed to the suggestion for an increase in the salary of the secretary, and for the appointment of an assistant secretary.

Mr. HALE. I think there is where the conference committee has gone beyond its power. When you come to the Commissioners, the matter was fairly in issue between the two Houses on the compensation of the Commissioners and the additional number. The House put in two more Commissioners and increased the salary. The Senate struck it out, and left only five Commissioners at the old salary. But as to the secretary, neither House had increased the salary. The Senate declined to increase it.

Mr. TILLMAN. The Senate also declined to increase the number or the compensation of the Commissioners.

Mr. HALE. Then the committee has created a new office absolutely. The Senator of course understands——

Mr. TILLMAN. I want to call the Senator's attention and the attention of other Senators to the fact that the rules as to conference reports, as I have studied them—and I have done a little of it—are very lax.

Mr. HALE. They ought not to be.

Mr. TILLMAN. I do not know what the other conferees will do. I know what I shall do in regard to this proposition.

That leaves only one question in which we clearly exceeded our power. That was on page 41, section 11, No. 51, where without authority or power we inserted the words "sixty days." We did it on the theory that it was utterly impossible for this bill to go into effect immediately without creating an immense amount of friction and disturbance in the working of the machinery of the railroads. All the railroads will have to prepare and publish their rates. It was impossible that this law should go into effect immediately. It would have been better, probably, to have called this an oversight, and to have passed a joint resolution, and probably it would have been better to have done the same thing with regard to other new matter which we injected. We intended at no time to do other than to explain and to throw ourselves upon the mercy of our colleagues and say, "Gentlemen, we have done what we think is proper and wise under the circumstances. If you want to stick by the letter of the rules, of course we will obey your orders."

With this explanation I feel that everything in this bill that is subject to a point of order has been mentioned. There may be a difference of opinion in regard to two or three other matters, but I hope that the motion to disagree to the conference report will now be agreed to, and let the matter go back. Yet I am ready to discuss any question that Senators wish to discuss.

Mr. FORAKER. I call the attention of the Senator from South Carolina to the fact that there appears to be new matter on page 7. I did not hear the Senator address himself to that. I should like to have an explanation as to why that was inserted by the conferees, especially in view of the fact that it was considered in the committee and was offered in the Senate and was voted down.

Mr. TILLMAN. I will make such explanation as I myself have. The matter printed in italics is a Senate amendment, and the words in capitals are the words proposed by the House conferees to the Senate amendment. A point of order can not be made, because they are clearly a legitimate part of this provision. My attention and that of the country has been called to the fact that some of the trunk lines in the United States, through lines, engaged in interstate commerce, have denied in an infamous and tyrannical spirit of forgetfulness of the rights of

citizens, the privilege of physical connection between their own lines and lines that sought to connect with them. The case of the Red Rock Fuel Company, in West Virginia, has been notably cited in this connection.

Mr. FORAKER. The Senator certainly knows that I do not want, under the circumstances, to enter into a discussion of the merits of this proposition. I understood the Senator to say that he had commented on all the new matter in the bill.

Mr. TILLMAN. All the new matter subject to a point of order.

Mr. FORAKER. I understand that that is entirely new matter. It was something that was not in the bill. The Senator from West Virginia offered it as an amendment, in order that he might get it into the bill. We voted that it should not go into the bill. I am not speaking of the merits of it. When it comes to that, I shall take more time than I now propose to consume. But inasmuch as the Senator said that he had commented on all the new matter in the bill, I wanted to call attention to this, which I think is the first important new matter put into the bill, and just as important as anything put in the bill.

Mr. TILLMAN. There is new matter relating to passes. It is entirely different from anything the Senate conceived.

Mr. FORAKER. The Senate adopted a provision in relation to passes, prohibiting them with certain exceptions. The conferees do away with the exceptions. That I understand to be the function of conferees. There is nothing new about that. They had a right to do that. I shall discuss that later on. I do not want to occupy more than two or three minutes of time.

Mr. TILLMAN. I have no objection to the conference report being disagreed to in order to get it back, but if Senators want to debate it——

Mr. FORAKER. I want the conferees to have the benefit of my views, if they wish them.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Maine?

Mr. FORAKER. I yield.

Mr. HALE. I have given notice that I shall call up the appropriation bill. At the termination of the Senator's remarks I shall make the motion.

Mr. FORAKER. I understood that the Senator from Maine wanted to proceed with the appropriation bill, and as I did not rise to discuss the merits of this report, but only to call the attention of the Senator from South Carolina to the fact that he omitted to mention one provision which I think was new matter, I only wanted to call attention to it so that we might not appear to be acquiescing in his statement that he had discussed all the new matter there was. At another time, if it be not convenient at this time to do it, I want to say something, not very much.

The VICE-PRESIDENT. The Chair recognizes the Senator from Maine.

Mr. HALE. I move——

Mr. ELKINS. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from West Virginia will state his parliamentary inquiry.

Mr. ELKINS. I understand the Senator from Maine has not the right to intervene with a motion when a motion is pending to disagree to the conference report. There is a motion pending before the motion of the Senator from Maine, and I think the Senate is entitled to have a vote on that motion.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. NELSON. Mr. President, I make a point of order on that motion, and my point of order is this: When a conference report is pending here and the question is upon adopting or rejecting that report, a motion upon another subject-matter is not in order. Any motion in reference to the conference report is in order, but a motion to bring up another subject is not in order while that matter is pending.

Mr. ELKINS. That is precisely the point I wished to make. The Senator in charge of the conference report has made a motion, and it is before the Senate. I do not see how the Senator from Maine, with his desire to push the appropriation bill and to push everything else out of the Senate, can urge it on the consideration of the Senate at this time and ignore a motion made by a Senator on an important question to have the conference report recommitted, so that we can go to work upon it. I want to assure the Senator from Maine he will not gain any time by such a course. He says he wants to get away before July, but it will be far in July before we get away if he persists in this course.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. I must insist on my motion.

Mr. NELSON. I insist on the point of order.

Mr. LODGE. I wish to call the attention of Senators to Rule IX:

> The Calendar of General Orders shall be taken up and proceeded with in its order, * * * and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:
>
> First. A motion to proceed to the consideration of an appropriation or revenue bill.

That is of the highest privilege and takes precedence of everything except the motions specified.

Mr. NELSON. Not when a privileged motion is pending.

Mr. LODGE. It takes precedence of everything. Language can not be plainer.

The VICE-PRESIDENT. The Chair overrules the point of order and holds that the motion of the Senator from Maine is in order under Rule IX.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following act:

On June 1:

S. 6038. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

Mr. TILLMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not see him in the Chamber. If he has not voted, I withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent from the Chamber. I transfer my pair to the Senator from Idaho [Mr. HEYBURN], and vote "yea."

The roll call was concluded.

Mr. PETTUS (after having voted in the negative). I am paired with the junior Senator from Massachusetts [Mr. CRANE]. I understand that he is not present, and I withdraw my vote.

The result was announced—yeas 27, nays 20, as follows:

YEAS—27.

Allee	Foraker	Knox	Smoot
Brandegee	Fulton	Lodge	Spooner
Bulkeley	Gallinger	Long	Sutherland
Burnham	Hale	McEnery	Warner
Dillingham	Hopkins	Perkins	Warren
Dolliver	Kean	Piles	Wetmore
Flint	Kittredge	Scott	

NAYS—20.

Ankeny	Cullom	McCreary	Patterson
Bacon	Dubois	Martin	Stone
Bailey	Elkins	Money	Taliaferro
Burkett	La Follette	Nelson	Teller
Clay	Latimer	Overman	Tillman

NOT VOTING—40.

Aldrich	Clark, Mont.	Frazier	Millard
Alger	Clark, Wyo.	Frye	Morgan
Allison	Clarke, Ark.	Gamble	Newlands
Berry	Crane	Gearin	Nixon
Beveridge	Culberson	Hansbrough	Penrose
Blackburn	Daniel	Hemenway	Pettus
Burrows	Depew	Heyburn	Platt
Carmack	Dick	McCumber	Proctor
Carter	Dryden	McLaurin	Rayner
Clapp	Foster	Mallory	Simmons

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the customary course be taken—that the formal reading of the bill be dispensed with, and that the amendments of the committee be first considered.

Mr. ELKINS. I object. I ask that the bill be read in full.

The VICE-PRESIDENT. Objection is made, and the Secretary will proceed to read the bill.

Mr. HALE. I hope the Senator from West Virginia will not insist on that course. Nothing but a loss of time will result from reading the entire bill through. I never knew it to be done in the consideration of an appropriation bill.

Mr. BACON. Mr. President, we always desire to hear the Senator from Maine on this side and we are very seldom able to do so here, because he always speaks in a conversational tone.

Mr. HALE. When the Senate is in order I have always been able to make myself heard. I was saying that I hope, on reflection, the Senator from West Virginia will not insist on doing what I never knew done in the consideration of an appropriation bill. It will be only so much time lost in first reading the bill through. We always dispense with the formal reading and then take up the amendments of the committee as they are reached. But the Senator has the right, if he chooses to occupy the time. I hope, on reflection, he will not insist on objecting to my request.

Mr. TILLMAN. Will the Senator allow me?

Mr. HALE. Certainly.

Mr. TILLMAN. I wish to add my plea to that of the Senator from Maine, and beg the Senator from West Virginia not to consume any more time in this matter than it is necessary for us to do. It is not going to accomplish anything, because Senators can read the bill as they go along. There are necessarily some questions here that will be discussed. The Senator from Maine has expressed my views and feeling this morning in regard to hurrying up the work of the session and getting away some time before the hot weather makes Washington so uncomfortable that we will hardly be able to discharge our duties properly here. I hope the Senator from West Virginia will yield and let the bill be taken up in the ordinary course.

Mr. ELKINS. I am not on the Naval Committee, and I do not know what is in the bill. I asked the Senator from Maine and pleaded with him to allow us to have a vote on the very important motion made by the Senator from South Carolina. He refused to do it. I might as well state that. I told him it would take a little more time if he insisted on that course; and if I have a right to hear the bill read I want to have it read.

Mr. HALE. I am not seeking to get the bill up to the prejudice of the rate bill. I want to have that bill passed. It was not I that did this; the Senate did it. A half dozen Senators about me assured me that if this bill was not taken up the entire day would be consumed by debating the other matter. Under those conditions I felt that it was my duty to give the Senate a chance to help along the appropriation bills. Now, the Senator has a right, notwithstanding all appeals, to have the Senate spend an hour in the reading of the bill. Nobody will listen to it. Everybody will go off to luncheon.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. I yield the floor. I have said all I wish to say.

Mr. CULLOM. I am not trying to interfere in this matter, but I wish to say to my colleague on the committee that I voted "nay" against taking up the appropriation bill, and for the reason that I was in hopes we could get a vote on the other measure, so that we could reconsider and take out of the railroad rate bill whatever seemed to be in there improperly. But we were beaten, and now in the interest of progress and of getting through the session some time, I hope the Senator will allow the bill to go on in the usual way.

Mr. ELKINS. I think we can adjourn about the 20th of July. Then let us fully understand what is in the appropriation bill.

The VICE-PRESIDENT. Objection is made.

Mr. SPOONER. The sooner we get through with this bill the sooner we will get to the conference report on the rate bill.

Mr. ELKINS. I am indifferent when we get to the conference report. The Senate has not allowed us to take it back to the conferees, and I am entirely indifferent as to whether it goes back there for two weeks.

Mr. SPOONER. The Senator from West Virginia is always pleasant except when he is wrong. He is not dealing simply with the Senator from Maine; he is dealing with a matter which involves the convenience of every Senator in this Chamber. We are all anxious to get through with the business of the session as rapidly as can properly be done. The Senator is simply filibustering to delay—that is the operation of it—the disposition by the Senate of the conference report on the rate bill. It accomplishes no purpose at all, except to take time. It accomplishes no useful purpose whatever. I believe every Senator here would be glad to have the Senator from West Virginia withdraw his demand for the formal reading of the bill. I sincerely hope he will do it.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill and read to line 13 on page 24.

Mr. CLAY. I do not understand the paragraph beginning on page 3, line 9, "For commissioners and interest." Does it mean pay for commissions and interest?

Mr. HALE. The bill is now not being read for discussion, but simply the formal reading. The Senator can come back to that afterwards.

Mr. CLAY. I beg pardon. I thought the objection to the formal reading of the bill had been withdrawn.

Mr. HALE. No; the Senator from West Virginia insists upon it.

Mr. ELKINS. I did want to know what is in the naval appropriation bill, and I wanted the Senate to know, but, yielding to the solicitation and appeals of some of my colleagues, I withdraw my demand for the formal reading of the bill. I hope the next time when a motion is made to proceed to the consideration of some question the Senator from Maine will allow that motion to be put before he projects and injects the naval appropriation bill.

Mr. HALE. The demand is withdrawn, and I renew my request.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be first considered. Without objection, it is so ordered.

Mr. MONEY. I did not understand the Chair exactly; I beg pardon, but I rise to inquire whether the proposition was that all the committee amendments be accepted?

The VICE-PRESIDENT. No; that they be considered as they are reached in the reading of the bill and acted upon before other amendments are proposed. The first amendment of the committee will be stated.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay of the Navy," on page 2, line 6, after the word "constructors," to insert:

For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them.

The amendment was agreed to.

The next amendment was, on page 2, line 25, after the word "million," to insert "two hundred and sixty-nine thousand six hundred and thirty-seven;" so as to read:

And 2,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $20,269,637.

The next amendment was, on page 3, line 1, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty.

The amendment was agreed to.

The next amendment was, under the subhead "Pay, miscellaneous," on page 4, line 9, after the word "dollars," to strike out the following proviso:

Provided, That hereafter in cases where orders for travel are given to officers of the Navy or Marine Corps, the Secretary of the Navy in his discretion may direct that either mileage or else their actual and necessary expenses only shall be allowed.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

To reimburse officers and enlisted men of the Navy and Marine Corps who were on duty under orders in San Francisco during the recent fire in that city for losses of clothing and other personal effects sustained by them through said fire, $7,000, or so much thereof as may be neces-

citizens, the privilege of physical connection between their own lines and lines that sought to connect with them. The case of the Red Rock Fuel Company, in West Virginia, has been notably cited in this connection.

Mr. FORAKER. The Senator certainly knows that I do not want, under the circumstances, to enter into a discussion of the merits of this proposition. I understood the Senator to say that he had commented on all the new matter in the bill.

Mr. TILLMAN. All the new matter subject to a point of order.

Mr. FORAKER. I understand that that is entirely new matter. It was something that was not in the bill. The Senator from West Virginia offered it as an amendment, in order that he might get it into the bill. We voted that it should not go into the bill. I am not speaking of the merits of it. When it comes to that, I shall take more time than I now propose to consume. But inasmuch as the Senator said that he had commented on all the new matter in the bill, I wanted to call attention to this, which I think is the first important new matter put into the bill, and just as important as anything put in the bill.

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Mr. TILLMAN. I have no objection to the conference report being disagreed to in order to get it back, but if Senators want to debate it——

Mr. FORAKER. I want the conferees to have the benefit of my views, if they wish them.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Maine?

Mr. FORAKER. I yield.

Mr. HALE. I have given notice that I shall call up the appropriation bill. At the termination of the Senator's remarks I shall make the motion.

Mr. FORAKER. I understood that the Senator from Maine wanted to proceed with the appropriation bill, and as I did not rise to discuss the merits of this report, but only to call the attention of the Senator from South Carolina to the fact that he omitted to mention one provision which I think was new matter, I only wanted to call attention to it so that we might not appear to be acquiescing in his statement that he had discussed all the new matter there was. At another time, if it be not convenient at this time to do it, I want to say something, not very much.

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Mr. HALE. I move——

Mr. ELKINS. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from West Virginia will state his parliamentary inquiry.

Mr. ELKINS. I understand the Senator from Maine has not the right to intervene with a motion when a motion is pending to disagree to the conference report. There is a motion pending before the motion of the Senator from Maine, and I think the Senate is entitled to have a vote on that motion.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. NELSON. Mr. President, I make a point of order on that motion, and my point of order is this: When a conference report is pending here and the question is upon adopting or rejecting that report, a motion upon another subject-matter is not in order. Any motion in reference to the conference report is in order, but a motion to bring up another subject is not in order while that matter is pending.

Mr. ELKINS. That is precisely the point I wished to make. The Senator in charge of the conference report has made a motion, and it is before the Senate. I do not see how the Senator from Maine, with his desire to push the appropriation bill and to push everything else out of the Senate, can urge it on the consideration of the Senate at this time and ignore a motion made by a Senator on an important question to have the conference report recommitted, so that we can go to work upon it. I want to assure the Senator from Maine he will not gain any time by such a course. He says he wants to get away before July, but it will be far in July before we get away if he persists in this course.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. I must insist on my motion.

Mr. NELSON. I insist on the point of order.

Mr. LODGE. I wish to call the attention of Senators to Rule IX:

> The Calendar of General Orders shall be taken up and proceeded with in its order, * * * and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:
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Mr. NELSON. Not when a privileged motion is pending.

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Mr. TILLMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not see him in the Chamber. If he has not voted, I withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent from the Chamber. I transfer my pair to the Senator from Idaho [Mr. HEYBURN], and vote "yea."

The roll call was concluded.

Mr. PETTUS (after having voted in the negative). I am paired with the junior Senator from Massachusetts [Mr. CRANE]. I understand that he is not present, and I withdraw my vote.

The result was announced—yeas 27, nays 20, as follows:

YEAS—27.

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Bulkeley	Gallinger	Long	Sutherland
Burnham	Hale	McEnery	Warner
Dillingham	Hopkins	Perkins	Warren
Dolliver	Kean	Piles	Wetmore
Flint	Kittredge	Scott	

NAYS—20.

Ankeny	Cullom	McCreary	Patterson
Bacon	Dubois	Martin	Stone
Bailey	Elkins	Money	Taliaferro
Burkett	La Follette	Nelson	Teller
Clay	Latimer	Overman	Tillman

NOT VOTING—40.

Aldrich	Clark, Mont.	Frazier	Millard
Alger	Clark, Wyo.	Frye	Morgan
Allison	Clarke, Ark.	Gamble	Newlands
Berry	Crane	Gearin	Nixon
Beveridge	Culberson	Hansbrough	Pearose
Blackburn	Daniel	Hemenway	Pettus
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Mr. HALE. I ask that the customary course be taken—that the formal reading of the bill be dispensed with, and that the amendments of the committee be first considered.

Mr. ELKINS. I object. I ask that the bill be read in full.

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Mr. HALE. I hope the Senator from West Virginia will not insist on that course. Nothing but a loss of time will result from reading the entire bill through. I never knew it to be done in the consideration of an appropriation bill.

Mr. BACON. Mr. President, we always desire to hear the Senator from Maine on this side and we are very seldom able to do so here, because he always speaks in a conversational tone.

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Mr. TILLMAN. Will the Senator allow me?

Mr. HALE. Certainly.

Mr. TILLMAN. I wish to add my plea to that of the Senator from Maine, and beg the Senator from West Virginia not to consume any more time in this matter than it is necessary for us to do. It is not going to accomplish anything, because Senators can read the bill as they go along. There are necessarily some questions here that will be discussed. The Senator from Maine has expressed my views and feeling this morning in regard to hurrying up the work of the session and getting away some time before the hot weather makes Washington so uncomfortable that we will hardly be able to discharge our duties properly here. I hope the Senator from West Virginia will yield and let the bill be taken up in the ordinary course.

Mr. ELKINS. I am not on the Naval Committee, and I do not know what is in the bill. I asked the Senator from Maine and pleaded with him to allow us to have a vote on the very important motion made by the Senator from South Carolina. He refused to do it. I might as well state that. I told him it would take a little more time if he insisted on that course; and if I have a right to hear the bill read I want to have it read.

Mr. HALE. I am not seeking to get the bill up to the prejudice of the rate bill. I want to have that bill passed. It was not I that did this; the Senate did it. A half dozen Senators about me assured me that if this bill was not taken up the entire day would be consumed by debating the other matter. Under those conditions I felt that it was my duty to give the Senate a chance to help along the appropriation bills. Now, the Senator has a right, notwithstanding all appeals, to have the Senate spend an hour in the reading of the bill. Nobody will listen to it. Everybody will go off to luncheon.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. I yield the floor. I have said all I wish to say.

Mr. CULLOM. I am not trying to interfere in this matter, but I wish to say to my colleague on the committee that I voted "nay" against taking up the appropriation bill, and for the reason that I was in hopes we could get a vote on the other measure, so that we could reconsider and take out of the railroad rate bill whatever seemed to be in there improperly. But we were beaten, and now in the interest of progress and of getting through the session some time, I hope the Senator will allow the bill to go on in the usual way.

Mr. ELKINS. I think we can adjourn about the 20th of July. Then let us fully understand what is in the appropriation bill.

The VICE-PRESIDENT. Objection is made.

Mr. SPOONER. The sooner we get through with this bill the sooner we will get to the conference report on the rate bill.

Mr. ELKINS. I am indifferent when we get to the conference report. The Senate has not allowed us to take it back to the conferees, and I am entirely indifferent as to whether it goes back there for two weeks.

Mr. SPOONER. The Senator from West Virginia is always pleasant except when he is wrong. He is not dealing simply with the Senator from Maine; he is dealing with a matter which involves the convenience of every Senator in this Chamber. We are all anxious to get through with the business of the session as rapidly as can properly be done. The Senator is simply filibustering to delay—that is the operation of it—the disposition by the Senate of the conference report on the rate bill. It accomplishes no purpose at all, except to take time. It accomplishes no useful purpose whatever. I believe every Senator here would be glad to have the Senator from West Virginia withdraw his demand for the formal reading of the bill. I sincerely hope he will do it.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill and read to line 13 on page 24.

Mr. CLAY. I do not understand the paragraph beginning on page 3, line 9, "For commissioners and interest." Does it mean pay for commissions and interest?

Mr. HALE. The bill is now not being read for discussion, but simply the formal reading. The Senator can come back to that afterwards.

Mr. CLAY. I beg pardon. I thought the objection to the formal reading of the bill had been withdrawn.

Mr. HALE. No; the Senator from West Virginia insists upon it.

Mr. ELKINS. I did want to know what is in the naval appropriation bill, and I wanted the Senate to know, but, yielding to the solicitation and appeals of some of my colleagues, I withdraw my demand for the formal reading of the bill. I hope the next time when a motion is made to proceed to the consideration of some question the Senator from Maine will allow that motion to be put before he projects and injects the naval appropriation bill.

Mr. HALE. The demand is withdrawn, and I renew my request.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be first considered. Without objection, it is so ordered.

Mr. MONEY. I did not understand the Chair exactly; I beg pardon, but I rise to inquire whether the proposition was that all the committee amendments be accepted?

The VICE-PRESIDENT. No; that they be considered as they are reached in the reading of the bill and acted upon before other amendments are proposed. The first amendment of the committee will be stated.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay of the Navy," on page 2, line 6, after the word "constructors," to insert:

For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them.

The amendment was agreed to.

The next amendment was, on page 2, line 25, after the word "million," to insert "two hundred and sixty-nine thousand six hundred and thirty-seven;" so as to read:

And 2,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $20,269,637.

The next amendment was, on page 3, line 1, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty.

The amendment was agreed to.

The next amendment was, under the subhead "Pay, miscellaneous," on page 4, line 9, after the word "dollars," to strike out the following proviso:

Provided, That hereafter in cases where orders for travel are given to officers of the Navy or Marine Corps, the Secretary of the Navy in his discretion may direct that either mileage or else their actual and necessary expenses only shall be allowed.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

To reimburse officers and enlisted men of the Navy and Marine Corps who were on duty under orders in San Francisco during the recent fire in that city for losses of clothing and other personal effects sustained by them through said fire, $7,000, or so much thereof as may be neces-

sary: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him in each case.

The amendment was agreed to.

The next amendment was, on page 4, after line 22, to insert:

That all officers of the Navy below the grade of rear-admiral, with creditable records, including those retired with the relative rank of commodore, who served during the civil war, and who were honorably retired prior to the passage of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, shall be advanced on the retired list one grade above the grade or rank now held by them, to take effect from the date of the approval of said act; and that rear-admirals retired prior to the passage of said act shall receive the same pay as officers of the Navy of corresponding grade who have been retired under said act: *Provided*, That this act shall not apply to any officer who has received an advance of grade since his retirement or has been restored to the Navy and placed on the retired list with promotion thereon by virtue of the provisions of a special act of Congress. This provision shall in no case authorize any claim for back pay and shall have effect only for the future, and shall also apply in like manner to officers of the Marine Corps.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to insert:

That officers of the Marine Corps with creditable records who served during the civil war and were retired prior to 1904 shall receive the full benefit of the act approved April 23, 1904, in so far as the same provides for the promotion of civil war veterans to the next higher grade above that at which they were retired.

The amendment was agreed to.

The next amendment was, at the top of page 6, to insert:

That the provisions contained in section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," reading as follows: "*Provided*, That such officers when on shore shall receive the allowances, but 15 per cent less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section 12 of this act," be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 6, line 24, after the word "seven," to insert the following additional proviso:

And provided further, That a sum not to exceed $5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank, highest pay, and allowances of a commander.

Mr. FULTON. I ask the Senator from Maine for an explanation in regard to this paragraph. I understand that the solicitor is a civilian. Why should he be given the rank of a commander? I have no objection to giving him the pay and allowances of a commander if that be important, but why give him the rank?

Mr. HALE. It is one of those things that occasionally have been done. Of course the object is to keep a very good man, a very good lawyer in this part of the naval establishment, which has got to be so large that it needs his services. It is an encouragement to the good lawyer who is there, whom everybody knows about, Mr. Hanna, who is the wheel horse and does the work. The Department has no solicitor, as some Departments have, and it was thought nothing more than commensurate with his work and his ability that he should be given a permanence. It is undoubtedly a thing not often done, but the committee thought it was wise to give him the permanence which is provided in the amendment reported by the committee.

Mr. FULTON. I should like to ask the Senator if he takes rank as a commander would not that entitle him to promotion in line and ultimately he might be eligible to the command of a battle ship? It has been suggested to me by those who are better acquainted with the workings of the Navy Department than myself that it would have that result.

Mr. HALE. I think that is a good suggestion. It was intended that this should be the ultimate rank and pay. There is no objection to making it read "rank, highest pay, and allowances of a commander, and of no higher rank." I think that is a good suggestion.

Mr. CLAY. I should like to ask the Senator about the preceding amendment. I do not remember that we have heretofore had any such item. It is a small amendment:

And provided further, That a sum not to exceed $5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation.

Is there not a legal officer of the Department to give legal advice on questions that may arise?

Mr. HALE. The Department has grown to be very large, and it has not a solicitor. Occasionally there are matters coming up, not here, but in reference to matters outside, at navy-yards, where, instead of having a man all the time, the Secretary can call in a good lawyer and pay him a $500 fee for work, and then it is ended.

Mr. CLAY. I do not remember an appropriation of this kind heretofore.

Mr. HALE. The Secretary asked for it.

Mr. SPOONER. What has been the statutory designation heretofore of this gentleman in the office of the Judge-Advocate-General?

Mr. HALE. He is solicitor in the Judge-Advocate-General's office.

Mr. SPOONER. Is that the term in the statutes?

Mr. HALE. It is what he is. The Senator is a lawyer and understands the great importance of having a good permanent lawyer there. The Judge-Advocate's department is not presided over by a lawyer. A naval officer is generally taken. The Judge-Advocate, I say, is not a lawyer, and some lawyer has got to do the work of that department.

Mr. SPOONER. Military rank has been given in the War Department to civilians who have had long service there.

Mr. HALE. I had that in mind when I said that sometimes we do rather extraordinary things.

Mr. SPOONER. Is it anticipated that this will be followed hereafter by additional legislation?

Mr. HALE. I do not suppose there will ever be additional legislation, if this passes. We have in the War Department a man doing purely clerical work and I do not know but that he is a major-general.

Mr. GALLINGER. He is a major-general. The Senator from Colorado [Mr. TELLER] knows something about the merits of this man. He is a very worthy and very modest man.

Mr. SPOONER. I do not question that.

Mr. HALE. And he never appeared before the committee.

Mr. TELLER. I have known the gentleman mentioned by the Senator from Maine [Mr. HALE] for a great many years. He was an employee in the Department while I was Secretary of the Interior and was very close to me. He is a man of unquestioned legal talent and of excellent character. He has been for many years in the office, and I am sure he is well qualified for the place which it is proposed to give him. He has never said anything to me about preferment of this kind. He certainly has not importuned me at all. He is entirely too modest to do that.

Mr. SPOONER. I think this gentleman is a man of fine qualifications as a lawyer, and I know he is a modest man.

Mr. TELLER. Very.

Mr. SPOONER. He has served with great fidelity, but, at the same time, there is something objectionable about this provision. I do not object to him. What I do not like about this legislation is that under it every succeeding solicitor will take this rank. I do not object to the pay and allowances. What we did after the war in the War Department was abnormal; it was done rather as a matter of reward to men who had rendered valuable service; and it would not have been done, I think, but for that. I want to limit the provision now to this gentleman——

Mr. HALE. I think that is right.

Mr. SPOONER. Instead of making it a permanent provision.

Mr. HALE. I have been casting about for language to effect that object. If you put it that this shall only apply to one appointment of a solicitor——

Mr. CLAY. Would not that be rather unusual?

Mr. HALE. It would, undoubtedly.

Mr. CLAY. Would it not be very unusual to make it apply to one particular man?

Mr. SPOONER. I think there is a precedent for it. We can hunt up language. I think there is a similar provision in the law as to the Army.

Mr. HALE. We can not say that the President shall appoint a particular man; but we can fix language that will make it apply only to this single appointment. I think that is a proper thing to be done.

Mr. TILLMAN. I hope the Senator from Maine will frame such an amendment. I was not in the committee when this matter came up; in fact, I was not in the city when the committee considered this provision; and while this is a very worthy gentleman, a very valuable officer, I have some misgivings and objections to making a perpetual position in the Navy for a civilian. We might get a bad one next time, when this man dies, and make him a commander, whether he is really a great lawyer or a valued officer, or whether he is merely a political favorite. It is a precedent that I do not like. I hope that the provision will apply to this man only, and I shall be glad to agree to an amendment which will accomplish that object.

Mr. HALE. Then I suggest, after the word "commander,"

in line 6, to insert "and of no higher rank: *Provided*, That only one appointment shall be made hereunder."

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 7, line 6, after the word "commander," it is proposed to insert "and of no higher rank: *Provided*, That only one appointment shall be made hereunder."

The VICE-PRESIDENT. In the absence of objection——

Mr. BACON. I was out of the Chamber for a moment, and I desire to ask a question simply for information. I caught only the closing words of what was said by the Senator from Wisconsin [Mr. SPOONER]. If I understood him correctly, this provision relates to a particular individual. Am I correct in that?

Mr. HALE. Yes.

Mr. BACON. If the Senator from Maine has already given an explanation, I shall not ask him to repeat it, because I can see it in the RECORD; but if he has not made such explanation, I should be glad to have him do so now.

Mr. HALE. I have already explained it.

Mr. BACON. Then I shall read it in the RECORD.

Mr. HALE. Now, I ask the Secretary to again state the proviso which I have proposed.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Provided, That only one appointment shall be made hereunder.

Mr. SPOONER. No; that will not do.

Mr. HALE. No; I see that will not do. Perhaps it should be "and that when a vacancy occurs in this office, no new appointment shall be made."

Mr. SPOONER. That will not do.

Mr. HALE. Why not?

Mr. SPOONER. If you once establish the office of solicitor, who is to be appointed by the President by and with the advice and consent of the Senate, you will have the solicitor always, and the limitation which is made here simply goes to the rank. I think we had better pass this provision for the present.

Mr. HALE. Very well.

Mr. SPOONER. Language can be found to cover this case, I think.

Mr. HALE. Let it be passed over for the present, Mr. President.

The VICE-PRESIDENT. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Navigation," on page 7, line 14, after the word "thereof," to strike out "transportation to the places of enlistment, or to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on account of expiration of enlistment, with subsistence and transfers en route, or cash in lieu hereof;" so as to read:

Transportation, recruiting, and contingent: Transportation: For the transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof, transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof, etc.

The amendment was agreed to.

The next amendment was, in line 24, after the word "dollars," to insert the following proviso:

Provided, That hereafter enlisted men, discharged on account of expiration of enlistment, shall receive in lieu of transportation and subsistence, travel allowance of 4 cents per mile from the place of discharge to the place of enlistment, for travel in the United States.

The amendment was agreed to.

Mr. SPOONER. I do not rise to the amendment which has just been agreed to, Mr. President, but I rise for the purpose of asking the Senator from Maine to give me the authority upon which discharges from the Navy are paid for.

Mr. HALE. My attention was diverted for a second. Will the Senator kindly repeat his question?

Mr. SPOONER. As I understand it, though it has not often happened, men discharged from the Navy sometimes pay for their discharge.

Mr. BACON. I think not.

Mr. SPOONER. It has happened.

Mr. BACON. That is not the law now.

Mr. SPOONER. It is the practice as to the Army, but I know of no law which provides for it, and my purpose is simply to ascertain from the Senator from Maine under what authority, if any, that is done.

Mr. BACON. If I understand correctly, there is now no authority under which an enlisted man can buy a discharge from the Navy. It is limited to the Army.

Mr. SPOONER. I do not know of any statutory authority under which an enlisted man buys his discharge from the Army.

Mr. BACON. He does it under the order of the War Department; but the order of the Navy Department does not permit it.

Mr. SPOONER. That is precisely what I want to get at—what authority has the War Department or the Navy Department to make any such order?

Mr. BACON. I did not catch what the Senator said.

Mr. SPOONER. What authority in law has the War Department or the Navy Department to make any such order? If a man ought to be discharged, if he presents a good reason to the Department for his discharge, by what authority is it made a condition precedent to this discharge that he shall pay for it?

Mr. HALE. That is a new matter to me.

Mr. SPOONER. I sought to procure the discharge of a man from the Navy on very strong grounds, but was informed that that was the rule; that he must purchase his discharge.

Mr. HALE. I do not know to what rule the Senator refers. There is not, so far as I know, any rule in the Army or Navy by which a man can buy his discharge.

Mr. WARREN. Mr. President, I think that the rule has not been practiced as broadly as has been stated, but it has been customary in certain cases to discharge men where they are the sole support of a dependent father or mother. There are other cases where the same degree of responsibility may not rest upon a man, but having served a part of his term he buys his unexpired time—this, when he desires to enter into, in some degree, the care of his dependent or semidependent relatives or for other acceptable reasons. Whether it is a good or bad practice is a matter that we are not passing upon now, but the law provides for it. These discharges are rather unusual and are resorted to in not a large percentage of enlistments.

Mr. WARREN subsequently said: When the question was up a moment ago about the authority of the War Department to discharge enlisted men, either by favor or upon the men buying and paying for unexpired time, I made a few remarks, and I ask permission to insert in the RECORD the statutes governing the same, which are section 4 of the act of June 16, 1890, as follows:

SEC. 4. That in time of peace the President may, in his discretion and under such rules and upon such conditions as he shall prescribe, permit any enlisted man to purchase his discharge from the Army. The purchase money to be paid under this section shall be paid to a paymaster of the Army and be deposited in the Treasury to the credit of one or more of the current appropriations for the support of the Army, to be indicated by the Secretary of War, and be available for the payment of expenses incurred during the fiscal year in which the discharge is made.

And section 30 of the act of February 1, 1901, as follows:

SEC. 30. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter otherwise direct: *Provided*, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year of service, should either of his parents die, leaving the other solely dependent upon the soldier for support, such soldier may, upon his own application, be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

I also ask that War Department General Orders, No. 4, dated January 8, 1906, may be printed in the RECORD without reading.

The matter referred to is as follows:

General Orders, No. 4.]

WAR DEPARTMENT,
Washington, January 8, 1906.

General Orders, No. 48, War Department, March 15, 1904, is hereby rescinded and the following substituted therefor:

Under the provisions of section 4 of the act of Congress approved June 16, 1890, the President has prescribed the following rules governing the purchase of discharge from the Army, and they are published for the information and guidance of all concerned:

1. In time of peace, except as hereinafter provided, any enlisted man who has completed one year's service as such, and is not undergoing punishment or under charges, may obtain the privilege of purchasing his discharge, subject to the approval of the authority competent to order it. The price of purchase will consist of the travel allowances due on discharge, which will be retained by the United States in all cases, and in addition thereto the following:

After one years' service, $120.
After two years' service, $100.
After three years' service, $90.
After four years' service, $85.
After five years' service, $80.
After six years' service, $65.
After seven years' service, $60.
After eight years' service, $55.
After nine years' service, $40.
After ten years' service, $35.
After eleven years' service, $30.

Service in the Regular Army only will be considered, and such service is not required to be continuous in determining the purchase price of discharge.

Company commanders will enter on the final statements of men who are discharged by purchase a full statement of all previous enlistments terminated by honorable discharge, showing the dates of all such enlistments and discharges.

2. To obtain the privilege of purchasing his discharge the soldier

will make application to department headquarters, through military channels, giving his reasons for desiring his discharge. The company commander, in forwarding the application, will state in full the condition of the accounts of the applicant, giving a complete statement of the soldier's service, with any information which would, in the light of this order, bear on the granting or withholding of the privilege requested.

If the statement of the soldier's accounts does not show that he has sufficient credit with the United States to cover his indebtedness to the Government, including the price of purchase, the company commander will so notify the soldier and will not forward the application until the amount of deficit has been deposited with him by the soldier.

3. Upon receipt of applications, made as prescribed herein and fulfilling the given conditions, department commanders may, except in the cases specified in paragraph 4 of this order, direct the discharges requested, but where there is lacking essential information that may be supplied from records required to be kept at the War Department, or where the department commander for any reason deems it inadvisable to take final action in the case, he will forward the application with his remarks thereon to the Military Secretary of the Army.

4. Applications from the following sources for discharge under this order will be forwarded through military channels to the Military Secretary of the Army:

Enlisted men of the several staff departments.
Enlisted men on recruiting duty.
Unassigned recruits.

5. Where a soldier makes application for discharge by purchase on account of dependency of near relatives not covered by paragraph 9 of this order, and shows in connection therewith that a state of actual destitution exists, that he has to the extent of his opportunities and ability made contributions to the support of such relatives, but that these contributions have proved insufficient to relieve the destitution, the authority competent to order the discharge may, in his discretion, remit such part of the purchase price of discharge, except travel allowances, as may seem to him proper and necessary by reason of the inability of the soldier to pay the full amount. In this class of cases no advance deposit will be required of the soldier prior to forwarding his application, but upon receipt of the order authorizing his discharge the soldier must deposit with the company commander an amount sufficient to cover his indebtedness to the Government, including the price of purchase as fixed by the authority ordering the discharge.

6. Except under paragraphs 5 and 9, discharges will not be granted under the provisions of this order to soldiers serving in Alaska or outside the continental limits of the United States, except when their organizations are ordered to return thereto, nor to soldiers serving within the States and Territories of the Union after their organizations are ordered to take station in Alaska or outside the continental limits of the United States.

7. Department commanders will carefully scrutinize each application for discharge by way of purchase submitted to them, with the view of determining whether there is any special reason why the applicant should not be so discharged and whether a satisfactory reason has been offered as a basis for the application.

It is not the policy of the War Department to permit a soldier to purchase his discharge when there is any special reason in his case to the contrary, or when he offers a trifling reason or no reason at all in support of his application; nor is it the policy of the Department to debar from the privilege of purchasing his discharge under the provisions of this order any soldier in whose case investigation shows that he has reasonable grounds for seeking to purchase his discharge and that there is no unusual reason why he should not be permitted to do so.

8. Discharges by favor as distinguished from purchase are illegal, and will not be granted, except under the conditions set forth in paragraph 9 of this order.

9. Section 30 of the act of Congress approved February 2, 1901, authorizes discharge under the following conditions, viz: In the event of the enlistment of a soldier in the Army for the period required by law and after the expiration of one year of service, should either of his parents die leaving the other solely dependent upon the soldier for support, such soldier may, upon his own application, be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

Applications for discharge under this paragraph will be forwarded through military channels, with the required proof, to the Military Secretary of the Army. (1086564, M. S. O.)

By order of the Secretary of War:

ADNA R. CHAFFEE,
Lieutenant-General, Chief of Staff.

Official.

F. C. AINSWORTH,
The Military Secretary.

Mr. HALE. The Senator is speaking now of the Army?

Mr. WARREN. Of the Army entirely, and not of the Navy.

Mr. SPOONER. The case I had some years ago in connection with the Navy was a case in which the man upon every principle of fair play was entitled to a discharge. I was informed that he could have it by purchasing it, but I do not understand by what authority any Department of the Government can require a man to purchase his discharge from the service in the absence of statutory provision.

Mr. HALE. I do not know. I have never known of such a case in the Navy.

Mr. BACON. I will state, Mr. President, that I have had occasion recently to look into the matter. So far as the Army is concerned, there is a regular order which specifies at what stage in a man's service he may purchase his discharge. He can not purchase it until he has been in the service for a year, and then the particular price is $120. After two years' service it is another price, and so on; but in the Navy the order of the President does not permit the discharge of a man by the payment of any sum of money.

Mr. SPOONER. It did formerly.

Mr. BACON. It does not now.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 11, line 5, after the word "dollars," to insert the following proviso:

Provided, That the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other time as may be deemed advisable; and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000.

The amendment was agreed to.

The next amendment was, on page 14, line 11, after the word "fund," to insert the following proviso:

Provided, That for the performance of such additional services in and about the Naval Home as may be necessary, the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 15, line 23, to increase the appropriation for reserve powder and shell from $1,000,000 to $2,300,000.

The amendment was agreed to.

The next amendment was, on page 16, line 10, to increase the appropriation for reserve guns for ships of the Navy from $500,000 to $750,000.

The amendment was agreed to.

The next amendment was, on page 18, line 20, before the word "station," to insert "torpedo;" so as to make the clause read:

Naval Torpedo Station, Newport, R. I.: For one chemist, at $2,500; one clerk, at $1,200; one draftsman, at $1,500; in all, $5,200.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 20, after line 20, insert:

For the preparation of sites, furnishing and erecting masts, buildings, and machinery foundations for United States naval wireless telegraph stations on the Pacific coast in the States of Washington, Oregon, and California, to be immediately available and to be limited to the purposes above named, $65,000.

Mr. CLAY. Mr. President, I desire to ask the Senator from Maine a question in regard to the item on page 20, lines 21, 22, 23, and 24. I may be mistaken about it, but my recollection is that we appropriated a sum of money, at a previous session of Congress, for the purpose of completing this work.

Mr. HALE. There has been an appropriation. In the report of the committee accompanying the bill under consideration——

Mr. CLAY. On what page?

Mr. HALE. If the Senator will look at page 4 of the report, he will find that the Acting Secretary of the Navy has written a letter in which he says that this service, which I suppose has proved very valuable, can not be completed in these different States without this sum of money.

Mr. CLAY. I thought that a previous appropriation bill contained a sufficient amount for the completion of this work. Is this an additional appropriation?

Mr. HALE. This appropriation is to complete stations heretofore authorized.

Mr. CLAY. Was it found that the work could not be completed for the amount originally appropriated?

Mr. PERKINS. If the chairman of the committee will permit me, I will state that the appropriation is to complete wireless stations in process of construction on the coasts of Washington, Oregon, and California. The Government has deemed it expedient, indeed necessary, that there should be additional wireless telegraph stations established. If my friend from Georgia will read the letter from the Acting Secretary of the Navy referred to by the chairman of the committee, he will find ample reasons, I think, why the Senate committee recommended this amendment.

Mr. HALE. I will read an extract from the letter of the Acting Secretary.

These show—

That is, plans and specifications and estimates—

These show that the cost to complete the five stations will approximate $65,000 in addition to the amount already expended under contracts for equipment.

Other stations contemplated on the Pacific coast are either completed or being constructed. The stations already built are of great and constantly increasing value.

This appropriation will complete and equip these stations, but I should not want to say that in the future the service may not require the establishment of still additional stations. When they are required, we shall have to appropriate for them. When we go into this subject as we ought to, as these stations are established and their needs are recognized in the Department,

we will have to appropriate the money for them or decline to do so; but I should not want to say that this is final.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 21, line 19, after the word "dollars," to insert the following proviso:

Provided, That of the above sum not exceeding $1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands.

Mr. BACON. Mr. President, I ask the Senator from Maine, if he can do so, to refer me to the page of the report which relates to that particular item.

Mr. HALE. I have a letter here from the Acting Secretary of the Navy. It refers to an item in the naval appropriation bill approved March 3, 1905, as follows:

Provided, That of the above a sum not exceeding $1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands.

The letter goes on:

The Bureau of Equipment, the Bureau having cognizance of this appropriation, reports that active steps have been taken to procure the survey and estimate referred to in the proviso just quoted. It has assembled the necessary apparatus at Honolulu, but finds it will be practically impossible to undertake to enter upon the survey before July 1, 1906.

They need this provision in order to carry it into the next year.

Mr. BACON. The item is small, and it was not my purpose to object to it at all. I really desired information.

Mr. HALE. That is the reason.

Mr. BACON. Those islands are very peculiar. There are two or three of them, each being simply a coral reef; and I had some curiosity to know what was the particular harbor and where it was situated in which this channel was proposed to be surveyed and constructed. But I suppose the Department has the matter in charge, and it is not necessary that we should know particularly about it.

Mr. HALE. They find they can not spend the money heretofore appropriated this year, and this provision is necessary in order to give them the chance.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Yards and Docks," on page 32, after line 6, to insert:

That the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service.

Mr. BACON. I desire to ask the Senator from Maine what is the change in the law which this amendment would indicate? I do not know what the present law is in regard to this subject, but this amendment would indicate that some change is desired to be accomplished by it.

Mr. HALE. It is intended to put in force what is the present arrangement, and that is that the head of this Bureau, which is civilian and engineering, shall be taken from the Corps of Civil Engineers, and so to fix it as a matter of law. It is not sea duty, but it deals with the engineering of the navy-yards, and the committee believed that the present rule is a good one, and to continue it for the future has provided that the head of this Bureau, which is civilian and engineering, shall be taken from the Corps of Civil Engineers.

Mr. BACON. As the law is now, it is discretionary——

Mr. HALE. It is discretionary?

Mr. BACON. Whether to take him from the civil engineers or from some other branch of the Navy.

Mr. HALE. Yes.

Mr. BACON. Is the present officer a civil engineer?

Mr. HALE. He is; and a very accomplished officer.

Mr. NELSON. I understand this corps is a part of the naval force.

Mr. HALE. Undoubtedly it is a part of the naval force, but it is scientific—it deals with engineering works rather than with fleets and battle ships.

Mr. NELSON. It does not mean civil engineers outside the service.

Mr. BACON. They are part of the establishment.

Mr. HALE. They are part of the establishment.

Mr. BACON. Do I understand that the present chief of the Bureau of Yards and Docks is such an officer?

Mr. HALE. He is a naval officer, but not a line officer.

Mr. BACON. Will this amendment prevent an officer in the Corps of Engineers in the Navy holding this office in the future?

Mr. HALE. It provides that he shall occupy it in the future.

Mr. BACON. I understand the Senator to say that the civil engineers here alluded to are not naval officers.

Mr. HALE. No; they are regular naval officers. They are a part of the naval establishment.

Mr. BACON. The present incumbent is of the class indicated as that from which in the future the officer shall be selected?

Mr. HALE. Precisely.

Mr. FULTON. I understand that at the present time the chief of the Bureau of Yards and Docks may be selected, and is selected, from the naval officers. This will confine it simply to the Corps of Engineers.

Mr. HALE. I thought I had just explained that. The present head of this Bureau is a distinguished member of the Corps of Engineers of the Navy.

Mr. FULTON. I understand.

Mr. HALE. They are naval officers.

Mr. FULTON. They are?

Mr. HALE. This is only in the future to provide that the head of this Bureau, which is civilian in its function and deals not with fleets and squadrons and ships, but with engineering duties, shall be taken from the Corps of Engineers in the Navy. They are officers of the Navy, like the Corps of Engineers in the Army.

Mr. FULTON. The Corps of Engineers in the Army are selected from the Army officers, and this narrows the selection simply to those who are detailed to the Corps of Engineers.

Mr. TILLMAN. If the Senator from Maine, who knows more about this than I do, will permit me, I will say that there used to be a department of engineering, and there is still in the Navy. Those engineers were educated at Annapolis, and they were educated to control and manage the machinery in the ships. But when the personnel bill was passed three or four years ago we merged the line officers and the Corps of Engineers educated at Annapolis, and who were at the head of their classes (because it is regarded as a mark of distinction for a cadet to be able to get into the Engineer Corps), and we are now running our vessels in large degree by employing engineers.

There is, in addition, a bureau of engineering, which has to do with the construction of ships and the management and control of the engineering department of the Navy; a bureau of civil engineering, which has charge of yards and docks. The Bureau of Yards and Docks has been under the control of engineers selected from civil life, and we have in the civil engineering department of the Navy possibly as accomplished a lot of civil engineers as there are in the United States. It is to confine the appointment and control of this Bureau to an officer of this class that this provision is included here, instead of taking an officer selected from the line or somewhere else and putting him in charge of a distinctively civil engineering department of the Navy. The purpose is to confine it to its own branch or bureau.

Mr. FULTON. I do not wish myself to make any objection to this amendment, if the Senator having the bill in charge is thoroughly satisfied that it is a proper provision. But I have understood—my information may be entirely inaccurate—that it will operate to the benefit of one individual, and that it is narrowing the field from which selections can be made, and will operate unjustly. However, I do not know enough about it to make the assertion.

Mr. HALE. I can assure the Senator there is nothing of that kind.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Public Works, Bureau of Yards and Docks," on page 32, line 22, after the word "dollars," to insert "boiler shop for steam engineering, to complete, $75,000;" and in line 24, before the word "thousand," to strike out "one hundred and seventy-five" and insert "two hundred and fifty;" so as to make the clause read:

Navy-yard, Portsmouth, N. H.: Railroad rolling stock, additions, $3,000; sewer system, extension, $3,000; quay walls, to extend, $40,000; grading, to continue, $15,000; central power house, extension, $35,000; central power plant, extension (to cost $120,000), $60,000; central heating plant, extension, $8,000; water system, extension, $5,000; workmen's landing near reservoir, $1,000; shelves, racks, and fittings for storehouse No. 86, $5,000; boiler shop for steam engineering, to complete, $75,000; in all, $250,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 9, on page 35.

Mr. HALE. Some changes are necessary at this point, which I will indicate. In line 23, page 34, I move to strike out the

word "complete" and insert "continue;" and in the same line, to strike out the word "three" and insert "two;" and after the word "hundred," insert the words "and fifty;" so as to read:

Navy-yard, Charleston, S. C.: Stone and concrete dry dock, to continue, $250,000.

The amendment was agreed to.

Mr. HALE. After the word "dollars," in line 8, page 35, I move to insert what I send to the desk.

The SECRETARY. On page 35, line 8, after the word "dollars," insert:

Quay wall at dry-dock entrance, $40,000; dry-dock latrines, $3,000; one officers' quarters, $7,000; dispensary building, $12,000.

The amendment was agreed to.

Mr. HALE. On page 35, line 9, I move to strike out "fifty-nine" and insert "seventy-one."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 35, line 24, before the word "thousand," to strike out "fifteen" and insert "thirty;" on page 36, line 1, after the word "dollars," to insert "sewer system, $3,000;" and in line 3, before the word "thousand," to strike out "twenty-one" and insert "thirty-nine;" so as to make the clause read:

Naval station, Key West, Fla.: Dredging and filling in, $30,000; to complete two officers' quarters, $1,200; marine railway, to complete, $5,000; sewer system, $3,000; in all, navy-yard, Key West, Fla., $39,200.

The amendment was agreed to.

The next amendment was, on page 37, line 2, after the word "dollars," to insert "telephone system, extensions, $1,500; central power plant, $60,000; water-closet for ships in dock, $2,500;" and in line 6, before the word "thousand," to strike out "one hundred and forty-one" and insert "two hundred and five;" so as to make the clause read:

Navy-yard, Puget Sound, Washington: Sewer system, extensions, $3,000; * * * telephone system, extensions, $1,500; central power plant, $60,000; water-closet for ships in dock, $2,500; in all, navy-yard, Puget Sound, Washington, $205,000.

The amendment was agreed to.

The next amendment was, on page 37, line 12, after the word "dollars," to insert "toward construction of a graving dock of concrete and granite, to cost, in all, $1,400,000, $100,000;" and in line 15, before the word "forty," to insert "one hundred and;" so as to make the clause read:

Navy-yard, Pensacola, Fla.: Water system, $5,000; sewer system, $10,000; conduits and conductors for distribution of power, $5,000; crib for wooden floating dry dock, $20,000; toward construction of a graving dock of concrete and granite, to cost, in all, $1,400,000, $100,000; in all, navy-yard, Pensacola, $140,000.

The amendment was agreed to.

The next amendment was, on page 38, line 7, before the word "machinery," to strike out "and;" and in the same line, after the word "machinery," to insert "and power plant;" so as to make the clause read:

Naval station, Olongapo, Philippine Islands: Purchase and installation of tools, machinery, and power plant, $100,000.

Mr. KEAN. I wish to make an inquiry of the Senator from Maine in regard to this appropriation for the naval station in the Philippine Islands.

Mr. HALE. Mr. President, lately I have obtained from the Department reports from naval officers who have inspected this station, and I want to put in the RECORD the report of a very accomplished naval officer, Capt. S. M. Ackley, which was sent to me by the Acting Secretary of the Navy, saying that he inclosed a copy of the report of Captain Ackley, dated June 30, 1905, and it discloses for the first time the real situation at Olongapo. I ask that the letter of the Acting Secretary and Captain Ackley's report be printed in the RECORD—I will not take up the time by reading them now—and also the report of P. L. Reed, civil engineer, United States Navy.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the papers submitted will be printed in the RECORD.

The papers referred to are as follows:

NAVY DEPARTMENT,
Washington May 28, 1906.

SIR: Agreeably to the request contained in your telegram of the 28th instant, I herewith inclose a copy of the report of Capt. S. M. Ackley, United States Navy, late commandant United States naval station, Olongapo, P. I., dated June 30, 1905, together with a copy of the printed report of the board of officers on the naval station, Olongapo, approved by the Department January 16, 1906; copy of the report of civil engineer, naval station, Olongapo, dated August 30, 1905, submitting outline and plans of the naval station, Olongapo, and a report from the civil engineer, naval station, Olongapo, dated January 17, 1906, relative to the conditions of buildings at the naval station.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

HON. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

UNITED STATES NAVAL STATION,
Olongapo, P. I., June 30, 1905.

SIR: 1. I have the honor to acknowledge the receipt of Navy Department's letter No. 11406–78.

2. Referring to paragraph 1, I would say that it is very difficult for anyone to predict when the transfer of the plant from Cavite to Olongapo can be made. I doubt very much whether it can be commenced within the next five years, and it may take longer if the appropriations continue to be as unfortunate in the future as they have been during the past two years. I would respectfully call the Navy Department's attention to the fact that no plans have been furnished by the Department, only bluprints of those of the Taylor board, which, I suppose, the Department expects to follow, although the Bureau of Yards and Docks has not intimated in any way what its views were on this subject. There is a natural sequence that has to be followed in order to economically carry out a plan of this kind, and before permanent buildings can be erected a permanent foundation must be prepared. Judging from the directions of paragraph 1 of the Department's letter, it would appear that it expects to utilize some or all of the buildings of Spanish construction in the present Olongapo Navy-Yard, but I would respectfully call its attention to the fact that none of them correspond with the plan of the Taylor board, and that the level of the dockyard, as designed by the Spaniards, is in some parts less than a foot above high water, and none of it is more than 18 inches above high water.

3. The plan of the Taylor board calls for a level of about 3 feet above extreme high water. Inclosed under separate cover is a blueprint of the dock yard, as left by the Spaniards, with such temporary additions as have been made by the marines stationed in garrison here. An examination of the blueprint of the station as it now exists shows that there are forty-six buildings here in all, enumerating everything that was here at the time of my arrival, November 13, 1904. Of these forty-six buildings, all but eight are occupied and in use by the marine garrison. Of these eight buildings, No. 38 was the residence of the commanding officer in the Spanish days, and is in such bad condition, owing to its faulty construction, that it is no longer tenable. Building No. 39 is in such poor condition, owing to its walls being cracked and its foundation not having been securely built, that it will have to come down in the near future. Building No. 40, used as a coal shed, is already falling down and is beyond even temporary repairs. Buildings Nos. 41 and 42, machine shops, can be repaired for temporary use during the construction of the yard, but are in no way adequate to contain the machinery now installed at the Cavite yard, even if they were to be kept under the adopted plan of the future naval station. Building No. 32, which is a double Spanish building, has been repaired since my taking command, in order that the company of marines quartered there could continue to occupy it. Building No. 28, a Spanish structure of quite substantial construction, has been turned over to us by the marines, and is used by the general storekeeper as a storehouse for articles kept here under the naval supply fund. Building No. 23 is of Spanish construction, and is occupied by a company of marines. Building No. 25, which is a structure of brick and steel, partly finished when we took possession of the station, is now being completed by contract. This is the only building in the yard that probably will be retained in the future. It was the last building commenced by the Spaniards during their régime here, and shows the result of their experience for construction in this climate. I will treat this subject further on.

4. To the west of the navy-yard gate, which is shown in the plan in the corner of wall near building 14, there is a clear, open space, beyond which and extending to the Kalaklan River is the native village of Olongapo, containing three streets for a part of its length running parallel with the water, with a population of about 1,000 people, the most of whom live by working directly or indirectly for the garrison.

5. Referring again to the matter of transfer of plant from Cavite to Olongapo, I would call the Department's attention to the fact that the floor space of all buildings that can be temporarily made use of here is only about 25,000 square feet, whereas the floor space of the working departments at the Cavite yard is about 250,000 square feet, and at Cavite they are very much pressed for room to do the work now required of them, so that to think of transferring the Cavite station to Olongapo until Olongapo is developed on the lines proposed by the Taylor board, or some modification to it, is absolutely impossible.

6. Referring to the second paragraph of the Department's communication, I would state that since the statement of the Bureau of Supplies and Accounts was made, on February 28, there has been built by contract a pier for landing and receiving stores, at a cost of about $30,000, and a contract amounting to $7,000 is nearly finished for repairs on building No. 25, to complete and put it in condition for the use of the commandant, the pay officer, the civil engineer, the captain of the yard, telegraph office, and post-office. This building is on iron piers some 4 feet from the ground, and, although it somewhat interferes with the plans of the Taylor board, it could remain in its present position as long as desired.

7. For the future development of the naval station the funds are limited if the scheme of the Taylor board is to be carried out. Particularly is this so in regard to the proposed quay wall. Sixty-three thousand dollars has been appropriated for this work, and the bill limits the price of the wall to $144 per linear foot. After consulting with the various contractors and the civil engineer I have to state that it is not possible to do this work for the amount to which we are confined by the bill. This amount is less than one-half of what is necessary and what a similar quay wall at the Charleston Navy-Yard has cost the Government.

8. The items "Commandant's quarters" and "Three officers' quarters" are only appropriations sufficient to partially construct these buildings, and as the location where they are to stand has to be filled in nearly 3 feet, I consider it absolutely necessary that the filling in be completed and that the appropriations for the completion of this be made, so that the buildings may be designed and completed within the limits of the appropriation.

9. The item "Dredging entrance to basin" can economically be done when a dredging plant is brought here to do some other work. It is not absolutely necessary now, and we have no dredging plant at Manila at the present time.

10. "Dredging basin in front of quay wall" can well be delayed until the dry dock, for which it is intended, is nearer Manila than Baltimore, where it now is.

11. After consultation with the contractor who sunk the artesian well at Cavite, I think we have every reason to believe that artesian water of good quality can be reached here more easily than at Cavite, and that it is advisable, for the best interests of the Government, to sink an artesian well here rather than build necessary reservoirs and in-

stall piping for over 2 miles from the Brick Yard Springs. The water at these springs is a surface drainage and is not sufficient to supply the navy-yard during the dry season.

12. The landing pier has already been spoken of.

13. The "coaling plant" is being handled by the Bureau of Yards and Docks.

14. This covers the entire appropriation for the past fiscal year, and I think the Department will agree with me that I have used all the money that a due regard for the best interests of the Government and a reasonable degree of economy would warrant.

15. In regard to paragraph 3 of the Department's letter, I would say that the Department has now come to the question of vital importance in connection with Olongapo Naval Station, for there are certain works that must be done before it is advisable to expend any large amount of funds for others. The vital question, and one on which the Spaniards failed in their plan to develop this place, was to prevent the Santa Rita River from discharging into the basin in front of the naval station. In order that the Department may, perhaps, better understand the conditions here, I will refer them to the map of the Niblack survey of Olongapo, which shows that the valley of the Santa Rita River, on which the navy-yard is located, from the sea, extending back at least 1½ miles, far beyond the limits of the proposed naval station, is a vast mangrove swamp, with the Santa Rita River on the east side and the Kalaklan River on the west side. These rivers gradually come together at a point near the rifle range and about a mile and a half in a direct line from the bay. The bay shore line is a sandy beach, which the sea has thrown up to a height of about 6 feet near the Kalaklan River, where the sea rolls in from the direction of Grande Island, but extending to the east toward the navy-yard the shore is protected by the opposite point, and the crest thrown by the sea is not more than 2 feet above the land behind it. Behind this narrow strip of beach, and extending along the shore for half a mile and back into the mangrove swamp, is the native village, and from the Kalaklan River to the basin in front of the naval station, a distance of 1 mile, all of the land which will be occupied by the proposed naval station is a mangrove swamp, the most of which is covered with 1 foot to 18 inches of water at every high tide. At the present time the Santa Rita River is discharging its water, yellow with sediment after every rain, directly into the basin, where about 4,000,000 cubic yards of silt will have to be removed in order to get a basin large enough for the purposes required by the proposed navy-yard. The Spaniards attempted to close the Santa Rita River where it joins with the Kalaklan, thus diverting the entire volume of the stream down the Kalaklan. In order to carry off the water that flowed into it in the small subsidiary streams, below where they attempted to cut off, a canal was dug about 40 feet wide and 8 feet deep from the Santa Rita west to the Kalaklan. This canal was nearly finished when we took possession here, but above where the two rivers come together and where the Spaniards attempted to cut off the water flow into the Santa Rita the stream broke through and has ever since carried its volume of water down that way, it being nearer the sea level by way of the Santa Rita River than by the Kalaklan, and the largest volume of water goes out by the Santa Rita. Although the Kalaklan is wider than the Santa Rita, the depth of water is not as great. Unfortunately for the success of the operation both banks of the Santa Rita River where it separates from the Kalaklan are alluvial deposits. In my opinion, in order to divert the flow of water into the Kalaklan it will be necessary to carry there several thousand tons of stone and build retaining walls. The nearest point where stone can be obtained is La Lake Hill, at the mouth of the Santa Rita. The hill contains about 280,000 cubic yards of rock, which has to be removed, as the proposed dry dock will be located directly over the hill, it being the only solid foundation within the limits of the proposed navy-yard. This is all plainly set forth on the drawings made by the Taylor Board. In the estimate which I prepared before leaving Washington and left with the Bureau of Yards and Docks I asked for $45,000 for this purpose. Unfortunately, in the meager appropriation of $100,000 which we have for the coming year this item has been omitted. I say unfortunately because in my opinion and the opinion of the admiral and civil engineer it is absolutely essential to demonstrate that this river can be closed and its flood water controlled before it is advisable to spend any large amount of money in other directions toward the development of this naval station.

16. Next in importance to closing the Santa Rita River is the filling in of the great mangrove swamps on which all the larger constructions for the mechanical part of the yard will have to be located. This will be rather a long and expensive operation, as retaining dikes will have to be built to hold up the mud used for this purpose, and it will take some time for this to settle and dry. The foundation of every building that is to carry any weight must be supported by piles sufficiently long to carry their load by friction, as borings show nothing but a mixture of mud and sand to a depth of a hundred feet or more.

17. The building of the sea wall, judging from the progress of similar works the Navy Department has on hand at other places, will require several years.

18. In connection with the matter of contracts for work of this nature, attention is called to the fact that there are only two firms in Manila who have ever undertaken large works of this kind. One is the Atlantic, Gulf and Pacific Company, with whom the Navy has had an unfortunate experience at Mare Island and Philadelphia, and the other is J. G. White & Co., who have on hand as much as they can carry during this year or more for the insular government, although they expect to bid on the coaling-plant contract.

19. Referring again to the blueprint of the station, I would say that this does not show the temporary quarters that have been constructed for the use of officers of the Navy, but it does show that the marines now necessarily occupy all the habitable buildings on the station except two, the one in use by the general storekeeper to store such articles as must be locked up, and the other, the old Spanish officers' mess house, which is now occupied by the medical officers stationed here.

20. In regard to paragraph 4, I would say that an additional communication will be forwarded in a few days giving a statement of further appropriations desirable, and that, I believe, can be made useful during the fiscal year ending June 30, 1907.

Respectfully,

S. M. ACKLEY,
Captain, United States Navy, Commandant.

The ASSISTANT SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

(Thro C. in C.)

MAY 29, 1906.

The accompanying copy of a report of the civil engineer, naval station, Olongapo, dated January 17, 1906, addressed to the commandant, naval station, Olongapo, should have accompanied the Department's letter No. 11406–109 of May 29, 1906.

NAVY DEPARTMENT.

UNITED STATES NAVAL STATION,
Olongapo, January 17, 1906.

SIR: In accordance with cablegram of October 15, 1905, from the Bureau of Yards and Docks, a survey has been made of the valley of the Tabacujan River with a view to determining whether it would prove a desirable source of water supply for the station. Civil Engineer F. O. Maxson has suggested the development of the water power available in this river, and this feature was also considered.

Tracing No. 96–2, showing the Tabacujan River in its relation to the station, as well as the site for the reservoir back of Kalaklan Point, investigated by the Bureau's direction, is forwarded under separate cover. The reservoir site was described in a letter dated December 5, 1905, with an accompanying plan.

2. The survey as shown on plan was carried to a point about 6 miles from the center of the present station, where the stream forked into two approximately equal branches at an elevation of 815.42 feet above low-water datum.

3. Weir measurements were made on January 4, two months after the end of the rainy season at a point 4,900 feet below the upper limit of the survey, where the flow was 160 cubic feet per minute, and at a point 12,000 feet lower where a flow of 285 cubic feet per minute was recorded. These rates of flow are equivalent to 1,700,000 and 3,160,000 gallons, respectively, in twenty-four hours.

4. It is probable that these figures will be considerably reduced at the end of the dry season, about June 1, but it appears almost certain that a flow exceeding 500 gallons per minute, or 720,000 per day, which has been taken as the maximum requirement of the station, will be found in the lower portion of the river at all times. The weirs were left in place, and readings will be taken from time to time, and the results, especially at the end of the dry season, noted.

5. An elevation of 192 feet above low water is found at a distance of 22,000 feet from the station. An 8-inch pipe, with a friction loss of 3 feet per 1,000, or 66 feet in 22,000, and a velocity of 2½ feet per second would deliver 500,000 gallons per day, reaching the station with a head of 126 feet, which would maintain the level in the 100-foot 100,000-gallon elevated tank which was recommended as the present distributing reservoir for the yard. The intake for this pipe line might be of the simplest construction, there being no present or apparent future necessity for a storage reservoir. Such construction would make it a simple matter if the development of power is not approved to increase the head by carrying the intake further up the valley should future demands exceed what now appears an ample provision or should incrustation in the pipe line similarly increase the loss of head by friction. A head of 100 feet or 43.4 pounds per square inch is believed to be sufficient, as there are no high buildings. A fire pump with salt water inlet and discharging into the mains is suggested in case the elevated tank is not considered sufficient protection against an extensive fire, although the yard buildings should be constructed with the minimum amount of wood on account of white ants, and should be practically fireproof. The tank would supply several fire streams with a fair pressure until the fire pump could be started, when the valves connecting with main supply pipe and tank would be closed and the pressure raised to, perhaps, 100 pounds per square inch. Such rare use of salt water to be later flushed out of the system would have little effect on the pipe and fittings.

6. A distributing reservoir on Kalaklan Hill would involve 7,000 feet of 12 or 16 inch pipe from the reservoir to the center of the station. The ground on the west bank of the Kalaklan is in general steep and rocky, and a location on this side of the river for the pipe line is not considered as favorable as the comparatively flat valley on the east side. A distributing reservoir so located would increase the cost of the supply main and would add a long distributing main of comparatively large diameter, which in itself would cost twice as much as an elevated steel tank of 100,000 gallons erected on the station, involving a crossing of the Kalaklan near its mouth.

It is believed that the cost of such a reservoir and auxiliaries made necessary thereby could be more advantageously applied to increasing the diameter of the main supply pipe and erecting an elevated tank on the station.

The elevated tank would furnish a temporary supply in case of damage to any outlying pipes, which properly conserved would last some days, while a reservoir across the Kalaklan would be comparatively unprotected, and in case of a break in the main distributing pipe, for instance, at its crossing of the Kalaklan in time of flood the station supply would be suddenly shut off, and for an indefinite time.

7. In designing the pipe line the difficulty in obtaining or training men qualified to do what may be described as a "workmanlike job" in any mechanical branch should be borne in mind. A form of cast-iron pipe with finished metal-to-metal joints and without any calking, known as "universal pipe," appears to have several prominent advantages for such conditions, and the price is but little more than ordinary bell and spigot pipe. Consideration of this form of pipe is respectfully recommended.

8. The artesian well under contract is being driven with great difficulty. A depth of 340 feet has been reached with negative results, no potable water having been obtained. It is hoped that this well will provide a supply of suitable water equal to the requirements of the near future.

9. The conditions affecting power development are briefly as follows: The highest point at which the water can be drawn with advantage is at the fork of the river at an elevation of 815.42 feet above low water. This may be discharged at a sufficient elevation to be taken into the water-supply pipe which was assumed in paragraph 5 to be at elevation 192, giving a fall of 623 feet in a distance of 10,000 feet. Taking the flow as measured on January 4 near the inlet, 160 cubic feet per minute, which would flow through a 16-inch pipe with a velocity of 2 feet per second and a loss of head of 1 foot per 1,000, the total loss of head would be 10 feet, leaving 613 for pressure head, which at the above rate of flow would be equivalent to 186 gross horsepower. About 60 per cent of this, or 110 horsepower, could be delivered on the station in the form of electric current by means of a water wheel of the Pelton type, alternating current generator, transformers, and 22,000 feet of line.

10. A dam at the inlet to form a reservoir to increase the dry-season flow has been considered, but does not appear practicable. The dry

season lasts fully six months, during which practically no rain falls; the valley rises fairly uniformly at a rate of 6 to 7 feet per 100 in the vicinity of the proposed inlet. Conditions differ but slightly for a long way below this point; there are no natural basins of any extent, and taken altogether the possibility of increasing the flow for several successive months by storage at or near the proposed inlet at a reasonable cost does not seem to exist.

11. The cost of coal and oil consumed in producing 1 horsepower night and day for one year under the conditions here existing may be taken at $100, or for 110 horsepower $11,000. To this coal consumption might be added $10 per horsepower for depreciation of boilers and engines, or $1,100 as the annual cost of producing 110 horsepower on the station. No item for attendance is included, as this power is not sufficient to do away with a steam-power plant on the station, and would involve little or no additional labor.

The cost of 10,000 feet of 16-inch pipe in place may be taken at $30,000, and the cost of power house, water wheel, generator, other electrical apparatus, and transmission line at $20,000, or $50,000 in all. If 10 per cent is assumed for depreciation and repairs and $2,000 per annum for attendance on station and line, the annual cost would be $7,000, which, deducted from $12,100, leaves an apparent saving of $5,100 per annum from the development of this water power.

12. As against this project may be placed the reduced flow of the river at the inlet near the end of the dry season, not yet determined, the isolated position of the plant where superintendence involves 8 miles of travel, the attention and care required to make and maintain the 2 miles of supply pipe tight under pressures running to 250 pounds per square inch, the care required to maintain the high-voltage transmission line, with accompanying danger to life, and the relatively small amount of power available.

It would be possible to design the plant for a larger power, which would be available during four or five months of the year, but such increase of cost would probably be not justified by the advantages to be gained.

13. The Bureau directs in its cablegram that dam sites be surveyed on the Tabacujan River.

The river descends quite uniformly in a rocky channel, strewn with bowlders. No place was found at which a storage reservoir of useful size could be obtained by a dam of reasonable cost. At almost any point a low dam could be constructed which would answer well as an inlet for the water supply, but a valley with approximately parallel sides rises regularly, with a slope of 3 or more feet per 100, offers little opportunity to construct a storage reservoir which shall hold enough water to materially increase the flow over a period of five or six successive months of dry weather.

It is believed that such a reservoir will not be needed, and that the river will supply at all times sufficient water for the needs of the station as they have been foreseen in the complete project of the Olongapo board, of which the late Rear-Admiral Taylor was senior member.

14. An instrumental survey has been made of the area adjoining the "brickyard springs" above the falls, levels determined, and weir measurement made.

These show the top of the falls to be at an elevation of 109 feet above low water and that the bed of the stream rises from there fairly and uniformly to an elevation of 154 feet, above datum in 417 feet where it branches.

A careful weir measurement made on January 8 gave a flow of 5.12 cubic feet per minute, equivalent to 55,000 gallons per day.

A similar measurement, made on February 13, 1905, gave but 1.20 cubic feet per minute, equivalent to 13,000 gallons per day. No place favorable to the construction of a dam to form a useful storage reservoir was found in the steep and narrow valley above the falls. Water from this spring now supplies a 2-inch pipe, which is led to the camp for parties using the target range for small arms, constructed as a permanent range for the Asiatic fleet. This range is used exclusively in the dry season, at which time there remains little or no water from the spring after supplying the camp.

Very respectfully,

P. L. REED,
Civil Engineer, United States Navy.

The COMMANDANT.

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., February 27, 1906.

SIR: The Bureau forwards herewith, for the information of the supplemental board on the development of the Olongapo Naval Station, a copy of letter and print just received from that station, showing the result of survey made in connection with water supply.

2. It will be noted that a different development is suggested from that proposed by the board as a result of the survey and a study of the conditions.

Very respectfully,

MORDECAI T. ENDICOTT,
Chief of Bureau.

The SECRETARY OF THE NAVY.

[First indorsement.]

NAVY DEPARTMENT, *February 28, 1906.*

BUREAU OF YARDS AND DOCKS:

Forwards, for the information of the supplemental board on the development of the Olongapo Naval Station, a copy of a letter from Civil Engineer P. L. Reed, United States Navy, dated January 17, 1906; also a print, showing the result of survey made in connection with water supply.

Respectfully referred to the board on Olongapo Naval Station, of which Capt. William Swift, United States Navy, is senior member, for consideration.

BONAPARTE, *Secretary.*

NAVY DEPARTMENT,
Bureau of Navigation.

Received March 1, 1906.
Forwarded March 1, 1906.
To Capt. William Swift, United States Navy.

[Second indorsement.]

BOARD ON OLONGAPO, NAVY DEPARTMENT,
March 15, 1906.

BUREAU OF YARDS AND DOCKS:

Forwards, for the information of the supplemental board on the development of the Olongapo Naval Station, a copy of a letter from Civil Engineer P. L. Reed, United States Navy, dated January 17, 1906; also a print, showing the result of survey made in connection with water supply.

Respectfully returned to the Department.

The results of observations made by Civil Engineer Reed at Olongapo on the possibility of water power developed for that station furnish good ground for belief that for more than half the year, at least, water power will be available.

2. It may be possible that the water power will have to be supplemented by steam in an auxiliary plant, but the board prefers to defer judgment on this point until further and more complete observations are available, and until Civil Engineer Reed has assimilated the proposed scheme of water-power development in the board's report. The report should have reached Olongapo the last of February.

3. In view of the fact that Civil Engineer Reed can, after reading the report of this board, make more intelligent observations and recommendations on this subject, the board recommends that further investigation be made as to the flow of water in the upper part of the Tabacujan at different times of the year. It seems also likely that there will be ample time for more complete observations and for conclusions based upon them.

WM. SWIFT,
Captain, United States Navy, Senior Member.

NAVY DEPARTMENT,
Bureau of Navigation.

Received March 15, 1906.
Forwarded March 15, 1906.
To the Department.

[Third indorsement.]

NAVY DEPARTMENT, *March 16, 1906.*

BUREAU OF YARDS AND DOCKS:

Forwards, for the information of the supplemental board on the development of the Olongapo Naval Station, a copy of a letter from Civil Engineer P. L. Reed, United States Navy, dated January 17, 1906; also a print, showing the result of survey made in connection with water supply.

Respectfully returned to the Bureau of Yards and Docks, inviting attention to the second indorsement hereon of the senior member of the board on Olongapo, recommending that further investigation be made as to the flow of water in the upper part of the Tabacujan at different times of the year, in connection with the general question on the possibility of water-power development for the naval station, Olongapo, which recommendation is approved.

BONAPARTE, *Secretary.*

Mr. HALE. I would, upon the strength of these reports, move to strike out the provisions for Olongapo, but they are so small that they will probably be used at the station in its present condition. However, I think it a matter of congratulation that at last reports disclose what is the real situation of this station.

Mr. WARREN. I should like to ask the Senator from Maine a question.

Mr. HALE. Certainly.

Mr. WARREN. Is there not a large amount, which has been appropriated heretofore, standing to the credit of Olongapo which could be expended unless otherwise directed?

Mr. HALE. It will not be expended. The Comptroller has held it up——

Mr. WARREN. Then am I to understand that nothing will be available for Olongapo except what is carried in this bill?

Mr. HALE. That is all.

Mr. WARREN. I am very glad this information has been received.

Mr. HALE. I, too, am very glad.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 38, line 24, to increase the total appropriation for public works, navy-yards and stations, from $2,848,450 to $3,005,450.

Mr. HALE. On page 39, line 1, after the word "million," I move to strike out "five" and insert "fifty-two;" so as to read "$3,052,450."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to the end of line 13, on page 44.

Mr. HALE. On page 44, line 11, I move to strike out "all."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 45, after line 2, to insert:

PUBLIC WORKS, MARINE CORPS.

Barracks and quarters, Marine Corps: Erection and equipment of two laundries for enlisted men, marine barracks, $12,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 6, to insert:

For the completion of marine barracks on the Schmoele tract of land at the Norfolk Navy-Yard, in the State of Virginia, including plumbing, interior woodwork, painting, grading, and proper connections with the local waterworks, $15,000; for the construction of two additional sets of officers' quarters, Norfolk Navy-Yard, $24,000; in all, Norfolk Navy-Yard, $39,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 14, to insert:

For the erection of marine barracks and officers' quarters, naval station, New Orleans, La., $15,000, which sum shall be in addition to $15,000 appropriated for this object in the naval appropriation act approved March 3, 1901, and $6,500 provided in the naval appropriation act approved April 27, 1904.

The amendment was agreed to.

The next amendment was, on page 45, after line 22, to insert:

For the erection of marine barracks and completion of officers' quarters, marine barracks, naval training station, San Francisco, Cal., $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 46, to insert:

For the necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, $25,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 4, to insert:

For the purchase of land adjoining marine reservation, naval station, Sitka, Alaska, $400.

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to insert:

In all, public works, Marine Corps, $106,400.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," on page 59, after line 5, to insert:

That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may hereafter be given the name borne by any State of the United States, said model to be deposited in the capitol building of said State, and in every case said model shall be placed in a prominent position, convenient to public view: *Provided*, That such model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy, no model to cost in excess of $3,500, and the sum of $50,000 is hereby appropriated.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 62, line 25, after the word "dollars," to insert "to outfit boiler shop, now building, with cranes, annealing furnace, machine and hand tools, motors and fixtures, $60,000; in all, $110,000;" so as to make the clause read:

Machinery plant, navy-yard, Portsmouth, N. H.: To outfit new shops, authorized and completed or nearly completed, with new power tools, and to replace obsolete and worn-out machine tools, $50,000; to outfit boiler shop, now building, with cranes, annealing furnace, machine and hand tools, motors and fixtures, $60,000; in all, $110,000.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 68, line 9, to increase the total appropriation for pay of professors and others, Naval Academy, from $125,820.02 to $126,217.52.

The amendment was agreed to.

The next amendment was, on page 70, line 22, to increase the total appropriation for the maintenance of the Naval Academy from $388,663.08 to $389,060.58.

The amendment was agreed to.

The next amendment was, at the top of page 71, to insert:

Hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the final graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the 15th day of April of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates: *Provided*, That the President may select a candidate for the District of Columbia for the year 1908.

Mr. HALE. To perfect the amendment, I move, in line 3, page 71, before the word "graduation," to strike out the word "final."

The amendment to the amendment was agreed to.

Mr. HALE. In lines 11 and 12 I move to strike out the words "fifteenth day of April" and insert "fourth day of March."

Mr. CLAY. What change will that make in the present arrangement?

Mr. HALE. It would be an embarrassment if it runs over the 4th of March, when Congress expires, because a question would then arise between the new Member and the old Member, and as it is only a few days——

Mr. CLAY. What change will this amendment, if adopted, make in the present arrangement?

Mr. HALE. Oh, it gives more time for Senators and Members. They have now only about three months, and there is not the opportunity for a Senator or Representative to select his man and have time for him to prepare and get ready for the examination. The same provision was substantially adopted in regard to West Point. It gives to every Senator and Member a longer time—that is, instead of awaiting the expiration of the year he is notified of the coming vacancy.

Mr. CLAY. I have never known the Navy Department heretofore to fill a vacancy that was not filled by a Member of the House or a Senator. They usually notify them three or four times if they do not make the appointment, and if they fail they notify them again. I know the Department is exceedingly careful if the appointment is not made to notify Senators and Representatives again, and then if the person appointed fails to stand the examination, to notify again and let another appointment be made.

Mr. HALE. They have now only three or four months to do it in, and they will have all the time from the preceding year.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 72, after line 10, to insert:

That the President be authorized, by and with the advice and consent of the Senate, to appoint two additional professors of mathematics in the Navy, who shall take rank at the foot of the list of professors of mathematics and be extra numbers in said list.

Mr. CLAY. I hope the Senator will allow this amendment to go over for a few minutes until it may be looked into further.

Mr. HALE. Certainly.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 72, after line 15, to insert:

That all records (such as muster and pay rolls and reports) relating to the personnel and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication.

The amendment was agreed to.

The next amendment was, on page 73, line 18, after the word "bars," to insert "and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore," so as to make the clause read:

Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, messmen, signalmen, or holding good-conduct medals, pins, or bars, and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore, $1,883,555.20.

The amendment was agreed to.

The next amendment was, on page 81, after line 9, to insert:

That from and after the date of the approval of this act, the Commandant of the Marine Corps shall have the rank, pay, and allowances of a major-general in the Army, and when a vacancy shall occur in the office of commandant of the corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the Commandant of the Marine Corps shall thereafter have the rank, pay, and allowances of a brigadier-general.

Mr. CLAY. I ask the Senator from Maine, in charge of this bill, if that amendment is not something unusual?

Mr. HALE. It was done in the case of the predecessor, who was a very competent and valuable officer, but the main reason for it is that the Marine Corps, by the constant increases that Congress has made, has run up from 2,000 to 9,000 men. It is almost as large as a corps. The commandant has more responsibility than any major-general in the Army. Instead of making it permanent the committee reported the amendment, as was done in General Heywood's case, that it be made applicable only to the present incumbent. I think it ought to be permanent, the corps has become so large; but the committee did not report it in that way.

Mr. SPOONER. If it is limited to him it is well deserved.

Mr. HALE. It is well deserved.

Mr. CLAY. That may be true, but it is a bad practice to legislate in the interest of a particular person in office. We ought to legislate generally, and not for any particular person. It is a bad precedent, and I do not believe we ought to do it.

Mr. SPOONER. It is not a precedent. We have been doing it in the Army now for a long while.

Mr. CLAY. I am not prepared to say that we ought to do it.

Mr. SPOONER. Here is a man who has a splendid record for gallantry and intelligence and force.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary continued the reading of the bill and read to line 13, on page 82, the last item read being as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract or in navy-yards as hereinafter provided—

One first-class battle ship, carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and greatest practicable radius of action, and to cost, exclusive of armament and armor, not exceeding $6,000,000: *Provided*, That before approving any plans or specifications for the construction of such battle ship the Secretary of the Navy shall afford, by advertisement or otherwise, in his discretion, a reasonable opportunity to any competent constructor who may desire so to do, to submit plans and specifications for his consideration, for which said plans, should the same be used by the Department and be not submitted by or on behalf of a successful bidder for the contract, such compensation shall be paid as the Secretary of the Navy shall deem just and equitable out of the amount herein appropriated under the head "Contingent, Navy."

Mr. KEAN. I should like to ask the Senator from Maine whether that item for an increase of the Navy is in the usual form? It seems to me that it does not exactly conform to the regular way that increases for the Navy have been made. The question is whether the text should not be amended in some way so as to make it more specific.

Mr. HALE. In providing for new battle ships Congress has always heretofore exercised its discretion and has provided limitations as to displacement and as to size, so that the Department has taken its guidance from the limitations fixed by Congress. In this case there is no limitation of any kind whatever in the bill, if that is what the Senator refers to.

Mr. KEAN. That is what I refer to. There is no limitation as to the draft of the ship, or anything of that kind.

Mr. HALE. Nor as to displacement.

Mr. KEAN. I notice a very interesting table in the report of the Committee on Naval Affairs giving the draft of some foreign battle ships, the depth of the Suez Canal, the depth to which the Panama Canal is proposed to be built, and also the depth of various harbors existing and projected.

Mr. WARREN. The provision does seem to be restrictive, however, in that the new battle ship must carry "as heavy armor and as powerful armament as any known vessel of its class."

Mr. KEAN. That is the only description I see of the vessel.

Mr. HALE. That is not exactly a restriction. It is an enlargement.

Mr. WARREN. It is an enlargement; but it is restrictive in one sense, because the Department can not accept anything that is lighter for the armor or armament.

Mr. KEAN. How are we to know what is the idea to be carried out?

Mr. WARREN. I am hoping that the Senator from New Jersey will find out.

Mr. KEAN. I am trying to find out from the Senator from Maine.

Mr. HALE. Undoubtedly it is a very general provision without any kind of limitation that the House has put in the bill.

Mr. WARREN. Does not the Senator think it is too loosely drawn?

Mr. HALE. It is pretty loosely drawn, there is no doubt. Of course this could be done. If the ship is to be so enormous it will take six months or perhaps more for the plans to be made. It is to be a structure so entirely different from anything that has been authorized heretofore that the Department has to make plans and give measurements and to form a complete scheme. The contest had been made in the House and was carried there by a large majority in favor of the ship. The only thing that could be done would be to provide that at the next session of Congress, before any bids are offered to be received, the Secretary of the Navy shall submit to Congress what would cover the suggestion of the Senator from New Jersey and the Senator from Wyoming—a plan giving in detail what the Department proposes with this ship, which will cost when she is completed somewhere from $10,000,000 to $11,000,000.

Mr. CLAY. Right there I shall be glad to ask the Senator what amount have we paid for battle ships heretofore? How much did we pay for the *Oregon*? I believe the *Oregon* cost us more than any other ship we built, did it not?

Mr. HALE. No. The *Oregon* was of the class of 10,000 or 11,000 ton ships, and she cost about half as much as this ship will cost.

Mr. CLAY. Have we ever heretofore built a battle ship that cost exceeding six and a half million dollars?

Mr. HALE. The last four which were provided for will cost about $7,000,000, including the armament.

Mr. CLAY. This is to cost six millions, not including the armament.

Mr. HALE. Yes. This will cost—so it has been stated to us—when completed, armor and armament, all of which is left indefinite, somewhere from ten to eleven million dollars.

Mr. CLAY. I understood that at the last session of Congress the naval committees of both the House and Senate adopted the policy of building two battle ships a year; and I remember the Senator from Maine stated during the last session of Congress that this year we would try to adopt the policy of building one battle ship a year. If that be true, while we have reduced the number of battle ships from two to one, the fact is that this one battle ship will cost about as much as two battle ships have cost heretofore. Then there really has been no decrease in the expenditure.

Mr. HALE. I do not see any other way to meet the suggestion than to provide that before any bids shall be invited or received the Secretary of the Navy shall report at the next session of Congress the plans and specifications for such battle ships, including their displacement, draft, dimensions, etc.

Mr. WARREN. I wish the Senator from Maine would offer an amendment of that kind. As the provision now stands it reads:

Provided, That before approving any plans or specifications for the construction of such battle ship the Secretary of the Navy shall afford, by advertisement or otherwise, in his discretion, a reasonable opportunity to any competent constructor who may desire so to do, to submit plans and specifications.

It would seem as if pretty much all of the time between now and the opening of the next session of Congress would be consumed in that way. I think it would not very much delay the ultimate outcome, and it certainly would put it nearer the control of Congress if the Senator from Maine would amend that section in the manner he has indicated, so that it might come back to Congress for final approval.

Mr. HALE. Then I would move to add, on page 82, at the end of line 13, after the word "Navy," this proviso:

Provided, That before any proposals for said battle ship shall be issued or any bids received and accepted, the Secretary of the Navy shall report to Congress at its next session full details covering any plans and specifications for such battle ship, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

That will meet the objection raised by Senators, and I think it is a very good amendment.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Maine [Mr. HALE].

The SECRETARY. On page 82, line 13, after the word "Navy," it is proposed to insert:

Provided, That before any proposals for said battle ship shall be issued or any bids received and accepted, the Secretary of the Navy shall report to Congress at its next session full details covering any plans and specifications for such battle ship, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

Mr. HALE. I do not want the Secretary to report the detailed plans. I suppose those words will have to be stricken out. I wish the Secretary would again read that part of the amendment.

The Secretary read as follows:

The Secretary of the Navy shall report to Congress at its next session full details covering any plans and specifications——

Mr. HALE. Covering the type of such battle ship.

Mr. WARREN. I call the attention of the Senator from Maine to the first two or three lines of the amendment. Does he propose to strike out the plans?

Mr. HALE. Leave out "plans," so that it will provide for the type of ship.

The VICE-PRESIDENT. Is there objection to the adoption of the amendment which has just been stated?

Mr. WARREN. I ask that the amendment may be again stated.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary read as follows:

Provided, That before any proposals for said battle ship shall be issued, or any bids received and accepted, the Secretary of the Navy shall report to Congress at its next session full details, covering the type of such specifications for such battle ship——

Mr. HALE. No; that will not do. It should read "covering the type of such battle ship and the specifications," so that we may see what kind of a ship it is proposed to build.

Mr. SPOONER. We must have the plans and specifications, for they are called for in the bill.

Mr. HALE. Yes.

Mr. WARREN. Unless this amendment cuts them out. I wish to call attention of the Senator from Maine to the first part of the amendment in reference to the submission of proposals. That seems a good provision.

Mr. HALE. I think it is a wholesome provision. Of course, the theory of this is that the Secretary goes on and makes his plans. He has to do that. I do not know that I want him to submit detailed plans; but before he issues any proposal it will be necessary to have plans.

Mr. WARREN. This clause will provide that he receives proposals before he submits plans.

Mr. HALE. I do not want him to do that.

Mr. WARREN. No; but you want to authorize him to ask for a submission of plans.

Mr. HALE. Undoubtedly; I do not propose to strike that out.

Mr. WARREN. The only question is, whether the first two lines of the amendment as stated do not cut that out.

Mr. HALE. No; that does not apply to that. It only applies to the ship itself.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE]; which will be stated.

The SECRETARY. On page 82, after line 13, it is proposed to insert:

Provided, That before any proposals for said battle ship shall be issued, or any bids received and accepted, the Secretary of the Navy shall report to Congress, at its next session, full details covering the type of such battle ship and the specifications for the same, including its displacement, draught, and dimensions, and the kind and extent of armor and armament therefor.

The amendment was agreed to.

Mr. BACON. Mr. President, if I understand the purpose of this provision, it really marks the beginning of a new era, or rather, I should say, a new departure in the character of vessels of war to be constructed by this Government. I suppose we all understand the fact that the influence which has brought about the provision for the construction of this monster battle ship is the information which we have had as to the construction of a similar ship by one of the great naval powers of Europe. I desire the opinion of the Senator from Maine [Mr. HALE] on that proposition.

Mr. HALE. The Senator will excuse me. I was interrupted, and did not catch his remark.

Mr. BACON. I understand the Senator can not listen to two Senators at the same time. I do not criticise him for his failure to do so.

What I wanted to say was that our action in this matter, I presume, is based upon the assumption that a ship of this class is so superior in its power to the ships of a lower class that if one nation has a ship of this description those who may be called upon to cope with that nation must have vessels of the same class. If that suggestion were limited in its application to one or two ships, it would be a comparatively insignificant matter, but the point about which I want to ask the Senator's suggestion is this: Whether if it is recognized that ships of this class are so much more powerful than ships of another class, that recognition will not involve necessarily in the future not simply the construction of one great battle ship, but practically the discarding of all ships of a minor class and in the future the furnishing of our Navy practically with vessels of this class? I do not know whether or not the Senator has been able to hear me, because he has been so frequently interrupted by others during the time I have been speaking.

Mr. HALE. I think I see clearly what the Senator has in mind. One reason why the amendment which has been agreed to is a good one is that before anything final is done about this ship——

Mr. BACON. The Senator is not directing his attention to what I stated at all. I said nothing about the amendment.

Mr. HALE. I shall come to that presently.

Before anything final is done and before we enter upon the construction of this ship we shall, under the terms of the amendment, have it reported to us how large this ship is intended to be and what her dimensions are to be before Congress acts in appropriating. We shall also have the benefit of the time between now and next December in seeing what is developed in other nations. Some of them propose to experiment in the direction of these big ships. I do not think that any of them have gone further than an 18,000-ton ship, but the design of the Department in this case is a 20,000 or a 21,000 ton ship—away beyond what any other nation has proposed. Just how that immense size and increase of size will be taken we will know in December, and Congress will be then better prepared to say what it will do beyond that on the very question raised by the Senator, which is a very grave question.

Mr. TILLMAN. Will the Senator allow me?

Mr. HALE. I hope the Senator will wait until I answer the Senator from Georgia.

Mr. TILLMAN. Very well.

Mr. HALE. If we built a 20,000-ton or a 21,000-ton ship—which is enormous and beyond what anybody anywhere else has thought about—it will be a question whether we shall embark in a scheme by which all subsequent vessels that we build shall be of that kind, therefore making obsolete those which we have already built, and we shall be in a better condition to meet that question next December, when we will see just what the Department proposes to do as to this enormous ship. At present we do not know.

Mr. BACON. I understand, then, from what the Senator now says, while this authority is given to the Secretary of the Navy, it is not understood that the Government is so thoroughly committed to the construction of this vessel but that if between now and next December the committee, over which the Senator so ably presides, will be able to bring to the attention of the Senate reasons why it should not be constructed, there would be time to call a halt?

Mr. HALE. All that will be left to Congress.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I will in just a moment, if the Senator will pardon me until I finish my sentence. I want to say to the Senator from Maine [Mr. HALE] that I am very much gratified by his statement, because I have been impressed with the importance of this matter, not as concerning this particular ship, but as to the tremendous departure upon which we have entered, if this is determined upon as the type of ship which we are compelled to have in order to cope with other nations who construct similar ships. Now, I yield to the Senator from South Carolina.

Mr. TILLMAN. I want to ask the Senator from Maine if the delay involved in this amendment makes it somewhat problematical as to whether or not this ship will be finally ordered, what is the particular need of an appropriation now?

Mr. HALE. There is not any appropriation now.

Mr. TILLMAN. There is $6,000,000 appropriated for this ship of the type of the *Dreadnought*.

Mr. HALE. That is a limitation exclusive of armor and armament. It will cost nearly twice that, including those items.

Mr. TILLMAN. I know, but the Senator well understands—because he and I have often discussed this question together in the Naval Committee—that it seems to be the ambition of the board of officers who plan our vessels to outdo themselves every succeeding year. They grow bigger and bigger, until, I am afraid, they will become like the frog who tried to equal the ox, and burst after a while by swelling. It appears that there ought to be some stopping place in this matter of naval construction, some limit of utility and common sense, beyond which the Congress would ask the Navy Department to halt.

We have read of battles between whales and swordfish. I have read such stories, as every man here has, and we know how much trouble the great leviathan had in battling with a school of swordfish. That simile occurs to me as an illustration of the inutility, the uselessness, and the dangerous condition into which a great ship like this might be if a lot of torpedo boats or submarines or other destructive agencies, or even smaller vessels having equally good guns that could pierce her armor or pierce her hull, should be her adversaries.

There is in an immense ship such as is contemplated such an immense amount of money involved and so many lives involved that I think it is time the question ought to be seriously considered by Congress whether we ought not to demand of the Navy Department that they shall halt, not in the proper and legitimate expansion of the Navy, but in its excessive growth. It seems to me we are getting a navy that is about as large as we can well afford to keep going. Whenever we shall have completed the vessels now ordered, the naval appropriation bill will run up to $50,000,000 more than is required now; and the ambition of naval officers to continue to grow and grow and expand, to emulate Germany and to emulate England and to outdo them, to my mind is reprehensible. It is incumbent upon us here to indicate that we do not approve of this policy, and that, while we are willing always to vote the money necessary to give us a navy commensurate with the needs of the country, we have very nearly reached that point, and we do not want this great big $10,000,000 vessel which a little rock might destroy. Senators will recollect that four or five of these battle ships ran aground and came near sinking each other in New York

Harbor only this last winter; and we have recently had a disaster in the shape of an explosion in a turret of one of our battle ships. Our naval officers appear to be very careless in handling these costly vessels or very unfortunate or something—I do not know what is the matter—and we will either have to begin to check up on this kind of construction or we will have to increase the efficiency of those handling these ships, else it will be a very costly lesson we will have learned after a while.

Mr. BACON. Mr. President——

Mr. HALE. Will the Senator from Georgia allow me?

Mr. BACON. Certainly.

Mr. HALE. All the considerations presented by the Senator from South Carolina [Mr. TILLMAN], I think, are met by the amendment to which the Senate has agreed. I do not think anybody wants to now increase the naval establishment over and beyond what we have and will have when the ships now building are completed. It has been a sort of understanding that one ship a year should be provided to take the place of the ships that will go out of commission as they reach that point in the natural life of ships when they have to be retired.

When we get, Mr. President, the American Navy as it will be when the ships now building are completed, it will be in effectiveness the second navy in the world. It will not be as large as the French navy, but our ships will be better, more modern, more useful, more potent, and terrible engines of war, should there ever be war. I do not think that we need to increase their number, but only to provide for keeping the Navy up by constructing perhaps a ship a year.

What type of ship that shall be I do not think we are prepared to say. We might strike out this provision entirely and do nothing; but I do not think that would be very wise, inasmuch as it has passed the House of Representatives, after full debate, and has had put upon it the amendment agreed to by the Senate, which defers final action until next winter. That course will not delay anything, because the plans for a ship of this kind involve such an immense labor that I fancy the Secretary of the Navy, with all his officers, will have to whip up his force to get ready a report to us in December as to just what kind of a ship shall be built. Then we can settle the question whether we are going into the building of these prodigious ships, and, if so, how far and to what extent.

Mr. BACON. Mr. President, I am gratified that there is this much time reserved by Congress for examination and calm conclusion to be reached. At the same time I am very free to confess that I have very little hope but what the result will be that the construction of this ship will be determined upon. I have every confidence in the conservatism of the honorable Senator who is chairman of the Naval Committee [Mr. HALE], and I know that if it is possible to reconcile the omission to build this ship with what may be considered the public needs, the ship will not be built.

The serious feature connected with it, to my mind, is the one which I have already suggested. Of course I recognize the fact that the amendment offered by the Senator from Maine, which has been agreed to by the Senate and which has been ingrafted upon the bill, is as far as we can go now in conserving what may be to our interest in the future; but, if the argument upon which the construction of this ship is based is that the fact of a similar ship or of similar ships being constructed by other nations makes us unable to cope with those nations unless we have ships of similar magnitude and power, the consequences to flow from that conclusion are immense and appalling. The argument must be based upon the suggestion already made that our ships would be unable to cope with ships of that class; otherwise it would not be necessary to build a ship to cope with such ships. If that conclusion is recognized as a correct one, it must follow that all the ships we now have will in a short time be obsolete.

I recollect, Mr. President—it has been but a few years ago—when the Senator from Maine, in charge of the naval appropriation bill, then as now spoke of the proposition to construct an $8,000,000 ship. The largest type before that was a $6,000,000 ship; and the Senator from Maine deprecated the construction of an $8,000,000 ship. That was then considered as the largest, that was the ne plus ultra, something beyond which we would not go; yet in two or three years we stand confronted with a proposition that almost 50 per cent in point of magnitude and expense must be added to the type of our naval vessels.

Of course, as suggested by the Senator from South Carolina [Mr. TILLMAN], the time is only distant a little in the future when this $11,000,000 ship will be considered to be too small to cope with the even larger battle ships which other nations will construct.

Mr. TILLMAN. We will have $15,000,000 ships.

Mr. BACON. We will have $15,000,000 ships to keep up with the ships which some other nation will construct.

I confess that the problem suggested is one very difficult of solution. We ought, of course, to be prepared to hold our own, to have a naval strength capable for all our needs; but whether or not anything beyond that is necessary is a grave question. If it is not necessary, the future in the matter of naval construction, in the sacrifice of what has already been constructed, and in the tremendous expense in the creation of new navies, one after the other, as these developments come in succession, is truly, I repeat, appalling.

Mr. LODGE. Mr. President, I think it is true—and I have made some inquiries in regard to the subject—that we have to-day fewer obsolete ships in our Navy than has any country in the world. The fact is, I think, that to-day there is only one ship—I am speaking now of those ships which constitute the backbone of the Navy, which constitute the Navy, the battle ships and armored cruisers—I think there is only one to-day that would be called obsolete and that the Department would be glad to withdraw, and that is the *Texas*, which was built on English plans. I repeat we have fewer obsolete ships than any other country in the world. We have built and are building a naval force which will stand third in numbers and tonnage, and, as the Senator from Maine has said—and I quite agree with his belief—it will be second in point of fighting efficiency.

The Navy is large enough. All that is necessary for us to do is to maintain it at the high point of efficiency and perfection which it has now reached. We want to have the force, the instrument, as perfect as possible.

The very large ships, of which England has launched one, and, I believe, Germany is planning for two, are, I suppose, to a great extent experimental. I think there are differences of opinion as to their value even among naval experts themselves. But I do believe that in order to keep our force at the highest point of efficiency, it is necessary for us to make an experiment in that direction. I think the Senator from Georgia is mistaken in saying that, even if ships of this large size—18,000 or 20,000 tons—should prove successful and all that their advocates expect, it would render obsolete the other ships in the Navy. We have to-day in the Navy ships of 10,000 tons, of the *Oregon* class, and ships of 16,000 tons, of the *Connecticut* class.

Mr. BACON. Will the Senator from Massachusetts pardon me? I do not wish to be understood as suggesting that they would immediately become obsolete.

Mr. LODGE. I understand that.

Mr. BACON. I mean that as soon as the navies of other countries are filled with the larger class of ships our present ships would be unable to cope with them, and would thus become obsolete.

Mr. LODGE. The *Oregon*, the *Massachusetts*, and the *Indiana*, which were our first three battle ships, are to-day, despite their inferior speed and despite their low free board, which I regard now as an admitted mistake in design, with their heavy guns, perfectly fit to take their place in the line of battle. I say that on the authority of some excellent naval officers, whose judgment, I believe, would command universal respect. They are well armored, and they carry heavy guns, and the fact that we have some 16,000-ton vessels just coming off the stocks now and going into commission does not render those ships useless at all.

The Senator from South Carolina referred to the carelessness of our officers. I do not think they are to be blamed, although there may have been carelessness in one recent instance. But those accidents and mishaps are likely to happen in any navy. It is only a few days ago that one of the new battle ships of the English navy, the *Montague*, was held up on a perfectly well known rock in Bristol Channel and was seriously if not fatally injured. I believe we are pursuing exactly the right policy. We have reached the number of ships which is sufficient. I do not think we ought to have any further expansion in numbers at present, certainly. But I do think that it is all essential that we should maintain our present force of battle ships at the highest stage of efficiency, and as we supply the loss year by year we should supply it by ships of the very best and most modern type. The amendment suggested by the Senator from Maine will certainly save us from any undue committal to this policy. But I believe myself that it is a sound one, and that Congress will adopt the House provision when the time comes.

Mr. BACON. Will the Senator permit me to make another inquiry of him?

Mr. LODGE. Certainly.

Mr. BACON. If this particular type of ship should be deemed essential or if it should be deemed to go beyond the experimental stage, do I understand the Senator to be of the opinion that

hereafter that is the type of ship which we should construct in keeping up the Navy?

Mr. LODGE. That it is impossible for anyone to answer; but my judgment would be that the one ship we need a year—and I see no reason to build more—to supply loss and wearing out should be of the most successful type. If the large ship is found to be best, I suppose the new ships as they are built would be of the large type in preference to the small one.

Mr. BACON. Will the Senator from Massachusetts permit me to ask him another question, as he has been giving this matter careful thought and investigation. The Senator speaks of this type of ship as being experimental. I should like to get the suggestion of the Senator as to what will determine the question; what will be the develpoment which will put it beyond the experimental stage? Anything short of experience in battle?

Mr. LODGE. Yes; I think short of experience in battle. They can tell whether it is advantageous to have ships of this very large size, which, of course, carry heavier armaments of guns than the other ships carry, or whether a ship of 2,000 or 3,000 tons less is on the whole better. I think that can be told without going to the extreme of battle. But it is to be noted that the Japanese, who have had the largest experience and the latest in the management of battle ships and torpedo destroyers, are building large armored ships, and I think their judgment is as good and as recent as anybody's.

Mr. BACON. The question whether or not a ship of a certain type is efficient can be determined in time of peace, so far as speed is concerned and so far as power of guns is concerned, but the actual experiment which will test the question whether it is desirable or not can only be determined in battle.

Mr. LODGE. A great deal can be done by maneuvering, as the Senator from New Hampshire [Mr. GALLINGER] suggests, and by testing the speed.

We led the world in building a battle ship of 16,000 tons. We began the building of big ships, and the success of that policy has been demonstrated. However, I know there is a division of opinion as to whether it is better to go beyond that, and that point can only be settled by trying at least one ship. If we wish to keep up, as we do, I think, the highest efficiency, it seems to me it is the part of wisdom to build this ship and make our own experiment with it. The Japanese opinion, which I regard as perhaps the best opinion in the world at this moment, certainly is that the armored battle ship is the essential feature of the navy.

Mr. TILLMAN. I should like to ask the Senator from Massachusetts a question.

Mr. LODGE. Certainly.

Mr. TILLMAN. I have not been able to discover the information, although it may exist somewhere; but have we had these battle ships, or has any nation had them, sufficiently long to know within reasonable limits what is the life of one of them? The Senator speaks of one a year, taking the place of those that go out by the limitation of its life or usefulness.

Mr. LODGE. There are casualties and there is the natural wearing out. We have not one that has become obsolete. I was very much pleased to hear that the *Oregon* and the *Indiana* and the *Massachusetts*, although considered now of inferior type, are regarded as perfectly effective vessels to put in line of battle. They were built fifteen years ago.

Mr. TILLMAN. I do not think we have any that are obsolete.

Mr. LODGE. Not one.

Mr. TILLMAN. We have vessels that are not up to the latest type.

Mr. LODGE. We have not a single obsolete vessel in what we may call the fighting line of the American Navy. The *Texas* was a poor one.

Mr. TILLMAN. And yet the *Texas* behaved very beautifully at Santiago.

Mr. LODGE. Yes; but she is of very inferior speed. That is due to defects in construction. She is not worn out. On these vessels that I have referred to considerable money has been spent.

Mr. TILLMAN. Have we not been spending a great deal of money on them every year or two?

Mr. LODGE. No; the Senator is mistaken. A large amount has been spent on them within the last year, because they have been done over, but before that there was nothing but the ordinary and usual repairs. They were extremely well built.

Mr. TILLMAN. I should like to ask a question. With the number now in the neighborhood of thirty—twenty-seven, I believe it is—will building one a year be sufficient to keep the Navy at that standard? In other words, in order to arrive at that determination we must find out what is the average life of a battle ship. We have to make some little allowance for casualties, disasters—a ship getting sunk, or something like that. I want to know, if anyone is able to tell me—I have not been able to find out—what is the average life of one of these ships with steel hulls?

Mr. LODGE. The three that were authorized in 1890 have been refitted and done over this year.

Mr. TILLMAN. But their hulls were not done over.

Mr. LODGE. No; their hulls were not, and they, we know, have had a life of eleven or twelve years certainly.

Mr. TILLMAN. Are they not now just about as efficient as ever?

Mr. LODGE. They are as efficient as they ever were. We have improved the type——

Mr. TILLMAN. Are they not likely to last another fifteen years with another doing over?

Mr. LODGE. That of course I can not say.

Mr. TILLMAN. Does the Senator know anything about the life of English battle ships? England went into this business before we did, and has older ships than ours.

Mr. LODGE. England has many ships not fit to go into the fighting line, because they are armored with the compound iron plates, inferior plates. Our vessels are armored with the very best plates as a rule. In fact, we have no compound iron-armored plates. I do not know how many ships in the English navy can be said to be obsolete. I am satisfied that one ship a year will enable us to maintain our Navy in its present efficiency.

Mr. HALE. On page 72 I move to strike out lines 11, 12, 13, 14, and 15, and insert what I send to the desk.

The SECRETARY. On page 72, in lieu of the proposed amendment of the committee in lines 11, 12, 13, 14, and 15, it is proposed to insert:

That the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall have extra numbers in said list and who shall take rank therein according to that held by them, respectively, when so appointed, if such appointees are officers of the Navy, otherwise at the foot of said list.

The amendment was agreed to.

Mr. HALE. The only amendment left is on page 7. After the amendment which has been agreed to there I move to insert what I send to the desk.

The SECRETARY. On page 7, line 6, after the word "rank," it is proposed to insert:

Provided, That when such office becomes vacant the solicitor shall thereafter be appointed from civil life in the manner and at the compensation now provided by law.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Increase of the Navy," on page 84, line 16, before the word "tests," to strike out "competitive;" and in line 19, before the word "tests," to strike out "competitive;" in the same line, before the word "months," to strike out "twelve" and insert "nine;" and in line 20, after the word "act," to insert "and for such purpose the sum of $1,000,000 is hereby appropriated;" so as to make the clause read:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats to an amount not exceeding $1,000,000, after such tests as he shall see fit to prescribe to determine the comparative efficiency of the different boats for which bids may be submitted: *Provided*, That such tests shall take place within nine months from the date of the passage of this act; and for such purpose the sum of $1,000,000 is hereby appropriated.

Mr. KEAN. I have no objection to agreeing to the amendment, but if I caught the reading of it correctly, it is a contract for $1,000,000, authorized by the House of Representatives, but it seems by the way this is printed——

Mr. HALE. We put the money in.

Mr. GALLINGER. The House forgot it.

Mr. KEAN. That is the reason for the increase of a million dollars?

Mr. HALE. Yes, sir. The House sought to keep the figures down by leaving out the appropriation.

Mr. KEAN. But they wanted the boats.

The amendment was agreed to.

Mr. HALE. On page 85, line 5, I move to strike out the words "herein authorized."

The SECRETARY. On page 85, line 5, after the word "vessels," it is proposed to strike out the words "herein authorized."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 85, line 9, to increase the appropriation for the total increase of the Navy from $32,975,829 to $33,975,829.

The amendment was agreed to.

The next amendment was, on page 85 line 14, after the word "given," to insert "herein;" so as to make the clause read:

That no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington unless specific authority be given for such expenditure.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. McCUMBER. I offer the amendment I send to the desk.

The SECRETARY. On page 38, after line 16, it is proposed to insert the following:

Naval station, Hawaii: For the reclamation of that portion of the naval station at Honolulu, Hawaii, known as the "Reef," from materials now being dredged from the harbor at Honolulu, and for the necessary dikes or retaining walls, $35,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

Mr. CLAY. I wish to call attention to page 15, lines 23 and 24. The bill as it passed the House provided "toward the accumulation of a reserve supply of powder and shell, $1,000,000." On motion of the committee, the Senate has stricken out "one million" and inserted "two million three hundred thousand" dollars—more than double the appropriation for that item. There ought to be some explanation of it.

Mr. HALE. The Department asked for $4,600,000, and the Secretary appeared before the committee and showed that we are very hard up with reference to powder and shell and in a condition where we may at any time find ourselves without any supplies or stores. The committee did not give what the Secretary and the Department asked for, but after the fashion of appropriation bills and other things, we split the difference and gave them half that they asked. That applies also to reserve guns.

Mr. CLAY. The Senate has doubled the House appropriation.

Mr. HALE. It does not in any way meet what they want, but it gives them a reasonable sum. We have to have powder and shells and guns, and Senators must remember that the naval establishment is on the highroad to more and more expense all the time. Every ship we launch requires to have a force of men, and it costs all the way from half a million to three-quarters of a million to run it. We must have powder and shells and guns and everything of that kind. Some day or other the country will appreciate what Congress is doing for the Navy and how immense the sums are that we are giving and how immense the sums must be to keep up this great Navy of ours. The committee has dealt with it as well as it could. The House struck down a good many items. The Senate has increased hardly any items. These are the only ones of any size that the Senate has increased, and instead of giving the Department all they wanted we give them half.

Mr. DICK. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 6, at the end of line 10, it is proposed to insert:

Provided, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*, That the present pay and allowances of any officer now in the Navy shall not be reduced.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment to be inserted immediately following the amendment just agreed to.

The VICE-PRESIDENT. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert, after the amendment just agreed to, the following:

Provided further, That from and after the passage of this act the pay and allowances of civil engineers and professors of mathematics in the Navy shall be the same as are or may be provided by or in pursuance of law for naval constructors, and the pay and allowances of assistant civil engineers the same as for assistant naval constructors.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. FORAKER. I was called out of the Chamber for a moment, and while I was out, on page 72, an amendment was considered which I should like to have time to read. [After a pause.] In view of the explanation made to me I will not offer the amendment I had in hand to offer.

Mr. HALE. I think that is all right.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 2623. An act for the extension of Euclid street, in Meridian Hill, District of Columbia;

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 4698. An act for the preservation of American antiquities;

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district;

S. 6288. An act to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes; and

S. 6329. An act authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 14397. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1907;

H. R. 17576. An act for the entry of agricultural lands within forest reserves; and

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALDERHEAD, Mr. CHANEY, and Mr. DIXON of Indiana managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9813) granting a pension to Hariet T. Sanders, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL W. SMITH, Mr. FULLER, and Mr. KELIHER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MANN, Mr. STEVENS of Minnesota, and Mr. ADAMSON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. SLAYDEN managers at the conference on the part of the House.

INSPECTION OF MEAT PRODUCTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

The Senate and House of Representatives:

I transmit herewith the report of Mr. James Bronson Reynolds and Commissioner Charles P. Neill, the special committee whom I appointed to investigate into the conditions in the stock yards of Chicago and report thereon to me. This report is of a preliminary nature. I submit it to you now because it shows the urgent need of immediate action by the Congress in the direction of providing a drastic and thoroughgoing inspection by the Federal Government of all stock yards and packing houses and of their products, so far as the latter enter into interstate or foreign commerce. The conditions shown by even this short inspection to exist in the Chicago stock yards are revolting. It is imperatively necessary in the interest of health and of decency that they should be radically changed. Under the existing law it is wholly impossible to secure satisfactory results.

When my attention was first directed to this matter an investigation was made under the Bureau of Animal Industry of the Department of Agriculture. When the preliminary statements of this investigation were brought to my attention they showed such defects in the law and such wholly unexpected conditions that I deemed it best to have a further immediate investigation by men not connected with the Bureau, and accordingly appointed Messrs. Reynolds and Neill. It was impossible under the existing law that satisfactory work should be done

by the Bureau of Animal Industry. I am now, however, examining the way in which the work actually was done.

Before I had received the report of Messrs. Reynolds and Neill I had directed that labels placed upon any package of meat food products should state only that the carcass of the animal from which the meat was taken had been inspected at the time of slaughter. If inspection of meat food products at all stages of preparation is not secured by the passage of the legislation recommended I shall feel compelled to order that inspection labels and certificates on canned products shall not be used hereafter.

The report shows that the stock yards and packing houses are not kept even reasonably clean, and that the method of handling and preparing food products is uncleanly and dangerous to health. Under existing law the National Government has no power to enforce inspection of the many forms of prepared meat food products that are daily going from the packing houses into interstate commerce. Owing to an inadequate appropriation the Department of Agriculture is not even able to place inspectors in all establishments desiring them. The present law prohibits the shipment of uninspected meat to foreign countries, but there is no provision forbidding the shipment of uninspected meats in interstate commerce, and thus the avenues of interstate commerce are left open to traffic in diseased or spoiled meats. If, as has been alleged on seemingly good authority, further evils exist, such as the improper use of chemicals and dyes, the Government lacks power to remedy them. A law is needed which will enable the inspectors of the General Government to inspect and supervise from the hoof to the can the preparation of the meat food product. The evil seems to be much less in the sale of dressed carcasses than in the sale of canned and other prepared products; and very much less as regards products sent abroad than as regards those used at home.

In my judgment the expense of the inspection should be paid by a fee levied on each animal slaughtered. If this is not done, the whole purpose of the law can at any time be defeated through an insufficient appropriation; and whenever there was no particular public interest in the subject it would be not only easy but natural thus to make the appropriation insufficient. If it were not for this consideration, I should favor the Government paying for the inspection.

The alarm expressed in certain quarters concerning this feature should be allayed by a realization of the fact that in no case, under such a law, will the cost of inspection exceed 8 cents per head.

I call special attention to the fact that this report is preliminary, and that the investigation is still unfinished. It is not yet possible to report on the alleged abuses in the use of deleterious chemical compounds in connection with canning and preserving meat products, nor on the alleged doctoring in this fashion of tainted meat and of products returned to the packers as having grown unsalable or unusable from age or from other reasons. Grave allegations are made in reference to abuses of this nature.

Let me repeat that under the present law there is practically no method of stopping these abuses if they should be discovered to exist. Legislation is needed in order to prevent the possibility of all abuses in the future. If no legislation is passed, then the excellent results accomplished by the work of this special committee will endure only so long as the memory of the committee's work is fresh, and a recrudescence of the abuses is absolutely certain.

I urge the immediate enactment into law of provisions which will enable the Department of Agriculture adequately to inspect the meat and meat food products entering into interstate commerce and to supervise the methods of preparing the same, and to prescribe the sanitary conditions under which the work shall be performed. I therefore commend to your favorable consideration and urge the enactment of substantially the provisions known as Senate amendment No. 29 to the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, as passed by the Senate, this amendment being commonly known as the "Beveridge amendment."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 4, 1906.*

MILITARY ACADEMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. SCOTT, Mr. HEMENWAY, and Mr. PETTUS as the conferees on the part of the Senate.

AIDS TO NAVIGATION.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

ELIZA SWORDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendment, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

HARIET T. SANDERS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9813) granting a pension to Hariet T. Sanders, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that the conference report on the rate bill may be taken up.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent that the Senate proceed to the consideration of the conference report on the rate bill. Is there objection? The Chair hears none.

The Senate resumed the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TALIAFERRO. Will the Senator from South Carolina yield to me for a moment? I have a very short bill that I should like to call up, and I ask the indulgence of the Senator from South Carolina.

Mr. TILLMAN. I am very much disposed always to be courteous to the Senator from Florida, or any other Senator, but it is very late. If I had assurances that some other Senator would not want me to yield to him, I would yield to the Senator from Florida.

Mr. TALIAFERRO. This bill will not take two minutes, unless there is objection.

Mr. TILLMAN. I will yield to the Senator, with the understanding that I can not yield to anybody else.

FLORIDA SEMINOLE INDIAN WAR.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 5924) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. SPOONER obtained the floor.

Mr. FORAKER. Mr. President——

Mr. SPOONER. I yield to the Senator from Ohio.

Mr. FORAKER. Mr. President, I do not want to detain the Senate for any very great length of time, but I do want time enough to say a few words before the vote is taken.

In the first place, in common with every other Senator here, I object to the practice to which the conferees have resorted in this instance of putting new matter in the bill, thereby becoming legislators instead of intermediaries to adjust differences and bring the two Houses together. I need not dwell upon that, however, because the Senator from South Carolina [Mr. TILLMAN] in his remarks this morning admitted that it was a bad practice. He said that he did not himself approve of it, but that the conferees had resorted to it because of the exceptional circumstances attending the consideration of this measure.

I will not say anything in addition to what he said on that

subject. But what I want to call attention to, in the first place, is the change they have made as to the clause in regard to free passes. The Senate gave that subject very careful consideration. It did not recklessly make exceptions to the prohibition against granting free passes, but named a number of classes that it desired to have exempted from the operation of that prohibition because of the merit of their claims so to be exempted.

I desire to speak first in behalf of the railroad employees. After careful consideration the Senate determined that the employees for themselves and their families should have the privilege of securing passes from the railroads on which they are employed and other railroads that might be willing to give exchange passes. That has been part of the pay for their services rendered ever since we have been operating railroads in this country. It is a privilege which they merit. There is no class of men better entitled to such consideration than the men who take their lives in their hands and render this important service for all who have occasion to make use of our common carriers.

I would argue this at some length if I thought there was any necessity for it. I do not think there is any necessity, because almost every Senator, if not every Senator here, has received to-day, as I have, numerous telegrams protesting against this discrimination against them, or rather this denial to them of the rights and privileges which they have always enjoyed in this respect.

I do not know, Mr. President, why we should be solicitous to deny to so deserving a class the consideration that we showed for them when the Senate adopted the provision it sent to conference. It is something that does not cost the public anything. They are identified with the roads. It has always been the practice of the roads to allow this consideration. I think it should be continued. I hope, therefore, when our conferees go into conference again they will remember that not only did the Senate vote that they should have that consideration shown them, but that the Senate is still of the opinion that that consideration should be extended to them.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I wish to say to the Senator that it stands to reason that the Senate amendment must have been amended at the suggestion, and not otherwise, of the House conferees, or else we could not have amended it at all. I for one objected to this language which is in the bill, and accepted it only because I had to.

Mr. FORAKER. Well, Mr. President——

Mr. TILLMAN. And I will argue and plead with my brethren at the other end of the Capitol when we get together again to give us such consideration in connection with railroad employees at least as will continue to them, as I have always been in favor of doing, the privilege that they now enjoy of being transported free and of having their families transported free. But I can not tell what the House will do. It has some hard-headed men, too, and I do not know what we will do in conference. We will try to do the best we can, as we did in this instance.

Mr. FORAKER. I only wanted to express my own view about it, and I hope other Senators will do the same thing, so that the representatives of the Senate in the conference will at least know what is the wish of this body in that respect.

Now, there is another class of deserving men that we undertook to take care of, a much smaller class in point of numbers. They are the secretaries of the Young Men's Railroad Christian Association. They are people who are doing a great, good work, and it is essential that they should have opportunity to travel about over the roads without being subjected to the payment of compensation in the way of fares. They are doing service that makes men better, that makes the common carriers better and more careful of passengers who travel over them, safer and more acceptable than they otherwise would be.

I think they should be included; and, Mr. President, to make a long story short, I do not know of a class that the Senate named in its list of exceptions that should not be excepted from this prohibition. I hope the Senators will insist that the exceptions named by the Senate to the prohibition against passes shall be allowed.

Mr. TILLMAN rose.

Mr. FORAKER. Does the Senator wish to interrupt me?

Mr. TILLMAN. I was simply going to suggest to the Senator that it might do—I do not know whether it can be done; it certainly would meet my own views—if we could say who shall not have passes, limiting it to officers of the United States, Members of the House and Senators, officers of State governments and State legislatures, and then leave the railroads to haul whom they please free. That would do away with the crying evil, the seductive, indirect bribery which is the cause of all this free-pass agitation. But I do not know; the House might not be willing to accept that.

Mr. FORAKER. I understand the office of a conferee is one that is not by any means certain as to its results, but it is proper that conferees should know what it is that those they represent desire to have incorporated.

Now, I pass that whole matter by, not because I have said all I should like to say, but because it is well understood, and I only wanted in a word or two to suggest what my desire is in regard to it.

Mr. President, I find that the conferees have also dropped out of the bill the amendment adopted by the Senate which required that common carriers should give equally good service and accommodations to all who pay the same compensation. I want to speak about that for a moment.

I offered the first amendment on that subject, and when the Senate voted on it, because it was coupled with another provision, or for some other reason, it failed of adoption. Later the Senator from Missouri [Mr. WARNER] offered practically the same amendment, though couched in somewhat different language. When he offered it I offered an amendment to his amendment, which he accepted, and in the form in which it appeared when he accepted it it was adopted by the Senate.

After it had been adopted I commenced to receive, as other Senators did, protests from Afro-Americans, some from Boston, some from Baltimore, some from other points, against the adoption of that amendment, upon the theory that it was a recognition of what they called the "jim-crow-car" system which has been inaugurated and is now being enforced in some of the Southern States.

When I offered that amendment I had in view only the purpose of securing for those who were compelled to take separate coaches, wherever they may be so compelled, equally good accommodations. I had no purpose, and so explained, of interfering with the established conditions anywhere, for I knew that was impossible in connection with this rate bill. I had no purpose to approve or disapprove of the so-called "jim-crow system." But I did have in view doing that which every legislature throughout the South, where they provide separate coaches, has announced they have done, namely, that those who are required to ride in separate coaches shall be given equally good coaches and equally good accommodations.

It never occurred to me that anybody in any Northern State would take exception to a provision of that kind upon the theory that it was in the nature of a sanction of the provision of separate coaches for white and colored men. But when they took that view of the subject, I was at a loss to know, just as other Senators were, exactly what should be done about it, but I recognized the right of colored people to settle the matter, and therefore I referred the whole matter to the conference committee and they have acted in the way indicated; they have dropped it out.

Now, before it is passed by forever I want to put into the RECORD some of the correspondence I had occasion to have on account of the offering of that amendment. I produce this because it shows what my purpose was, and it also shows the nature of the objections of those to whom I have referred.

It will appear, Mr. President, that I offered that amendment in response to scores and hundreds of letters I was receiving from colored men living in different parts of the South, which stated that the separate coaches set apart for them were so inferior in quality and in accommodations that they had nothing like equal treatment. They stated that they were required to pay the same fare, but were required to put up with unequal accommodations, so unequal that they thought they were suffering a grievous wrong. My idea was that by an amendment of that kind put into the bill the Interstate Commerce Commission would be given especial authority with respect to that matter on which it could stand to enforce equality of treatment, and that if equality of treatment should be denied redress could be sought, not alone in the courts of the State, but also in the courts of the United States.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I do not, of course, pretend to speak as to the other Southern States, but I do know that the State of Texas practices no such discrimination as that; and I do know that in almost every case one coach has a partition run through it and negro passengers occupy one part of the coach and the white passengers occupy the other part of it. It is not true of our State that the carriers provide inferior accommodations for negro passengers.

Mr. FORAKER. I am glad to have that statement from the Senator from Texas, for I know he would not make it unless he believed it to be true. I am not vouching for any of the statements that were written to me. I am only stating the reason upon which I acted.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield further to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I want to say to the Senator from Ohio that he will recall that I was ready to agree to that provision in his amendment.

Mr. FORAKER. Yes.

Mr. BAILEY. I believe that the races ought to be separated, but I also believe that the negro race ought to be provided with accommodations for which they are required to pay.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. BACON. I wish to direct the attention of the Senator from Ohio to the fact that while I objected to his amendment in the original form, when he offered the amendment which was ingrafted upon the bill by the Senate—the amendment to the amendment offered by the Senator from Missouri—I stated the fact that, so far as I was prepared then to judge, that phraseology was satisfactory, recognizing, as I did, that while the local communities ought to be left free to judge for themselves as to the separation of races, where parties paid the same rate of fare they were entitled to equally as good accommodations.

I wish to add in this connection, Mr. President, it is true in Georgia that the cars furnished for the negroes are exactly of the same type of cars which are furnished for the whites. There are some rare exceptions possibly on some few little local trains, but as to the general practice they are exactly of the same type, one immediately adjoining the other.

I wish to add, further, that in the State of Georgia there is absolutely no dissatisfaction by the negro race on account of the accommodations which are furnished to them by the railroads. They are perfectly content with them. They have every reason to be content with them; and any suggestion to the contrary emanates solely from those who desire to make mischief.

Mr. FORAKER. Mr. President, I know nothing about what the facts are. I know I received a great many letters from the South indicating the contrary, and quite a number of them came from the State of Georgia. There may have been no truth in them. I am not discussing whether they were true or not. I am only discussing what I did when I was advised that unequal accommodations were furnished.

Among other letters which I received was one from a very intelligent colored man who is attending a law school in Boston. His home, however, I am advised, is in New Orleans. He is Mr. Charles P. Ford. In answer to him, I wrote a letter, which I ask to have read at the desk, and then, as a sample of the letters that I was receiving and have been receiving from many places in the South, I want to have read also, in so far as it has relation to that, a letter from Rev. H. H. Key, of Nashville, Tenn. Let the Secretary first read my letter to Mr. Ford and then read the letter of Mr. Key.

Mr. TILLMAN. Will the Senator consent just to have them printed? We can read them in the RECORD.

Mr. FORAKER. Very well; they may be printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

WASHINGTON, D. C., *May 15, 1906.*

CHARLES P. FORD, Esq.,
Boston University Law School, Boston, Mass.:

DEAR SIR: I write to acknowledge the receipt of your letter of May 13, and to assure you of my proper appreciation for all its kind expressions. I infer from the way you write that you are familiar with all that the RECORD discloses as to the amendment offered by me May 7, which was, on the vote taken that day, defeated, but which was two or three days later offered by Senator WARNER, of Missouri, and, with an amendment I proposed, then adopted substantially in the form in which it was originally presented.

The subject is too important and difficult to be discussed in the compass of a letter, especially when I am compelled, as I am now, to write most hurriedly.

I was undertaking to deal with a condition rather than a theory. The condition presents the fact that in almost every Southern State the legislatures have, by law, not only authorized, but required, separate coaches, and the Supreme Court of the United States has held that these statutes, so far as intrastate passengers are concerned, are constitutional. As to interstate passengers there never has been any legislation and, of course, no judicial determination as to the limitations of the powers of Congress or as to the rights of the States to interfere with any regulations the Congress may prescribe.

It occurred to me that inasmuch as the Government was now for the first time assuming to regulate the rates that are to be paid for the transportation of freight and passengers we should explicitly provide that there should be equality of treatment for equality of pay, in order that the Commission might have an affirmative provision of law on which to base an enforcement of equal service and accommodations.

I offered this amendment because I had some letters from colored men throughout the South, as well as from a few colored men in the North, informing me that in the States where separate coaches were provided the coaches provided for the negroes are always inferior, and in most cases grossly inferior in quality, in some cases being of such inferior quality and kept in such bad condition as to be almost unfit for the transportation of passengers. I do not know what the facts are, but assuming these complaints are well founded, I thought there was a duty resting upon Congress to provide against such mistreatment, at least to the extent of requiring equally good service and accommodations, which is all any colored man writing me from the South has ever demanded, for they all seem to regard the provisions made by the State legislatures for separate coaches as not only likely to be continued indefinitely, but as something they have made up their minds to accept.

However all this may be, it is common knowledge that the conditions in this respect obtaining in the Southern States could not be disturbed short of a resort to radical legislation, which would be impossible in connection with the rate bill, and which, if perchance it might in some way be adopted as a part of the rate bill, would probably defeat it. From considerations of this character I sought to avoid raising the "Jim Crow" car question beyond putting into the bill a requirement that where such practice obtains the so-called "Jim Crow" car shall be as good and its accommodations as good as others receive. The purpose of this was not alone to secure equality of treatment in and of itself, but to give the United States authority through the Commission to enforce equality of treatment and to give the courts of the United States jurisdiction to entertain complaints of discriminations in that respect. I think the amendment all that could be expected under the circumstances. The vote by which my amendment as originally offered was defeated shows that conclusively. We must either, therefore, accept the Warner amendment, which has been adopted, or do nothing. I am unable to see how the amendment can work the slightest injury. It seems to me that on the contrary it secures great good. I am sure I do not wish to make matters worse.

A day or two ago I had a letter from Mr. Clement G. Morgan, an attorney at law, 39 Court street, Boston, whom you probably know. I never met him, but from what I have been told of him I have great respect for his judgment. I would be glad if you would confer with him and write me again, for the subject is one you and he are more directly interested in than I am and which you understand better than I do. The bill is likely to be voted upon before you have time to write me, but it will doubtless be some time in the conference committee, so that if you write me again I can have the benefit of your views before it is too late.

Very truly, yours, etc., J. B. FORAKER.

P. S.—In considering this matter you will bear in mind that the law of Congress will, of course, be supreme, and that no State law or authority can conflict with it as to interstate passengers. F.

Letter of Mr. Key.

53 MAPLE STREET,
Nashville, Tenn., May 15, 1906.

Hon. Mr. FORAKER,
United States Senator from Ohio.

DEAR SIR: Please accept our congratulations upon your position in discussing the rate bill and antifree-pass bill. Especially do we indorse your stand taken in regard to that part of the bill relative to equal accommodations.

We are sorry you did not get the support of other so-called "Republicans." They seem to want to drive us from the party of our choice by their actions. We are sorry that the ideas of Senators TILLMAN and BACON seem to be the leading ideas of the majority. Senator TILLMAN impressed the majority that the accommodations here in the South are equally good for both races. The Senator has either not made himself familiar with the existing facts here in this Southland or he means to be misleading in his statements. The accommodations are not equal. The colored people are forced to pay the same fare and ride in a car infested with chickens, dogs, and convicts. Our women are often compelled to submit to the abuses incident to treatment brought about by discriminations. They are forced to ride with drunkards and hoodlums. We readily accept Senator TILLMAN'S proposition to invite the Commission down here for a tour of inspection to verify the truth of our assertion. I myself had to resent an insult resulting from discrimination. On one occasion I rode a hundred miles in a baggage car rather than accept the humiliation of being with a mixed gang of white and colored convicts guarded by armed white officers. I would not be forced by the conductor to ride in such company. * * *

H. H. KEY,
Presiding Elder of the Cumberland River District of the Methodist Episcopal Church of the Penn Annual Conference.

P. S.—I trust you may see a way to secure protection in all lines of travel, including Pullman.

Mr. FORAKER. Now, of the same general character is the following letter from Madison, Ark., dated May 30, 1906, signed by a number of Afro-Americans, as they represent themselves to me, and I have no doubt they are.

The letter referred to is as follows:

MADISON, ARK., *May 30, 1906.*

Hon. Senator FORAKER: We, the undersigned in name and number, petition you to, if possible, retain the amendmeat now before the railroad rate bill conference relative to equal accommodation to passengers on all railroads paying the same fare, which was introduced by you. We note that the negroes from the North and East are presenting their voices against it. While we are in the majority in the South, we are in favor of separate coaches with equal accommodation to all passengers paying the same fare.

SCOTT BOND, *Merchant.*
I. L. WALTON.
H. S. DAVIS, *Postmaster.*
P. COVINGTON, *Farmer.*
P. H. BANKS, *Farmer.*
W. M. BOND, *Farmer.*

Omitting names, the above is the voice of 2,000 citizens of business reputation. For God's sake try to get us the accommodations for which we pay.

Mr. BACON. If the Senator will pardon me, I want to suggest a fact. The law in Georgia (and I presume it is so in other Southern States) does not permit a white man to ride in the car set apart for the negroes, no more than it permits a negro to ride in a car with the whites. The only distinction is that the white man is perfectly content to be debarred from the car in which the colored people ride, whereas a great many negroes are not content unless they are permitted to ride in the cars set apart for the white.

Mr. FORAKER. I will say to the Senator, if he has any apprehension on that point, I have not received any letters from white people living in Georgia protesting against being compelled to ride in "Jim Crow" cars.

Mr. BACON. If the Senator knew the people of Georgia as well as I do, that assurance would not be needed.

Mr. FORAKER. I am sure of that. So far as the colored man is concerned, I am not going to take up now the subject of his rights for discussion. I only want to say that when I offered this amendment I did it in answer to just such appeals as I have sent to the desk, which will appear in the RECORD tomorrow morning for the benefit of any who may see fit to read; appeals which came to us, and have come from intelligent men and reputable men, against whom nothing can be said except only that they are black men; and that I am not going to urge as an objection against any man. They say that the cars furnished them, for which they must pay precisely the same fare as white men pay for the service rendered to them and the accommodations they get, are so unequal that it is almost an impossibility to ride in them with any comfort whatever.

Now, what I thought was, if they were receiving equally good accommodations, this amendment would not hurt anybody. If they are not equally good, the amendment ought to be put into the law, and ought to be enforced, for the black man who pays $10 to ride from one point to another ought to have just as good service and just as good accommodation as the white man has who pays the same price. The Senator from South Carolina was one of the first to say he heartily approved the amendment, and I really think he is the author of all the trouble, for as soon as the Senator from South Carolina made that announcement I commenced getting letters of objection from every direction. [Laughter.]

Mr. TILLMAN. Well, Mr. President, if my honest adoption and earnest advocacy of the Senator's proposed amendment has resulted in causing northern politicians who are colored people to deluge the Senator and others with protests, I am very sorry, because I heartily sympathize with that proposed legislation. I said so when it was first introduced, and I am in favor of it yet. I yielded that amendment the very last one in the conference committee, and I should like to see it go back. I hope the Senate will instruct us before we get through to put it back.

While I am on my feet, if the Senator will permit me, I want to tell a little incident in regard to the discrimination against the colored people and white people in keeping them apart in South Carolina. No doubt some of these complaints come from South Carolina.

Four or five years ago, when the law was first enacted—I think it was the succeeding winter—I went to Columbia to our State fair. I mean the law separating the races by compelling the railroads to give separate coaches. I went to the fair, and realizing that there was a great crowd there and that the train at night, the excursion train, would be very much crowded, I decided that I would go home on the noon train, about 1 o'clock. So I got my grip and went to the depot, and, although it was an hour or more before the train was to go out, I already found every seat occupied in the white cars and a throng in the passageway. There were several of those cars. So, not liking to stand up for the distance of 60 miles, I began to perambulate along from one car to another. Finally I got to a perfectly empty coach with no one in it except two darkies. Well, I quietly and very modestly ensconced myself in one of the seats. It was just as good as any of the cars I had passed through, but it was marked "colored," and under the law was set apart for colored people.

I had no right there, but I thought, "If I behave myself my colored fellow-citizens will not object." After a while, toward the time the train would leave, several colored gentlemen came in, among them a very bright, copper-colored fellow-citizen of mine, who evidently had been to college, because a little later on, after sitting down opposite me and smilingly entering into conversation, he said: "I know you, sir. I went to Benedict College while you were governor, and I know you." I said, "Well, I hope you never heard anything very bad about me." He said: "No; we colored people like you. Some of us, though, make a terrible racket about some things you have said. Your bark is worse than your bite."

Finally he said, with a gleam of humor, which simply convulsed me afterwards, although I did not relish it right off, "Governor, don't you think that the white folks ought to obey the laws they put on the books?" I did not need any more hint, I quietly reached down, got my grip, and said, "You are all right. I surely believe in obeying that law, because we would not let you ride either in the cars for the whites; and if you object to my riding here I will go back;" and I walked back and stood up.

Mr. FORAKER. Mr. President, I do not, in view of the lateness of the hour, care to prolong the discussion of that subject. I only want to quit it, as I began, by saying that I offered the amendment upon the theory that I was securing a benefit to 8,000,000 of colored people living in the Southern States from whom I was receiving many letters of the character I have described and of the character that will appear in the RECORD in the morning. But since colored men who understand the subject object to it upon the ground that has been suggested, I propose to leave it to the conferees to dispose of it as they may see fit.

Now, I have two or three other matters I wish to call attention to.

On pages 16 and 19 the words "knowingly and willfully" are stricken out by the conferees. I am not going to stop to discuss the effect of this; I only want to call the Senator's attention to the fact that in my opinion it establishes a harsh, an inexcusably harsh, rule to make a man liable to indictment and punishment as for a criminal offense without showing any knowledge or any purpose on his part. I believe that the feeling I have expressed in a word in regard to that is entertained generally by the members of this body, for I have no idea that the feeling has changed since we voted those words into that amendment.

Now, what I want to add—and with that I am content—is what I have cut out of the New York Sun of June 1. It is an account, given in the form of a dispatch from Milwaukee, dated May 31, of a decision of the four circuit judges of that circuit in the rebate cases, in which the Pabst Brewing Company was a party, that were commenced, I think, after this session of Congress began. I want to call attention to what is here set forth in this telegram to show what, in the progress of this debate, I had occasion to assert over and over again, that what we need in the way of legislation to remedy all the evils that have been complained of is not the character of legislation we now have under consideration, but a mere strengthening of the Elkins law.

Now, what does this disclose? I want to read it. I will not put it into the RECORD, where it may be passed over without reading by anybody.

It is as follows:

[From New York Sun, June 1, 1906.]

FORCE ADDED TO ELKINS LAW—APPLIES TO FREIGHT BROKERS AND PRIVATE CAR LINES—GOVERNMENT WINS ITS SUIT AGAINST REFRIGERATOR TRANSIT COMPANY AND RAILROADS THAT THROUGH IT HANDLED PRODUCTS OF THE PABST BREWING COMPANY, OF MILWAUKEE.

MILWAUKEE, *May 31, 1906.*

The rebate suit which the Government last year began against the Pabst Brewing Company, of Milwaukee, the Refrigerator Transit Company, and several railroad companies has been decided in favor of the Government.

The decision was rendered by the four circuit judges of the seventh judicial circuit, who sat en banc, at the circuit court of the eastern Wisconsin district, and was sent up from Chicago this afternoon and filed with Clerk of Courts Kertz here.

The action against the Pabst Brewing Company is dismissed, but the *Refrigerator Car Company* and the railroads are *enjoined from continuing the practice of receiving and giving commissions* for traffic controlled and transported by the car company.

The opinion was written by Judge Baker, and was approved by Judges Grosscup, Seaman, and Kohlsaat, the other members of the court.

It is considered by lawyers to be a sweeping decision and one which upholds the provisions of the *Elkins* Act in *all its intents* and purposes.

It is *not probable* that the case will go to the United States Supreme Court, and therefore the ruling will have a *radical effect* on the *shipping* of the country.

Briefly stated, the court sustained practically all the contentions of the Government in the case. The court holds that the Elkins law is sound and enforceable.

I want Senators to remember that this litigation was commenced after we had commenced, as I now recall it, this session of Congress; it was commenced after the Hepburn bill was introduced in the House of Representatives, and it is ended before we have been able to end the consideration of that measure. So much for the expedition of the courts when they proceed under the Elkins law.

The ruling puts an end—

Now listen to what it puts an end to—

The ruling puts an *end to all devices for giving* and *collecting* rebates. The relation of the shipper and the railroads is defined in very clear language.

It holds that where a person or a company *gives control* of his or its shipments to another, such *as a refrigerator* company or a freight broker, the person or company to whom it is assigned must be deemed to be the owner and shipper of the freight and *can not accept commissions* or rebates from railroads. This is considered a highly important ruling, as it *puts an end* to the very *latest devices* found and practised for getting around the Elkins Act.

But the decision goes still further and holds that railroads must *strictly observe* their *published tariffs* and can not grant *concessions to transportation* companies or brokers whereby they receive less rate than that named in the published tariff. This means that hereafter transportation companies will not be able to collect commissions for business diverted to certain railroads, but must conduct their business on a strictly mileage basis.

It is estimated that a score or more refrigerator and stock car companies in the country are affected.

The ruling also puts out of business the so-called "*freight broker*," the latest device for rebating. The brokers collect freight and for commissions turn it over to certain railroads.

The railroad companies that were defendants in the action are the Pere Marquette, the Erie, the Chicago, Rock Island and Pacific, the St. Louis and San Francisco, the Wisconsin Central, and the Chicago and Alton.

Mr. BAILEY. Does the Senator from Ohio happen to have the full text of that decision?

Mr. FORAKER. No; I do not. I have been unable thus far to get it; but I hope to get it and put it into the RECORD in full before this debate is concluded. I will put it into the RECORD at the earliest possible day.

Now, I want to call the attention of Senators to another fact. No doubt every Senator here has been reading the result of the investigation made by the Interstate Commerce Commission of the practices of the Pennsylvania Railroad Company; no doubt every Senator here is familiar with the malpractices, I will say, for the want of a better word, which that company has been engaging in; but has any Senator here failed to note the fact that not a single offense committed by the Pennsylvania Railroad has been committed by it, according to that disclosure, that is not covered by the Elkins law; not one that can not be remedied almost immediately, just as the evils involved in this Milwaukee suit were remedied by the filing of a bill and the taking of a temporary restraining order upon the filing of the bill, which, upon final hearing, will be made perpetual, just as in the case of the Chesapeake and Ohio and the New York, New Haven and Hartford Railroad coal case? There suit was brought, an injunction was allowed, and the evil stopped that very moment. When the case was finally heard that injunction was made perpetual. So it was in the Milwaukee case, commenced only a few months ago, since we commenced this session, and now finally ended. In this case a suit was brought, and in it was involved the question of the illegality of the latest devices and abuses—for granting rebates, for making personal discriminations, terminal charges, icing charges, refrigerator charges, private car lines, and everything that we have heard anything about during the whole progress of this debate was involved in that one case that had not already been covered in these other cases to which I have referred.

Mr. President, if it be true, as it unquestionably must be conceded to be true, that there is a complete remedy under that law—for the court has so held, and that is the reason I say it must be so conceded—that upon the complaint that there is an unequal, an unjust, or a discriminatory allotment of cars, if it be true that as to that complaint this law can be applied and found sufficient to prevent it, and if it be true that under that law no form or guise whatever of rebates or discriminations can be practiced, there is no more necessity for this kind of legislation than there is for putting five wheels on a wagon.

Mr. President, one word more. I do not make these remarks, of course, with the idea of preventing the passage of this bill. That is an impossibility; but I make these remarks only that I may put before the Senate the state of the law which we have and the degree of success we are now having in all cases where an enforcement of that law is undertaken by the Department of Justice. In no case where that law has been invoked, from the day when it was passed down until this moment, has it failed to meet the purposes of the prosecution, except only in one case at Philadelphia, where there was a failure of testimony to support the complaint.

Mr. GALLINGER. Mr. President, a single word. I know how anxious the conferees on this bill are to have it go back to conference, and I promise to delay it but a moment.

When this bill was under consideration the Senator from West Virginia [Mr. ELKINS] moved to increase the salary of the secretary to the Interstate Commerce Commission from $5,500 to $6,000. I moved to lay the amendment on the table, and by an almost unanimous viva voce vote it was tabled. I was surprised, in looking at the report of the committee of conference, to find, Mr. President, that not only had the conferees increased that salary, but that a new office had been created by them—that of assistant secretary. It is very manifest that the conferees did exceed their authority in that matter.

But, Mr. President, I want to say a word personal in reference to this question. I think this is the first time in my fifteen years of service that I have ever obtruded a personal observation on the Senate, but circumstances warrant it in this instance.

When the railroad rate bill was under consideration—I am not quite sure whether it was before I made the motion to table the amendment or not—I was waited upon by an outside party, who made a very earnest appeal to me in behalf of the secretary of this Commission. I said to him that I thought the salary he was receiving was adequate, inasmuch as it was the same salary the Civil Service Commissioners, and a great many other high officers of the Government, were receiving, and I added to that a criticism upon the secretary of the Commission to the effect that I thought he would be better occupied in giving his entire attention to the duties of his office, rather than to be promoting certain legislation. I did not state what the legislation was, but suggested that it was legislation that I thought objectionable, and I will now say that it was legislation not in anywise connected with the railroad question. Thereupon a Senator called my attention the next day to a letter from the secretary of this Commission, in which he stated that I had charged him with being an anarchist, etc. I said to the Senator, "That is not true; I never made any such accusation as that."

But now, Mr. President, while I may in a sense be violating confidence, I will say that I have in my hand a telegram and a letter that that gentleman sent to a high official of a railroad asking him to intervene to set me right on this question. Mr. Moseley probably did not know that I owe allegiance to no railroad or railroad official in the world; that I am under no obligations to any official of any railroad in the United States; and hence he made a mistake in assuming, as he evidently did, that I could be straightened out in this matter and that I would agree to an increase of his salary in one way or another. It is proper that I should say that the official to whom he wrote did not undertake to carry out his wishes. In his letter and telegram he repeated the foolish statement that I had charged him with being an anarchist and an enemy to sound legislation. Now, Mr. President, so far as I am concerned that is of no particular consequence, but I thought I would take this occasion to say to that gentleman that he ought to have come to me in person and discussed the matter in a manly way rather than to have paraded it over the country as he has done.

If the Congress of the United States thinks the secretary of the Interstate Commerce Commission ought to have a five or six thousand dollar salary—the first proposition was to give him a thousand dollars more than Senators and Members of the House of Representatives are receiving and the present proposition is to give him a salary equal in amount to that of a Senator—I say, if the Congress of the United States thinks that that officer ought to have an increase of salary and that the Commission ought to have an assistant secretary at $4,000 a year, that can be regulated by a joint resolution after this matter has been properly disposed of by the conference committee. But however that may be, when the bill goes back to conference I shall expect that the provision relating to the secretary of this Commission and the creation of a new official in the person of an assistant secretary may not reappear when the report is again presented to the two Houses of Congress. If it does, I shall have something further to say on the subject.

Mr. SPOONER. Does the Senator from South Carolina expect to get a vote on the conference report to-night?

Mr. TILLMAN. Of course, I can not undertake to do more than to express the hope that I will. It is now twenty minutes after 5. The day has been long, it is hot, and, of course, we are all tired. I can not see what good it is going to do for Senators to talk, because the matters which I mentioned this morning, which are subject to the point of order, and in inserting which the conferees have exceeded their authority, and knew it when they did it, and authorized me to come in here and say so, will all go out; but the things that we thought we had a right to put in, I presume will have to be put out by a vote of the Senate. Therefore, all this lecturing and advice might as well be saved until the vote comes. I am speaking for myself alone, of course, because the other Senate conferees will outvote me and the House conferees will control. We have got to compromise these matters, and I can only do the best that is in my power. That is all. I should like to get a vote this evening, however.

Mr. SPOONER. I asked the question of the Senator because I happen to know of several Senators who desire, I think each

one very briefly, to address the Senate upon some phase of this report. I think it is utterly impossible that it can be concluded to-day.

Mr. TILLMAN. Senators will not talk so long this evening when they are tired as they will to-morrow morning when they are fresh.

Mr. SPOONER. I think a number of Senators would like to send the Senator from South Carolina and his associates back to conference on the motion that the Senate entirely disapproves——

Mr. TILLMAN. But how can the Senate disapprove, if half a dozen Senators make speeches like those we have heard?

Mr. LODGE. We can take the vote later.

Mr. TILLMAN. We will take the vote later, if the Senate so desires.

Mr. SPOONER. The Senator and his associates will, perhaps, bring back a disagreement as to one item, at least, in this bill rather than——

Mr. TILLMAN. I am perfectly willing, and will be anxious, and was anxious to do it, in order to bring back a disagreement on the amendment offered by the Senator from Missouri [Mr. WARNER], which is known as the "Jim Crow" car amendment. I am very anxious to bring in a disagreement on that.

Mr. SPOONER. The "Jim Crow" car amendment, I think, ought not to have been omitted from the bill; but I think the conference report, as to passes to employees of railroad companies, is very much worse.

Mr. TILLMAN. I have no doubt in my own mind that after the expressions of disapproval in the shape of the avalanche of telegrams that have come to Members of the House and of the Senate, we certainly will be able to agree on a modification of that to the extent of not prohibiting railroads from carrying their own employees and their families. I never was in favor of such a prohibition, but I got all I could.

Mr. LODGE. Will the Senator from Wisconsin allow me a moment——

Mr. SPOONER. Yes.

Mr. LODGE. To express the hope that the Senator from South Carolina will allow us to adjourn now. I do not think by keeping us here a half an hour longer he will gain anything. There are a number of Senators who intend to speak, and if we should proceed to-night there would only be a repetition in the morning——

Mr. TILLMAN. If it is the desire of the Senate to adjourn, it can always do so without my will. I can not keep the Senate here if Senators want to leave. I am perfectly willing that the Senate shall adjourn, and I shall not protest.

Mr. SPOONER. I want to suggest to the Senator from South Carolina who, I think, has a right to make whatever motion is made, as he is in charge of this measure, that he move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. I always try to accommodate the Senator. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 6, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 5, 1906.

COLLECTOR OF CUSTOMS.

Charles A. Barbour, of Rhode Island, to be collector of customs for the district of Bristol and Warren, in the State of Rhode Island, in place of Stephen W. Church, deceased.

PLACED ON RETIRED LIST OF ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. Sedgwick Pratt, Artillery Corps, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

APPOINTMENTS IN THE ARMY.

General officers.

Col. John McClellan, Artillery Corps, to be brigadier-general from June 1, 1906, vice Buchanan, retired from active service.

Col. Stephen P. Jocelyn, Fourteenth Infantry, to be brigadier-general, vice McClellan, to be retired from active service.

PROMOTION IN THE ARMY.

Corps of Engineers.

Second Lieut. Henry H. Robert, Corps of Engineers, to be first lieutenant from June 1, 1906, vice Williams, deceased.

PROMOTIONS IN THE NAVY.

Capt. John J. Hunker to be rear-admiral in the Navy from the 6th day of June, 1906 (subject to the examinations required by law), vice Rear-Admiral Purnell F. Harrington, to be retired.

Commander John A. H. Nickels to be a captain in the Navy from the 28th day of June, 1905, vice Capt. Andrew Dunlap, retired.

APPOINTMENTS IN THE NAVY.

I nominate the following-named citizens to be assistant surgeons in the Navy, from the 1st day of June, 1906, to fill vacancies existing in that grade on that date:

Heber Butts, a citizen of Missouri;
Philip E. Garrison, a citizen of New Jersey; and
Thomas W. Raisón, a citizen of Kentucky.

REGISTER OF LAND OFFICE.

John Thomas, of Prairie View, Kans., to be register of the land office at Colby, Kans., vice Albert H. Blair, whose term will expire June 30, 1906.

POSTMASTERS.

FLORIDA.

W. L. Van Duzor to be postmaster at Kissimmee, in the county of Osceola and State of Florida, in place of James A. Simpson. Incumbent's commission expired June 4, 1906.

William R. O'Neal to be postmaster at Orlando, in the county of Orange and State of Florida, in place of William R. O'Neal. Incumbent's commission expired May 9, 1906.

Oliver S. Oakes to be postmaster at Fernandina, in the county of Nassau and State of Florida, in place of Charles W. Lewis, resigned.

IOWA.

Thomas L. Green to be postmaster at West Union, in the county of Fayette and State of Iowa, in place of Thomas L. Green. Incumbent's commission expired May 27, 1906.

Frank M. Hoeye to be postmaster at Perry, in the county of Dallas and State of Iowa, in place of Frank M. Hoeye. Incumbent's commission expires June 27, 1906.

KANSAS.

Herbert J. Cornwell to be postmaster at St. John, in the county of Stafford and State of Kansas, in place of Herbert J. Cornwell. Incumbent's commission expires June 24, 1906.

Jesse D. Kennard to be postmaster at Seneca, in the county of Nemaha and State of Kansas, in place of Jesse D. Kennard. Incumbent's commission expires June 25, 1906.

William H. Nelson to be postmaster at Smith Center, in the county of Smith and State of Kansas, in place of William H. Nelson. Incumbent's commission expired January 16, 1906.

MICHIGAN.

Edward L. Bates to be postmaster at Pentwater, in the county of Oceana and State of Michigan, in place of Edward L. Bates. Incumbent's commission expires June 6, 1906.

E. A. Smith to be postmaster at Wayne, in the county of Wayne and State of Michigan, in place of Henry Loss. Incumbent's commission expired March 5, 1906.

MISSOURI.

Melvin C. James to be postmaster at Higginsville, in the county of Lafayette and State of Missouri, in place of Samuel J. Kleinschmidt. Incumbent's commission expired April 10, 1906.

NEBRASKA.

Edward N. Allen to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska, in place of Edward N. Allen. Incumbent's commission expires June 19, 1906.

Thomas W. Cole to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska, in place of Thomas W. Cole. Incumbent's commission expires June 30, 1906.

OHIO.

James H. Fluhart to be postmaster at Continental, in the county of Putnam and State of Ohio, in place of James H. Fluhart. Incumbent's commission expires June 30, 1906.

Charles W. Searls to be postmaster at Madison, in the county of Lake and State of Ohio, in place of Charles W. Searls. Incumbent's commission expired April 2, 1906.

PENNSYLVANIA.

John A. Wallace to be postmaster at Chester, in the county of Delaware and State of Pennsylvania, in place of John A. Wallace. Incumbent's commission expired May 15, 1906.

WISCONSIN.

John T. Harris to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin, in place of Thomas S. Chittenden. Incumbent's commission expired May 19, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 5, 1906.

COLLECTOR OF CUSTOMS.

John W. Vann, of Texas, to be collector of customs for the district of Brazos de Santiago, in the State of Texas.

PROMOTIONS IN THE NAVY.

Commander James H. Bull to be a captain in the Navy, from the 26th day of May, 1906.

Lieut. Commander Frederick C. Bieg to be a commander in the Navy, from the 26th day of May, 1906.

POSTMASTERS.

KANSAS.

William C. Markham to be postmaster at Baldwin, in the county of Douglas and State of Kansas.

NEW JERSEY.

William O. Armbruster to be postmaster at Weehawken, in the county of Hudson and State of New Jersey.

Charles Eichhorn to be postmaster at West Hoboken, in the county of Hudson and State of New Jersey.

Edward W. Martin to be postmaster at Hoboken, in the county of Hudson and State of New Jersey.

VIRGINIA.

Archibald M. McClintic to be postmaster at Fincastle, in the county of Botetourt and State of Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 5, 1906.*

The House met at 12 o'clock noon.

Prayer by Rev. CHARLES C. PIERCE, D. D., chaplain, Artillery Corps, United States Army.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. I move the approval of the Journal.

The motion was agreed to.

CERTAIN FOREIGN CLAIMS.

Mr. WALDO. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19606) to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States.

The bill was read, as follows:

Be it enacted, etc., That the following amounts be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the following claims against the United States, hereinafter stated, the same being in full for and the receipt of the same to be taken and accepted in each case as full and final release of the respective claims, namely:

First. To pay the Canadian Electric Light Company, for damages to its cable by the U. S. gunboat Essex, by fouling her anchor with the campany's cable, between Levis and the city of Quebec, July 17, 1904, the sum of $7,307.30.

Second. To pay the Great Northwestern Telegraph Company of Canada, for damages to their telegraph cable by the U. S. gunboat Essex, between the city of Quebec and Levis, by fouling her anchor with the company's cable, July 17, 1904, the sum of $939.58.

Third. To pay Messrs. Sive-Wright, Bacon & Co., of Manchester, England, for damages to their vessel, the British steamship Eastry, by collision, 1901, at Manila, with certain coal hulks of the United States, the sum of $4,313.50.

Fourth. To pay William Radcliffe, British subject, for damages caused by destruction of his fish hatchery and property in Delta, Colo., by a mob in 1901, the sum of $25,000.

Fifth. To pay to the Empire of Germany, in full settlement of the obligation of the United States Government to Germany under the convention between the United States, Germany, and Great Britain for the settlement of Samoan claims, signed at Washington, November 7, 1899, the sum of $20,000.

Sixth. To pay the British owners of the British steamship Lindisfarne, for demurrage to that vessel while undergoing repairs necessitated through collision with the U. S. army transport Crook in New York Harbor, May 23, 1900, the sum of $158.11.

The SPEAKER. Is a second demanded?

Mr. BARTLETT. Mr. Speaker, I will demand a second for the purpose of finding out about the bill.

The SPEAKER. Is there objection to considering a second as ordered?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. WALDO] is entitled to twenty minutes, and the gentleman from Georgia [Mr. BARTLETT] is entitled to twenty minutes.

Mr. WALDO. Mr. Speaker, this is a bill to pay certain claims of foreign citizens, which claims have been presented to our Department of State by the foreign ambassadors, and payment of which is recommended by the Secretary of State.

Mr. BARTLETT. If the gentleman will allow an interruption, I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. As I understand, Mr. Speaker, this is suspension day, continued from yesterday. The rules of the House set apart certain special days—Fridays—for the consideration of claims. This appears to be a bill reported from the Committee on Claims, and I want to make a point of order. By what authority or right, under the rules of the House, is a bill called up for passage under suspension of the rules, which bill contains a claim or any number of claims, when bills of this character have by the rules of the House been assigned for consideration to a particular day, or certain named days, of each month?

The SPEAKER. The Chair will answer the gentleman. This is a motion to suspend all rules and pass the bill. The gentleman is correct as to the rule. It has not been the practice of the present occupant of the chair to submit bills upon the Private Calendar for passage on suspension day, but this is a bill upon the Union Calendar, which is alleged to cover several claims between the United States and foreign peoples.

Mr. BARTLETT. An omnibus claims bill.

The SPEAKER. One claim in favor of the Empire of Germany, growing out of relations in Samoa. It seems to the Chair, without expressing any opinion as to the merits of the various propositions, after reading the report and the letter from the Secretary of State, that this is a bill properly on the Union Calendar, and not on the Private Calendar, of a class that the House ought to be able to consider under a motion to suspend the rules.

Mr. WALDO. Mr. Speaker, some of these claims were put on the urgent deficiency bill by the Senate, but stricken from that bill by the House conferees on the ground that they were claims, referred to the Committee on Appropriations of the House, and afterwards referred to our committee. There is also included in this bill a claim of $20,000, which we have agreed to pay to the German Government. There was a subvention, or treaty, between the German Government, the English Government, and our Government with regard to certain claims of German citizens. The total amount of these claims, if I recollect, was about $115,000. It was finally agreed by the agents of the different Governments that all these clams should be settled for $40,000, which amount the German Government agreed to accept. Great Britain was to pay $20,000, and we were to pay $20,000. Great Britain has already paid her $20,000, and we certainly ought to pay ours.

The other claims are claims of citizens of foreign governments, which have been submitted by the foreign ambassadors to our State Department, passed upon, and approved, and originally sent to the Committee on Appropriations, and then referred to the Committee on Claims for examination and the introduction of a bill.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. WALDO. Certainly.

Mr. CRUMPACKER. I notice in the reading of the bill that there was one claim for property destroyed by a mob in one of the Western States.

Mr. WALDO. In Colorado—that is correct.

Mr. CRUMPACKER. Is it customary for this Government to pay damages to aliens for property destroyed in that manner?

Mr. WALDO. I understand it has been done a number of times.

Mr. CRUMPACKER. We have no authority to pay damages to our own citizens under circumstances of that kind, have we?

Mr. WALDO. We certainly can if we see fit.

Mr. CRUMPACKER. Does the gentleman know of any instance in the history of this Government where such payment has been made to a citizen of the United States?

Mr. WALDO. I think there are cases of that kind.

Mr. CRUMPACKER. The reason I asked the question was to emphasize the fact of our responsibility for the safety of persons and property of aliens who are here under the protection of treaties with foreign countries, and the importance of passing some kind of national legislation to protect those people. If we are to be responsible for them, we ought to have special laws that will afford them and their property protection.

Mr. WALDO. There can be no question but that we ought to pay the damages due to a foreign citizen, and unless some further explanation is required I will ask for the passage of the bill.

Mr. PERKINS. Is this bill unanimously reported by the Committee on Claims?

Mr. WALDO. It was unanimously reported by the Committee on Claims.

Mr. BARTLETT. Mr. Chairman, I demanded a second because it occurred to me that this was an unusual proceeding and contrary to any previous action of the House upon bills of this character that I have ever seen undertaken to be had upon suspension day during the eleven years of my service in the House.

Now, I admit, Mr. Speaker, under the fifth heading of this bill, which proposes to pay to the Empire of Germany, in full settlement of the obligation of the United States Government, under a convention between that Government and the other governments involved, some time in 1899, for the claims growing out of the Samoan disaster, that if that claim stood alone, it would be entitled to be considered as a public bill and to go upon the Union Calendar and be now considered under a suspension of the rules. I will admit, further, Mr. Speaker, that if that provision stood alone, it would be the duty of the Committee on Appropriations to provide, by necessary appropriation, to pay our obligation to the foreign government, because that obligation grows out of a convention or an agreement on the part of the United States to pay its proportion of the damages following that disaster; but I do insist and I do protest that it is not a proper practice in this House to link with the obligations that we owe to a foreign government other private and individual claims that we may owe to other people, be they foreigners or be they our own citizens. Therefore I do not believe this bill ought to pass in its present shape. I believe that the Committee on Appropriations ought to take the provision contained in this bill, on page 2, commencing in line 20, designated as the fifth provision of the bill, and provide for it either in a special urgent deficiency bill or in the general deficiency bill; but I do not believe it is good practice on the part of the House, nor do I believe it is safe and good legislation, to link with this the other propositions and to drag along with a meritorious proposition these others that we are not accustomed, under the rules, to consider except on private-claims days. I have no objection to the United States Government paying every dollar it owes to everyone, but I do not believe it to be correct that because some one who resides in Canada or who happens to be a foreigner has a claim against the United States Government that we should prefer them to all other claims of our own people in the matter of consideration by the House. Therefore I shall content myself with calling attention of the House to the character of the bill. It seems to be an omnibus bill for a certain character of claims. I do not believe we ought to pass it in this way. I believe that we ought to pass the provision in the bill to which I have called attention in the usual way, and let us be informed by a separate report upon each one how the United States Government comes to owe them. If we owe them, let us pay them.

That is all I have to say, Mr. Speaker.

Mr. WALDO. This is a bill that comes from the State Department for the payment of foreign claims. Many of the claims have lain in the State Department for some time. They have been repeatedly passed by this House, and they ought to pass now.

I differ greatly with the gentleman from Georgia. I believe that we ought first to pay what we owe to the foreign governments and to the citizens of foreign governments, when presented by the representatives of those governments and approved by the State Department.

Mr. BARTLETT. Does not the gentleman believe that we ought to pay claims of our own citizens?

Mr. WALDO. Yes; but I think that we ought to pay the bills that we owe to foreign countries first, even if it bankrupts us.

The question was taken; and two-thirds having voted in favor thereof, the bill was passed.

LEASING OF THE BATAN ISLAND MILITARY RESERVATION.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17293) to authorize the leasing of the Batan Island Military Reservation for coal-mining purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lease the coal-mining rights in the Batan Island Military Reservation to any company or corporation, organized under the laws of the United States, or any State thereof, or of the Philippine government, which, in his opinion, shall be deemed responsible for carrying out the provisions of said lease.

SEC. 2. That the term "mining rights" in the first section hereof shall be deemed to include the use of all land included in and all natural products of the said Batan Island Military Reservation which may be necessary for and consistent with the establishment and operation of a coal mine and coaling station, and shall also include the right to take and use water from the Cacraray Military Reservation.

SEC. 3. That the said lease shall be granted after due advertisement and public bidding for same, and shall run for a period not exceeding fifty years. Said lease shall be signed on behalf of the Government of the United States by the Secretary of War thereof, and on behalf of the company or corporation undertaking the establishment and operation of said coal mine by the chief officer thereof thereunto duly authorized by the stockholders and directors of the same, and shall contain among others the following provisions:

First. That all branches of the Government of the United States and of the government of the Philippine Islands thereof shall be supplied with such coal as they may desire, laid on board ship at the harbor of Batan Island, known as Coal Harbor, at a price not to exceed 10 per cent above cost price of said coal.

Second. That the necessary wharves for receiving vessels of up to 32 feet draft and for loading coal thereon shall be erected and maintained by the company or corporation operating the said mine.

Third. That the items included in the calculations of the cost of said coal shall consist of all items of expense for labor necessary for producing the coal and for handling and loading the same on board ship, for the proper care and handling of machinery connected therewith, for the proper care and management of the interior workings of a coal mine and all machinery connected with the safe and economical operation thereof, and for the proper upkeep of all exterior buildings, grounds, and machinery incident to the operation of a coal mine and coal-loading station; all items of expense for labor and material connected with the repairs of all machinery, rolling stock, buildings, and apparatus necessary for the safe and economical upkeep of the mine and its appurtenances and of the coal-loading apparatus and docks, but shall not include the cost of new work for the extension of the plant; all items of expense for supplies for the safe and economical extraction of coal, and the maintenance of the offices, buildings, and machinery maintained, erected, or in use on the aforesaid reservation; all items of general expense, such as taxes, insurance, and the reasonable depreciation on plant and property, and such others as may be also directly and solely connected with the management of the plant and offices installed on the reservation for the purpose of mining and loading coal, which shall include salaries for persons resident at the plant and necessary for the management and conduct thereof as above set forth.

Fourth. That all books and records of every nature of the company or corporation operating the said mine shall be subject to examination and inspection by any official or employee of the United States Government designated by the Secretary of War, and that any evasion of this provision shall, at the discretion of the Secretary of War, operate to render null and void any lease granted under the provisions of this act.

Mr. TAWNEY. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, the House will recollect that a few weeks ago we passed a bill which was subsequently enacted into law providing for the purchase of certain Spanish claims on the island of Batan in the Philippine Archipelago in order that the United States Government might acquire complete control of that island. These were old claims. They were so located as to bar access from the harbor to the coal strata in the island—that is, if the miner was to have anything like a fair opportunity to mine the coal.

We bought those claims, and now the United States Government has perfect, unclouded title to the island. It is about 10 by 5 miles in dimensions, and 450 miles by direct water route from Manila. The Government authorized Lieutenant Wigmore, of the Corps of Engineers, I think, four years ago to make an investigation with a view of determining how rich in coal the island is. He made a thorough investigation with diamond drills and by the actual mining of coal, which occupied the better part of two years. As a result he filed an official report in which it is said that there are two strata of coal, varying in width from 8 feet to over 20 feet, separated by a limestone stratum; the highest outcrop is 500 feet above the sea, and the diamond drills revealed coal to the depth of at least 300 feet below the level of the sea. He does not know how much farther down the coal extends.

The United States Government and the Philippine government together pay for coal now used on transports and for public purposes in Manila in the ice plant and elsewhere about a million dollars a year—about $5 a ton for coal as it comes from Japan and Australia.

The idea is by this bill to permit the United States Government, through the War Department, to advertise for bidders (and there are three or four prospective bidders, I understand), they to submit the terms upon which they will consent to mine that coal and furnish such amounts as the United States Government and the Philippine government, respectively, may need, at a price not to exceed 10 per cent above the cost price on board ship in the harbor at Batan.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. COOPER of Wisconsin. In one minute. As I have said, coal now costs these two governments about $5 a ton. The Batan coal is a better quality than the Japanese coal, and can be laid upon the ship at $2 a ton in the harbor at Batan; adding 10 per cent would make $2.20 to the United States. By carrying out this arrangement, if one is perfected, it will save approximately $400,000 a year to the United States Government and to the treasury of the Philippine Islands—possibly half a million dollars. Now I will yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Did not we pay $50,000 for this land over there for the identical purpose of getting coal which we needed for the Philippine government?

Mr. COOPER of Wisconsin. We paid $50,000 for some Spanish claims, that were indefeasible, according to the law depart-

ment. These claims were 10 years old and antedated our entering into the possession of the Philippines.

Mr. CLARK of Missouri. We paid $50,000 for something.

Mr. COOPER of Wisconsin. We had to pay them in order that somebody might get the coal.

Mr. CLARK of Missouri. What is the reason the United States does not go there and mine the coal?

Mr. COOPER of Wisconsin. The Government thinks, and I think it is the sense of Congress, that it would be better for the Government to turn this property over to lessees and let the two governments get coal at 10 per cent above the cost price, rather than for the Government of the United States or for the Philippine government to enter into the coal-mining business in the island of Batan.

Mr. CLARK of Missouri. They can sell this coal to anybody who wants it?

Mr. COOPER of Wisconsin. Yes.

Mr. CLARK of Missouri. Does anybody know there is an inexhaustible supply of coal over there or not?

Mr. COOPER of Wisconsin. They think it will last a hundred and fifty years.

Mr. CLARK of Missouri. According to the Speaker's statement here one day, we are going to hold these islands forever and a day. Now, if that is so, it seems to me we ought to put our own men to digging that coal and keep the coal over there for ourselves.

Mr. COOPER of Wisconsin. That is just a question of public policy. The committee thought, and officials generally think, as do the officials of the Philippine government, that it would be better for the United States Government to lease this coal land rather than engage itself in mining the coal in that island. I reserve the balance of my time.

Mr. TAWNEY. Will the gentleman from Wisconsin permit a question before he takes his seat?

Mr. COOPER of Wisconsin. Yes.

Mr. TAWNEY. What is the consideration the Government will receive for this lease of fifty years?

Mr. COOPER of Wisconsin. About $400,000 of money saved to these governments annually.

Mr. TAWNEY. In what way is that saving or that amount received by the Government?

Mr. COOPER of Wisconsin. The United States Government is compelled to-day to pay for coal which it uses in the Philippines, and on its transports touching there, and in its coast-guard boats and launches, and the Philippine government is also compelled to pay for coal used in its icing plants and other public works an average price of $5 a ton.

Mr. TAWNEY. Now, does the gentleman include the coal used in the Navy in that?

Mr. COOPER of Wisconsin. No.

Mr. TAWNEY. It is for the Philippine government.

Mr. COOPER of Wisconsin. And for the United States transports, coast-guard boats, etc.

Mr. TAWNEY. In what respect is the Government of the United States benefited by saving to the Philippine government in the amount of coal consumed?

Mr. COOPER of Wisconsin. The transports which run back and forth can use this coal, and it is in testimony that we can save $2,500 a trip if they can mine that coal and get it at $2.20 or $2.25 a ton.

Mr. TAWNEY. Then the actual consideration is that we are obliged to purchase this coal from the lessee at 10 per cent above the cost of producing it?

Mr. COOPER of Wisconsin. Well, wait a moment; and the saving of about $400,000 a year of money which to-day must be paid to the miners of Japanese or Australian coal.

Mr. TAWNEY. But the actual consideration paid by the lessee is merely the difference between 10 per cent above the cost of producing the coal and the market value of the coal in the Philippine Islands.

Mr. COOPER of Wisconsin. But suppose we agreed to pay $5 a ton and the lessee turned back $400,000, there would be no difference at all.

Mr. TAWNEY. We are entitled, are we not, to some consideration for the investment there?

Mr. COOPER of Wisconsin. Yes; there is a good deal of an investment.

Mr. TAWNEY. All the consideration which the lessee pays under your proposition is the difference between 10 per cent above the cost of producing the coal and the market price of the coal in the Philippine Islands, the coal which the United States Government consumes, and that is the only consideration. One further question——

Mr. COOPER of Wisconsin. Does this come out of the gentleman's time or out of mine?

Mr. TAWNEY. I will ask it in my own time. You lease to these parties——

Mr. COOPER of Wisconsin. Do I understand that the gentleman from Minnesota has the floor?

Mr. TAWNEY. Do you lease to these parties——

Mr. COOPER of Wisconsin. I have reserved the balance of my time.

Mr. TAWNEY. I am recognized in my own right, Mr. Speaker, for the purpose of asking the gentleman from Wisconsin a question if he will permit it. Do you propose to lease the Government reservation in addition to the Spanish claims?

Mr. COOPER of Wisconsin. We lease the coal lands in the island of Batan.

Mr. TAWNEY. You lease the entire island?

Mr. COOPER of Wisconsin. The coal mines are on the Batan reservation.

Mr. TAWNEY. That includes the Government reservation in addition to the claims which we have purchased from the Spaniards. What is the estimated value of the island of Batan, or the coal on the island of Batan?

Mr. COOPER of Wisconsin. I do not know that any estimate has been made.

Mr. TAWNEY. Has not Lieutenant Wigmore made an estimate?

Mr. COOPER of Wisconsin. I do not recall that he has. The gentleman can figure that out himself.

Mr. TAWNEY. My recollection is that Lieutenant Wigmore had made an estimate of that, and it seems to me, I will say, a very strange transaction for us to lease to these parties the coal lands in the entire island, conceded to be the best coal-producing part of the Philippine Islands, giving a perpetual lease for a consideration which merely represents the difference between 10 per cent above the cost of producing the coal, which, of course, does not amount to anything like the real value for the amount of coal on that island.

Mr. COOPER of Wisconsin. The gentleman makes an assumption which might in part account for his argument. He says it is a perpetual lease, whereas the limit is fifty years.

Mr. TAWNEY. It is a fifty-year lease. I yield five minutes to the gentleman from Ohio.

Mr. PAYNE. I would like to ask the gentleman from Wisconsin a question in his own time. The question is whether the difference in the price of the coal is the only consideration, or whether the bill contemplates bids, and that there will be an additional compensation for the coal?

Mr. COOPER of Wisconsin. The bill provides that they shall have as essential in their bids an undertaking that they shall furnish coal to these two governments at 10 per cent above cost.

Mr. PAYNE. With the understanding that they will pay a royalty for the balance?

Mr. COOPER of Wisconsin. There is to be competition in bidding. I think bidders will submit a very much better proposition than that, because there are three or more, I believe, who are desirous to get in there. But the bill does not absolutely require bids to include a royalty.

Mr. TAWNEY. I yield five minutes to the gentleman from Ohio.

Mr. KEIFER. Mr. Speaker, I wish to say I am somewhat familiar with the history of this island. I am perfectly certain from the discussion we have had that the proposition now is to destroy it, so far as its general usefulness to the United States is concerned, as a place to mine coal for the benefit of the United States. Now, that the bill will accomplish that thing is certain within the next fifty years, that it will let some private corporation, such as the Union Iron Works Company, of San Francisco, or some other company, get into a great and extensive coal speculation, under which the Philippine government and the United States Government is to pay 10 per cent in addition to that company in the way of profit after leasing the property to it for fifty years. Why should not the United States mine the coal as it needs it and save the 10 per cent and save the island and its coal for the country for use in future years? It seems to me it would be the best for the United States to go to work and get this coal out for itself as it is needed by it rather than to pass this particularly bad bill that authorizes a lease the effect of which would be to give the coal on the island of Batan away and to pay a premium to the lessee for taking it.

It is suggested that somebody might make a better offer. And the gentleman from Wisconsin has spoken about that being done at the time when we are authorizing a lease, or worse than that; but as the bill stands it provides for the giving away of this great natural coal deposit in the island of Batan. We wisely purchased some claims to secure a good title to the island.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I am informed by a member of the committee that it will cost $1,000,000 to install the plant. Would the gentleman have the United States enter into a proposition of that kind?

Mr. KEIFER. Where does that information come from? I have been a little familiar with mining myself, and it is always easy to talk about large sums. It would not cost to mine in a moderate way out there more than $100,000, if as much, unless there is something marvelous about the conditions there. In Missouri you can establish a very good coal-mine plant for $50,000. Then the Government under the proposed lease would be charged with this $1,000,000, if that sum should be used in making up the cost of the mine. The leasing company would, under the proposed lease, take the cost of their plant into account and add it to the cost of producing, and then add 10 per cent in addition on all coal the Government might need or buy. So we will still have to pay for establishing the lessee's plant as well as pay the 10 per cent; and we had better pay it in the first instance and mine the coal within the limits that we need and enough for every purpose—including our Navy and for transports—and let the balance of the coal remain in the earth for future uses and future generations. I do not understand under the proposition the lessees are to pay anything for the coal they mine and sell to parties other than the United States, and there is no regulation as to fixing the price that they are to charge other people. The effect of the bill, should it become a law, would be to give away our only valuable coal acquisition in the Philippines.

Mr. TAWNEY. How much time have I remaining?

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. TAWNEY. I yield five minutes to the gentleman from Iowa.

Mr. HULL. Mr. Speaker, I hardly think that I want five minutes. The gentleman from Ohio has covered part of what I have to say. We are proposing, Mr. Speaker, to give for fifty years to some corporation a property which, according to the speech of the gentleman from Wisconsin, will be at least worth $100,000,000 in cash, if it is developed or shows the amount of coal that it is suggested, without any compensation to the Government in the way of royalty for all the fifty years. Now, Mr. Speaker, when we pay the 10 per cent they make up the item of cost, as the gentleman from Ohio has stated. Whatever the amount of cost they expend there in developing the property we have got to pay 10 per cent on for the coal we use ourselves, and we get absolutely nothing for the millions of tons that may be shipped to China or sold to the people of the islands or to any other people. They talk about competition. Gentlemen, any three companies desiring this property for fifty years will have wisdom enough to make a combination and divide the swag rather than fight each other for the exclusive use of the property for themselves. There ought to be in this great property a safeguard that will insure some benefit for the future, in place of tying it up in this way now for so long a period of time. If it is necessary for us to protect the Government, if the coal is situated as represented at the time that we authorized the payment of $50,000 to buy the land between the shore and the coal field, $25,000 will put up a plant ample to supply the Government of the United States and the Philippine government with every ton of coal they may need for their purposes, and I hope this Congress will not in this way surrender its right to this valuable property, and that no measure of this kind will pass the House. [Applause.] Let the bill be properly considered and safeguarded or let it die.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, in my judgment this proposition is a very unwise one—in fact, one of the unwisest ever introduced here. I need not take the time of the House to explain my position about the Philippine Islands; but if we are going to keep them, then surely we ought not to alienate or to lease out or in any way get rid of any of the means of defending ourselves in the Philippine Islands. That is the danger point of this Republic, if we ever get into any foreign war, and everybody knows it. Among the many regrettable features of the Philippine situation that is the most regrettable. The Speaker of the House once said that we were going to hold the Philippines forever and a day. Other people have modified that statement somewhat, but however that may be we have them on hand now; there is no question about that. More's the pity. Here not long ago we voted an appropriation of $50,000 to secure the shadowy rights of somebody to a passageway to these very identical lands, in order that we might have a certainty of having coal over there. Now, the committee comes in and proposes to lease the land for fifty years to anybody who bids the highest. That's the theory, but of course everybody knows who it is that is going to get the lease for fifty years. It is true that they put into this contract the clause that they must keep on hand coal enough for our uses and the uses of the Philippine government, but suppose they do not keep it on hand, and suppose that we suddenly get into a foreign war and find ourselves in the Philippine Islands without any coal? We would be in a most unfortunate and disastrous condition, wouldn't we? Inasmuch as we have these coal lands, and have paid for them, I am in favor of the United States Government fixing up a mine of its own over there, so that nobody can get a ton of coal out of that island except ourselves for our own purposes.

The gentleman from Wisconsin [Mr. COOPER] says there is coal enough over there to last one hundred and fifty years. Suppose that is true; we are not legislating for one hundred and fifty years, but for all time, if the statement of the Speaker of this House be true. One hundred and fifty years is sufficient for the Union Iron Company, of San Francisco, or some other company to exploit the coal fields of those islands, but it is not sufficient to last us as long as we are going to keep the islands, if the Speaker was correct, and I really am sorry to say that I am afraid he was correct.

I am in favor of the United States Government having a place to make its own armor plate, a place to make its own guns, a place to make its own powder, a place to build its own battle ships, and inasmuch as in this case we need coal over there, I am in favor of the Government clinging to every pound of that coal, and I am dead against this proposition either as it stands or under any amendment that you can put into it. [Applause.]

Mr. TAWNEY. I yield one minute to the gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Speaker, I wish to know whether or not, in the gentleman's judgment, our Government, in case a lease is made with some corporation, will be bound to maintain that corporation in its quiet and peaceable possession of that coal land in case we get out of the Philippine Islands?

Mr. COOPER of Wisconsin. We own that island, and I doubt whether the Congress of the United States would ever consent to give up that coaling station.

Mr. DRISCOLL. I am not in favor of any contract or the erection of any building or any betterments or any policy of any kind which will tie us up there and keep us there in the islands when the time comes, if it ever does come, for us to get out and set the Filipinos up as an independent republic. We should not make any contracts with any corporations or persons by which we shall be bound to assume obligations from which we can not be released if the time ever comes when, in the wisdom of the American people, they feel disposed to relinquish their sovereignty over the Philippine Islands. We own the islands and the coal. The contract proposed does not appear to be a very advantageous one, and one of the unfortunate complications may be that this Government will be under obligations to maintain the coal company in quiet and peaceable possession of that island, even when our people may consider it to their advantage and their patriotic duty to surrender our occupancy. I do not believe at this time in assuming an obligation which may result in an expensive and troublesome entanglement.

Mr. TAWNEY. Mr. Speaker, I just want to say a word in closing. I am not opposed to the leasing of these coal lands on the island of Batan. I am opposed to the proposed form of the lease which is authorized by this bill. If this bill could be considered in the House or Committee of the Whole, where it could be amended, I feel confident that it could be so amended as to be acceptable, but I want to call the attention of the House to the fact that the gentleman from Wisconsin may figure it as he pleases, the last analysis is that whoever gets this lease pays absolutely nothing to the Government of the United States for all the coal that is taken out of the mines on this island, and in addition to that the Government of the United States must pay to the lessee a commercial profit on every ton of coal it furnishes to the Government of the United States. You can not get away from that proposition—10 per cent above the cost, not above the cost of producing—but it is specially provided here that in figuring the cost of production you must figure the cost of the plant. You must also figure 10 per cent of the upkeep or the maintenance of that plant in addition to the cost of producing the coal. Now, I repeat, Mr. Speaker, that under this contract the Government gets absolutely nothing and it pays a commercial profit to the lessee for every pound of coal that it consumes or takes from it. Because of these conditions I submit to the House that this bill ought not to be considered under suspension of the rules, where there is no opportunity to amend it. If it is brought up at all, it ought to be either in the House

or in Committee of the Whole, where it can be considered and amended. I hope, therefore, that the motion of the gentleman will not prevail.

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Speaker, I do not understand the bill at all as the gentleman from Minnesota [Mr. TAWNEY] understands it. The Government has an island in the Philippines with coal on it. This bill gives authority to the War Department to lease that island on advertisement and competitive bids. They may get a royalty. Nobody knows how much. It absolutely leaves it discretionary with them. As I understand, the royalty on coal lands in Pennsylvania ranges from 6 to 10 cents a ton. Nobody knows what we will get for this coal. The assumption that the coal is to be taken out and sold for the benefit of the company is a pure assumption. Even the Department itself does not know what bids will be submitted. If they are not satisfactory they will not be accepted. The only condition that is put in here is that, having received a satisfactory bid—a satisfactory royalty upon the coal that is in the island—they shall reserve to themselves the right, for the Army and Navy uses of the Government, not to be charged more than 10 per cent above the cost of getting out the coal.

Mr. TAWNEY, Mr. HULL, and Mr. CHARLES B. LANDIS rose.

The SPEAKER. To whom does the gentleman yield?

Mr. HILL of Connecticut. I yield to the gentleman from Indiana [Mr. CHARLES B. LANDIS].

Mr. CHARLES B. LANDIS. We are new in the Philippine Islands, are we not?

Mr. HILL of Connecticut. Certainly.

Mr. CHARLES B. LANDIS. We know very little about the conditions there.

Mr. HILL of Connecticut. Certainly.

Mr. CHARLES B. LANDIS. We know very little about those islands.

Mr. HILL of Connecticut. Exactly.

Mr. CHARLES B. LANDIS. Does the gentleman from Connecticut think it is wise to tie up the coal lands of those islands for fifty years to any corporation?

Mr. HILL of Connecticut. I would not think so if I did not know what the bid was, and that can not be determined until after the bids are opened.

Mr. TAWNEY. Right there will the gentleman permit a question?

Mr. HILL of Connecticut. If I owned a thousand acres of coal land in Pennsylvania I would lease it on a royalty, as I presume nine-tenths of the coal land or a large proportion of the coal lands there are leased and operated. Now, this bill is simply to give the United States Government the privilege of doing precisely what any individual would do if he owned this island and this coal. To say that the coal is to be given away is absurd. To say that we put ourselves entirely in the control of an unknown bidder is absurd, until we know what the bids are, and if they are not for the best interests of the United States Government they will not be accepted; but until you advertise, until you get your bids, what are you going to do? Are you going to let the coal lie there unused?

Mr. HULL. Will the gentleman yield for a question right on that point?

Mr. HILL of Connecticut. Yes.

Mr. HULL. Why not write into the law a definite proposition?

Mr. HILL of Connecticut. If you will write into the law what you are willing to give for the coal, I am perfectly willing; but nobody knows what royalty will be offered for it. Nobody knows what kind of a bid will be made. That is to be determined after advertisement and competitive bidding. The Department reserves all rights to accept or reject or include such restrictions as they see fit to make.

Mr. HULL. You are giving up all your rights.

Mr. HILL of Connecticut. You do not give up any right until you see the bids, and you do not sign any contract until the bids are in and accepted.

Mr. TAWNEY. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman has two minutes.

Mr. TAWNEY. I will yield a half a minute of that to the gentleman from Indiana [Mr. LANDIS].

Mr. CHARLES B. LANDIS. I would like to ask the gentleman one question. The gentleman spoke of the practice that prevailed in Pennsylvania. I would like to ask him if it is not true that thousands and thousands of acres of coal lands in Pennsylvania were originally given away, and the gentleman proposes to give away these?

Mr. HILL of Connecticut. Not at all, not at all; the whole purpose of this bill is, if the gentleman takes the right view of it, that the Government of the United States shall get the full value of the coal taken out.

Mr. CHARLES B. LANDIS. But it is a fact that thousands of acres of lands were originally given away which are now selling for from $500 to $5,000 per acre.

Mr. TAWNEY. Mr. Speaker, I yield half a minute to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I can not do anything in thirty seconds except to say that I voted and urged the passage of the bill to close the option and pay $50,000 for the island, because I thought it was necessary to get our hands upon that valuable property. I am opposed in this hurried way at this time to alienate any of the rights of the Government under any contract. [Applause.]

Mr. TAWNEY. Mr. Speaker, just one word: I recall very distinctly the testimony before the Committee on Appropriations when the War Department sought to obtain an appropriation of $50,000, under the head of "Transportation for the Army," for the purpose of purchasing this island. At that time Lieutenant Wigmore told us there was only one concern in the United States that could be induced to lease and operate these coal mines, and that was the Union Iron Works, at San Francisco, and that he was not certain that company would lease. I have no doubt, in the light of subsequent developments, that the plan was to get the Government of the United States to buy these Spanish claims and then lease the island to this concern at practically a nominal rent, and the Government of the United States would get nothing whatever from it, and I hope the motion will not prevail.

Mr. COOPER of Wisconsin. Mr. Speaker, "scheme" is a very suggestive word, a very unfair word to use in this connection. Nobody knows that better than does the gentleman from Minnesota.

Mr. TAWNEY. I will substitute the word "plan."

Mr. COOPER of Wisconsin. That sounds much better, but it would have sounded still better if the gentleman had used it before using the word "scheme." "Scheme," used in this connection, has a kind of sinister meaning.

Why, the Secretary of War has recommended this plan, as has the Philippine government from the beginning. Not only this, but the original bill introduced in the House months ago, with which the gentleman from Minnesota is absolutely familiar, because he alluded to it in a speech in the House some weeks since, did not provide for anything else. There has been no concealment of the desire to lease this coal land should there be opportunity, and it is unfair for the gentleman to make an insinuation not based upon the facts nor anything resembling the facts. The gentleman from Ohio says that we can put up a plant there for $50,000. The gentleman from Ohio has never been within 10,000 miles of Batan Island.

Here is Lieutenant Wigmore, an expert, familiar with all the facts, who says, "You say, I believe, that an up-to-date plant there would cost $500,000?" "Yes."

Mr. KEIFER. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not yield now.

Mr. KEIFER. I want to know where Lieutenant Wigmore ever built a plant. I can tell him where people have built a good one for $25,000.

Mr. COOPER of Wisconsin. It would cost a great deal more to build this plant 450 miles from Manila on Batan Island, to which the only route is by water, where there is no city, no village, no habitation, no docks, no wharves, no piers, and where the lessee would have to build all of these things, than it would to construct a similar plant in Pennsylvania.

Mr. KEIFER. That is not the plant; that is something else.

Mr. COOPER of Wisconsin. Now, Mr. Speaker, I desire to call the attention of the House to the criticism made during this discussion, because this bill, which is here at the suggestion of the War Department and of the Philippine government, is silent as to the price at which other consumers besides the two governments may get coal.

The price to other consumers will be fixed in open competition. The lessees of the Batan coal land will have to compete for the Chinese market and for the Japanese market with coal mined in Japan and with coal mined in Australia. There is practically very little or no market in the Philippines for coal except for that bought by the United States Government and the Philippine government. Do you want Congress, by legisla-

tion in the United States, to attempt to fix the price at which Batan coal shall be sold in Japan and China in competition with the cheaply produced coal of Japan and Australia? How can this be done? Is this a sound business suggestion? Gentlemen know that it is not. It is only an appeal to prejudice, not to reason.

Mr. PAYNE. I think the difficulty with the gentleman's bill in the mind of the House has been it does not prescribe specifically that the parties shall have the right to pay a certain royalty on the coal going to other parties. That is the difficulty in the mind of the House. I do not think the House is against leasing the land. I do not think the House wants the Government to fix a price to other parties, but what they do want is to have it explicitly stated that there shall be a royalty on the mining of the coal that is mined for other parties in order to get full compensation.

Mr. COOPER of Wisconsin. I will say in reply to that——

Mr. PAYNE. And I think the bill ought to go before the House in the Committee of the Whole and have full consideration of the House and be open for amendment.

Mr. COOPER of Wisconsin. The Committee on Insular Affairs did not deem it best to insert in the bill a provision absolutely requiring bids to include a royalty. But the bill does provide that the lease shall contain such other and further restrictions as the Secretary of War may see fit to impose.

The CHAIRMAN. The time of the gentleman has expired.

The question was taken; and two-thirds not having voted in favor thereof, the bill was rejected.

EXTENSION OF CERTAIN UNITED STATES BONDS.

Mr. SHERLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16290) to postpone until 1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the time of payment of the $250,000 of United States 4 per cent bonds, funded loan of 1907, inscribed "Secretary of the Treasury, trustee—interest to the Treasurer of the United States for credit of appropriation 'To promote the education of the blind,'" and issued under authority of the act of March 3, 1879, entitled "An act to promote the education of the blind," is hereby extended for the period of thirty years from the 1st day of July, 1907, at 4 per cent interest; and the Secretary of the Treasury is hereby directed to indorse the fact of such extension upon said bonds.

The SPEAKER. Is a second demanded?

Mr. PERKINS. Mr. Speaker, I demand a second.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker, the purpose of this bill is to postpone for thirty years the maturity of a quarter of a million dollars of Government United States 4 per cent bonds. In 1879 the Congress of the United States appropriated a quarter of a million dollars of bonds in perpetuity for the benefit of the blind schools of America, and required that the income from these bonds should be paid annually to the American Printing House for the Blind. The American Printing House for the Blind prints embossed books which are used in the blind schools of the country. By the provisions of the act of 1879 this money must be used solely in the printing of these books, which are sold at cost, and which must be distributed pro rata among the public schools for the blind in the country.

Mr. PERKINS. I desire to ask the gentleman, Do I understand the Government of the United States gave $250,000 for that purpose? The Government gave a quarter of a million dollars of its own bonds for that purpose?

Mr. SHERLEY. That is true.

Mr. PERKINS. First it gave the bonds, and then it gave the interest upon the bonds?

Mr. SHERLEY. Yes.

Mr. PERKINS. Now these bonds would have to be placed at a lower rate than 4 per cent.

Mr. SHERLEY. Under the terms of the act, on the maturity of the bonds it is necessary that they be reinvested in Government securities. There are no Government securities which, if they be reinvested, will return an interest greater than 2 per cent.

Mr. PERKINS. The object of the bill is to postpone the maturity of these bonds for thirty years, so that this institution will still continue to get $10,000 per annum instead of $5,000 per annum. That is the object of the bill.

Mr. SHERLEY. That is correct. The object of the bill is to continue the payment of $10,000 instead of reducing the payment to $5,000.

Mr. PERKINS. What is done with this money?

Mr. SHERLEY. The money is paid over annually to the American Printing House for the Blind. The American Printing House for the Blind is a corporation incorporated under an act of the State of Kentucky in 1858. Its board of directors is composed of the superintendents of the various State blind asylums throughout the country. This money is paid to this printing house to be used in printing embossed books for the blind, and one of the requirements is that these books shall be sold at cost and that they shall be distributed equally among all the blind asylums of the country.

Mr. PERKINS. What fund have they apart from this $10,000 given by the Government?

Mr. SHERLEY. The State of Kentucky furnished the buildings, and they have since received by way of personal contributions something like $165,000, mostly to aid in religious instruction; but the demand now upon the printing house is so much larger than it was at the time this money was given that the reduction in interest will result in absolutely crippling this printing establishment for the blind.

Mr. PERKINS. Does the State of Kentucky contribute any money to the institution?

Mr. SHERLEY. The State of Kentucky originally contributed the money for the buildings and equipment, along with several other States. I want the gentleman to bear in mind that this is distinct from the blind schools. Kentucky supports at her own expense a blind asylum, as do most of the States of the Union. The cost of printing books for the blind is very great—so great that no commercial house can afford to engage in it. There is not sufficient demand to make it profitable. Now, in order to meet the demand for books that existed, which, while small, was imperative, the Government came to the aid of the American Printing House for the Blind and gave this money in trust.

Mr. UNDERWOOD. Are these books distributed throughout the United States generally, or just in the State of Kentucky?

Mr. SHERLEY. These books are distributed through the United States generally, and by the requirements of the act must be distributed pro rata according to the number of blind pupils in the different State schools.

Mr. SULZER. Are they charged for them?

Mr. SHERLEY. They are sold at cost.

Mr. PERKINS. How large is the annual income?

Mr. SHERLEY. The income is practically this $10,000 a year which they have received from the Government and the income received in part from the $165,000 privately contributed.

Mr. PERKINS. Do you receive any contributions from the public? I suppose that there would be contributions received from outside sources.

Mr. SHERLEY. The American Printing House for the Blind would be very glad to receive contributions, but up to this time it has only received this $165,000.

Mr. PERKINS. In other words, the Government practically pays the entire expense of this charity. That is what it comes to.

Mr. SHERLEY. The Government did this: The Government furnished a quarter of a million of dollars for the benefit of this charity, and the State——

Mr. PERKINS. On which it pays $10,000 a year interest——

Mr. SHERLEY (continuing). And the State of Kentucky furnished the buildings and original equipment. Not a dollar of the expenditure for the buildings and equipment has been paid out of the Government fund.

Mr. PERKINS. Does not the gentleman think, as this is a very useful charity, that it ought to be possible to get from the country at large some assistance outside of the $10,000 which the Government pays; and that those in charge of the institution ought to be able to obtain contributions from various sources instead of as it has done for about twenty-five years?

Mr. SHERLEY. I believe if this matter were brought to the attention of the country at large, there would probably be contributions made.

Mr. PERKINS. Why do you not bring it to the attention of the country?

Mr. SHERLEY. I am not one of the directors. The question here is whether the Government shall destroy one-half of the income given by it for the benefit of this institution.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. SHERLEY. Certainly.

Mr. MANN. If these books are sold at cost, what do they do with this money?

Mr. SHERLEY. They are sold at cost, considering this money as subtracting that much from the cost of the books. If they did not have this money, and had to sell at actual cost,

then the cost of the books would be so great as to be almost prohibitory.

Mr. MANN. I think the gentleman might amend his statement by making it below cost.

Mr. SHERLEY. I used the phrase contained in the original act. What was there meant and what I mean is that no profit is made on the books. The $10,000 simply enables them to sell the books at a less price than they could sell without it. The following letter from the head of the American Printing House for the Blind, Prof. B. B. Huntoon, concisely states the case:

LOUISVILLE, KY., *February 12, 1906.*

Hon. SWAGAR SHERLEY,
Washington, D. C.

MY DEAR SIR: As Secretary Shaw has suggested and advised bringing in a bill extending for thirty years the bonds of $250,000, at 4 per cent, held in trust by him, to promote the education of the blind, as being by far more preferable to increasing the fund to $500,000, at 2 per cent, permit me to remind you that in 1879, though Congress had made large benefactions of land and money to aid the education of almost every other class, nothing had ever been done for the blind.

All the thirty State schools for the blind in the country unanimously petitioned Congress, setting forth the fact that their great need was a supply of embossed books, as, while the need was imperative, the demand was so small that there was no inducement for private enterprise to do this printing; and, in fact, at that time there were barely two score embossed books in the country.

Congress acceded to the petition and stipulated that no portion of the aid given should be spent on land or buildings, but that the endowment for printing books for the blind should be perpetual, and as the bonds matured they should be refunded in other interest-bearing United States bonds.

Now, the State schools for the blind are forty in number, and their pupils, which in 1879 had a population of 2,100, now have 4,400.

The educators of the blind look in dismay upon the prospect of their resources for printing embossed books being cut in half at the time when their needs are more than doubled.

The State of Kentucky, at an expense of $30,000, gave the land, erected the buildings, and supplied the plant for carrying out the beneficent work of embossing books for the blind.

Every blind child at school at any school for the blind in the United States has been inestimably benefited by that act of Congress.

It is impossible to overstate the importance of this aid to the education of the blind. It has revolutionized the methods of their education. It has supplied up-to-date embossed text-books on all the subjects of a common school education, through the high school course, and, incidentally, has caused departments for blind readers to be established in the National Library, in Washington, and in over forty other public libraries.

No greater service can be done the education of the blind in this country than to continue unimpaired the work done at the American Printing House for the Blind at Louisville, Ky.

Yorus, very truly, B. B. HUNTOON.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. PERKINS. I yield to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I only want to say that this bill was unanimously reported by the Committee on Ways and Means. Originally there was set aside $250,000 for this purpose.

Mr. PERKINS. I yield the gentleman time, and I would like him to answer my question.

Mr. PAYNE. I will do so directly. It was originally given for the purpose of education. There was no way of printing these books by private enterprise. It is very costly to print in raised letters for the blind, and the United States Government set this money aside thirty years ago, to be invested in United States bonds, when they drew 4 per cent interest, which has been paid up to this time. Next year those bonds will only pay 2 per cent, which will cut that income in two. Now, the institution has been a very beneficent one.

The president of that institution is a native of my own town whom I have known always, and who is a splendid man, and so regarded in the State of Kentucky. This is not a Kentucky institution, but a national institution. After these books are printed they furnish them at cost to the blind. They furnish them at cost, Bibles to Bible societies, and books of that kind to missionary societies, and they have done a great deal of good in that way in the diffusion of information for the blind. Without this work the blind could not get it. Now, gentlemen ask why private resources are not drawn upon. They have not been able to get the money without this appropriation. If it is cut down now to $5,000 instead of $10,000, a great part of this work must cease. In order to continue the work it seems to be necessary to make this appropriation.

Mr. PERKINS. I do not understand why it is in this country, if this is so good a charity, when the contributions for charity are so large, that somebody besides the United States Government can not be found to chip in.

Mr. PAYNE. Oh, well, I can not see why it is in this country that we have to appropriate Government money for experiment stations. I do not see why it is that we have to give money for the benefit of agricultural colleges. I do not see why private enterprise does not come forward and do all these things; but Congress has done it because private enterprise did not come forward and do it.

Mr. PERKINS. Do you think Congress should give generally to all the institutions for the blind over the country?

Mr. PAYNE. Oh, no; I do not, and this is not asked for that reason. Aside from this they have an institution for the blind there in the State of Kentucky, conducted by private funds, a private enterprise, where people also go who are able to pay their tuition, but this is for work for which they have not been able to raise the necessary money otherwise.

Mr. BURTON of Ohio. Will the gentleman yield to me for several questions?

Mr. PAYNE. Yes.

Mr. BURTON of Ohio. This amount of $250,000 is substantially an obligation of the United States Government?

Mr. PAYNE. It was set aside and held in trust by the United States, invested in bonds drawing 4 per cent and running for thirty years, the interest being paid over to this institution. These bonds mature a year from next July.

Mr. BURTON of Ohio. If this bill should not pass, the $250,000 could be paid over to this institution and the bonds canceled, could they not?

Mr. PAYNE. Not without legislation by Congress.

Mr. BURTON of Ohio. But that could be accomplished by legislation.

Mr. PAYNE. Certainly; Congress could pay over the money.

Mr. BURTON of Ohio. Is it not possible that the money could be invested by the institution at a rate of interest even higher than 4 per cent?

Mr. PAYNE. I think that would be difficult—to get a secure investment that would pay more than 4 per cent. I think it might be invested at 4 per cent.

Mr. BURTON of Ohio. Is not every effort being made to reduce the rate of interest on Government bonds?

Mr. PAYNE. Well, the gentleman knows as much about that as I do, of course.

Mr. BURTON of Ohio. So that Government bonds are now issued at 2 per cent?

Mr. PAYNE. We have been reducing the rate of interest by requiring a deposit of national bonds for the issue of money without interest, and that is a reduction of the rate of interest.

Mr. BURTON of Ohio. Does not the gentleman from New York think it is a dangerous precedent to continue a 4 per cent rate of interest on any amount of United States bonds for thirty years, when money can now be borrowed by the United States Government at 2 per cent?

Mr. PAYNE. If the gentleman means that as a question, intending to intimate that we may be liable to do the same thing in regard to other parts of the national debt, I say no. This is simply giving this money for the benefit of the blind people and for their education and for the printing of their books.

Mr. BURTON of Ohio. The gentleman will concede, however, that if the $250,000 was actually paid over to this institution it could be so invested as to bring an income at least equal to $10,000 a year?

Mr. PAYNE. Well, the gentlemen in charge of this institution did not have the courage to ask that of Congress. They do ask, however, that this appropriation of $10,000 a year—for that is what it amounts to—be continued.

Mr. BURTON of Ohio. But suppose you should pay over the $250,000? These bonds are held in trust, and the question now presenting itself is whether they shall be paid or continued at a rate of interest twice as great as that which the Government is now paying on its other obligations. That is the question, is it not?

Mr. PAYNE. Let me say, in connection with that, that the statute provides that at the end of thirty years they shall be reinvested in other bonds of the United States.

Mr. BURTON of Ohio. That, however, could be readily amended, could it not?

Mr. PAYNE. It is competent for Congress to appropriate this $250,000, but that is not the bill before the House, however.

Mr. BURTON of Ohio. The question is whether that would not be a much better bill. It would afford just as much benefit to this institution, and at the same time relieve the Congress of the United States from donating $5,000 a year by continuing the maximum rate of interest on a quarter of million of bonds for a very long period.

Mr. PAYNE. That proposition was not presented to the committee, I suppose, out of the modesty of the gentlemen who had the matter in charge, who wanted to get this bill through.

Mr. COCKRAN. I should like to ask the gentleman from New York if it be not the fact that if this measure now before the House fails, this subvention to the institution will fail altogether?

Mr. PERKINS. Oh, no; they own the bonds.

Mr. COCKRAN. I do not understand about that. That is what I want to know.

Mr. PAYNE. If this bill is not passed by this Congress it would not fail altogether, but it would be the duty of the Secretary of the Treasury to reinvest the fund in bonds bearing 2 per cent interest, so that $5,000 a year would fail.

Mr. COCKRAN. There is no other proposal before the House except this, is there?

Mr. PAYNE. This is the only thing before the House.

Mr. COCKRAN. So that the House must practically choose between continuing this subvention of $10,000 and cutting it down to $5,000?

Mr. PAYNE. Practically it would have that effect.

Mr. PERKINS. Or the House could adopt the other proposition which has been suggested here.

Mr. COCKRAN. But no such bill is presented to the House.

Mr. PERKINS. They could bring in such a bill. The suggestion is whether this is the best way of dealing with the question. If it is the best way, we ought to do it, but if there is a better way, certainly we ought to adopt that.

Mr. COCKRAN. But this is the only proposition now before the House.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

CERTAIN LANDS IN RICHARDSON COUNTY, NEBR.

Mr. HINSHAW. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2418) to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes, with a House committee amendment.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, to pay per capita to the Indians of the Sac and Fox tribe, of Missouri, allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., the proportionate share of such Indians in the $157,000 "paper principal" remaining to the credit of said tribe under the second article of the treaty of October 21, 1837: *Provided*, That sufficient of the amount due said Indians shall be retained and expended by the Secretary of the Interior in paying the assessments that may be made by the said drainage district on the allotments of said Indians for the purpose of protecting the lands embraced in the drainage district from overflow, not exceeding $7 per acre, and there is hereby appropriated the sum of $50,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to make the per capita payments herein provided. If any surplus remain, it shall be credited to the remainder of the tribe.

SEC. 2. That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to pay the assessments that may be made on the Sac and Fox tribal lands by said drainage district, not exceeding $7 per acre, and there is hereby appropriated for this purpose $7,000 to be deducted from the "paper principal" of $157,000: *Provided*, That the amount disbursed under the provisions of this section shall be reimbursed from the proceeds derived from the sale of said tribal lands.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the assessments on lands allotted to the Iowa Indians that may be made by said drainage district, not exceeding $7 per acre, and there is hereby appropriated for such purpose $2,660.

SEC. 4. That the said drainage district be, and it is hereby authorized to assess the cost of reclaiming the tribal lands of the Sac and Fox Indians, and all lands allotted to the Indians in severalty and held by patents containing restrictions as to sale, taxation, and alienation within said district, and to condemn any of said lands necessary for the purpose of reclamation in the same manner as said district may condemn other lands: *Provided*, That the payments to be made or the taking of lands under the provisions of this section shall be subject to the approval of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon application, to issue a fee simple patent to any Indian for the lands allotted to him within said drainage district, and the issuance of such patent shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands covered thereby.

The SPEAKER. Is a second demanded? If not, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

SURVEY OF MAIL AND PACK ROUTE IN ALASKA.

Mr. REYNOLDS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17510) to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula in Alaska, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $35,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for a reconnoissance and preliminary survey of a land route from the navigable waters of the Tanana River, at or near Fairbanks, to the vicinity of Council City, in the Seward Peninsula, Alaska, for a mail and pack trail along such route, such sum to be immediately available, and to be expended under the direction of the Secretary of War; report of said survey and reconnoissance to be made to Congress at the earliest practicable day.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. REYNOLDS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Gentlemen ask unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman what committee reports this bill?

Mr. REYNOLDS. The Committee on Territories.

Mr. UNDERWOOD. The Committee on Rivers and Harbors does not have jurisdiction?

Mr. REYNOLDS. I do not know; the bill was referred to the Committee on Territories and has been considered for nearly two months. We had before us Major Richardson, of the Ninth Infantry, who came here from Alaska, and we also had a statement from the Secretary of War.

Mr. UNDERWOOD. Is the report a unanimous report?

Mr. REYNOLDS. It is a unanimous report, recommended by the entire committee.

Mr. UNDERWOOD. It is rather unusual, is it not, to have a provision come in in this way providing for a survey of the river——

Mr. REYNOLDS. This is not a survey of the river; it is a preliminary survey of a land route for a mail and pack trail from the Tanana River to the Seward Peninsula, in Alaska.

Mr. UNDERWOOD. I misunderstood the reading of the bill.

Mr. REYNOLDS. Mr. Speaker, this bill provides for an appropriation of $35,000 for a reconnoissance and preliminary survey of a land route from the navigable waters of the Tanana River at or near Fairbanks to the vicinity of Council City, in the Seward Peninsula, for a mail and pack trail along such route, to be expended under the direction of the Secretary of War. After leaving the vicinity of Fairbanks and going in a northwestern direction the proposed survey will cross the Yukon at some point between the mouth of the Tanana and Rampart, thence generally in a westward direction by way of the middle Koyukuk and the head of Norton Bay to the vicinity of Council City. The distance is about 700 miles, and is mainly through an unexplored country. The expenditure contemplated by the bill is strictly for exploration work, and in this respect the bill differs from other legislation relative to road and trail improvements in Alaska, and is designed to procure information needed by the Executive Departments, Congress, and the public at large. The starting point is mentioned as at Fairbanks, but the principal work of the reconnoissance lies between the crossing of the Yukon and the head of Norton Bay, a country but little known.

The immediate result sought to be obtained by the passage of this bill is: The establishment of a shorter mail route to the Seward Peninsula; the improvement of the service in lessening the time by from eighteen to twenty days from Fairbanks to Nome, and when the trail is completed from Valdez to Fairbanks, and the whole in good condition, the service from Seattle should be reduced one-half over the old route by Skagway and the upper Yukon.

During the visit of the subcommittee of the Committee on Territories of the Senate, in the summer of 1903, one of the resolutions adopted by the citizens of Nome set forth the following statement of the condition of the mail service to that section:

> The distance from seaboard at Skagway to Nome is about 2,000 miles, over which distance the mail is now hauled by dog teams and sleds on a schedule of sixty days' time, thus placing us during nearly eight months of the year at a decided disadvantage of having to wait one hundred and twenty days, or four months, from date of a letter until it would be possible to receive a reply. This does not allow for delays on this long route, which are frequent and unavoidable owing to storms, during which travel is difficult and dangerous to life and often impossible. * * * The importance of this section of Alaska demands the best and quickest mail service possible for the Government to furnish.

Though three years have expired since this statement was made to the committee, yet little has been done to remedy this inconvenience, save the work which is now in progress and destined to continue under the provisions of the act of Congress creating the "Alaska fund," and the appropriation likely to be made at the present session of Congress to be expended in the construction of the new trail from Valdez to Fairbanks, under the directions of the board of road commissioners, detailed by the Secretary of War. In 1899 the work of building a road from Valdez to Eagle was undertaken by the Government, and considerable money has been expended in bridging streams and laying out a trail through the forests and over the mountains, and on this trail the mails are now carried from Valdez to Eagle.

It further appears from the report of the committee recom-

mending the passage of this bill, that as the mail service on the old route follows the Tanana, then the Yukon to Kaltag, crosses to Unalaklik on the Bering Sea coast, and then skirts around the head of Norton Bay and continues along the coast to Nome, that the advantages of an all-land route are the avoidance of the necessary delays every year during the formation of the ice in the fall and the breaking-up period in the spring—a more direct route by cutting off the bends of the rivers and coast lines; and safer travel by escaping in great measure the storms which sweep up and down the rivers and along the shores of Bering Sea.

Independent of the improved mail facilities, to which this region is entitled by the construction of a trail that should follow the proposed survey, will be the information necessarily obtained through this work as to the wealth and resources of this wonderful land, and the best means through which its development may be hastened, and the Executive, the Congress, and the different Departments of Government should, at the earliest possible date, be placed in possession of the much-needed data, when so many different interests are clamoring here for recognition or aid through legislation in various forms. Territorial government has been demanded, but the committee in charge of this measure has not yet seen proper to give it favorable consideration, but instead the Congress has passed the bill providing for a Delegate to represent and speak for Alaska and present her claims to the favor of the National Government. Bills for the protection and development of her fisheries have received favorable recognition by enactment into law, but legislation looking to aid in railroad building is suspended chiefly because of the want of intelligent information as to what course, if any, should be pursued in that direction. When the Honorable Secretary of War was before the House Committee on Territories, in reply to interrogatories relative to the bills pending before the committee proposing aid to the existing and contemplated railroads, so much needed for the development of Alaska, and it was suggested by the committee whether his statement was not to the effect that the wise thing to do should be for the committee to wait until it gets a little more information, he said:

I think it is wise to get information at any rate, because if you were to confer power on the Executive to guarantee bonds, he would have to take time to get information. He could not act unless he ascertained the circumstances which would justify his using the power which Congress might give him of incurring governmental liability in guaranteeing bonds.

And again he stated:

I presume the route from the coast to the Tanana district is fairly well known now from reconnoissance surveys; but from the Tanana district to Rampart, and from Rampart to the Nome Peninsula, I think certainly ought to be investigated by competent Army engineers before action should be taken by the Executive.

Much stress was laid before the committee upon the duty of Congress to respond to the recommendations of the President in two of his messages favoring the extension of national aid to the building of railroads in Alaska, and in the original bill offered to Congress upon the subject-matter of the pending measure, there was contained a provision for an expenditure to obtain information looking to legislation for governmental aid to Alaskan railroad building. But as the committee was not prepared to commit itself to the project of governmental aid, it was not thought wise to report the bill with the provision before referred to, and it was, in consequence, omitted. The bill, therefore, stands upon the sole and important recommendation for its passage as a necessity for extending and improving the mail facilities of that region, with the resulting advantages of putting the Government and the public at large in possession of all the facts needed for railroad or other developments, when and in whatever manner needed. But as an evidence that this measure, which he has reported with the unanimous sanction of the committee, has the support of executive authority, it is only necessary to refer to the testimony of Secretary Taft before our committee, in which he said:

I think it very important that there should be an appropriation of $25,000 to make a preliminary survey for Rampart. I think that is very important, whether you have governmental aid or not. I think it is the business of the Government to open up Alaska and to furnish certain knowledge upon which investments could be invited.

The Secretary of War, in transmitting a memorandum prepared by Maj. W. P. Richardson, Ninth Infantry, president of the Alaska board of road commissioners, recommends the passage of this bill, and states:

Such a survey would be of great value to the work of ordinary road and trail construction, outlining the most direct route to the Seward Peninsula.

The same view was supported by the Secretary in his letter to the subcommittee in charge of the bill, as follows:

WAR DEPARTMENT,
Washington, March 27, 1906.

MY DEAR MR. REYNOLDS: I am advised that Major Richardson will appear before your committee this morning to testify as to the necessity for an appropriation to enable the Department to make a railroad survey in Alaska from the vicinity of Fairbanks to Rampart, and thence from Rampart, through the Nome Peninsula, to the Bering Straits, in the vicinity of Nome. I can not urge the necessity for an appropriation for this purpose too strongly, and I hope the committee will be liberal in its provision. When I was before the committee I suggested $25,000, but after talking with Major Richardson I am convinced that it will require $50,000 in order to secure a proper investigation of the proposed route, so as to enable the committee and Congress to act intelligently at the next session.

Very sincerely, yours,

WM. H. TAFT.

Hon. JOHN M. REYNOLDS,
Chairman Subcommittee of Committee on Territories,
House of Representatives.

The committee, however, reported the bill carrying $35,000, instead of $50,000 as recommended in this letter.

It can not be doubted that the survey of this mail and pack trail is but the blazing of the way for greater and more enduring progress-promoting instrumentalities in the shape of wagon roads and railway lines, which are bound to follow, and which will open to the world's gaze what is believed to be a treasure house of wealth unequaled by the possessions of any other nation or of any other portion of our splendid domain.

No better illustration of this contention can be found than in the developments, actual and prospective, that have followed the surveys made in 1898 and 1899 by Captain Abercrombie up the Copper River, and of Captain Glenn up the Sushitna, and the survey of a route for a wagon road in the summer of 1904 from Valdez to Eagle City, on the Yukon. In consequence of this work so wisely inaugurated by the Government and the additional work now being done on the trail from Valdez to Fairbanks, the region south of the Yukon is rapidly becoming well known, its immense wealth demonstrated, and capital has been encouraged to eagerly seize the opportunity for gigantic returns. And more than this, the laying out of these Government trails has promoted the exploration of other avenues of entrance, through individual effort, into the southern and interior portions of Alaska. A further advantage to be derived from this reconnoissance is the information it will give concerning the intervening section of country between the crossing of the Yukon and the Seward Peninsula, known generally as the "Koyukuk district." This district is rather more isolated than the rest of Alaska, and with the difficulties of transportation and communication has made but little advance. Only the richest discoveries could be worked, but these have produced in the neighborhood of $1,000,000; and it is known that the region of the upper Koyukuk, north of and tributary to this proposed route, embraces many hundreds of square miles of gold-bearing gravels.

The appropriation asked for in this instance is no mere experiment in the light of past results, and its expenditure will be intrusted to worthy and competent management. It will doubtless be under the control and administration of the board of road commissioners of Alaska, headed by Maj. W. P. Richardson, Ninth Infantry, its president, whom the Secretary of War has commended so highly and deservedly, and whose appearance and testimony before our committee, as well as the extent and character of his work in that region, have so fully justified all that has been said to his credit.

The governor of Alaska, in his last report, said upon this subject:

Section 2 of the act of January 27, 1905, supra, provides for a board of road commissioners, to be composed of Army officers and to be appointed by the Secretary of War. When the appointments were made, Maj. W. P. Richardson was assigned chief place. This officer had had long acquaintance in Alaska, since the winter of 1897, and his appointment to the first place was eminently proper. The board, after its organization, early in the season, went to work. They provided for the location and survey of a wagon road from the head of Chalmondeley Sound to Hetta Inlet, on Prince of Wales Island; for a survey of a road from Haines Mission to "Hindestucy," on the Chilkat, to Wells, with a survey of the trail from Wells to the boundary line, near Pleasant Camp; for the collection of data for a route, yet to be determined, from the head of Gastineau Channel to a point near the southern extremity of Berners Bay; for the work of relocation and improvement of the trail from Valdez to the mouth of the Gokona River, thence by way of the head of the Big Delta to the Tanana, and down that stream to Fairbanks; for such work of improvement as the funds permitted on the roads leading from the terminus of the Tanana Mines Railway, at Gilmore, to the Summit, and thence to Clary Creek, and from the Summit to Fairbanks Creek; for the preliminary reconnoissance and location of a road from Council City to the east fork of Solomon River, and a road from Nome northward by way of the head of Nome River and toward the Kougrok River.

The board received but $28,000 from the Alaska fund. It can be seen and appreciated by those who are familiar with Alaska that the board has not been asleep. They have taken in a large part of the field, and know the places where work should be done at the earliest opportunity. They are hampered for funds. It would probably be better for Congress to estimate the probable amount for roads from the "Alaska fund" and make it available, so that the board could have it at its command during the summer, which is the best season for work. This is the right way to help Alaska. It will relieve the newcomers of much of the fearful hardships which have been endured by prospectors and miners.

The duty of the Government to bestow its favor on Alaska through the insignificant sum named in this bill—insignificant

and almost unworthy of us in view of the vast resources of that country and the returns which she has made to our national wealth, as well as to the National Treasury—will appear more pressing and obligatory when the extent of population, development, and needs of the section to be linked by the survey are studied and demonstrated. The two principal districts outside of the archipelago of southeastern Alaska are the middle Tanana and upper Yukon and the Seward Peninsula. These districts have in each about 12,000 inhabitants. The first, as has already been stated, has been developed, largely through similar expenditures to the one contemplated by this bill, from Valdez and Cook Inlet, and the second, on account of its accessibility from the coast of Bering Sea. These two districts yielded last season $12,000,000 in gold in about equal amounts for each district. Independent of the rapid development which will follow in the intermediate region by the construction of this contemplated mail and pack trail, the Nome Peninsula on the one side and the Tanana and Yukon region on the other will become more closely joined by the bands of commercial intercourse to which the population and wealth of the regions are justly entitled, and especially will it be so by a perfect winter mail service between the country tributary to Nome and to Fairbanks.

It appeared from testimony taken before the committee that the necessity for an all-year mail service by land arose from the fact that during four months in the year the Department aims to carry the mail by steamboats in summer, either by way of Skagway or St. Michael, and thus during this period the overland trail is neglected and closed, which results in this difficulty: That from the 15th of April, when the sun begins to melt and traveling becomes difficult, and until late in June, when steamers begin to run regularly, the mail service is entirely stopped or interrupted. The same condition exists in the fall. The steamers cease running some time in September and the rivers do not freeze until late in November. Thus, every year—spring and fall—the mail service becomes interrupted. It is, therefore, claimed by those entitled to judge that if the first-class mail were carried overland all the year round, the contractor would have employment for his men and animals during the summer months and thus would be in better shape to do the work in spring and fall.

The appropriation asked for in this instance is really far below what should be given to properly do the work. The statement made by ex-Senator Turner, of Washington, before the committee showed that last year's surveys along the Alaska Central cost $22,000. The preliminary surveys from Resurrection Bay to Fairbanks, a distance of about 436 miles, cost the original company about $96,000, according to the testimony of Mr. W. B. Poland, the chief engineer. This great expense arises from the difficulty of taking supplies into the interior—the price of wages and the cost of maintaining it when in the field. It was further stated that the cost of surveying in Alaska was something tremendous. To equip a party of fifteen men, which is the least number required, costs about two to three thousand dollars; the running expenses will amount to $1,800 per month, so that the total cost of a surveying party can ordinarily be stated at $10,000 for a single season.

But the General Government, by this expenditure and much more to which she is justly entitled, will be giving for Alaska's development only a portion of what is her own. The subcommittee of the Senate Committee on Territories, upon their trip to Alaska in 1903, made a most exhaustive inquiry into conditions after visiting all the principal points in the interior and along the coast. The result was summed up in a report which, for thoroughness, can not be overestimated. The conclusion reached was, that placing Alaska's receipts from customs, internal revenues, tax on sealskins, licenses of various sorts, and other revenues of minor importance against the expenditures legitimately chargeable thereto, deducting for expenses only such items as it assumes and pays in all the Territories of the United States, where a Territorial government has been established, the account for 1903 would stand: Receipts, $468,017.04; expenses, $138,506.22; or a balance of $329,510.82, which the committee stated, in their opinion, should be devoted to internal improvements, which will tend to develop the district.

In the same report it is stated that the resources of Alaska are indicated in part by the fact that since the cession she has yielded in revenues to the General Government nearly $10,000,000, a sum greater by nearly $1,000,000 than the entire expenditure made in her behalf. The committee further stated that up to 1903 it had been estimated that the nation had been enriched by the fur industry to the extent of $52,000,000; that the value of the salmon taken in Alaskan fisheries had been $50,000,000. To this may be added the output of gold, including that estimated by the Bureau of the Mint for last year at $14,650,000, and the previous year $9,160,500, or a total to 1906 of $77,650,100 as the gold product of Alaska since 1880, making a grand total of over $180,000,000, not including the salmon fisheries and the fur industry for 1904–5 of more than $20,000,000 additional, and not counting the profits on our trade with Alaska, which a high authority in 1904 estimated at $25,000,000.

And yet Alaska, with this wonderful showing, is still in her infancy in point of development. In ten years more her mineral output will be five times as great as now, with her population of 60,000, as at present, grown to a quarter of a million or more.

The great, all-powerful, and pressing need of the hour for Alaska's development is the means of cheap and easy transportation. Through governmental assistance on a limited scale the slightest glimpse has but been had into the hidden wealth of this vast country of 577,000 square miles—one-sixth the area of our present domain, or almost as large as all that vast territory of the Republic east of the Mississippi River. But the moment it is possible to transport supplies from the coast into the interior at reasonable prices the cost of living will be greatly reduced, the expenses of production curtailed to limits within which mining may be made profitable in every part of the Territory, instead of a condition existing, as at present, where such expenses are so high as to render all effort at development prohibitive.

The situation with respect to means of transportation can not be better stated than as set forth in the report of the subcommittee of the Committee on Territories of the Senate, dated January 12, 1904, wherein it is said:

> The condition of Alaska in her vastness is best described by the fact that outside the few and scattered settlements called towns, which are found in different parts of Alaska proper and most of which are but the centers of mining interests, there is not to be found a single public wagon road over which vehicles can be drawn summer or winter. The only approach to one is the military trail extending from Valdez, on the Pacific, to Eagle, on the Yukon, constructed by the War Department in 1899–1900. This, however, is only fit for saddle and pack animals. Transportation during the summer is conducted almost wholly on the waterways and on pack horses and during the long winter months by the use of dog teams upon trails broken out in the snow or ice for that purpose.
>
> The development of Alaska depends more upon the improvement of transportation facilities than upon any other one instrumentality. It must be borne in mind that substantially everything consumed by the people and everything required to carry on business must be brought in from the outside. A glance at the map will clearly indicate the immense distances which have been traversed.
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> Nome, although situated 2,550 miles from Seattle and 2,880 miles from San Francisco, receives her supplies at fairly reasonable prices, owing to the fact that regular lines of steamships are plying between the points indicated and in competition with each other.
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> It is also true that all places in southeastern Alaska are well served by different lines of boats running between Seattle and Skagway, a distance of 1,000 miles, as stops are made at intermediate points.
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> The situation upon the Yukon and upon her great tributaries is, however, entirely different and one fraught with great hardship to the people. All goods intended for use in the entire Yukon Basin, if brought over American routes, must be taken in ocean-going vessels to St. Michael, a distance of 2,550 miles from Seattle and 2,780 from San Francisco, and there be transferred to river boats and transported against the current of the stream to the various points along the river. From St. Michael to Rampart it is 950 miles, to Circle 1,310 miles, to Eagle 1,500 miles.
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> When it is considered that supplies of every description must be brought in from the outside during the three or four months of open navigation and stored for future use, it can be easily understood why, with freight, interest, and insurance added to the original cost of the goods, prices should be exceedingly high. When to these prices is added the additional cost of packing goods from river points to the interior, where mining operations are going on, or having them transported during the winter months through the use of dog teams, no one will be surprised at the slow development of that great area lying south of the Yukon and west of the international boundary line.

In striking contrast with the policy pursued by our Government stands that pursued by the Dominion government in the British Yukon. Prior to the discoveries in the Klondike in 1896 and 1897 there was practically no settlement and no development in that country. But our authority, Mr. John Scudder McClain, in his books entitled "Alaska and the Klondike," written two years ago, says:

> But during the last five or six years, according to Mr. S. A. D. Bertrand, territorial superintendent of public works and buildings at Dawson, there has been expended in the Yukon territory $1,030,118 in the building of wagon roads. This represents the first cost of 875 miles of roads and winter trails, one-fourth of which is graded and surfaced wagon roads on which heavy loads may be drawn by teams of from two to ten or twelve horses, and over which it is possible now to move heavy mining machinery at any time of the year as easily as it could be done over the roads of central New York.

Since then this expenditure has been largely increased.

The method pursued in the Yukon is briefly this: The territorial government determines where roads shall be built and makes an estimate of the cost. This estimate is presented to the Dominion parliament at Ottawa, and an appropriation is made for that purpose. They do not wait in the British Yukon until the burden of settlement has been borne by the people at the great expense which the absence of passable roads implies, but whenever a discovery is made which promises to be of importance and gives evidence of permanence, engineers are sent out to survey a route for a wagon road and men are put to work

on its construction. The cost of living in the Klondike camps, taking all things into account, but crediting the reduction chiefly to good roads, has been reduced to one-fourth what it was five years before these roads were built. What this means for the development of a country can hardly be overestimated. Of course, no country can be developed where the charges of transportation run from $2 to $10 per ton-mile, or from $300 to $600 per ton, as in many portions of Alaska under the present methods of transportation, unless the mining claims were fabulously rich.

As a justification for the action of the Government in constructing trails in Alaska, we have the precedent of the work done in the Philippine Islands, which, though originally constructed as a military necessity, have now become important to the commerce of the country, and led to its opening in other directions. Our obligations to Alaska are greater than to the Philippines, and the returns will be a hundredfold more to the nation's wealth, for the moment that transportation is cheapened thousands of square miles of gravel not now workable at a profit will be gathered up to enrich the world and quicken the arteries of trade and commerce.

In the early period of excitement over the discovery of rich findings of gold in the Yukon and Nome regions the impression prevailed that Alaska was a region of placer mining, and that the population seeking her borders had no other interest in view than that of extracting her gold from the earth, shipping it to the mints, pocketing the proceeds, and then leaving the country. But further explorations and developments have given the world undoubted assurance that her mineral deposits are of an extent and value to give employment for an indefinite time, yielding adequate returns, and that the soil and climate are such as to insure a permanent white population. If these things be true, then no expenditure by the Government in aid of Alaska's development will be for only a day, but for the centuries to come.

As to her mineral wealth, the gold production alone has grown from two and a half millions in 1898 to fourteen and a half millions in 1905. In the Nome region some 5,000 square miles are known to carry gold-bearing gravels, while in the Yukon Basin the area of the same is probably several times as large. The future of Alaska is not dependent upon her placer mining, but there are large areas of gold-bearing quartz, and even the very low-grade ores are worked at a profit on an immense scale, notably the Treadwell mines on Douglas Island across from Juneau, where the ore ranges from $2 to $7 per ton, and where, since 1882, it is said that an aggregate of $22,000,000, three times as great as the original cost of Alaska, have been taken from one mine alone. With railroad transportation, it is estimated that the present production of gold might just as easily be $75,000,000 or $100,000,000 per year, and rival the like output of South Africa, and continue it for an indefinite period.

Next in mineral importance, possibly, is her copper deposits, and it was testified before the committee that in five years there will be a production of more than eight and one-half millions' worth each year. The richest deposits are mainly in the Prince William Sound and Copper River districts, though valuable deposits are found elsewhere, where there is said to be the richest copper ore in quantity that has ever been found in the world, and the statement has been made from reliable sources that when the copper deposits of the Copper River country begin to be developed and put upon the market the mines of Butte and the Calumet and Hecla would have to go out of business.

Alaska is rich in coal, which is well distributed over the whole area. The known coal fields include about 16,000 square miles, though a conservative estimate places the coal-bearing rocks at 100,000 square miles, and fall in four groups—those of the Pacific seaboard, those of Bering Sea, those lying near the Arctic Ocean, and those of the Yukon Basin. The railroads projected from Seward, from Valdez, and from Controller Bay are designed to tap the rich coal deposits of the Matanuska and Kayak districts. It was represented before the committee that the coal deposits, of which there was knowledge only in a general way, have proven to be of as good quality as some of the highest grades of bituminous coal found in the United States and Wales. Some of it is equal to the Pocahontas coal, which is used by the United States Navy. There is sufficient now already opened up to assure a production of 15,000,000 tons of this high-grade coal, and 33,000,000 tons of medium coal, which is better than that now used on the Pacific coast and at Vancouver. The coal fields reached from Controller Bay are said to have veins varying from 3 and 4 feet up to 76 feet, with more than twenty separate and distinct veins in the field.

Every known mineral exists in Alaska, including tin in quantity, silver, petroleum, gypsum, and marble. While the first thought concerning Alaska is her wealth in minerals, the opening of the territory through exploration work of the character contemplated by this bill will reveal her hidden wealth in all its richness and fullness. Then the settlement of the country by sturdy farmers and homesteaders will be a matter promptly following, giving to them a market for the products of their farms, with which no other country can compete. In this respect the situation of the Alaskan farmer will be unique. A market controlled by the law of supply and demand, with prices regulated by the cost of production, limited only by the margin below which it will be unprofitable for outsiders to compete; with an abundance of the finest fishes in her seas, her rivers, and her lakes, and with game everywhere in her forests and on her hills and valleys, where nature has so bountifully reared and protected it, it seems that no other country on earth is more inviting to these sturdy pioneers of brave heart and indomitable purpose to go forth and assist in the founding of an empire. [Loud applause.]

The agricultural area of Alaska is conservatively estimated at 100,000 square miles, of which 30,000 are in the great valley of the Yukon—which may be utilized for culture and grazing—10,000 in the valley of the Kuskokwin and its tributaries, 15,000 in the valley of the Sushitna and its tributaries, 15,000 in the valley of the Tanana, 15,000 in the Copper River Valley, and 15,000 along the coast region, particularly that of the Southwest.

The basis of Alaska's prosperity, like that of our own, is in her agricultural possibilities. When transportation facilities shall open her mines and when her lands are settled by a hardy race of industrious tillers of the soil, supporting themselves and those who are developing her mineral resources, then shall her permanent prosperity and her identity as an empire among the sovereign States of our Union become a recognized fact. Were it not for the hope of her agricultural future, founded upon the adaptability of her soil and climate, the region could awaken no other thought in our minds than that of one from whose rocks, rivers, and hills her minerals would be shipped only to enrich the world elsewhere, and leave the country to its icebergs, glaciers, snows, and storms, and the remnants of a rapidly disappearing race of inferior type of men and women.

The conditions in Alaska, with respect to her agriculture, have been compared with that of Finland, the southern boundary of which is on the sixtieth parallel and its area just about one-fourth that of Alaska, with agriculture, stock raising, and dairying as the occupation of her 3,000,000 people. The inquiry has therefore been made: If Finland can support 3,000,000 people under the same climatic conditions as those prevailing in Alaska and on one-fourth the area of Alaska, without the enormous mineral wealth and the wealth of the sea and her great inland rivers (for, mark you, the value of Alaska's product from her fisheries last year are said to be $11,000,000, or nearly the equivalent of her production in gold), why is it not possible for her to support a population of two or three times that of Finland?

Will the climatic and agricultural conditions of Alaska support a population so permanent in character as to warrant expenditures on the part of the Government in the effort to afford better facilities for intercommunication, and to unify them in their social and political relations?

This question has been answered fully in a letter, dated February 17, 1906, of the Secretary of Agriculture upon Alaska's agricultural possibilities, to Mr. John E. Ballaine, who appeared before the committee, in which Secretary Wilson says:

> The day will come when your railroads will get more money from carrying agricultural products and what grows out of that business than it will from carrying the products of the mines. There is a great future for Alaska along agricultural lines. The Scandinavian Peninsula has been for a thousand years of necessity an agricultural country.

On page 24 of the report of Mr. G. H. Eldridge, of the Geological Survey, submitted in 1898, he says:

> In many localities in the Sushitna Valley native grasses, including the blue stem of the Northern States, grow profusely. There are rich meadows of native hay. At Tyonek rye and oats grew to full head last season, the grain having been dropped along the gravelly beach by prospectors early in May.

And these views are supported by the statements of men conversant with the region, who stand high in the social, political, and business life of the nation, showing that there are large areas of tillable and arable lands, and that the climate is more favorable in Alaska than in Norway, and that the valleys of the Matanuska, the Sushitna, and the Tanana rivers are equal in productiveness to the lands of Iowa or Ohio.

The same area in northwestern Europe that would be opened up by a thousand miles of railroad built from the coast to the interior rivers of Alaska contains a population of not less than 16,000,000, confined between latitudes of 60° and 64°, including

the southern portion of the Scandinavian Peninsula, all of Finland, and part of Russia, and farther removed, too, from the Gulf stream than towns in central Alaska are from the Japan current. Fairbanks is 350 miles inland from the Japan current, which is as much larger than the Gulf stream as the Pacific is larger than the Atlantic; and, besides, there is less effect from the cold waters of the Arctic entering the Pacific, by reason of its restricted inlet throught Bering Straits, than is the case on the Atlantic side east of Greenland. And the temperature of the Pacific waters is much warmer than that of the Atlantic in the same latitudes.

As to the climate, from the middle of May until the 1st of October the average sunshine from the Pacific coast to the Tanana River is not less than eighteen hours out of the twenty-four. As a consequence of such sunshine, vegetables, grasses, and grains grow rapidly and in abundance.

On the southern coast there are few points where zero weather is ever recorded. The average winter weather at Seward, Sitka, and Juneau is milder and more even than in Washington. True, at Fairbanks they have had as low as 68° below zero, but that kind of weather continues for only a few days at a time; but then it is a very dry cold, not a breath of air stirring, the country being protected from winds by the mountain chains.

The agricultural possibilities refer specially to the Tanana Valley, which is 40 miles wide and 400 miles long; to the Copper River Valley, which is about 40 miles each way, and to the Sushitna, which is about 150 miles long by 100 miles wide. Of course, there are many other areas, though smaller, scattered over the Territory. In all these valleys below the 1,000-foot altitude grains will mature every season; above that the country is more adapted to grazing and stock raising.

The total area of the grass lands of the south Alaskan coast approximates 10,000 square miles. Nearly all of this lies between Cook Inlet and Unalaska. Of this total area, one-half at least is capable of utilization, and much of it is covered with tall and rank grasses often 6 feet high, the remainder on higher elevations furnishing splendid pasturages. In consequence it is believed that stock raising can be made a great success. The experiment station work at Sitka, Kenai, and Copper Center have demonstrated that cereals, vegetables, and fruits in great variety may be successfully grown in southern Alaska, and that thousands of acres in that region are adapted to farming.

Southeast Alaska and the Aleutian Islands are tempered by the Japan current flowing from east to west along the southern coast. North and west of the coast range the climate is healthful, invigorating, and dry. In southeast Alaska it is more mild than in other temperate regions of the same latitude.

Agricultural occupations will be confined to supplying the home markets, which, of course, are the richest markets because they are the highest priced, and from their location in that distant region they will be beyond the reach of such competition as can ever bring the prices of farm products below a fairly remunerative return. In the line of dairying, stock raising, and grain and vegetable growing there is no part of our possessions so advantageously situated for uniform and enriching prices as may be had in Alaska when transportation shall be provided and her mineral resources developed, for as to the mineral deposits they are not confined to the placers, as recent discoveries indicate that there are quartz properties of immense value. And so we might go on indefinitely to demonstrate the climatic, agricultural, and mineral advantages of Alaska, but, after all, the whole proposition of Alaska's future rests in her transportation facilities.

In this direction but little so far has been accomplished. In the whole domain there is in operation but 20 miles from Skagway to White Pass, being part of the White Pass and Yukon; 26 miles connecting Fairbanks with Chena, on the Tanana River; from Seward, on Resurrection Bay, about 20 miles operated by the Alaska Central; and in the Nome Peninsula there are about 45 miles in operation in summer; so that, besides the 45 miles on Seward Peninsula, there are 65 miles in other parts of Alaska.

In detail, the roads in operation, in process of construction, and contemplated will appear from the following memorandum furnished the honorable Secretary of War by Maj. W. P. Richardson, Ninth Infantry, president board of road commissioners of Alaska:

The railroad mileage in Alaska at present embraces the following:

1. A section 20 miles in length of the White Pass and Yukon route, from Skagway to the summit of White Pass, which is continued in Canadian territory to White Horse, and there connects with river navigation in summer and stage in winter for Dawson. No extensions of this road have been made since the summer of 1901.

2. At Valdez, preliminary work only, upon a proposed road from that point to the copper properties south of the Wrangell group of mountains, with possible extension to similar deposits reported on the Nebesna branch of the upper Tanana.

3. At Seward, Resurrection Bay, the Alaska Central Railroad (building), which reported late last season a probable completion of 50 miles by the end of 1905. The road, I understand, is heading for some point on the Tanana.

4. Tanana Mines Railway, 26 miles, constructed last season, connecting Fairbanks with Chena, on the Tanana River, and creeks in the vicinity.

5. On the Seward Peninsula (Nome district), the Nome-Arctic Railway, extending from the town of Nome something over 20 miles into the peninsula northward toward the head of Nome River and the Kongorok district.

6. The Solomon River road, from the mouth of Solomon River (35 miles east of Nome) up the said river and toward Council City, the proposed terminus, 17 miles of which are now completed.

7. The Council City and Ophir Creek road, from Council to mining claim No. 15, Ophir, about 8 miles.

Of these various roads, the Alaska Central and the Solomon River roads are standard, the others narrow gauge. The roads in the Nome district operate at present only during the summer season. The White Pass and Yukon is operated continuously and is in excellent condition for all kinds of traffic.

While Congress so far has shown no inclination to give aid to Alaska railroad building, yet it should do nothing to retard it. Our neighbors in the north, the Dominion government, realize the importance of the game they are playing in constructing the Grand Trunk Pacific along a line 300 to 400 miles north of the Canadian Pacific to its western terminus at Port Simpson, only 4 miles south of the Alaskan boundary and stretching ultimately into the Yukon Valley. The road from Skagway to White Pass in two years transferred the trade of the region tributary to it to Vancouver and to British Columbia. This new transcontinental line, with its many advantages over its American competitors, in that it will run under one management from ocean to ocean, connecting with steamers at both ends, running over level and well-traveled regions on plains adapted to wheat growing, with coal and timber near by and with the shortest route to the Orient, will be a strong competitor for the immense Alaskan trade, present and prospective, if we do not awaken to the importance of her interests. The first small thing to be done is to remove without delay the license charge of $100 levied on each mile of operated road in the Territory, at least until the roads are completed and paying fixed charges of operation and interest on their bonded debt.

Thus far we have presented Alaska on her material side with her wealth in gold, silver, coal, and copper; in her forests of profitable timber; in the returns from her fur-bearing animals of sea and woods, and from her fisheries of salmon and whale, cod and halibut, and with her fertile valley adapted to homes for millions of freemen.

But Alaska is more. She is the home of as energetic, courageous, honorable, and liberty-loving band of pioneers as ever became the pillars of a State.

Her invigorating climate, her matchless scenery, her wonders in glaciers and rivers, in cascades and lakes, and all else, from the warming influences of the Japan current and the glories of the midnight sun, to the grandeur of her mountain peaks and the primitive solitude of her unexplored areas, stretching from the tempered waters of the south to the frozen seas of the north, all combine to make a wonderland as enchanting as elsewhere set in the realms of space.

No short-sighted policy should guide our actions in the affairs of Alaska's growth, but with an eye single to the achievements that await her we should read her future in the light of the amazing prophecy of Secretary Seward, who nearly forty years in advance of his time explored the shifting currents of commerce, and, with the vision of a seer, saw the struggle of nations for the mastery of the Pacific, when he proclaimed to the American people:

> Who does not see that henceforth every year European commerce, European politics, European thoughts, and European activities, although actually gaining greater force, and European connections, although actually becoming more intimate, will nevertheless ultimately sink in importance, while the Pacific Ocean, its shores, its islands, and the vast regions beyond will become the chief theater of events in the world's "great hereafter."

[Loud applause.]

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LOAN OF NAVAL EQUIPMENT TO CERTAIN MILITARY SCHOOLS.

Mr. BRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 863, volume 31, of the Statutes at Large, approved March 3, 1901, to authorize the Secretary of the Navy to loan naval equipment to certain military schools, and now the law in force, be, and the same is hereby, amended to read as follows:

"That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every twenty-five cadets in actual attendance, and such other equipment as may be spared and be deemed

adequate for instruction in elementary seamanship: *Provided*, That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least 140 cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time 150 cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required."

Mr. WILLIAMS. Mr. Speaker, I ask for a second for the purpose of asking the gentleman a question. How does this change existing law?

Mr. BRICK. The law as it stands allows the loan of one cutter for every fifty students. This reduces the number to twenty-five. That is the only change.

Mr. WILLIAMS. What is the reason for the change?

Mr. BRICK. The reason is that it has been found that where naval instructions have been given that one boat does not have sufficient facilities for every fifty students, but that one boat for every twenty-five students would greatly facilitate the instruction of seamanship in the schools where they have it.

Mr. WILLIAMS. Fifty students makes it too crowded.

Mr. BRICK. Too much crowded.

Mr. WILLIAMS. I withdraw the demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

TIME OF HOLDING CIRCUIT AND DISTRICT COURTS IN WEST VIRGINIA.

Mr. GAINES of West Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16386) to fix the time of holding the circuit and district court for the northern district of West Virginia.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act of Congress approved January 22, 1901, entitled "An act to divide the State of West Virginia into two judicial districts," as relates to the time of holding the regular terms of the circuit and district courts of the United States for the northern district of West Virginia be amended so as to read as follows: "Regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year:

"At Wheeling, on the first Tuesday of April and third Tuesday of September; at Clarksburg, on the third Tuesday of April and first Tuesday of October; at Martinsburg, on the second Tuesday of May and third Tuesday of October; at Philippi, on the fourth Tuesday of May and first Tuesday of November. And the circuit and district courts shall be held at Parkersburg beginning on the second Tuesday of January and second Tuesday of June of each year: *Provided*, That a place for holding said courts at Philippi shall be furnished to the Government free of cost by the county of Barbour until other provision is made therefor by law."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SITTINGS OF THE CIRCUIT AND DISTRICT COURTS IN THE SOUTHERN DISTRICT OF FLORIDA.

Mr. CLARK of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5489) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami in said district.

The Clerk read the bill, as follows:

Be it enacted, etc., That in addition to the times and places now fixed by law for the sitting of the circuit court of the United States for the southern district of Florida there shall be a session of the said circuit court in the city of Miami on the fourth Monday in April in each year hereafter.

SEC. 2. That there shall be a regular term of the district court of the United States for the southern district of Florida in the city of Miami on the fourth Monday in April in each year hereafter.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FIXING THE TIME FOR HOLDING THE CIRCUIT AND DISTRICT COURTS IN THE MIDDLE DISTRICT OF TENNESSEE.

Mr. BROWNLOW. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19150) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the terms of the circuit and district courts of the United States for the middle district of Tennessee, held at Nashville, shall commence on the first Monday in May and October of each year instead of the third Monday in April and October, as now provided by law; and the terms of the circuit and district courts of the United States for the southern division of the eastern district of Tennessee, held at Chattanooga, shall commence on the first Monday in April and December of each year; and the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, shall commence on the first Monday in June and November of each year; and each of said terms at each of said places shall continue so long as the presiding judge may deem necessary.

SEC. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

SEC. 3. That the clerks of said circuit and district courts for the eastern district of Tennessee may reside and keep their offices, respectively, in either the city of Knoxville, Chattanooga, or Greeneville; but said clerks shall each, respectively, appoint a deputy to reside and keep their offices in each of the above-named cities other than the one in which said clerks shall respectively reside and keep their offices; that the said deputy clerks shall, in the absence of their principals, do and perform all the duties appertaining to their offices, respectively.

SEC. 4. That this act shall take effect from and after August 1, 1906, the public welfare requiring it; and that all laws and parts of laws in conflict with this act be, and are hereby, repealed.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SOLDIERS' ADDITIONAL HOMESTEAD ENTRIES, COLUMBIA INDIAN RESERVATION, WASH.

Mr. JONES of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon land embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all entries under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation in the State of Washington, heretofore made in good faith and accepted at the local land office of the land district in which said lands are situated, under and pursuant to the practice of the Department theretofore existing, are hereby ratified and confirmed, and the Secretary of the Interior is authorized to issue patents in all such cases in which patent has not already issued.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

NATURALIZATION BILL.

Mr. BONYNGE. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 15442, to suspend the rules and pass the bill with the amendments adopted by the Committee of the Whole House on the state of the Union and sundry other amendments, a copy of which I have sent to the Clerk's desk.

Mr. KELIHER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from Colorado moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of what is known as the "naturalization bill," and pass the same with amendments agreed to by the Committee of the Whole House and with other amendments submitted by the gentleman from Colorado. Is a second demanded?

Mr. COCKRAN. I ask for a second, Mr. Speaker.

The SPEAKER. The bill will have to be read before a second is demanded or ordered, and if there be no objection the bill will be read by the Clerk with the amendments as it is proposed to have it passed.

Mr. COCKRAN. Mr. Speaker, I object.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The bill has to be read first.

Mr. COCKRAN. Mr. Speaker, I object.

The SPEAKER. The gentleman's objection does not avail. The bill must be read, and what the Chair stated was that the bill as covered by the motion covers the original bill, the amendments agreed to by the Committee of the Whole House and the amendments offered in addition by the gentleman from Colorado. Now, the Chair said if there be no objection, instead of reading the bill in that shape it will be read as it would be with the amendments in.

Mr. COCKRAN. There is no objection to that.

The SPEAKER. The Chair hears no objection, and the Clerk will read.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. The other day when we were discussing that bill the gentleman from Colorado in charge of it asked that section 15——

Mr. BONYNGE. Thirteen is what the gentleman refers to. That is stricken out under the amendments I have sent to the Clerk's desk.

The SPEAKER. The bill will be read as covered by the motion.

The Clerk read as follows:

A bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

Be it enacted, etc., That the designation of the Bureau of Immigration in the Department of Commerce and Labor is hereby changed to the "Bureau of Immigration and Naturalization," which said Bureau, under the direction and control of the Secretary of Commerce and Labor, in addition to the duties now provided by law, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the said Bureau to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.

SEC. 2. That the Secretary of Commerce and Labor shall provide the said Bureau with such additional furnished offices within the city of Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this act upon such Bureau, fixing the compensation of such additional employees, until July 1, 1907, within the appropriations made for that purpose.

SEC. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity or law and equity in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau.

SEC. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of 18 years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: *Provided, however*, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention.

SEC. 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpœna for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned.

SEC. 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: *Provided*, That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

SEC. 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

SEC. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, That the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, That the requirement of section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

SEC. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

SEC. 10. That in case the petitioner has not resided in the State, Territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside.

SEC. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

SEC. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration

and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of $25 in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of $50, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

SEC. 13. That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, $1.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, $2; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, $2.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpœnaing and paying the legal fees of any witnesses for whom he may request a subpœna, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: *Provided*, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of $3,000, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerks of courts from fees received by such clerks in naturalization proceedings. And in case the clerk of any court collects fees in excess of the sum of $6,000 in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if, in the opinion of the said Secretary, the business of such clerk warrants such allowance.

SEC. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued and the volume number and page number of the stub of such certificate.

SEC. 15. It shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

SEC. 16. That every person who falsely makes, forges, counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or knowingly aids or assists in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person or persons, shall be guilty of a felony, and a person convicted of such offense shall be punished by imprisonment for not more than ten years, or by a fine of not more than $10,000, or by both such fine and imprisonment.

SEC. 17. That every person who engraves or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor, or other proper officer, and any person who has in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use such plate or suffer the same to be used in forging or counterfeiting any such certificate or any part thereof; and every person who prints, photographs, or in any other manner causes to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof, or who sells any such certificate, or brings the same into the United States from any foreign place, except by direction of some proper officer of the United States, or who has in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent to unlawfully use the same, shall be punished by a fine of not more than $10,000, or by imprisonment at hard labor for not more than ten years, or by both such fine and imprisonment.

SEC. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than $5,000, in the discretion of the court.

SEC. 19. That every person who without lawful excuse is possessed of any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization, with intent unlawfully to use the same, shall be imprisoned at hard labor not more than five years or be fined not more than $1,000.

SEC. 20. That any clerk or other officer of a court having power under this act to naturalize aliens who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than $5,000, or both.

SEC. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings, or any other person, to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than $1,000, or by both such fine and imprisonment.

SEC. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding $5,000 or by imprisonment not to exceed five years.

SEC. 23. That any person who knowingly procures naturalization in violation of the provisions of this act shall be fined not more than $5,000, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

SEC. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within five years next after the commission of such crime.

SEC. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may

have been committed prior to the date when this act shall go into effect the existing naturalization laws shall remain in full force and effect.

SEC. 26. That sections 2165, 2167, 2168, 2173, of the Revised Statutes of the United States of America, and section 39 of chapter 1012 of the Statutes at Large of the United States of America for the year 1903, and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

SEC. 27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after date hereof.)

——— ———, *ss:*

I, ——— ———, aged ——— years, occupation ———, do declare on oath (affirm) that my personal description is: Color ———, complexion ———, height ———, weight ———, color of hair ———, color of eyes ———, other visible distinctive marks ———; I was born in ——— on the ——— day of ———, A. D. ———; I now reside at ———; I emigrated to the United States of America from ——— on the vessel ———; my last foreign residence was ———. It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to ———, of which I am now a citizen (subject); I arrived at the (port) of ———, in the State (Territory or District) of ———, on or about the ——— day of ———, A. D. ———; I am not an anarchist; I am not a polygamist nor a believer in polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) ——— ———.

Subscribed and sworn to (affirmed) before me this ——— day of ———, A. D. ———.

[L. S.] ——— ———.

(Official character of attestor.)

PETITION FOR NATURALIZATION.

——— Court of ———. In the matter of the petition of ——— ———, to be admitted as a citizen of the United States of America.

To the ——— Court:

The petition of ——— ——— respectfully shows:

First. My full name is ——— ———.

Second. My place of residence is number ——— street, city of ———, State (Territory or District) of ———.

Third. My occupation is ———.

Fourth. I was born on the ——— day of ——— at ———.

Fifth. I emigrated to the United States from ———, on or about the ——— day of ———, A. D. ———, and arrived at the port of ———, in the United States, on the vessel ———.

Sixth. I declared my intention to become a citizen of the United States on the ——— day of ——— at ———, in the ——— court of ———.

Seventh. I am ——— married. My wife's name is ——— ———. She was born in ——— and now resides at ———. I have ——— children, and the name, date, and place of birth and place of residence of each of said children is as follows: ———; ———; ———.

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to ———, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since ———, A. D. ———, and in the State (Territory or District) of ——— for one year at least next preceding the date of this petition, to wit, since ——— day of ———, A. D. ———.

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the ——— court of ——— at ———, and the said petition was denied by the said court for the following reasons and causes, to wit, ——— ———, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated ——— ———.

(Signature of petitioner) ——— ———.

——— ———, *ss:*

——— ———, being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this ——— day of ———, A. D. ———.

[L. S.] ——— ———,

Clerk of the ——— Court.

AFFIDAVIT OF WITNESSES.

——— Court of ———. In the matter of the petition of ——— ——— to be admitted a citizen of the United States of America.

——— ———, *ss:*

——— ———, occupation ———, residing at ———, and ——— ———, occupation ———, residing at ———, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known ——— ———, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of ——— years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

——— ———.

——— ———.

Subscribed and sworn to before me this ——— day of ———, nineteen hundred and ———.

[L. S.] ——— ———,

(Official character of attestor).

CERTIFICATE OF NATURALIZATION.

No. ———.

Petition, volume ———, page ———.

Stub, volume ———, page ———.

(Signature of holder) ——— ———.

Description of holder: Age, ———; height, ———; color, ———; complexion, ———; color of eyes, ———; color of hair, ———; visible distinguishing marks, ———. Name, age, and place of residence of wife, ———, ———, ———. Names, ages, and places of residence of minor children, ———, ———, ———; ———, ———, ———; ———, ———, ———.

——— ———, *ss:*

Be it remembered, that at a ——— term of the ——— court of ———, held at ——— on the ——— day of ———, in the year of our Lord nineteen hundred and ———, who, previous to his (her) naturalization, was a citizen or subject of ———, ———, ———, at present residing at No. ——— ——— street, ——— city (town), ——— State (Territory or District), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that —he was entitled to be so admitted, it was thereupon ordered by the said court that —he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the ——— day of ———, in the year of our Lord nineteen hundred and ———, and of our independence the ———.

[L. S.] ——— ———,

(Official character of attestor.)

STUB OF CERTIFICATE OF NATURALIZATION.

No. of certificate, ———.

Name, ———; age, ———.

Declaration of intention, volume ———, page ———.

Petition, volume ———, page ———.

Name, age, and place of residence of wife, ———, ———, ———.

Names, ages, and place of residence of minor children, ———, ———, ———; ———, ———, ———; ———, ———, ———.

Date of order, volume ———, page ———.

(Signature of holder) ——— ———.

SEC. 28. That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this act. Certified copy of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act and in all cases in which the originals thereof might be inadmissible as evidence.

SEC. 29. That for the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of $100,000 out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June 30, 1907; and the provisions of section 3679 of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

SEC. 30. That this act shall take effect and be in force from and after ninety days from the date of its passage: *Provided*, That sections 1, 2, 28, and 29 shall go into effect from and after the passage of this act.

During the reading of the bill,

Mr. BONYNGE. Mr. Speaker, there is an amendment to section 17, which I sent to the Clerk's desk, the Clerk has omitted to read. In the first two lines, "that it shall be the duty, etc."

The SPEAKER. The Clerk seems to have mislaid the amendment. Can the gentleman reproduce it?

Mr. BONYNGE. I will reproduce it if the Clerk will omit reading that section for a few moments.

The SPEAKER. The Chair was going to say without objection the Clerk will conclude the reading of the bill and then recur to the amendment, which seems to have been mislaid.

Mr. COCKRAN. Mr. Speaker, I would like to call attention to the fact that as a matter of order, under the rule adopted last night, two hours of this day's session were to be occupied by this order of business, and it seems to me that the two hours are very nearly exhausted, if not entirely so.

The SPEAKER. The gentleman would hardly interrupt the reading of a bill for the purpose of making that point, although the Chair is clearly of opinion this is in the nature of unfinished business and being commenced prior to the expiration of the two hours, and the legislative day continuing, would have to be completed.

Mr. COCKRAN. Does the Chair mean that more than two hours can be devoted to this work under this order?

The SPEAKER. The Chair believes that a matter which is pending at the expiration of the two hours—is inclined to that opinion and is pretty clearly of that opinion—that at the expiration of the two hours, under the rule, this would be considered as continuing, with twenty minutes debate if a second should be ordered, until a vote was taken.

Mr. COCKRAN. For the purpose of bringing that matter clearly before the Chair, I make the point of order now.

The SPEAKER. It is hardly apt to make the point of order; but by unanimous consent the Chair will overrule the point of order.

Mr. COCKRAN. If it requires unanimous consent to have the point overruled, one Member present would refuse.

The SPEAKER. It takes unanimous consent, the Chair supposes, to interrupt the reading of the bill.

Mr. COCKRAN. I suppose I could rise to a question of order at any time. It is not necessary to ask unanimous consent to make the point of order that under the order of business the time allotted has expired.

The SPEAKER. The Clerk will finish reading, and then the gentleman will have his opportunity to make his point.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. Is a second demanded?

Mr. COCKRAN. First, Mr. Speaker, I raise the point of order that the regular order is not the further continuance of this business.

The SPEAKER. The Chair will state: Reading from the RECORD:

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, the House is about to adjourn, and I ask unanimous consent that for two hours to-morrow, immediately after the reading of the Journal, it shall be in order to make motions to suspend the rules and pass bills the same as in order to-day.

The gentleman will notice that it is not that it shall be in order to make a motion to consider for two hours, but to make motions the same as to-day. Now, under the construction of the order made by unanimous consent, it seems to the Chair the usual construction would be the motion might be made within the two hours, and it would remain in the nature of unfinished business; but it would not be in order to recognize anybody or at any time after 2 o'clock to move to suspend the rules. Recognition having been given, and the motion made prior to 2 o'clock, in the opinion of the Chair the point of order is not well taken, and is therefore overruled.

Mr. COCKRAN. Would the Chair entertain an appeal from that decision? It is rather a serious precedent, and I think the House ought to be called to pass upon that. It is a precedent that may have very extended application.

The SPEAKER. One moment. While that is the construction of the Chair, and it has passed upon it, yet the Chair, even if he had the power, has no disposition to make a ruling that would prevent the House from coming to a conclusion as to the construction of the order. Does the gentleman desire to appeal from the decision of the Chair?

Mr. COCKRAN. Yes; I should like to take the sense of the House.

The SPEAKER. From which decision, overruling the point of order, the gentleman from New York appeals?

Mr. PAYNE. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from New York moves to lay the appeal on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. COCKRAN. Division, Mr. Speaker.

The House divided; and there were—ayes 155, noes 37.

So the appeal was laid on the table.

The SPEAKER. Is a second demanded?

Mr. COCKRAN. I demand a second.

Mr. BONYNGE. I ask unanimous consent that a second may be considered as ordered.

Mr. COCKRAN. I object.

The SPEAKER. The gentleman from Colorado and the gentleman from New York will take their places as tellers.

The House divided; and the tellers reported—ayes 126, noes 17.

Mr. COCKRAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count.

Mr. COCKRAN. I withdraw the point of no quorum, Mr. Speaker.

The SPEAKER. The point of no quorum is withdrawn.

Mr. TALBOTT. Mr. Speaker, the bill as reported to the House by the gentleman did not provide that a certified copy of the original naturalization papers should take the place of the original papers, and the chairman of the committee thought that that was provided for by an amendment. I would like to have that amendment read.

The SPEAKER. That is in the nature of debate.

Mr. TALBOTT. I would like to have that amendment reported.

The SPEAKER. The amendment can be reported by unanimous consent.

Mr. TALBOTT. Well, then, I ask unanimous consent, because it is very important.

The Clerk read as follows:

Insert after line 9, part of section 28: "Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any or all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act, and in all cases in which the originals thereof might be admissible as evidence."

The SPEAKER. The gentleman from Colorado is entitled to twenty minutes, and the gentleman from New York is entitled to twenty minutes.

Mr. BONYNGE. Mr. Speaker, this motion is to pass the bill H. R. 15442, with all the amendments adopted by the Committee of the Whole during its consideration by the committee and with certain other amendments which I have had read from the Clerk's desk during the reading of the bill.

Mr. KELIHER. Mr. Speaker, in the confusion that attended the reading of this portion of the bill, it was not quite clear to me whether an amendment which I offered reducing the aggregate naturalization fee from $11, as originally reported, to $5 was included or not. It was agreed that my amendment was to be accepted. I desire to ask now if that amendment is incorporated in the bill?

Mr. BONYNGE. That amendment is incorporated in the bill, so that the total fee for naturalization under this bill, if it passes, will be $5.

Mr. KEIFER. While the gentleman is answering questions, I simply want the House to understand what became of section 13—the one that undertook to make provision for an appeal?

Mr. BONYNGE. That was stricken out altogether in the bill, as reported from the Clerk's desk. It does not contain that section at all.

Mr. KEIFER. It contains no provision for an appeal?

Mr. BONYNGE. It does not. Now, I will yield to the gentleman from Maryland.

Mr. TALBOTT. Mr. Speaker, I only want the amendment which I called the gentleman's attention to, and which the gentleman says he has inserted in the bill, to do what I think ought to be done, and that is to make a copy of the certificate of naturalization in case the original is lost, take the place of the original for the purpose of registration and voting. I do not believe that is accomplished by the gentleman's amendment. The idea of naturalization is for two purposes: One is to be able to own property in fee, and the other is to exercise the right of the franchise.

Mr. BONYNGE. Mr. Speaker, the amendment which I sent to the Clerk's desk provides that certified copies of all papers, documents, certificates, and records which are required to be kept or used or filed or recorded can be used and admitted in evidence in any and all proceedings under this bill with the same force and effect equally as the originals, and in all cases where the originals could be used the certified copies may be used with the same force as the originals.

Mr. TALBOTT. If you style the right to register and vote under this act a "proceeding," that might cover it, but I do not believe it does.

Mr. BONYNGE. I think that proposition is fully covered, and it is also covered by the general statutes.

Mr. TALBOTT. The general statute does not cover it.

Mr. KELIHER. Under the provisions of this revised bill, what will be the charge to an applicant who has filed his declaration of intention prior to the passage of this law and who wishes to get his final papers?

Mr. BONYNGE. Four dollars.

Mr. KELIHER. Will he be charged the fees fixed by the new bill or the fee in operation when he filed his declaration?

Mr. BONYNGE. He will be charged $4, two when he files his application and two when he gets the certificate.

Mr. KELIHER. I should like to ask the gentleman further if he thinks it is fair to an applicant who has already filed his declaration under the old law, which required him to pay a certain fee, to compel him when he gets his final papers to pay a fee which has been greatly increased since he filed his declaration?

Mr. BONYNGE. I do not think that is a hardship on him any more than it is on those who shall come in later. I think it is well worth the $4 he will have to pay. It is very cheap at that price. I think everybody who appreciates American citizenship will willingly pay the price.

Now, Mr. Speaker, in Committee of the Whole all the essential features of this bill were fully discussed, while the

bill was open to amendment, excepting two provisions. One is the provision in reference to fees, which we have reduced to $5, and which I think will meet with the unanimous approval of the members of the committee.

The other essential feature of the bill which was not discussed in Committee of the Whole was that which provides for the cancellation of certificates fraudulently obtained. With the exception of those two provisions, the rest of the bill deals simply with naturalization frauds, prescribing punishment for frauds and crimes that may be committed in naturalization proceedings and providing forms to be used in such proceedings.

In the amendments that we have sent to the Clerk's desk was also included an amendment proposed by the gentleman from Indiana [Mr. CRUMPACKER] which provides that if an alien, after receiving a certificate of naturalization, goes to his former country within five years and remains there permanently, taking up a permanent residence, it shall be construed as prima facie evidence that he did not intend to reside permanently in the United States at the time he made his application, and then it provides for proceedings for the cancellation of a certificate obtained under such circumstances.

Mr. FITZGERALD. Has the gentleman suggested any amendment to section 17, providing for the cancellation of certificates?

Mr. BONYNGE. Yes.

Mr. FITZGERALD. Will the gentleman explain the amendment?

Mr. BONYNGE. Yes; in section 17, as it was originally reported, it was provided that the United States should, upon affidavit made by any credible person, have the power to institute proceedings, either in the court out of which the certificate might have issued, or in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside.

That portion has been changed so that it reads:

That it shall be the duty of the United States district attorneys in the respective districts, upon an affidavit showing good cause therefor, made by any credible person, to institute proceedings in any court having jurisdiction to naturalize aliens, in the judicial district in whch the naturalized citizen may reside, and takes away the right to institute it in the court out of which the certificate of citizenship may have been issued, unless the alien happens to reside within the jurisdiction of that court. In other words, the proceedings must be brought in a court having power to issue certificates of naturalization in the district in which the person resides whose certificate is sought to be canceled.

Mr. FITZGERALD. The original section provided that this proceeding might be brought for fraud or for illegality in the issuance of the certificate.

Mr. BONYNGE. Yes.

Mr. FITZGERALD. Are those two clauses retained?

Mr. BONYNGE. They remain, and under existing law it can be done now, as decided by the Federal courts.

Mr. LOUDENSLAGER. After the naturalization has been perfected in this country, how long a residence abroad does it require before it is concluded to be indicative that the naturalized person does not longer desire to be a citizen?

Mr. BONYNGE. I will ask the gentleman from Indiana [Mr. CRUMPACKER], who prepared that amendment, to answer that question.

Mr. CRUMPACKER. What is the question?

Mr. LOUDENSLAGER. What residence abroad, after naturalization, is permitted in this bill?

Mr. CRUMPACKER. Whenever an alien secures naturalization under this law, and within five years after leaves for a foreign country and becomes a permanent resident there——

Mr. LOUDENSLAGER. What constitutes permanent residence?

Mr. CRUMPACKER. That is a question of law. If he takes up a permanent home, with the intention of remaining there permanently and not returning to the United States——

Mr. LOUDENSLAGER. Does not the gentleman think it would be better to fix the time that he may be permitted to remain in that country?

Mr. CRUMPACKER. Oh, no; because many people will remain there indefinitely on business or for health, or for one purpose or another, and yet have no intention of giving up their home here; but if an alien comes here and remains only long enough to secure naturalization, and then takes his certificate and secures a passport and returns to the country of his origin or to another foreign country, and takes up a permanent domicil there, with no intention of returning to the United States, practically expatriating himself, that ought to be prima facie evidence.

Mr. LOUDENSLAGER. Does not the gentleman consider that those men who go abroad and engage in business and stay there have a permanent residence there?

Mr. CRUMPACKER. Oh, no; not necessarily.

Mr. LOUDENSLAGER. Why not?

Mr. CRUMPACKER. It depends on circumstances. If it is an American, he may be there for the purpose of engaging in business.

Mr. BONYNGE. An American citizen, either naturalized or native.

Mr. CRUMPACKER. Either naturalized or native.

Mr. LOUDENSLAGER. I am speaking of the naturalized ones only.

Mr. CRUMPACKER. Residence is largely a question of intention, and it can not be defined in any bill. It is, as I say, largely a question of intent.

Mr. LOUDENSLAGER. How can a permanent residence ever be determined?

Mr. CRUMPACKER. Take, for instance, our consular or diplomatic representatives in foreign countries. When a native of Turkey stays here long enough to get citizenship and a passport, goes back to Turkey and identifies himself with Turkish civilization, erects a home and goes into business, and leaves nothing here to come back to, that would be good evidence of a permanent citizenship abroad.

Mr. LOUDENSLAGER. I think it ought to be limited.

Mr. BONYNGE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has nine minutes.

Mr. SHERLEY. As I understand the gentleman, the amendment which I suggested to him in regard to the court in which the petition could be filed for the purpose of cancellation of the certificate has been accepted by the committee, and an amendment offered limiting it to the court in the district in which the person at the time resides.

Mr. BONYNGE. Yes.

Mr. SHERLEY. Has any amendment been offered cutting out the provision for constructive notice?

Mr. BONYNGE. No; the gentleman made the suggestion and thought there was some question in regard to the legality of the provision as reported in the bill. My opinion is, after such investigation as I have been able to give the subject, that the provision is constitutional and legal.

Mr. SHERLEY. If the gentleman will permit me, in my State the right of an alien to hold property is greatly restricted. Under your provision canceling a man's citizenship you may upset land titles in a good many States in the Union, and I doubt the wisdom of doing it on constructive notice. I offer that as a suggestion for the gentleman's consideration.

Mr. McNARY. Mr. Speaker, I desire to ask the gentleman a question. In the rapidity of the reading, my attention being distracted, I did not catch fully the reading of the bill. I want to know whether any change has been made in regard to the jurisdiction of the courts or whether or not they remain giving the jurisdiction to courts in which there is a limited jurisdiction.

Mr. BONYNGE. No; we adopted the amendment approved by the Committee of the Whole.

Mr. McNARY. Just what is that?

Mr. BONYNGE. It leaves it as it is to courts having unlimited jurisdiction in actions at law or equity or actions at law and equity.

Mr. McNARY. The only objection I have to the bill is that.

Mr. BONYNGE. Mr. Speaker, I reserve the balance of my time.

Mr. COCKRAN. Mr. Speaker, I will yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I would like to call the attention of the House a moment to an amendment that ought to be added to this bill, and I will ask the Clerk to read it in my time. Perhaps when the House understands it they will give unanimous consent to its insertion.

The Clerk read as follows:

Amend the bill by inserting at the end of section 8 as amended the following:

"*Provided further*, That the requirements of section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands."

Mr. LACEY. Now, Mr. Speaker, I would like the attention of the House for a moment. I ask unanimous consent that this amendment may be considered as included in the bill, and I will explain the reason for it. An alien now has to file his declaration of intention before he takes a homestead. A Scandinavian that goes out into the backwoods of Michigan, Wisconsin, and Minnesota, and files his declaration for a homestead must prove up within seven years or forfeit his rights. He sees nobody but his wife and children, and he does not hear any language spoken except Scandinavian. He is worth a thousand of the men that can speak forty languages and write in forty

languages who live in the slums. He has had no opportunity to learn the English language, but he has made the best proof of his worthiness of citizenship by taking a homestead and building and living upon it for seven years. Now, unless he has learned to speak the language by that time he can not prove up; consequently he loses his home. Now, that is not the object of this bill. I thought it was my duty to call attention of the Members to the provision of the land laws, and I do not think it was the intention of this committee or the intention of the House to cut these men out. I ask unanimous consent that it be included.

Mr. BONYNGE. I have no objection. It is a good amendment, and I shall be glad to see it incorporated in the bill. It meets with my full approval. We want to help such people.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. COCKRAN. Do I understand that the amendment is accepted?

Mr. BONYNGE. Yes.

Mr. COCKRAN. I am glad the chairman of the committee has made that concession. It is certainly a valuable amendment. At every stage of its consideration in committee this bill was improved so largely and decisively that my main object in opposing this unusual haste is a belief that with two days more to work on it we might have made it into a perfect measure. Mr. Speaker, my principal objection is to section 9; but I consider the whole bill objectionable, because no necessity for it has ever been shown, and any proposal of law for which there is no obvious necessity is, in my judgment, a vicious proposal.

Mr. GRAHAM. Will the gentleman allow me?

Mr. COCKRAN. Certainly.

Mr. GRAHAM. I will point out what I think to be an existing fact—that to-day there are thousands of men holding naturalization certificates and claiming to be citizens of the United States residing in Jerusalem and Palestine who have no intention of coming back whatever. They came here and got a certificate, and then went back to their land and went into business there. Now, this bill will prevent that.

Mr. COCKRAN. Mr. Speaker, assuming that to be true, I still think the bill is absolutely unnecessary, and therefore vicious. Worse, much worse than the man who asks for naturalization and obtains it as a shield and panoply abroad, is he who born to American citizenship forfeits it, renounces it deliberately while still enjoying the protection of our laws for vast possessions inside our boundaries, and who while enjoying such protection despises privileges and evades obligations which are rightfully his. Not a line of this measure touches that man, the protection of whose property is an actual burden to us, while it changes our whole system of naturalization in order to reach a few men who have neither burdened nor harmed us.

Mr. Speaker, this bill, as it was originally reported, embraced provisions which have been eliminated in Committee of the Whole, and they were the most objectionable. In addition to reading and writing his own language, it required that the immigrant be able to read and speak the English tongue. As the vast majority of immigrants are ignorant of English, this meant that in almost every instance the applicant for naturalization must be master of two languages. That provision was changed in committee, so that no qualification is now imposed except ability to speak English. That was a great improvement, but even the requirement that remains is objectionable. It was justified on the ground that every person who lived here for five years would inevitably acquire a knowledge of the English language anyway, and that the provision was therefore of little significance. It was left in the bill, I suppose—to use a colloquialism—to save the face of the Committee on Naturalization.

Now, I learn from gentlemen around me here that in many parts of this country there are vast numbers of men, excellent laborers, excellent producers, excellent inhabitants, peaceful, orderly, highly intelligent, but who can not speak the English language and who are not likely to be able to acquire it. Gentlemen opposite seem to assume that it is a very easy thing to acquire a language. I would like to know how a man compelled to work all day in association with men born in the same country, under the direction of a foreman who speaks his tongue, can enjoy an opportunity of acquiring a new language? How many of us here who have served four years with even the amount of work imposed upon us by our Congressional duties have found time to acquire a new language? Since aliens who do not speak English will continue to be admitted at our ports, the net result of this bill as it stands will be that a large number of persons will be added every year to our population who must remain excluded forever from citizenship.

I consider such a deliberate creation of a large alien class in the heart of our population a vicious departure from the liberal and distinctively American policy of a century which up to the present has been fruitful of nothing but benefit. When we ask why this radical change is attempted the gentleman gives as the only reason the possible existence of some men in Jerusalem who claim American citizenship and yet who do not live in America. Well, even if that be true, it is not a very serious injury to us. I do not know that those men living in Jerusalem have ever raised any particular complication which the United States Government has been called upon to meet, and I do know that to provide for a constantly swelling addition to our population of persons who can not be admitted to citizenship is a positive and serious danger.

Now, I would ask any gentleman here, What harm can come from the admission to citizenship of a man who has shown by five years' residence in the country that he can support himself by his own labor? I am perfectly willing to withdraw opposition to this bill—I would be the first to encourage its passage—if, instead of imposing a ridiculous linguistic qualification, it provided that no man could be naturalized who did not prove conclusively that for five years he had supported himself by honest productive industry, and that he was capable of continuing to earn his bread by his own toil. Propose an industrial qualification and no man on this floor will object to it. The country will then be entirely secure from undesirable additions to its citizenship, for it is hardly conceivable that a man who has actually lived by work for five years would be likely to seek a livelihood by less creditable means.

I think it infinitely better for the country that every recruit to citizenship should be able to work in one language than that he be able to speak in a dozen. [Applause.] Ability to speak any tongue is no proof of the qualifications really essential to useful citizenship. A man may have a capacity for speaking ten languages and yet be good for nothing except to swell the volume of our political disputations. He can't exercise two hands in labor without enriching the whole community. Mr. Speaker, I submit to this House that we have in this country abundance of linguistic ability. If we lack anything, it is a supply of labor. This bill, so far as it may have any effect, will operate to exclude laborers from our citizenship, and if you do that you furnish a strong argument for shutting them out of your population. This, sir, I should deplore as a grave calamity, for I consider that stream of labor flowing through our ports every year the most fruitful and reliable fountain of all our prosperity.

Mr. STEENERSON. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman now.

Mr. STEENERSON. I would like to ask the gentleman from New York—beginning at section 5 it says "that an alien may be admitted to become a citizen of the United States in the following manner and not otherwise," and at the end of the bill is a clause which repeals all acts inconsistent with the foregoing act. Now, I would like to ask the gentleman whether or not that does not repeal section 2172 of the Revised Statutes, which provides——

Mr. COCKRAN. Mr. Speaker, I can not undertake to answer the gentleman. The gentleman must know my objection to legal disquisitions in a legislative body. Moreover, I have not the statute before me. I can not stop now to examine it, and I certainly do not want to speak of it before examination.

Mr. STEENERSON. I was going to suggest——

The SPEAKER. The gentleman declines to yield.

Mr. COCKRAN. I merely desire to add, Mr. Speaker, in closing, that before the establishment of this Republic there never was a democratic system able to maintain itself in vigor without a large number of inhabitants occupying a status inferior to that of citizen. Even here, sir, absolute equality of rights is of recent establishment. We have established equality, and we are maintaining it triumphantly; but how have we succeeded in doing it? Because these immigrants, hastening here in such numbers, have been to us what the Helots were to ancient Sparta. The Helots of old won admission to Spartan citizenship by service in the field of battle. These immigrants for the last sixty years have been winning for themselves and their children admission to our citizenship by service in the field of industry.

The effect of this bill will be to substitute for service in the field of industry, as the condition of naturalization, knowledge of a language, a mere facility or glibness of speech, which is not necessarily proof of merit in its possessor and of no possible advantage to the community of which he is a part. I ask

this House not to change our system of naturalization from the foundations on which it has rested securely—gloriously—for the past century. For a hundred years we have prospered beyond all experience or parallel. No damage has ever come to us through the liberality of our naturalization laws. Gentlemen eager to suggest a danger have been compelled to locate it in Jerusalem. I can assure them the effect of this legislation will be to establish a real peril closer home.

If we must choose between dangers, those on the other side of the globe are certainly the least formidable. Do not let us seek to remove them by sacrificing or overthrowing conditions under which our own prosperity has been enormous, while at the same time we have improved decisively the conditions of men all over the world. For one hundred years the prospect of admission to this citizenship has been the mainspring of progress everywhere. It has been a light and inspiration to every ambitious youth wherever in Christendom he may have been born. It has encouraged him to improve the productive power of his hands that when they were trained to efficiency they might be employed here to increase his earnings and at the same time win for him the dignity of American citizenship.

Under its influence Europe has been to us a nursery where laborers essential to the cultivation of our soil have been reared and developed without any expense or trouble to ourselves. While they were of tender years, helpless, of no productive power, these men have been nurtured and supported that when they reached years of vigor and efficiency they might come here and produce each one much more than he consumed, the difference between his own wages and the value of his product being the amount of his contribution to the wealth of the country. Every man who came here through all these years and engaged in productive labor has been therefore a fountain of abundance. The gentleman from Colorado now seeks to discourage this beneficent tide by making naturalization difficult, if not impossible, to many—the vast majority—of those men who, by the very act of coming here, prove their attachment to our institutions, their love of our soil, their eagerness to bear the burdens as well as to acquire the privileges of citizenship.

I protest, Mr. Speaker, against a senseless change in this beneficent system of naturalization which has wrought such great benefit to this country and has shed such a brilliant light of encouragement before the footsteps of men throughout the world. Though no one else should oppose it, I, at least, shall ask to be counted against this bill while that provision remains a feature of it. [Loud applause.]

Mr. BONYNGE. How much time is there left to the other side?

The SPEAKER. There is four minutes remaining.

Mr. BONYNGE. I desire to conclude in one speech, and I suggest that the gentleman use the four minutes now.

Mr. COCKRAN. I do not care to add anything, and nobody else asked for time.

Mr. PUJO rose.

Mr. COCKRAN. I beg the gentleman's pardon. I yield four minutes to the gentleman from Louisiana.

The SPEAKER. The gentleman is recognized for four minutes.

Mr. PUJO. Mr. Speaker, I desire to have read an amendment for the consideration of the chairman of the committee and likewise of the House, with the hope that it may be accepted.

The SPEAKER. The amendment will be read as a part of the gentleman's remarks.

The Clerk read as follows:

Mr. PUJO moves to amend section 17, page 16, by striking out, in lines 22, 23, and 24, the words "by publication" and inserting in line 24 in lieu of the words "by publication" the words "on absentees."

Mr. PUJO. This paragraph in section 17, Mr. Speaker—I beg the attention of the chairman of the committee—if amended as suggested will read:

And if the holder of such certificate be absent from the United States, or from the district in which he last had his residence, such notice shall be given in the manner provided for the service of summons on absentees by the laws of the State or the place where such suit is brought.

Now, I will state that the reason for offering this amendment is that this section provides a different method of citation to an absentee than is authorized by law in some of the States. To illustrate, suppose a suit were instituted against an absentee by the Government of the United States to cancel his certificate of naturalization praying for judgment in that behalf. The suit would be of great importance at least to the party in interest. Now, under the provisions of this measure, notice would be by publication in one of the newspapers of the State. No such method of citation would be recognized under the laws of Louisiana.

Mr. BONYNGE. What is the process in Louisiana?

Mr. PUJO. The process is this: An attorney to represent the absentee must be appointed by the court, and all process of court shall be served on him. It is made the duty of such curator ad hoc, or the attorney for the absentee, to correspond with the absent defendant and to advise him of the pendency of the action, so that he may instruct the attorney appointed to represent him or select counsel of his choice to resist the suit which has been brought against him. Now, the amendment which I have offered perfects the bill, and I again invite the attention of the House, and likewise the attention of the chairman of the committee, to this fact.

Mr. BONYNGE. I think we can cover the amendment and meet the conditions suggested by the gentleman.

Mr. PUJO. If the result is accomplished, I am willing to accept the gentleman's suggestion, but I think the amendment which I have suggested would cover the case perfectly. Under my amendment, in the States where publication is required, publication will be had, and in States where citation must be served upon a curator ad hoc, or counsel for the absentee, it will thus be authorized.

Mr. BONYNGE. It will be covered by inserting, after the word "publication," in line 24, the words "or upon absentees." I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on suspending the rules and passing the bill, with the amendments offered by the gentleman from Iowa [Mr. LACEY], by unanimous consent, and the amendment offered by the gentleman from Colorado, which latter amendment will be reported by the Clerk.

The Clerk read as follows:

Insert after the word "publication," in line 24, the words "or upon absentees."

The SPEAKER. Is there unanimous consent that that amendment may be covered by the motion?

There was no objection.

The question was taken; and, two-thirds voting in the affirmative, the rules were suspended and the bill as amended was passed.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I desire to call up the conference report on the Army appropriation bill.

The SPEAKER. The gentleman from Iowa calls up the conference report on the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14397) making appropriation for the support of the Army for the fiscal year ending June 30, 1907, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 7, 27, 28, 30, 41, 44, 62, 63, 64, 65, 66, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 67, 68, 69, 70, 71, 72, 74, and 75; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the amount proposed in the said amendment insert "one million "dollars;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided*, That no part of this appropriation shall be applied to the payment of the expense of using transports in any other Government work than the transportation of the Army, Navy, and Marine Corps and their supplies; and, when in the opinion of the Secretary of War accommodations are available, transportation may be provided for the families and employees of officers and men of the Army, Navy, and Marine Corps, and members of the Philippine government and families, and their employees and families;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: After the word "dollars," in said amendment, strike out the period and insert in lieu thereof a colon, followed by the words: "*Provided*, That if in the opinion of the Secretary of War said reservation is no longer needed for the purposes for which it was originally acquired, he may, in his discretion, in lieu of expending the said five thousand dollars, sell and convey the lands in said reservation;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "ten" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In the last line of the said amendment strike out the word "thirty" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

J. A. T. HULL,
A. B. CAPRON,
WM. SULZER,
Managers on the part of the House.
F. E. WARREN,
J. B. FORAKER,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT OF THE HOUSE CONFEREES.

Amendment No. 1 relates to expenses of the Army War College; and the Senate recedes.

Amendment No. 2 was simply punctuation; and the House recedes.

Amendment No. 3 relates to the extension of the Alaska cable and telegraph system; and the House recedes.

Amendment No. 4 relates to the construction of a new submarine cable from Key West, Fla.; and the Senate recedes.

Amendment No. 5 authorizes and makes legal assignment of pay by officers of the Army; and the House recedes.

Amendment No. 6 relates to the amount of pay of officers for length of service; and the House recedes, and agrees to the Senate amendment with an amendment fixing the amount at $1,000,000.

Amendment No. 7 relates to pay for length of service of the Ordnance Department; and the Senate recedes.

Amendments Nos. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 all relate to clerks and messengers at headquarters of divisions and departments and office of the Chief of Staff and at New War College. These provisions all went out in the House on a point of order and were reinstated in the Senate; to all of which the House recedes.

Amendment No. 26 relates to pay of the Adjutant-General of the Army; and as that office has ceased since the passage of the bill through the House the House recedes.

Amendment No. 27 provides for additional grade to officers who served during the civil war and now hold the rank of brigadier-general on the active list, for an additional grade on their retirement; and the Senate recedes.

Amendment No. 28 refers to pay of paymasters' clerks; and the Senate recedes.

Amendment No. 29 refers to pay of paymasters' messengers; and the House recedes.

Amendment No. 30 relates to pay for clothing due enlisted men on discharge; and the Senate recedes.

Amendment No. 31 relates to payment of interest on soldiers' deposits and makes clear what Congress has been doing for many years, reenacting sections 1305 and 1308 of the Revised Statutes; and the House recedes.

Amendment No. 32 provides for extra pay to enlisted men employed on extra duty; and the House recedes.

Amendment No. 33 increases the mileage allowances $50,000; and the House recedes.

Amendment No. 34 provides for payment of mileage of retired officers who have been traveling on orders; and the House recedes.

Amendment No. 35 is the limitation to prevent extra payment to officers at port of embarkation.

Amendment No. 36 includes the Hawaiian Archipelago with the Philippine Archipelago under pay of officers.

Amendments Nos. 37 and 38 strikes out the House provision, for the payment of additional compensation of officers serving beyond the limits of the United States; and amendments 39 and 40 change the language of the House provision, so as to comply with the law, as the Comptroller of Currency now holds should be done to make the law effective; and the House recedes from its disagreement to all four amendments.

Amendment No. 41 provides for longer period of enlistment for the Porto Rico Regiment; and the Senate recedes.

Amendment No. 42 simply gives to any commissioned officer of the Regular Army, who may have been commissioned in the Philippine Scouts, credit for his service in the scouts; and the House recedes.

Amendment No. 32 simplifies the payment of the militia participating in annual maneuvers; and the House recedes.

Amendment No. 44 provides for the Commissary Department furnishing cooking apparatus in the field and as it is already provided for under the Quartermaster's Department; and the Senate recedes.

Amendment No. 45 relates to the commutation of rations and includes the Nurse Corps with the sick of the Army; and the House recedes.

Amendment No. 46 is striking out the provision of the House on the question of commutation of rations; and the House recedes.

Amendment No. 47 provides $900 as prizes for enlisted men of the Army and graduates from Army schools for bakers and cooks; and the House recedes.

Amendment No. 48 is simply a reference to the totals; and the House recedes.

Amendment No. 49 provides for an increased amount of fuel to officers under certain cases at the rate now prescribed by regulation; and the House recedes.

Amendment No. 50 simply makes a proviso, "*Provided further;*" and the House recedes.

Amendment No. 51 authorizes the use of a part of the Fort Keogh Reservation in Montana for experimental horse breeding; and the House recedes.

Amendment No. 52 provides for furniture of such public rooms of officers' mess at military posts as may be approved by the Secretary of War; and the House recedes.

Amendment No. 53 is an increase of the provision for barracks and quarters; and the House recedes.

Amendment No. 54 is a provision authorizing the Secretary of War, in his discretion, to use a certain part of the appropriation for the support of the Army for the fiscal year ending June 30, 1906, in the purchase of land for the post at Fort Sam Houston, Tex.; and the House recedes.

Amendment No. 55 is simply a change of the totals; and the House recedes.

Amendment No. 56: The House recedes from its disagreement to the Senate amendment, and agrees to the same with the amendment which authorizes, in the discretion of the Secretary of War, the transportation of families and employees of officers and men of the Army and Marine Corps, and also members of the Philippine government and employees and families; and the House recedes.

Amendment No. 57 provides for construction and maintenance of military and post roads, etc., in the district of Alaska; and the House recedes.

Amendment No. 58 relates to barracks and quarters in the Philippine Islands; and the House recedes.

Amendment No. 59 increases the amount for construction and repair of hospitals and directs certain sums to be expended in the erection of hospitals at certain posts; and the House recedes.

Amendment No. 60 strikes out of the bill authorization for the Medical Department to purchase in open market; and the House recedes from its disagreement, for the reason that the same is covered in another part of the bill.

Amendment No. 61 provides for a chaplain for the Corps of Engineers; and the House recedes.

Amendment No. 62 changes the language only; and the Senate recedes.

Amendment No. 63 relates to the manufacturing and purchase of ammunition; and the Senate recedes.

Amendment No. 64 relates to small-arms target practice; and the Senate recedes.

Amendment No. 65 relates to ordnance stores and supplies; and the Senate recedes.

Amendment No. 66 changes the totals; and the Senate recedes.

Amendment No. 67 relates to increasing the facilities of Benicia Arsenal, Cal.; and the House recedes.

Amendment No. 68 authorizes the establishment of a general depot of supplies at Fort Mason, Cal.; and the House recedes.

Amendment No. 69 provides for payment of actual expenses of the national board for promotion of rifle practice; and the House recedes.

Amendment No. 70 requires prompt reports to the Secretary of War of all supplies for more than $100 for all branches of the Army service and the amount expended; and the House recedes.

Amendment No. 71 strikes out the language of the House, of appropriating $5,000 for preserving the battlefield of Balls Bluff; and the House recedes.

Amendment No. 72 makes the same appropriation for the same purpose as in the House, and is simply a change of language; and the House recedes.

Amendment No. 73 is a provision of $5,000 for fencing, protecting, and maintaining the Government reservation at Nahant, Mass.; and the House recedes from its disagreement and agrees to the same with the proviso authorizing the Secretary of War to sell said reservation in lieu of expending the amount for its improvement.

Amendment No. 74 authorizes an appropriation of $15,000 to enable the public to enter the national cemetery near Salisbury, N. C.

Amendment No. 75 authorizes the Secretary of the Treasury to expend the sum of $5,000 for repairing the monument already erected on Moores Creek battlefield and for beautifying the same; and the House recedes.

Amendment No. 76 authorizes the Secretary of War to accept a tract of land where Andrew Johnson's remains now lie. The House recedes from its disagreement and agrees to the same with an amendment by making the amount of land 15 acres in place of 10.

Amendment No. 77 relates to granting to the University of Utah certain land within Fort Douglas Military Reservation. As an independent bill has passed both Houses since the appropriation bill passed the House, there is no necessity for a provision; and the Senate recedes.

Amendment No. 78 provides for improvement of the national boulevard owned by the United States leading to the national cemetery at Fredericksburg, Va.; and the House recedes from its disagreement and agrees to the amendment of the Senate by striking out the word "thirty" and inserting "ten."

J. A. T. HULL,
ADIN B. CAPRON,
WM. SULZER,
Conferees on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the House disagree to all the Senate amendments to the bill H. R. 18030, the Military Academy appropriation bill, and that a conference be asked with the Senate.

The SPEAKER. Is the bill reported from the Committee on Military Affairs?

Mr. HULL. The committee have unanimously instructed me to make this request.

The SPEAKER. The gentleman from Iowa asks unanimous consent to nonconcur in the Senate amendments to the Military Academy appropriation bill (H. R. 18030), and to ask a conference with the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HULL, Mr. PARKER, and Mr. SLAYDEN.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 18236) granting an increase of pension to Thomas Garrett, the beneficiary having died.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills and joint resolution of the following titles:

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor;

S. 4370. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact; and

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section.

ADDITIONAL AIDS TO NAVIGATION.

Mr. MANN. Mr. Speaker, I ask to take from the Speaker's table the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill (H. R. 19432), to disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. MANN, Mr. STEVENS of Minnesota, and Mr. ADAMSON.

BENJAMIN F. GRAHAM.

The SPEAKER laid before the House the bill (H. R. 11543) to correct the military record of Benjamin F. Graham, with Senate amendments, the first of which had heretofore been agreed to.

The question being taken on the second and third amendments of the Senate, they were agreed to.

ROBERT W. LIGGETT.

The SPEAKER also laid before the House the bill H. R. 13917) to remove the charge of desertion from the military record of Robert W. Liggett, with Senate amendments thereto.

Mr. CAPRON. I move that the House concur in the Senate amendments.

The motion was agreed to.

BURIAL GROUND OF ANDREW JOHNSON.

Mr. BROWNLOW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the acceptance of the burial ground of Andrew Johnson as a national cemetery.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWNLOW. Mr. Speaker, in presenting the bill to authorize the Secretary of War to accept, free of cost to the Government, the tract of 10 acres of land known as "Monument Hill," on the outskirts of Greeneville, Tenn., where the remains of Andrew Johnson now lie, I am but asking that a deserving though slight recognition of the services rendered his country by this distinguished statesman shall be made, a recognition which will be gratifying to millions of his countrymen, and should be objected to by no one.

Thirty-one years ago on the 31st of next July, at the residence of his daughter, near his own mountain home in East Tennessee, Andrew Johnson passed from this earth to receive his just reward. The event was an unwelcome one to the people of Tennessee, who had honored him with positions of trust since he was a young man 23 years of age, and who had but six months before elected him to the United States Senate; and it was a loss to the people of the nation, whose highest office he had so ably filled with incorruptible integrity. The career of Mr. Johnson is one of the most romantic and marvelous of that of any statesman of our political history, with the exception perhaps of Franklin and Lincoln. Like them, he was of the plain people. He rose from the depths of poverty and obscurity to the highest office within the gift of the people, and he served them well.

He was born at Raleigh, N. C., on the 29th of December, 1808. His father, Jacob Johnson, was a day laborer with a large family to provide for, yet he sacrificed his own life to save that of a stranger. When Andrew Johnson was but 4 years of age a traveler by the name of Henderson attempted to cross on horseback a swiftly moving river near the Johnson home, but he misjudged the ford and would have drowned had not assistance been rendered him. Seeing the danger to which the traveler was exposed, young Johnson's father repressed all thought of self and family and rushed to the rescue of the traveler and saved his life, but in so doing he contracted pneumonia and died. Thus, in boyhood's early days, Andrew Johnson was forced by an unfortunate yet noble circumstance to earn his own living and help provide for the family, which he did for a time by picking cotton. He was later apprenticed to a tailor. His mother, with but little of this world's goods, was left with a number of small children, and though unable to read or write, she managed to care for the little ones. Mrs. Johnson was a woman of superior native ability and industry, and it was from her Andrew inherited the talents which later made him familiar among the great men of the country, and she had the good fortune to live to see her son elected a Member of the National Congress.

In 1826, a poor and striving tailor of 18, Andrew Johnson left his cabin home in Raleigh, N. C., and with his devoted mother and stepfather and their scanty belongings in a two-wheel cart, drawn by a horse which had been purchased with the proceeds of the sale of the only respectable suit of clothes which the young man possessed, crossed the mountains westward, bound for Indiana, where the Lincolns had moved from Kentucky in 1816. The Johnsons halted at Greeneville, Tenn. The only tailor in the town having died a few days before, young Andrew concluded to remain. It may be possible if the life of that unknown village tailor had been longer, the political history of our country might have been different. "On what a slender thread hang everlasting things." It was at Greeneville that young Johnson, when 19 years of age, met and married Eliza McCardle, a beautiful, modest, and bright girl. They were married by Mordecai Lincoln, a justice of the peace and a cousin of Abraham Lincoln.

At the risk of being regarded as tedious, I will speak of the striking traits of character of this remarkable man, who, rising from abject poverty, became the running mate of the greatest of all our presidents except Washington and Jackson. While working as a tailor's apprentice young Johnson, who was never at school a day in his life, taught himself to read. He was taught to write by the angel who had taken her place at his side to share his sorrows and joys. He toiled laboriously for her support, but she more than repaid him by preparing him to stand forth in the strength of a stalwart manhood and to discharge the most responsible duties of an American citizen. He was not the creature of accident, as some of our Presidents have been, but a self-reliant, manly man of great native ability, Jacksonian will, and untiring industry, who rose from a village alderman to mayor, representative in both branches of the legislature of his adopted State, to be governor thereof, and then, after distinguished services in both Houses of Congress, to be Vice-President and President of the United States. After six years of private life following the expiration of his Presidential service, he was elected for the second time to the United States Senate. He was the only ex-President who served in either House of Congress, with the single exception of John Quincy Adams. The late President Garfield said of him that he possessed greater native ability than any man he had ever personally known, except Mr. Lincoln. The lack of scholastic training was apparent in his speeches, but they were both eloquent and logical. Few men ever possessed a clearer, stronger, or more musical voice for public speaking, and no man ever spoke with more earnestness than he did. He impressed his auditors that he believed what he said. He told no anecdotes, attempted no pleasantries. Perhaps to the unvarying earnestness of his delivery, coupled with his dauntless moral and physical courage and unspotted personal integrity, is due the fact that he had a stronger hold upon the confidence and affection of the Democratic party of Tennessee than any man in her history except Andrew Jackson.

As early as 1828 Mr. Johnson organized a workingman's party, and we have high authority for the statement that it was the first regularly organized workingman's party in the United States. With this organization as a nucleus Johnson launched into public life. Even at that early day there was favoritism shown to the rich in the administration of local government, municipal, county, and State, though not a thousandth part as great as in these later times of prosperity and colossal fortunes. These discriminations against the poor Mr. Johnson passionately and fearlessly denounced. The people rallied to him, and three times he was elected alderman; three times he was elected mayor. In 1835 he was elected to the lower house of the legislature of Tennessee. In 1837 he was defeated for reelection by Hon. Brookins Campbell, who sixteen years later was a member of this body; and this was the only defeat he sustained in his long career which terminated in the White House. It was his gratification two years later to defeat Mr. Campbell, who never again contested with him the leadership of his party. In 1841 he was elected to the State senate. In 1843 he was elected a member of this body and four times reelected. In 1853 he was elected governor of Tennessee, defeating the Hon. Gustavus A. Henry, celebrated as the "eagle orator" of the State, and a kinsman of Patrick Henry. In this contest his election was by the narrow majority or 2,040 votes, but the governor elected two years previously was a Whig. In 1855 he was again elected by 2,020 votes, his Whig competitor in this race having been Hon. Meredith P. Gentry, for fourteen years a distinguished member of this House, whom Ex-President John Quincy Adams describes in his "Memoirs" as "the greatest natural orator he had ever known." In 1857 Mr. Johnson was elected to the United States Senate by the unanimous suffrage of his party.

From his entrance into this body in 1843 he took a conspicuous rank. He participated freely in debate; advocated "tariff for revenue only," and other Democratic measures. But on one question he differed with his associates of the southern States of both parties. He introduced and for ten years so ably and persistently advocated the passage of a bill giving 160 acres of public land to "the landless and homeless," as he expressed it, as to excite the admiration of John Quincy Adams, as shown in his "Memoirs." If not the originator of the homestead bill, he for so long a period persistently and ably advocated it as to have been generally accredited with having been its father, though recent political writers have given the credit of the origination of that beneficent measure to a former Speaker of this House, Hon. Galusha A. Grow, who never opened his mouth on this subject until ten years after Johnson had introduced into this House his homestead bill, and which he reintroduced into the Senate in 1857 on his entrance into that body, after four years' service as governor of Tennessee. It was passed before the civil war, but was vetoed by President Buchanan. Still the persistent and able advocate of this measure had the pleasure of seeing it enacted into law with immaterial modifications in 1862, when it was approved by President Lincoln. The passage of this greatly beneficent measure giving 160 acres of the public land to any citizen who would settle upon and cultivate it was one of the greatest blessings ever conferred by a single act of Congress.

To Andrew Johnson more than any other man was due the credit for the passage of this bill which has done so much for the development of our western country. In the last race made by Mr. Johnson, in 1851, for reelection to this body, the Whig party had no candidate and his opponent was a Democrat of the Calhoun school, an eloquent and polished orator, Landon C. Haynes, afterwards a member of the Confederate States senate at Richmond. The main issue was Mr. Johnson's homestead policy, Mr. Haynes representing on this question the prevailing sentiment of the Democratic party, and objected to the "giving away" of the public domain, because "it was so far off as to be practically beyond the poor emigrant's reach." He said "a gift of 160 acres of the surface of the moon would be more desirable, for when the 'Queen of Night' rode through the heavens in the splendor of her full-orbed glory the poor man could at least have the satisfaction of gazing upon his distant and unattainable possession and feel that he had a home on another planet." But while the enterprising homesteaders for forty-four years have been making what Josiah Quincy, of Massachusetts, termed "the wild lands of the West, fit only for the habitation of wild animals and wilder Indians," the abodes of millions of as moral, intelligent, and enterprising citizens as the Republic boasts, and have transferred the center of population and political power beyond the Ohio, Mr. Haynes's quarter section of the icy moon still remains unentered. I will add that the Massachusetts statesman, Mr. Quincy, like Mr. Haynes, held to the theory that a State had the right to secede from the Union.

The greatest service Mr. Johnson rendered his country was from the inception to the end of the civil war. With the exception of Stephen A. Douglas, he was the only Democrat in the United States Senate in 1860–61, North or South, who was loyal to the Union of the States. The speech he delivered in the Senate on the 19th and 20th of December, 1860, was the first voice from the South in that body in favor of preserving the Government, and it electrified the country. His demand that the Federal Union be preserved at whatever cost of blood or treasure is pronounced by Hon. A. H. Stephens, in his book, "War Between the States," as having had perhaps a more powerful effect in its consequences than any single speech ever delivered. Substantially it was so described by Thomas L. Clingman, a Senator from North Carolina at that time. In mentioning this matter I do not desire to arouse partisan feelings here, but I do it simply to do justice to his history.

In 1862, at the earnest solicitation of President Lincoln, Mr. Johnson resigned his seat in the United States Senate to become provisional, or military, governor of Tennessee. In this position he rendered his country such signal service that it led to his nomination for the Vice-Presidency in 1864. As military governor he exercised the dual functions of soldier and civilian official. He organized and put in the Union Army thousands of soldiers. He reestablished within two-thirds and more of the State (all of its territory within the Union lines) the civil courts, appointing judges, clerks of courts, sheriffs, and other State officers. Under his initiative a Presidential electoral ticket was put in the field in 1864 which carried Tennessee for Lincoln. True, the vote of the State was not counted, because the then leader of this House, Hon. Thaddeus Stevens, opposed allowing a restoration of any seceding State to its rights in the

Union until universal negro suffrage had been granted and the property of leading secessionists had been confiscated. But Mr. Stevens's objections to counting the vote of Tennessee were permitted to prevail only because the vote of said State was not needed. With the great majority of the Confederates then in the army, Tennessee gave an honest majority for Mr. Lincoln's reelection, and its electoral vote would have been counted had it been needed to continue Mr. Lincoln's administration in power, without which the preservation of the Union would have been doubtful.

It is difficult to exaggerate the importance of the aid given by the loyal men of the Southern States in the preservation of the Union, and in this work East Tennessee stands preeminent. Her steadfast loyalty was an inspiration not only to Kentucky, Missouri, and other border slave States, but to the North as well.

Mr. Justice Harlan has expressed the opinion that but for the Union sentiment in Kentucky and East Tennessee, and the Union soldiers furnished by both, secession would have been triumphant. Besides, East Tennessee was an important military thoroughfare and a strategic point of greatest importance. To the Union armies East Tennessee furnished 35,000 *volunteers*, and not hirelings and conscripts. And this, too, without the promise or expectation of bounty. In the Century Magazine of February, 1885, in an article on the battle of Shiloh, William Preston Johnston, son of Gen. Albert Sidney Johnston, says his father's army—

> Had been weakened by the necessity of keeping thousands of troops in East Tennessee to overawe the Union population of that section, so as to guard the only line of railroad communication between Tennessee and Virginia.
>
> This hostile section—

He adds—

> penetrated the heart of the Confederacy like a wedge, and flanked and weakened General Johnston's line of defense, requiring, as it did, constant vigilance and repression.

Thus wrote Colonel Johnston in reply to the criticisms of his father for the evacuation of Bowling Green and the loss of Forts Henry and Donelson. Delaware, Maryland, Kentucky, Missouri, West Virginia, and East Tennessee contributed 315,282 white men in defense of the Union, while 23,045 came from other Southern States, making a grand total of 338,327.

It is thus shown that of the grand total of the Union Army, nearly one-eighth came from the Southern States, and without this help the national cause would not have triumphed. The struggle was terribly hard and long, and sometimes doubtful. With considerably more than 300,000 men taken from the fighting force for the Union and given to the Confederacy, the success of the Federal Government could not have been hoped for. The indebtedness of the national cause to the Union men of the South was perceived very clearly while war was flagrant, but it has been much obscured to the public mind of late years by the partisan custom of calling all the States in which slavery existed "rebel States." More to refresh the memory of those who once knew the truth, and to inform those who are imbibing erroneous conceptions regarding the parties to the civil war, it is worth while to set forth the facts bearing on this question.

The southern men who fought for the Union have enjoyed the sweetest victory ever vouchsafed to the champions of a righteous cause. They have not only seen the cause triumph when, but for their help, it must have failed; they have lived also to see the men of their own States, over whom they triumphed, confessing their satisfaction that the contest ended as it did. But the real rock of unionism at the South was not a man, but a country and a people. The mountain uplift of eastern Tennessee, eastern Kentucky, and western North Carolina was a barrier against which the waves of disunion dashed only to be shattered. The spirit of its men, who fled by squads and singly through the mountains to get a musket, a Federal uniform, and to return, together with the unconquerable hearts of its magnificent women, was the real rock of unionism—the invincible force. But what of the leadership? On this plateau—pushed forward as Lookout Mountain pushes its rugged force above its fellows, erect, inflexible, defiant—stands, and will continue to stand by the consenting voice of future generations, Andrew Johnson as one of its bravest and ablest leaders.

But it is not true, as erroneously supposed by many, that Andrew Johnson was chiefly instrumental in influencing the people of eastern Tennessee to adhere to the Union cause. A majority of the people of East Tennessee had been Whigs since Mr. Johnson's entrance into political life, and were therefore more susceptible to the influence of the patriotic teaching of their old Whig leaders—Thomas A. R. Nelson, Horace Maynard, and William G. Brownlow—and hence it is not strange that a large majority of those who volunteered in the Federal service or remained loyal at home were men who had been raised and educated in the political faith of Henry Clay. While the district I have the honor to represent had sent Mr. Johnson to Congress, the other two East Tennessee districts had been Whig, and in both of his races for governor, in 1853 and in 1855, he was defeated in East Tennessee. His election in both instances named, as well as to the United States Senate in 1857, was by the vote of the other sections of the State. But of the 35,000 men in the Union Army from Tennessee Mr. Johnson had been the idolized leader of about 12,000 of them. And by this reference not the slightest reflection is cast upon the justly acknowledged influence of Andrew Johnson, but he belonged to a party smaller than himself and more in sympathy with secession, and with which, on account of his heroic stand for the National Union, his former leadership was greatly impaired, making, therefore, his own steadfast loyalty the more meritorious and conspicuous.

General Grant, in his Memoirs, says great credit is due Gen. John A. Logan because, through his influence and leadership in southern Illinois, two or three thousand men entered the Union Army who would not but for his example and influence have done so. Then how deeply grateful should the country feel toward the courageous statesman who, in the midst of the armed enemies of his country, courageously upheld the flag of our fathers?

It was the misfortune of Mr. Johnson to incur the animosity of political leaders in both parties. Some southern men have not forgiven him for opposing secession, and some of the North for opposing the Congressional plan of reconstruction. In both instances he was right, and time has vindicated his judgment. He was a follower of Andrew Jackson and, with that great man, always denied the right of a State to secede from the Union. It was but natural that he who in his own person was an exemplification of the theory of our Government that in this Republic of equal opportunity "the poor man's son, if he have talent and genius, may climb the steep where fame's proud temple shines afar" should oppose the disruption of the Government whose highest honors, next to the Presidency, he had already enjoyed. He was not a traitor to the Republican party, as has been alleged, because he never claimed to be a member of that party. He was nominated for the Vice-Presidency as a war Democrat by a convention which assembled under the name of "the National Union convention." His admirers do not claim that he had no imperfections; but as an American citizen I am proud to know that he had no weaknesses that affected his personal or official integrity. The conflicts of party in which he figured, always as a leader, were the bitterest of our entire political history, and they left scars not yet wholly eradicated, either North or South. As that splendid citizen, Gen. Horace Porter, has recently said of John Paul Jones it may be said of Andrew Johnson—"His enemies opened their flood gates of calumny. No misrepresentation of his acts was too gross, no distortion of history too monstrous." These attacks on the character and motives of Andrew Johnson succeeded in a large measure in setting him before the world as General Porter said of Jones, "in an aspect that was a vicious caricature of his true nature."

There are people—

> Who compound for sins they are inclined to
> By damning those they have no mind to.

It was the misfortune of Andrew Johnson to immediately succeed Abraham Lincoln. Washington, Jefferson, Jackson, and Grant are the only Presidents we have had who would not have been dwarfed into insignificance by comparison to that matchless man. Of him it may be said, as it was of Washington:

> Of all the men who have ever lived, he was the greatest of good men and the best of great men.

There are Ishmaelites who, unmindful of the splendid virtues of great men and their distinguished services to their country and to their fellow-men, derive great satisfaction from an unsparing examination of their character by the miscroscope. The foibles of a Washington or Grant, in the minds of little men, are serious enough to eclipse their transcendent virtues. No other country, ancient or modern, can, in the same period of time, show so many wise and patriotic heads of government as the United States of America from its first President to the present period of our history.

Andrew Johnson was more than a Democratic partisan. He was a leader and molder of public opinion. By self-education, environment, and instinct he was a believer in the sovereignty of the people. He was a Jacksonian Democrat. He was opposed to the tendency of the country, now more and more apparent, toward a plutocracy. This was the spirit of the speech he delivered on his inauguration as Vice-President, and by some such sentiments were then deemed so out of place that it was regarded as evidence of intoxication. By some he was called a demagogue. Chatham, Mirabeau, Patrick Henry, Samuel

Adams, and Jefferson were all demagogues, but they were not of the vulgar kind. They were the creators of public opinion, not its creatures. Chatham told the King of England that the people were His Majesty's masters. So did Patrick Henry and Adams. Mirabeau told the French King that privilege led to revolution. And Andrew Johnson, in his Vice-Presidential inauguration address on the 4th of March, 1865, reminded the heads of Government, Senators, Cabinet ministers, and Supreme Court justices, that the people were the source of power. He would have included the trusts if trusts had then been organized. Andrew Johnson was a demagogue in the higher and nobler sense—a demagogue who believed in the people.

Of great men, whether living or dead, the truth may be spoken. Simple justice to the memory of Andrew Johnson does not require that the forbearance of his enemies be supplicated. The rigid critic might not regard him as an exemplar, either in morals or politics. Very few are the men whom I would hold up as exemplars in either, but the qualities I have ascribed to him may well be emulated by some public men of to-day, upon whom an inscrutable Providence has devolved the responsibilities of high office. He was not a member of any church, unless it was the church militant, for life with him was always warfare. His honesty was never questioned; the smell of official or personal corruption was never upon his garments. Party spirit and the man with the muck rake have put his fame under a cloud for more than a generation, but posterity will see in him a pure patriot and courageous statesman. It was meet that the flag of his country should be entwined about his coffin and his head pillowed upon the Constitution as he had requested.

Of the thousands who attended his funeral there were not many of the great and wealthy, not many in office. But the plain people, of whom President Lincoln was so fond, were there because they loved him and they believed he had always had their interests at heart. From the workshops and the farms there came to his burial by the thousands the men with hands hardened by toil and faces bronzed by the sun. They honored him for that sterling integrity which never soiled his soul with peculation, which never betrayed the people's trust for private gain. They honored him for that nobility of soul which had no scorn for the poor and no sycophancy for the rich and powerful.

It is the duty of patriotism to cherish and perpetuate the memories of the mighty dead. Personality is power. Dead or alive it draws. But great personalities and notable places are not all in the more populous, wealthy, and powerful States. Tennessee has cradled and given opportunity to as many great personalities in proportion to its population as any other State. In Greeneville is the little tailor shop of the seventeenth President of the United States, on which is still hanging the sign, "A. Johnson, Tailor," and near by is a beautiful monument erected to his memory on a high hill in view of the lofty mountains that join in eternal embrace his native and adopted States. In Tennessee were the homes of John Sevier, the hero of Kings Mountain; of Andrew Jackson, the hero of New Orleans; Edmund P. Gaines, the hero of Fort Erie; of Davy Crockett, of the Alamo; Sam Houston, of San Jacinto; President James K. Polk; Commodore Matthew F. Maury, discoverer of the currents of the sea; Admiral Farragut; N. B. Forrest, "the Wizard of the Saddle," and Isham G. Harris, the great war governor of the South; Hugh Lawson White, John Bell, Thomas A. R. Nelson, Horace Maynard, Meredith P. Gentry, James C. Jones, statesmen and orators whose public acts are an imperishable part of the records of their State and nation, and last, but not least, Andrew Johnson.

These names will never be forgotten in Tennessee. The State honors herself in honoring their memory. "The sun and stars will shine in their seasons," but revolving years will neither quench nor dim the light of their great examples.

Mr. Speaker, Andrew Johnson made his impress on the history of his country, and since only the few have been taught to do him justice as a man, a citizen, and a statesman, I have attempted to speak the truth of him in this feeble tribute. At the unveiling of the monument to his memory at Greeneville, Tenn., there was one who spoke of him as he was and as he is to-day, enshrined in American hearts. Hon. George W. Jones, of Tennessee, served with Mr. Johnson in the State legislature a number of years, for ten years was his colleague in this House, and was his intimate personal friend and associate, knowing the great commoner perhaps better than he was known by any other man. Mr. Jones delivered the oration on the occasion referred to, and as he so completely covered the life and history of that great man, I desire to embody his remarks in concluding my speech, as being the history of a remarkable American life that should be preserved in the official records of the country.

Mr. Jones said:

ORATION.

LADIES AND GENTLEMEN: The ceremony performed in our presence to-day discovers to the eyes of this assemblage the monument, erected by his children, to mark the resting place of the remains of Andrew Johnson. The occasion has been deemed appropriate for an oration commemorative of the life and character of that remarkable man, and at the solicitation of those children and numerous friends, while sincerely distrustful of my ability, I have accepted the duty. The reason for my selection lies chiefly in the fact that for a period of forty years it was my fortune to have been intimately associated with him, and that our services in public station, during the period in which I acted, was fundamentally accordant in political views. The antecedents of both were somewhat similar also, and conduced to render us congenial, and to establish relations—both public and private—of a sympathetic friendship, which were not severed at any period of his eventful career. The opportunities of this relationship have been held to qualify me to speak of him as he was, to analyze his characteristics, to interpret his motives, and to portray the events of his laborious and tumultuous life in the light which may serve as a guide to the estimate in which posterity may hold him. This task I do not regard myself equal to, and were it otherwise, neither time nor the proprieties of the occasion would permit a discourse requiring a review of one of the most important periods in the political history of our Government. This, indeed, will be the duty of the elaborate historian, who shall write of the man and his times after the roar of the combat shall be forgotten and the passion it aroused shall have given place to reason. In the shaping of great events, he wrought with rare vigor and power, and his life will project a commanding figure on the canvas of history. To that repository his fame may be safely committed. The time to-day may be profitably employed in recounting the narrative of his wonderful course from orphanage and obscurity to exalted station and world-wide renown, and in reflecting on the mental and moral attributes which enabled him to overcome these obstacles and achieve results so grand. In this aspect his life is a lesson of absorbing interest and instruction; and though it is not possible to speak of it without reference to eras of fierce political conflict, I shall endeavor to do so justly and candidly, remembering for him that he is dead, and for the living that the truth in regard to great characters who may become exemplars is all that is valuable.

Nearly three years have elapsed since Mr. Johnson, but recently elected to a seat in the highest council chamber of the Government, and apparently in robust health for one who had nearly reached the limit of three score and ten years, was suddenly stricken, and his spirit summoned from the scenes of earth. The unexpected announcement thrilled the people of the United States with a sense of sadness. Those who had admired and supported him, as well as those who had not, felt that a great man had fallen—in the figure of Scripture, "that a standard bearer on the walls had fainted"—and that a public bereavement was suffered. The bells in cities were tolled. The public buildings exhibited the insignia of mourning. The flag of the nation hung at half-mast. The day of his burial was respected in a suspension of the official business of the public. Numerous meetings of the people assembled to express the universal sense of loss. At a later date funeral pageants were formed in honor of his memory, notably one at the capital of this State, whose public servant he had been so long. Still later, on the meeting of Congress, a day was designated on which the representatives of the people should, in resolutions and spoken eulogies, voice the sentiment of the nation regarding his death; and in these political friends and foes united in the language of homage. Here at his home his removal was as if one of yonder mountains had "bowed its tall head to the plain." First receiving a mark of the public confidence from this people nearly half a century before, his luminous ascent to supreme station had reflected honor upon them, and his fame was cherished here as a household god by everyone. No tribute of tongue or pen or ostentatious parade paid to his memory was so true or just as the homely outpouring of the people, and the children of the people, who had been his early and steadfast friends, on the day his body was interred at this spot. The obsequies were not elaborate in equipage and vain display of ceremony. They were such only as he would have desired—a concourse of the people irrespective of social rank, subdued in grief, and quietly performing the last service we can offer our fellow-men. They were as becoming as they were spontaneous and unaffected—the simple and sincere offering of those who knew him best and esteemed him most. And thus, after a life of extraordinary energy in a great field of action, illustrating both extremes of fortune, amid the mingled admiration and regret of a continent, his mortal part was laid in the earth, and men turned away, thenceforward to contemplate him in the steadily receding view of history.

To trace this life since he first appeared in the then village yonder, more than fifty years ago, is a story of the marvels possible to indomitable will and inflexible honesty, allied to inborn talents. But who that saw him then—and there may be those living who hear me—would have ventured to predict that the uncouth youth, poor and unlettered, unknown and unfriended save by the widowed mother who was his companion and his dutiful burden, was to become the recipient of all these honors, in life and in death, I have so feebly depicted? How it came to pass let the sequel show.

Andrew Johnson was born in Raleigh, N. C., December 29, 1808. He was the son of Jacob Johnson, an humble man, who filled at various times several petty offices in that town. He was quite poor and unable to give his children even the rudiments of an education. He died when his subsequently illustrious son was in the fourth year of his age. In the history of men who have become eminent early loss of the father is quite a frequent circumstance. It was the case with Jackson and Clay, for example. One might speculate if in characters having the germs of greatness this apparently adverse stroke of fate did not tend to develop the faculty of self-reliance, an element afterwards so prominent. At 10 years of age Andrew was apprenticed to a tailor in Raleigh, and a few months before the expiration of his term of indenture he left his employment and his native place on account of a boyish misdemeanor in which he was implicated. In a year or more he returned, having spent the time at work in his trade at Laurens Court House, S. C. Learning that his former master had removed some distance from Raleigh, he sought him, made apology for his misconduct, and tendered payment for the unperformed period of service for which he owed. This honorable offer was not received properly, and the proud spirit of the youth revolted, and he resolved to seek a new home. His gaze turned westward, and for him, indeed, "the star of empire" was brilliant with destiny. Having traveled in the humblest manner with his dependent mother, in the fall of 1826—then 18 years of age—he arrived in Greeneville, Tenn.

Here he opened that shop which has become historic, and sat diligently at his trade, approving himself a good workman and acquiring the confidence of those who employed him. Not long after, he married her who rests by his side beneath that shaft, justly sharing the honors paid to him. Their temperaments were unlike—he, fervid and aggressive; she, calm and retiring—but their union was fortunate, and by her aid he was better prepared for the long encounter which fate held in reserve. He had never gone to school. Incited by listening to readings from a copy of The American Speaker—a work of oratorical exercises—while an apprentice on the board, he mastered the alphabet and learned to read. Until his marriage, his education consisted only in such imperfect reading as the intervals from toil allowed him. His wife taught him writing and arithmetic—acquisitions which served to enlarge the sphere of his capacity and stimulate the sacred thirst for knowledge. Under her instructions his self-education was pursued concurrently with his daily labor and far into the night when other mechanics were accustomed to rest. Such was the resolute spirit of the man, as even at this time his nascent ambition was prefiguring the career on which he had set his heart.

His thrift in his vocation and his studious habits and active intelligence were not long in attracting attention, and in 1828 he was elected an alderman of this town, and reelected in the year following. In 1830 he was made mayor, a considerable dignity for a young man of 22 years of age. This office he filled for several years with efficiency. He was appointed a trustee of Rhea Academy in 1834. This was the year in which the second constitution for the State was submitted to the people. He advocated its adoption, as its features, in the main, were more democratic than the instrument of 1796, which it was designed to supersede. Thus, in the incipiency of his public life is observed a devotion to that principle which became its shibboleth—the bringing of the government nearer to the people. In the year following the first general assembly under the new constitution was elected, and he presented himself as a candidate for representative. The division of the people into parties, afterwards so long known as Whig and Democratic, was just then occurring, and the instincts and modes of thought of Mr. Johnson at once aligned him with the latter, at whose head was Andrew Jackson. His candidacy, however, was not wholly acceptable to some who assumed to be local leaders of the party, but, nothing caring, he engaged in debate with his popular competitor, and sustained himself so well as to silence all objections in his own ranks. He was elected, and it was in the house of representatives in that assembly that your speaker, as a fellow-member, formed his acquaintance. In that body, though but few, if any, discerned the elements of character he afterwards developed, he made more than the ordinary impression of a new member. He was punctual, laborious, but not unduly forward. He kept a vigilant eye on the legislation proposed in molding the order of things under the new constitution, and judiciously participated in debate.

His style was less assured and vehement than afterwards, but nevertheless ready and pointed. Though plainly clad and not so robust in figure as in later life, his marked and expressive features presented him well and engaged attention when he arose to speak. An important measure of that session was an act for internal improvements—the building of a system of macadamized turnpikes at the expense of the State treasury. Mr. Johnson's course in regard to this was strongly illustrative of candor and boldness, as well as of tenacious adherence to constitutional limits in legislation, which he ever so consistently and signally displayed. His own mountain-bound section of the State, under the operation of the law, would derive benefits greatly desired—ready means of intercommunication, as well as accessibility to other sections, then quite difficult. It was, therefore, popular in that region, and a number of its leading advocates were from East Tennessee. Mr. Johnson gravely doubted the power of the general assembly to impose a tax upon the people for an extraordinary purpose without the previous consent expressed at the polls, and seriously questioned the abstract right and propriety of incurring an indebtedness of the State, bearing interest, for any object, however desirable or laudable. From a fund thus acquired he was jealous to apprehend misapplication of its use. With these views he strenuously opposed the enactment of the measure, notwithstanding the expected advantage to accrue to the people whom he represented. In this early step there was nothing of the odor of demagoguery, which since has been erroneously charged against him. Indeed, to this manly independence of the popular desire was, in great part, to be attributed his defeat for reelection in 1837. Two years later, however, he appealed a third time to the people. Some of the consequences of the favorite measure which he had foretold had been observed, and he was triumphantly returned. His bearing and legislative service at this session gave evidence of enlarged information on questions meriting public attention and of ripening powers. A single defeat had not discouraged him nor in the least relaxed his ardor. In 1840 he was nominated a candidate, for the State at large, for Presidential elector on the Democratic ticket, and appeared in debate with various gentlemen of distinction on the opposing ticket. His experience in speaking before the people and in the halls of legislation had begotten confidence in his capacity. He was thoroughly informed upon the current questions and principles at issue, and in these forensic struggles he bore himself the equal of any whom he met. Those who witnessed them perceived that he was in a sphere in which he was qualified to become eminent. He was elected a member of the State senate in the year following. The period was one of intense political antagonism. The Whig party, successful in the Federal elections, had suffered a disaster in the early death of President Harrison and the alleged defection of his successor to its principles in an important object to its great leaders—the establishment of a Bank of the United States. Mr. Johnson was then, as ever afterwards, a determined opponent of powerful fiscal corporations, holding them to be inimical to the rights and interests of the mass of the people and promotive of public corruption. He felt it to be a public duty to oppose by every legitimate means the ascendancy in Congress of the party advocating this measure. In great part this question entered as an element in the election of United States Senators, which then devolved upon the general assembly, and Mr. Johnson was one of the Democratic majority of the State senate—known in the political parlance of the time as "the immortal thirteen"—whose refusal to act thwarted an election. This produced an angry contest, and the arguments in attack and defense were of a mixed legal and partisan character. At this session Mr. Johnson was the author of a bill providing for a scheme of internal improvements, which he held to be safely practicable and not obnoxious to the objections which he had urged to the measure of a previous legislature.

He had now achieved a reputation coextensive with the State. In his six years of service in the general assembly he had exhibited indefatigable industry, astuteness and skill in debate, a candid record upon all issues, and unbending courage. He aspired to a wider field of action and announced himself a candidate for the Federal House of Representatives, and after an arduous canvass was elected, and entered that body in the thirty-fifth year of his age. It was the fortune of your speaker to enter it simultaneously and to serve with him during the ten years of his membership. In that forum, then containing a number of distinguished men of long experience in the national councils, and receiving at that time a number also of those who afterwards acquired high renown, the ambitious Member from the First Tennessee district doubtless felt painfully the grip of those "twin jailors of the daring heart"—"low birth and iron fortune"—which had condemned him to educational deficiency. But, nothing daunted, he assiduously addressed himself to attaining whatever could better qualify him for the position. He had neither taste nor natural aptitude for enjoying what many esteem as the recreative honors of membership in Congress. He regarded it as a theater of high and important duty—an arena of public usefulness, in which the gratification of a just ambition was a legitimate reward.

In the sessions of that body he was diligently attentive to the business transpiring; in the intervals he was discharging duty on committees, or intently seeking information from the library and every source at his command. He knew no idle hours, but was incessantly equipping for the discharge of the functions which the people had committed to his trust, and the making for himself an honorable fame. He was somewhat sensitive on one point, and quickly resented a derogatory allusion. In his first session, in the course of a discussion on the tariff, a colleague from this State made reference to his mechanical occupation. Mr. Johnson instantly interrupted him, and demanded to know if he spoke contemptuously. The intention was promptly disavowed. It is a mistake to suppose that he was accustomed to artfully introduce this feature of his life to propitiate popular favor. Neither was he ashamed of it, but quietly proud rather, and prouder still of the free institutions which fostered the effort to rise from humble station. During the long period of his service in the Lower House of Congress he was a frequent partaker in the debates on all of the leading questions before the body. The two great parties alternated in predominance, and the lines of division were distinctly drawn. As a rule, he acted with his political associates, but there was a vein of independence in his course which on occasions resisted the trammel of party dictation, and when moving in concert his reasons were always his own. This ingredient of character early attracted the notice of the eminent and sagacious John Quincy Adams, so long an ornament of the House, who spoke of him as an acute and original thinker, and foresaw the distinction of which he was capable. Out of this element in his composition grew a number of frank utterances which produced criticisms among his political friends at home, and cost him several severe contests for the retention of his seat—those of 1847 and 1851 will be remembered. Before the people, however, the formidable disaffection in party ranks notwithstanding, he was invincible. His first effort in Congress was a speech in favor of the bill refunding the fine imposed on General Jackson by Judge Hall in 1815. He spoke also on the measure for the annexation of Texas, and during its course, in a number of speeches, defended the justness of the war with Mexico. His speeches on tariff revision, which resulted in the law of 1846, exhibited thorough research and knowledge of that intricate subject. The erection of special industries into monopolies by a protective tariff system, he held to be partial and unjust, and grossly injurious to the interests of the most numerous classes of the people, and moreover, in contravention of the cardinal principles of free government. In regard to the Oregon boundary line and the threatened difficulty with the British Government he sustained the policy of President Polk. He was a strenuous advocate of retrenchment in the expenses of the Government, which he perceived to be unnecessarily and inordinately large in many features, chiefly so in extraordinary and useless offices and large salaries. He favored simple and economical administration in the interest of the toiling taxpayers, and as a potent instrumentality in repressing the inevitable tendency to corruption. A speech on this subject of great earnestness was construed as an attack on the then Democratic Administration, and gave umbrage in some quarters. But it was not his way to withhold the expression of his views under dread of any disapprobation. In a debate arising upon an important question then prominent he delivered an incisive speech in advocacy of the Executive veto power, in which he traced a contrast between its wholesome use as a feature of republican government and the kingly negative under a monarchical system. He defended it as a conservative clause of the Constitution, designed to restrain hasty, improvident, and sectional legislation, proper to be wielded by the Chief Magistrate as the representative of the whole people. Perhaps the most glowing dream of his ambition did not forecast the era twenty years later, when he should boldly exercise it in circumstances perilous with the crisis of his public career. About this period he initiated his long and persistent struggle to secure the enactment of a law granting a homestead of 160 acres of the public lands to any citizen who should occupy and cultivate a part of it for a specified number of years. This measure encountered both discouragement and opposition from various sources. The great and overshadowing question of slavery and its complication with Territorial settlement was an obstructing prejudice to its intrinsic merits. Upon this rich and vast domain which it was proposed to reserve for this purpose the eager eyes of incorporated greed, vulture-like, were already gloating. The homestead law, designed as a bounty to enterprise and frugal industry, and the encouragement of thrifty citizenship—the richest treasure a nation may have—but a powerful influence strove to retain it for ripening schemes of selfish speculation adroitly masked. But Andrew Johnson conspicuously championed the measure, and at a time and under circumstances when considerations of sectional popularity would have deterred a less intrepid and independent man. He may be said to have been its projector, and his name is indissolubly identified with this legislation, so beneficient to thousands, and so sagacious and statesmanlike. It is one of that class of laws which crown their authors with the blessings of generations of people. The many homes on the teeming acres of the great West stand as a monument to the wisdom and courage of Mr. Johnson.

In the agitation ensuing upon the territorial acquisitions from Mexico with reference to slavery, as a southern man Mr. Johnson steadily upheld the rights and interests of his section as guaranteed under the Constitution. In the exciting debates to which this portentious question led he did not assume extreme ground touching the institution of slavery, nor advocate its extension as a means of maintaining the balance of political power between the free and slave States. He did, however, defend its constitutional sanction where it then existed, and in the common territory of the United States, as a species of property as inviolable as any other. As to the policy and perpetuity of this

peculiar institution, he held that the former was settled in the fact that it existed, and was thoroughly incorporated in the body of society, and that the latter was a question out of the province of the powers of the General Government, and determinable only by a variety of economical considerations, as time might develop. An aggressive war upon it as a moral and social wrong, which was to be hedged by inhibiting its spread, he despised as fanatical and violative of the spirit in which the Federal Union was formed, and deprecated it as threatening to incite a sentiment imperiling alike the Union and the Constitution, the safeguard of all institutions. As a scheme of adjustment of the then aspect of the question, he did not approve some of the features of the compromise of 1850, but finally voted for the five measures which it comprehended. One intimately conversant with Mr. Johnson's views during the long and troublous era caused by these issues could but know that he was loyal to the legal rights of the slave States in this respect and to every degree, and was prepared to maintain them under the Constitution and within the Union, and could not but know, also that he would not surrender the integrity of the Federal Government to preserve slavery or any other single interest whatever. The destruction of that he regarded as tantamount to the sacrifice of all that could be held dear to the American people and as the culmination of irretrievable political disaster, and would put nothing in the scale against its preservation.

On March 4, 1853, his first period of service in Congress terminated, and he retired from the public employment, but for a short time, a few months only. In the spring of that year he was nominated as the Democratic candidate for governor of Tennessee, and thereabout the truth of history requires a statement. While recognizing their necessity, Mr. Johnson was never an adept in party conventions, and he was not present when this honor was tendered him. In Congressional redistricting, under the census of 1850, the First, so long represented by him, had been made doubtful or adverse to the success of a Democratic candidate. Fortuitously, in the fall preceding your speaker met a prominent member of the party, who urged that the coming gubernatorial candidate should be from East Tennessee, and named Mr. Johnson, and he consented; and he, while in Washington City, by letter requested a distinguished leader in the party in Nashville, who would be present at the convention as a delegate or otherwise, to withdraw his name from before the convention in the event he should think it necessary to do so in order to harmonize the convention. There it rested, so far as his (Mr. Johnson's) personal interference was concerned. On the assembling of the convention, at a preliminary consultation of delegates the name of the gentleman to whom had been confided Mr. Johnson's interest was himself recommended to the convention for nomination as the Democratic candidate. He felt the embarrassment, and frankly stating it to the convention, requested that his name should not be presented to the convention, and thereupon Mr. Johnson was nominated by the convention. In the conferment of this honor, no imputation of overreaching can in the least impeach his manliness. His competitor was Gustavus A. Henry, a gentleman of high character, and famed for commanding eloquence and ability, and the field of contest was the entire State. Mr. Johnson reversed the political majority of the previous election, and was inaugurated governor in October. His address on this occasion contained several passages which provoked sarcastic criticism. His administration of State affairs was upright and acceptable, and marked in some features by his characteristic vigor and independence of precedent. He was unanimously nominated for reelection, and the contest following was one of the most remarkable ever witnessed, as well for its fierceness as for the boldness and ability he displayed, and was, for a time doubtful. Only he, perhaps, could have achieved the result. In this year the disintegration of one of the great parties which had so long disputed the political mastery of the Government gave rise to an organization whose leading tenet was proscriptive of the political rights of citizens of foreign birth and members of the Church of Rome. Oaths of obligation to its purposes and passwords of admission to its councils were alleged of it. It absorbed the mass of that party whose distinctive form had disappeared and very considerable numbers of those who had held opposite political affiliations. It was formidable alike in its construction, its specious principles, and in the support it received from men of high intelligence and unimpeachable character. It opposed the fundamental articles of Mr. Johnson's political creed—his belief in the rights of man irrespective of nativity and in the largest liberty of thought and conscience—as well as his theory of free institutions and aroused the utmost energy of his nature. In political warfare he never favored defensive tactics, but this he assailed like the Mameluke cavalry on a charge.

The intensity of his feeling quickened his powers, and his argument blazed with denunciations as he attacked it in every form. With ridicule he drove it from the intrenchment of secrecy, and with unsparing language he combated its doctrines and designs. The opposing candidate was Meredith P. Gentry, a gentleman of experience and tried capacity, and gifted with copious and sonorous eloquence, and the unusual encounter brought other able speakers to the field. Mr. Johnson's forensic efforts were the highest he had ever exhibited, and his triumph won a national renown. His second term of service as governor of the State passed without a notable incident, and at its conclusion, being now the unquestionable leader of his party, he was, by its unanimous choice, elected to the vacant seat in the United States Senate in 1857.

Nearly twenty years of continuous official life, with the untiring application with which he cultivated his talent for public business, eminently fitted him for that great arena. In his development he had acquired a degree of accomplishment, as well as increased strength, and from the first he was a stalwart figure in the Chamber where the giants of debate—dead and living—were wont to wrestle. Over the political heavens portentous clouds were forming, and the public mind was fevered with anxiety and alarm at the period of his entrance. On the western border were already heard the mutterings of the terrific storm which in a few years was to burst with devastating fury upon the nation. No one described more clearly the ominous aspect, or desired more earnestly to avert the catastrophe, or understood more thoroughly the necessity for a statesmanship at once bold and cautious. He knew the designs of infatuated and reckless leaders—whether they marshalled the sentiment of a vast section of the country under the banner of irrepressible conflict or inculcated another section with the doctrine of national disruption as a means of avoidance and desirable consummation. He held sympathy with neither, but the chief themes of Senatorial discussions were big with the problem. Notwithstanding these, however, there were other matters of great importance which received his attention. He opposed the Pacific Railroad measure on the ancient principles of the Democratic faith, which denied the power of the Government to construct directly or otherwise works of internal improvement, or by aid or subsidies of moneys or lands to ally itself with companies for that object. Not doubting the utility of such a work for purposes of military transportation, on which it was defended, he yet saw vast areas of the public lands about to pass into the grasp of soulless corporations, and engendering of corrupt combinations as a consequence. He was instinctively jealous of these powerful organizations. The infamous history of the Credit Mobilier, fresh in memory, and the conscienceless lobby which hovers now at Washington as another branch of Congress attests his foresight; and all the accruing advantages of the work are questionable compensation for such a train of evils.

The dissensions in the Democratic party regarding the status of slavery in the Territories, which caused the adjournment of the Charleston convention without a nominee, was deeply deplored by Mr. Johnson. In the light of the history of the times, perhaps the result to which it contributed—the election of a sectional President—could not have been averted; though, with a united front of the party North and South a contrary result was possible. During the session of that convention he had been honored with the unanimous vote of his State on repeated ballotings as its Presidential choice, and had there prevailed greater unanimity as to the question at issue it is not improbable that the conservatism of his locality and the inherent constituents of his popularity would have made him the candidate of the convention. The division occurred, and he espoused the cause of that one of the Democratic candidates having the greater following in the Southern States. Over this step he hesitated, and numbers of his friends watched his course with anxiety. In the crisis then imminent his antecedent views warranted the opinion that he would not follow into extreme measures, and to your speaker he firmly said that in the last event he should be for the Government, the Union, and the Constitution. His motive at this time may be assumed to have been the hope that in an alliance with that section of his party from which he apprehended extreme action he could exert a more potent influence to restrain it. The event came, and Congress assembled amid unparalleled excitement. Already the Federal Union was dissolving. Within a fortnight he delivered in the Senate a speech directed against the doctrines and policy of secession and in behalf of the integrity of the Federal Government. It was the ablest effort of his life. Other great speeches, ancient and modern, have displayed more amplitude of learning and rhetorical excellence, but for incisive power and electric boldness—the scence and the theme conspiring for effect—this is unsurpassed. Benton spoke satire of Webster's reply to Hayne thirty years before, when the Union was intact and the danger imaginary, but the most violent antagonist was awed into respect by the thunder of this eloquence when the storm actually burst. All through those three eventful months preceding Mr. Lincoln's inauguration he labored by private appeal and effort to retain a full southern representation in the Senate, arguing that its majority could withstand whatever aggressions the Executive might make and yet save the Republic from detriment, and, on the 6th of February, 1861, when curses from those whom he had long served were hurtling about his head, he made another speech of great force, in which he proclaimed his unalterable determination to cling to the Union, let who would desert.

Upon the adjournment of Congress Mr. Johnson returned to Tennessee, which yet formally adhered to the Federal Government, but under the fall of Sumter the land heaved as with an earthquake. After a futile effort to stay her act of separation, he was compelled to leave the State, not to return until he came as military governor, in March, 1862. At the extra session of Congress, called for July 4, 1861, he advocated the war measures, but, concurrently with the venerable Crittenden in the House of Representatives, he presented resolutions declaring that the war was not waged for conquest and subjugation, nor to destroy existing institutions, but to restore the authority of the Government. The position of military governor was as anomalous and distasteful to him as it was irritating and vexatious to the people, and was assumed at the sacrifice of the better feelings of his nature, and with the hope that its functions might abbreviate and ameliorate the condition of the State to which he owed so much. The prolongation of the struggle dispelled this hope, and much of the exasperation that occurred should be mainly ascribed to the excitement and mutual passion that prevailed. The firmness and vigor of his administration, however, was a powerful adjunct to military operations.

In 1864, at the second candidacy of Mr. Lincoln, Mr. Johnson was named for Vice-President, was elected in connection to that office. The proclamation emancipating the slaves had been issued as a war measure, and the continuance of the contest, then at its fiercest, had virtually effectuated it. For the success of the Federal arms this was the gloomiest period of the struggle, and in the North a large and growing party were clamorous for peace. The Administration feared the political result to be doubtful, and to secure the warm support of the portion of the Democratic party supporting the Government, abandoned the distinctive name of Republican, and nominated Messrs. Lincoln and Johnson as the Union National candidates. As such, and such only, the latter accepted, as the language of his letter to the committee accepting the nomination clearly sets forth. The fact that he was a Democrat, lending his great influence to the Government in its dire strait, was the motive for his selection; and never did he, in faith or in form, detach himself from the Democratic standard. This is a historical fact, elucidating subsequent history, and vindicating him from the charge that he deserted the party which elevated him to the Presidency. Within a few weeks after his accession to the second office in the Government, the armed resistance to its authority surrendered, and almost simultaneously came the tragic death of Mr. Lincoln, and he ascended to the Chief Magistracy. As he took the oath prescribed, the nation already quivering with excitement at the march of events, was dumb with horror at the appalling crime, and never did ruler assumed the reins of power under responsibility more delicate and tremendous. This era, and the conduct of Mr. Johnson as President, will engage the profound attention of him who shall write its truthful history, as philosophy teaching by example. The throes of a four years' civil war, waged with gigantic numbers and fury, had disjointed the constitutional fabric of authority and demoralized alike the victors and the vanquished. Sobriety and reason had deserted, and, as if to crown the catastrophe, an act fitter for the age of the Borgias than the century which saw it had come to horrify and madden. Here was all of opportunity for guilty ambition, invested with power, to engulf the remnant of liberty in the vortex of anarchy, and to emerge itself a despot. In the escape from this danger two causes of rescue may be considered. One will be found in the character of the American people impressed by their institutions. Though liable, as others, to become the temporary sport of passion, the individual sense of responsibility, acquired from habitual participation in the affairs of Government, tends to restore them to soberness and the recovery of their equilibrium. This was then exhibited. The other, and not the least, was

in the personality of the President. In that dread time no Cromwellian dreams disturbed his sedate and majestic patriotism. No thought of self-aggrandizement to the injury of his country warped his judgment or betrayed his integrity. To calm the tumult, to reassure confidence, to restablish, in form and in spirit, the free institutions he so much admired, this was his ideal of duty and vision of glory; and to these tasks he addressed himself with wisdom and courage possessed by few in circumstances so perplexing. He invited a continuance in service of the Cabinet of his predecessor, and as the sequel proved, judiciously decided not to convene Congress in extraordinary session. In vindication of justice he promptly brought to trial and execution the conspirators in Mr. Lincoln's murder, for one feature of which he has received much sentimental reproach; but, in this respect, the careful student of that exacting period will fully exonerate him. In a brief time the mass of the Federal Army was disbanded, and in a few months all military trade restrictions with the region lately at strife with the Government were removed, and a general amnesty, with certain reservations, was proclaimed. Simultaneously the work of establishing provisional civil governments in the lately insurgent States, with a view of restoring their autonomy and just relations to the United States Government, was commenced, and with due expedition was completed.

In justification of these legitimate Executive proceedings, just prior to the assembling of Congress he dispatched the General of the Army on an official tour for the purpose of observing the temper of the people in those States and reporting the result of this reorganization on the condition of affairs. This report was submitted to Congress shortly after the delivery of his first message to that body, and its facts sustained the policy adopted. That paper was an elaborate review of the manifold important events of the nine preceding months, a lucid disquisition upon the theory of the Government, and an able exposition of the principles and measures he had pursued. It is replete with statesmanship, and the archives contain no document more noble and patriotic. The fears of his imperious temper, fretted by the persecution he had undergone, was not realized. Elevation had but steadied his faculties, and the leniency and magnanimity expected of the amiable Lincoln, blended with a just security for Federal interests and restoration of the organic rights of States which had revolted, were the essential characteristics of his policy. But with the Congress then met and the one succeeding—which find a fit parallel in the worst features with the long Parliament of England—this wise and correct statesmanship met stern and factious resistance. The message was referred to an extraordinary committee of fifteen, whose perverse counsels dictated a vindictive and vituperative hostility to the President, arrested the peaceful work of reorganization, and, under the name of reconstruction, inspired the dominant majority of Congress to a series of measures whose baneful effects have yet scarcely ceased. Mr. Johnson was charged with the betrayal of the Republican party and of the Republic as well—terms synonymous in the vocabulary of this truculent majority. He had done neither. To the former he had not professed allegiance, either in act or utterance; of the latter, his faithful friendship was almost the sole buttress of protection. This led to a long and acrimonious contest between the President and Congress, to which his previous struggles were puny in comparison. He was deeply indignant, and to a large assemblage before the Executive Mansion he made a counter denunciation. Against the unconstitutional, reckless schemes of that body the heroic element of his character was arrayed, and the rock of Gibraltar was not more sure and firm set than this man. The veto power he had formerly defended, claiming its derivation from a tribunal negative of the people when Rome was a republic, he now wielded in the name of the people and in defense of their constitutional liberties. It was stricken down successively in the instances of the civil rights bill, the freedmen's bureau bill, the bill to enforce enfranchisement of colored men by the States, the bill subordinating States to military district government, and the tenure-of-office bill. He sustained his action in a series of messages which illuminated the subjects of which they treat, at once cogent and conclusive to reason, but not to sheer force of majorities determined to defy it. Still he did not yield, and upon the basis of opinions from his Attorney-General sought to mitigate the mischiefs of the military satrapies set up in the Southern States and to remove from the Cabinet a contumacious member. Infuriated now at his intrepid firmness, the Congressional oligarchy resolved to impeach him on charges dignified as high crimes and misdemeanors, and the nation witnessed the spectacle of its President standing at the bar of the Senate, baited by the minions of a malignant partisanship, and defending his own integrity and that of his great office against the encroachments of faction. No trial in history exceeded this in interest, and had the result been different none ever carried consequences of more pernicious import. For the illustrious accused the ordeal was terrific, but his equanimity was unmoved. Had he been guilty his placid courage would have redeemed his fame. But even in a prejudiced tribunal the convicting majority could not be obtained, and he emerged triumphantly—the sober sentiment of the country condemning his accusers. The period of his Presidency was tempestuous, but it was illustrated with patriotic wisdom, with brilliant administrative vigor, and with honesty. Though encountering more formidable obstacles than any predecessor, he laid down his great trust unimpaired, and his niche in the temple of fame is assured.

On the 4th of March, 1869, he departed from the Capitol for his home in Tennessee, journeying amid ovations of popular approval. At large meetings held at prominent points in the State he testified of his stewardship. He was then just turned of three score years, but his exciting labors had not dimmed his eye nor unnerved his strength, nor was his strong nature satisfied with the score he had left with his fierce antagonists still on the scene of action. He desired to reenter the Senate, to oppose on that field the hurtful measures he had so stoutly fought in one still higher. But other counsels prevailed, and he was not gratified. The mists of prejudice yet lingered in the atmosphere. A few years later he sought entrance to the popular branch of Congress as Representative from the State at large, but under circumstances which again defeated him.

His unyielding spirit never flagged, however, and he finally won the most sincere gratification that his ambition could enjoy. He felt his election to the Senate to be a reversal of any sentence that his loved State had ever passed against him, and it was a proud day when, amid the acclamations of the thronged galleries, he stepped on that floor with her seal in his hand. Nor did the memories of that Chamber—once his court of judgment—render less sweet the sense of his just triumph. The Senate was convened for the special consideration of the vexed question of Louisiana affairs—a condition induced by the legislation he had so sternly combatted. It had then its worst phase—anarchy produced by the lawless domination of its legislature by the Federal military. Against this he spoke with his characteristic power. It was his only and last effort, for, though no sign was given, his fate was impending. In the summer of 1875 he was engaged at his home in the arrangement of his voluminous papers, and there received an earnest invitation to enter the pending political campaign in Ohio, which was of national importance. This was accepted, but during the work of preparation the last message came. Death found him preparing for another battle. It was not to be, and after an illness of a few hours he expired in the presence of his family in the sixty-seventh year of his age. As the announcement flashed over the land, carrying regret to minds considerate of the unsettled political condition, it carried also the thought: He "should have died hereafter."

Mr. Johnson was not the creature of circumstances, otherwise this scene to-day had not been. He carved his own career, mainly without adventitious favor. Perhaps some elements in his own character caused the struggle of his life to be the more severe. A degree of reserve, tinged with distrust, made him less the object of warm esteem and attachment than that of confidence and admiration inspired by the intrinsic elevation of his nature. He was endowed with capacious and resolute faculties which brooked no obstacle and made him superior to cliques and conventions. His only external aid was the liberal institutions of government under which he lived, and of these he felt himself to be a foster son, and for them he cherished an affection which would have made his life, if needed, a sacrifice. A representative democracy offered a theater, and by his own exertions he reared the intellectual and moral structure which his countrymen are proud to honor. There is no frivolous or fictitious component in the character he has left; it is the product of earnest, faithful work, due to laudable aspiration and devoted to the service of his country and his fellow-men.

His personal appearance was familiar here. Of medium height, his figure was compactly shaped, indicating sinewy strength and power of endurence. His step was elastic and his carriage erect. In complexion he was slightly swarthy; his hair in early manhood was quite dark and luxuriant, becoming thinned and silvered in his latter years. His chest was broad and deep, his neck stout but shapely, surmounted by a large and well-formed head. His countenance, with its deep-set, piercing eyes, was one to arrest attention. "On his front deliberation sat, and public care," with an expression habitually anxious, shaded with sadness. Smiles were not frequent with him, but when so moved they were sincere and hearty. His general manner was grave, rather than austere, but quickly showed his feelings—the sterner as well as the gentler. Trained in no school of deportment, he had yet an innate dignity, and while in the Presidential chair the scepter of authority seemed native to his hand. His mind was analytical and logical in cast, the reasoning faculties being predominant. He sought for facts and first principles, and applied them acutely and profoundly. His imagination did not furnish him with figures of fancy, but his fervid nature furnished him with apt resources of illustration and well-chosen language. His power was in clearness of statement and simplicity of argument that the people could follow, and a vehement earnestness which convinced them of his sincerity. In his conflict in debate a personal tone was often observed which was not intended, the result rather of his intense feeling upon the principle or doctrine at issue. Though often in collision, bitterness did not abide with him except to those who had been treacherous or vindictive. Most severely tested from the lowest to the highest point of his fortunes, his decision and force of will was simply grand. Though open to counsel, he formed his own judgment, and his conclusion was immovable. Opposition but fixed it the more firmly, and men called him obstinate, but he stood upon his rendered reasons. He was thoroughly honest in his convictions, and in their defense no danger appalled him. He would have adhered to them at the martyr's stake. His honesty, in the broad sense, was an emphatic trait. That which he believed became a part of him, and he was incorruptible by bribe, either to his purse or his ambition. His official standard of uprightness was lofty, and in an era of corruption he was without blemish. His moral courage in the performance of public duty towered to the sublime, and in this respect their characters are as little different as are the spelling of their names—Andrew Johnson and Andrew Jackson. His tastes were simple and frugal, and the blandishments of station did not debauch them. A modest home in this unpretending town, and the company of his neighbors, sufficed for him who had moved among the more than equal of the great and titled. He did not affect piety and was not communicative of whatever religious views he entertained. So thoughtful as he was, it is probable that he held some, but he kept that account with his Maker alone.

He was not without faults, but they were such as are common to the best of men; and not without errors, but the balance of his qualities, great and small, and of his acts, public and private, is more largely in his favor than that of most men. His political principles were pronounced and steadfast. He was a Jeffersonian Democrat of the intenser type, and believed firmly in the capacity of the people, in their honesty of purpose, and in their fidelity to good government and social order. Though to no man has the term been more offensively applied, he was not a demagogue, and no taint of agrarianism defiled his thoughts. He opposed universal suffrage as alike inexpedient and unconstitutional in the manner it was proposed. He did not mislead his people. He communed with them frankly, for he did not forget that he was one of them, and had been of the humblest. Occasion came when he differed with the people, and he maintained his opinions with fearless candor. He was devoted to the Constitution of the United States as the chart of the wisest and the freest government ever devised by man. He interpreted it by the letter, and insisted that its powers should not be enlarged by too liberal construction. He regarded it as the palladium of popular government and regulated liberty. He jealously guarded the reserved rights of the States, but held that the union of these States, formed under the Constitution, was essential to their preservation. When it was imperiled, he stood forth its mighty champion. Of that struggle others may wear the military laurels, but to him belongs the civic wreath; and in the catalogue of its history, the impartial verdict of aftertimes will award him the first place for unselfish patriotism and unequaled powers.

The designs and inscriptions on that chaste marble—the eagle, the flag, the scroll, and the simple line, "His faith in the people never wavered"—typify the character it commemorates. Here on this romantic spot, chosen by himself, that shaft will stand, attracting the gaze of those who pass on that great highway yonder leading to the North and to the South, and to the East and to the West. It will become a pilgrim shrine to which generations yet unborn shall journey to pay homage to the memory of one whose name will grow more lustrous as time shall lapse. And these majestic mountains, which will not survive his fame, looking down, shall sentinel the sepulchre of this statesman, patriot, and friend of the people—the defender of the Constitution and the Union.

LETTERS FROM DISTINGUISHED PUBLIC MEN.

Among the letters received by the family from distinguished public men in other States were the following:

[From Governor Robinson, of New York.]

EXECUTIVE CHAMBER,
Albany, May 31, 1878.

Mrs. PATTERSON.

MADAM: I have received your kind invitation to be present at the unveiling of the monument erected to the memory of our late President, Andrew Johnson, on June 5. Remembering the ability, integrity, and patriotism of the distinguished statesman in whose honor this ceremony will be held, it is with deep regret that I find myself unable to participate in it. Public engagements of the highest importance will detain me at Albany constantly for many days to come, and I am therefore forbidden from assisting to pay a deserved tribute to the memory of one who has done so much for and deserves so much of his State and nation.

I am, madam, with great respect,

L. ROBINSON.

[From Governor S. J. Tilden, of New York.]

15 GRAMERCY PARK, NEW YORK,
June 1, 1878.

GENTLEMEN: I have received your invitation to be present at the unveiling of the monument to ex-President Andrew Johnson, at Greeneville, Tenn., on the 5th inst.

It would give me great pleasure to be present on that occasion if it were practicable, but engagements here preclude the possibility.

I appreciate highly the character of Andrew Johnson; his devotion to constitutional principles as they were practiced by Jefferson and by Jackson, and I sympathize with the homage which his fellow-citizens propose to pay to his memory.

Very truly, yours, SAMUEL J. TILDEN.

To the committee at the unveiling of the Johnson monument.

[From ex-Senator Vickers, of Maryland.]

CHESTERTOWN, MD., *May 29, 1878.*

An invitation was received to-day to attend the appropriate services accompanying the unveiling of the monument erected to the memory of a great man and a true patriot. He was faithful to all his trusts, honest, and fearless.

The votes I gave to sustain him as Chief Magistrate I recur to with much satisfaction—they were conscientiously given, and I rejoiced in his triumph. I hope the Union he served to sustain will continue to exist as long as the beautiful monument erected to Andrew Johnson, ex-President of the United States, shall resist the encroachments of time.

My best wishes are extended to his family, and I regret that circumstances will debar me the pleasure of witnessing and participating in the interesting and beautiful services of the occasion.

With great respect, I am, sincerely, yours,

GEORGE VICKERS.

To the family of the late President Andrew Johnson.

[From Hon. D. S. Gooding, of Indiana.]

GREENFIELD, IND., *June 1, 1878.*

Mrs. PATTERSON:

Some time since I saw in a newspaper a statement that a monument will be erected to your father, ex-Presfdent Andrew Johnson, on the 5th of June. I had hoped that my business affairs would be in condition to permit my presence on that occasion, but I now find that it will be out of my power to be there. I very much desired to contribute at least my presence, expressive of the high esteem in which I hold the memory of ex-President Andrew Johnson as an honest and patriotic man of great ability, and a true friend. Not knowing the post-office address at this time of any of your father's family, I shall address this letter to you at Greeneville, Tenn., and assuring you and all the family of my deceased friend, including your husband, of my highest regard and pleasant remembrance of former kindness, I shall always take great pleasure in testifying to my knowledge of the many good qualities of your great father, now deceased, whose name will be more and more honored as time passes and history is just. Please say as much to all the family now surviving.

I am, yours, etc., DAVID S. GOODING.

[From ex-Senator Joseph S. Fowler.]

WASHINGTON, D. C., *June 3, 1878.*

Hon. D. T. PATTERSON.

DEAR SIR: I desire through you to thank all those who did me the honor to send me an invitation to attend the ceremonies of unveiling the monument erected to the memory of Andrew Johnson. It is a source of unfeigned regret that I am unable to attend. I sincerely hope that the occasion will call forth a pronounced expression in approbation of the services of one of the most illustrious citizens of the Republic.

The State of Tennessee is rich in distinguished service and illustrious memories which must never be neglected or forgotten. Every ceremony which repeats their virtues and devotion will recall the present generation to the contemplation of heroic patriotism and incorruptible integrity.

Before the brave and adventurous pioneers had expelled from her borders the stealthy and deadly tread of the savage, they were recalled to participate in the struggles of the Revolution. From that period to this her sons have freely poured out their blood in the defense of the Republic. Her wisdom, foresight, and patriotic devotion have been called into the councils of the nation and have taken the front rank. In every contest but one they have stood by the Republic. On this occasion she reluctantly threw her power against the nation. Under the guidance of Andrew Johnson she was the first to resume her place in the home of her fathers. It was from the inception to the close of this fearful struggle that this eminent citizen played the most conspicuous part and had the most marked influence upon the cause of national restoration and regeneration.

It will not be out of place to recall some of his cardinal principles in this period of national decadence. Among the most cherished were the inviolability of the popular will as expressed by the ballot; the prosperity of the people is the measure of national wealth, and not the treasury swelled by taxation; never distrust the good faith of the people; nothing is settled that is wrong; the people are capable of self-government, and will at last correct every political error; the sanctity and dignity of labor is above all other social and political interests.

Though this man's life was one continued storm and struggle against opposition, calumny, and envy, he lived to see the angry waves subside and the tempestuous ocean calm as the slumbering infant. He had witnessed the achievement of his cherished wishes. He had first spoken for the nation and opposed war. His counsels were unheard, and after an ocean of blood had been shed he conducted the revolted States back to their places in the Republic. He had returned to Tennessee, and by his generous magnanimity conquered his place in the affections of his fellow-citizens. He had been welcomed back to the Senate by the American people—to the spot of his proudest triumphs and bitterest agonies. He returned to his mountain home and died in the midst of the fortunate consummation of his long, anxious struggles. Happily he did not live to see the will of the people defeated by fraud and the National Executive chosen by an unauthorized commission against the solemn expression of the people at the ballot.

He entered public life when political antagonisms had centered in political chiefs. The contest was fierce and personal, though involving only questions of a transient character. Gradually the conflict widened and deepened into one of civilizations emanating from sections formed on geographical lines. In his course he had been a diligent student of the Constitution, and his intense admiration of that expression of civil government grew into an enthusiastic reverence. To this chart he turned with pious veneration through all the angry and exasperating contests that were rapidly generating the fearful conflict of arms. Amidst all the long and dreary agony that followed he turned devoutly to the fountain of his faith and hope for guidance. When the hour of reconciliation had arrived, when the cry of an exhausted people for peace was uttered to the heavens, he again turned to the ever-living fountain of light for the principles which should direct his steps to restoring the shattered and disordered Republic. The events that have followed reconstruction have attested his wisdom and foresight, and have claimed for him new titles to the reverence of the American people. I shall not now, over his ashes, enter into any comparisons. They force themselves unwillingly upon the public mind, and have silenced every murmur against his patriotic and upright administration of the Government. It has been a source of wonder to see how rapidly the waves of partisan resentment have subsided into tranquil approval. Every year attests the value of his jealous regard for the provisions of the Federal Constitution and his disposition to win the confidence of the prostrate section of his country.

Throughout his political life he was no friend of the sword. He used it only in extreme emergencies and renounced it upon the first gleam of peace. He relied upon generous and impartial justice, upon the influence of an exalted charity and the magnetic power of a noble and patriotic love to cement again the bonds of union and give assurance that the Republic was again the home of all her children.

I will not longer detain you on his merits. They will, from that beautiful mount in which his ashes repose, be portrayed by a life-long friend and companion who was endeared to him by all the ties of a common faith, personal friendship, disinterested and patriotic services, and common struggles for what they righteously believed vital to the interests of the nation and her people. I am happy to know that one who will do justice to his motives and his actions has been chosen for the service. I feel profoundly grateful that "heaven has bountifully lengthened his days" for this pious service. Again, by a faithful and sincere heart will the blessings and dangers of free institutions be pressed home upon the public conscience.

With the warmest assurance of regard and esteem,

I am, as ever, your friend, Jos. S. FOWLER.

HARIET P. SANDERS.

The SPEAKER also laid before the House the bill (H. R. 9813) granting a pension to Hariet P. Sanders, with a Senate amendment thereto.

The Senate amendment was read.

Mr. CHANEY. Mr. Speaker, I move to nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. SAMUEL W. SMITH, Mr. FULLER, and Mr. KELIHER.

ELIZA SWORDS.

The SPEAKER also laid before the House the bill (H. R. 1160) granting an increase of pension to Eliza Swords, with a Senate amendment thereto.

The Senate amendment was read.

Mr. CHANEY. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CALDERHEAD, Mr. CHANEY, and Mr. DIXON of Indiana.

NATIONAL SOCIETY SONS OF THE AMERICAN REVOLUTION.

The SPEAKER also laid before the House the bill (H. R. 15332) to incorporate the National Society of the Sons of the American Revolution, with a Senate amendment thereto.

The Senate amendment was read.

Mr. OLCOTT. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

CANON CITY, COLO.

The SPEAKER also laid before the House the bill (H. R. 4546) ceding to the city of Canon City, Colo., certain lands for park purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. BROOKS of Colorado. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

PUGET SOUND AND LAKE WASHINGTON CANAL.

The SPEAKER also laid before the House the bill (S. 6329) authorizing James A. Moore or his assigns to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington, being substantially the same as a House bill on the Calendar.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to, and it shall be lawful for James A. Moore or his assigns to construct a ship canal with a suitable timber lock along the Government right of way connecting the waters of Puget Sound, in the State of Washington, with Lake Washington, subject always to the provisions and requirements of this act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States, subject to every right and power of the United States: *Provided*, That such canal and lock shall not be built or commenced until after the plans and specifications for their construction, together with such drawings of the proposed construction and such maps of the proposed locations as may be required for a full understanding of the subject, have been submitted to the Secretary of War for his approval and until after he shall have approved such plans and specifications and the location of such lock and any accessory works, and such works shall at all times be subject to the inspection and supervision of the Secretary of War; and when the plans for any lock and canal for construction under the provisions of this act have been approved by the Secretary of War it shall not be lawful to deviate from such plans, either before or after the completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary of War: *And provided*, That the said James A. Moore or his assigns shall be liable for any damage that may be inflicted by the construction of said lock and canal by overflow, by a lowering of the waters affected, or otherwise, in a court of competent jurisdiction: *And provided further*, That said canal and lock, when completed, shall be turned over to the United States ready for use and free of all expense to the United States, and thenceforth shall be and remain the sole and exclusive property of the United States.

SEC. 2. That this act shall be null and void unless the canal and lock herein authorized shall be commenced within one year and completed within three years from the date of the approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. JONES of Washington. Mr. Speaker, I move that the Senate bill be put upon its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the similar House bill was ordered to lie on the table.

TO PROHIBIT ALIENS FISHING IN THE WATERS OF ALASKA.

Mr. POWERS. Mr. Speaker, I desire to present a conference report on the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, for the purpose of being printed under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

CHARLES C. JACOBS.

Mr. MANN. Mr. Speaker, I present the following privileged report from the Committee on Elections No. 1.

The Clerk read as follows:

Resolved, That Charles C. Jacobs was not elected a Member of the Fifty-ninth Congress from the Seventh Congressional district of South Carolina, and is not entitled to a seat therein.

The resolution was agreed to.

Mr. MANN. I now yield to the gentleman from Maine [Mr. POWERS].

ISAAC MYERS.

Mr. POWERS. Mr. Speaker, I present the following privileged report from Committee on Elections No. 1.

The Clerk read as follows:

Resolved, That Isaac Myers was not elected a Member of the Fifty-ninth Congress from the Second Congressional district of South Carolina, and is not entitled to a seat therein.

The resolution was considered and agreed to.

Mr. MANN. Mr. Speaker, I now yield to the gentleman from Michigan [Mr. YOUNG].

AARON P. PRIOLEAU.

Mr. YOUNG. Mr. Speaker, I present the following privileged report from the Committee on Elections No. 1.

The Clerk read as follows:

Resolved, That Aaron P. Prioleau was not elected a Member of the Fifty-ninth Congress from the First Congressional district of South Carolina, and is not entitled to a seat therein.

The resolution was considered and agreed to.

On motion of Mr. MANN, a motion to reconsider the several votes by which the resolutions were agreed to was laid on the table.

The SPEAKER laid before the House the bill (S. 6288) to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes, a similar bill being on the House Calendar.

The Clerk read as follows:

Be it enacted, etc., That the counties of Uvalde, Zavalla, Maverick, Kinney, Valverde, Terrell, and Pecos shall constitute a division of the western judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said western district of Texas shall be held twice in each year at the city of Del Rio, in Valverde County, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said courts shall be held at Del Rio, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Uvalde, Zavalla, Maverick, Kinney, Valverde, Terrell, and Pecos, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Del Rio, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Del Rio: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at said city of Del Rio, which shall be kept open at all times for the transaction of the business of the said division.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. GARNER, a motion to reconsider the last vote was laid on the table.

A similar bill (H. R. 19516) was laid on the table.

THE IMMIGRATION BILL.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to recommit to the Committee on Immigration the bill S. 4403, to amend an act entitled "An act to regulate immigration of aliens into the United States."

Mr. FINLEY. I would like to ask the gentleman what the purpose of this is?

Mr. GARDNER of Massachusetts. Simply this: The committee has adopted a large number of amendments already and probably will adopt more at the meeting to-morrow. Now, if this bill comes before the House in its present form it will be exceedingly difficult for Members to follow it on account of the large number of committee amendments. In connection with the report I prepared when I submitted this report of S. 4403 I had a comparative statement of the changes that it would make in the existing law, and I want to get out a new report.

Mr. FINLEY. Would not a reprint of the bill answer every purpose without recommitting it?

Mr. GARDNER of Massachusetts. I think not, for the reason that we have adopted twenty or more amendments.

Mr. FINLEY. Would not a reprint of the bill with the amendments inserted be sufficient?

Mr. GARDNER of Massachusetts. No; we can not reprint a bill which is separate from a report because the bill is not before the committee. All we could do would be to offer the amendments on the floor of the House, in which case it would be very difficult to follow it.

Mr. FINLEY. Is the gentleman assured that the bill will be promptly reported back to the House?

Mr. GARDNER of Massachusetts. I am assured that I will make every effort to have it reported back at once, and I have almost the unanimous support of the members of the committee, with the possible exception of one, and I think every member on the gentleman's side.

Mr. FINLEY. How soon could the bill be reported back?

Mr. GARDNER of Massachusetts. Just as soon as we can pass upon the amendments and get them in shape. They are all in my pocket now, and we have a meeting to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RELEASING TITLE TO CUARTEL LOT, MONTEREY, CAL.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 16946) releasing the right, title, and interest of the United States to the piece or parcel of land known as the "Cuartel lot," to the city of Monterey, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in the piece or parcel of land known as the Cuartel lot, situated in the city of Monterey, State of California, is hereby released to the said city of Monterey as the successor in interest of the old pueblo of Monterey. That the city of Monterey, Cal., is hereby designated as the trustee of the original grant made by the Mexican Government of pueblo lands to the pueblo of Monterey, as the successor of said pueblo, to hold the same in trust for the uses and purposes of the original grant, and confirmation is hereby made to said city of said land as patented November 19, 1891.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman how much land there is in this lot.

Mr. NEEDHAM. About an acre.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. NEEDHAM, a motion to reconsider the last vote was laid on the table.

EXTENSION OF REMARKS.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent that Members may have five days' time within which to print or extend remarks in the RECORD upon the subject of the naturalization bill, and also unanimous consent for the printing of 1,000 extra copies of the bill as it passed the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DAM ACROSS THE RIVER AT CLEARWATER, WRIGHT COUNTY, MINN.

Mr. BUCKMAN. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 17455) permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to The Mississippi River Power Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, to build a dam across the Mississippi River above the mouth of Clearwater River, at or near the village of Clearwater, Wright County, Minn., for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That The Mississippi River Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by The Mississippi River Power Company, its successors or assigns.

SEC. 2. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota and in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same.

SEC. 3. That this act shall be null and void unless the dam herein authorized be commenced within three years and completed within six years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

On page 2, in line 25, strike out the words "United States Fish Commissioner" and insert in lieu thereof "Secretary of Commerce and Labor."

On page 3, line 13, strike out the words "three years" and insert "one year;" and on the same page, in line 14, strike out the word "six" and insert "three."

The SPEAKER. Is there objection?

Mr. BURTON of Ohio. Mr. Speaker, reserving the right to object, I would like to ask about this bill. How far is it from the navigable portion of the Mississippi River?

Mr. BUCKMAN. It is about 50 miles above Minneapolis, and above where we have already given permission for two dams.

Mr. BURTON of Ohio. There are dams above and below the proposed dam, are there not?

Mr. BUCKMAN. Yes, sir.

Mr. BURTON of Ohio. Dams have been established for some years, some of them?

Mr. BUCKMAN. Yes, sir.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BUCKMAN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS CHATTAHOOCHEE RIVER, GEORGIA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19815) to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Georgia, Florida and Alabama Railway Company, a corporation organized under the laws of the States of Georgia and Florida, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Chattahoochee River at a point between Columbus, Ga., and Franklin, Ga., in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time; was accordingly read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

THREE BRIDGES ACROSS THE CHATTAHOOCHEE RIVER, ALABAMA AND GEORGIA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19816) to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Georgia, Florida and Alabama Railway Company, a corporation organized under the laws of the States of Florida and Georgia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate three railroad bridges and approaches thereto across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table.

DAM ACROSS MISSISSIPPI RIVER, IN WRIGHT COUNTY, MINN.

Mr. BUCKMAN. Mr. Speaker, I ask unanimous consent to call up the bill (S. 5357) permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Mississippi River Power Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, to build a dam across the Mississippi River between the township of Monticello, in Wright County, Minn., and the township of Becker, in Sherburne County, Minn., and above the village of Monticello, in said Wright County, for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the Mississippi River Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance, and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by the Mississippi River Power Company, its successors or assigns.

SEC. 2. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota and in the courts of the United States: *Provided*, That nothing in this act shall be so con-

strued as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said structures from the operation of same.

SEC. 3. That this act shall be null and void unless the dam herein authorized be commenced within three years and be completed within six years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

On page 3, in line 15, strike out the words "three years" and insert "one year;" and on the same page, in line 16, strike out the word "six" and insert the word "three."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

DAM ACROSS CROW WING RIVER BETWEEN MORRISON AND CASS COUNTIES, MINN.

Mr. BUCKMAN. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 17881) permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Judd Wright, his heirs or assigns, to construct and maintain across the Crow Wing River a dam, canal, and works necessary incident thereto, for water power and supply purposes, at any point at or near the junction of the Gull River with the Crow Wing River, on section 30, township 133 north, range 29 west, fifth meridian, between the counties of Morrison and Cass, in the State of Minnesota: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction of the same: *And provided further*, That the said Judd Wright, his heirs or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation; and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interests of navigation.

SEC. 2. That suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by the said Judd Wright, his heirs or assigns.

SEC. 3. That in case any litigation arises from the building of said dam or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Minnesota or in the courts of the United States.

SEC. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved, and the same shall become null and void unless the construction of the dam hereby authorized is commenced within two years after the passage of this act and completed within five years thereafter.

The committee amendments were read, as follows:

On page 2, in line 25, strike out the words "United States Fish Commissioner" and insert "Secretary of Commerce and Labor."

On page 3, in line 7, after the words "United States," insert "*Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same."

On page 3, in line 11, strike out the words "two years" and insert "one year;" and on the same page, in line 12, strike out the word "five" and insert the word "three."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PRESERVATION OF AMERICAN ANTIQUITIES.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4698.

The Clerk read as follows:

A bill (S. 4698) for the preservation of American antiquities.

Be it enacted, etc., That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

SEC. 3. That permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

SEC. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman whether this applies to all the public lands or only certain reservations made in the bill?

Mr. LACEY. There is no reservation made in the bill of any specific spot.

Mr. STEPHENS of Texas. I think the bill would be preferable if it covered a particular spot and did cover the entire public domain.

Mr. LACEY. There has been an effort made to have national parks in some of these regions, but this will merely make small reservations where the objects are of sufficient interest to preserve them.

Mr. STEPHENS of Texas. Will that take this land off the market, or can they still be settled on as part of the public domain?

Mr. LACEY. It will take that portion of the reservation out of the market. It is meant to cover the cave dwellers and cliff dwellers.

Mr. STEPHENS of Texas. How much land will be taken off the market in the Western States by the passage of the bill?

Mr. LACEY. Not very much. The bill provides that it shall be the smallest area necesstry for the care and maintenance of the objects to be preserved.

Mr. STEPHENS of Texas. Would it be anything like the forest-reserve bill, by which seventy or eighty million acres of land in the United States have been tied up?

Mr. LACEY. Certainly not. The object is entirely different. It is to preserve these old objects of special interest and the Indian remains in the pueblos in the Southwest, whilst the other reserves the forests and the water courses.

Mr. STEPHENS of Texas. I will say that that bill was abused. I know of one place where in 5 miles square you could not get a cord of wood, and they call it a forest, and by such means they have locked up a very large area in this country.

Mr. LACEY. The next bill I desire to call up is a bill on which there is a conference report now on the Speaker's table, which permits the opening up of specified tracts of agricultural lands where they can be used, by which the very evil that my friend is protesting against can be remedied. It is House bill 17576, which has passed both bodies, and there is a conference report for concurrence as to one of the details upon the Speaker's table.

Mr. STEPHENS of Texas. I hope the gentleman will succeed in passing that bill, and this bill will not result in locking up other lands. I have no objection to its consideration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENTRY OF AGRICULTURAL LANDS WITHIN FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I call up the conference report on the bill H. R. 17567.

The SPEAKER. The gentleman from Iowa calls up the conference report, which the Clerk will read.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, having met, after full and free conference, have

agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment with an amendment as follows, so as to read, in lieu of the Senate amendment and in lieu of the words stricken out, "except the following counties in the State of California: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego;" and the House agree to the same.

JOHN F. LACEY,
S. C. SMITH,
JOHN L. BURNETT,
Managers on the part of the House.
THOS. H. CARTER,
FRANK P. FLINT,
FRED T. DUBOIS,
Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The bill as it passed the House applied to the forest reserves in all of the public-land States and Territories, with the exception of the State of California. As the bill passed the Senate the exception as to the State of California was stricken out.

As agreed upon by the conferees, the Senate amendment is so modified as to make the bill apply to the State of California, with the exception of the following counties: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

There are portions of forest reserves within the counties above named. This bill will therefore not apply to lands in so much of the reserves as are situated in said counties.

JOHN F. LACEY,
S. C. SMITH,
JOHN L. BURNETT,
Managers on the part of the House.
THOS. H. CARTER,
FRANK P. FLINT,
FRED T. DUBOIS,
Managers on the part of the Senate.

Mr. LACEY. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

TERM OF COURT OF THE NORTHERN DISTRICT OF CALIFORNIA.

Mr. GILLETT of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 19522.

The bill was read, as follows:

A bill (H. R. 19522) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.

Be it enacted, etc., That there shall be one term each of the United States district and circuit courts for the northern district of California held in the city of Eureka, Cal., in each year from and after the passage of this act, said term to begin on the third Monday in July and continue as long as the business may require: *Provided, however*, That Humboldt County, Cal., shall furnish a suitable place in which to hold said court, free of all charges and expenses, until such time as the United States shall make provisions for a place in which to hold the same.

SEC. 2. That the clerk of the district and circuit courts for the northern district of California and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GILLETT of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALLOWING SETTLERS TO BUY LOTS IN HEYBURN AND RUPERT, IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4862 as amended.

The bill was read, as follows:

An act (S. 4862) allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash.

Be it enacted, etc., That in the town sites of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town sites settlers have been allowed to establish themselves, and had actually established themselves prior to the approval of this act in permanent buildings and with substantial improvements, not easily moved, the said settlers shall be given the right to purchase the lots occupied by them at an appraised valuation for cash, such appraisement to be made under rules to be prescribed by the Secretary of the Interior. Reclamation funds may be used to defray the necessary expenses of appraisement and sale, and the proceeds of such sale shall be covered into the reclamation fund.

The amendments recommended by the committee were read, as follows:

Strike out the words "the approval of this act," in lines 6 and 7, and insert "March 5, 1906," in lieu thereof.

Strike out the words "and with substantial improvements" in lines 7 and 8.

Strike out the words "occupied by them" in line 9 and insert the words "so built upon" in lieu thereof.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING PREFERENCE TO ACTUAL SETTLERS ON CERTAIN LAND IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 16785.

The bill was read, as follows:

A bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.

Be it enacted, etc., That persons who are now in possession of land under a lease approved by the Secretary of the Interior on pasture reserve No. 3, open for settlement by act of Congress of ——— (H. R. 431), the same being situate in township 1 north and 1 south, in range 8 west, Indian meridian, Territory of Oklahoma, be given a right to purchase said lands, as follows: That the land so leased shall be appraised by a commission of three persons to be appointed by the Secretary of the Interior, one upon the recommendation of the Kiowa and Comanche Indians through their agent, one by the lessee upon said pasture reserve No. 3, or a majority thereof; said commissioners to receive such compensation as the Secretary of the Interior may direct, the same to be paid from the funds received from the sale of said lands, and said appraisement when made to be approved by the Secretary of the Interior; said land to be appraised without regard to any improvements that have been placed thereon, and the said lessee to have the privilege to purchase at its appraised value the amount of land covered by his lease within sixty days after notice of said appraisement, one fifth of the price of the same to be paid at the time of notice of acceptance of said purchase and the balance of the purchase price to be paid in four equal annual installments, bearing interest at the rate of 6 per cent per annum; and in case any purchaser fails to make the annual payment when due all rights in and to the land covered by his or her purchase shall at once cease and be forfeited, and any payment theretofore made shall be forfeited. The funds received from said sales to be placed to the credit of the Indians the same as other funds provided for in said act of: *Provided*, That the Secretary shall appoint said commissioners within thirty days from the passage of this act, and said commissioners shall make said appraisement and file their report within thirty days from the date of their appointments.

The amendments recommended by the committee were read, as follows:

In line 3, page 1, strike out the words "a lease" and insert in lieu thereof the word "leases."

In line 7, page 2, strike out the word "lssee" and insert in lieu thereof the word "lessee."

Lines 12 and 13, page 1, strike out all of said lines after the word "agent," in line 12.

On page 2, line 6, after the word "thereon," insert the following: "except such as are required by the provisions of said leases."

On page 1, line 5, after the word "Congress," strike out the word "of" and insert in lieu thereof "in H. R. 17507;" and before said word "Congress" insert the word "this."

After the word "of," in line 19, page 2, insert the words "this session of Congress, in H. R. 17507."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

SPONGES.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2806) to regulate the landing, delivery, cure, and sale of sponges.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act it shall be unlawful to land, deliver, cure, or offer for sale at any port or place in the United States any sponges taken by means of diving or diving apparatus from the waters of the Gulf of Mexico or Straits of Florida: *Provided*, That sponges taken or gathered by such process between October 1 and May 1 of each year in a greater depth of water than 50 feet shall not be subject to the provisions of this act.

SEC. 2. That every person guilty of a violation of this act shall for each offense be liable to a fine of not less than $100 or more than $500, which fine shall be a lien against the vessel on which the offense was

committed. And every vessel used or employed in violation of this act shall be liable to a fine of not less than $100 or more than $500 or forfeiture, and shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

SEC. 3. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offense was committed.

SEC. 4. That it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act, and upon his request the Secretary of the Treasury and the Secretary of the Navy may employ the vessels of the Revenue-Cutter Service and of the Navy, respectively, to that end.

With the following amendments recommended by the Committee on the Merchant Marine and Fisheries:

On page 1, in line 3, after the word "after," strike out "the passage of this act" and insert "May 1, A. D. 1907."

On page 1, in line 11, after the word "act," insert "*And provided further*, That no sponge shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than 4 inches in diameter."

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

INSPECTION OF STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4299) to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That section 4421 of the Revised Statutes of the United States be, and it is hereby, amended by adding at the end thereof the following: "Upon such inspection and approval, the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection, as required by sections 4423, 4424, and 4426, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section 4498, and for the purposes of said section, until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate;" so that said section, when amended as above, shall read as follows:

"SEC. 4421. When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of inspectors signing it, before the chief officer of the customs of the district or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval. Upon such inspection and approval the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection as required by sections 4423, 4424, and 4426, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section 4498 and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate."

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the votes by which the two bills were passed was ordered to lie on the table.

BLOCK SIGNALS AND AUTOMATIC CONTROL OF RAILWAY TRAINS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 153, directing the Interstate Commerce Commission to investigate and report on block signals and appliances for the automatic control of railway trains.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the following joint resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed to investigate and report on the use of and necessity for block signals and appliances for the automatic control of railway trains in the United States. For this purpose the Commission is authorized to employ persons who are familiar with the subject, and may use such of its own employees as are necessary to make a thorough examination into the matter.

In transmitting its report to the Congress the Commission shall recommend such legislation as to the Commission seems advisable.

To carry out and give effect to the provisions of this resolution the Commission shall have power to issue subpœnas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State or Territory of the United States.

The SPEAKER. Is there objection?

There was no objection.

The following amendment, recommended by the Committee on Interstate and Foreign Commerce, was agreed to:

In line 5, page 1, strike out the word "signals" and insert in lieu thereof the words "signal system."

Mr. MANN. Mr. Speaker, this resolution directs the Interstate Commerce Commission to make an investigation of block signal systems, as well as appliances for the automatic control of railway trains. The object of the resolution is to gain experience and information both for the Congress and for progressive railway men. The block signal system is in use in many places and is fairly well known. But it is claimed that there are a number of automatic signal devices which are more nearly perfect as preventatives of accidents than the block signal. These automatic signal devices ought to be given an opportunity of fair trial under inspection of Government officials, who will report to Congress upon their merits unbiased by the wishes of the owners of the appliances who want them installed generally, or by the wishes of the railway officials who object to the expense of their installation.

The need of additional safeguards to prevent accidents on railways must be admitted when we consider the enormous loss of life and injury to persons, and especially to the railway employees, which the railways of our country cause each year. Railroading is nearly as hazardous in times of peace as being a soldier in time of war. Although Congress has provided for air brakes, automatic couplers, and various other safety appliances, the installation of which has been proceeding during the last few years, yet notwithstanding this the percentage of railroad employees injured to those employed has been steadily increasing.

We have recently passed an employers' liability act, so far as the railroads are concerned. This may have some tendency toward compelling railroads to be more careful in the selection of employees, and it is at least a recognition of common sense in dealing with the matter of injuries caused by railroad accidents.

Whether Congress shall require the use of one particular kind of signal or device or whether it shall lay down certain rules, permitting a discrimination in the kind and character of the signal or device to be used, may be a question. We have no desire to confer a special benefit upon the owner of a patented device. On the other hand, there ought, as far as practicable, to be certain methods in universal use, or nearly so, on the railroads of the country. It is, however, quite certain that there must be a distinction drawn between roads in populous districts, running a large number of trains each day, with stations close together, and roads which have few trains, few stations, and in sparsely settled communities. I do not think Congress possesses sufficient information to intelligently legislate on the subject to-day, but it seems to me that the Government can properly make investigation. My observation is that much of the legislation enacted is found faulty because not sufficiently considered and because acted upon without sufficient information. Few of us know much; none of us know all. We can not learn too much.

The Commission, including its very efficient secretary, Mr. Edward A. Moseley, have already given considerable attention to this subject, and by the passage of the pending resolution it is hoped that a report and recommendations may be made to Congress which will be of great value to us.

BLOCK SIGNALS IN GREAT BRITAIN.

In Great Britain the block system is universal. The matter is under the control of the board of trade, which compels railroads to use "the requisite apparatus for providing by means of the block telegraph system an adequate interval of space between following trains and, in the case of junctions, between

converging or crossing trains." This applies to double-track roads. On single lines the train staff or tablet system is required, under rules specified by the board.

For single-track roads the electric staff and tablet system is perfect in point of protection. The track to be protected is divided into blocks or sections of such length as to best accommodate traffic conditions, the blocks usually terminating at existing stations or telegraph offices. Each section is controlled by two instruments, one at each end, and each instrument is equipped with a sufficient number of staffs to take care of the traffic conditions. No train is permitted to pass over one of these sections in either direction unless the conductor or engineer has in his possession one of these staffs. The staff really takes the place of a telegraph train order.

In moving a train from A to B, for instance, the operator at A presses a bell knob in his staff instrument, which rings a bell in the instrument at B. The operator at B then answers by pressing a similar button on his instrument, which rings a bell in the instrument at A and at the same time furnishes an electric current which unlocks the staff mechanism in the instrument at A and enables the operator there to withdraw a staff. Immediately on withdrawing the staff the operator at A once more presses his bell knob, which indicates to the operator at B that the operation is completed. The operation is visually shown by letters and indicators on the instruments, which are actuated by pressing the buttons. When a staff is withdrawn both instruments are electrically locked, and another staff can not be withdrawn from either instrument until a staff is returned to it.

The staff being withdrawn it is delivered to the train desiring to go to B, whereupon it proceeds on its way secure in the knowledge that it is the sole possessor of that section of track. On arrival at B the staff is delivered to the operator and another one is obtained which has already been withdrawn from the instrument controlling the block from B to C. The train then proceeds to C and the operator at B returns the staff given him to the instrument controlling the block from A to B, which unlocks the instrument at A, allowing another staff to be withdrawn whenever it is desired to send another train through the block from A to B.

This is an absolute block, allowing but one train in any section. This is the ideal arrangement, yet cases do occur where it is desirable to allow several trains to follow each other into the block at short intervals, in which case an attachment to the absolute machine is furnished, known as a "permissive staff." The removal of the absolute staff, which is carried through the block by the first train, unlocks the permissive-staff receptacle and allows it to be withdrawn. The permissive staff is a steel rod having eleven removable rings, any one of which authorizes a train to pass through a section. If less than twelve trains are to follow each other the last one takes all the remaining rings and the steel rod. When all the rings and the rod are received at the opposite end of the section the operator reassembles them into the complete permissive staff, which he then places in the permissive-staff receptacle. When the permissive staff is replaced in the machine it unlocks the receptacle in which the absolute staff belongs and the absolute staff can only then be replaced in the machine, unlocking the instrument at A, so as to allow another staff to be withdrawn. Thus it will be seen that in no case can two trains moving in opposite directions occupy a block at the same time, and only under well-defined restrictions can two or more trains moving in the same direction occupy a block at the same time.

The principal objection raised against the block system is the matter of cost. In this connection the following extract from an address to the directors of the Great Eastern Railway by Lord Claude Hamilton, president of the company, at the last annual meeting of the directors, makes good reading:

> With regard to the block system and the interlocking of points from signal boxes many of us find fault, and I think sometimes justly so, with the board of trade, instigated by Parliament, imposing various obligations upon us. Some of these obligations, to my mind, are unnecessary or vexatious, and they add enormously to the expense of working a railway; but I am bound to say that when, twenty or twenty-five years ago, the board of trade imposed upon the railway companies of the United Kingdom the obligation of establishing a total block system and interlocking of points from signal boxes they did a thing which was of inestimable value, not only to the traveling public, but to the railway companies themselves. I recollect well when we received notice from the board of trade—and it was in those days when our finances were not in quite a flourishing condition—that we must adopt this system over the whole of the Great Eastern Railway, and I think the estimate of cost entailed upon us was certainly over a million sterling. We did not know where to look for the money; we thought at the time it was an unnecessary obligation. We got the board of trade, owing to our financial condition, to postpone their requirements, if I remember right, for some three years; but at last the work was carried out. If it had not been for that, how impossible it would have been for us to improve our seaside resorts by the fast service which we now run, and to have carried the enormous number of people that we do with comparative immunity from loss of life. Of course, in the last two years we have had two accidents, the one at Hackney Downs and the other at Brentwood; but, with the exception for these two, we have carried our passengers with great immunity from loss of life for many years past. I always think, when one finds fault with the board of trade for some of their requirements, it is only just and right, in a matter of that kind, we should bear testimony to their foresight in forcing our companies to adopt this system, and the sooner our friends in America follow suit it will be best for their system and those who use their trains.

Mr. Edward Bates Dorsey, C. E., member of the American Society C. C. and the American Institute M. E., in speaking of the English system at a meeting of the American Society of Civil Engineers, said:

> It is astonishing to see the blind faith the English engine driver places in his block signals. In dense fogs, where he can not see 100 feet ahead, or dark nights when his vision is also very limited, for his headlight is only an ordinary lantern, useless for illuminating the track and only used as a signal, the same as a tail light, or frequently when he has both the dark night and the dense fog to run through, he runs at full speed and generally on schedule time, feeling sure that he is perfectly safe because his block signals have told him so, and they can not make a mistake or lie. The underground railroad in London and the London suburban railroads afford a fine illustration of this system. Notwithstanding the proverbial London fogs, these roads run their trains, probably several thousand daily, upon schedule time and with a headway varying from three to three and a half minutes. And this is done without accident or delay.
>
> The English Government, through the board of trade, obliges all English railroads to adopt the block system and run their trains by it, and we should follow their example. The officers of a railroad should be tried and convicted of premeditated murder in all cases of fatal accidents on their road that could have been avoided by the block system. It is no excuse for them to say that it does not answer, for it does answer perfectly in England and other European countries. The officers controlling the roads ought to be made to feel that it is cheaper and safer to properly equip the road by using the block system than to kill or maim passengers by not doing so.

BLOCK SYSTEM IN UNITED STATES.

The block system is now in use on about 40,000 miles of railroad in the United States. This does not necessarily mean that every train in this 40,000 miles is protected by a space interval, which is the fundamental principle of the block system. For instance, the block system is said to be in use on about 6,000 miles of the Southern Railway, but this is only for passenger trains running in the same direction. Its only effect, therefore, is to protect passenger trains against rear collisions. It does not guard against butting collisions, nor is it applicable to freight trains. The extent of track in this country on which a complete block system is in operation is very limited. The Cincinnati, New Orleans and Texas Pacific Railway is the best example of single-track blocking in the country, and has the distinction of being the only single-track railroad in the world with the automatic electric block signal system in use from terminal to terminal.

It is the testimony of the officials of this company that the capacity of the track has been greatly increased by means of the perfect system of block signals in use. Speaking recently of the system in use on his road, Mr. H. M. Waite, superintendent of the road, said:

> The question is asked, "Is it worth the expense?" Unfortunately we can not say how many dollars the signals have actually saved—no one can; but considering the old stories of three collisions a day, and now none, and the actual experience of trains saved from collisions, etc., we believe the money is well spent; and we are spending more every day for new installations and improvements in the old.

This road also uses the electric train staff in certain places and for certain operations, such as gauntlets through tunnels or over bridges or between double tracks. They operate the staff on the single-track bridge over the Ohio River, for instance. This is a gauntlet between two yards, with 100 train movements in twenty-four hours, and not a single train order is sent. For such places as this the staff is unequaled for dispatch, and as near perfect for safety as can be had, but for high speed the system is cumbersome, when it comes to picking up and delivering the staff.

The staff system is also in use to a limited extent and for special situations on the Chicago, Milwaukee and St. Paul, Atchison, Topeka and Santa Fe, Philadelphia and Reading, Chicago and Alton, Gulf, Colorado and Santa Fe, Chesapeake and Ohio, and Southern. The Union Switch and Signal Company have devised an appliance whereby it is claimed the staff may be picked up and delivered with perfect certainty and safety at a speed of 60 or 70 miles an hour, and it was stated some months ago that this company had a contract for installing the staff system on 110 miles of track between Rockland and Truckee, Nev., on the Southern Pacific, which will undoubtedly be the longest stretch of track operated by the staff system in the United States.

A full inquiry into the progress and development of the block system in this country, such as is contemplated by the resolution, is much to be desired, not alone for the purpose of furnishing Congress with information that will enable it to legislate intelligently upon the subject of block signals, but to exhibit the varying practices and principles in use on different

roads and lead to a uniform and effective code of rules for the entire country. An elaborate arrangement of signals does not necessarily mean that the road on which they are found is well or even decently protected; on the other hand, a very simple signal arrangement may accompany a complete and effective system of blocking. It all depends upon the principles or rules under which the signals are operated. In Great Britain there is a standard code of rules established and approved by the board of trade, which all companies must adhere to. In this country each road makes its own rules and modifies or annuls them to suit its own convenience whenever it sees fit to do so.

That the train dispatcher and telegraph train-order system of train operation can no longer be safely relied upon to move the enormous and constantly increasing traffic of American railroads is recognized by railroad men of experience, and our best roads are installing the block system as rapidly as possible. But there are always laggards, roads that will spend no money for anything of this kind until they are forced to do so. They had to be forced in line by means of legislation on the matter of safety appliances, and it will undoubtedly be the same on the matter of block signals.

The purpose of the joint resolution is to direct the Interstate Commerce Commission to investigate and report on the use and necessity for block-signal systems and appliances for the automatic control of railway trains in the United States and to recommend to Congress such legislation as the Interstate Commerce Commission may deem advisable after making such investigation.

MESSAGES OF THE PRESIDENT.

In his annual message sent to the Congress at the beginning of the present session in December last President Roosevelt said:

In my annual message to the Fifty-eighth Congress at its third session I called attention to the necessity for legislation requiring the use of block signals upon railroads engaged in interstate commerce. The number of serious collisions upon unblocked roads that have occurred within the past year adds force to the recommendation then made. The Congress should provide, by appropriate legislation, for the introduction of block signals upon all railroads engaged in interstate commerce at the earliest practicable date as a measure of increased safety to the traveling public.

In his annual message to the Congress, in December, 1904, the President said:

The ever-increasing casualty list upon our railroads is a matter of grave public concern and urgently calls for action by the Congress. In the matter of speed and comfort of railway travel our railroads give at least as good service as those of any other nation, and there is no reason why this service should not also be as safe as human ingenuity can make it. Many of our leading roads have been foremost in the adoption of the most approved safeguards for the protection of travelers and employees, yet the list of clearly avoidable accidents continues unduly large. The passage of a law requiring the adoption of a block-signal system has been proposed to the Congress. I earnestly concur in that recommendation. * * * Of course nothing can ever prevent accidents caused by human weakness or misconduct, and there should be drastic punishment for any railroad employee, whether officer or man, who by issuance of wrong orders or by disobedience of orders causes disaster.

INTERSTATE COMMERCE COMMISSION REPORT.

In its annual report submitted to Congress in December, 1904, the Interstate Commerce Commission said:

For the prevention of collisions we are bound to urge, with added emphasis, if possible, the same means recommended in our last annual report, namely, the adoption of the block system. * * *

Considered strictly on its technical merits, the block system is the acme of simplicity. As was shown in connection with the proposed statute submitted with our last annual report, it is simply the embodiment of the theory that no train shall ever be started from any point on any main-line track until it is known that such track is clear of all other trains up to a certain point beyond—in other words, the theory that a space interval must always be maintained and no dependence placed on the maintenance of time intervals at stations. In the absence of this knowledge of a clear line for a definite distance we have many uncertainties, mistakes in reading time, failures of timepieces, miscalculations of speed, neglect, sleepiness or laziness of flagmen, and the numberless other faults so familiar to those who read the collision records. The block system cures these faults and prevents rear collisions.

On single-track lines, where the liability to butting collisions is a danger even greater than of rear collisions, the block system does away with another class of errors which, unless we have space-interval regulations, is harder to deal with even than those just mentioned, such as forgetting telegraphic orders and careless reading of poor handwriting on the part of trainmen, forgetting to deliver orders, or confusing different orders on the part of telegraph operators, and mistakes of dispatchers in keeping their record of trains.

In the same report the Commission said:

As to automatic versus nonautomatic signaling the question is mainly one of immediate capital expenditure. The automatic method necessitates the construction and installation of costly apparatus, but is less costly in operation than the nonautomatic or manual.

ACCIDENT BULLETINS.

By the act of Congress approved March 3, 1901, it was made the duty of railroad officials to present to the Interstate Commerce Commission monthly reports of all collisions of trains and of all accidents to trains leaving the tracks, as well as accidents occurring to passengers or employees, with a statement of the nature and causes of the accidents and the circumstances connected therewith. This law has resulted in the publication every three months of accident bulletins by the Interstate Commerce Commission, which have been of value in studying the causes of railway accidents.

ACCIDENTS IN OCTOBER, NOVEMBER, AND DECEMBER, 1905.

From Accident Bulletin No. 18, reporting the railroad accidents during the months of October, November, and December, 1905, it appears that during those three months 1,109 passengers and employees were killed, and 17,118 were injured by railway accidents in the United States.

Of the 1,109 killed 1,008 were railway employees, 82 were passengers, and 19 were persons carried under agreement or contract, such as postal clerks, express messengers, etc. Of the 17,118 injured, 14,250 were railway employees, 2,599 were passengers, and 269 were persons carried under agreement or contract. Of the 1,109 passengers and employees killed, 320 were killed in train accidents. Of the 17,118 injured, 3,797 were injured in train accidents. Of the 320 killed in train accidents, 186 were killed in collisions. Of the 3,797 injured in train accidents, 2,177 were injured in collisions. Of the 186 killed in collisions, 155 were railway employees, 23 were passengers, and 8 were persons carried under agreement or contract. Of the 2,177 injured in collisions, 1,107 were railway employees, 970 were passengers, and 100 were persons carried under agreement or contract. Of the 186 killed in collisions, 60 were killed in rear collisions, 74 in butting collisions, 3 in collisions caused by trains separating, and 49 in collisions classed as "miscellaneous." Of the 2,177 injured in collisions, 736 were injured in rear collisions, 685 in butting collisions, 98 in collisions caused by trains separating, and 658 in collisions classed as "miscellaneous."

The total number of collisions occurring during the three months was 2,077, of which 267 affected passenger trains. Of the 2,077 collisions, 538 were rear collisions, 231 butting collisions, 294 were collisions caused by trains separating, and 1,014 collisions classed as "miscellaneous." The total damage to cars, engines, and roadway by these collisions is reported at $1,553,085.

It appears from this report that out of the very large number of passengers and employees killed, to wit, 1,109, and injured, to wit, 17,118, during the three months, only 23 passengers were killed, and 970 injured in collisions.

INCREASE IN ACCIDENTS, 1894 TO 1904.

For the year ending June 30, 1894, the total number of persons killed on the railroads in the United States was 6,447, The total number of injured was 31,889. Of the persons killed, 1,823 were employees, 324 were passengers, and 4,300 are classified as "other persons, most of whom were trespassers."

For the year ending June 30, 1904, the total number of persons killed was 10,046; injured, 84,155. Of those killed, 3,632 were employees, 441 were passengers, and 5,973 were classified as "other persons." The number of employees killed increased from 1,823 in 1894 to 3,632 in 1904, and the number injured increased from 23,422 in 1894 to 67,067 in 1904. The number of passengers killed increased from 324 in 1894 to 441 in 1904, and the number injured increased from 3,034 in 1894 to 9,111 in 1904. In 1894, 1 railway employee out of every 428 was killed; in 1904, 1 out of every 357 was killed. In 1894, 1 railway employee out of every 33 was injured; in 1904, 1 out of every 19 was injured. In 1894, 1 trainman out of every 156 was killed; in 1904, 1 out of every 120 was killed. In 1894, 1 trainman out of every 12 was injured; in 1904, 1 out of every 9 was injured. In 1894, 1 passenger out of every 1,668,791 was killed; in 1904, 1 out of every 1,622,267 was killed. In 1894, 1 passenger out of every 178,210 was injured; in 1904, 1 out of every 78,523 was injured.

The following tables give the data on these points in 1894 to 1904:

Comparative summary of railway accidents for the years ending June 30, 1894 to 1904.

Year.	Employees.		Passengers.		Other persons.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1894	1,823	23,422	324	3,034	4,300	5,433	6,447	31,889
1895	1,811	25,696	170	2,375	4,155	5,677	6,136	33,748
1896	1,861	29,969	181	2,873	4,406	5,845	6,448	38,687
1897	1,693	27,667	222	2,795	4,522	6,269	6,437	36,731
1898	1,958	31,761	221	2,945	4,680	6,176	6,859	40,882
1899	2,210	34,923	239	3,442	4,674	6,255	7,123	44,620
1900	2,550	39,643	249	4,128	5,066	6,549	7,865	50,320
1901	2,675	41,142	282	4,988	5,498	7,209	8,455	53,339
1902	2,969	50,524	345	6,683	5,274	7,455	8,588	64,662
1903	3,606	60,481	355	8,231	5,879	7,841	9,840	76,553
1904	3,632	67,067	441	9,111	5,973	7,977	10,046	84,155

Comparative summary showing number of employees, train men, and passengers for one killed and for one injured in the United States, for the years ending June 30, 1894 to 1904.

Year.	Number of employees for one—		Number of train men for one—		Number of passengers for one—	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1894	428	33	156	12	1,668,791	178,210
1895	433	31	155	11	2,984,832	213,651
1896	444	28	152	10	2,827,474	178,132
1897	486	30	165	12	2,204,708	175,115
1898	447	28	150	11	2,267,270	170,141
1899	420	27	155	11	2,189,023	151,998
1900	399	26	137	11	2,316,648	139,740
1901	400	26	136	13	2,153,489	121,748
1902	401	24	135	10	1,883,706	97,244
1903	364	22	123	10	1,957,441	84,424
1904	357	19	120	9	1,622,267	78,523

Notwithstanding the fact that the safety appliance act has caused a great increase in the number of cars equipped with air brakes, automatic couplers, and other safety appliances during these years, the tables above given show not only a great actual increase in the number of persons killed and injured by the railways, but also a great comparative increase in comparison with the number of employees and the number of passengers. This increase of killed and injured contemporaneously with the increase of safety appliances is certainly not to be charged to the use of the safety appliances, but must be explained by other causes. Whatever may be the causes for the increase in the percentage of persons killed and injured, the fact challenges attention and demands investigation.

For the year ending June 30, 1902, one passenger was killed for every 57,072,283 carried 1 mile; for the year ending June 30, 1903, one was killed for every 58,917,645 carried 1 mile, while for the year ending June 30, 1904, one was killed for every 49,712,502 carried 1 mile.

ACCIDENTS IN ENGLAND AND UNITED STATES COMPARED.

A comparison of the number of persons killed and injured in the working of railways by accidents in the United States for the year ending June 30, 1904, and in the United Kingdom (Great Britain and Ireland) for the calendar year 1904, shows there were in those years, respectively, 10,046 persons killed in the United States as against 1,073 in the United Kingdom, and there were injured 84,155 in the United States as against 18,802 in the United Kingdom. The number of passengers killed in the United States was 441; in the United Kingdom, 127; passengers injured in the United States, 9,111; in the United Kingdom, 3,487. The number of passengers killed because of collisions and derailments in the United States was 262; in the United Kingdom, 6; the number injured in the United States was 4,978; in the United Kingdom, 521. The number of train men killed in consequence of collisions and derailments in the United States was 613; in the United Kingdom, 6; the number of injured from the same cause in the United States was 4,337; in the United Kingdom, 99.

A comparison of the three months' period of July, August, and September, 1905, shows that passengers and employees were killed in the United States to the number of 1,053; in the United Kingdom, 210. Injured in the United States, 16,386; in the United Kingdom, 4,305. During this period passengers were killed to the number of 99 in the United States, 66 in the United Kingdom; injured, 2,904 in the United States, 962 in the United Kingdom. During the same period the number of passengers killed in train accidents was 31 in the United States and 31 in the United Kingdom; injured, 1,653 in the United States, 215 in the United Kingdom. Of the passengers killed during this period 15 in the United States and 21 in the United Kingdom were killed in train collisions and 952 in the United States and 135 in the United Kingdom were injured in train collisions. During the same three months there were 1,605 train collisions in the United States and 103 in the United Kingdom.

During the three months' period of April, May, and June, 1905, passengers and employees were killed to the number of 886 in the United States and 130 in the United Kingdom; injured in the United States, 13,783; in the United Kingdom, 3,922. In the same period 82 passengers were killed in the United States and in the United Kingdom 27; 2,163 passengers were injured in the United States and 658 in the United Kingdom. In the United States 5 and in the United Kingdom 2 passengers were killed by train collisions; in the United States 549 and in the United Kingdom 34 passengers were injured by train collisions.

A comparison of the three months' period, January, February, and March, 1905, shows that passenger and railway employees were killed in the United States to the number of 909, in the United Kingdom to the number of 114; injured in the United States, 14,397; in the United Kingdom, 1,526. During this period passengers were killed to the number of 64 in the United States, 29 in the United Kingdom. The number of passengers killed in train accidents was 28 in the United States and 5 in the United Kingdom; injured, 1,651 in the United States, 90 in the United Kingdom. Of the passengers killed, 18 in the United States and 5 in the United Kingdom were killed in train collisions, and 834 in the United States and 86 in the United Kingdom were injured in train collisions. During the same three months there were 1,787 collisions in the United States, in the United Kingdom, 96, including trains running through gates, etc.

Comparison of railway accidents in United Kingdom for calendar year 1903 and in United States for year ending June 30, 1903.

	United Kingdom.		United States.	
	Killed.	Injured.	Killed.	Injured.
Passengers	156	3,413	355	8,231
Employees	497	14,356	3,005	60,481
Other persons	589	788	5,879	7,841
Total	1,242	18,557	9,840	76,553
Trespassers	442		5,000	5,079
Passengers in collisions	19	603	123	2,975
Employees in collisions	7	104	574	3,772
Mileage	22,380		205,313	

RAILWAY GROUPS IN UNITED STATES.

The Interstate Commerce Commission has, for statistical purposes, divided the railroads of the United States into various territorial groups.

While these groups are not wholly arranged by State lines, and in a number of cases portions of States are put in different groups in accordance with natural railroad divisions, yet, roughly speaking, the groups may be said to be composed as follows:

Group 1: New England States.

Group 2: New York, New Jersey, Delaware, Pennsylvania, and Maryland.

Group 3: Ohio, Indiana, Michigan.

Group 4: Virginia, West Virginia, North Carolina, South Carolina.

Group 5: Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi.

Group 6: Illinois, Wisconsin, Minnesota, Iowa, and those portions of Missouri, North Dakota, South Dakota north and east of the Missouri River.

Group 7: Nebraska, Wyoming, Montana, and parts of North Dakota, South Dakota, and Colorado.

Group 8: Arkansas, Indian Territory, Oklahoma, Kansas, and parts of Missouri, Colorado, New Mexico.

Group 9: Texas, part of New Mexico.

Group 10: Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, part of New Mexico.

DANGER OF TRAVEL NOT GREAT.

It is not easy to make just comparisons of accidents or the probability of accidents. It is unfortunate that the statistical work of the Interstate Commerce Commission has not been more thorough and complete, both in the collection, arrangement, and comparison of the statistics relating to railway accidents. The publication of the fact that in a given year (year ending June 30, 1904) 10,046 persons were killed and 84,155 were injured in railway accidents is enough to make a contemplating traveler have cold shivers; but when it is ascertained that in that year only 262 passengers were killed and 4,978 were injured by collisions and derailments in the whole United States, the danger of travel does not seem so great.

ACCIDENTS AND MILEAGE IN GREAT BRITAIN AND GROUPS IN UNITED STATES COMPARED.

It is frequently asserted and generally believed that railway accidents are much more common in the United States than in Great Britain. A comparison of the statistics of the two countries is interesting, and an analytical and thorough comparison would undoubtedly be of considerable value. Too much stress should not be laid upon any of the comparisons made in this report, for the reason that statistics of accidents for particular years lose much of their value unless compared with the average for a long series of years. However, most of the statistics referred to in this report are of nearly fair average value and in general may be relied upon as furnishing a fair comparison one set with another.

The length of railways in the United Kingdom (Great Britain and Ireland) at the end of the calendar year 1904 was 22,600 miles. Much of this was double track. The length of 1904, was 212,243, most of which was single track. The railway length in the United States was nearly ten times as great as in the United Kingdom. The number of persons killed in the United States was 10,046, in the United Kingdom 1,158;

the number injured in the United States was 84,155, in the United Kingdom 18,802. The number killed and the number injured in the United Kingdom were greater per mile than in the United States.

If we compare the New England railroads with those of the United Kingdom we find that New England had a railway length of 8,063 miles, more than one-third the length in the United Kingdom. The number of passengers killed in group 1 (New England) in train and vehicle movements was 8, in the United Kingdom 115; the number injured in group 1 was 210, in the United Kingdom 2,669.

In group 2 (comprising New York, New Jersey, Pennsylvania, Delaware, and Maryland) the railway length was 23,022 miles. The number of passengers killed in train and vehicle movements was 113, as compared with 115 in the United Kingdom; the number injured was 2,173 in group 2, as compared with 2,669 in the United Kingdom.

In group 3 (comprising Ohio, Indiana, and Michigan) the railway length was 24,957, which was greater than the length in the United Kingdom. The number of passengers killed in group 3 in train and vehicle movements was 73, as against 115 in the United Kingdom; the number injured in group 3 was 1,183, as against 2,669 in the United Kingdom.

Group 6 comprises Illinios, Iowa, Wisconsin, Minnesota, and parts of Missouri, North Dakota, and South Dakota, and has a railway length of 47,597 miles, more than twice as great a length as the United Kingdom. The number of passengers killed in group 6 in train and vehicle movements was 64 and the number injured 1,627, a far less number than was killed and injured in the United Kingdom.

But while the total number of passengers killed in the United States was less in proportion to railway length than in the United Kingdom, yet the proportion killed and injured by collisions and derailments was considerably greater.

It should be remembered also that more than one-half of the persons killed by railway accidents in the United States are trespassers who have no right to be upon the tracks, and that this condition is caused by the enormous railway mileage where it is at present practically impossible to prevent public access to the tracks.

An examination of the statistics of railway accidents in the United States tends toward the conclusion that accidents are proportionately more numerous in those portions of the country where the roads are mainly single track. Doubt is thrown upon such a conclusion, however, by the fact that the largest percentage of employees killed and injured in the movement of trains and railway vehicles per mile of track is in group 2. With a mileage slightly in excess of the mileage in the United Kingdom, the number of employees killed and injured in the movement of trains and railway vehicles in this group was 952 killed and 9,222 injured, as compared with 416 killed and 3,921 injured in the United Kingdom.

For the year ending June 30, 1904, 1,622,267 passengers were carried in the United States for each 1 mile. In the New England States 15,080,587 were carried for each 1 mile. In Group 2, 2,351,030 were carried for each 1 mile. In Group 4 (comprising Virginia, West Virginia, North Carolina, and South Caro- railways in the United States for the year ending June 30, lina), only 571,767 passengers were carried for each one killed. In this group in 1903, 702,518 passengers were carried for each one killed.

But the number of passengers carried for each one killed is far greater for a series of years in New England than in any other portion of the United States, and on the average a much larger number of passengers were carried for one killed where the community is thickly settled and the passenger traffic heavy than in the more sparsely settled communities or where the passenger traffic is much lighter.

Bearing this fact in mind, and deducting the much larger number of trespassers killed here than in Great Britain, the statistics would seem to indicate that the railways in the United Kingdom are as dangerous to life and limb as those in the United States.

An examination and comparison of the statistics of the two countries, however, apparently indicate that more persons in proportion are killed in the United Kingdom because of the character of construction of the railway carriages or coaches than in the United States, while a considerably larger proportion seems to have been killed in the United States by reason of collisions of trains or derailments than in the United Kingdom.

DANGER TO EMPLOYEES.

A most casual examination of the statistics of both countries shows how enormously dangerous is the occupation of railroading.

There were 3,662 employees killed on the railroads in the United States during the year ending June 30, 1904. In the same period there were 67,067 injured. Three thousand four hundred and sixteen employees were killed in connection with the movement of trains and other railway vehicles and 36,413 were injured in the same connection. Seven hundred and twenty-three employees were killed and 5,329 were injured by collisions and derailments in the same year. The number of railway employees killed and injured each year constitutes an army, and is about as great as the entire army of the United States as it now exists.

In the opinion of the committee it is important that a thorough examination be instituted for the purpose of discovering what further devices and appliances can be adopted within reasonable limits of cost which will tend to make the occupation of railroading less hazardous and travel by the public less dangerous.

Summary showing number of passengers and trainmen for one killed, injured, etc., in the United States and by groups for the year ending June 30, 1904.

	Passengers carried for 1 killed.	Passengers carried 1 mile for 1 killed.	Passengers carried for 1 injured.	Passengers carried 1 mile for 1 injured.	Number trainmen for 1 killed.	Number trainmen for 1 injured.
United States	1,622,267	49,712,502	78,523	2,406,236	120	9
Group 1	15,080,587	291,060,815	511,206	9,866,468	141	16
Group 2	2,351,030	50,482,064	115,658	2,483,445	119	9
Group 3	1,058,996	40,999,273	61,941	2,398,195	115	7
Group 4	571,767	23,242,445	42,249	1,717,422	84	7
Group 5	720,248	28,376,497	55,575	2,189,545	95	7
Group 6	1,709,326	59,558,895	66,221	2,307,366	131	11
Group 7	1,219,880	127,111,226	27,108	2,824,694	152	9
Group 8	424,363	26,159,174	16,402	1,011,060	115	7
Group 9	1,044,036	53,221,451	40,758	2,077,714	175	9
Group 10	1,981,776	88,898,345	106,438	4,774,591	170	15

Comparison of railway length and accidents in the United Kingdom for the calendar years 1903 and 1904, and in the United States and in certain groups for the years ending June 30, 1903 and 1904.

	Railway length.	Total number of persons—		In movement of train and railway vehicles.						In collisions and derailments.			
				Total.		Passengers.		Employees.		Passengers.		Employees.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
United Kingdom:	*Miles.*												
1903	22,380	1,242	18,557	1,159	6,785	148	2,681	455	3,805	25	760	9	124
1904	22,600	1,158	18,802	1,073	6,889	115	2,669	416	3,921	6	521	6	99
United States:													
1903	205,313	9,840	76,553	9,605	48,361	355	7,971	3,408	32,820	173	4,584	706	5,406
1904	212,243	10,045	84,155	9,801	52,916	441	8,810	3,416	36,413	262	4,978	723	5,329
Group 1—													
1903	8,013	639	2,357	627	1,557	12	210	218	1,079	4	82	25	145
1904	8,063	612	2,490	604	1,786	8	210	195	1,297	1	70	18	132
Group 2—													
1903	22,759	2,947	20,133	2,898	12,930	85	2,088	1,010	8,844	27	854	145	853
1904	23,022	2,833	21,010	2,757	13,309	113	2,173	952	9,222	66	806	148	996
Group 3—													
1903	24,268	1,629	13,895	1,601	8,726	33	1,022	552	6,403	20	695	119	809
1904	25,957	1,882	15,593	1,799	9,874	73	1,183	589	7,397	56	805	123	968
Group 4—													
1903	11,974	595	6,615	579	3,573	23	615	187	2,371	9	356	60	434
1904	12,192	613	5,471	603	3,099	30	402	176	2,030	20	219	61	434
Group 5—													
1903	23,291	855	8,102	831	4,968	49	809	307	3,325	29	570	72	691
1904	23,847	895	7,897	871	4,980	50	630	329	3,510	34	370	89	758
Group 6—													
1903	46,357	1,590	8,822	1,549	6,129	59	1,090	542	4,129	26	719	86	582
1904	47,597	1,610	11,588	1,585	7,966	64	1,627	561	5,305	35	1,100	120	900

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title was amended by striking out the word "signals" and inserting in lieu thereof the words "signal system."

WHARVES, PIERS, ETC., IN PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I call up from the Speaker's table the conference report on the bill (H. R. 15502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto.

The SPEAKER. The gentleman from Wisconsin presents a conference report, which will be read by the Clerk.

The Clerk read the conference report.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment on page 3, line 24, after "Secretary of War," as follows: "*Provided, however*, That vessels having contracts with the Government of the United States for carrying the mails may, with the consent of the owner of said structure and under the control and direction of the Secretary of War, be given a preference to expedite the landing and discharge of their cargoes at said structure."

That the House recede from its disagreement to all other amendments of the Senate, and agree to the same.

HENRY ALLEN COOPER,
EDGAR D. CRUMPACKER,
WM. T. ZENOR,
Managers on the part of the House of Representatives.

J. B. FORAKER,
GEO. PEABODY WETMORE,
S. R. MALLORY,
Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The managers of the House on the disagreeing votes of the two Houses on the amendments of the Senate to House bill (H. R. 18502) entitled "An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto," state that the House receded from its disagreement to Senate amendment No. 1, inserting on page 2, line 13, after the word "or" at the end of the line, the words "with the approval of the Secretary of War."

The bill as it passed the House provided that either the Government of the United States or the government of Porto Rico should have the right, after the expiration of thirty years, to take any structure built under the provisions of the act after paying the value of the same, etc. The amendment simply inserts the words "with the approval of the Secretary of War," so that as amended the act provides "that the Government of the United States, or, with the approval of the Secretary of War, the government of Porto Rico, shall have the right at any time after the expiration of thirty years from the date of such authorization, and after three months' notice, to take any such structure from the owner thereof upon paying the value of the same at the time it shall be so taken," etc.

The House receded from its disagreement to Senate amendment No. 2, inserting on page 2, line 22, after the words "Porto Rico," the words "exercising the right of purchase, as aforesaid." This is a verbal amendment which simply makes clearer the intent of the original bill.

The House receded from its disagreement to Senate amendment No. 3, inserting on page 3, line 1, before the word "Government," the words "Secretary of War for the." The original bill provided for the appointment of a board of four members, two of whom should be appointed by the Government of the United States, etc. This amendment simply provides that the Secretary of War shall act for the Government of the United States in making such appointments.

The House receded from its disagreement to Senate amendment No. 4, inserting on page 3, line 2, after the word "or," the words "by the governor of Porto Rico for." The original bill provides for the appointment of a board, two of whom might be appointed by the government of Porto Rico. This amendment simply provides that these appointments shall be made by the governor of Porto Rico for the government of Porto Rico.

The House receded from its disagreement to Senate amendment No. 5, inserting on page 3, line 2, after the words "Porto Rico," the words "as the case may be." This is a mere verbal amendment making clearer the intent of the original bill.

The Senate receded from its amendment No. 6, inserting on page 4, line 2, after the words "Secretary of War," at the end of paragraph (c), the following proviso: "*Provided, however*, That vessels having contracts with the Government of the United States for carrying the mail may, with the consent of the owner of said structure and under the control and direction of the Secretary of War, be given a preference to expedite the landing and discharge of their cargoes at said structure."

The amendments agreed upon do not at all change the effect of the bill as it passed the House, but only make clearer its meaning.

HENRY ALLEN COOPER,
EDGAR D. CRUMPACKER,
WM. T. ZENOR,
Managers on the part of the House.

Mr. COOPER of Wisconsin. I move the adoption of the report.

The conference report was agreed to.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT, DAYTON, OHIO.

Mr. NEVIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18854) providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a bill, which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act there shall be held at the city of Dayton, in the southern district of Ohio, a term of both the circuit and district courts of said district on the first Monday in May and November of each year.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

COST OF ARMOR PLATE.

Mr. FOSS. Mr. Speaker, I submit a privileged report upon House resolution 528, a resolution of inquiry.

The SPEAKER. The gentleman from Illinois calls up the following privileged resolution.

Mr. FOSS. I call for the reading of the resolution and also the report.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to report to the House of Representatives all information secured by him in pursuance of the act of March 3, 1905, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes," requiring the Secretary of the Navy to make a thorough inquiry as to the cost of armor plate and armor plant, and further requiring a report of such inquiry to be made to Congress, and that the Secretary of the Navy be, and he is hereby, further requested to inform the House of Representatives of the extent of the inquiry made by him or the Navy Department under said requirement.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred House resolution No. 528, after a careful consideration of the same, report it back and recommend that it do pass.

Mr. FOSS. I move the adoption of the resolution.

The resolution was agreed to.

EUCLID STREET, MERIDIAN HILL, DISTRICT OF COLUMBIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call up the bill (S. 2623) for the extension of Euclid street, in Meridan Hill, District of Columbia, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker——

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to know whether there are any charges imposed on the Federal Government by this bill?

Mr. CAMPBELL of Kansas. The bill contemplates no charge whatever on either the District or the General Government. The whole expense of the proceeding is to be charged as benefits to the property affected.

Mr. KEIFER. There is so much noise we could not hear the statement of the gentleman. I desire to know whether there is any general law in the District of Columbia for the condemnation of private property, or whether it is necessary in every case, as this would seem to indicate, that we should pass a long bill in order to enact it into law.

Mr. CAMPBELL of Kansas. Mr. Speaker, this is a Senate bill that has been on the Speaker's table for some time. Since the bill came over from the Senate the Committee on the District of Columbia have agreed upon a much shorter form, and the bill providing for that form is now on the Calendar and will be used hereafter in cases of this kind.

Mr. KEIFER. Is it possible that hitherto we have always had to pass a long special act?

Mr. CAMPBELL of Kansas. That is true.

Mr. KEIFER. That is a remarkable commentary upon the legislation of Congress.

The SPEAKER. Is there objection?

Mr. SIMS. Is this by unanimous consent?

The SPEAKER. It is.

Mr. SIMS. I have no objection, but I desire to make a statement.

The SPEAKER. The gentleman has no objection to the present consideration of the bill?

Mr. SIMS. No, sir.

The SPEAKER. The gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, I consented that this bill might be considered and passed for the reason that the bill provides that all damages are to be assessed against the abutting and adjacent property owners, and that no charge shall be made against the District of Columbia or the Government of the United States. I was so particular about that matter that a gentleman who is well known to every Member of the House stated to me, and in addition wrote me a letter, that every property owner that would be affected agreed to this matter. I now read that letter:

WASHINGTON, D. C., *April 8, 1906.*

Hon. THETUS W. SIMS.

DEAR SIR: In response to your inquiry relative to the extension of Euclid street from Champlain street to Columbia road, permit me to say that all persons who will be assessed for the benefit as a result of such street extension are heartily in favor thereof.

Very truly, yours,

C. K. BERRYMAN.

Upon the statement in that letter I consented to the passage of the bill.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider was laid on the table.

COMMITTEE ON IRRIGATION OF ARID LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that leave be granted to the Committee on Irrigation of Arid Lands to print for the use of the committee hearings held before it on the operations of the reclamation law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THOMAS GARRETT.

The SPEAKER laid before the House the following resolution of the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 18236) granting an increase of pension to Thomas Garrett, the beneficiary having died.

The request was agreed to.

LEAVES OF ABSENCE.

Mr. PALMER, by unanimous consent, was granted leave of absence indefinitely, on account of important business.

Mr. BROWN, by unanimous consent, was granted leave of absence indefinitely, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the reference of S. 5810, an act granting an increase of pension to Thomas McGowan, was changed from the Committee on Pensions to the Committee on Invalid Pensions.

LICENSE TO STEAMERS FOR DISCHARGE OF CARGOES BETWEEN SUNSET AND SUNRISE.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill S. 7099, to amend section 2871 of the Revised Statutes, and that the same be considered at this time.

The Clerk read the bill, as follows:

A bill to amend section 2871 of the Revised Statutes.

Be it enacted, etc., That section 2871 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 2871. Upon arrival at any port in the United States of a steamship from a foreign port or place, or upon the arrival of a steamship from another port in the United States belonging to a line designated by the Secretary of the Treasury as a common carrier of bonded merchandise, the collector of customs, with the concurrence of the naval officer, where there is one, upon or after the issuing of a general order, shall grant, upon proper application therefor, a special license to unlade the cargo of said vessel at night—that is to say, between sunset and sunrise; but before any such special license is granted the master, agents, or consignees of the vessel shall execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the collector harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license. And any liability of the master or owner of any such steamship to the owner or consignee of any merchandise landed from her shall not be affected by the granting of such special license or of any general order, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed. The collector, under such general regulations as the Secretary of the Treasury may prescribe, shall fix a uniform and reasonable rate of compensation for like service, to be paid by the master, owner, or consignee whenever such special license is granted, and shall collect and distribute the same among the inspectors assigned to superintend the unlading of the cargo."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6067. An act to change the records of the War Department relative to Levi A. Meacham;

H. R. 13245. An act to correct the military record of Henry Gude;

H. R. 13735. An act for the relief of John Purkapile;

H. R. 14184. An act to extend the irrigation act to the State of Texas;

H. R. 1982. An act granting a pension to Ada Collins;

H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;

H. R. 6120. An act granting a pension to Harriet M. Smithers;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 13824. An act granting a pension to Noah Myers;

H. R. 14678. An act granting a pension to James A. Boggs;

H. R. 16272. An act granting a pension to William D. Willis;

H. R. 16595. An act granting a pension to James R. Hicks;

H. R. 16918. An act granting a pension to Matilda J. Williams;

H. R. 17340. An act granting a pension to Julia Walz;

H. R. 17940. An act granting a pension to Rhetta Florence Tilton;

H. R. 18034. An act granting a pension to Mary A. Montgomery;

H. R. 18426. An act granting a pension to Elizabeth Hathaway;

H. R. 18460. An act granting a pension to Benjamin F. Tudor;

H. R. 18966. An act granting a pension to John W. Ward;

H. R. 612. An act granting an increase of pension to George W. Kohler;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

H. R. 19005. An act granting a pension to Gideon M. Burriss;

H. R. 1788. An act granting an increase of pension to William D. Christy;

H. R. 2092. An act granting an increase of pension to Franklin M. Hill;

H. R. 2237. An act granting an increase of pension to Martin Pool;

H. R. 2247. An act granting an increase of pension to Anthony Sanspeur;

H. R. 1438. An act granting an increase of pension to Oliver T. Smith;

H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;

H. R. 1650. An act granting an increase of pension to Frank B. Watkins;

H. R. 1736. An act granting an increase of pension to Charles A. Walker;
H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;
H. R. 2785. An act granting an increase of pension to Margaret Bonynge;
H. R. 3243. An act granting an increase of pension to John H. Anderson;
H. R. 3351. An act granting an increase of pension to George King;
H. R. 3488. An act granting an increase of pension to Egbert J. Olds;
H. R. 3495. An act granting an increase of pension to Charles F. Tower;
H. R. 3572. An act granting an increase of pension to William L. Riley;
H. R. 3588. An act granting an increase of pension to William H. Riggin;
H. R. 4161. An act granting an increase of pension to Robert Beatty;
H. R. 4241. An act granting an increase of pension to David B. Coleman;
H. R. 4597. An act granting an increase of pension to Martin Ellison;
H. R. 4715. An act granting an increase of pension to John H. Whiting;
H. R. 6205. An act granting an increase of pension to Lucy E. Engler;
H. R. 6208. An act granting an increase of pension to William D. Conner;
H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;
H. R. 6505. An act granting an increase of pension to Mary C. Chapman;
H. R. 4956. An act granting an increase of pension to James C. Bryant;
H. R. 5040. An act granting an increase of pension to Joseph Montgomery;
H. R. 5560. An act granting an increase of pension to Henry Chubb;
H. R. 6059. An act granting an increase of pension to Elias Hanes;
H. R. 8155. An act granting an increase of pension to Henry E. Seelye;
H. R. 8232. An act granting an increase of pension to James M. Jared;
H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;
H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;
H. R. 8722. An act granting an increase of pension to Arthur M. Lee;
H. R. 7836. An act granting an increase of pension to Alexander G. Patton;
H. R. 7535. An act granting an increase of pension to John L. Moore;
H. R. 7402. An act granting an increase of pension to Edwin M. Todd;
H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;
H. R. 7147. An act granting an increase of pension to Bronson Rothrock;
H. R. 6774. An act granting an increase of pension to John Platt;
H. R. 6596. An act granting an increase of pension to Alex. O. Huffman;
H. R. 9862. An act granting an increase of pension to William B. Warren;
H. R. 9844. An act granting an increase of pension to John J. Erick;
H. R. 9828. An act granting an increase of pension to John Broughton;
H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;
H. R. 9531. An act granting an increase of pension to Eliza Rogers;
H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;
H. R. 8852. An act granting an increase of pension to Frederick W. Clark;
H. R. 8817. An act granting an increase of pension to Calvin M. Latham;
H. R. 11057. An act granting an increase of pension to Lewis J. Post;
H. R. 10865. An act granting an increase of pension to Alexander Caldwell;
H. R. 10828. An act granting an increase of pension to Michael Lennon;
H. R. 10794. An act granting an increase of pension to Jacob Schultz;
H. R. 11152. An act granting an increase of pension to Theodore S. Currier;
H. R. 11161. An act granting an increase of pension to Michael Aaron;
H. R. 11260. An act granting an increase of pension to James H. Van Camp;
H. R. 11457. An act granting an increase of pension to Cyrus Vanmatre;
H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;
H. R. 12184. An act granting an increase of pension to Joseph Sprauer;
H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;
H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;
H. R. 13069. An act granting an increase of pension to Friend S. Esmond;
H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;
H. R. 12879. An act granting an increase of pension to Catharine Myers;
H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;
H. R. 13993. An act granting an increase of pension to Joseph Watson;
H. R. 13594. An act granting an increase of pension to Jonathan Snook;
H. R. 13443. An act granting an increase of pension to James E. Hammontree;
H. R. 13149. An act granting an increase of pension to Ida L. Martin;
H. R. 14729. An act granting an increase of pension to David Ford;
H. R. 14702. An act granting an increase of pension to Christian Schlosser;
H. R. 14661. An act granting an increase of pension to John B. Bussell;
H. R. 14264. An act granting an increase of pension to John H. Eversole;
H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;
H. R. 15126. An act granting an increase of pension to William K. Trabue;
H. R. 15104. An act granting an increase of pension to Thomas E. Owens;
H. R. 15056. An act granting an increase of pension to James Ramsey;
H. R. 16109. An act granting an increase of pension to Jacob Cline;
H. R. 16073. An act granting an increase of pension to John Ginther;
H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;
H. R. 15613. An act granting an increase of pension to William W. Combs;
H. R. 16496. An act granting an increase of pension to Thomas Dailey;
H. R. 16492. An act granting an increase of pension to John M. Logan;
H. R. 16441. An act granting an increase of pension to Joseph J. Goode;
H. R. 16252. An act granting an increase of pension to Adam Dixon;
H. R. 16682. An act granting an increase of pension to William Hammond;
H. R. 16662. An act granting an increase of pension to Van Buren Beam;
H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;
H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;
H. R. 16812. An act granting an increase of pension to Dudley McKibben;
H. R. 16915. An act granting an increase of pension to Orange Bugbee;
H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;

H. R. 16977. An act granting an increase of pension to Isabel Newlin;
H. R. 16998. An act granting an increase of pension to Elijah Curtis;
H. R. 17170. An act granting an increase of pension to Jackson D. Turley;
H. R. 17171. An act granting an increase of pension to David H. Parker;
H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;
H. R. 17309. An act granting an increase of pension to John W. Chase;
H. R. 17346. An act granting an increase of pension to Newton S. Davis;
H. R. 17374. An act granting an increase of pension to Isom Wilkerson;
H. R. 17388. An act granting an increase of pension to Patrick McCarthy;
H. R. 17390. An act granting an increase of pension to Mary Sheehan;
H. R. 17445. An act granting an increase of pension to William H. Farrell;
H. R. 17466. An act granting an increase of pension to James P. Hall;
H. R. 17476. An act granting an increase of pension to Henry Ballard;
H. R. 17542. An act granting an increase of pension to John Cain;
H. R. 17590. An act granting an increase of pension to Jacob Woodruff;
H. R. 17637. An act granting an increase of pension to Gardiner K. Haskell;
H. R. 17678. An act granting an increase of pension to Alexander Moore;
H. R. 17772. An act granting an increase of pension to John W. Henry;
H. R. 17825. An act granting an increase of pension to Bolivar Ward;
H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;
H. R. 17891. An act granting an increase of pension to Eliza M. Buice;
H. R. 17922. An act granting an increase of pension to Thomas D. Adams;
H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;
H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;
H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;
H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;
H. R. 17999. An act granting an increase of pension to Samuel Yehl;
H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;
H. R. 18039. An act granting an increase of pension to John W. Stephens;
H. R. 18041. An act granting an increase of pension to William R. Hiner;
H. R. 18052. An act granting an increase of pension to John Lewis Bernard Breighner;
H. R. 18073. An act granting an increase of pension to Mary McFarlane;
H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;
H. R. 18105. An act granting an increase of pension to John A. Lyle;
H. R. 18106. An act granting an increase of pension to Mary E. Patterson;
H. R. 18121. An act granting an increase of pension to John W. Jones;
H. R. 18132. An act granting an increase of pension to John W. Blanchard;
H. R. 18184. An act granting an increase of pension to John J. Howells;
H. R. 18239. An act granting an increase of pension to Bryant Brown;
H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;
H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;
H. R. 18262. An act granting an increase of pension to John H. Broadway;
H. R. 18308. An act granting an increase of pension to Clay Riggs;
H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;
H. R. 18319. An act granting an increase of pension to Newton Kinnison;
H. R. 18355. An act granting an increase of pension to Rachel A. Webster;
H. R. 18356. An act granting an increase of pension to William A. Custer;
H. R. 18357. An act granting an increase of pension to William E. Starr;
H. R. 18367. An act granting an increase of pension to John Wilkinson;
H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;
H. R. 18399. An act granting an increase of pension to Pauline Bietry;
H. R. 18400. An act granting an increase of pension to Elmira M. Cause;
H. R. 18402. An act granting an increase of pension to Lucy W. Powell;
H. R. 18447. An act granting an increase of pension to Elijah G. Gould;
H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;
H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;
H. R. 18469. An act granting an increase of pension to Samuel C. Dean;
H. R. 18486. An act granting an increase of pension to William F. Walker;
H. R. 18505. An act granting an increase of pension to M. Belle May;
H. R. 18509. An act granting an increase of pension to Ellen L. Stone;
H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;
H. R. 18524. An act granting an increase of pension to Julius Rector;
H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;
H. R. 18542. An act granting an increase of pension to Sarah Ann Day;
H. R. 18551. An act granting an increase of pension to William D. Drown;
H. R. 18560. An act granting an increase of pension to John Hamilton;
H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;
H. R. 18573. An act granting an increase of pension to John M. Quinton;
H. R. 18605. An act granting an increase of pension to William Lawrence;
H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;
H. R. 18628. An act granting an increase of pension to William E. Chambers;
H. R. 18633. An act granting an increase of pension to Jennie F. Belding;
H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;
H. R. 18654. An act granting an increase of pension to Robert D. Gardner;
H. R. 18655. An act granting an increase of pension to Leander Gilbert;
H. R. 18678. An act granting an increase of pension to Evans P. Hoover;
H. R. 18696. An act granting an increase of pension to Louisa C. Gibson;
H. R. 18697. An act granting an increase of pension to Martha L. Beesley;
H. R. 18702. An act granting an increase of pension to Edward B. Prime;
H. R. 18724. An act granting an increase of pension to Alfred Gude;
H. R. 18730. An act granting an increase of pension to William C. Mahaffey;
H. R. 18746. An act granting an increase of pension to Isaac Howard;
H. R. 18747. An act granting an increase of pension to William H. Colegate;
H. R. 18794. An act granting an increase of pension to William C. McRoy;

H. R. 18795. An act granting an increase of pension to James E. Raney;

H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;

H. R. 18822. An act granting an increase of pension to Sophie S. Parker;

H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;

H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;

H. R. 18910. An act granting an increase of pension to Philo E. Davis;

H. R. 18930. An act granting an increase of pension to Eliza J. Mays;

H. R. 18935. An act granting an increase of pension to Mima A. Boswell;

H. R. 18959. An act granting an increase of pension to Albert G. Packer;

H. R. 18976. An act granting an increase of pension to Nelson S. Preston; and

H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay.

SOLICITOR FOR CUSTOMS DEPARTMENT OF THE TREASURY.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill (H. R. 15096) to appoint a solicitor for the customs department of the Treasury, and that the same be considered at the present time. I ask that the Clerk read the amendment in the nature of a substitute.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the Attorney-General shall, at the request of the Secretary of the Treasury, appoint a customs solicitor and such assistants not to exceed three, as the Secretary may deem necessary to protect the interests of the United States in all cases and matters before the Board of General Appraisers; and the said solicitor and his assistants shall, whenever so directed by the Secretary of the Treasury, appear in the courts of the United States in any cases appealed from said Board of General Appraisers and take such part in the management, conduct, and trial of such cases as the Attorney-General may deem advisable.

SEC. 2. That the salary of said solicitor shall be $5,000 per annum, and of said assistants not to exceed $3,000 per annum, to be fixed by the Attorney-General, and all of said salaries shall be paid out of the general appropriation for the expenses of collecting the revenue from customs.

SEC. 3. That said solicitor and assistants shall be appointed without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereof.

SEC. 4. That this act shall take effect immediately.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. PAYNE. I will explain the bill to the gentleman in a moment. The bill is recommended unanimously by the Committee on Ways and Means. At present under the law passed in 1895 the Attorney-General is authorized to appoint an assistant to take charge of the customs cases before the general board of appraisers at a salary of $3,500 a year. When the case goes from the board of appraisers to the court it is taken charge of by an assistant district attorney of New York who knows nothing about the case or the history of it. This bill authorizes the appointment of a solicitor of customs who is familiar with cases and will follow the cases through the court on appeal. That is the first section of the bill. It also authorizes the appointment of three assistants at $3,500 each. Now, these assistants are appointed under the civil service law, and detailed for that purpose. The gentleman can see the embarrassment that ensues in trying to get attorneys appointed under the civil service. The bill makes an annual increase of expenditure of $3,000 a year, but it requires the attorneys to take charge of the cases on appeal, and it is done by a lawyer who is familiar with the facts of all the cases before the appraisers.

Mr. BARTLETT. I do not want to object to the bill, but I want to inquire what effect it would have on a subject of which we have heard considerable discussion as to the amount of fees collected by the district attorney for the southern district of New York.

Mr. PAYNE. My recollection is that that was cured by salary instead of fees. This bill does not give the solicitor fees, but gives him a salary.

Mr. BARTLETT. I wanted to inquire whether there was a provision in this bill which would repeal or affect the law with reference to the district attorney for the southern district of New York.

Mr. PAYNE. I should say not.

Mr. BARTLETT. You are providing here for special officers to look after these cases with salaries which I do not think are extravagant, but the attorney for the southern district of New York ought not to be left a salary or fees for doing this work which you are giving to solicitors to do on a salary. I do not know whether this covers that or not.

Mr. PAYNE. I do not think there will be any trouble about that if this bill is passed. The solicitor will take charge of the cases.

Mr. FITZGERALD. That is not the class of cases out of which the district attorney receives fees, if I recollect.

Mr. PAYNE. The gentleman is correct; it does not affect that class of cases at all.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I offered an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert a new section after section 3, to read as follows:

"SEC. 4. That the provision in relation to the employment of counsel in customs cases under section 1 of an act entitled 'An act making appropriations to supply deficiencies for the fiscal year ending June 30, 1895,' etc., approved March 2, 1895, be, and the same is hereby repealed.

"Renumber section 4, to be section 5."

Mr. UNDERWOOD. I would like to ask the gentleman from New York as to the purpose of the amendment.

Mr. PAYNE. The purpose of the amendment is to repeal a provision in an appropriation bill that now provides the Attorney-General may employ counsel before the board. This new office is to take the place of that counsel, and I wanted to be sure to cut off that other officer. That is the only object of the amendment.

The amendment was agreed to.

The substitute amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the votes by which the last two bills were passed was laid on the table.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned to meet to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioner of Internal Revenue submitting an estimate of appropriation for the expenses of the Internal-Revenue Service—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16478) providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks, in the State of California, in which are big trees and other natural curiosities and wonders, reported the same with amendment, accompanied by a report (No. 4769); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRINCE, from the Committee on Levees and Improvements of the Mississippi River, to which was referred the bill of the House (H. R. 19812) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River, reported the same with amendment, accompanied by a report (No. 4774); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19814) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes, reported the same without amendment, accompanied by a report (No. 4775); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on the Public Lands, to

which was referred the bill of the Senate (S. 3743) to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona, reported the same without amendment, accompanied by a report (No. 4777); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18429) granting an increase of pension to David Mitchell, reported the same with amendment, accompanied by a report (No. 4678); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19317) granting an increase of pension to Samantha B. Marshall, reported the same with amendment, accompanied by a report (No. 4679); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4690) granting an increase of pension to Andrew J. Slinger, reported the same with amendment, accompanied by a report (No. 4680); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4707) granting an increase of pension to John H. Pitman, reported the same without amendment, accompanied by a report (No. 4681); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4659) granting an increase of pension to John F. Morris, reported the same without amendment, accompanied by a report (No. 4682); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18018) granting an increase of pension to David Evans, reported the same with amendment, accompanied by a report (No. 4683); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6944) granting an increase of pension to David P. Kimball, reported the same without amendment, accompanied by a report (No. 4684); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5846) granting an increase of pension to John M. Chandler, reported the same without amendment, accompanied by a report (No. 4685); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7254) granting a pension to Isom Gwinn, reported the same with amendment accompanied by a report (No. 4686); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2789) granting an increase of pension to Merrill Johnson, reported the same with amendment, accompanied by a report (No. 4687); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1871) granting an increase of pension to Alonzo Cooper, reported the same with amendment, accompanied by a report (No. 4688); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2715) granting an increase of pension to Charles Martine, reported the same without amendment, accompanied by a report (No. 4689); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3338) granting an increase of pension to Lafayette F. Franks, reported the same with amendment, accompanied by a report (No. 4690); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8712) granting an increase of pension to Josiah Hall, reported the same without amendment, accompanied by a report (No. 4691); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9101) granting an increase of pension to James W. Loomis, reported the same with amendment, accompanied by a report (No. 4692); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8215) granting an increase of pension to Ira Palmer, reported the same with amendment, accompanied by a report (No. 4693); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7719) granting an increase of pension to George Fetterman, reported the same with amendment, accompanied by a report (No. 4694); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7871) granting an increase of pension to Jerome L. Brown, reported the same with amendment, accompanied by a report (No. 4695); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8214) granting an increase of pension to Joseph Slagg, reported the same with amendment, accompanied by a report (No. 4696); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11483) granting a pension to Maria Niles, reported the same with amendment, accompanied by a report (No. 4697); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12667) granting an increase of pension to Charles W. Weber, reported the same with amendment, accompanied by a report (No. 4698); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14257) granting an increase of pension to Fleming H. Freeland, reported the same without amendment, accompanied by a report (No. 4699); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16211) granting an increase of pension to John W. Montgomery, reported the same with amendment, accompanied by a report (No. 4700); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16875) granting an increase of pension to J. K. Hart, reported the same with amendment, accompanied by a report (No. 4701); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16575) granting a pension to Taylor Baits, reported the same with amendment, accompanied by a report (No. 4702); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19067) granting an increase of pension to Thomas J. Smith, reported the same with amendment, accompanied by a report (No. 4703); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19686) granting a pension to Orin S. Rarick, reported the same with amendment, accompanied by a report (No. 4704); which said bill and report were referred to the Private Calendar.

He also, from the same committee to which was referred the bill of the House (H. R. 19926) granting an increase of pension to Andrew Leupold, reported the same with amendment, accompanied by a report (No. 4705); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18227) granting an increase of pension to Catharine F. Fitzgerald, reported the same with amendment, accompanied by a report (No. 4706); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18343) granting an increase of pension to John N. Oliver, reported the same with amendment, accompanied by a report (No. 4707); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19534) granting an increase of pension to Noah Resseguie, reported the same with amendment, accompanied by a report (No. 4708); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19033) granting an increase of pension to Moses S. Rockwood, reported the same with amendment, accompanied by a report (No. 4709); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19662) granting an increase of pension to Joseph Kircher, reported the same with amendment, accompanied by a report (No. 4710); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19389) granting an increase of pension to Lewis Marquis, reported the same with amendment, accompanied by a report (No. 4711); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18545) granting an increase of pension to David Upham, reported the same without amendment, accompanied by a report (No. 4712); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2772) granting an increase of pension to Eli Cero, reported the same with amendment, accompanied by a report (No. 4713); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19359) granting an increase of pension to Levi Brader, reported the same without amendment, accompanied by a report (No. 4714); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19659) granting an increase of pension to Margaret S. Miller, reported the same with amendment, accompanied by a report (No. 4715); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17691) granting an increase of pension to George W. Henrie, reported the same with amendment, accompanied by a report (No. 4716); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19503) granting an increase of pension to David S. Jones, reported the same with amendment, accompanied by a report (No. 4717); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15763) granting an increase of pension to Gainford N. Upton, reported the same with amendment, accompanied by a report (No. 4718); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1148) granting an increase of pension to Marion F. Halbert, reported the same with amendment, accompanied by a report (No. 4719); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19091) granting an increase of pension to Ernst Langeneck, reported the same with amendment, accompanied by a report (No. 4720); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18193) granting an increase of pension to Walden Kelly, reported the same with amendment, accompanied by a report (No. 4721); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18432) granting an increase of pension to David Dirck, reported the same without amendment, accompanied by a report (No. 4722); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19181) to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes, reported the same with amendment, accompanied by a report (No. 4724); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1549) granting an increase of pension to Louis H. Gein, reported the same with amendment, accompanied by a report (No. 4725); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 257) granting an increase of pension to Caleb T. Bowen, reported the same without amendment, accompanied by a report (No. 4726); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 663) granting a pension to Joseph Ellmore, reported the same without amendment, accompanied by a report (No. 4727); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1254) granting an increase of pension to Orlando H. Langley, reported the same without amendment, accompanied by a report (No. 4728); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1422) granting an increase of pension to George L. Wakefield, reported the same without amendment, accompanied by a report (No. 4729); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1936) granting an increase of pension to Lorenzo W. Smith, reported the same without amendment, accompanied by a report (No. 4730); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1976) granting a pension to William N. Dickey, reported the same without amendment, accompanied by a report (No. 4731); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2501) granting an increase of pension to Jessie E. Foster, reported the same without amendment, accompanied by a report (No. 4732); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2566) granting an increase of pension to George H. Rodeheaver, reported the same without amendment, accompanied by a report (No. 4733); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2853) granting an increase of pension to Bridget Quinn, reported the same without amendment, accompanied by a report (No. 4734); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3028) granting an increase of pension to Helen C. Sanderson, reported the same without amendment, accompanied by a report (No. 4735); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3122) granting an increase of pension to Erastus C. Clark, reported the same without amendment, accompanied by a report (No. 4736); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3168) granting an increase of pension to Obadiah Derr, reported the same without amendment, accompanied by a report (No. 4737); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3735) granting a pension to Phebe W. Drake, reported the same without amendment, accompanied by a report (No. 4738); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4047) granting an increase of pension to William Morehead, reported the same without amendment, accompanied by a report (No. 4739); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4318) granting an increase of pension to Henry S. Bennett, reported the same without amendment, accompanied by a report (No. 4740); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4390) granting an increase of pension to Rebecca A. Alexander, reported the same without amendment, accompanied by a report (No. 4741); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4391) granting an increase of pension to Abner R. Barnes, reported the same without amendment, accompanied by a report (No. 4742); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4459) granting an increase of pension to Edwin K. Lamson, reported the same without amendment, accompanied by a report (No. 4743); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4651) granting an increase of pension to Rufus M. Ashley, reported the same without amendment, accompanied by a report (No. 4744); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4961) granting an increase of pension to William Ickes, reported the same without amendment, accompanied by a report (No. 4745); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5038) granting an increase of pension to James Richards, reported the same without amendment, accompanied by a report (No. 4746); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5155) granting an increase of pension to Charles H. Van Dusen, reported the same without amendment, accompanied by a report (No. 4747); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5195) granting an increase of pension to Sidney H. Cook, reported the same without amendment, accompanied by a report (No. 4748); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5262) granting an increase of pension to Frank N. Nichols, reported the same without amendment, accompanied by a report (No. 4749); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5353) granting an increase of pension to Thomas W. Carter, reported the same without amendment, accompanied by a report (No. 4750); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5447) granting an increase of pension to Oliver H. Hibben, reported the same without amendment, accompanied by a report (No. 4751); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5543) granting an increase of pension to William A. Huñrich, reported the same without amendment, accompanied by a report (No. 4752); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5598) granting an increase of pension to Almond Greeley, reported the same without amendment, accompanied by a report (No. 4753); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5870) granting an increase of pension to Samuel H. Morrison, reported the same without amendment, accompanied by a report (No. 4754); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5877) granting an increase of pension to Charles O'Bryan, reported the same without amendment, accompanied by a report (No. 4755); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5898) granting an increase of pension to Louisa A. Clark, reported the same without amendment, accompanied by a report (No. 4756); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6006) granting an increase of pension to William H. Crouch, reported the same without amendment, accompanied by a report (No. 4757); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6065) granting an increase of pension to Ellen M. Dyer, reported the same without amendment, accompanied by a report (No. 4758); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6138) granting an increase of pension to Eliza P. Norton, reported the same without amendment, accompanied by a report (No. 4759); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6141) granting an increase of pension to Ransom C. Russell, reported the same without amendment, accompanied by a report (No. 4760); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6154) granting an increase of pension to Edwin Freeman, reported the same without amendment, accompanied by a report (No. 4761); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6155) granting an increase of pension to Samuel H. Davis, reported the same without amendment, accompanied by a report (No. 4762); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6164) granting an increase of pension to Julius S. Cuendet, reported the same without amendment, accompanied by a report (No. 4763); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6168) granting an increase of pension to Calvin Lambert, reported the same without amendment, accompanied by a report (No. 4764); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6192) granting an increase of pension to John Coker, reported the same without amendment, accompanied by a report (No. 4765); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6222) granting an increase of pension to John A. Alden, reported the same without amendment, accompanied by a report (No. 4766); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6240) granting an increase of pension to John G. Fonda, reported the same without amendment, accompanied by a report (No. 4767); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6272) granting an increase of pension to Harvey Gamble, reported the same without amendment, accompanied by a report (No. 4768); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2212) for the relief of John B. Johnson, reported the same with amendment, accompanied by a report (No. 4771); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4205) granting an increase of pension to Amanda W. Ritchie, reported the same with amendment, accompanied by a report (No. 4772); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16856) granting an increase of pension to Joseph McBride, reported the same with amendment, accompanied by a report (No. 4773); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19889) granting an increase of pension to John M. Melson, reported the same without amendment, accompanied by a report (No. 4776); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHANEY: A bill (H. R. 19985) granting a pension to all soldiers and sailors of the war of the rebellion for and on account of their service, and a uniform pension to widows of soldiers and sailors of said war—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 19986) to amend section 730, Revised Statutes—to the Committee on the Judiciary.

By Mr. BEIDLER: A bill (H. R. 19987) providing for the adjustment of accounts of clerks of courts in Indian Territory—to the Committee on Claims.

By Mr. REYNOLDS: A bill (H. R. 19988) granting pensions to soldiers and sailors for certain specified causes since the date of their discharge from the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. CASSEL: A resolution (H. Res. 564) to pay to H. G.

Clement as clerk to the late Representative Adams—to the Committee on Accounts.

By Mr. ELLERBE: A resolution (H. Res. 565) directing the Secretary of Agriculture to furnish to the House certain information upon which he relied for his estimate of June 4, 1906, purporting to be an estimate of the cotton acreage for 1906—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 19989) to remove the charge of desertion from the military record of Henry A. Levake, jr.—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 19990) granting an increase of pension to Susan F. Christie—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 19991) granting an increase of pension to Cornelius D. McCombs—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 19992) granting a pension to Julia T. Baldwin—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 19993) granting an increase of pension to William Sanders—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 19994) granting a pension to Kitty M. Lane—to the Committee on Pensions.

Also, a bill (H. R. 19995) granting an increase of pension to Thomas Oldham—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 19996) granting an increase of pension to Helen D. Rogers—to the Committee on Pensions.

By Mr. HUNT: A bill (H. R. 19997) granting an increase of pension to Hiram K. Hazlett—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 19998) granting an increase of pension to Eunice Cook—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 19999) for the relief of the Methodist Episcopal Church South, of Ringgold, Ga.—to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 20000) granting an increase of pension to Thomas R. Elliott—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 20001) for the relief of Sarah Spaulding—to the Committee on Private Land Claims.

By Mr. McCLEARY of Minnesota: A bill (H. R. 20002) granting an increase of pension to James A. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20003) granting an increase of pension to William Yohn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 2004) granting an increase of pension to Isaiah W. Perkins—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 20005) to correct the military record of Daniel S. Kochendorfer—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 20006) providing for reference to the Court of Claims of the claim of Eli Alley's personal representatives for property and stores taken and destroyed by the Federal authorities during the civil war—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 20007) granting an increase of pension to William Birney and twenty-one other officers of the Volunteer Army of the civil war—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 20008) granting a pension to Caroline A. Smith—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 20009) for the relief of John D. McLain—to the Committee on War Claims.

By Mr. PUJO: A bill (H. R. 20010) granting an increase of pension to Samuel H. Whatley—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 20011) granting an increase of pension to John T. Criswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20012) granting an increase of pension to Lourra V. Bowers—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20013) to authorize the allotment to J. Morris Cook of his proportionate share in any of the land of the Grande Ronde Reservation, formerly belonging to the Umpqua tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. SMALL: A bill (H. R. 20014) for the relief of Abner Gibson—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of railway employees in South Carolina, in form of telegrams, against the antipass amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Maine: Petition of Addie Estella Farwell and 20 others, Daughters of the American Revolution, in Maine, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. ALLEN of New Jersey: Petition of citizens of New Jersey, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of Wholesale Liquor Dealers' League, against bill H. R. 18895, relative to tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Municipal Art Society, of Baltimore, for national advisory board of art experts—to the Committee on the Library.

Also, petition of Rev. Jesse L. Colton, for various measures in legislation affecting the moral status of the nation—to the Committee on Alcoholic Liquor Traffic.

By Mr. BARTHOLDT: Petition of hundreds of residents of the Tenth, Eleventh, and Twelfth Congressional districts of St. Louis, for the interposition of the Government of the United States in the administration of affairs of Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Robert Mayfield—to the Committee on Pensions.

By Mr. BEIDLER: Paper to accompany bill for relief of Charles A. Davidson—to the Committee on Claims.

By Mr. BOWERSOCK: Petition of citizens of Ottawa, Kans., asking investigation of conditions in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BURKE of Pennsylvania: Petition of Wholesale Liquor Dealers' League, against bill H. R. 18895, relative to tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Municipal Art Society, of Baltimore, for a national advisory board of art experts—to the Committee on the Library.

Also, petition of Chicago Federation of Labor, for anti-injunction legislation (Pearre bill—H. R. 18752)—to the Committee on the Judiciary.

By Mr. DAWSON: Protest of Brotherhood of Railway Trainmen, of Des Moines, Iowa, and resolutions of Order of Railway Conductors, against adoption of conference report on rate bill prohibiting the granting of passes—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Resolution of Chicago Federation of Labor, in favor of bill H. R. 18752—to the Committee on the Judiciary.

Also, petition of Chicago Federation of Labor, for legislation prohibiting judges from granting injunctions in labor disputes—to the Committee on the Judiciary.

Also, petition of Wholesale Liquor Dealers' Association, against passage of bill H. R. 18895—to the Committee on Ways and Means.

Also, petition of executive directors of the Chicago Commercial Association, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Municipal Art Association of Baltimore, for a national advisory board of art experts—to the Committee on the Library.

By Mr. FULLER: Petition of Order of Railway Conductors, of Freeport, Ill., against amendment to rate bill prohibiting passes to railway employees and friends—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. Foster Bain, State geologist of Illinois, for appropriation for United States Geological Survey—to the Committee on Appropriations.

Also, petition of Illinois Federation of Women's Clubs, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Wholesale Liquor Dealers' League, against bill H. R. 18895, relative to tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Chicago Federation of Labor, for anti-injunction legislation (Pearre bill—H. R. 18752)—to the Committee on the Judiciary.

Also, petition of Municipal Art Society of Baltimore, for a national advisory board of art experts—to the Committee on the Library.

Also, petition of A. N. Fraser, for various measures in legislation affecting the moral status of the nation—to the Committee on Alcoholic Liquor Traffic.

By Mr. HAYES: Petition of Amalgamated Association of Street Railway Employees of America, of San Jose, Cal., protesting method of arrest and extradition of Charles Moyer, W. D. Haywood, and G. A. Pettibone—to the Committee on the Judiciary.

Also, petition of San Francisco Labor Council, for passage of the anti-injunction bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. HOWARD: Paper to accompany bill for relief of heirs of John Billups—to the Committee on War Claims.

By Mr. LACEY: Protest of employees of Iowa Central Railway Company, against adoption of conference report on railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEE: Paper to accompany bill for relief of trustees of Pine Chapel Methodist Episcopal Church South, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. LINDSAY: Petition of R. J. Caldwell, New York, for a clause in the meat-inspection bill providing for the injection of kerosene into condemned carcasses—to the Committee on Agriculture.

Also, petition of 42,000 women, delegation of Federation of Women's Clubs, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. Reise F. Alsop, Rev. Louis Oscar Rotenbach, Rev. Walter F. Prince, Rev. Cleland B. McAfee, and Rev. W. J. Hutchins, for the Tirrell bill, relative to sale of intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LORIMER: Protest of 400 members of Division No. 456, Brotherhood of Railway Trainmen, against adoption of railway rate bill prohibiting passes—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry W. Harder, master of Lodge No. 237, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY: Petition of E. A. Gerrard and J. H. Lohmann, for amendment of postal laws and regulations making legal all newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY of Illinois: Petitions of G. E. Robinson, Mattoon, Ill.; C. W. Smuggs, J. W. Brant, S. G. Brecount, E. J. Wilkins, J. F. Ryall, John Rodems, Walter Romick, J. R. Dempster, D. R. Talbott, J. N. Edwards, S. E. Callahan, George Schilling, L. E. Fulmar, J. W. Braddock, J. B. Fosnaught, E. E. Fair, T. C. Russell, Decatur, Ill., against passage of conference amendment to rate bill prohibiting issuance of passes to railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of convention of Congregationalist churches held at Racine, for Sunday closing of Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. PAYNE: Paper to accompany bill for relief of Charles Van Ostrand—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Petition of 600 citizens of Tyrone, Pa., for law prohibiting sale of intoxicants in all public buildings of United States—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHACKLEFORD: Paper to accompany bill for relief of Hiram M. Smith—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Petition of W. T. Gass and R. P West, for amendment to post-office laws and regulations making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of John D. McLain—to the Committee on War Claims.

By Mr. SULZER: Petition of Clayton F. Summy Company, against amendment to copyright law permitting rental of work copyrighted—to the Committee on Patents.

SENATE.

WEDNESDAY, *June 6, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

HOUR OF MEETING TO-MORROW.

Mr. HALE. Mr. President, in view of the funeral of the late Senator from Maryland to-morrow, I move that when the Senate adjourns to-day it be to meet at 2 o'clock to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 13917. An act to remove the charge of desertion from the military record of Robert W. Liggett; and

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes;

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

S. 4862. An act allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash; and

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large;

H. R. 15096. An act to appoint a solicitor for the customs department of the Treasury;

H. R. 15442. An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States;

H. R. 16290. An act to postpone until 1937 the maturity of $250,000 of 4 per centum United States bonds held in trust for the benefit of the American Printing House for the Blind;

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.;

H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Cal.;

H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.;

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula in Alaska, and for other purposes;

H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 18854. An act providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district;

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes;

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;

H. R. 19606. An act to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga.;

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.; and

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railway trains.

The message also announced that the House returned to the Senate, in compliance with its request, the bill (H. R. 18236) granting an increase of pension to Thomas Garratt.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 612. An act granting an increase of pension to George W. Kohler;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

H. R. 1438. An act granting an increase of pension to Oliver T. Smith;

H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;

H. R. 1650. An act granting an increase of pension to Frank B. Watkins;

H. R. 1736. An act granting an increase of pension to Charles A. Walker;

H. R. 1788. An act granting an increase of pension to William D. Christy;

H. R. 1982. An act granting a pension to Ada Collins;

H. R. 2092. An act granting an increase of pension to Franklin M. Hill;

H. R. 2237. An act granting an increase of pension to Martin Pool;

H. R. 2247. An act granting an increase of pension to Anthony Sanspeur;

H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;

H. R. 2785. An act granting an increase of pension to Margaret Bonynge;

H. R. 3243. An act granting an increase of pension to John H. Anderson;

H. R. 3351. An act granting an increase of pension to George King;

H. R. 3488. An act granting an increase of pension to Egbert J. Olds;

H. R. 3495. An act granting an increase of pension to Charles F. Tower;

H. R. 3572. An act granting an increase of pension to William L. Riley;

H. R. 3588. An act granting an increase of pension to William H. Riggin;

H. R. 4161. An act granting an increase of pension to Robert Beatty;

H. R. 4241. An act granting an increase of pension to David B. Coleman;

H. R. 4597. An act granting an increase of pension to Martin Ellison;

H. R. 4715. An act granting an increase of pension to John H. Whiting;

H. R. 4956. An act granting an increase of pension to James C. Bryant;

H. R. 5040. An act granting an increase of pension to Joseph Montgomery;

H. R. 5560. An act granting an increase of pension to Henry Chubb;

H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;

H. R. 6059. An act granting an increase of pension to Elias Hanes;

H. R. 6067. An act to change the records of the War Department relative to Levi A. Meacham;

H. R. 6120. An act granting a pension to Harriet M. Smithers;

H. R. 6205. An act granting an increase of pension to Lucy E. Engler;

H. R. 6208. An act granting an increase of pension to William D. Conner;

H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;

H. R. 6505. An act granting an increase of pension to Mary C. Chapman;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6596. An act granting an increase of pension to Alex O. Huffman;

H. R. 6774. An act granting an increase of pension to John Platt;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 7147. An act granting an increase of pension to Bronson Rothrock;

H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;

H. R. 7402. An act granting an increase of pension to Edwin M. Todd;

H. R. 7535. An act granting an increase of pension to John L. Moore;

H. R. 7836. An act granting an increase of pension to Alexander G. Patton;

H. R. 8155. An act granting an increase of pension to Henry E. Seelye;

H. R. 8232. An act granting an increase of pension to James M. Jared;

H. R. 8722. An act granting an increase of pension to Arthur M. Lee;

H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;

H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;

H. R. 8817. An act granting an increase of pension to Calvin M. Latham;

H. R. 8852. An act granting an increase of pension to Frederick W. Clark;

H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;

H. R. 9531. An act granting an increase of pension to Eliza Rogers;

H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;

H. R. 9828. An act granting an increase of pension to John Broughton;

H. R. 9844. An act granting an increase of pension to John J. Erick;

H. R. 9862. An act granting an increase of pension to William B. Warren;

H. R. 10794. An act granting an increase of pension to Jacob Schultz;

H. R. 10828. An act granting an increase of pension to Michael Lennon;

H. R. 10865. An act granting an increase of pension to Alexander Caldwell;

H. R. 11057. An act granting an increase of pension to Lewis J. Post;

H. R. 11152. An act granting an increase of pension to Theodore S. Currier;

H. R. 11161. An act granting an increase of pension to Michael Aaron;

H. R. 11260. An act granting an increase of pension to James H. Van Camp;

H. R. 11457. An act granting an increase of pension to Cyrus Vanmatre;

H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;

H. R. 12184. An act granting an increase of pension to Joseph Sprauer;

H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;

H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;

H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;

H. R. 12879. An act granting an increase of pension to Catharine Myers;

H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;

H. R. 13069. An act granting an increase of pension to Friend S. Esmond;

H. R. 13149. An act granting an increase of pension to Ida L. Martin;

H. R. 13245. An act to correct the military record of Henry Gude;

H. R. 13443. An act granting an increase of pension to James E. Hammontree;

H. R. 13594. An act granting an increase of pension to Jonathan Snook;

H. R. 13735. An act for the relief of John Purkapile;
H. R. 13824. An act granting a pension to Noah Myers;
H. R. 13993. An act granting an increase of pension to Joseph Watson;
H. R. 14184. An act to extend the irrigation act to the State of Texas;
H. R. 14264. An act granting an increase of pension to John H. Eversole;
H. R. 14661. An act granting an increase of pension to John B. Bussell;
H. R. 14678. An act granting a pension to James A. Boggs;
H. R. 14702. An act granting an increase of pension to Christian Schlosser;
H. R. 14729. An act granting an increase of pension to David Ford;
H. R. 15056. An act granting an increase of pension to James Ramsey;
H. R. 15104. An act granting an increase of pension to Thomas E. Owens;
H. R. 15126. An act granting an increase of pension to William K. Trabue;
H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;
H. R. 15613. An act granting an increase of pension to William W. Combs;
H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;
H. R. 16073. An act granting an increase of pension to John Ginther;
H. R. 16109. An act granting an increase of pension to Jacob Cline;
H. R. 16252. An act granting an increase of pension to Adam Dixon;
H. R. 16272. An act granting a pension to William D. Willis;
H. R. 16441. An act granting an increase of pension to Joseph J. Goode;
H. R. 16492. An act granting an increase of pension to Joseph M. Logan;
H. R. 16496. An act granting an increase of pension to Thomas Dailey;
H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;
H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;
H. R. 16595. An act granting a pension to James R. Hicks;
H. R. 16662. An act granting an increase of pension to Van Buren Beam;
H. R. 16682. An act granting an increase of pension to William Hammond;
H. R. 16812. An act granting an increase of pension to Dudley McKibben;
H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;
H. R. 16915. An act granting an increase of pension to Orange Bugbee;
H. R. 16918. An act granting a pension to Matilda J. Williams;
H. R. 16977. An act granting an increase of pension to Isabel Newlin;
H. R. 16998. An act granting an increase of pension to Elijah Curtis;
H. R. 17170. An act granting an increase of pension to Jackson D. Turley;
H. R. 17171. An act granting an increase of pension to David H. Parker;
H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;
H. R. 17309. An act granting an increase of pension to John W. Chase;
H. R. 17340. An act granting a pension to Julia Walz;
H. R. 17346. An act granting an increase of pension to Newton S. Davis;
H. R. 17374. An act granting an increase of pension to Isom Wilkerson;
H. R. 17388. An act granting an increase of pension to Patrick McCarthy;
H. R. 17390. An act granting an increase of pension to Mary Sheehan;
H. R. 17445. An act granting an increase of pension to William H. Farrell;
H. R. 17466. An act granting an increase of pension to James P. Hall;
H. R. 17476. An act granting an increase of pension to Henry Ballard;
H. R. 17542. An act granting an increase of pension to John Cain;
H. R. 17590. An act granting an increase of pension to Jacob Woodruff;
H. R. 17637. An act granting an increase of pension to Gardner K. Haskell;
H. R. 17678. An act granting an increase of pension to Alexander Moore;
H. R. 17772. An act granting an increase of pension to John W. Henry;
H. R. 17825. An act granting an increase of pension to Bolivar Ward;
H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;
H. R. 17891. An act granting an increase of pension to Eliza M. Buice;
H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;
H. R. 17922. An act granting an increase of pension to Thomas D. Adams;
H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;
H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;
H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;
H. R. 17940. An act granting a pension to Rhetta Florence Tilton;
H. R. 17999. An act granting an increase of pension to Samuel Yehl;
H. R. 18034. An act granting a pension to Mary A. Montgomery;
H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;
H. R. 18039. An act granting an increase of pension to John W. Stephens;
H. R. 18041. An act granting an increase of pension to William R. Hiner;
H. R. 18052. An act granting an increase of pension to John Lewis Bernard Breighner;
H. R. 18073. An act granting an increase of pension to Mary McFarlane;
H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;
H. R. 18105. An act granting an increase of pension to John A. Lyle;
H. R. 18106. An act granting an increase of pension to Mary E. Patterson;
H. R. 18121. An act granting an increase of pension to John W. Jones;
H. R. 18132. An act granting an increase of pension to John W. Blanchard;
H. R. 18184. An act granting an increase of pension to John J. Howells;
H. R. 18239. An act granting an increase of pension to Bryant Brown;
H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;
H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;
H. R. 18262. An act granting an increase of pension to John H. Broadway;
H. R. 18308. An act granting an increase of pension to Clay Riggs;
H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;
H. R. 18319. An act granting an increase of pension to Newton Kinnison;
H. R. 18355. An act granting an increase of pension to Rachel A. Webster;
H. R. 18356. An act granting an increase of pension to William A. Custer;
H. R. 18357. An act granting an increase of pension to William E. Starr;
H. R. 18367. An act granting an increase of pension to John Wilkinson;
H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;
H. R. 18399. An act granting an increase of pension to Pauline Bietry;
H. R. 18400. An act granting an increase of pension to Elmira M. Gause;
H. R. 18402. An act granting an increase of pension to Lucy W. Powell;
H. R. 18426. An act granting a pension to Elizabeth Hathaway;

H. R. 18447. An act granting an increase of pension to Elijah G. Gould;
H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;
H. R. 18460. An act granting a pension to Benjamin F. Tudor;
H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;
H. R. 18469. An act granting an increase of pension to Samuel C. Dean;
H. R. 18486. An act granting an increase of pension to William F. Walker;
H. R. 18505. An act granting an increase of pension to M. Belle May;
H. R. 18509. An act granting an increase of pension to Ellen L. Stone;
H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;
H. R. 18524. An act granting an increase of pension to Julius Rector;
H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;
H. R. 18542. An act granting an increase of pension to Sarah Ann Day;
H. R. 18551. An act granting an increase of pension to William D. Brown;
H. R. 18560. An act granting an increase of pension to John Hamilton;
H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;
H. R. 18573. An act granting an increase of pension to John M. Quinton;
H. R. 18605. An act granting an increase of pension to William Lawrence;
H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;
H. R. 18628. An act granting an increase of pension to William E. Chambers;
H. R. 18633. An act granting an increase of pension to Jennie F. Belding;
H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;
H. R. 18654. An act granting an increase of pension to Robert D. Gardner;
H. R. 18655. An act granting an increase of pension to Leander Gilbert;
H. R. 18678. An act granting an increase of pension to Evans P. Hoover;
H. R. 18696. An act granting an increase of pension to Louisa C. Gibson;
H. R. 18697. An act granting an increase of pension to Martha L. Beesley;
H. R. 18702. An act granting an increase of pension to Edward B. Prime;
H. R. 18724. An act granting an increase of pension to Alfred Gude;
H. R. 18730. An act granting an increase of pension to William C. Mahaffey;
H. R. 18746. An act granting an increase of pension to Isaac Howard;
H. R. 18747. An act granting an increase of pension to William H. Colgate;
H. R. 18794. An act granting an increase of pension to William C. McRay;
H. R. 18795. An act granting an increase of pension to James E. Raney;
H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;
H. R. 18822. An act granting an increase of pension to Sophie S. Parker;
H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;
H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;
H. R. 18910. An act granting an increase of pension to Philo E. Davis;
H. R. 18930. An act granting an increase of pension to Eliza J. Mays;
H. R. 18935. An act granting an increase of pension to Mima A. Boswell;
H. R. 18959. An act granting an increase of pension to Albert G. Packer;
H. R. 18966. An act granting a pension to John W. Ward;
H. R. 18976. An act granting an increase of pension to Nelson S. Preston;
H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay; and
H. R. 19005. An act granting a pension to Gideon M. Burriss.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Pennsylvania State Sabbath Association, of Philadelphia, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented the petition of Francis N. Manning, of Boston, Mass., praying for the enactment of legislation providing that the cost of inspection of meat shall be paid by the Government; which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented memorials of sundry railroad employees of Fitchburg and Worcester, Mass., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. NELSON presented memorials of sundry railroad employees of East Grand Forks, Winona, Melrose, St. Paul, Minneapolis, Austin, Two Harbors, Detroit, Virginia, Montevideo, all in the State of Minnesota, and of Chicago, Ill., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ALLEE presented memorials of sundry railroad employees of Wilmington and Chester, in the State of Delaware, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BURNHAM presented memorials of sundry railroad employees of Manchester and Concord, N. H., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented a petition of the Municipal Art Society of Baltimore, Md., praying for the enactment of legislation providing for a national advisory board of experts on art; which was referred to the Committee on the Library.

Mr. KNOX presented memorials of Lodge No. 62, Brotherhood of Firemen, of Carbondale; Lodge No. 378, Brotherhood of Firemen, of McKees Rocks; Division No. 200, Brotherhood of Railway Conductors, of Bradford; Division No. 314, Order of Railway Conductors, of Allegheny; Iron City Division, Brotherhood of Locomotive Engineers, of Pittsburg; Lodge No. 258, Brotherhood of Trainmen, of East Brady; Division No. 464, Brotherhood of Engineers, of Pittsburg; Division No. 281, Order of Railway Conductors, of Pittsburg; sundry employees of the Cincinnati, New Orleans and Texas Pacific Railroad Company, of Pittsburg; firemen of Philadelphia and Reading Railway, of Philadelphia; Division No. 610, Brotherhood of Trainmen, of Norristown; Division No. 467, Brotherhood of Engineers, of Tyrone; Division No. 51, Order of Railway Conductors, of Tyrone; Lodge No. 632, Brotherhood of Trainmen, of Dickerson Run; Lodge No. 465, Brotherhood of Railway Trainmen, of Allegheny; Lodge No. 665, Brotherhood of Railroad Trainmen, of Pottstown; Lodge No. 378, Brotherhood of Trainmen, of Allegheny; Division No. 104, Brotherhood of Engineers, of Columbia; Division No. 23, Order of Railway Conductors, of Tamaqua; Division No. 466, Brotherhood of Engineers, of Bellwood; Division No. 380, Brotherhood of Engineers, of Sayre; Division No. 75, Brotherhood of Engineers, of Reading; Division No. 293, Brotherhood of Engineers, of Allegheny; Division No. 172, Order of Railway Conductors, of Conemaugh; Order of Railway Conductors, of Clarks Summit; Lodge No. 337, Brotherhood of Railroad Trainmen, of Sayre, and Lodge No. 638, Brotherhood of Firemen, of Clearfield, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the rate bill prohibiting the issuing of passes to railroad employees and members of their families; which were ordered to lie on the table.

He also presented memorials of the Railroad Young Men's Christian Association of Philadelphia, Railroad Young Men's Christian Association of Conemaugh, Railroad Young Men's Christian Association of Reading, Railroad Young Men's Christian Association of Pittsburg, and Railroad Young Men's Christian Association of Altoona, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the

rate bill prohibiting the issuing of passes to secretaries of Railroad Young Men's Christian Associations; which were ordered to lie on the table.

Mr. KEAN presented a memorial of Elizabeth Division, No. 688, Brotherhood of Locomotive Engineers, of Elizabeth, N. J., and a memorial of Local Division No. 294, Order of Railway Conductors, of Trenton, N. J., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented the petition of Lewis T. Stevens, of Cape May, N. J., praying for the enactment of legislation to amend the postal laws relating to newspaper subscriptions; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry pupils of the high school of Hoboken, N. J., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Park Avenue Church, of East Orange, N. J., remonstrating against the transfer of the education and care of the Indians and Eskimos in Alaska from the United States Bureau of Education to the governor of that Territory; which was referred to the Committee on Territories.

He also (for Mr. DRYDEN) presented memorials of sundry railroad employees of Trenton, High Bridge, Hoboken, and Jersey City, all in the State of New Jersey, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also (for Mr. PLATT) presented memorials of sundry railroad employees of Sidney, New York City, Mechanicsville, Middletown, Syracuse, Norwich, Watertown, Ogdensburg, and St. George, Staten Island, all in the State of New York, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PERKINS presented sundry memorials from railroad employees of Truckee, Los Angeles, and Sacramento, all in the State of California, and of Chicago, Ill., remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MALLORY presented memorials of sundry railroad employees of Jacksonville and Pensacola, in the State of Florida, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented the memorial of H. E. Helm, of St. Augustine, Fla., secretary of the Railroad Young Men's Christian Association, remonstrating against the exclusion of secretaries of the association from the privilege of railroad passes, as provided in the conference report on the rate bill; which was ordered to lie on the table.

Mr. SPOONER presented memorials of sundry railroad employees of Madison, Ashland, Portage, Antigo, Fond du Lac, Ellis Junction, and Green Bay, all in the State of Wisconsin, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BAILEY. Mr. President, I take it that I have received, as all other Senators have, telegrams of the same character and about the same number, but they have all been addressed to me. Consequently I have not deemed it necessary to present them to the Senate. They are not in the form of petitions, but they are an appeal to the Senator to whom they are addressed. I make this explanation, because having received them those who sent them finding no record might think I had not presented to the Senate their petitions. I do not regard them as a petition to the Senate, but a request of me. Consequently I do not put them in the RECORD.

Mr. FORAKER. Mr. President, the same question came into my mind, not only on this occasion, but on other occasions, and I have always thought that the Senate was entitled to whatever a Senator received in that way connected with the business of the Senate. Therefore, after making inquiry and finding that everybody else was in some doubt as to what should be done, but that all seemed to think it proper to file them, I have been, as a rule, filing such telegrams.

I send now to the desk a number of telegrams from railroad employees protesting against being denied passes over their railroads.

The VICE-PRESIDENT. The memorials will be received.

Mr. FORAKER presented memorials of sundry railroad employees of Cincinnati, Van Wert, Chicago Junction, Dennison, Painesville, Cleveland, Toledo, Galion, Marion, and Middleport, all in the State of Ohio, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BAILEY. I think there is no more sacred right in this Government than the right of petition, and I should be the last one to ignore or disregard it. But it does seem to me it is not placing the right of petition on precisely the high plane to which it is entitled if every time a constituent writes us a letter or sends us a telegram about a measure we deemed it necessary to present it as we would a petition. That being my view, those that come to me as a Senator I shall not deem it my duty to put in the RECORD; but when my constituents, if only a single one, would transmit through me a petition to the Senate I would be very careful to file it.

Mr. FORAKER. I did not mean to have the Senator infer that I would advocate that every time a Senator received a letter or a single telegram it should be presented here as though it were a petition; but in unusual cases like we now have presented, where telegrams are coming from all over the country, they are sent to their immediate representatives as a rule, and I think they are intended as in the nature of petitions. I would not think that it was any violation of the rule of presenting petitions to treat these as such and present them. I would be very glad to have the benefit of what come to the Senator from Texas. I would like to have them in the RECORD.

Mr. GALLINGER. In common with other Senators, I have received numerous telegrams, some in behalf, as they have represented, of thousands of people. I have thought that the proper disposition of them would be to send them to the committee of conference, and that is what I propose to do with mine.

Mr. McCUMBER. I have had like telegrams coming to me for several days, but nearly all of them come from an organization and come as a protest against certain contemplated legislation. That being so, I do not see any difference whether they come in the form of a protest signed by the secretary of an organization or in the form of a petition. The effect of it is a petition to Congress against the enactment of certain legislation. It seems to me, that being the case, that it is proper to file them.

The VICE-PRESIDENT. The memorial will be received.

Mr. McCUMBER presented a memorial of Local Division No. 279, Brotherhood of Locomotive Engineers, of Dickinson, N. Dak., remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which was ordered to lie on the table.

Mr. CLARK of Wyoming presented a memorial of the Order of Railway Conductors of Rawlins, Wyo., remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which was ordered to lie on the table.

Mr. HOPKINS presented memorials of sundry railroad employees of Freeport, Chicago, Mendota, Bloomington, Salem, Clinton, and Beardstown, all in the State of Illinois, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. SCOTT presented memorials of sundry railroad employees of Huntington, Bluefield, and Hinton, all in the State of West Virginia, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. DICK presented a memorial of Maple City Division, Brotherhood of Railroad Trainmen, of Painesville, Ohio, and a memorial of E. M. Redhead, secretary of the Brotherhood of Railroad Trainmen, of Chicago Junction, Ohio, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MILLARD presented sundry memorials of railroad employees of Alliance, South Omaha, Omaha, Chadron, Norfolk, Lincoln, and Grand Island, all in the State of Nebraska, remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free

passes to employees and their families; which were ordered to lie on the table.

Mr. MILLARD. I present a telegram from the president of the Santa Fe road, which I ask to have read.

The VICE-PRESIDENT. It will be read, without objection.

The Secretary read as follows:

[Telegram.]

CHICAGO, ILL., *June 5, 1906.*

Hon. J. H. MILLARD,
United States Senate, Washington, D. C.:

While in full sympathy with prohibition of free passes in general, the bill as amended in conference imposes great hardship on lower grades of employees, and will create much trouble; also we must move large numbers of laborers over long distances. They have no money, nor would it be safe to furnish them with amount necessary to pay fare. Provision should certainly be made for free transportation for our own officers and men and members of their families; otherwise great burden imposed on us without benefit to anyone.

E. P. RIPLEY,
President of Santa Fe.

The VICE-PRESIDENT. The memorial will lie on the table.

Mr. ANKENY. I present a number of telegrams, and ask that the one pinned on top may be read. They are all about alike.

The VICE-PRESIDENT. The Senator from Washington presents certain telegrams, and asks that one be read.

Mr. BLACKBURN. Mr. President, I do not want to object to the reading of these telegrams, but they are all of the same general import. I have here in my hand several hundred of them. It seems to me that it is a useless consumption of the time of the Senate to read them. If that, however, is to be done, I shall ask for the reading of some of these.

The VICE-PRESIDENT. Is there objection to the reading of the telegram sent to the desk by the Senator from Washington?

Mr. TILLMAN. I object, Mr. President.

The VICE-PRESIDENT. Objection is made.

Mr. ANKENY presented memorials of sundry railroad employees of Ellensburg and Seattle, Wash., and of Chicago, Ill., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. DOLLIVER presented memorials of sundry railroad employees of Fort Dodge, Stuart, Boone, Valley Junction, Creston, Clarion, Ottumwa, and Cherokee, all in the State of Iowa, and of Chicago, Ill., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PETTUS presented memorials of sundry railroad employees of Montgomery, Athens, Fayette, Tuscumbia, Gadsden, Anniston, Birmingham, Mobile, Selma, Greensboro, Opelika, Marion, Plantersville, Meridian, Sheffield, Tuscaloosa, Montevale, Camden, Grove Hill, Marion Junction, and Columbiana Depot, all in the State of Alabama, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BLACKBURN. During my absence at the Military Academy, as a member of the Board of Visitors for the Senate, my colleague [Mr. MCCREARY] presented a good many telegrams of the general nature of those just read at the desk, for which I am obliged. I was disposed to take the view expressed by the junior Senator from Texas [Mr. BAILEY] and treat these telegrams as individual communications rather than as petitions to Congress. But as the contrary view seems to prevail, it occurs to me but proper that I should ask to make an additional submission of one or two hundred telegrams that I have in my hand, all to the same purport, protesting against the conclusion reached in the conference report as to the section touching the question of free passes.

The VICE-PRESIDENT. The memorials will be received.

Mr. BLACKBURN presented memorials of sundry railroad employees of the State of Kentucky, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. RAYNER presented memorials of sundry railroad employees of Baltimore and Kensington, in the State of Maryland, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CLARK of Montana presented memorials of sundry railroad employees of Glendive, Whitefish, and Livingston, all in the State of Montana, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MCCREARY. I present in addition to those presented yesterday morning other telegrams from railroad employees and from various brotherhoods of locomotive engineers, protesting against the report of the railroad rate bill relative to issuing passes to employees of railroads and their families. I ask that the memorials may lie on the table.

The VICE-PRESIDENT. The memorials will be received.

Mr. MCCREARY presented memorials of sundry railroad employees of Ludlow, Somerset, Fulton, Winchester, and Paducah, all in the State of Kentucky, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. GALLINGER. I suggested a moment ago that I thought the proper place to send these telegrams was to the committee of conference, but as a different order seems to prevail, I send a portion of the telegrams that have come to me to the desk for reference.

The VICE-PRESIDENT. The memorials will be received.

Mr. GALLINGER presented sundry memorials of railroad employees of Concord, Woodville, Nashua, and Lakeport, all in the State of New Hampshire, remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LA FOLLETTE. On behalf of Mr. H. R. Fuller, legislative representative of Locomotive Firemen, I present the memorials of the Affiliated Railway Employees of Los Angeles, Cal.; of Local Lodge No. 126, Brotherhood of Locomotive Firemen, of Austin, Minn; of Local Lodge No. 328, Brotherhood of Locomotive Firemen, of Lajunta, Colo.; of Huffman & Carlton, of Amarillo, Tex.; of Local Lodge No. 330, Brotherhood of Locomotive Firemen, of Kansas City, Mo.; of Carbondale Lodge No. 56, Brotherhood of Locomotive Firemen, of Carbondale, Pa.; of Monongahela Valley Lodge, No. 277, Brotherhood of Locomotive Firemen, of Monongahela City, Pa.; of Local Lodge No. 638, Brotherhood of Locomotive Firemen, of Clearfield, Pa.; of Local Division No. 390, Order of Railway Conductors, of Claflin, Kans.; of Local Lodge No. 677, Brotherhood of Locomotive Firemen, of Coffeyville, Kans.; of Rock County Lodge, No. 210, Brotherhood of Locomotive Firemen, of Janesville, Wis.; of Local Division No. 8037, Brotherhood of Locomotive Firemen, of Roanoke, Va.; of Miami Lodge, No. 273, Brotherhood of Railroad Trainmen, of Dayton, Ohio; of John Kelly, of Bellefontaine, Ohio; of Local Lodge No. 88, Brotherhood of Locomotive Firemen, of Evanston, Wyo.; of Local Division No. 85, Order of Railway Conductors, of Winslow, Ariz.; of Local Division No. 569, Brotherhood of Locomotive Engineers, of Mena, Ark.; of Local Division No. 415, Brotherhood of Locomotive Engineers, of Rocklin, Cal.; of sundry conductors, engineers, trainmen, and station men, of Colton, Cal., and of Local Division, No. 653, Brotherhood of Railroad Trainmen, of San Luis Obispo, Cal., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. BURROWS presented sundry memorials of railroad employees of Jackson, Gladstone, Battle Creek, Hancock, Calumet, Grand Rapids, Ironwood, Cheboygan, Bay City, and Detroit, all in the State of Michigan, remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which were ordered to lie on the table.

Mr. HANSBROUGH presented a memorial of Local Division No. 279, Brotherhood of Locomotive Engineers, of Dickinson, N. Dak., remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which was ordered to lie on the table.

Mr. LATIMER presented memorials of sundry railroad employees of Walhalla, S. C., and of Atlanta, Ga., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PILES presented memorials of sundry railroad employees of Ellensburg and Seattle, in the State of Washington, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented a petition of the Good Roads Association of King County, Wash., praying for the enactment of legislation to provide for the establishment in the Department of Agriculture of a bureau to be known as the "Bureau of Public Highways," and to provide for national aid in the improvement of public roads; which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented memorials of the conductors of the Dakota division, Chicago and Northwestern Railway, of South Huron, S. Dak., and of George R. Peck, of Chicago, Ill., remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which were ordered to lie on the table.

Mr. STONE presented sundry memorials of railroad employees of Springfield, Brookfield, Moberly, Slater, Monett, Elmo, Thayer, Milan, Eldon, St. Louis, Sedalia, Jefferson City, Laredo, Bonne Terre, South St. Louis, Stanberry, and St. Joseph, all in the State of Missouri, and of Indianapolis, Ind.; Chicago, Ill., and East St. Louis Mills, Ill., remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which were ordered to lie on the table.

Mr. WARREN presented memorials of sundry railroad employees of Sheridan and Rawlins, Wyo.; of Omaha, Nebr., and of Chicago, Ill., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KITTREDGE presented a memorial of sundry railroad conductors of the Dakota division, Chicago and Northwestern Railway, of Huron, S. Dak., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. McENERY presented memorials of sundry railroad employees of New Orleans, Gouldsboro, Algiers, and Shreveport, all in the State of Louisiana, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LONG presented memorials of sundry railroad employees of Fort Scott, Horton, Osawatomie, and Atchison, all in the State of Kansas, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

PRESERVATION OF NIAGARA FALLS.

Mr. LODGE. I desire to ask that a reference be changed. By inadvertence the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes was referred to the Committee on Commerce. Bills, petitions, and all matters concerning that question have been before the Committee on Foreign Relations, because the question involves international relations. I ask that the reference be changed, and that the bill be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The reference was made to the Committee on Commerce at the request of the Senator from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Yes, sir. Ordinarily the bill would go to the Committee on Commerce, and I think that is the proper place for it; but I understand from the Senator from Massachusetts that, prior to the bill coming from the House, this subject-matter had been committed by the Senate to the committee of which he is a member, and that for that reason he is desirous of having the change made.

Mr. LODGE. As the Senator well knows, the chairman of the Committee on Commerce is upon the Committee on Foreign Relations, and he is aware that a similar bill has been before the latter committee, and it has necessarily been before that committee. The bill provides in one of its sections for the opening of negotiations with a foreign government, which has always been submitted, of course, to the Committee on Foreign Relations.

The VICE-PRESIDENT. Without objection, the Committee on Commerce will be discharged from the further consideration of the bill, and it will be referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. BACON. The Committee on Foreign Relations, to whom was referred the bill (S. 5345) for the relief of L. Biertempfel, have instructed me to report it back, together with an amendment in lieu thereof proposing to appropriate $871.08 to reimburse L. Biertempfel for loss sustained by him through the action of the United States commercial agent at Bamberg, Germany, etc., which they recommend be placed upon the diplomatic and consular appropriation bill now before the committee, and ask that it be referred to the Committee on Appropriations and printed.

The VICE-PRESIDENT. The bill, with the proposed amendment, will be referred to the Committee on Appropriations and printed.

Mr. KEAN, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 28th ultimo, proposing to appropriate $1,983.06 to pay the claim of Durham W. Stevens as chargé d'affaires ad interim at Tokyo from October 25, 1878, to May 21, 1879, intended to be proposed to the general deficiency appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11072) granting an increase of pension to William T. Hosley;

A bill (H. R. 12531) granting a pension to Charles Collins;

A bill (H. R. 16371) granting an increase of pension to Peter Eberts;

A bill (H. R. 17332) granting an increase of pension to Joseph H. Truax;

A bill (H. R. 1420) granting a pension to John Nay;

A bill (H. R. 18764) granting an increase of pension to Mary M. Stone;

A bill (H. R. 16620) granting a pension to Jackson Adkins;

A bill (H. R. 14544) granting an increase of pension to William A. Carroll;

A bill (H. R. 7683) granting an increase of pension to James Ross;

A bill (H. R. 5707) granting an increase of pension to John P. Veach;

A bill (H. R. 7635) granting a pension to Delia Gibbs; and

A bill (H. R. 10808) granting an increase of pension to Michael Kearns.

Mr. CLARK of Montana, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 25th ultimo proposing to appropriate $2,007.20 to reimburse Thomas H. Kent for money expended by him in having surveyed certain allotments of the Crow Indian Reservation, Mont., intended to be proposed to the general deficiency appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8660) granting a pension to William Mabery;

A bill (H. R. 18451) granting an increase of pension to Alexander B. Wilson;

A bill (H. R. 9876) granting an increase of pension to William H. H. Mallalieu;

A bill (H. R. 10394) granting an increase of pension to John Behymer;

A bill (H. R. 1655) granting an increase of pension to Theodore Cole;

A bill (H. R. 12183) granting an increase of pension to Arantha J. Livingston;

A bill (H. R. 13967) granting a pension to Sophie M. Staab;

A bill (H. R. 14554) granting an increase of pension to John Welch;

A bill (H. R. 18124) granting an increase of pension to Theodore T. Davis;

A bill (H. R. 18409) granting an increase of pension to Joel Gay;

A bill (H. R. 19026) granting an increase of pension to Mary Navy; and

A bill (H. R. 19276) granting an increase of pension to Ann W. Whitaker.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1206) granting an increase of pension to Allen Crow;

A bill (H. R. 1238) granting a pension to Susan R. Stalcup;

A bill (H. R. 7539) granting an increase of pension to David H. Hair;

A bill (H. R. 7543) granting an increase of pension to Prior M. Pavy;

A bill (H. R. 10563) granting an increase of pension to Joseph D. Cummins; and

A bill (H. R. 10604) granting an increase of pension to Martin L. Holcomb;

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15105) granting an increase of pension to Jacob Sheil;

A bill (H. R. 17632) granting an increase of pension to John Frick;

A bill (H. R. 18428) granting an increase of pension to James L. Gamble;

A bill (H. R. 18694) granting an increase of pension to Eliza Rebecca Sims;

A bill (H. R. 19099) granting an increase of pension to Columbus Cox;

A bill (H. R. 18904) granting an increase of pension to Henrietta G. Carter;

A bill (H. R. 18997) granting an increase of pension to Josephine Hardester;

A bill (H. R. 19061) granting an increase of pension to Mary E. Mundy;

A bill (H. R. 18720) granting an increase of pension to Ella Donnald;

A bill (H. R. 18772) granting an increase of pension to Lorenzo G. Tomaselli; and

A bill (H. R. 18903) granting an increase of pension to Julia A. Abney.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15547) granting an increase of pension to Henry D. Duffield;

A bill (H. R. 12400) granting an increase of pension to Charles H. Sweeney;

A bill (H. R. 2223) granting an increase of pension to John A. Blanton;

A bill (H. R. 2229) granting an increase of pension to Lytle McCracken;

A bill (H. R. 5554) granting an increase of pension to James T. Saunderson, alias Sanderson;

A bill (H. R. 8285) granting an increase of pension to Daniel Sharpley;

A bill (H. R. 10031) granting an increase of pension to Martin Haley; and

A bill (H. R. 10474) granting an increase of pension to Lewis F. Davis.

Mr. McCUMBER (for Mr. ALGER), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14705) granting an increase of pension to Alva Beebe;

A bill (H. R. 14919) granting an increase of pension to Maria C. Sheppard;

A bill (H. R. 15063) granting an increase of pension to Henry W. Brown;

A bill (H. R. 16571) granting an increase of pension to Mary L. Overley;

A bill (H. R. 17780) granting a pension to Caroline E. Perry;

A bill (H. R. 18092) granting an increase of pension to Andrew M. Logan;

A bill (H. R. 18462) granting an increase of pension to Samuel Dailey;

A bill (H. R. 18624) granting an increase of pension to Robert L. Fulton;

A bill (H. R. 18784) granting an increase of pension to Patrick Fitzgerald;

A bill (H. R. 18954) granting an increase of pension to John E. Minnick;

A bill (H. R. 19495) granting an increase of pension to Andrew P. Glaspie;

A bill (H. R. 10998) granting a pension to Helen G. Powell;

A bill (H. R. 1507) granting an increase of pension to Henry D. Jordan;

A bill (H. R. 2410) granting an increase of pension to Saturnin Jasnowski;

A bill (H. R. 2867) granting an increase of pension to Leah Bedford;

A bill (H. R. 7910) granting an increase of pension to Nicholas Karns;

A bill (H. R. 10224) granting an increase of pension to David Bussey, alias George Brown;

A bill (H. R. 11217) granting an increase of pension to Jordan H. Banks; and

A bill (H. R. 12013) granting a pension to Emma Fox.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14505) granting an increase of pension to John L. Clifton;

A bill (H. R. 15502) granting an increase of pension to Harmon Houck;

A bill (H. R. 17393) granting an increase of pension to George S. Green;

A bill (H. R. 18905) granting an increase of pension to Samuel H. Davis;

A bill (H. R. 19014) granting an increase of pension to Elizabeth A. Waller; and

A bill (H. R. 19222) granting an increase of pension to Catherine Warnock.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5567) granting an increase of pension to Sanford Weaver;

A bill (H. R. 9159) granting an increase of pension to John S. McClary;

A bill (H. R. 11780) granting an increase of pension to Charles Stair;

A bill (H. R. 11811) granting an increase of pension to John Kamerer;

A bill (H. R. 13032) granting an increase of pension to Stewart McKeney;

A bill (H. R. 16613) granting an increase of pension to William C. Fox;

A bill (H. R. 17603) granting an increase of pension to George E. Yager;

A bill (H. R. 18320) granting an increase of pension to Jonathan M. Hunter; and

A bill (H. R. 19242) granting an increase of pension to Anthony W. Miller.

Mr. SMOOT (for Mr. GEARIN), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2714) granting an increase of pension to Charles H. Charles;

A bill (H. R. 4891) granting an increase of pension to George W. Swadley;

A bill (H. R. 6181) granting an increase of pension to Fayette E. Ford;

A bill (H. R. 12347) granting an increase of pension to Samuel Palmer;

A bill (H. R. 14107) granting an increase of pension to Isaac Maines;

A bill (H. R. 16399) granting an increase of pension to James H. Warford;

A bill (H. R. 16973) granting an increase of pension to John H. Smith;

A bill (H. R. 17052) granting an increase of pension to Joseph Lawrence;

A bill (H. R. 18475) granting an increase of pension to Joseph F. Cook;

A bill (H. R. 18656) granting an increase of pension to George W. Gordon;

A bill (H. R. 18974) granting an increase of pension to Minna Hildebrand; and

A bill (H. R. 19279) granting an increase of pension to Peter Cramer.

Mr. HEMENWAY, from the Committee on Claims, to whom was referred the bill (S. 1473) for the relief of Malinda S. Gray, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 609) granting an increase of pension to Horace H. Sickels;

A bill (H. R. 19053) granting an increase of pension to John T. Heaney;

A bill (H. R. 18901) granting an increase of pension to John E. English;

A bill (H. R. 18836) granting an increase of pension to John N. Burton;

A bill (H. R. 18587) granting a pension to Catherine Bausman;

A bill (H. R. 18398) granting an increase of pension to Susan R. Freeman;

A bill (H. R. 17896) granting an increase of pension to James K. Dickinson;

A bill (H. R. 17271) granting an increase of pension to James D. Taylor; and

A bill (H. R. 14774) granting an increase of pension to Levi M. Hall.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes, reported it with amendments, and submitted a report thereon.

BLACKFEET INDIAN RESERVATION LANDS IN MONTANA.

Mr. CLARK of Montana. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, to report it with an amendment in the nature of a substitute, and I ask unanimous consent for its present consideration. The matter embraced in the substitute has passed the Senate twice, once in the Indian appropriation bill and again last Saturday.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Indian Affairs was, to strike out all after the enacting clause and to insert the following:

That the Secretary of the Interior is hereby authorized and he is hereby directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

SEC. 2. That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation: *Provided*, That all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana: *And provided further*, That there shall be allotted to each adult or head of family 80 acres of irrigable land and 240 acres of additional land valuable only for grazing purposes, or at the option of the allottee the entire 320 acres may be taken in land valuable only for grazing purposes, and to each person under 18 years of age one-half of such acreage, respectively: *Provided further*, That the Holy Family Mission on Two Medicine Creek is hereby granted 320 acres of land, to be selected by the authorities of said mission, embracing the mission buildings and improvements thereon, and the Secretary of the Interior may reserve such lands as he may deem necessary or desirable for agency, school, and religious purposes; also such tract or tracts of grazing and timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine.

SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of; said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians and the other two resident citizens of the State of Montana.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed $5 per day.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; and fifth, mineral lands: *Provided*, That mineral lands shall not be appraised.

That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

SEC. 4. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of $1.25 per acre.

SEC. 5. That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged, but no entry shall be allowed under section 2306 of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof as fixed by said commission, which in no case shall be less than $1.25 per acre for agricultural and grazing lands and $5 per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such entrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is $1.25 per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

SEC. 6. That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the "reclamation act," said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, into the reclamation funds: *And provided further*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than $1.25 per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than 160 acres of land shall be sold to any one person or company.

SEC. 7. That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, or timber lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

SEC. 8. That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids, to the highest bidder, for cash, at not less than $5 per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

SEC. 9. That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as, in his judgment, would be for the best interest of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe, the Indian beneficiary shall be paid interest thereon annually at the rate of 4 per cent per annum.

SEC. 10. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $65,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of $1.25 per acre; also the sum of $75,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said

town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

SEC. 11. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36 or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

SEC. 12. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 80 acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots, the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however*, That no lot shall be sold for less than $10: *And provided further*, That said lots when surveyed shall approximate 50 by 150 feet in size.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. DANIEL (by request) introduced a bill (S. 6382) for the relief of the heirs of Samuel C. Hull, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 6383) to pay to the Empire of Germany an award against the United States in order to satisfy certain conventional obligations of the United States; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. STONE introduced a bill (S. 6384) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KITTREDGE introduced a bill (S. 6385) validating certain soldiers' additional homestead entries; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LA FOLLETTE introduced a bill (S. 6386) granting a pension to Theron W. Haight; which was read twice by its title, and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.;

H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota;

H. R. 19815. An act to authorize the Georgia, Florida, and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga., and

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 15096. An act to appoint a solicitor for the customs department of the Treasury;

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 18854. An act providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district;

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes; and

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3, to purchase land leased to them for agricultural purposes in Comanche County, Okla.;

H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the "Cuartel lot" to the city of Monterey, Cal.; and

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon land embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large; was read twice by its title, and referred to the Committee on Naval Affairs.

H. R. 15442. An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States; was read twice by its title, and referred to the Committee on Immigration.

H. R. 16290. An act to postpone until 1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind; was read twice by its title, and referred to the Committee on Finance.

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes, was read twice by its title, and referred to the Committee on Territories.

H. R. 19606. An act to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States, was read twice by its title, and referred to the Committee on Foreign Relations.

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block signals and appliances for the automatic control of railway trains was read twice by its title, and referred to the Committee on Interstate Commerce.

PROPOSED ISLE OF PINES INVESTIGATION.

Mr. MORGAN. I desire to ask permission to have Senate resolution 103 go over with its present privileges, because I understand that the Senator from South Carolina [Mr. TILLMAN] intends to press the consideration of the conference report on the rate bill.

The VICE-PRESIDENT. Without objection, it is so ordered.

CASES CONDUCTED BY OFFICERS OF DEPARTMENT OF JUSTICE.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body created under the laws of the United States.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Attorney-General, the Solicitor-General, the Assistant to the Attorney-General, the Assistant Attorneys-General, special assistants to the Attorney-General, special assistants to the district attorneys, and special counsel appointed under any provision of law to begin and conduct any kind of legal proceedings, civil or criminal, in any court of any judicial district, or before any commission or commissioner or quasi-judicial body created under the laws of the United States, including grand jury proceedings, whether they reside in the judi-

cial district where such proceedings are brought or not. But all such proceedings shall be begun and conducted by such officials, attorneys, and counsel only under the direction, supervision, and control of the Attorney-General.

Mr. HOPKINS. I should like to have the Senator presenting the bill give a little explanation of the reason for the legislation.

Mr. KNOX. I ask that the report upon the bill, which is less than half a page, be read. It is the most succinct statement of the purpose of the bill I could possibly suggest.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. KNOX, May 28, 1906, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 2969) authorizing the Attorney-General and certain other officers of the Department of Justice to conduct legal proceedings in any court of the United States, having considered the same, report the bill favorably without amendment.

It is frequently desirable and even necessary that the Attorney-General should detail an officer of his Department to assist some United States attorney in the investigation and prosecution of cases of unusual importance or interest, or to make an independent investigation and report the result to the Department, and, if necessary, to prosecute the same; or, where this latter is impracticable, to appoint a special assistant to the Attorney-General, or special counsel to act independently of the United States attorney, particularly in criminal matters.

In 1903 the Attorney-General appointed a special assistant to investigate and report in the Japanese silk fraud cases, and it was held (121 Fed. Rep., 826, U. S. v. Rosenthal) that a special assistant to the Attorney-General is not an officer of the Department of Justice under sections 359 and 367, Revised Statutes, or other provisions of the United States Statutes, and the indictment was quashed because of the presence of this attorney in the grand jury room. That case further holds that neither the Attorney-General, the Solicitor-General, nor any officer of the Department has the power to conduct or aid in the conduct of proceedings before a grand jury. It is clearly of great importance that they should have this power.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. DUBOIS. I ask unanimous consent for the present consideration of the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia. It is a very important measure, and we desire to get it into conference.

Mr. TILLMAN. Will the bill excite any debate?

Mr. DUBOIS. None whatever, I think. It is a unanimous report from the Committee on Education and Labor.

Mr. TILLMAN. I will yield to the Senator, but I can not yield to anyone else.

Mr. DUBOIS. I am quite sure it will not lead to any debate.

The VICE-PRESIDENT. The bill was reported from the Committee on Education and Labor, with an amendment in the nature of a substitute. The proposed substitute will be read.

The SECRETARY. The committee report to strike out all after the enacting clause and insert:

That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, theater, bowling alley, or in the distribution or transmission of merchandise or messages, or selling newspapers. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening.

SEC. 2. That no child under 16 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any of the establishments named in section 1, unless the person or corporation employing him procures and keeps on file and accessible to the inspectors authorized by this act and the truant officers of the District of Columbia an age and schooling certificate, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed.

SEC. 3. That an age and schooling certificate shall be approved only by the superintendent of public schools, or by a person authorized by him in writing, who shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

SEC. 4. That an age and schooling certificate shall not be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register of birth or the affidavit of the parent or guardian or custodian of a child, which affidavit shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not procured and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor.

SEC. 5. That the age and schooling certificate of a child under 16 years of age shall be in the following form:

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, guardian, or custodian) of (name of child) ——— ——— and that (he or she) was born at (name of town or city) ———, in the county (name of county, if known) ——— and State (or country) of ———, on the (day and year of birth) ———, and is now (number of years and months) ——— old.

Signature of (father, mother, guardian, or custodian).

(Date.)

There personally appeared before me the above-named (name of person signing) ——— ——— and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) ——— ———, height (feet and inches) ———, eyes (color) ———, complexion (fair or dark) ———, hair (color) ———, having no sufficient reason to doubt that (he or she) is of the age therein certified, I hereby certify that (he or she) can read at sight and can write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to arriving at the age of 14 years, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic to and including fractions.

This certificate belongs to (name of child in whose behalf it is drawn) ——— ——— and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools.

(Signature of person authorized to approve and sign, with official character or authority.)

(Date.)

A duplicate of each age and schooling certificate shall be filed out and kept on file by the superintendent of public schools. Any explanatory matter may be printed with such certificate, in the discretion of said superintendent.

SEC. 6. That whoever employs a child under 16 years of age, and whoever having under his control a child under such age permits such child to be employed, in violation of sections 1, 2, 8, or 9 of this act shall, for such offense, be fined not more than $50; and whoever continues to employ any child in violation of any of said sections of this act, after being notified by an inspector authorized by this act, or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not less than $5 nor more than $20. A failure to produce to an inspector authorized by this act, or a truant officer of the District of Columbia, any age or schooling certificate or list required by this act shall be prima facie evidence of illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section 5 of this act shall be fined $10. Every person authorized to sign the certificate prescribed by section 5 of this act who knowingly certifies to any materially false statement therein shall be fined not more than $50.

SEC. 7. That inspectors authorized by this act and the truant officers of the District of Columbia may visit the factories, workshops, and mercantile establishments in the District of Columbia and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of public schools and the corporation counsel of the District of Columbia. Inspectors authorized by this act and the truant officers of the District of Columbia may require that the age and schooling certificates and lists provided for in this act of minors employed in such factories, workshops, or mercantile establishments shall be produced for their inspection.

SEC. 8. That no minor under 16 years of age shall be employed, permitted, or suffered to work in any manufacturing, mechanical, or mercantile establishment more than eight hours in any one day, or before the hour of 6 o'clock a. m., or after the hour of 7 o'clock p. m., and in no case shall the number of hours exceed forty-eight in a week.

SEC. 9. That every employer shall post in a conspicuous place in every room where such persons are employed a printed notice, stating the number of hours required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the inspectors authorized by this act and the truant officers of the District of Columbia, and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section.

SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

Mr. HALE. Mr. President, I discovered in listening to some of the provisions of the bill that it is a very remarkable measure. It seeks to take charge entirely of the younger population of the District and subject them to certain restrictions in the way of employment, which, it seems to me, is a very great step beyond anything that has ever been applied to conditions here in the District.

It is not, Mr. President, a bill regulating child labor, because I think everybody realizes that there may be proper statutes and regulations affecting child labor; but as I listened to the bill it seemed to me that in any case where a widowed mother has a bright boy helping her to maintain her family and glad to help her to maintain a home and the family relations, if he is below the age of 16 he is searched out by Government inspectors, and he is told and the mother is told that instead of contributing, as young boys and young girls do, to family expenses and family needs, he shall be taken from his vocation and shall be put to school willy nilly. It is a step in the direction to which I have called, and other Senators have called, the attention of the Senate, of the Government assuming the control and management here of the domestic relations.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I have known a great many cases——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. TILLMAN. I was going to suggest to the Senator from Maine that evidently this bill will excite discussion, and that he object to its consideration and let us get on to something else. It is evident that it can not pass this morning without debate.

Mr. HALE. Certainly it can not. The Senator can object, and then it will go over.

Mr. TILLMAN. I had objected, but yielded on the assurance that it would take no debate.

Mr. DUBOIS. Before objection is made, I wish to say just a word.

Mr. TILLMAN. Certainly.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Idaho?

Mr. HALE. Mr. President, I for one do not propose that this bill shall pass, taking charge of the things to which I have alluded, without there being opportunity, not only for me, but for other Senators, to examine it and to see whether it is a domain of legislation that we ought consistently to enter into.

Mr. DUBOIS. Mr. President——

Mr. LODGE. Will the Senator allow me a moment?

Mr. DUBOIS. Yes.

Mr. LODGE. If this bill were such a measure as the Senator from Maine has stated, it would be open to great objection; but it is not.

Mr. DUBOIS. Not at all.

Mr. LODGE. The statements made by the Senator from Maine in regard to the provisions of this bill do not represent the bill.

Mr. DUBOIS. Not at all.

Mr. LODGE. The bill simply provides that children under 14 years of age shall not be employed during school hours. That is the law in my State, and I believe it is the law in almost every other State. There is not anything more wholesome in legislation anywhere. The other provision is that as to those under 16, there shall simply be a certificate made——

Mr. HALE. I certainly, in the reading of the bill, heard the restriction applied to 16 years. I want an opportunity to examine this bill, and other Senators want that opportunity, and I am not content that the bill shall be taken up now.

Mr. DUBOIS. Mr. President, I desire to make a simple statement to the Senator from Maine. I am quite sure he would not object to this bill if he understood its provisions. There are no restrictions of any kind in the District of Columbia in regard to child labor. They have child-labor laws in all the States. This bill, which is called my bill—it is not my bill—is a model bill taken from laws now in operation in Illinois, Ohio, and other States; laws which have passed the scrutiny of the courts and have been found to be practicable and effective. I repeat, it is a model bill in regard to child labor. It has been indorsed by all the organizations and the business houses of this city. Its passage is very necessary. The Senator from Iowa [Mr. DOLLIVER] has made a report on the bill which, if any Senator will read, he will see the necessity for the passage of this measure. I feel quite deeply in regard to this matter, and I know the Senator from Maine would not object to it if he understood it.

Mr. TILLMAN. I sympathize with the object of this legislation, because I believe in the Government regulation of child labor and its prohibition.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SCOTT. I object, Mr. President, because I want to read the report on this subject, which I have only this moment had laid on my desk.

I wish to say that my experience with labor has been that the two brightest young men I have ever had in my business I educated at night school. They were 14 years of age. One of them is now in charge of a large factory, of which I am the president, and he is managing 800 people. The other is in a responsible position. I do not want to do anything that will debar a boy from securing an education or taking care of his mother or looking after his aged father, nor do I wish to deprive him of advantages which he may derive in the other direction. But I desire that we shall have time to examine the report on this bill, which, I repeat, has only been laid on our desks this morning, and I desire that we shall have an opportunity to read it; which we have not yet had.

The VICE-PRESIDENT. Objection being made, the bill goes over.

EMPLOYERS' LIABILITY BILL.

Mr. DANIEL. Mr. President——

Mr. TILLMAN. I move that the Senate proceed to the consideration of the conference report on the rate bill.

The VICE-PRESIDENT. The question is on the motion made by the Senator from South Carolina [Mr. TILLMAN].

Mr. DANIEL. Mr. President, the Senator from South Carolina [Mr. TILLMAN] has been sitting in his seat for some time without rising to his feet to address the Chair; and I rose in my seat and addressed the Chair.

Mr. TILLMAN. I yield to the Senator from Virginia. I do not want to antagonize him. I was not aware that the Senator from Virginia had addressed the Chair.

Mr. DANIEL. I had.

The VICE-PRESIDENT. The Chair understood the Senator from South Carolina [Mr. TILLMAN] to first address the Chair. Does he yield to the Senator from Virginia?

Mr. DANIEL. But he did not rise from his seat to address the Chair.

The VICE-PRESIDENT. The Senator from South Carolina [Mr. TILLMAN[arose and addressed the Chair.

Mr. TILLMAN. I yield to the Senator from Virginia.

The VICE-PRESIDENT. The Senator from Virginia.

Mr. DANIEL. Have I the floor, Mr. President, in my own right?

The VICE-PRESIDENT. The Senator has the floor in his own right.

Mr. DANIEL. Mr. President, I desire to move to reconsider the vote by which the Senate passed what is known as the "employers' liability bill," in order to get a hearing upon an amendment which I offered thereto. I entered this motion several days ago, and I would ask now for its consideration.

The VICE-PRESIDENT. The first question will be: Will the Senate proceed to consider the motion to reconsider?

Mr. DANIEL. I hope the Senate will give unanimous consent that the vote by which the bill was originally passed may be considered as reconsidered. I was ready to address the Senate on the amendment, but was called for a few moments out of the Chamber while a long speech was being delivered, it being known that I would next address the Senate on that subject in answer to the Senator from New Hampshire and the Senator from Ohio. It was by accident that I was not then heard. I ask that unanimous consent be given that the vote by which the bill was passed shall be regarded as reconsidered. I shall not attempt to delay its passage.

The VICE-PRESIDENT. Is there objection?

Mr. TILLMAN. I must object to any unanimous consent.

Mr. DANIEL. Then, Mr. President, I will proceed with my argument.

The VICE-PRESIDENT. Objection being made, a motion would be in order to proceed to consider the motion to reconsider the vote by which the bill was passed.

Mr. DANIEL. Which I make, Mr. President.

The VICE-PRESIDENT. The Senator from Virginia moves that the Senate proceed to consider the motion to reconsider the vote by which the bill, the title of which will be stated, was passed.

The SECRETARY. A bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

Mr. TILLMAN. If we can get a vote on it, I have no objection to the reconsideration.

Mr. DANIEL. I have no purpose to delay a vote.

The VICE-PRESIDENT. The question is on the motion of the Senator from Virginia. [Putting the question.] In the opinion of the Chair, the "ayes" have it.

Mr. DANIEL. Section 3 of the bill reads——

Mr. LODGE. What bill is that, Mr. President?

The VICE-PRESIDENT. What is known as the "employers' liability bill," which heretofore passed the Senate, and as to which a motion to reconsider was entered.

Mr. LODGE. I do not think it was understood upon what the vote was being had.

The VICE-PRESIDENT. The Chair put the question distinctly, but the Chair will put it again. In order that Senators may understand the parliamentary status, the Chair will state that the Senator from Virginia [Mr. DANIEL] some days ago entered a motion to reconsider the vote by which House bill 239 was passed. That motion he has now asked to have determined. He asked unanimous consent for its consideration, but there was objection. He then moved to proceed to the consideration of the motion to reconsider, and that is the motion before the Senate.

Mr. GALLINGER. The question, then, is on consideration?

The VICE-PRESIDENT. The question is on the motion to take up the motion to reconsider.

Mr. GALLINGER. I think not.

Mr. DANIEL. The bill has been reconsidered; and I suppose it is now before the Senate.

Mr. TILLMAN. I rise to a parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator from South Carolina will please state his parliamentary inquiry.

Mr. TILLMAN. It is whether or not the bill is before the Senate? Has the vote by which it was passed been reconsidered?

The VICE-PRESIDENT. The bill is not before the Senate, but the motion to proceed to re-reconsider is the pending motion. Will the Senate proceed to consider the motion to reconsider the vote by which the bill was passed?

Mr. GALLINGER. Let that be put, Mr. President.

The VICE-PRESIDENT. The question is on that motion. [Putting the question.] In the opinion of the Chair, according to the sound, the "noes" have it.

Mr. DANIEL. Mr. President, there is a misunderstanding here. The Senate gave assent to the reconsideration by an affirmative vote. The question then was whether we should proceed to consider the bill. The bill was then before the Senate, but the Vice-President asked the question if it should then be proceeded with. There was no question raised as to the reconsideration at all. There was but one vote against it.

I will state that I have not been heard upon the amendment which I have offered. I was called casually out of the Chamber for a few moments while a long speech was being made. Having prepared that amendment and having requested my colleague to send to me if the speech ended, and having notified the patron of the bill of that fact, while I was casually and accidentally called out, by the sudden termination of the speech the matter was voted on without my being heard.

I do not regard it as proper consideration for any member of this body to dispose of legislation in that way. The amendment was lost which, I think, should have carried, and the Senate has not been advised of the reasons upon which I offered the amendment. Of course, it is the right and the pleasure of the Senate to do as it pleases.

Now, I ask, Mr. President, what is the present status?

The VICE-PRESIDENT. The question is whether the Senate will proceed to consider the motion to reconsider the vote by which the bill referred to was passed. The Chair put the question and, according to the sound, declared that the "noes" seemed to have it, and the Senate refused to proceed to the consideration of the motion entered by the Senator from Virginia.

Mr. MONEY. Mr. President, I do not think the question was understood.

Mr. MALLORY. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Florida will state his parliamentary inquiry.

Mr. MALLORY. Mr. President, I understand the Senator from Virginia [Mr. DANIEL] to say that he was not present at the time when the amendment which he offered, and to which he refers, was disposed of, and that he subsequently entered a motion to reconsider the vote by which the bill was passed.

Mr. DANIEL. That is true. There was no yea-and-nay vote on it.

Mr. MALLORY. I do not care to cut off the Senator from making his statement. On the contrary, I am in favor of the Senator's amendment, but I desire to inquire of the Chair what would be the condition of the bill in case the motion now made by the Senator from Virginia should be voted down? So far as I am concerned, of course I should like to see the bill passed.

Mr. DANIEL. So should I.

Mr. MALLORY. But I do not want the matter delayed indefinitely.

Mr. DANIEL. I should like to see the bill passed after I have been heard, and not before.

Mr. TILLMAN. Mr. President, has not the bill already been passed?

Mr. DANIEL. It has been.

The VICE-PRESIDENT. The bill has been passed, and a motion to reconsider the vote by which it was passed has been entered.

Mr. TILLMAN. But the motion to take up the motion to reconsider this morning has been voted down?

The VICE-PRESIDENT. It has been.

Mr. TILLMAN. That has been voted down?

The VICE-PRESIDENT. That has been voted down.

Mr. TILLMAN. Now, I move that the Senate proceed to the consideration of the conference report on the railroad rate bill.

Mr. MONEY. Mr. President, just one word.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. TILLMAN. I do.

Mr. MONEY. I only desire to say a word, and it is simply this: I am sure the Senate did not hear the motion that was put by the Chair. I was sitting right here, and the noise of the conversation in the Chamber was so great that I did not hear it, for I intended to vote that the Senator from Virginia be given an opportunity to be heard on his motion. I hope the Senate will consent that the question be again put. It will not hurt anything.

The VICE-PRESIDENT. The Chair twice put the question distinctly to the Senate, but if there is a misunderstanding the Chair will, of course, again put it. The Senator from Virginia [Mr. DANIEL] moves that the Senate proceed to consider the motion to reconsider the vote by which House bill 239, known as the "employers' liability bill," was passed.

Mr. OVERMAN. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from North Carolina will state his parliamentary inquiry.

Mr. OVERMAN. Suppose the Senate votes down the motion to proceed to reconsider, what will then be the condition of the bill? The bill will then be held there pending the motion to reconsider, will it not?

The VICE-PRESIDENT. That will be the effect of it.

Mr. OVERMAN. Then, if the Senate votes this motion down, it leaves this bill in the Senate hanging up?

The VICE-PRESIDENT. It leaves it precisely where it is now.

The question is on the motion of the Senator from Virginia, [Putting the question.] In the opinion of the Chair the "ayes" have it, and the Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, the third section of the pending bill, relating to the liability of common carriers by railroads in the District of Columbia——

Mr. GALLINGER. I rise to a point of order, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire will state his point of order.

Mr. GALLINGER. I desire to know now the status of this bill. Has the motion to reconsider the vote by which it was passed been put to the Senate?

The VICE-PRESIDENT. It has not been. That is the pending question.

Mr. GALLINGER. And that the Senator from Virginia is debating?

The VICE-PRESIDENT. The Senator from Virginia has risen to debate that question. The question is, Will the Senate reconsider the vote by which the House bill 239 was passed? The Senator from Virginia is recognized.

Mr. DANIEL. Now, Mr. President, I proceed to state the reasons why I believe the vote by which this bill was passed ought to be reconsidered. Section 3 of this bill, relating to liability of common carriers by railroads in the District of Columbia and interstate commerce, reads as follows:

SEC. 3. That no contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however*, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

The amendment which I offered while the bill was pending before the Senate was to strike out that proviso. It is to the propriety of striking out that proviso that I will now speak.

Section 10 of the act "concerning carriers engaged in interstate commerce and their employees," which was approved June 1, 1898, reads as follows:

SEC. 10. That any employer subject to the provisions of this act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than $100 and not more than $1,000.

Thus, Mr. President, eight years ago the Congress of the United States expressed its opinion as to the policy of the relief associations that are referred to in the proviso of this act and in the act from which I have just quoted. The latter act denounces the conduct of the corporations who compel their employees to joint the relief associations. The pending proviso rewards the corporations for violations of law, and gives them special privilege instead of punishment.

Mr. BACON. Mr. President, there is so much conversation on the floor that it is utterly impossible for the Senator from Virginia to be heard. I ask that order be restored.

The VICE-PRESIDENT. The Senate will be in order.

Mr. BACON. I simply desire to say, Mr. President, it is not the fault of the Chair, but I respectfully suggest that sometimes those who are not members of the body are not considerate when they visit this Chamber in indulging in audible conversation.

Mr. DANIEL. Now, Mr. President, let us analyze the proviso which I have moved to strike out. Provision is made in this act for an action of damages that may be brought by an employee against a corporation engaged in interstate carrying, and this proviso authorizes, in defense of such action, that upon the trial thereof any such common carrier may set off in such action "any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative."

As it would seem to me, Mr. President, this is a most incongruous and most perverted effort to interject into such an action a plea of set-off that does not properly belong there.

Offset as a complete or partial defense is entirely unknown to the common law. It is entirely a creature of statute. Such a claim as is here described to be an offset and is authorized to be pleaded in an action of damages does not answer to the term. What is an offset, Mr. President? I read from Waterman on Set-Off, Recoupment, and Counterclaim:

> Set-off signifies the subtraction or taking away of one demand from another opposite or cross demand, so as to extinguish the smaller demand and reduce the greater by the amount of the less; or, if the opposite demands are equal, to extinguish both.

This is a condensed definition of offset or set-off, but neither the indemnity, the relief, the benefit, nor the insurance which is here authorized to be pleaded as an offset answers to that definition. Neither, Mr. President, would any equitable extension of the law of offset, nor any definition of recoupment or counterclaim, which are connate branches of the law of offset, apply to such a case as this.

The relief, the benefit, the insurance, or the indemnity which an employee of a railroad company receives from a society to which he belongs and which accrues to him in case he is injured while in the service of the corporation has already been paid for by his contribution thereto. "Paid"—significant word. Paid—that is a word that shows it was owed. If paid, it has been extinguished. How can a paid and extinguished debt be made offset to a new claim against him by the creditor? The fact that the railroad corporation may have been itself a member of that society and may have contributed to a fund provided for the relief, indemnity, and insurance of its employees is a totally irrelevant matter in an action of an employee for damages occasioned by the negligence of that concern.

In the fourth volume of the hearings before the Committee on Interstate Commerce of this body there will be found a collation of considerable matter upon this subject. In that matter will be found the protest of the employees of corporations in this country, very ably and powerfully presented by H. R. Fuller, esq., who is their representative here. It shows that these relief associations are formed by compulsion of corporations, and they here seek to engraft themselves upon this bill, which has as its animus the giving of a fair and just relief to the employees.

The gentleman to whom I refer gave his testimony before the Industrial Commission on May 11, 1900, and that testimony will be found in the fourth volume of the hearings before the Committee on Interstate Commerce, page 3177. I ask the attention of Senators to what this representative of these workingmen has here said, and I ask to insert in my remarks a transcript from his testimony, pages 3177 and 3178:

In the first place, Mr. President, he shows that the relief departments of the corporations are practically carried on by deductions from the wages of the employees each month. He shows further that, while they are in name voluntary, they are generally compulsory, and are forced into being by the paramount influence of the corporations themselves and against the protest and will of their employees. He further shows that while the employees furnish the majority, and in many cases the overwhelming majority, of the fund that is paid out in relief, they are not permitted themselves to control the association, which is different from the organization of the corporations. He says this as to their effect:

> The effect of these associations on the relations between employer and employee is anything but pleasant. The employees have had their eyes opened in regard to these associations. They see that through the intricate workings of these relief departments they are being financially robbed and deprived of their legal rights in the courts, and they denounce them bitterly.

He further asserts—and as an experienced railroad man and the public spokesman and the chosen witness to give testimony he is certainly one who is entitled to be heard and entitled to be respected until his statements have been satisfactorily answered, if they can be—that—

> The primary motives of railroad companies in operating these departments are avaricious rather than benevolent: First, because they require an employee to release them from responsibility for injury, and, second, because membership in the relief department keeps employees out of labor organizations on account of their being unable to pay the dues in both. In this way the employees are deprived of the great benefit of labor organizations, and the company's hands are therefore more free to impose unfavorable conditions upon its men, and through this means they will become gradually bound up so that the company can do as it pleases with them. If these relief departments did not serve the purposes of releasing the company from responsibility for injury and alienating the interests of employees from labor organizations, there would not be many of them in existence.

Mr. MALLORY. Will the Senator from Virginia allow me to ask him a question?

Mr. DANIEL. With pleasure.

Mr. MALLORY. The relief departments are relief departments, as I understand, of the railroad, so called. So the word "it," where it appears here—

> The defendant may set off therein any sum it has contributed—

Would apply to a contribution on the part of the railroad and not a contribution on the part of the men themselves.

Mr. DANIEL. That is correct, sir.

Now, Mr. President, if these allegations of this representative of labor organizations in this country are true, the Senate in refusing to adopt the amendment which I have offered will play into the hands of and reenforce the powers of their oppressors.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. DANIEL. I do, sir, for a question.

Mr. GALLINGER. As I understand, the Senator is reading from testimony given some six years ago.

Mr. DANIEL. No, sir; I am reading from testimony that was given not only six years ago, but which was repeated last year by the witness.

Mr. GALLINGER. I ask for information merely. Did Mr. Fuller appear when the bill that is now under consideration was pending in either branch of Congress, and oppose that provision in the law? Mr. Fuller——

Mr. KEAN. I think the Senator will look in vain through the testimony before the committee to find it.

Mr. GALLINGER. Mr. Fuller is a very diligent man, both before committees and in his attendance upon the sessions of the Senate in a proper way, and it seems to me that if he had had objections, he would not have omitted to appear either in the House or the Senate to have urged those objections at the present time. Matters have changed greatly in six years, both as regards the management of railroads and as regards the opinion of some of the men who are working for railroads.

Mr. DANIEL. I am well aware, Mr. President, that rapid changes often occur in the spirit of political and public dreams. I have seen men in public life stand up and advocate one opinion and vote another. I am not quoting, however, from any ancient testimony. I am reading from comparatively fresh testimony. It is in the fourth volume of the hearings before a committee of this body, on page 3176. This testimony——

Mr. KEAN. Will the Senator kindly give the date?

Mr. DANIEL. I am trying to find the date, but the day's session was so long sometimes, when extensive testimony was taken, that I have not been able to find the date.

Mr. KEAN. I listened to the testimony——

Mr. DANIEL. Let the Senator turn to the fourth volume, and he can tell us the date.

Mr. KEAN. In the hearings before the Interstate Commerce Committee last year?

Mr. DANIEL. Yes, 1905, or it may have been this year, for all I know. I have not the date here. It was where Mr. Fuller appeared, and where he spread before the committee, as his then view, testimony which he had given years previously before the Industrial Commission. Be that as it may, there is evidence in the report of this committee as to the truth of his

allegations. Let the Senator turn to page 3178 and to the heading "Baltimore and Ohio Railroad Company—Relief Department." He will read in the first clause of the form of application of a person seeking employment by the Baltimore and Ohio Railroad Company, these words:

Do hereby, as one of the conditions of such employment, apply for membership in the relief feature, and consent and agree to be bound by all the regulations of the relief department now in force.

Senators will then see in a succeeding clause where the deduction of the employee's wages is required. They will then see this release that is given by the employee:

The acceptance of benefits from such relief feature for the injury or death shall operate as a release of all claims against said company or any company owning or operating its branches or divisions or any company over whose railroad, right of way, or property the said Baltimore and Ohio Railroad Company or any company owning or operating its branches or divisions shall have the right to run or operate its engines or cars or send its employees in the performance of their duty, for damages by reason of such injury or death could be made by or through me.

And so on. I know not the exact date when this form of application was required by this great corporation, but surely with so many friendly eyes reading this exhibit made by Mr. Fuller and with it spread of record in a public document of this kind, it is not likely that that habit has changed without our being fully advised thereof. Continuously through this document, in many forms of evidence will be found similar forms of application in other companies and the views of employees as to the methods which are taken to constrain their membership in these relief associations and to compel them to release their claims against the railroad company which the act now before the Senate is intended to give them aid and facility in urging.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. DANIEL. For a question.

Mr. GALLINGER. I simply wish to call the attention of the Senator from Virginia to section 3 of the bill under consideration, where it is specifically provided "that no contract of employment, insurance, relief benefit, or indemnity," etc., shall act as a bar——

Mr. DANIEL. I read that to begin with.

Mr. GALLINGER. "Or defense to any action brought to recover damages for personal injuries to or death of such employee." So those old contracts, if they were made, certainly would be reversed by this statutory provision.

Mr. DANIEL. Yes; they would be reversed by a statute eight years old, which I also read to this body; and the curious part of the matter is that while Congress looks in that direction, both in the statute of 1898, which I read, and in the third section of the proposed statute, which the Senator has just quoted, it turns upon its track and looks back and seeks to make an offset and defense to the claim out of the very pernicious practices which the law has denounced. But this proviso is repugnant not only to the theory of this bill, but to the policy which this Government sets forth in the act of Congress of 1898.

I now call attention to page 3204, fourth volume of hearings before the committee, where is set forth by Mr. Fuller a summary of questions and answers given to the employees of these companies on this subject:

The total number of lodges making replies to the questions was 28. They came from 26 cities and towns in 7 different States and represent 1,674 members.

In answer to question 1, 100 per cent say that membership in the relief department is considered by the employees to be compulsory.

In answer to question 2, 100 per cent say that men who seek employment do not receive it if they do not make application for membership in the relief department.

In answer to question 3, 100 per cent say the blank application for membership in the relief department is handed to the new employee without solicitation on his part.

In answer to question 4, 100 per cent say that the actions of the company's representatives are such as to make him believe that the filling out of this blank by him is necessary to secure employment.

Strange to say this question has been before the Senate for two or three years, and while this bill has been the shuttlecock between this committee and that committee, no committee has ever expounded the terms and the significance of the bill presented to this body on this subject. In a hasty moment, in the closing days of Congress, in the twinkling of an eye, an amendment which seeks to bring before this body an intelligent view of this subject and to inform it, is defeated; we now find in the body of this bill a proviso intended to reenforce and to support the pernicious policies of corporations and to impede the natural and just methods of their employees to get damages for wrongs. It was adopted with little debate.

Two Senators answered in brief terms the brief statement of mine in favor of this amendment. The Senator from New Hampshire answered us by telling of some good deeds the railroads had done in his part of the State, and by making some allusion to a supposed ban the corporations are under in this body. The Senator from Ohio made an appeal for justice to railroad corporations without the slightest suggestion of any fact upon which anyone could conclude that an injustice was contemplated. The Senator from Wisconsin, equally vague in his suggestion, set forth mildly that the bill might be unconstitutional if this proviso were left out. Why, he did not suggest, and he leaves my imagination still wondering why, why. The right of offset, even when it exists, is based on a claim which is the subject-matter of an independent suit. Nothing can properly be made by law the subject-matter of offset unless it were something for which the holder thereof might himself institute a separate and independent suit.

There, Mr. President, is the crux of this matter. Let any Senator ask himself, if he designs to deliver intelligent judgment upon this subject, whether or not a railroad company which has some stock in a relief association, which either compels, induces, or persuades its employees to join, has an independent claim to recover back its contributions from any one of them who may claim relief from the association. Certainly not. The railroad company voluntarily contributes to a beneficial institution. It gets its own benefit by supplying ready relief, not to the particular man who may be the victim of its negligence, but to any one of its employees, whether a member of the association or not, whether he suffers by its negligence or not, and it is for its own good government and not as an independent philanthropic or eleemosynary concern that it provides its surgeons and its reliefs and its succors for its employees.

So far as the employee himself is concerned, he has paid for any relief which he may get out of the fund by his own contributions from month to month, from year to year, it may be throughout a generation, it may be having paid in much more than he will get out at the last. And then, when the company, by remissness to do what it should have done, or by positive and injurious wrongdoing, has caused damage to an employee, and he goes into court to get relief from law, the one who has posed as a philanthropist and who seeks to be commended here in that character, comes and seeks by law to convert a voluntary contribution given in its own interest into a claim and a demand upon the whole body of its employees.

The representative magazines and journals of employees in this country have fully shown the utter fallacy and false pretense of these assertions. The Interstate Commerce Commission in its thirteenth annual report adverts to the subject-matter, and calls the attention of Congress to it. No committee of this body and not a single Senator upon this floor has suggested a single substantial idea in favor of that provision, and up to this moment not a single thought has come forth from any mind justifying, vindicating, or even making plausible defense for this strange insertion into this bill.

Mr. President, the Senator from New Hampshire [Mr. GALLINGER] generally looks upon all subjects with a very composed mind and never seeks by extravagant expressions or by appeals to improper considerations to move the minds of his hearers. I will go further than he has done in applauding some of the good deeds of railroad corporations. I have before me now a paper which was handed me yesterday by the secretary of a railroad Young Men's Christian Association. I do not regard these relief associations as benevolent institutions, although much benevolence may grow out of them. It is not benevolence on the part of the company that inspires it. It is not benevolence that produces its contributions. It is a strict matter of business, and one pressed in this amendment to a most severe and usurious conclusion. But there is some good and very great good that many of these corporations are engaged in doing.

In this country there are 220 railroad Young Men's Christian Associations. They have a total membership of 80,000 railroad men. A hundred and thirty-six buildings are occupied by these organizations. The value of their buildings is $2,517,000. Seventy-five per cent of the cost of these buildings has been contributed by the railroad corporations, and about 25 per cent by the railroad men. These buildings are either owned in fee simple or held by long lease at a nominal rental by the railroad association of employees. They are operating on over 78 per cent of the railroad mileage of the United States. They are having a most happy influence over the employees, and as one of these secretaries has said in a paper he has written upon this subject, "They are good for the men; better for the company, best for the public."

I accord great credit to the enlightened corporations of this country who have put to work along their lines an influence so wholesome and so beneficial to good business interests and to

the society of the land and so helpful to those industrial men who take their lives in their hands every day while they are conducting the powerful and dangerous enginries of steam and travel in this country. I am not one of those Senators, if there be any, who seek in this Chamber to excite prejudice against any class of my fellow-citizens or against any class of public corporations. There is good, there is bad, and there is the indifferent in almost all if not all human concerns. When I come to a page of facts such as those I have recited I bow my head before a noble and just thing and say unto myself, "Whether it be done by railroad corporations or by anyone else, so shines a good deed in a naughty world." But, Mr. President, these relief associations are horses of a different color.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. DANIEL. Certainly.

Mr. GALLINGER. I thank the Senator.

In the few observations I made the other day I had in mind the class of benefactions that the Senator has just alluded to. As an illustration, in my own little city the railroad has rented for a good many years a large building that was used for a railroad branch of the Young Men's Christian Association, and has just now purchased the land and is about to erect a beautiful building upon it. I have thought it was a most excellent work; and that is true of every large city and town in New Hampshire. I am glad the Senator has called attention to it. That is what I had particularly in view.

Mr. DANIEL. Mr. President, I am always glad to hear of such good things. I am glad to have an opportunity to applaud them. I agree with the Senator from New Hampshire in all that he has said in praise of the worthy men who are conducting and advancing such commendable work.

But I hope the Senator will also agree with me when I demur to that evidence as bearing upon an amendment in the Senate which simply tends to secure the freedom and independence of railroad employees, which will prevent a corporation from exercising any oppressive influence over them, and which will also prevent the attempted legal construction of a voluntary benevolent contribution into a legal demand and into an offset against a claim for damages.

The things are of different character. There is nothing in the character of a voluntary contribution of a railroad corporation to an association under its own patronage for the benefit of all of its men that suggests the idea of a claim of an offset when one of those men sues for damages for wrong.

Mr. President, every man, woman, and child in the United States is deeply interested in the correct organization of common carriers. My worthy friend [Mr. GALLINGER], whom I always hear with pleasure, had a little experience with a common carrier a month or two ago which caused his friends to shudder. He knows that unless those great institutions, so necessary to the public business and to the public comfort, are conducted upon precise and just business methods no results but those to be deplored can flow.

I would be ashamed to be unjust to a railroad company. I think there is nothing more degrading to any man, and nothing that so bespeaks either mental or moral weakness, than would be disclosed in a willingness to be unjust to a corporation any more than to an employee. Justice is the one thing that every man on this earth has a right to demand, from power as well as from weakness, from those in authority as well as those who are without it. If it were just to a railroad company to allow it to construct its voluntary contributions into an offset to impede the claim of one of its employees for damages which resulted to him from its own wrong; to take away from his widow and his orphans, if he be gone, the compensation which it should pay for the damages which it inflicted, and credit it over to the railroad company to reimburse it for a voluntary gift which it claimed to have made—if that be just, then the Senator from New Hampshire is a just man in asking that it be done here. I do not think it is just. I can not support that proviso in this bill.

Some question was asked me about the attitude of Mr. Fuller. Mr. Fuller, it may be, thinks that this bill will not go through this body unless this proviso is assented to. It may be that he also thinks it will not go through another body, which it must pass ere it becomes a law, unless this proviso be assented to. It may be that, therefore, he would succumb and relent in his efforts to get justice and follow the vague trail of policy to get some justice and let some injustice go.

The Senator from Wisconsin [Mr. LA FOLLETTE] assented a few days ago that this bill might pass with that proviso in it. I can not think that that is his unconstrained and independent thought. I can not believe that if his hand had been penning this bill he would have written any such proviso in it. Perhaps he has penned a bill and probably such a proviso will not be found in it. I had the honor to offer this bill as an amendment to another bill, and I struck that proviso out. I believe that once I offered a bill with that proviso in it. At that time I was acting unwittingly and was assuming facts which might naturally be assumed from the words of the proviso. But before the time came to act upon these measures I took occasion to look into their history, and when I discovered the protest that had been made against that proviso and the worthy and strong considerations of private right and of public policy upon which that protest was based that was the end of the proviso with me.

Mr. President, if I could get a hearing before a full Senate, and if my colleagues in this body could fully understand this amendment, its nature and its purposes, they would never, in my opinion, permit this bill to pass with their indorsement thereof. It has been argued with me that I had better withdraw my objection and let the bill go as it is, and that probably the conferees would fix it all right and it would come back to us with this obnoxious nob shaved and planed off and with this bad wrinkle smoothed out. I hope if the proviso stays in the bill the conferees will strike it out.

But there is nothing, Mr. President, in the history of conferences to make me beguile myself with any such optimistic faith. The conference which has just reported denies to the Christian associations, who have got their angels of mercy following every line of traffic in this country, the right to go upon the railways that they are serving to minister to the sick and dying. When conferences act against one of the most wholesome and blessed organizations of the land, which carries healing on its wings, can we properly rely on a conference extracting the poison from this bill which we are urged to put in it? The Senate must see for itself that it is right; and if we are right in the character of legislation that we send forth from this body, we can stand against the world. We can rest under our own vines and fig trees, with none to make us afraid. But how poor are they who lean on princes' favors, whether those princes sit on conference committees or rule the world from other thrones of power. The little that we can do in this world is to do the best to keep ourselves right, and if we succeed fairly well in that we have accomplished a great and worthy undertaking.

Now, Mr. President, I ask the Senate to reconsider this bill, to strike out that obnoxious proviso, which is against the policy of the law of eight years' standing, which is against natural right, which is utterly un-American, and which is an artificial and shrewdly concocted attempt to give powerful people advantage over those who have suffered wrong by their default.

Mr. LA FOLLETTE obtained the floor.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. TILLMAN. I hope the Senator in charge of the unfinished business will consent that it may be temporarily laid aside until we can get a vote on the motion of the Senator from Virginia.

Mr. KITTREDGE. I will consent to that.

The VICE-PRESIDENT. The Senator from North Dakota asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

EMPLOYERS' LIABILITY BILL.

The Senate resumed the consideration of the motion of Mr. DANIEL to reconsider the vote by which the Senate passed the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

Mr. LA FOLLETTE. Mr. President, I know the anxiety of the Senator from South Carolina [Mr. TILLMAN] to take up the conference report on the rate bill, and I will not protract this discussion at all. I simply will ask to have read the letter which I send to the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *June 2, 1906.*

Hon. ROBERT M. LA FOLLETTE,
United States Senator, Washington, D. C.

DEAR SENATOR: With regard to the amendment proposed by Senator DANIEL, to strike out the proviso contained in section 3 of the em-

ployers' liability bill (H. R. 239), I am authorized on behalf of the 230,000 railroad employees who are seeking this legislation, and in whose interest it is supposed to be, to express the hope that this amendment will not be adopted for the following reasons:

1. As now legally advised, it would seriously threaten the validity of the whole section.

2. From a moral standpoint, we think it only just and fair that the carrier should be given credit for such amounts as it has actually paid to an injured employee on account of such injury.

Very truly, yours,

H. R. FULLER,
Legislative Representative.

Mr. KEAN. In order to dispose of this bill and that we may enact it into a law as soon as possible, I move to lay the motion of the Senator from Virginia on the table.

The VICE-PRESIDENT. The Senator from New Jersey moves to lay the motion of the Senator from Virginia to reconsider on the table.

The motion was agreed to.

The VICE-PRESIDENT. The bill stands passed.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. Now, if the Senator from South Dakota [Mr. KITTREDGE] will kindly yield to me, I should like to get the conference report on the rate bill before the Senate, and let us dispose of it one way or the other, either approve it or disapprove it, and let it get back to conference. The Senator from South Dakota asked me not to move to take up the conference report, I suppose because of the doubt of the parliamentary condition that that might raise. I do not want to displace the unfinished business. The Senator kindly consents that the unfinished business be laid aside for that purpose.

Mr. KITTREDGE. I ask that the unfinished business be temporarily laid aside for the purpose of enabling the Senator from South Carolina to bring before the Senate the conference report.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Senate resumed the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. PETTUS. Mr. President, I desire to call the attention of the Senate to a fact, which no lawyer will controvert, that there is a provision in this bill which is palpably unconstitutional outside of any question that has been debated here, and that therefore the bill ought to come back into the Senate that it might examine it on that question.

I do not intend to discuss any question that has been discussed heretofore in reference to this bill, though I agree with some of my brethren that there are other questions in it that are violative of the Constitution. I intend to confine myself to a single point, and that for the purpose of having the Senate reject this conference report, so that the bill may come back into the Senate, if the Senate pleases to have the act done.

On page 24, when the Commission has awarded damage to any applicant he can sue in the United States court, and when he sues that court is given jurisdiction to give him a judgment and execution. But what about the cost?

Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the circuit court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. PETTUS. Certainly.

Mr. TILLMAN. From what page does the Senator read?

Mr. PETTUS. From page 24 of the last print.

Mr. TILLMAN. I call the Senator's attention to the fact that that part of the bill has already been accepted by both Houses and is out of the reach of the Senate now.

Mr. PETTUS. That is the more reason why the report should be rejected, so that the Senate——

Mr. TILLMAN. The trouble about it is that the Senate itself can not get it any more, having accepted it, without a reconsideration of the whole thing and bringing it back into the Senate.

Mr. PETTUS. At all events, Mr. President, I hope I will be allowed to say what I have to say. I am not going to detain the Senate more than a few minutes. I rarely ever speak long.

It has been decided several times that a provision requiring one of the parties to pay costs or to pay attorneys' fees and exempting the other is not due process of law, and so far as I have been informed it has never been decided to the contrary in any case. I will read from an Alabama case, where the provision was exactly like this, that if a man sued the railroad for damages and recovered, he should have his attorney's fees, besides the other costs. I will read the opinion so far as it applies to this question, and this opinion is well sustained by authorities, by the Supreme Court and by text writers, by Cooley on Constitutional Limitations. It is the case of South and North Alabama Railroad Company *v.* Morris, found in 65 Alabama Reports, on page 198:

It is further insisted that the court below erred in allowing an attorney's tax fee to the appellant's counsel, on the ground that the law authorizing it is unconstitutional and void.

Just like this, it allowed an attorney's fee to the man suing the railroad, but allowed no attorney's fee to the railroad if it succeeded.

This action of the court was taken under the provisions of section 1715 of the Code, which constituted section 6 of the statute in question, and reads as follows:

"SEC. 1715. Any corporation, person, or persons owning or controlling any railroad in this State, or any complainant against such corporation, person, or persons, taking an appeal from a decision rendered by a justice of the peace in suit for damages brought under the provisions of section 1711 and failing to sustain such appeal, or to reduce or increase the judgment before the appellate court, shall be liable for a reasonable attorney's fee incurred by reason of such appeal, to be assessed by the court, not to exceed $20; and the attorney's fee shall be part of the cost and collected as such."

After a careful consideration of this question, during which it has been held under protracted advisement by the whole bench, a conclusion has been reached which clearly persuades us that this particular section of the code is violative of both the constitution of the State and that of the United States. The following sections of the declaration of rights (constitution of 1875, art. 1) are pertinent to this subject:

"SEC. 2"—

Speaking of the Alabama constitution—

"provides that all persons resident in this State who are citizens are entitled to possess '*equal* civil and political rights.'"

It goes on down and cites the Constitution of the United States to the effect that a person can not be deprived of his property without due process of law:

The clear legal effect of these provisions is to place all persons, natural and corporate, as near as practicable upon a basis of equality in the enforcement and defense of their rights in courts of justice in this State, except so far as may be otherwise provided in the constitution. This right, though subject to legislative regulation, can not be impaired or destroyed under the guise or device of being regulated. Justice can not be sold or denied by the exaction of a pecuniary consideration for its enjoyment from one when it is given freely and openhanded to another, without money and without price. Nor can it be permitted that litigants shall be debarred from the free exercise of this constitutional right by the imposition of arbitrary, unjust, and odious discriminations perpetrated under color of establishing peculiar rules for a particular occupation. Unequal, partial, and discriminatory legislation which secures this right to some favored class or classes and denies it to others, who are thus excluded from that equal protection designed to be secured by the general law of the land, is in clear and manifest opposition to the letter and spirit of the foregoing constitutional provisions.

It was forcibly said by the supreme court of Tennessee, in Wally *v.* Kennedy (2 Yerger, 554): "The right of every individual must stand or fall by the same rule or law that governs every other member of the body politic, or land, under similar circumstances, and every partial or private law which directly proposes to destroy or affect individual rights, or does the same thing by affording remedies leading to similar consequences, is unconstitutional and void. Were it otherwise, odious individuals and corporations would be governed by one law and the mass of the community and those who made the law by another, whereas the like general law, affecting the whole community equally, could not have been passed."

The opinion quotes a case in Massachusetts:

It is manifestly contrary to the first principles of civil liberty and natural justice and to the spirit of our Constitution and laws that any one citizen should enjoy privileges and advantages which are denied to all others under like circumstances, *or that one should be subject to losses, damages, suits, or actions from which all others under like circumstances are exempted.*

Mr. President, in this very law there are fierce denunciations and terrible punishments inflicted upon people who make unjust discriminations; and yet this proposed law has in it that same vice. It makes these unjust discriminations against one suitor; it exempts one of them from all costs and requires the others to pay the costs, including an attorney's fee, to be allowed by the court as a part of the costs in the case.

Mr. President, I only desire, if any other Senators discuss these other constitutional questions, that they will tell us wherein this decision is defective. It is supported, as I stated before, by numerous decisions of the supreme court of Alabama and of the Supreme Court of the United States and by the text writers. I have not found one—and I have examined carefully—in conflict with it.

My purpose, as I said before, in making these remarks is to induce Senators, if they see fit, to set aside this conference report and let it go back or to act upon it in any other way. I want to destroy the conference report, so that the Senate may act as it sees fit in regard to this unconstitutional provision. I should like to have Senators at least examine this before they pass upon the matter.

Mr. SPOONER. Mr. President, of course rejecting the con-

ference report would not bring this bill back to the consideration of the Senate and open the door to an amendment such as the Senator from Alabama [Mr. PETTUS] suggests.

Mr. PETTUS. I do not say that it would.

Mr. SPOONER. I had the floor last night on this subject at the adjournment, and I take it this morning for the purpose of submitting a few observations upon two propositions which the report presents.

I do not intend to lecture the conference committee or to reprobate it at all for having exceeded the functions of a conference committee by inserting in the bill propositions which are absolutely new and not cognate to anything that was in it as it passed the Senate, although I think one or two provisions which are challenged as being beyond the functions of the conference committee were within its functions and are properly in the conference report as made. Two things are to be said in defense of the committee, if it needs any defense. One is that it has often been done; the other is that the committee was absolutely frank about it and called the attention of the Senate to the provisions which may be regarded as obnoxious to the rule; but the rule is a good rule, and in the long run the only safety is in observing it.

Mr. President, I object very strenuously to the amendment reported by the conference committee prohibiting absolutely free transportation. They report this proposition:

> No carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passage. Any carrier violating this provision shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not exceeding $1,000; and any person who uses, solicits, or accepts for himself or for another any such interstate free ticket, free pass, or free transportation shall be deemed guilty of a misdemeanor and upon conviction thereof be subject to a like penalty.

I think railway carriers should not be permitted to grant transportation to an officer of the Government or to those whose function it is to legislate upon this subject. Members of Congress, I think, should not use passes and should not be permitted to solicit them. The issuing of railroad passes to them should be prohibited. The same thing is true as to the judiciary; the same thing is true as to that department which executes the law.

I think, too, Mr. President, that the general prohibition of free transportation is wise, because free transportation if it is left entirely open to the will of the transportation companies engaged in interstate commerce, may be used very efficiently as a means of discriminating between shippers. Some will have passes, embracing themselves and others, and some will not, that being made dependent upon the relation of the shippers to the companies. I think that ought to be stopped; and I think the rule is a wise rule that they should not be issued at all; but that does not involve that there should not be, in the public interest, and should not be, as a matter of common justice and common decency, some exceptions to that rule.

The report made by the committee of conference repeals, of course, the existing law, which has been in force ever since 1895, against which I have heard no complaint that it has been subject to abuse. That law provides:

> That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments—

I do not care so much for that, although there are certain catastrophes which have occurred and which in the future may occur, like the San Francisco case and others, where perhaps it would not be only just, but generous and wise, that there should be some "leeway"—

> or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees.

Mr. President, no reason in the world that I can imagine can be given for the strict and absolute rule upon this subject reported by the conference committee.

Mr. TILLMAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I do not know that I would be disclosing any secrets of the conference to say that we either had to take this or nothing.

Mr. SPOONER. The Senator has disclosed one of the secrets of the conference committee.

Mr. TILLMAN. The proposition was that we should take this or strike out others, but I am unwilling to leave the old law stand, because it has no punitive clause in it. It is a kind of a loose thing that has a pretense of prohibiting free passes and has not accomplished anything. By putting this drastic provision in, or by consenting to it, the Senate conferees merely deferred action until such time as we could consider this matter calmly and sanely and provide an effective antipass law. That is all.

Mr. SPOONER. Mr. President, we can not, of course, propose an amendment to this report. Whatever is done upon this subject must be done by the conference committee.

Mr. TILLMAN. I will state, further, while I am on my feet, that we were very anxious to arrive at an agreement on all subjects in dispute, and that caused the Senate conferees to give way on some important points that we would not have yielded if it had not been with that view.

Now, having had this matter referred back to us, as I presume it will be presently, I want to say that unless we can get something that is acceptable to the Senate and acceptable to the country I am going to report a disagreement, if my colleagues will help me do it, and let the Senate take the matter up and instruct us as to what they want done.

Mr. SPOONER. That is just what the conference committee ought to do. I am not criticising the conference committee, but I should have liked their report better if they had reported a disagreement upon this proposition. The Senate overburdened the proposition. It contains elements fairly subject to criticism—there is no doubt about that; and I think it will be very easy, Mr. President, for the conference committee to eliminate disputable items—fairly disputable items—from the Senate amendment; but there are some which can not be disputed; there are some which ought not to be eliminated, and there are some which I hope the conference committee will not agree shall be eliminated. We have among the Senate amendments this proposition:

> No carrier subject to the provisions of this act shall hereafter directly or indirectly issue or give any interstate free ticket, free pass, or free transportation for passengers except to its officers, agents, employees, surgeons, physicians, actual and bona fide attorneys, and members of their immediate families.

Now, upon what conceivable theory ought the Congress in this respect to step between the employer and the employee? What sense is there, Mr. President, in the matter of rate regulation to prohibit railway carriers from granting free transportation to the men upon whose labor and upon whose skill they are constantly dependent for the safe operation of their railways? Almost from time immemorial, until it has become traditional, it has been the habit of railway carriers to give free transportation to their employees. It has become a matter of course; and in some of the telegrams which I presented to the Senate—and the same is true as to telegrams presented by other Senators—the employees treat it as a part of their compensation. The telegraphers, in their protest against this bill, say it is specifically made a part of their compensation, and, if it is taken away, they have very grave doubt whether there will be substituted for it an equivalent increase in compensation. Mr. President, I think the railway employees of the country have a right to resent it. There are 1,200,000 of them in the United States. There is no better, no more reliable, no more careful, no more devoted band of workers in this or any other country. The lives of the passengers on the trains are dependent upon their skill, upon their discretion, and upon their fidelity. It is a rare thing for one of them to fail in courage or duty. To say that a railroad employee under no circumstances may ask for or receive from his employer free transportation over the road over which he runs the engine or conducts the train seems to me an absurdity. And, as to their families——

Mr. WARREN. Mr. President——

The PRESIDING OFFICER (Mr. WARNER in the chair). Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. WARREN. I will not interrupt the Senator unless it is agreeable.

Mr. SPOONER. The Senator had better interrupt me now if he wishes to at all.

Mr. WARREN. I want to ask the Senator if he does not think that the owners and agents in charge of live stock should be considered in the same category?

Mr. SPOONER. No; not in the same category at all. But I will get to that.

Mr. WARREN. So far as their transportation is concerned, they are in the same category in one sense.

Mr. SPOONER. They are not in the same category in any sense. The justification for free transportation or half-fare transportation for the owner or his employee accompanying live stock is ample; but the argument in support of it is, I think, from an entirely different standpoint. But I will get to that.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. Following the suggestion of the Senator from Wyoming [Mr. WARREN], I think where the regulation of the railroad itself requires that a man shall accompany every shipment of live stock, the man who accompanies a shipment of live stock is, at least pro hac vice, in the service of the railroad; and if he goes in obedience to a requirement of the railroad, I think then he comes properly within the exception. So far as I am concerned, the only two exceptions I am willing to make is the one the Senator is now discussing, which I think ought to be made, and also an exception in the case of the live-stock shipper when the regulations of the railroad require a man to accompany such shipments.

Mr. SPOONER. I think, Mr. President, that the man accompanying a shipment of live stock ought to come within the exception. I have not any doubt about it; but I do not base my support of that proposition upon the theory that he is in any sense an employee or sustains any relation to the railway company.

Mr. WARREN. Mr. President, there is this similarity: I do not claim he is exactly on the same basis, but he really is in a practical sense an employee of the road, so far as transportation is concerned. His fare for accompanying live stock is figured with the rate or freight tariff on the stock with which he is traveling. The railroads require that a man shall travel with the stock; and if the owner or his employee did not go the railroad would have to employ a man to send with it. So that while such shippers may not be employees, surely their privileges should be enlarged and they should travel without cost, since they have no compensation for their service at the time. In my opinion, they should be reckoned with the employees, so far as the privileges of free transportation are concerned.

Mr. SPOONER. I think, Mr. President, the proposition to except the owner or his employee accompanying a shipment of live stock is, as I have said, entirely justifiable. I think the Senator weakens it, as one always does weaken a proposition, by contending for it upon an assumption which has no logical foundation. If the Senator were shipping a carload of blooded horses, and he preferred to accompany them himself, the shipment being conditioned by the railroad company upon the live stock being accompanied by the owner or some one representing him, he would not be in any sense an employee of the railroad company; he would sustain no relation whatever to the railroad company.

Mr. FULTON. He might be an appurtenant.

Mr. SPOONER. No; he would not even be an appurtenant. If he were an appurtenant he would be subject to the railroad mortgages. So he would not be that. He would not be an employee of the railroad company; he could not be hired and could not be discharged by the railroad company; he can not be controlled by the railroad company, and he would have no relation to the railroad company.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. SPOONER. Certainly.

Mr. WARREN. It is perfectly plain that the Senator from Wisconsin and I practically agree. It would be a misfortune for me if we did not. I want to ask him another question, if he will permit me, while he is discussing this proposed restriction. As I understand, the bill came from the House with no provision whatever regarding passes. Am I right about that?

Mr. TILLMAN. There was nothing of that nature in the bill.

Mr. SPOONER. It was left as it is under existing law.

Mr. WARREN. The Senate passed the bill permitting certain people to ask for and receive passes. It seems to me that the duty and the privilege of the conferees would lie between the maximum and the minimum—that is to say, between having no restriction whatever and some of the restrictions which the Senate introduced in the measure while it was under consideration here.

Mr. LODGE. The Senate can recede.

Mr. WARREN. Certainly.

Mr. LODGE. The Senate can recede and agree to the House bill as it came here.

Mr. WARREN. Certainly; but what I am getting at is by what authority or justice do the conferees strike out into new territory entirely beyond what was considered either by the House or the Senate?

Mr. SPOONER. There is no mathematical limitation upon the conferees. The whole subject was entirely open.

Mr. WARREN. It is simply introducing new matter—new legislation.

Mr. SPOONER. No; it is not introducing new matter.

Mr. WARREN. Well, new restrictions.

Mr. SPOONER. The Senate passed a provision in regard to free transportation. It was not a narrow provision, either. It was, if anything, too large, too broad. The House disagreed and left that subject entirely open to the conferees, and in what the conferees have done about it, so far as the functions of conferees are concerned, beyond any question they acted entirely within their right.

Mr. President, another thing. I was saying when interrupted that there is no reason why the families of railway employees should not be included in the free transportation granted by the carrier which employs them or obtained by an exchange from other carriers. These men all have their vacation time. It is for their pleasure, for their good, and for the good of the public that they should avail themselves of it by travel and rest and recreation. It is for their good and for the good of the public that their families should accompany them, if they wish to do so. Comparatively few, I think, of the families, and perhaps few of the operatives themselves, would travel very much if they were obliged, as the rest of us are—and, I think, ought to be—to pay full fare. I think the railroad men of this country are right in the intensity and earnestness of the protests with which they have flooded the Senate Chamber against this proposition.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. SPOONER. I do.

Mr. STONE. I should like to ask the Senator a question. The provision in regard to passes, as reported by the conferees and as it appeared in the bill as it passed the Senate, is to the effect that railroads shall not, directly or indirectly, issue or give any interstate free transportation?

Mr. SPOONER. Yes.

Mr. STONE. That means, I assume, that transportation shall not be given wholly without a consideration?

Mr. SPOONER. Yes.

Mr. STONE. Would it be an evasion of this law, or in any sense a violation of it, if the railroads should agree, as they can do, and impliedly do under the present practice, to furnish transportation to their employees as a part of the consideration for the services they render? Especially would that apply in cases where men are sent with live stock. That is part of the consideration of the shipment. There is another class of people who ought to have attention, and who have been telegraphing Senators, and they are the railway mail clerks. I ask why the Government could not make an arrangement and have it a part of the contract with the railroad for carrying the mail that the railroad should furnish free transportation to such clerks under certain conditions? Why could not all these objections be met by some contractual relation?

Mr. SPOONER. I do not believe in enacting legislation which will be just only in the event that it is evaded. There are very broad prohibitions in this bill, and rightly so, against discriminations, and this amendment, as reported by the conference committee, was obviously intended to prevent any such evasion as the Senator from Missouri suggests.

Mr. STONE. I do not mean it as an evasion. I asked the Senator the question whether it would be an evasion.

Mr. SPOONER. I think it would.

Mr. STONE. I think not.

Mr. SPOONER (reading):

> No carrier subject to the provisions of this act shall, after January 1, 1907, *directly or indirectly*,
>
> Directly or indirectly—
>
> issue or give *any* interstate free ticket, free pass, or free transportation for passage.

Mr. President, if that language were construed, in the light of the *record* history of the section, it would be construed in the light of the fact that the Senate had provided for the issue of such transportation in excepted cases, including employees and their families, and that the conference committee had stricken it out and made the prohibition an absolute one, and by the use of the words "directly or indirectly" had rendered it impossible to evade it without liability to the penalty paragraph of the section.

Why should not railroad corporations, common carriers in

interstate commerce, be permitted to exchange free transportation with the officers of other companies and their families and the employees of other such carriers and their families? It has always been done. It is in the interest of the public that it should be done; and why should it be prohibited? Who has complained of the operation of the existing law in that respect?

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. SPOONER. Yes.

Mr. McCUMBER. The Senator asks that question. I should like to ask him right now if he is complaining of the existing law, and if he believes there is any occasion whatever for adopting this provision? Is not all that we ought to prohibit in the matter of free transportation already prohibited by the interstate-commerce law, and has not the amendment of the Senator from Massachusetts [Mr. LODGE], which reinstated the punitive provisions of that old law, made it so that it is complete in itself, and that there is an absolute prohibition except in the very cases for which the Senator contends?

Mr. SPOONER. My recollection is that the punitive provision to which the Senator refers as having been introduced by the Senator from Massachusetts does not apply to this provision at all. It applies to matters——

Mr. McCUMBER. Let us see. This is the provision, if I may read it:

That anything done or omitted to be done by a corporation common carrier, subject to the act to regulate commerce and the acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said acts or under this act, shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said acts or by this act with reference to such persons, except as such penalties are herein changed.

Mr. SPOONER. That would cover it, I think, on reflection.

Mr. McCUMBER. It seems to me that it is sufficiently broad, and that there is no necessity for this provision.

Mr. SPOONER. That would have been a good argument to have addressed to the Senate against incorporating in this bill the provision which the conference committee has eliminated.

Mr. McCUMBER. Is it not also a good argument for the Senate to recede entirely from that amendment? I appreciate the fact that the Senate wanted to go on record in some positive way that it was opposed to free transportation; but when it is shown clearly that by the amendment already in the law it is opposed to it, I do not see the necessity of its going on record a second time to practically reenact what is already the law.

Mr. SPOONER. It is not a question of receding from the amendment, as I understand it.

Mr. McCUMBER. I think the Senator will concede that it is better to recede from that amendment than to adopt it as the conferees have reported it.

Mr. SPOONER. We are not obliged to face that alternative.

Mr. McCUMBER. I hope not.

Mr. SPOONER. The Senator from North Dakota secured the insertion of an amendment which he thought and declared is of vital consequence to the agricultural region which he represents, and that is the provision which permits railroad corporations to transport, as I recollect, agricultural laborers under such regulations and restrictions as the Interstate Commerce Commission may prescribe. That is not in the existing law. There is great force, there is great justice in it, and there is almost a public necessity of some provision of that kind, properly guarded, being in the law.

So I think we ought to deal with this matter upon the theory that it is going back to the conference committee, and outline somewhat in the Senate here what we think the conferees on the part of the Senate ought to do with respect to it.

Mr. TILLMAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. I do not want to occupy much time.

Mr. TILLMAN. The Senator has just mentioned the provision about the transportation of laborers which was put into the Senate amendment at the suggestion of the Senator from North Dakota. It is in line 10 of the Senate amendment, which is stricken out, on page 5. I call attention to the fact that it is not confined to agricultural laborers, but includes any laborers, and you can follow the language down and you can discover that under it, by interpreting it between the lines, it means that the railroads would have the power and right to transport strike breakers to any point on their line where they needed labor.

Mr. SPOONER. The argument was directed——

Mr. TILLMAN. I know to what the argument was directed, but I want to show you——

Mr. SPOONER. I understand the Senator. The argument was directed to the necessity for the free transportation of agricultural labor.

All I have to say about that is this: If the language is not apt, if it needs to be more restrictive, it is entirely within the power of the conference committee to change it so as to confine it specifically to a purpose which is entirely legitimate and necessary.

Mr. President, railway companies have been in the habit of sending their cars, their general managers, their directors, their officers to every part of the United States, and of sending their advertising agents into all parts of the United States soliciting business. It is in the public interest that that should continue. It is in the public interest that the railway carriers should send their exposition cars into different parts of the country. There are many arguments in favor of this, and there is no argument to be made against it. As I said the other day, under the provisions of this amendment as it was first introduced, and under the provisions of this amendment as it comes back to us from the conference committee, if an engineer or a conductor or a fireman on an interstate train were mortally wounded and lay in a hospital in some distant city far from his home, it would be unlawful for the company to transport free of charge his wife and children to be at his bedside when he breathed his last. There is no sense in it, and it ought to be changed.

Mr. McCUMBER. I call the attention of the Senator from Wisconsin to another point. There was a great fire in Baltimore a short time ago, and it was necessary to bring fire departments from all the surrounding cities.

Mr. SPOONER. That happens often.

Mr. McCUMBER. But under this provision as now reported it would be impossible for a railroad company to carry them free.

Mr. SPOONER. I thank the Senator for the suggestion. That often happens. The language should be elastic. There should be power left, under proper restriction, for the railway companies to do those things which humanity demands of them, which the public interest demands of them, and out of which no possible abuse or harm can arise.

Mr. TILLMAN. Could not the Senator from Wisconsin, who is very resourceful——

Mr. SPOONER. Does the Senator mean that as a compliment?

Mr. TILLMAN. The Senator knows I mean precisely what I say. Could he not help the conferees by drafting some provision which would be a positive and direct prohibition against some people, and not let the prohibition be general, and then have a regiment of exceptions, but have the prohibition specific and no exceptions? In other words, pick out the men whom you do not want to ride free, and leave the railroads to haul all the balance of creation for nothing if they want to.

Mr. SPOONER. I will gladly render any assistance in my power. If the Senator is in favor of that proposition, it will be easy to accomplish his purpose. I am not in favor of it. I think the rule should be prohibitive and that those who are to be permitted to be carried free should be specific exceptions.

Mr. TILLMAN. Is not the Senator aware of the fact that in the public mind all the agitation and the dissatisfaction in regard to free transportation is because of the belief—I presume it must be based on good grounds—that the railroads use free passes and things of that kind to indirectly or directly bribe lawyers, officers, and other people—legislators, Congressmen, Senators, and everybody else?

Mr. SPOONER. If the Senator from South Carolina keeps on, he will have the rule established in a few moments. I have said——

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. SPOONER. I do.

Mr. KNOX. I should like to ask the Senator from Wisconsin why the provisions of the act of 1895, which amended the original interstate-commerce act of 1887, are not broad enough?

Mr. SPOONER. I think they are broad enough, probably.

Mr. KNOX. They would include the cases you have just mentioned, about the transportation of fire engines and doing everything else for municipal purposes, charitable purposes, and they also include the right to give employees of the railroad, or the employees of any other railroad, free transportation. The language of that act, if the Senator does not have his hand on it, is as follows:

SEC. 22. That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies,

and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies.

Mr. TILLMAN. Will the Senator from Wisconsin allow me for a moment?

Mr. KNOX. It seems to me, if the Senator from South Carolina will just allow me to finish my sentence, that all the worthy cases that it seems necessary and humane and proper to provide for are covered by the provisions of the existing law.

Mr. TILLMAN. I want to ask the Senator from Pennsylvania, if the Senator from Wisconsin will permit me——

Mr. SPOONER. Certainly.

Mr. TILLMAN. What is the trouble, then; and why did the Senate break out in a new place, to use a slang phrase, and run amuck on free passes?

Mr. KNOX. Not myself having indulged in it, I can not answer the question. I made no suggestion——

Mr. TILLMAN. Perhaps I am criticising the Senate unduly, but if we have enough law and the lawyers here know it is enough law, why did they vote for these things and tumble over each other in their effort to do so? Is it not because the punishment in the old law is inadequate; that there is no effective legislation on the books?

Mr. KNOX. Add the penalty. Make any penalty you see fit.

Mr. TILLMAN. Then, perhaps, our road would be very plain and we could follow it——

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. SPOONER. Certainly.

Mr. CULLOM. Mr. President, I am not disposed to take much part in the discussion of the report of the conference committee. As one of the conferees, I feel rather that we ought to listen and take advice from the Senate as to the places where we made mistakes, if we made any. So far as I am concerned I was against such an amendment in relation to passes as finally got into the bill, and resisted it as long as I thought it was proper for me to do so. I have not said this before, because I felt a little delicacy in referring to what took place in the conference committee, but I think in justice to myself I have a right to say that much.

Now, what I wish to ask the Senator from Wisconsin is whether he would be willing—I am doing this because I want to find out what the Senate is for—to strike out the provision in the bill, which we agreed to and put in the bill, prohibiting all passes, and relegate the whole thing back to the law as it now stands?

In the first place, the law of 1887 was not as extensive in its latitude permitting the granting of passes as it became afterwards when the bill was passed to which the Senator from Pennsylvania [Mr. KNOX] referred. But the original act, as modified by other acts subsequently passed, made this latitude very broad. I supposed all the time that it was as broad as it ought to be, and possibly it might be said to be too broad, in view of the opposition to passes that has been exhibited in this country for some years past. I desire to find out if we were to go into conference again and say, "We will not agree to this absolute prohibition," and if we could get an agreement resting upon the present law as it stands, whether it would be satisfactory to the Senator.

Mr. SPOONER. Mr. President, it is very clear, I think, from what has been said that if this bill contains no provision whatever on the subject of passes, the law of 1895, which I read in the beginning of my remarks, will be in force with penalties, under the amendment offered by the Senator from Massachusetts.

Mr. CULLOM. I think the Senator will find penalties for a violation of any provision of the bill.

Mr. SPOONER. I think that is true. The act of 1895 is not quite as broad as the amendment agreed to by the Senate, and I think this is an improvement upon it in some respects. Under the act of 1895 it was possible for a railroad to give a free pass to a minister. There are cases where it ought to be permitted to do it.

Mr. CULLOM. As a matter of fact, I have not read the law of 1895 for some little time, and hence I do not remember accurately the classes that are exempt.

Mr. SPOONER. But the Senate conferees, upon their statement here, were compelled by the House conferees to yield everything and to consent to this absolute prohibition. I am antagonizing——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. CULBERSON. I should like to ask the Senator in this connection what is probably more a parliamentary question than otherwise, and that is this: The House bill containing no prohibition against the issuance of passes, and the bill as it passed the Senate containing a prohibition, are not the conferees bound to accept one or the other?

Mr. SPOONER. I think they are.

Mr. CULBERSON. The House bill or the bill as it passed the Senate?

Mr. SPOONER. I think so.

Mr. CULBERSON. They can not amend either?

Mr. SPOONER. No.

Mr. CULBERSON. Under the rules of the Senate is it possible to accept the amendment as brought in by the conferees in this case, because that is neither the House bill nor the bill as it passed the Senate, but it is an amendment of the bill as it passed the Senate in that respect. I say it is more a parliamentary question than otherwise. I should like to be informed about it.

Mr. TILLMAN. The inquiry of the Senator from Texas opens an entirely new phase. I was under the impression, based upon the little experience I have had on conference committees, that where disagreements have been had, the conferees are not limited to adopting one provision or the other, but they can arrange a compromise proposition. They are not estopped from changing the language.

Mr. SPOONER. I think that is true.

Mr. CULBERSON. I simply inquired for information in order to know what the rule was.

Mr. SPOONER. I think the matter was open.

Mr. CULBERSON. As a matter of fact, the conferees have brought in a recommendation that has not passed either House.

Mr. SPOONER. That often happens. I think the subject was open to the conferees. The Senate had passed an anti-pass provision; the House disagreed to it, and in that status the conferees were appointed. The conference committee could have recommended that the House recede. It could modify the proposition passed by the Senate, and recommend that the Senate concur. They have done that. I do not think their hands are tied as to the precise provision upon a subject which we submit to them as an open proposition which they may recommend, each to the body which appointed them.

Mr. TELLER. Will the Senator from Wisconsin allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. TELLER. I think the Senator from Wisconsin has laid down the rule correctly. I only want to emphasize what he said.

It was in the power of the conference committee to modify what the Senate had put in which was new. I think in this case, as the Senator from Texas says, they went beyond their power when they repealed, practically, the act existing to-day, which our amendment did not repeal, but only modified.

Mr. SPOONER. We proposed, technically, the repeal of the existing law by substituting a new law for it covering the same subject.

Mr. TELLER. Yes; but it was not a total repeal. It was a modification of the law. This is an absolute repeal.

Mr. SPOONER. Our proposition, if enacted, would have repealed the section of the law of 1895, because, dealing with the same subject, it would be a substitute for it.

Mr. TELLER. We left in our amendment the law, but we modified it. We did not destroy it absolutely. This amendment destroys it absolutely.

Mr. SPOONER. I think it was competent for the conferees to submit that proposition to the Senate in place of ours.

Mr. TELLER. I do not think so.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Certainly.

Mr. BACON. I want to say that I agree with the Senator from Wisconsin entirely. Whenever a subject-matter is committed to the conference committee, they can either modify or enlarge; either one.

Mr. SPOONER. I am antagonizing the House proposition. I come to this. We provided that the railway carriers might grant free passes "to ministers of religion, local and traveling secretaries of Young Men's Christian Associations." Why not? They are not organized for financial profit. They are moved in their organization or association, which is voluntary, by the highest aspirations. They are organized to do good.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. This is all very interesting and instructive, but if the Senator is going around up and down the country to hunt up subjects that are worthy, I think he can expand the Senate amendment, which is already broad enough to take in 10,000,000 people, it is said. There are poor teachers and college professors, and I do not know how many other worthy classes in the country.

Mr. HALE. Sunday schools.

Mr. TILLMAN. Sunday schools and every other kind of thing.

Mr. GALLINGER. Impecunious doctors.

Mr. TILLMAN. The more the Senator will consider the various phases of this subject, the more difficult he will find it to know where to stop. If you are going to exempt the secretaries of Young Men's Christian Associations dealing with railway employees and going from one State to another, then somebody will say, "Why not give the same privilege to the other Christian associations?" Take a case where the secretaries live in towns, and are bubbling over with humanitarian feelings and philanthrophy, and want to go around and help some other poor fellow somewhere, or aid in the work of the Railroad Christian Associations. Why not except secretaries and all that kind of thing? We have to stop somewhere, or else leave it as it is now—a humbug.

Mr. SPOONER. I was about to suggest, if the Senator's avalanche had been withheld, that this might properly be restricted to the branch of the Young Men's Christian Association which has relation directly and is organized for the purpose of dealing with the railway employees of the United States.

Mr. HALE. Why not include the entire membership of Young Men's Christian Associations?

Mr. SPOONER. Why not include the Senate? Why not include everybody?

Mr. HALE. We have included almost everybody.

Mr. SPOONER. No.

Mr. HALE. Pretty much, in the Senate amendment.

Mr. SPOONER. I think not. There are certainly 70,000,000 people who are not included.

Mr. HALE. Are about 10,000,000 included?

Mr. SPOONER. I do not suppose all of them will get a pass. In the amendment as we adopted we also excepted "inmates of hospitals and charitable and eleemosynary institutions; indigent, destitute, and homeless persons."

Ought railroad carriers to be prohibited from giving free transportation to such as are properly accredited to be in these classes?

Mr. HALE. Why not put in "all poor and impoverished persons?"

Mr. SPOONER. That is different.

Mr. HALE. Yes; but it is charity.

Mr. SPOONER. That is rate regulation run mad. If there is to be a legislative embargo upon charity and mercy and humanity——

Mr. HALE. I think we are trying to get at practical results. Why not limit this to the actual employees of the railroads?

Mr. TILLMAN. And their families, of course.

Mr. HALE. And their families. Why go outside of that? When we do—when we go outside into the domain either of charity and beneficence, or into other business—we open a wide door. I should like to see an amendment agreed to by both Houses that would confine this matter of passes to the employees of railroads and their families, and nobody else. When you begin to include one class of beneficiaries because they are worthy—a religious organization or, as a Senator suggests, a live-stock association—then why not lumbermen's associations and all of the agricultural and business departments? Why not confine ourselves to a provision, I dislike to repeat, that will except railroad employees and their families, and leave it there?

Mr. SPOONER. The law on this subject, ever since 1895, has been as follows:

That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said Homes.

Has the Senator ever heard of any abuse of it?

Mr. HALE. I have heard of a great many abuses of this pass system which to me were a great surprise. I heard in every field where passes are issued, either by favoritism or by classes, of very great and inexcusable abuses, notwithstanding that statute, which I think goes too far. I would confine it—and I hope that will be the outcome of this—so that for a year to come at least passes shall only be issued to railway employees and their families.

Mr. SPOONER. I hope that the committee at least will stand by the act of 1895.

Mr. TILLMAN. With a punitive clause in it?

Mr. SPOONER. Certainly. There is a clause already in the bill——

Mr. TILLMAN. What does that amount to? How much punishment? Do you mean to put the punishment for a violation of the new law in the act of 1895?

Mr. SPOONER. It is there now.

Mr. TILLMAN. No.

Mr. GALLINGER. I will suggest, if the Senator from Wisconsin will permit me, that, of course, the conferees could adopt the provisions of the law of 1895 and put them in the present law. They could compromise upon that.

Mr. SPOONER. Certainly. I say I hope they will do not less than that.

Mr. GALLINGER. Then the pains and penalties of the present law would apply.

Mr. McCREARY. I should like to inquire of the Senator from Wisconsin if he has read the law of 1895.

Mr. SPOONER. I have; and the Senator from Pennsylvania read it, and I now hand it to the Senator from Kentucky.

Mr. McCREARY. I want to say to the Senator from Wisconsin that I am in favor of the employees of railroads having the privilege of receiving passes for themselves and their families. It has been done for years. I think they are entitled to it. I agree with him in that proposition. I have not examined the act of 1895, but I think that the amendment as reported by the conferees is entirely too drastic, and I am not in favor of it.

Mr. SPOONER. Another amendment was adopted, which authorized the railroad carriers in interstate commerce to give transportation to officers of the brotherhoods of railway trainmen. That is dropped out of the bill. I refer to the amendment authorizing the giving of free transportation to the officers of railway trainmen brotherhoods—the Brotherhood of Locomotive Engineers, the Brotherhood of Conductors, etc.

Mr. TILLMAN. Everything that was in the Senate amendment was knocked out.

Mr. SPOONER. No; that was a separate amendment.

Mr. TILLMAN. We put the free-pass amendments in the two sections of the bill, or the two paragraphs of the bill together, and dealt with the whole free-pass subject in the manner we did.

Mr. SPOONER. Those organizations are created by the train men.

Mr. CULBERSON. If the Senator will permit me, I will call his attention to the page where the amendment he is now discussing appears. It is an entirely different section from the other. It is on page 32, amendment numbered 45.

Mr. SPOONER. It was an amendment offered by my colleague [Mr. LA FOLLETTE] and adopted by the Senate, I think, without objection, as follows:

SEC. 16b. Nothing in this act shall prevent any common carrier subject to its provisions from giving free transportation or reduced rates to the officers of the organizations of such employees for the purpose of transacting the business of such organizations with such railroads: *Provided*, That such reduced rates or free transportation are not issued with the view of discriminating in favor of or against any particular class of employees.

Mr. TILLMAN. A very proper provision; but will the Senator recall the fact, by looking at the report, that of the fifty-one amendments proposed by the Senate the conferees obtained the consent of the House conferees to forty-five or forty-six, and that we practically got everything we asked for? We had to give something.

Mr. SPOONER. I think the committee did well.

Mr. TILLMAN. From the lecturing we are receiving it would appear that a great many people are dissatisfied with what we did.

Mr. SPOONER. Oh, no; the Senator ought not to regard it

as lecturing or in the nature of a stricture upon the action of the committee. It is simply a fair statement of Senators here of their antagonism to the proposition which was reported by the committee, and which was insisted upon, as it is said, by the conferees on the part of the House.

I venture to say it is impossible adequately to express the obligation of the railroad employees of the United States, the railway carriers of the United States, and the people of the United States to the officers of these railway organizations. They are able men. They have maintained their contracts. They have been "courts of conciliation." They have been wise and tactful and manly. They have prevented strikes where they would have been ruinous and unnecessary. They have maintained cordial and friendly relations between the carriers and the employees to a wonderful extent, and they have illustrated splendidly, in my opinion, the legitimate function of the organization of men who work for wages to accomplish great results. It is in the public interest that every possible facility should be afforded for frequent conferences between these men and the officials of the various railway companies of the United States. They are ex-trainmen, they belong each to his brotherhood, they have all had experience in the operation of railways, and there is no reason why they should not be put upon the same basis exactly as actual railway employees. I object strenuously, Mr. President, to any proposition which prevents the interstate common carriers from giving freely to their employees and their families, and to the officers of the Brotherhood of Railway Trainmen, free transportation as heretofore has been done.

Now, Mr. President, I pass for a moment from that to another provision in this conference report. It has been criticised as beyond the power of the conference committee. I do not think that is a just criticism. It is to be found on pages 6 and 7 of the conference report. As we passed it it provided that—

> Any common carrier subject to the provisions of this act shall promptly, upon application of any shipper tendering interstate traffic for transportation, construct, maintain, and operate upon reasonable terms a switch connection with any private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same.

The conference committee inserted "any lateral branch line of railroad, or of." Then follow the words: "Any shipper tendering interstate traffic for transportation." That is all qualified by the language before that in the section. It deals with *precisely the same subject*. It simply enlarges the class so as to take in the lateral branch lines of railroads with the shipper. I think it was open to that modification and that the committee of conference did not exceed its authority in incorporating it.

Moreover, Mr. President, I think it is a wise provision to incorporate in the bill. I think—and I have had in my life some opportunity to form an accurate opinion about it—it is a very important provision. Many times I have known short lines of railroad connecting with a trunk line or a long line of railroad, constructed for some special purpose and a common carrier.

I fancy that my friend from Minnesota [Mr. CLAPP] has known of the same thing—to carry lumber, if you please, or some other commodity to reach raw materials to be developed into finished products and find somewhere a market. But, Mr. President, it has very often happened that the men who put their money into the construction of such railroads have found themselves at one end of it practically in a pocket. They would be denied connections and prorating upon any fair basis. They have been frozen out repeatedly of their ownership because of the impossibility of operating under the unfair restrictions, and have been obliged in the end to sell their railroads at a great loss to the single company with whose road they were connected.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. LODGE. I do not think I disagree with the Senator as to the merits, which he has been discussing, of this amendment, but on the point of its being new matter, this proposition, which is a substantive proposition, was taken up as a separate matter when the bill was before the Senate. It was discussed and voted upon, and voted down. It seems to me that that constitutes it a distinct and a new proposition. It was not in the bill as passed by the House. It did not come to us from the House. We took it up as a separate proposition from the switches and spur tracks and decided that we would not put it in the bill. It seems to me if the conference committee is going to be able to take a substantive proposition that the Senate voted down and put it into a bill it enlarges their powers very much.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. If the Senator will permit me a minute, it is no more a substantive proposition than the proposition in regard to passes, which was proposed by the House conferees and accepted reluctantly by the Senate conferees.

Mr. LODGE. But the Senate did not vote down the pass proposition.

Mr. SPOONER. I do not think the Senate by voting down an amendment proposed to a section thereby prevents the conferees on the part of the House from proposing it as a modification of the Senate proposition.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. I do.

Mr. HALE. I think the Senator is correct to a certain extent, but if the House has not brought forward any proposition upon this matter and the Senate seeks to put in a new proposition and that proposition fails then certainly there is nothing for the conferees to consider.

Mr. SPOONER. I think when the House of Representatives refused to agree to this section which the Senate had proposed, it was open when it was sent to conference——

Mr. LODGE. It was not properly open to new matter.

Mr. SPOONER. The Senator from Massachusetts says that it was not properly open to new matter. That begs the question.

Mr. HALE. What was before the conferees? It may be that I do not know the facts, but if the House had nothing in the bill that covered this matter and the Senate voted down everything covering the matter, what had the conferees to consider?

Mr. SPOONER. This is what the Senate did——

Mr. HALE. It is not a question of what the Senate did, but the fundamental thing in a conference report is that nothing shall be put in that neither House has considered or adopted. If there is nothing put in by either House, then clearly the conferees have no jurisdiction.

Mr. SPOONER. On page 6, amendment 6, if I may have the attention of the Senator from Maine, the provision is that—

> Any common carrier subject to the provisions of this act shall promptly, upon application of any shipper tendering interstate traffic for transportation, construct, maintain, and operate upon reasonable terms a switch connection with any private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same.

Now, that is in a section which was in the bill as passed by the House and which the Senate amended. It is precisely the same subject-matter. It relates to a compulsory connection upon fair terms.

Mr. LODGE. That was not in the bill as passed by the House. It was our amendment.

Mr. HALE. Was that provision in the bill as passed by the House?

Mr. SPOONER. I think it was. I am not sure. The argument is all the stronger if it were not.

Mr. HALE. I agree, if that proposition was in the bill as passed by the House, and was therefore before the conferees, they had a right to consider it. But if it was not in the bill as passed by the House and an amendment was offered in the Senate and voted down, then clearly it was beyond the jurisdiction of the conferees.

Mr. TILLMAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Yes.

Mr. TILLMAN. On a paragraph of new matter relating to connections between railroads and a private side track, we will say, and there are no side tracks unless those side tracks come from something—some man who has some factory or some mine or something to take the product—does the Senator from Maine contend that the House conferees have no right to say to us, "You want connection with a private side track. We will grant you that provided you will put in here a provision that there shall be connection between spur railroads?"

Mr. HALE. No; I do not. If the Senate had voted in an amendment and had made it a part of the business of the business of the conferees, then, undoubtedly, they would have jurisdiction.

Mr. TILLMAN. That is exactly what we did.

Mr. HALE. But if the House did not put anything in and the Senate voted down the proposition, then the conferees had no jurisdiction.

Mr. TILLMAN. Then the Senator from Maine entirely misunderstands the situation, because if he will examine the amendment numbered 6 at the bottom of page 6 and the top of page 7, the Senate amendment relating to this very subject, he will see what the Senate put in. All the House did was to ask us to incorporate the words "any lateral branch line of railroad," so as to make the provision put in by the Senate, which

was applicable to private side tracks, applicable to spur railroads and lateral railroads.

Mr. HALE. I think that depends upon whether the Senate put it in.

Mr. TILLMAN. The Senate did put it in.

Mr. HALE. I am told the Senate did not put it in.

Mr. TILLMAN. The Senator from Maine can look at the bill; he will see for himself.

Mr. SPOONER. Mr. President, to me this is a pretty plain proposition. The Senate passed this provision—it was not in the House bill—requiring railway carriers to connect with a private switch where it could be done properly and sufficient business was promised. We sent that to the House of Representatives. They disagreed to the amendment. I am trying to convince the Senator from Maine, for whom I have the profoundest possible deference.

Mr. HALE. I am trying to listen to the Senator. It is a very easy task.

Mr. SPOONER. We sent this provision to the House requiring interstate railroad carriers to connect with private switch the shipper when it could reasonably be done, and when it promised sufficient business to warrant it. The House disagreed to the proposition, and therefore the bill went with that disagreement to the conference committee.

Now, it seems to me that in that committee it was entirely an open question. The House could have refused to agree to any of it, for it was a Senate amendment to the House bill. The House could agree to it with an amendment if it chose to insist upon an amendment. That is what occurred. The House says, "As you are providing for compulsory connection with a private switch under certain restrictions, we will agree to that if you enlarge the class tendering or constructing the switch. If you will allow lateral roads which have switches to make connection with the carrier, where it is practicable and where it promises business enough to warrant it, we will agree to the Senate amendment." It seems to me very clear that that was entirely within the competency of the House conferees to propose and of the Senate conferees to agree to.

Mr. HALE rose.

Mr. SPOONER. Now, a moment further. The only argument which can be made against it, I fancy, is the argument based upon the fact that it had been offered in the Senate and voted down by the Senate.

Mr. HALE. I was going to address myself to that subject.

Mr. SPOONER. I want to address myself to that for a moment.

Mr. HALE. I want to anticipate the Senator.

Mr. SPOONER. Very well.

Mr. HALE. If the subject-matter is in the bill by the provisions of the House, although a Senate amendment to that has been rejected, I do not think the conferees are forbidden to consider it. If the subject-matter is in the bill in the House provision, although the Senate has voted down an amendment, I think it is in the competency of the conferees to amend the provision by the very provision that the Senate has struck out. It is not the question of what the Senate does, but the fundamental underlying question is whether the subject-matter is in the provision as sent by the House to the Senate. I do not think the conferees are obliged to reject an amendment even if the Senate has rejected it.

Mr. SPOONER. I think the Senator is absolutely correct. I knew he would be.

Mr. TILLMAN. Will the Senator from Wisconsin allow me?

Mr. SPOONER. In a moment, please. Now, the question is, Is the *subject-matter* in the amendment sent by the Senate to the House?

Mr. LODGE. There can be no doubt it was germane. I do not think there can be the slightest doubt of it.

Mr. SPOONER. Very well, Mr. President. Then if it is germane, if the subject-matter was there——

Mr. LODGE. It was there very properly.

Mr. SPOONER. It is there properly, and it was perfectly competent for the House to enlarge the operation of the same subject-matter, and that is what they did. I am glad that the Senator from Maine and the Senator from Massachusetts concur in my view of the proposition that this was in order.

Now, Mr. President, continuing for just a moment—and my time has been taken up by interruptions—is it a wise provision? It is a provision without which the construction of hundreds of lateral lines, which would have been in the interest of the people, has been discouraged during all the years, for the reason that men did not dare to invest their money in the construction of lateral roads when there was no means whatever of securing fair treatment at that end of it which connected with a trunk line, if I may so speak of the railroad upon which they depended to get to a market. It has been a discouragement to the construction of lines which ought to have been constructed. There is no good reason why a railway carrier engaged in interstate commerce should be required to make a private switch with the private track of *a shipper* who is proposing to tender traffic and that a lateral railroad which tenders traffic in vastly greater volume and affecting beneficially large numbers of people and sections of the State or Territory should not have the same right.

Mr. HALE. What is the significance actually and practically, different from a switch, of the words "a lateral railroad?"

Mr. SPOONER. A lateral railroad is built from the side. It may be 20 miles; it may be 10 miles; it may be 50 miles; it may be 100 miles.

Mr. HALE. But is an independent line?

Mr. SPOONER. Certainly.

Mr. HALE. It is only associated with the trunk line by physical connection?

Mr. SPOONER. It is associated with the trunk line in this, that it brings the trunk line business.

Mr. HALE. It is an independent organization?

Mr. SPOONER. Certainly. It is not a competitor; only a feeder.

Mr. HALE. It is a feeder?

Mr. SPOONER. That is all.

Mr. HALE. And it is only associated with the trunk line by its connection, which brings business?

Mr. SPOONER. That is all.

Mr. ELKINS. It is a switch connection.

Mr. HALE. The Senator from West Virginia says it is a switch connection. It is more than that.

Mr. ELKINS. It has to be a switch connection.

Mr. SPOONER. To state it shortly, it is such connection as will enable the transfer of cars from one to the other interchangeably.

Mr. HALE. But it is not what we commonly understand by a switch connection of short lines of the road itself; it is independent.

Mr. SPOONER. It is independent.

Mr. HALE. It is not a switch connection.

Mr. SPOONER. A firm, a coal company, or a group of independent coal-mining companies are unable to get cars, they are unable to obtain switches, they are unable to connect with the line upon which they are dependent to get to market, and they may organize a little company and build 10 miles or 20 miles of railroad. Of course it is a common carrier; it has to be. Constructing that road to a connection with the long line engaged in interstate commerce, there is every reason in the world why, upon fair terms, it should be permitted to connect with that railroad, so as to be able to secure an interchange of traffic and cars on fair terms.

Mr. HALE. Through transportation?

Mr. SPOONER. Certainly. Now, that is all this is. It will apply and be of great value in respect to coal production; it will apply and be of great value in respect of lumber production, and it will apply and be of great value for very many purposes which I need not take the time to go over. This is very important in many ways to the public, and is perfectly competent for the conferees to agree to.

Mr. LODGE. If the Senator is through on that amendment, I should like to ask him if he has any question that the two amendments on page 21 are new matter? On page 21 the words in line 9 "or transportation," and in line 17 the words "rates or," I think, give a very changed significance to that whole section.

Mr. TILLMAN. I call the Senator's attention to the fact that in the statement I made yesterday morning I said distinctly that the conferees knew it was new matter and had no authority to insert it, and we threw ourselves on the mercy of the Senate. I said I did not come in here with any effort to deceive them, but I told them that we had exceeded our authority.

Mr. LODGE. It is admitted that it is new matter.

Mr. SPOONER. It is agreed to be new matter, and if it were not agreed to be new matter I have very grave doubt whether the amendment does not mean a great deal more in its legal effect than the conferees would be willing to sanction. What are the other pages?

Mr. LODGE. On pages 40 and 41 are found the amendments which the Senator from South Carolina [Mr. TILLMAN] admits to be new matter.

Mr. SPOONER. Mr. President, I apologize for having taken so much of the time of the Senate, although I think most of it has been occupied by interruptions.

Mr. TILLMAN. The amendment on page 41, of course, is

new matter, but I am still in doubt about it, as I said yesterday. I asked Mr. Cleaves, whose expert knowledge and experience in this matter is well worthy of our respect and consideration, whether he considered the words in regard to the salary of the secretary of the Commission and the new office to be created was new matter, and he said: "I do not know, for you had to deal with the composition of the Commission, and the House conferees insisted on your putting back the House provision. I think probably it was within the province of the conferees to suggest this matter; but that, of course, is a question for the Senate."

Mr. HALE. Mr. President, the Senator's citation of the opinion of the old veteran clerk of the Committee on Appropriations reminds one of the college story of the boy who was refused admission. When his father asked him why they shut him out, he said he did not know; that he had answered every question. His father asked what was the first question. The boy replied that it was "In what year did Columbus discover America?" "Did you answer that?" "Yes." "What did you say?" "I said I did not know." [Laughter.] Now, the citation of the opinion of the veteran clerk is simply that he does not know.

Mr. TILLMAN. Well, Mr. President, in view of the fact—I want to do Mr. Cleaves entire justice—that he compiled, under the instruction, of course, of the veteran chairman of the Committee on Appropriations, the Senator from Iowa [Mr. ALLISON], the manual of the Senate on the subject of conference reports, their powers, limitations, duties, and all the history of the whole thing. It was not a case of mere offhand decision; but I think he was very much in doubt as to whether or not the conferees in this case had exceeded their authority.

Mr. HALE. But the result of it all was that the clerk did not know.

Mr. TILLMAN. The Senator from Maine only has his opinion.

Mr. HALE. I want to trust the conferees very largely, and give them large discretion; but I do not think on this matter, on which there seems to be so much diversity of opinion——

Mr. TILLMAN. I will say to the Senator from Maine, if he will permit me to interrupt him, that I do not want to delay the termination of this matter any longer, and, so far as I am concerned—and I think I can speak for the Senate conferees—we will submit that proposition in a joint resolution, which will be introduced to cover the amendment on page 41, the sixty-days' provision, unless the Senate might now, if it be permissible, grant the conferees unanimous consent to retain the new matter on the last page.

Mr. HALE. No; the Senate, I think, can not do that. It will not with my consent. I think, when the conferees present a joint resolution, that it had better be confined—but that is discretionary as to the matter of the time when the act shall take effect——

Mr. TILLMAN. Would not the Senate have it within its power to amend the joint resolution and vote down anything we might submit after it is in? That is what I want to know.

Mr. HALE. Undoubtedly; but I suggst to the Senator not to complicate that most important question, upon which every vote of the Senate will be given to pass a joint resolution to extend the time to sixty days, because of the necessity for getting the machinery at work. I suggest to the Senate and to the chairman of the conference committee not to complicate that question with anything else. Such a resolution as he suggests will go through, as such resolutions have many a time, without a single objection, and will cover that point; but the other matter is for the discretion of the conferees.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. I shall, after putting in the motion which I send to the desk. I want to submit a motion. I do not want to have an ironclad construction, but I want the vote of the Senate upon the order which I now send to the Secretary's desk.

The VICE-PRESIDENT. The Senator from Maine proposes an order, which will be read by the Secretary.

The SECRETARY. Mr. HALE moves, as an expression of the views of the Senate:

That passes issued by railroad corporations included in this bill be confined to actual employees of such railroads and their families.

Mr. HALE. I want a vote on that.

Mr. PATTERSON. I should like to ask the Senator from Maine a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. Yes.

Mr. PATTERSON. Mr. President, we have been listening for nearly a day to a discussion on the subject of new matter introduced by the pending conference report. Is there anything to prohibit, or, in other words, is it not, after all, a matter for the Senate to pass upon? The Senator from Maine [Mr. HALE] shakes his head and the Senator from Massachusetts [Mr. LODGE] shakes his head. I desire to call the attention of the Chair and of the Senate to what I find in the Senate report upon the subject of conferences and conference reports. I have discovered upon reading it that the Senator from Massachusetts [Mr. LODGE] played a very important part in having the rule to which I call the attention of the Senate established. This matter is found on page 16 of that report in reference to conferences and conference reports:

29. Conferees may not include in their report matters not committed to them by either House. (1414–1417.) (50th Cong., 1st sess., Sen. Jour., pp. 1064, 1065; 54th Cong., 2d sess., Sen. Jour., pp. 90, 91, 96.)

That is Rule XXIX.

In the House, in case such matter is included, the conference report may be ruled out on a point of order. (See Rule 50, below.)

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

Then there is the following note:

NOTE.—In the Fifty-fifth Congress, first session, Vice-President Hobart, in overruling a point of order made on this ground against a conference report during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report. (55th Cong., 1st sess., Sen. Jour., pp. 171, 172; Cong. Rec., pp. 2780–2787.) See also Cong. Rec., p. 2827, 56th Cong., 2d. sess., when the Presiding Officer (Mr. LODGE in the chair) referred with approval to the foregoing decision of Vice-President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference report, after debate, was, by unanimous consent, rejected. (56th Cong., 2d sess., Cong. Rec., pp. 2826–2883.)

As I read this, it can have no other meaning than that if the point is raised that something that is found in a conference report is new matter, when called to the attention of the Senate, the Senate itself acts upon it.

Mr. HALE. Undoubtedly.

Mr. PATTERSON. And if the Senate decides it is not, or whatever may be the reason or motive of the Senate, the Senate has it in its power to retain that matter in the bill.

Mr. HALE. Undoubtedly. That is only a matter of procedure; but the fundamental proposition which the Senator from Colorado has raised is that there shall be no new matter inserted. Our processes are different from those of the House. I think, in the prevailing tendency of conferees to usurp power, that we have got to adopt—and I hope we shall do so before this session ends—the House rule, that such insertions shall be subject to a point of order and ruled out; but we have not gone as far as that. We have said the conferees should not put in new matter and that the question shall be submitted to the Senate; but it does not change the underlying and absolutely necessary proposition that no new matter shall be incorporated by the conferees.

Mr. LODGE. Will the Senator from Colorado allow me a moment?

Mr. PATTERSON. Certainly.

Mr. LODGE. The general parliamentary law and also the practice of both Houses is, of course, that there shall be no new matter in a conference report—that is, no matter which has not been adopted by one of the two Houses.

In the House of Representatives the point of order lies, and the Chair decides. If the Chair decides that the matter is new matter, and therefore out of order, the conference report is rejected by that finding of the Chair. All that any parliamentary body can do with a conference report is to accept it or reject it. It can not amend it. It must be either accepted or rejected.

The point of order, when it lies in the House and is ruled on by the Speaker and sustained, carries with it the rejection of the report, just as when the Chairman of the Committee of the Whole in the House sustains a point of order against a clause in an appropriation bill it carries with it the rejection of that clause.

Here, if the point of order is made, it has been held by Vice-President Hobart, in a ruling which I sustained later when I happened to be in the chair, that the point of order must be submitted to the Senate. Therefore it comes down to the Senate as a question whether they shall reject the conference report on the ground that there is new matter contained in it.

That is the state of the parliamentary law, as I understand it, in this body; but that does not change the fundamental parliamentary proposition that conference committees have no

right to put into conference reports matter which has not been adopted by either House.

Mr. PATTERSON. Mr. President, to a certain extent, and to a very considerable extent, the Senator from Massachusetts is right; but, after all, the ruling by the Senate recognizes, if not the right, at least the power of conference committees to insert new matter in a measure.

Mr. LODGE. Not at all.

Mr. PATTERSON. I beg your pardon. It is simply reaching a conclusion by different processes. Even in the other House, Mr. President, I imagine, should the Speaker sustain the point of order that a proposition contained in a conference report is new matter, that decision might be appealed from.

Mr. LODGE. The House could accept new matter by unanimous consent undoubtedly, and we could accept new matter by a majority vote; but that does not make it in order.

Mr. PATTERSON. Very well, then, so far as the House is concerned. In other words, both the Senate and the House can accept, if they choose, new matter of legislation.

Mr. LODGE. Undoubtedly.

Mr. PATTERSON. While the rule is a good rule and should as a general proposition be enforced, I have no hesitation in maintaining in a case of this kind, and as to a bill of this character, that when the conferees meet for the purpose of discussing a matter and reaching an agreement, if they discover that there is something needed to make a measure effective as a whole, they have not only the power, but it is their duty to insert that, and then submit it both to the House and to the Senate.

Mr. HALE. But, Mr. President, does the Senator not see the far-reaching, dangerous, and disastrous results of his proposition? Legislation is matured here and in the House of Representatives. Conferees are not a legislative body. They are to confine themselves to disagreements between the two Houses and to report only as to those.

Mr. PATTERSON. I understand precisely.

Mr. HALE. But when the Senator says the conferees have a right, when they believe that in order to make a measure effective they may put in new propositions, he is transferring the legislative power, which ought to be confined to the two bodies, to a conference committee that is only appointed and constituted not to newly legislate, but to consider differences between the two Houses.

The Senator is not a radical Senator; he is a conservative Senator, and he ought to see the wide and far-reaching and dangerous proposition which he has made, that the conferees can take upon themselves the power of legislation that only inheres in the two bodies.

Mr. PATTERSON. Mr. President, it is right there that I disagree with the Senator from Maine. It is not a case of a conference committee taking upon itself legislative power; it is simply a conference committee reviewing the measure as it is sent to them, discovering that there is a defect or something that ought to be in to make the bill effective, and then in their report suggesting it to the Senate and also to the House. It is utterly impossible for the conference committee to legislate. It can only in its report refer the matter back to the Senate, and then the matter that is suggested is before the Senate to be discussed, to be considered, to be voted upon, to be rejected, or to be adopted. That is all there is of it. It is not a usurpation in any sense of the word; and I sincerely hope that the conference committee, if the conference committee believes that there are omissions in the bill, and that some slight amendments will make the bill more effective, will stand by them, and let the Senate as a body, after full discussion, determine whether they shall be a part of the measure.

It is simply another method of legislation, a different method of initiation, and, after all, passed upon as solemnly and as deliberately by the Senate and by the House as though the proposition had been originally introduced and sent to a committee, or as though the amendment had been originally offered in open Seante while the bill was under discussion.

For that reason, Mr. President, leaving this standing, I could not comprehend why so much time was taken up in attempting to establish that this proposition or that proposition or another proposition was new matter. The conferees have brought subjects connected with this great legislation before the Senate and asked the view of the Senate upon them, and if the Senate stands by the conference committee, provided the House agrees, their recommendations will be incorporated into the body of the bill.

Mr. LODGE. Mr. President, if the Senator from Colorado will allow me——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. PATTERSON. I yield to the Senator.

Mr. LODGE. If the Senator from Colorado had pushed his inquiries as far as page 15 of the document from which he has read, he would have seen that it is not in order to give such instructions to conferees as would require changes in the text to which both Houses have agreed. We can not, even by the instructions of a unanimous Senate, direct our conferees to make a change in a text to which both Houses have agreed.

Mr. PATTERSON. Let me read to the Senator from Massachusetts from the same document, on page 15, the page to which the Senator refers me:

21. It is in order to instruct conferees, and the resolution of instruction should be offered after the House has voted to insist and ask a conference and before the conferees have been appointed.

Mr. LODGE. Certainly; but we can not instruct them to make a change in the text that has been agreed to; or, in other words, we can not instruct them to introduce new matter.

Mr. PATTERSON. Let me ask the Senator from Massachusetts a question.

Mr. LODGE. Let me say just a word, if the Senator will allow me.

Mr. PATTERSON. I should like to ask the Senator from Massachusetts a question in this connection.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. PATTERSON. Does the Senator from Massachusetts say that if the conference committee reports that it is admittedly new matter there is no legislative way by which that could be incorporated into the measure?

Mr. LODGE. I do not think that there is, Mr. President, and I do not think there ought to be; and if our rules permit it, the sooner, in the protection of the Senate and of legislation, that we amend those rules the better.

Mr. PATTERSON. Let me ask the Senator from Massachusetts another question, then. Let us carry it to its logical conclusion. If the conferees make a report incorporating new matter, and the point of order is made that it is new matter, and the Senate votes it down, and then the motion is made to agree to the report, is not that, so far as the Senate is concerned, a part of the measure?

Mr. LODGE. Undoubtedly that is the case under the Senate's practice.

Mr. PATTERSON. That is what I have been contending.

Mr. LODGE. Undoubtedly that is the case under the Senate's practice, and that is the reason, I think, our rules ought to be amended and made like the rules of the House of Representatives, so that if the point of order is sustained and it is held that it is new matter—of course if the Chair holds that it is not new matter, then it is not liable to rejection—but if it is new matter, and held to be new matter, that that mere fact shall reject the conference report and send it back. We are dealing in a conference with the work of both Houses, and we are not proposing that six representatives of those Houses shall be allowed to introduce new matter which neither House has ever adopted.

Mr. PILES obtained the floor.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. PILES. Certainly.

Mr. PATTERSON. I desire just a moment. It is admitted by the Senator from Massachusetts that the result I have suggested may be secured in a perfectly legitimate way under the rules.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. The Senator from Washington has the floor. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. PILES. I yield to the Senator.

Mr. LODGE. I merely want to say that the Senator from Colorado misunderstood me. If the point of order is made here in the Senate, and submitted to the Senate, and if the Senate holds that it is not new matter, of course it goes in.

Mr. PATTERSON. But you can not inquire into the motives of Senators.

Mr. LODGE. If the Senate holds it is not new matter, it is not new matter.

Mr. PATTERSON. But you can not inquire into the motives of Senators when they vote upon the proposition.

Mr. LODGE. Of course not.

Mr. PATTERSON. We know it has constantly been the practice of the Senate to sustain or to overrule a decision of the Chair upon questions connected with measures, Senators voting in accordance with their view of the very right of the measure itself.

Mr. LODGE. On the question of relevancy.

Mr. PATTERSON. And they may do the same thing on matters contained in a conference report. In other words, it carries out what I have heard Senators boast of so frequently, that this body can always have its way under its rules, and when this body determines that a certain measure should contain certain provisions, so far as this body is concerned there is nothing in its rules that will prevent their insertion in the measure. No hard and fast parliamentary rule can prevent such being the case.

Mr. President, time and time again I have, in my short service in the Senate, seen the Chair submit questions of order to the Senate, not because the Chair was in doubt, but because the Chair wanted the Senate to have its way as to whether a particular matter should or should not be inserted in a bill. That is all there is in connection with this matter.

We have a right, under the rules, if we think on a conference report that a certain thing should be in the bill when it ultimately becomes a law, so far as this body is concerned, to do our part in putting it in. Of course it requires the concurrence of both Houses; but when, in whatever method, on a conference report or otherwise, the mind of the House and the mind of the Senate jointly meet, then all that remains, if it is the enactment of a bill, is the signature of the President to make it a law.

Mr. LODGE. Before the Senator from Colorado takes his seat, I will say that if, under our rules, the question of relevancy can be submitted to the Senate, and if the Senate declares that an amendment proposed to an appropriation bill is relevant, then it is relevant and it goes in. But that is not equivalent to saying that irrelevant matter can go in. In the same way——

Mr. PATTERSON. Mr. President——

Mr. LODGE. One moment. Let me finish. If the Senate decides that the matter against which the point of order is made is not new matter, then, of course, not being new matter, it is entitled to go in, in the same way as if the Speaker should decide in the House, when the point of order is made, that it is not new matter. Then it goes in. But if he holds it is new matter, or if we hold it is new matter here in the Senate, then the report is rejected and goes back to conference. It is for us to decide whether it is new matter. I have never seen the Senate fail to reject a report where the matter was obviously new, as in this case.

Mr. PATTERSON. I desire to say——

Mr. PILES. Mr. President——

The VICE-PRESIDENT. The Senator from Washington is entitled to the floor. Does the Senator from Washington yield to the Senator from Colorado?

Mr. PILES. It will take me but two or three minutes to say all I have to say.

Mr. LODGE. I beg the Senator's pardon; I will not interrupt him again.

Mr. PILES. If the Senator from Colorado can get through in a few moments, let him go ahead.

Mr. PATTERSON. It will take but very few minutes.

The VICE-PRESIDENT. The Senator from Washington yields.

Mr. PATTERSON. It amounts to precisely the same thing. As I suggested in the first instance, if it is not new matter and the Senate decides it is not, it is simply the Senate's way of saying that is the legislation the Senate wants, and it is going to have it. That has been done time and time again.

I have instances in mind—I can not name them now—but I know in the short time that I have been here there have been at least half a dozen occasions where the Senate has held against the proposition that it was new matter or new legislation, the question being submitted to the Senate by the Chair, although it was, in fact, new legislation. The Senate decided to the contrary because the Senate wanted that legislation.

Mr. PILES. Mr. President, I shall detain the Senate but a moment.

Mr. PETTUS. Mr. President, I desire to ask the Senator from Maine [Mr. HALE] a question.

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. PILES. I yield to the Senator.

Mr. PETTUS. If the Senator from Maine will oblige me, I should like to know if his motion does not amount to instructions?

Mr. HALE. Yes.

Mr. PETTUS. And whether he thinks at this stage instructions ought to be given?

Mr. HALE. It is clear that we have a right to instruct, but I do not put it in quite as bald a fashion as that, because the conferees are not an obstinate and an unruly body of men; but I should like to have the expression of the Senate upon this subject of passes. So I have not put the motion in the form of instructions, but as the sense of the Senate. I could have put it in the form of an instruction——

Mr. PETTUS. My question is, Does it not amount to instructions, whether it takes that form or not?

Mr. HALE. That is for the conferees to settle.

Mr. PILES. Mr. President, I desire to express the hope that the conference committee will retain in this bill the amendment excepting timber and the manufactured products thereof from the provision which prohibits the carriage in interstate and foreign commerce of any article manufactured or produced by a carrier. When I had the honor to propose the amendment, I took occasion very briefly, as I shall now, to explain to the Senate my reasons for the amendment.

I regret exceedingly that the conference committee saw fit to yield to the House conferees on this point. As I understand, the reason which prompted the Senator from West Virginia [Mr. ELKINS] to introduce the amendment prohibiting such carriage was because interstate carriers owned coal mines along their lines of road, and that those carriers were furnishing to their own coal mines cars, thereby preventing the independent coal operators from competing with them successfully in the market, because the carriers would not furnish the independent operators a sufficient number of cars, although the former had plenty of cars with which to haul the coal which they were engaged in mining. If that was the object, so far as it relates to my section of the country, it will be a detriment instead of a benefit on that point alone.

As I said the other day, Mr. President, the lumbermen of the State of Washington by means of their logging roads and steam and sailing schooners are carrying to all parts of the world the products of the forest and their sawmills, I think the greatest in the world.

These people are not engaged, strictly speaking, as common carriers, while they are such undoubtedly under the law. But there are now I suppose in the neighborhood of a thousand cars of lumber west of the Cascade Mountains, and certainly that number west of the Rocky Mountains which can not be transported over the mountains for lack of motive power. These lumbermen in my section of the country went into the business on the lines in which they are now engaged with rail and schooner for the express purpose of getting their product to market, which they could not get to market because the railroads were unable to furnish them a sufficient number of cars and sufficient motive power to take their product to market.

These people have engaged in this business, having provided their own means of transportation, by which they transport lumber from the Pacific to the Atlantic coast and to all parts of the world, which can not be transported in cars for the reasons I have stated, and which, in a large degree, has had a tendency to give a reasonable rate by which they could put their product upon the eastern market. It seems to me that Congress ought not to pass any law which would in any way prevent them from getting their product to market or to pass any law which would compel those people, through some subterfuge, to organize some company different from that which they are now operating, or to organize a number of companies for that purpose, but that they ought to be encouraged in the great business which they have undertaken.

I do not want to take the time of the Senate in discussing a question which I discussed only a few days ago. I do hope, and I felt it my duty to say it, that the Senate conferees, when they go back to reconsider the report, will stand firmly by this amendment which was inserted in the bill.

Mr. TELLER obtained the floor.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. McCUMBER. I merely wish to ask, with the consent of the Senator from Colorado, what is the question now before the Senate. Senators seem to be discussing some other thing than the pending motion, and I wish to have it read.

The VICE-PRESIDENT. The question is on the order proposed by the Senator from Maine [Mr. HALE]. At the request of the Senator from North Dakota, it will be read again by the Secretary.

The SECRETARY. The Senator from Maine proposes as an expression of the views of the Senate—

That passes issued by railroad corporations included in this bill be confined to actual employees of such railroads and their families.

Mr. TELLER. I do not understand that the motion of the Senator from Maine is in order now.

Mr. President, the question of order that has been discussed at considerable length is a very important one for the Senate.

I do not agree with the declaration that has been made here that the question whether or not it is new matter depends entirely upon the whim of the Senate. I realize that if the Senate ever votes that it is not new matter, that is the end of the controversy. Upon ordinary subjects I admit that sometimes the Senate votes to-day that a thing is in order, to-morrow votes that it is not in order, but upon this question, which is so vital to the proper administration of affairs in the Senate, I venture to say that no man can find a precedent where, when the question has arisen as to whether it was new matter or not, and it was held by the Senate that it was, the committee has not been compelled to reconsider the matter in conference.

There is one precedent here which can be found—I found it some time ago, but I can not turn to it now—where after it was determined that the matter was new and ought not to be there the unanimous consent of the Senate was asked that it might remain, and the matter thereupon remained, and the whole subject dropped. That is the only case I found in the examination I made some time ago when the question came up whether the Committee on the Five Civilized Tribes had put new matter in the report.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. I yield.

Mr. HALE. I call the Senator's attention to the fact that where it was established clearly that the report included new matter, the chairman of the committee at once admitted it, and the bill went to a new conference by unanimous consent.

Mr. TELLER. That has been the custom.

Of course, in the House the Speaker determines whether it is new matter, and that ends the controversy. Here the rule has been, I think for a good many years, that the Senate determines those questions. A question of this kind a good many years ago was determined one way by the Presiding Officer, who was then Mr. Edmunds. That was as to instructions, and not as to this vital question whether the committee has put new matter in a bill. In that case it was whether there should be instructions. The Presiding Officer held, as I recollect, that there could not be instructions, and the Senate held there could be. I think it will be found that the Senate has held both ways on that subject. I think there can be instructions myself. I do not think that is a matter of very great concern, except as to when the instructions are made.

Senators will remember that not long ago, within the last two years, the House appointed conferees, and before they had had any conference with the Senate conferees the House instructed their conferees what to do and what not to do; whereupon the Senate refused to confer with the House conferees until they receded from that position.

I regard the question whether there shall be new matter put into a bill by the agency of a conference committee as the most important one which can be raised here in reference to the orderly proceeding of this body. In the great majority of cases we accept a conference report nem. con. We pay little attention to it. We believe the committee have done the best they could. Where they have taken what was in the House bill and what was put in by the Senate, and arranged them in any way consistent with the fact that both had been passed upon by the Senate, we have accepted them.

I dare say that in the whole history of the Senate—it ought to be said of every legislative body, and I believe it is true of the Parliament of Great Britain—there never has been a case where the conferees have put in new legislation, and it was apparent that it was new legislation, and it was admitted to be new legislation, that the House has accepted it as a part of the transaction.

There are a great many cases that come before us where it is difficult to determine whether or not it is new legislation. I am disposed myself to believe that the provision in this bill concerning passes goes beyond the power of the conference committee, but Senators in whose judgment I have great confidence tell me I am wrong, and very likely I am, although upon a question of that kind the Senate might divide. The Senate might determine that I was wrong, and that would be the end of the controversy.

But we have in this report several things that the conference committee say they knew were new, but they thought it would improve the bill if they put them in. That is not the province of a conference committee, speaking with all due respect for the committee. They are not empowered to do that. They are simply to determine what was the mind of the Senate on one proposition and what was the mind of the House on the same proposition, and, if possible, to reconcile the differences between the two. That they can do. But when they come to say, "We thought it would be a good thing to put in this provision, and therefore we have put it in, although neither body had ever considered it," such a proceeding would lead to interminable confusion, and it would be the duty of every Senator—he would be compelled to watch with the greatest care—to see that these things were not done. We have a right to suppose when a conference committee go out that they will confine themselves to the custom that has been in vogue in this country and in England, that new matter shall not be put in.

I speak with some feeling on this subject, because we have been condemning this practice for some time. I have myself been on a good many conference committees where there has been an attempt to change the text of a bill and to put in some new matter, and I will say for myself that I have never consented to that, and I do not recall now that I was ever a party to a conference committee that did agree to it. I know the members of the Appropriations Committee have stood inflexibly against the slightest change that was not justified by the rule.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. I yield to the Senator from Maine.

Mr. HALE. I want to bear testimony to what the Senator is just saying. There is no committee in this body that deals with so many subjects affected by legislation as does the Committee on Appropriations, of which the Senator from Colorado is an old, experienced, and most valuable member. The practice of that committee is to report the result of a conference to the Senate. It mentions amendments by number. It declares what amendments have been added. In twenty years I have hardly ever known, or ever known, a question to arise as to whether new legislation was embodied in those reports. The reason is that the Committee on Appropriations sets its face sternly against all new matter. As an old member of that committee, I would hold myself delinquent if I ever consented, in the numerous matters that come before that committee, to anything that involves new matter. I would consider myself, as the Senator from Colorado would consider himself, delinquent in my duty to this body if I did so.

I hope the rule of that committee will be maintained not only in that committee, but in reports from all other conference committees. This discussion, Mr. President, is not without its great uses.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Colorado yield to the junior Senator from Colorado.

Mr. TELLER. I yield.

Mr. PATTERSON. Does the Senator from Maine say that there is no case in which a point of order against matters contained in appropriation bills coming from the Committee on Appropriations has been sustained?

Mr. HALE. No; I do not.

Mr. PATTERSON. I recall quite a number.

Mr. HALE. I say I have never known an instance, in connection with that committee, where the conferees have deliberately put in new matter, and I hope I shall never know of such an instance.

Mr. TELLER. Mr. President, I wish to say a word or two about the question that has been disturbing the Senate for a day or two, and that is with respect to passes. We put in a very elaborate provision as to passes, somewhat remarkable and quite wonderful. The conference committee strike all of that out and insert something that I think was neither in the House bill in principle nor in the bill as it passed the Senate. There was nothing in the House bill about passes.

In my judgment, if we had confined the interdiction of passes to members of both Houses, the judiciary of the country, and the executive officers of the country, it would have been as far as it was necessary for us to go with reference to the matter. We then should have, perhaps, provided that a railroad company should not make a discrimination between shippers and give a pass to one shipper and deny it to another. I believe they might give it to one class of shippers, like the cattle shippers, while they might decline to give a pass to the man who ships the common products that need no care or attention en route.

I think the committee ought to go back and take up a part, at least, of the Senate amendment, if they do not want to put in all of the Senate amendment, and I should hope they will not, because some part of it I think should be left out. I wish they would go into that to a sufficient extent so as to permit railroad employees and their families and railroad attorneys to have passes. The public do not complain of that. They have complained of Representatives and Senators taking passes, on the theory that they would be influenced in favor of the railroads because they carried them free. I do not believe there is any-

thing in that at all. I do not believe any man who ever got into the Senate was small enough and mean enough to fail to do his duty here because some railroad company gave him a pass on its road.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. I do.

Mr. CULLOM. I only wanted to inquire whether the Senator from Colorado is sufficiently familiar with the present law, the law of 1887 as amended in 1895, to justify him in passing judgment as to whether it is sufficient.

Mr. TELLER. I am quite familiar with that law. I helped to pass the law of 1887, and I helped to pass the law of 1895.

Mr. CULLOM. I know the Senator did, but I did not know whether he remembered it sufficiently.

Mr. TELLER. Yes; I remember very well the provision about passes. While I know it has not always been adhered to by the railway companies, I believe that act excluded passes, and I believe it now excludes passes. I do not think a Member of Congress ought to accept free transportation, not because I think he will change his views on the subject of railroad legislation, but simply because of the speech of the people; because I think that is a deference we ought to show to the people. For that reason I would confine, if I could, the interdiction of passes to the three classes I have mentioned, and to shippers.

I have before me a large number of these telegrams, which every Senator has received. I did not think it worth while to send them to the desk. I have them on my desk. I sympathize fully with these people. I do not think any harm will come from permitting the railroads to issue passes to their employees, and I know the railroad people want to give them that privilege. I have here, which I will ask to have read, a telegram from Mr. Ripley, who is the president of the Atchison and Santa Fe, a practical railroad man. I think it explains the situation. I hope the committee, before they get through with their proceedings, will put something of the kind in the bill.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Hon. HENRY M. TELLER,
United States Senate, Washington, D. C.:

While in full sympathy with prohibition of free passes in general, the bill as amended in conference imposes great hardship on lower grades of employees and will create much trouble; also, we must move large numbers of laborers over long distances. They have no money nor would it be safe to furnish them with amount necessary to pay fare. Provision should certainly be made for free transportation for our own officers and men and members of their families, otherwise great burden imposed on us without benefit to anyone.

E. P. RIPLEY.

Mr. TELLER. I have been told that a similar telegram has been read. I did not know that fact. It escaped my attention.

Mr. CULLOM. It has been.

Mr. TELLER. That is from a practical railroad man, and I think it ought to have some weight with the committee. That is all I care to say upon this question.

Mr. HALE. It is in no way a dispatch that is dictated by selfishness on the part of Mr. Ripley, but it recognizes the importance in their business of favoring their employees by giving them this transportation, which I think everybody is in favor of.

Mr. TELLER. I will say that every railroad company ever since there have been railroad companies organized in this country has issued passes to its employees. They are in the habit of doing it. Some years ago, before I came to the Senate, I was president of a railroad company. I had something to do with the construction and the operation of a road for six or eight years. I know something about the practical needs of a railroad company in these matters. It would be almost impossible to do business properly if every railroad employee had to get a ticket. It is absurd to think about it, and we have no right to demand anything of that kind from a railroad company, in my opinion. They have a right to do their business, if they do it so that the public are not distressed and injured by it, as it suits them.

Mr. LODGE. Mr. President, I desire to call attention to a change made by the conferees which it was entirely within their province to make and agree to, but which seems to me to be of the most serious character.

In the penal clauses, which I offered as an amendment, and also in the one offered by the Senator from North Dakota [Mr. MCCUMBER], the words "knowingly and willfully" appear. They were, on my motion, inserted in the clauses which I moved as an amendment, subsequent to the adoption of the clauses, and were adopted by the Senate by a large majority on a record vote. With those words out there is not a railroad officer in the United States who is not liable to be put in prison or heavily fined at any moment through the error of some clerk or perhaps the misdoing of some clerk or the inadvertence of some subordinate in giving a lower rate than the published rate. It seems to me——

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. LODGE. Certainly.

Mr. DANIEL. I am very much interested in what the Senator is saying. I am trying to find the line in the bill to which the conference report refers. I note on page 3——

Mr. LODGE. Page 16, lines 23 and 24; page 18, line 20; page 19, line 9.

Mr. DANIEL. I note in the conferees' report on page 3, that it is referred to as in line 35.

Mr. LODGE. That must be a mistake.

Mr. DANIEL. If we were to adopt that report——

Mr. LODGE. I do not understand the Senator.

Mr. DANIEL. "In line 35," it says, "strike out 'knowingly and willfully.'"

Mr. LODGE. That follows the lines of the amendment separately, I think.

Mr. TILLMAN. It follows the lines of the blue print.

Mr. LODGE. The blue print.

Mr. TILLMAN. The old bill, as it comes from the House.

Mr. LODGE. That is correct, but I have to make my reference to the printed bill we have here.

Mr. President, the amendment of the Senator from North Dakota, for which I voted and which I think was an excellent amendment, provided that in the case of a shipper soliciting or receiving a rebate or discrimination, he should be liable in a civil action for three times the amount. The words "knowingly and willfully" are stricken out of that clause, and a shipper who may have paid what he believed to be the proper published rate, owing to a mistake or inadvertence of the shipping clerk, finds himself liable to damages in three times the amount, although he knew, and could know, nothing about it and was perfectly innocent in regard to it.

It seems to me that such a departure from the ordinary penal statutes of the United States and of every State of the Union ought not to be made. It does not seem to me that it is right to put this great body of men engaged in business all over the country at the mercy of anyone who for revenge perhaps, or for purposes of blackmail would take advantage of a law like this subjecting the shipper to imprisonment and fine.

Mr. NELSON. Will the Senator allow me a question?

Mr. LODGE. Yes.

Mr. NELSON. How can you prove that a corporation does a thing knowingly and willfully?

Mr. LODGE. It covers not only corporations. It covers specifically natural persons. It covers every officer, every agent, every shipper, every one of whom could do it knowingly and willfully.

Mr. MCCUMBER. May I call the Senator's attention to one paragraph on page 17, which declares positively that—

In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier, or shipper, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or shipper as well as that of the person.

Mr. LODGE. Certainly; and the Senator from North Dakota has read the words to show the natural persons. Moreover, you can not put corporations in prison; and, of course, the only ones I am trying to protect are the individuals, the agents and officers of the road. It seems to me to make any class of men anywhere subject to a penal statute of this kind, where they may find themselves in jail and under heavy fines for an offense of which they were absolutely guiltless, is very poor legislation.

I do not desire to press this to a vote of instruction, if the conferees will consent to the removal of these lines without bringing it back again to the Senate. But if they desire it, I shall be very glad to take the sense of the Senate on the striking out of those vital words. It is quite within the power of the Senate to instruct conferees. I send to the desk, and ask that there may be printed in the RECORD two instances which I have marked, where in previous conferences, once on the motion of Senator Sherman, the conferees were instructed; and later, if it seems desirable, I will offer a resolution of instruction.

The matter referred to is as follows:

Mr. Clark, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 649) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1866, reported that the committee having met, after full and free conference had been unable to agree.

The Senate resumed the consideration of the bill (H. R. 649) last mentioned, with the amendments thereto in disagreement between the two Houses; and,

On motion by Mr. Nesmith to recommit the bill, with the amendments thereto in disagreement between the two Houses, to the committee of conference, with instructions to agree to an amendment in the following words:

"And the sum of $43,000 is hereby appropriated, to be added to the contingent fund of the House of Representatives, for the purpose of paying such contingent expenses as may be directed by resolution of the House."

On motion by Mr. Buckalew to amend the motion of Mr. Nesmith, by striking out the part making an appropriation of $43,000, and in lieu thereof inserting, "That the committee be authorized to agree to a provision for the payment of 20 per cent additional compensation to the officers of both Houses for the present session,

It was determined in the negative.

On the question to agree to the motion of Mr. Nesmith,

It was determined in the affirmative—yeas 21, nays 18.

On motion by Mr. Trumbull,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are: Messrs. Anthony, Brown, Carlile, Cowan, Dixon, Doolittle, Foster, Harris, Henderson, Hendricks, Johnson, McDougall, Morrill, Nesmith, Powell, Ramsey, Riddle, Sumner, Van Winkle, Wiley, Wright.

Those who voted in the negative are: Messrs. Buckalew, Clark, Collamer, Conness, Farwell, Hale, Harlan, Howe, Lane of Indiana, Morgan, Nye, Pomeroy, Sherman, Sprague, Ten Eyck, Trumbull, Wilson.

So it was—

Resolved, That the bill, with the amendments thereto in disagreement between the two Houses, be recommitted to the committee of conference, with instructions to agree upon an amendment in the following words: "And the sum of $43,000 is hereby appropriated, to be added to the contingent fund of the House of Representatives, for the purpose of paying such contingent expenses as may be directed by resolution of the House."

Ordered, That the Secretary notify the House of Representatives thereof.

[Senate Journal, March 1, 1865, pp. 268, 269.]

Mr. Sherman submitted the following resolution for consideration:

Resolved, That the Senate agree to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses on the bill H. R. 207, and that the conferees on the part of the Senate be instructed to recede from the amendments of the Senate to the said bill, except so much of said amendments as relates to imported cotton.

On motion by Mr. Morton, to amend the resolution by striking out the words "except so much of said amendments as relates to imported cotton" and inserting in lieu thereof the words "and agree to a proposition to suspend the entire tax on cotton during the year 1868, and that the tax on cotton thereafter shall be 1 cent per pound,"

It was determined in the negative—yeas 18, nays 23.

On motion by Mr. Morton,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are: Messrs. Cole, Conkling, Cragin, Drake, Edmunds, Ferry, Fessenden, Harlan, Howard, Howe, Morrill of Maine, Morrill of Vermont, Morton, Ramsey, Sumner, Thayer, Tipton, Wade.

Those who voted in the negative are: Messrs. Anthony, Bayard, Buckalew, Cattell, Conness, Davis, Dixon, Doolittle, Frelinghuysen, Grimes, Hendricks, Johnson, Morgan, Norton, Patterson of Tennessee, Pomeroy, Sherman, Sprague, Trumbull, Van Winkle, Willey, Williams, Wilson.

So the amendment was not agreed to; and

On the question to agree to the resolution, as submitted by Mr. Sherman,

It was determined in the affirmative—yeas 25, nays 18.

[Senate Journal, January 22, 1868, pp. 119 and 120.]

Mr. RAYNER. Mr. President, I desire to take the time of the Senate for only five minutes upon the proposition of the Senator from Massachusetts. I always thought that the words "or willfully" ought never to have gone into this law. I think it is a great mistake to leave the word "willfully" in there. I am not so confident——

Mr. LODGE. Does the Senator object to the word "knowingly" too?

Mr. RAYNER. I was going to say I am not quite so confident about the word "knowingly." The word "knowingly" has a very ambiguous construction, but there is no ambiguity about the word "willfully" at all. I do not think you will ever be able to convict anybody under this statute if you require proof of willfullness.

Mr. LODGE. If the Senator will allow me a moment, the instruction which I shall move later, if necessary, is that the Senate conferees on House bill 12987 be instructed to insist upon the retention of the word "knowingly."

All I have asked is to retain the word "knowingly."

Mr. RAYNER. I am not quite so certain about the word "knowingly." The words "knowingly and willfully" sometimes have the same construction. Let me give just a few examples of the word "willfully." I think it must be done knowingly. The carrier could not possibly give a rebate and the shipper could not receive a rebate without its being done knowingly. The very act itself implies that there is consciousness.

Mr. LODGE. There is a great deal more than a rebate. There is a discrimination, a departure from the published rate, which a clerk might make by mistake.

Mr. RAYNER. Let me suggest to the Senator a few authorities on the word "willfully."

"Willfully" is defined by Webster to mean "in a willful manner; obstinately; stubbornly; by design; with set purpose." (Whitman *v.* State, 22 N. W., 459, 460; 17 Nebr., 224; Huff *v.* Chicago, I. & L. Rwy. Co, 56 N. E., 932, 934; 24 Ind. App., 492; 79 Am. St. Rep., 274; Miller *v.* Miller, 47 N. E., 338, 339; 17 Ind. App., 605; Dull *v.* Cleveland, C., C. & St. L. Rwy. Co., 52 N. E., 1013; 21 Ind. App., 571; Chicago, St. L. & P. R. Co. *v.* Nash., 27 N. E., 564, 565; 1 Ind. App., 298.)

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The word "willfully" means not merely voluntarily, but with a bad purpose. (Potter *v.* United States, 15 Sup. Ct., 144, 147; 155 U. S., 438; 39 L. Ed., 214; Commonwealth *v.* Kneeland, 37 Mass., 20 Pick., 206; Williams *v.* People, 57 Pac., 701, 702; 26 Colo., 272.)

Bad motive is not necessary to make an act willful, and the fact that the act of omission is done in obedience to the will is not enough. (State *v.* Alcorn, 14 S. W., 663, 664; 78 Tex., 387.)

The word "willfully" as used in act of Congress of July 12, 1882, section 13, imposing a penalty upon one who shall willfully violate, as well as upon one who shall resort to any device to evade, the provisions of the act, means not merely voluntarily, but with a bad purpose. (Spurr *v.* United States, 19 Sup. Ct., 812, 815; 174 U. S., 728; 43 L. Ed., 1150).

The word "willful" as used in a statute providing that the act of cutting trees must be willful to authorize punishment therefor means intentionally, malevolently, with a bad purpose, an evil purpose, without ground for believing the act to be lawful. (Hateley *v.* State, 44 S. E., 853; 118 Ga., 79 (citing King *v.* State, 103 Ga., 265; 30 S. E., 30).)

The word "willfully," when used in a statute creating a criminal offense, means not merely voluntarily, but with a bad purpose. (State of North Carolina *v.* Vanderford (U. S.), 35 Fed., 282, 287.)

"Willfully," in the ordinary sense in which it is used in the statutes, means not merely voluntarily, but with a bad purpose. A "willful act," in the usual sense of the words, is one done designedly, intentionally, or purposely; and also "willful misconduct" means misconduct to which the will is a party. Hence it is held that, in an action against a railroad for killing stock an allegation in the complaint that the killing was willfully done is sufficient to show an intentional killing. (Chicago, St. L. and P. R. R. Co. *v.* Nash, 1 Ind. App., 298, 300; 27 N. E., 564.)

One Mills' Ann. St., § 2170 (Gen. St. 1883, § 787) defines perjury as testifying willfully, corruptly, and falsely. "Willfully" is a word of stronger meaning than either "corruptly" or "falsely." "Willfully," as employed in criminal and penal statutes, usually means something more than intentionally and voluntarily. It implies that the act done which it characterizes is designedly done, with some bad purpose or without justifiable excuse. (Williams *v.* People, 57 Pac., 701, 702; 26 Colo., 272.)

And so on.

There is a whole line of cases. I do not pass upon the word "knowingly," because there are a number of cases here that hold that "knowingly" is the same as "willfully," but I think it would be utterly impossible to obtain a conviction if you leave the word "willfully" in the statute.

Mr. BAILEY and Mr. FULTON addressed the Chair.

The VICE-PRESIDENT. The Senator from Texas.

Mr. BAILEY. Mr. President, I know what the Senator from Oregon is going to speak about, and in attempting to answer the Senator from the State of Washington I anticipate the Senator from the State of Oregon. They both complain because upon the insistence of the House conferees the Senate conferees agreed to eliminate the exception in favor of timber and its products in what is known as the coal amendment, No. 5.

Mr. President, I can not myself conceive of any commodity which was less entitled to the benefit of this exception than lumber. Coal, so far as the known quantity is concerned, in spite of its vast consumption, is not seriously diminishing in quantity. New discoveries are bringing to the use of the world great coal fields every twelve months, until the amount of coal now in sight is greater than ever before in the history of the Republic. The same is true in some measure of iron, of copper, and of other metals, and their related products.

But the timber supply of this country is rapidly disappearing, until to-day the price of lumber presents a serious question to every man who comes to build his home. If there is any reason and any justice in forbidding the carrier to engage in interstate commerce when it likewise engages in the monopolization of coal and iron land, that reason applies with equal or with greater force to the timber lands of the United States.

We are not in the midst of a timber famine, but we have reached a point where the woods are thin, and we are almost in sight of the day when the price of timber will be double what it is to-day. In the great Northwest within thirty years they have seen the stumpage rise from two dollars a thousand to eight, nine, and ten dollars a thousand. In the great Southwest we have seen the yellow-pine timber there, because of its diminishing quantity, increase in price from a dollar and two dollars an acre, until to-day it commands twenty-five and thirty dollars, and in some cases $40 and $50, where it is especially convenient to transportation lines.

Now, for this Congress, after putting its prohibition upon the ownership of coal and iron and zinc and lead and copper mines, to invite the railroads of the country to acquire the remaining timber lands is to commit, in my judgment, a grave crime against the next generation of American citizens. This law will not be as old as the law which it amends until the price of timber in this country will be well-nigh double what it is to-day, and no man ventures to believe that such a circumstance is likely to occur with respect to the price of coal, or iron, or lead, or zinc, or copper.

So, Mr. President, it seems to me that if there is one commodity whose monopolization by the railroads of this country ought to be discouraged, it is the one which we can stand and see disappearing before our very eyes.

But, Mr. President, I hardly think it worth the while of the Senate to argue that. I assume that exception will be eliminated.

Before I resume my seat I want to complain because of another elimination from this bill, and in making this complaint I intend no criticism of the Senate conferees, because I declare my belief that they have faithfully and well sustained the action of the Senate. It was to be expected that they would yield something to the judgment of the House, and surely they have been compelled to yield as little as any of us could have hoped. But I sincerely regret, Mr. President, that the conferees of the House should have chosen, as one of their demands, to eliminate sleeping-car companies from the provisions of this bill. They leave in the express companies and they take out the sleeping-car company, and yet, Mr. President, I declare in the presence of this Senate and this country that the sleeping-car company of the United States is the only absolute and complete monopoly in this Republic. The railroads suffer some competition at each other's hands.

There are several express companies competing with each other for the price and privilege of carrying packages. The Pullman Car Company alone is free from all competition. There was a competing company a few years ago, but, with the rapacity that characterizes this particular corporation, it bought out its competitor and consolidated the two companies.

Mr McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from North Dakota?

Mr. BAILEY. I do.

Mr. McCUMBER. May I ask the Senator if it is not true that several of the transcontinental lines run their own sleepers and Pullman cars? I think that is true of the Great Northern and that it is true of some of the others.

Mr. BAILEY. I take it for granted, Mr. President, that that is true in two or three instances; possibly more. But that does not militate against the statement which I have just made. Not only did the Pullman Car Company absorb its rival and competing company, but three or four years before it accomplished that absorption it watered its own stock to the extent of $18,000,000, increasing it from $36,000,000 to $54,000,000, and then added another $20,000,000 when it purchased the competing Wagner Company. What was the price it paid for its competitor's property I do not know, but this I do know, that the Pullman Car Company is one enterprise in this country whose charges to-day are in many respects and over many routes of travel higher than they were twenty years ago.

Twenty years ago when a citizen of our own State came to travel from Fort Worth, Tex., to the city of St. Louis the trip occupied thirty-six hours—two days and one night. The price was $1 per day for a seat and $2 a night for the bed, the thirty-six hours aggregating $4. Now the distance is traveled in twenty-two hours, and the Pullman Car Company charges $5 for its accommodation.

Remember, too, Mr. President, that the railroads pay the Pullman Company for the privilege of hauling its cars by the mile, and the 750 miles from Fort Worth to St. Louis, which formerly occupied thirty-six hours, are now traversed in twenty-two hours. Thus from the railroad the Pullman Car Company receives as much for the use of its car twenty-two hours as it formerly received in thirty-six hours, and from the passenger it receives more for the accommodation covering twenty-two hours than it formerly received for the accommodation covering thirty-six hours.

Even to-day I take the train at Fort Worth on my way to St. Louis, and I am compelled to pay $5. If I go into the open coach of the common carrier and wait until I reach Fort Scott, in Kansas, I pay $2 from there to St. Louis. The distance from Fort Worth to Fort Scott is traveled in about eleven hours, while the distance from Fort Scott to St. Louis is traveled in about eleven hours; and yet they charge $3 from Fort Worth to Fort Scott through the daytime and charge only $2 for the night, including the bed, from Fort Scott to the city of St. Louis, requiring an equal time for the travel.

I could instance many other iniquitous injustices like this, but they are as familiar to all Senators who use this convenience as they are to me.

Mr. President, why should this corporation be exempted from the law which is to govern other common carriers? Are they less prosperous? Their earnings, according to their own reports, exceeded, in 1904, $24,000,000. Their fixed charges, including their dividends, amounted to only about $17,000,000 after paying a dividend of 8 per cent—a dividend which every great common carrier in this country would gladly accept as a return upon its capitalization. Indeed, the other common carriers would be glad to get an assurance of 8 per cent upon their fair and honest value. Yet this corporation, after paying an 8 per cent dividend upon its entire capital stock, much of which represents no actual investment, carried over $5,000,000 to its surplus fund—$5,000,000 as I see stated in one report, and more than $3,000,000 as I see stated in another.

Mr. President, it will not do to say that but few people use the sleeping-car accommodations. The reports show that they carried over 12,000,000 passengers last year. And it is not true that the rich and prosperous alone contribute to swell their revenue. Many of those who are none too well to do, when upon errands of sickness or mercy or duty, are compelled to use them for their comfort; and there can be no justification to allow this absolute and complete monopoly the only exemption accorded to any common carrier by rail under this law.

Sir, we talk of trusts and monopolies. None of them have yet been able to make themselves an undisputed master in their field of enterprise. The great Standard Oil trust is in many sections subjected to the competition of independent refiners and producers. The great beef trust in almost every town and village in the land must encounter the competition of the local butcher. The sugar trust has not yet perfected its monopoly, nor has the tobacco trust. The great steel trust, the greatest in its capital and in its extent ever organized since the foundation of this Republic, must meet its weaker competitors in the open markets of the world and sell its wares in competition with them.

Look over the entire field. There is no absolute and complete monopoly under this flag except only the Pullman Palace Car Company, and yet the conferees of the House—fair-minded and honorable men—for some inscrutable reason demand that while we are regulating carriers which meet competition there shall be no regulation of this single carrier without competition.

Mr. President, the country will be disappointed, and the country will have a right to be disappointed, if when the Senate disagrees to this conference report the conferees of the House still insist upon this exemption of the Pullman Palace Car Company.

Mr. NELSON. Mr. President, I rise simply for the purpose of stating that I think the conferees have acted wisely and done well in striking out the words "knowingly and willfully." If those words are inserted practically those paragraphs of the bill are of no value, for in every case the offending carrier will seek immunity under the guise that he did not do it knowingly or willfully. He will claim that it was done by some subordinate, some man who had no business to do it, and in that way seek to escape the force of those provisions of the statute.

In respect to the corporation itself, if those words are retained you never can convict a corporation of violating the statute, because there is no such thing as proving that the corporation did it knowingly and willfully. It is a soulless, bloodless being, and you can not furnish any proof that that soulless, bloodless identity did it knowingly and willfully.

So in respect to the higher officers, the presidents and the general managers, they would seek immunity under it, because they would say that some clerk, some man working for $1,000 or $1,200 a year did it, and, "bless your soul, we did not know a thing about it. This thing escaped our attention." If you leave those words in the bill I do not believe you can convict a single carrier of any violation of those provisions of the statute. I therefore trust that the Senate will adhere to the action of the conferees, who have acted wisely in this matter, and stand by the conferees on that point.

I desire to speak on another subject for just a moment. A good deal has been said in reference to the pass amendment. I will not take up the time of the Senate to go into any details, but it seems to me that the proper solution of that matter is to adhere to the law of 1895. That law has been in force for ten years, and, so far as I know, there has been no complaint against it of any serious character from anybody. The people of the country have become accustomed to the provisions of that law. The only thing I could suggest in connection with it would be an amendment incorporating the addition of a penal clause to it.

Mr. DANIEL. Will the Senator from Minnesota allow me to ask him a question?

Mr. NELSON. Certainly.

Mr. DANIEL. I find this language at the bottom of page 16 of the bill:

Every person or corporation, whether carrier or shipper, who shall, knowingly and willfully—

"Knowingly and willfully" being erased—

offer, grant, or give, or solicit, accept, or receive any such rebates, con-

cession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000.

Now, I ask this question: Suppose the Senator or any other shipper were to ask for a rate, and it be given to him, and he received or accepted it and paid his money, and suppose it were to turn out that he and others received in such rate what in fact was a discrimination against other classes or persons, would he not be guilty under this act, if "knowingly" were left out, and would he not be fined and punished for misdemeanor when he had no means of knowing and did not in fact know that he was violating the law?

Mr. NELSON. In that case he would be doing it, and not an employee——

Mr. DANIEL. I have not quite finished.

In the case of the corporation, it is true they have no flesh and blood; but the shipper has flesh and blood, and the shipper may or may not have a purse, and where a person had, with entire innocence accepted or received a rate in fact discriminatory, but not so known to him, if he were punished, would it not be wrong?

Mr. NELSON. I think so.

Mr. DANIEL. Then if you strike out——

Mr. NELSON. We have an illustration of how it works in a recent case.

Mr. DANIEL. If you strike out the word "knowingly," the shipper would be punished, would he not?

Mr. NELSON. Not necessarily.

Mr. DANIEL. Why not?

Mr. NELSON. He would not be punished if he did not do it, if it was done by an employee or by a subordinate.

Mr. DANIEL. But suppose the man received it, and received it unknowingly, would he not be punished under the terms of the act if you leave "knowingly" out?

Mr. NELSON. How would you reach such cases as we have had lately investigated in the Southwest?

Mr. DANIEL. I am not talking about those cases.

Mr. NELSON. In those cases the shippers received money in packages by mail or express without any indication from whom it came or for what it was given. The carrier would in some secret way send the rebate money to the shipper in an envelope or in an express package, without letting him know from what source it came. In such cases of rebate the shipper can come in and say, "Bless your soul, I do not know from where this money came."

Mr. DANIEL. But that is not what we are discussing now.

Mr. NELSON. The shipper says: "I did not receive this money intentionally; it came to me like manna from heaven; and I accepted it."

The terms "knowingly" and "willfully" in this connection mean in law a criminal intent; and you would have to prove in every instance what amounts in law to a criminal intent in case of the violation of the provisions of this law; and if you retain those words in the law, in my opinion, it will be utterly impossible to secure a single conviction.

Mr. McCUMBER. Mr. President, if this pass amendment was ridiculous in the form in which it was adopted by the Senate, it seems to me that it is even more ridiculous and certainly more unjust in the form in which it has passed the scrutiny of the committee of conference.

The Senate has put itself upon record, Mr. President, as being against the free pass generally. It has also put itself on record that it does not intend to demand the entire elimination of free transportation to the extent of doing injustice to the employees of the companies or an injustice to those persons who, under every dictate of conscience and humanity, would naturally be granted free transportation. We expressed those two ideas clearly and definitely when the matter was before the Senate. Now, why should we go further than that, and attempt to do such a ridiculous thing and such an injustice as is attempted and insisted upon by the conferees of the House of Representatives?

Mr. President, what offense is it against the public when a great section of the country, which does not demand laborers during a certain season of the year, and where laborers are not naturally located during a certain season of the year, suddenly for one month or six weeks requires a great amount of labor, and the railways furnish reduced transportation in order to bring the laborer from where he is out of employment and out of means—it may be a thousand or 1,500 miles away—and place him where there is a demand for his services, to the benefit not only of the railroad, which is to look after the output of the crop, or whatever else is to be secured by his labor, but of the community as well? We need in the western country at certain seasons of the year a great number of laborers. They are not located there during the winter, but they are in the great cities; they are in the lumber camps; they are not upon the plains; but at certain seasons of the year we do need them, and they have hitherto been granted either free transportation or else transportation at greatly reduced rates. Is the public complaining about that? Has the Senator from South Carolina heard any complaint upon that proposition? If there is no complaint, if it is for the benefit of the country, why should that right be denied to the railway companies and also to the great sections of the country that are to be benefited by it?

If you pass this law just as it comes from the committee of conference, in the case of a great railroad wreck, when men are maimed and injured, it may be their legs or arms cut off, you deny the right of the company to take a maimed passenger, whose legs or arms have been cut off, or who has been otherwise injured by reason of a collision or getting under the wheels of the train, to his destination, if that destination be on its own line, or off the line on which he has bought a ticket, unless he has got money to pay his fare—if the company does that the fine is from $1,000 to $20,000; and if there should happen to be a hundred persons, that would be a hundred thousand dollars in a single day, or twenty hundred thousand dollars in the matter of fines against the railway company. I do not believe in enacting a law which the dictates of humanity and common sense would revolt at and say that it should not be enforced.

We had a great calamity at San Francisco a very short time ago. For days and weeks the railroads were compelled to take out the homeless people from that city and to give free transportation. Had this law been in force, and had it been enforced as well as being in force, there could not a single railway company have stood up against the fines that would have been imposed upon it. Are the people demanding that we should enact such ridiculous laws?

Let me give you another illustration. There were recently immense fires in San Francisco, as there were immense fires in Baltimore a few years ago, and there have been other great fires, and, as has already been suggested, the railway companies take any person who is willing to go where such fires are in progress and assist in putting out the flames; and yet if the railway companies should do that under the law as it is proposed by the committee of conference, they would be guilty of a great offense and would be heavily fined. Is there any demand for any such a law as that?

Let me give you still another case, Mr. President——

Mr. TILLMAN. Will the Senator allow me?

Mr. McCUMBER. Certainly, I will allow the Senator.

Mr. TILLMAN. I have already said twice, and I will now say for the third time, if the Senator will pardon me—perhaps he did not hear me—that the conferees brought in this report in order to secure an agreement. It was this or nothing. But we knew from the terms of it that it could not go into effect until January next, and we never expected for a moment that either the Senate or the House would stand by it.

Mr. McCUMBER. That certainly shows the good judgment of the Senator. Neither House ought to stand by it, and I am simply trying by my voice to support the Senate conferees when they go into conference the next time.

Let me give you another illustration. There are, perhaps, to-day out in the mountains of Colorado, in New Mexico, in Arizona, in Nevada, and in California close on to 100,000 people who have gone there for their health. I can safely say, from the best information I can get, that there are tens of thousands of persons afflicted with tuberculosis who have gone there to regain their health simply because some of their friends induced the railroad companies to give them free transportation. Otherwise, they would have been unable to go there, and half of them would have been in their graves to-day had not that kindness and courtesy been granted by the railroad companies. Is there any complaint on the part of the public because this is being done? It seems to me that if the public understood and fully comprehended the good being done and the lives being saved by those little acts of courtesy it would rise and would demand of us that we allow the railroad companies to engage to that extent in granting free transportation.

There are many children, cripples from infancy, who are sent to institutions in some of our great cities for the very purpose of being attended to, and it is necessary in most cases that they secure free transportation. We have societies that are looking after the interests of such people all the while. Would you deny them the right of having free transportation for these little sufferers? It seems to me that we are going wild upon this matter of the restriction of free transportation.

Again, concerning live stock. Has there been any demand, let me ask any Senator here, that transportation should not be

given to the owners of stock, or their employees, who are to accompany and look after the cattle? If there has been no complaint and if that privilege has not been abused, what occasion is there to prohibit the granting of free transportation to those persons?

I want to say a word about the word "knowingly," which has been stricken out. Let me call the attention of the Senator from South Carolina [Mr. TILLMAN] to this provision. I especially invite his attention, because the Senator from South Carolina has charge of this bill. I note that at the bottom of page 17 we have enunciated a rule for the construction and enforcement of these provisions. What is that rule?

> In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier, or shipper, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or shipper as well as that of the person.

Now, note that under the bill as it stands, with the words "willfully" and "knowingly" stricken out, if an agent at some way station should make a mistake and should charge either too much or too little every day for a month, through an error, thinking that he had the rate between two places right, when in fact he was in error, he could be brought up and fined a thousand dollars a day for each day that this error was being committed.

That is bad enough; that is hard enough, I think the Senator and the Senate will agree; but when you go further than that and say that the corporation itself, which had no knowledge whatever of this error—and over a mighty line of railroad it is probable that a hundred such errors of no more importance might be made in a week—should be fined, without any knowledge whatever of the fact that the employee had made a mistake, to the extent of from one to twenty thousand dollars for every error, it is going very far. If that be true, and it certainly is true, under the provisions of this bill ought we not at least to retain in that sentence the word "knowingly?" It seems to me that word should be in all laws of this kind. I am speaking now of the criminal, not of the civil action.

Mr. TILLMAN. Let me ask the Senator a question. It is impossible from the criminal standpoint for anybody to do any of these things without knowing it.

Mr. McCUMBER. The local agent may have known it, and he would be fined. The next officer above him might not have known it, and the corporation through its agencies generally would have no knowledge of it. Would it be just, would it be fair to fine that company $20,000 for a mere mistake that might not have involved more than a single dollar and that was made without its knowledge?

Mr. TILLMAN. What are the things, however, that are to be knowingly and willfully done? To "grant, give, solicit, accept, or receive any rebate." We are trying, or we are pretending to try, to stop this pernicious practice of discrimination by granting rebates. The words "knowingly and willfully," if left in the bill, would make it practically impossible to convict. I do hope the Senate will not consent to tie the hands of the conferees by any attempt at instruction; but if, when we get through in conference and bring the report back after calmly considering all the arguments that have been made here and the enlightenment which has been offered us—if we bring in a report to the Senate that the Senate does not like, the Senate can reject it and then instruct.

Mr. McCUMBER. But the Senator has not read even all the provision to which he refers. It is as follows:

> Every person or corporation, whether carrier or shipper, who shall offer, grant, or give, or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000.

Each day that this error or mistake, innocently made by a single one of the employees, is continued constitutes a new offense, and a one thousand or a twenty thousand dollar fine will follow.

The Senator must necessarily see that, in addition to rebates, in addition to a mere error in estimating what the cost of transporting a carload of cattle or a carload of goods from one point to another will be—in addition to that, I say, sometimes the agent must determine what the law does not determine, and if he makes a mistake he comes under the ban of the provisions of this act.

Mr. TILLMAN. The trouble, Mr. President, is that the Senator is very solicitous to take care of the exceptions—the incident or accident of somebody once in a thousand times doing this thing innocently. In taking care of that exception, however, he would leave a loophole in the other 999 times for the scoundrel to keep out of the penitentiary.

Mr. McCUMBER. I do not think, Mr. President, that there would be any loophole in it whatever. If the agent knowingly and willfully takes more or takes less than what is due, he is punished. If he takes it, in nine cases out of ten it will be known that he took it willfully and knowingly. If he makes an error in the case, and makes it in favor of one person and does not make the error in favor of another person, it is rather conclusive evidence that it was not an error at all.

But I was going to call the Senator's attention to another provision, and that is discrimination as between localities. That is made an offense, and yet the discrimination must be one which is a reasonable discrimination. I do not know just what the words are, because I have not the particular section before me, but there is allowed a certain discrimination as between certain localities, and the agent is compelled often to determine whether that discrimination is a just discrimination. Does the Senator understand me on that? The agent must determine whether it is a just discrimination; and if the court determine, or a jury determine, that it was unjust, then, of course, he must stand the penalty that is prescribed by the law. If he must determine that, then should we not at least throw around him the protection that it should be done knowingly and willfully, and not be a mere mistake as to what is a just discrimination and what is not a just discrimination?

Mr. TILLMAN. Mr. President, does not the Senator see that in a case where it was self-evident that there had been a mistake made, and it was nothing but a mistake, while the man might be guilty technically, the judge would be compelled to notify the jury that the man had committed no crime, because there was no intent to commit a crime, and, therefore, there would be no conviction?

Mr. McCUMBER. The Senator is mistaken. Under this proposed law the judge will give no such instruction. He could not give this instruction under this proposed law, if you give any effect whatever to the law which makes one person responsible for the act of another. Here we have a civil action by which a person is fined three times the amount that has been received. If that fine is imposed, it seems to me proper at least that "knowingly" should be retained. It is not so important as it would be in a case entirely criminal in its nature and not quasi criminal. But I want to call attention——

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. I yield.

Mr. CARTER. I desire to call the attention of the Senator to the fact that the act is not only declared a misdemeanor, and there is a forfeiture of three times the amount received because of the commission of the offense, but in the same section it is provided:

> That any person, or any officer or director of any corporation subject to the provisions of this act, or the act to regulate commerce and the acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Therefore it follows, I submit to the Senator, that under this section as amended, striking out the words "knowingly and willfully," we would have the curious spectacle of a person being sent to the penitentiary for not to exceed two years for an act of which he had no knowledge and which was not willfully done. It seems to me that this is equivalent to branding with the ordinary brand of felony, under the misnomer of a misdemeanor, without any criminal intent being required by the statute at all.

Mr. McCUMBER. When we want an effective measure we can get it effective by making the fines and penalties strong and sufficient. We can destroy its effectiveness by making it so unjust that a jury will never convict. In passing any criminal law we ought to keep both of these matters carefully in mind. You can not get a jury to convict, even though the evidence be clear, where the punishment is out of all proportion to the crime, or where the person is to be convicted for merely making an error. You merely weaken the law.

Before I resume my seat I wish to call attention to one other provision. I do not know how strenuous the efforts of the House conferees were in attempting to retain upon this bill the salary of $10,000 for the members of the Commission and five or six thousand dollars for a clerk and $4,000 for an assistant clerk. But I do wish to submit to every Senator who has an idea of justice on the matter of fixing salaries the inconsistency of this bill.

The Senator from Massachusetts first proposed to raise the salary because he desired the very best men that could be secured for the personnel of that Commission, and yet we are

compelled in this instance to pay $10,000 to a Commissioner and then provide for an appeal by this Commissioner to a $6,000-judge. It does seem to me that the judge, who is to pass upon the intelligence and the acumen of the Commissioner, ought to have as great intelligence as the Commissioner, and if he is to revise and to correct his errors, then what objection is there to saying that, in order to get a good judge, we have got to pay him $15,000?

Mr. MALLORY. Mr. President——

Mr. McCUMBER. Just one moment. It is equivalent to fixing the salaries of the heads of divisions in the Departments at a greater sum than is given to the members of the President's Cabinet, who must review and consider all the acts of their employees. I for one, and I believe there will be others here, will insist that the salaries of the Commissioners are now sufficient as long as we pay judges $6,000, as long as Senators, who receive only $5,000, are compelled to stay by that salary; so long as the clerks of our committees receive twenty-two hundred dollars; and no one will deny that you need a better man for clerk of one of these great committees, because he must be an all-around man, with knowledge on every subject that may come up before him, than you need in one who is to keep the records in a special class of cases.

Mr. President, I hope that the Senator from South Carolina, who certainly understands and comprehends the injustice and the inconsistency of this, will insist upon the Senate amendment.

Mr. MORGAN. Mr. President, I do not feel as if I had much right to criticise any part of this measure or the action of the committee of conference, because I stood amongst a very small minority—myself and two other Senators—in voting against the entire bill. I found in the bill many difficulties, some of them of a very grave constitutional character, in my judgment, which compelled me to vote against it. I would not now take the floor upon this bill except to try to explain to some of my constituents in Alabama my reasons for the vote I shall now give on a certain section of this bill, which comes to us from a conference committee.

I hold a telegram, signed by a large number of very respectable people in my State, many of whom I know—there are seventeen hundred and forty-five signatures to a single telegram—asking me to vote against the provision reported by that committee in regard to passes. I did not know that my people were so intimately wound up in this business until I commenced getting the returns from the country. I did not have an idea that this great measure, over which the Senate has spent five or six months of lucubration, agitation, and strife, would become suddenly so extremely unpopular as it seems to have done. I expected it to march forth with a flourish of trumpets and to recommend itself to the farthest ends of the earth for its wisdom and patriotism. But the first thing we hear is this tornado of telegrams, coming from all parts of the United States, in regard to its injustice and inequality with respect to certain large numbers and certain large classes of people.

The trouble with that feature of the bill is the same trouble we will find further on in regard to a number of its provisions. It is that the Congress of the United States is here interfering with the rights of the sovereign States of this Union. Unnecessarily, not unwittingly, but purposely, they are tearing down the constitutional borders which protect the people of the different States in the guardianship of their own sovereignties, in taking care of their own households, their lives, their property, and all that belongs to them. The American people will have this as an object lesson for reflection, which, I trust, will instruct them to go back to the days of the fathers and to learn to have a proper appreciation of the value, power, excellence, and eminence of the several respective sovereignties which have sent Senators to sit in this Chamber. I hope Senators will also have better conceptions of the rights of the States they represent, than are manifested in this railroad rate measure.

Besides this single telegram that I have just adverted to, which I will not ask to have printed in the RECORD, because it is so very voluminous, almost like a census, I have hundreds of others, imploring me and instructing me to vote against the interruption of the existing law in regard to passes on railroads.

There is a law in existence in respect to passes on railroads, a pretty strict one. The Senator from Wisconsin [Mr. SPOONER] had it here to-day, and I want to lay my hand on it, so that I may put it in the RECORD. I will ask leave, without now taking the time of the Senate to look up the statute, to insert one section of the act in my remarks to explain the situation of the law as it is.

The VICE-PRESIDENT. Without objection, leave will be granted.

Mr. CULLOM. Will the Senator allow me to suggest that, if he puts in the section, he get the section of the act of 1887 as amended by the act of 1895?

Mr. MORGAN. That is what I am going to do.

Mr. KEAN. What section of the statute does the Senator want?

Mr. MORGAN. I want to put in the RECORD the status of the law to-day on the question of passes.

Mr. KEAN. It is section 22 of the present law.

Mr. MORGAN. I will get it right in the RECORD. I want to show the people of Alabama the state of the law as it exists to-day under which these privileges have sprung up in their favor, and about the proposed deprivation of which they complain so much.

Section 22 of the act approved February 4, 1887, as amended March 2, 1889, and February 8, 1895, is as follows:

That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the Boards of Managers of said Homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act: *Provided further*, That nothing in this act shall prevent the issuance of joint interchangeable 5,000-mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand or more miles; but before any common carrier, subject to the provisions of this act, shall issue any such joint interchangeable mileage tickets with special privileges as aforesaid it shall file with the Interstate Commerce Commission copies of the joint tariffs of rates, fares, or charges on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, in the same manner as common carriers are required to do with regard to other joint rates by section 6 of this act; and all the provisions of said section 6 relating to joint rates, fares, and charges shall be observed by said common carriers and enforced by the Interstate Commerce Commission as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in said section 6. It shall be unlawful for any common carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets to demand, collect, or receive from any person or persons a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rate, fare, or charge specified in the copies of the joint tariff of rates, fares, or charges filed with the Commission in force at the time. The provisions of section 10 of this act shall apply to any violation of the requirements of this proviso.

Mr. MORGAN. Mr. President, the privileges which the people of Alabama enjoy by the condescension and favor of Congress heretofore under its legislation are those mentioned in this act, under which they have received these benefits and in respect of which they have arranged all their contract relations with the railroad companies, which they now do not wish to have disturbed. They are satisfied with them; the railroad companies are satisfied with them; and I do not know that it is any of our business to produce dissatisfaction between them. I suspect that some Members of Congress are not exactly satisfied with the report of the committee of conference because it will cut them off from some privileges which they enjoy and will be compelled to surrender. They will be so compelled under the force of public opinion, which, I think, is entirely unjust. I have no personal interest in the matter.

We have resolved ourselves into a reform association here in the Senate—a great radical reform association—and our head reformers have been out in a committee of conference for some days and have come back and have reported that they have agreed to a certain report, which is presented here in a most admirable form, perfectly intelligible. They do not tell us about the tribulations they had in coming to that agreement, but, judging from their anxieties exhibited on the floor of the Senate, I suppose they must have suffered a good deal in their combat with each other in the committee room. They are back here with a full agreement in regard to every single item in the bill. Nothing is disagreed to in the committee.

Then a Senator who was a member of the committee rises in the Senate and asks us to disagree to all they have done. "Disagree to all we have done. We have done our best; we have acted righteously, according to what capacity the Almighty has bestowed upon us in the way of mental ability; we have acted up to the top gauge of our ability. Here is the result, and we ask the Senate of the United States to disagree to every word

of it and send it back to the committee." They seem to be alarmed at the thoroughness of this startling reformation. I share their worst apprehensions, and they have my condolence.

I suppose we are obliged to do this out of deference to them. But it looks to me very like a case of merely shifting the responsibility. Why did not these conferees stand up in committee and battle for their convictions, like we have been battling here to-day and trying to give them enlightenment, as the Senator from South Carolina says, and information upon these questions? If they had stood to their posts and fought for their principle in that committee room, instead of this being a unanimous report from the entire committee as to every feature of this bill we would have had, perhaps, an agreement as to some features and a disagreement as to others.

But this is a most remarkable proceeding. On the motion of the Senator, a member of the conference committee, to disagree, we find ourselves entering with them into the conference room and resolving the Senate into a sort of committee of the whole on conference, the time spent to-day and yesterday in giving them advice, no two of us agreeing on any matter of importance. This is a conference that only confers, but does not attempt to decide anything.

Some Senators say we can instruct the conferees and others say we can not. My opinion is we can instruct the conferees whenever we choose to do it. We can not offer an amendment to what they propose, but we certainly can instruct them. But we have deliberately declined to offer any instructions. We have offered a great deal of enlightenment, a great deal of information, and a great deal of wisdom and perhaps some unwisdom, and they must take it back and digest it as best they can, and come to another conclusion, which I suppose will be just what it is now—to agree to every feature of the bill, according to what they think is best and right, and advise the Senate to reject their report.

In this report they have found that it is necessary for them to legislate on matters that have not passed either House, and very properly they come out and state that they have taken the function of legislation in their hands in order to make this bill what it ought to be. Well, it needed it, Mr. President. There never was a bill that needed legislation any more than this bill, and I am extremely obliged to the conferees for having entered upon these new suggestions of a legislative sort, which were also agreed to by the House conferees.

I have been all day trying to work out a puzzle in my own mind, and that is what would happen to this bill if the House should agree to the report and the Senate should disagree to it. There is a deadlock I am unable to see through. I can not imagine how we are ever going to get along with that.

Mr. TILLMAN. I will state that under the custom the House is awaiting our action, and the report has not been presented over there. So the unfortunate deadlock which the Senator foresees is not likely to occur.

Mr. MORGAN. In these later days the best of customs are those that are most abused, and perhaps the House will take a different view. I do not know of any parliamentary law that requires that they shall not act. But suppose they wait until we have acted and we disagree to the report and they take it up and say, "We agree to the whole of it." Where are we? Here is every amendment of the conferees agreed to by them, agreed to also by the House, and the Senate stands by itself, at the invitation of its conferees, disagreeing to all of them. I admit that it is a good deal deeper pit than any heretofore contained in this bill, and some of those have been the most inscrutable of all the holes I have ever tried to look into.

I notice on page 14 the conferees have struck out amendment No. 26 entirely and have substituted in place of it another amendment, as follows:

> No carrier shall, unless otherwise provided by this act, engage or participate in the transportation of passengers or property, as defined in this act, unless, etc.

I had supposed that this bill was dealing entirely with common carriers, but the committee have reached out and included all carriers—personal, private, Government carriers. It does not say a word about common carriers. But they take the entire family of carriers and put them in this section.

Mr. CULLOM. The Senate put this in.

Mr. KEAN. That was put in by the Senate.

Mr. MORGAN. I am sorry that it has been visited back on the Senate, because I had hoped the Senate, in its wisdom, had escaped the difficulty and the grotesque situation in which we are put in this legislation. What did the Senate mean by putting personal or private carriers under restrictions that apply to common carriers? The reformation seems to be very sweeping.

There is, nevertheless, in that proposition the real merit, the real foundation of the only interstate-commerce legislation that we can impose upon the railroads of the different States, chartered by them under their own laws and subject to their own regulations. What is that?

> No carrier shall, unless otherwise provided by this act, engage or participate in the transportation of passengers or property, as defined in this act, unless, etc.

Put that at the foundation of your law when you are again reporting it, if you find that you must legislate in order to support the reformation, that the Government of the United States intends to take charge under the Constitution of all interstate transportation and make interstate transportation mean interstate commerce, and that no railroad or other common carrier shall participate in this interstate transportation except upon the terms and conditions which the Congress chose to prescribe, and you will have had a law which would obligate every railroad company that undertakes to prosecute the business after the passage of that law to accept and obey every provision in the act, because it would be a contract between it and the United States, or a quasi contract. I am very sorry that while they were dealing with this question—if the Senate is responsible, I am sorry for the Senate; if the committee are responsible, I am sorry for them and the country—that they did not adopt that proposition, and instead of saying—

> Unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this act—

They had said, "You shall not engage in interstate transportation unless you obey all the provisions of this act, of every kind and character." You would have eliminated from consideration every constitutional question except the single one as to whether the subject-matter is within the control of Congress; that is, whether transportation is a feature actually of interstate commerce. Everything would have been settled right there. All the trouble we have been having for five months would have been avoided, and Congress would have been building its legislation for the control of railroads upon a principle that is perfectly plain and undeniable.

Referring, however, to the mere matter of posting up placards about the depot, in this act it is proposed to say that if the railroads fail to do that they shall not engage in interstate commerce. An inspector goes around and does not find these bills of freight placarded about the depots, and that railroad company must go out of business. It shall not engage in interstate commerce. It can not do anything. Standing just as it is and without any elaboration, this provision is an absurdity. It is an absurdity to say that a railroad company shall go out of interstate commerce because it does not placard its rates of freight upon the walls of its stations.

I have merely indulged in that criticism in order to bring the Senate to some consideration of what is really the foundation principle of all legislation by Congress in regard to interstate commerce conducted by railroad corporations, which are the creatures of the law in the different States and which are entirely and exclusively under their control. If they are excluded from interstate commerce for not accepting and obeying the acts of Congress, they will accept them.

I wanted, also, to call attention to the great number of difficulties suggested by this provision in amendment 17 that we are going to encounter in regard to all these matters.

Now, in regard to the matter of passes, the committee of conference have acted wisely and patriotically in striking out entirely the section enacted by the Senate on the subject. That was a confused section. It was very partial and very unjustifiable upon any principle of law. I do not speak about the particular people that they tried to accommodate, but on any principle of law it is entirely unjustifiable.

If the Congress of the United States is to prevent the giving of passes by railways to certain classes of people, suppose we change the picture and look at the other side of it. Congress, let us suppose, will make an enactment that you shall give passes to every Member of Congress and to his family. You shall give passes to all Young Men's Christian Associations and to all the beneficent public enterprises, including the negro visitations that they make by tens of thousands on excursion trains in the South. It is a very enlightening and a very cheerful thing to see going through a country 2,000 negroes on a train making an excursion either as deadheads or at a very low rate of freight. It improves conditions. Even the atmosphere seems to be better and more homelike from the fact of their passing through. I dislike the idea that our northern friends are to find this happy recreation cut off by this bill.

Now, Mr. President, what right have we got to say to a railroad company, "You shall not give a pass to a certain person, although he may be in your employment?" You can not give it without in some way or other committing some possible

immorality or setting a bad example, one of the two. We are going to take charge of you in a moral sense. We are going to arrange it so that you shall not be tempted to give a pass to anybody either for pity, charity, or religion, or politics, or any other cause. We will fix it so that you shall be absolutely true and upright in all your transactions in regard to giving out passes. At the same time you must remember that we are putting shekels by the shovelful into the treasury of the railroads, for we are making these people pay them money, whereas they would not pay any money when passing free over the interstate railway. We are robbing Peter to pay Paul. I do not know which was the poorer of the two of those great disciples, but we are robbing the poorest that we can find to put money in the treasury of the richest that we can find. The railroads do not seem to complain of this reformation.

Now, that is reform, Mr. President, but it is wrong end foremost. It is not rational reform. It is not what is so frequently described in this bill as "reasonable." Everything that is "unreasonable" connected with railroad transactions throughout the whole country is denounced as being unlawful. We are thus doing an unlawful thing in the proposed amendment by compelling the railroads to collect money for fares, for instance, out of the poor woman who lives here in Pennsylvania and has a splendid husband who runs on a railroad as engineer between Omaha and San Francisco. Winding through the mountain peaks of that region of country, his engine is toppled over into a gulch and he is wounded. She goes piteously to the railroad company that has these through connections. "Will you not give me a pass to go to see my husband?" "No; the law of the United States fines us $1,000 and puts you in jail for asking it."

That is what we are doing here to-day in regard to passes. People who are entitled to the charities of the railroads and receive them abundantly and who are entitled to the charity and benevolence of Congress are turned away for fear somebody might say, "Yes, you conferred a pass and privilege upon a poor woman who wanted to go to see her husband, who had been thrown over the precipice, and you fine her for making the request." Such tears, Mr. President, as she would shed are not going to receive the compulsion of my vote. They are soft enough when they come from the deep, unutterable moving of the heart, but I do not want to crystal them into block salt as a memento of this reformation while she is looking back over her shoulder in despair and in fear of some following evil, as did Lot's wife. I do not want to do that. I do not intend to unite in promoting such a reformation in railroad practices.

The bill is a stigma upon justice, humanity, and charity, and it is done in the name of reform. When reform gets to be radical and persecuting, and gets our committees to doing wrong, I am against reform. Reform has no element of that sort where it is in connection with the slightest tinge of Christian sentiment and love.

This bill, Mr. President, murders every honest sentiment that is connected with charity and benevolence when it denies to these poor people the privilege of accepting from a railroad company such benevolences as that road can confer without the slightest possible loss, and makes the penalty of the application for a pass a cell in a jail or the penitentiary. The committee did very wisely, very patriotically, very justly, and acted in a Christian sense in striking out of this record the provision the Senate had put in. But, Mr. President, it acted also with a great deal of talent in finding a substitute for it. There is the remarkable part of it. There is where my friend from South Carolina is entitled to great credit. I will read that talented production. It is put in capital letters here:

No carrier subject——

Mr. TILLMAN. Will the Senator pardon me for an interruption?

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. Certainly.

Mr. TILLMAN. It was put in capitals, as all the other amendments made by the conferees were put in capitals, for the purpose of having the attention of Senators directed immediately to what we had done rather than the ordinary method in which conference reports are presented here, where you have to shuffle around and "dig like fits" to know what they have done. We have not concealed anything, whereas in the average conference report you do not know what the conferees have brought about.

Mr. MORGAN. I am delighted with these capitals, Mr. President. They draw my attention to the subject, and more than that, they do honor to the committee for putting them in here, because they call sharp attention to the real distinctions that ought to exist and do exist in the proposed law in regard to this matter of giving passes.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. MORGAN. Yes, sir.

Mr. KEAN. I wish to ask the Senator from South Carolina whether he disclaims the authorship of the amendment?

Mr. TILLMAN. Most assuredly I disclaim the authorship, because it is a House amendment. The Senate added an amendment and the House would not accept it, but proposed this as a substitute.

Mr. KEAN. I thought the Senator from Alabama had said that the Senator from South Carolina was the author of the amendment.

Mr. MORGAN. No; the Senator from South Carolina never claims anything that does not belong to him. If he wants anything he has no title to, he goes and takes it. [Laughter.]

Mr. KEAN. I am glad to know the Senator from South Carolina is not the author of the amendment.

Mr. TILLMAN. The Senator from New Jersey knew that before he asked the question.

Mr. KEAN. I only wanted to have it in the RECORD.

Mr. MORGAN (reading)—

No carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any *interstate* free ticket.

There is no carrier subject to the provisions of this act that has got any right to give an interstate free ticket. A railroad company in Alabama can not give an interstate free ticket outside of the borders of that State to anybody. They may make some arrangement by which they will recognize the privileges that are conferred and adopt them in the State of Georgia, for instance, after the man has passed out of Alabama on an Alabama railroad until he gets to Columbus, Ga. But the words "interstate free ticket" are here and they appear again:

Any *interstate* free ticket, free pass, or free transportation for passage. Any carrier violating this provision shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not exceeding $1,000; and any person who uses, solicits, or accepts for himself or for another any such *interstate* free ticket, free pass, or free transportation, shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a like penalty.

A person goes to a railroad office in Alabama and asks for a State ticket, under State law and State permission, to go to Decatur, Ala., which is near the border of the State, or farther up to Athens, in Alabama. "Certainly, we will grant you that." Congress does not pretend to punish that. The State has the right to authorize the pass. It authorizes the issue of the pass. The railroad has the right to issue it and does issue it, and there is no harm done, and no law of Congress violated. It is only when the office in Mobile undertakes to give interstate transportation, transportation reaching into Tennessee and Kentucky, that this law is violated.

"Why," says the poor applicant for a pass, "I do not want it—I do not ask for it any farther than the State line of Alabama. I happen to have here, through the influence and assistance of a friend in Kentucky, another one in Tennessee, passes also through those States, and I have nothing to do but to show them to the conductor and go along," and there need not be any interstate agreement about it.

Now, that is the talented part of this new provision. It does not do a bit of harm; and I want to explain to my people that these gentlemen on this conference committee have not been trying to deprive them of any right or privileges they have enjoyed heretofore, but they have merely put the railroad companies to the inconvenience of issuing separate tickets for each State through which they pass.

Now, what will be done with an indictment for giving an interstate pass? When you come to prove your case you find that the pass did not go beyond the limits of the State.

Mr. TILLMAN. Will the Senator allow me?

Mr. MORGAN. Certainly.

Mr. TILLMAN. The Senator is a great lawyer and he knows that Congress has no power to prohibit or regulate railroads within a State. The Supreme Court has said time and time again that Congress can do nothing.

Mr. MORGAN. The Senator must allow me to say the Supreme Court have said so in so many different ways I do not think I know it.

Mr. TILLMAN. I am only standing by what I understand to be the law. Now, then, if we are allowed here to regulate only interstate commerce and traffic or passenger rates between States where the railroad crosses the State line, does the Senator think, as a lawyer, that the issuance by a railroad of State passes good within the State would not come within the provisions here of interstate traffic? In other words, would not

the man receiving and undertaking to pass over from one State into another and using the State pass in a different State from the one in which he lived be liable to punishment, and would not the railroad be liable to punishment?

Mr. MORGAN. That would be a conspiracy to violate the law of the United States. It would take two consenting parties, the railroad, if you please, the recipient of the pass, and the next railroad conductor or railroad company that might take a pass that was given in the other State.

Mr. TILLMAN. Nevertheless, Mr. President, if a resident of Alabama receiving a pass from the Mobile and Ohio road, good in Alabama, lawful in Alabama, travels to the Mississippi State line and then pulls out a pass in Mississippi over the same road, he has become an interstate passenger and the railroad which issued two passes with a view to allowing him to evade the act of Congress would be liable for punishment, and the man himself would be liable also.

Mr. MORGAN. That would be about as hard a case to make out in law or before a jury as could well be conceived of, if the prosecutor knew with absolute certainty of such a situation as that.

Mr. TILLMAN. If the Senator from Alabama is correct, then Congress is helpless to stop this abuse.

Mr. MORGAN. It is not an abuse. It is a kindness. It is justice. It is a rightful act. I have not said it was "righteousness."

Mr. TILLMAN. It is considered to be an abuse by the people for public officers—Senators and Members of Congress and legislators and judges—to ride on free passes while they have to pay; and that is really at the root of all the agitation to do away with the free-pass evil, if it is an evil. The Senator says it is not an evil. There are millions of people in the United States who think it is, and I think they are going to continue to demand that Congress shall do something to stop it.

Mr. MORGAN. It is a sort of dog in the manger policy that never had any acceptance in my philosophy, and certainly not in my legislative action, that a man should get angry because another man had received benefaction from some friend. He might as well get angry at him for having received a legacy.

Mr. FORAKER rose.

Mr. MORGAN. If the Senator will excuse me just a second. Apply it to other public functionaries, for whom this same law would apply with full force. Suppose the keeper of a great hotel, or a little one, either, invites a friend to come and spend the night with him, and he charges the man that travels along with him $5 or $2.50 for the night's lodging and his food, has that man any right to complain that this innkeeper invited his friend to come and spend the night with him? Congress has got just as much power to punish an innkeeper for doing a thing of that sort as it has to punish a railroad. The morality of the proposition is exactly the same.

Mr. SPOONER. The Senator ought not to say that after the concession the other day by the Senator from West Virginia [Mr. ELKINS] that the Shoreham Hotel is not a common carrier.

Mr. MORGAN. I have not heard about that. Most of the hotels in Washington appear to be judged as common carriers by the various descriptions of things and people they entertain. I should say they were all common carriers.

Mr. GALLINGER. They carry all our money away.

Mr. MORGAN. I am not merry about this. I am as much in earnest about this as I possibly can be in view of a subject that is so grotesquely ridiculous.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Yes.

Mr. FORAKER. May I interrupt the Senator from Alabama only to ask him if he would not prefer to continue his remarks to-morrow? I do not want them cut off.

Mr. MORGAN. No; I am now just about through.

Mr. FORAKER. I am enjoying them very much, as everyone else is; but it is getting to be a very late hour.

Mr. MORGAN. I think I have demonstrated that the Senator from South Carolina has made an escape for my people which they can avail themselves of without any difficulty, by simply getting a pass across the State of Alabama, it being about 250 miles across the State of Alabama, and they can go perfectly safe on the Alabama pass, and then have a Mississippi pass for the other part of the journey, which would practically be 5 miles or 10 miles into the State of Mississippi. The Senator from South Carolina has provided against that; and I do not want to see anybody criticise the Senator who has been making such manly efforts to try to escape the results of association with gentlemen who are engaged in a great moral crusade, and who began this crusade by tearing out of the present law of the United States express provisions of the Constitution of the United States in amendment No. 7 of the Constitution, providing for that, which this Senate and this committee so far seems to have entirely ignored and thrown aside—that great right of the people to demand a trial by jury.

Put the people on the jury bench to try all these cases, and you will have the law properly administered, and, in the end—not in every case, but in the great average of cases—you will have it right. They will settle all questions as to the reasonableness of rates, and they will settle them after all Congress can do to prevent it. This Congress may try every power and faculty of absolutism that it can conceive of, but it can not take away from any court of the United States the right to determine whether a rate charged by anybody is reasonable—I do not care whether it is charged by a direct act of Congress or by a railroad company or by a railroad commission. That reasonableness that enters into the contract itself, into the essence of the employment, stands there, and the courts, as far back as courts have sat anywhere in Christendom, have always assumed the right to exercise their judgment in regard to the reasonableness of any rate that might be charged by any carrier to a shipper; and they will never give it up. Unless you intend to enforce these rates at the end of a bayonet, instead of enforcing them through the courts of justice, you will find the courts of justice will never accept from the Congress of the United States any rate that, according to the conscience of the courts, is not reasonable. You can not prescribe it in such a form as to compel the courts to accept it.

I think, Mr. President, that explains all I wish to say to my constituents on the subject of this bill. I am really addressing the thousands of my constituents who deplore our action on this bill. I honor them, because they are worthy of honor.

Mr. TILLMAN. Mr. President, I am very anxious to get this interesting and enlightening debate finished and to get the bill back into conference; but a half dozen Senators, or something like that number, have indicated that they want to speak. So I can not hope to get a vote to-night without great discomfort and the possibility of the loss of a quorum. Therefore, I give notice that to-morrow, when the Senate meets at 2 o'clock, I shall ask that we proceed immediately with the consideration of the conference report without any morning business or any other matter intervening; and I will try to get a vote before we adjourn, if the Senate will stand by me.

I move that the Senate now adjourn.

The VICE-PRESIDENT. Will the Senator from South Carolina withhold that motion for the present, while the Chair lays before the Senate certain messages from the House of Representatives?

Mr. TILLMAN. Certainly.

MISSISSIPPI RIVER DAM IN MINNESOTA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5357) permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn., which were on page 3, line 15, to strike out "three years" and insert "one year;" and on page 3, line 16, to strike out "six years" and insert "three years."

Mr. NELSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

REGULATION AS TO SPONGES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, which were, on page 1, line 3, to strike out "the passage of this act" and insert "May 1, A. D. 1907;" and, on page 1, line 10, after "act," to insert:

And provided further, That no sponge shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than 4 inches in diameter.

Mr. CULLOM. I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House on the bill and amendments, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. CULLOM, Mr. LODGE, and Mr. BACON as the conferees on the part of the Senate.

CERTAIN LANDS IN IDAHO.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4862) allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash, which were, in lines 6 and 7 to strike out "the approval of this

act" and insert "March 5, 1906;" in lines 7 and 8, to strike out "and with substantial improvements;" and in line 9 to strike out "occupied by them" and insert "so built upon."

Mr. DUBOIS. I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. ANKENY, Mr. CARTER, and Mr. DUBOIS as the conferees on the part of the Senate.

INDIANS OF RICHARDSON COUNTY, NEBR.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2418) to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes, which was, on page 3, line 14, after "discretion," to insert "upon application."

Mr. BURKETT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

Mr. TILLMAN. I now renew my motion that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 7, 1906, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 6, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The motion was agreed to.

SUPPLEMENTAL REPORT MERCHANT MARINE COMMISSION.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to file a supplemental report from the Merchant Marine Commission, which I ask to have printed as a document, and at the same time I ask unanimous consent that the minority may present their views at the same time.

The SPEAKER. The gentleman from Ohio asks unanimous consent to file a supplemental report upon the Merchant Marine Commission; also that the minority may have leave to file a report.

Mr. SULZER. What is the title of the bill?

The SPEAKER. It is no bill; it is a supplemental report from the Merchant Marine Commission.

Mr. WILLIAMS. Mr. Speaker, I suggest to the gentleman from Ohio if the request is put that way the minority would have only this legislative day in which to file the minority report.

Mr. GROSVENOR. Oh, they may have ten days.

The SPEAKER. That they may have ten days in which to file the report and the same be printed as a document. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. HEMENWAY, and Mr. PETTUS as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5924. An act to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war; and

S. 6299. An act for the relief of Pollard & Wallace.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 1160) granting an increase of pension to Eliza Swords, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 9813) granting a pension to Hariet P. Sanders, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 239. An act relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6299. An act for the relief of Pollard & Wallace—to the Committee on Claims.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill in Committee of the Whole House on the state of the Union be limited to two hours, one hour to be controlled by the gentleman from Massachusetts [Mr. SULLIVAN] and one hour to be controlled by myself, and pending the submission of that request I will state the reason for it is this: As most Members know, the time of final adjournment of Congress depends more now upon the speedy consideration and passage of the sundry civil appropriation bill than perhaps any other bill or subject that is before Congress at this time, and Members who desire to deliver speeches on other topics will have an opportunity of doing so on the bill which will follow this, which, I am informed, is a bill reported by the Ways and Means Committee revising or amending the administrative tariff act, and also on the general deficiency appropriation bill, which will be the last appropriation bill presented to the House for consideration, and I trust, therefore, that unanimous consent for closing general debate after two hours will be granted.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill; and, pending that, asks unanimous consent that general debate be limited to two hours.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, reserving the right to object, I wish to state that before the necessity for closing up debate on this bill became apparent I had promised time in general debate on this bill. If those promises were fulfilled, it would consume twelve hours of time. I therefore feel constrained to object to closing general debate.

Mr. LIVINGSTON. I think if my colleague will state to the House that when the deficiency bill comes these twelve hours can be provided for, he will have no more trouble.

Mr. TAWNEY. Well, of course I can not make a promise here that would bind the House or the Committee of the Whole.

Mr. LIVINGSTON. I do not ask you to do so.

Mr. TAWNEY. I understand there will probably be two days of general debate on the bill reported from the Committee on Ways and Means. The general deficiency bill is generally held in the House until the light of adjournment is visible at the other end of the Capitol, which time is consumed largely in general debate. I can not make any promise. I can merely

make a statement of the custom in the consideration of the general deficiency bill, and also the information which I have received that opportunity for general debate will be given on the customs administrative bill, reported by the Committee on Ways and Means. It is very necessary, if we are to facilitate the work that must be done before Congress adjourns, that this bill be considered as speedily as possible. There is a great deal in this bill that will provoke legitimate debate, and wide latitude will be allowed in the consideration of the various provisions of the bill under the five-minute rule.

Mr. UNDERWOOD. I would like to ask the gentleman from Minnesota a question with reference to the consideration of the bill. There is a provision in the bill providing for an investigation of the structural material matter. It is very important, and it could not be discussed fully under the five-minute rule. I would like to ask the gentleman, if we will make this consent order on general debate if he would be disposed to allow some latitude on that question?

Mr. TAWNEY. It will not be my purpose to prevent latitude of discussion of that question or of all other questions where the debate is limited and confined to the subject-matter before the Committee of the Whole at that time; but in view of the objection of the gentleman from Massachusetts, it is not necessary to waste any further time.

Mr. WILLIAMS. Mr. Speaker, in connection with this hope that we would have time for general debate later upon other bills, I desire to ask the gentleman from Minnesota if he has heard that there has been any meeting of the leaders of his side of the House with a view to cutting off all general debate for the balance of this session?

Mr. TAWNEY. I have not heard of any such meeting, have no knowledge of any meeting, and do not believe there has been a meeting of that kind nor for that purpose.

Mr. WILLIAMS. I am very glad to hear it, because it has been rumored, and I did not know whether it was true or not.

Mr. GROSVENOR. There are several propositions involved here upon which speech is desired on this side of the House, and it will be impossible to make any combination of that sort.

The SPEAKER. Objection being made, the question is on the motion of the gentleman from Minnesota, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19844—the sundry civil appropriation bill.

The Clerk read as follows:

A bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota, the chairman of the committee, asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Chairman, I wish to announce to the House now, in order that Members may know what the purpose of the committee is in respect to the matter of closing debate, that I intend to occupy only about twenty-five minutes in my opening statement, and will yield twenty-five minutes remaining of my hour to the gentleman from Massachusetts [Mr. SULLIVAN], and at the conclusion of the hour I will move that the committee rise, go into the House, and endeavor to close debate by motion in the House. I do this, Mr. Chairman, because I am confident that every Member of the House who wishes to deliver a speech upon any subject foreign to the bill under consideration will have ample opportunity to do so after this bill passes and goes to the Senate. We all know that more time is consumed in the consideration, and properly so, of the sundry civil appropriation bill in the Senate than in the consideration of any other appropriation bill that is considered by Congress; and during that time I feel confident that there will be ample opportunity for everybody who desires to speak to be heard on the floor of the House.

Mr. ADAMSON. Will the gentleman from Minnesota yield for an interruption?

Mr. TAWNEY. I yield for a question.

Mr. ADAMSON. I wish to make a statement, not a question, just for a moment.

Mr. TAWNEY. I must beg the gentleman's pardon.

Mr. ADAMSON. It is affecting this bill.

Mr. TAWNEY. I have reserved to myself only twenty-five minutes, with the understanding that I am going to yield twenty-five minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. ADAMSON. Then I will ask a question.

Mr. TAWNEY. I have no time to yield to gentlemen to make statements, but I yield for a question.

Mr. ADAMSON. I am sorry the gentleman seems to doubt my sincerity when I say that the statement is one affecting this bill, and it will be shorter than the question would be, and it is pertinent.

Mr. TAWNEY. Go ahead.

Mr. ADAMSON. I wish to call the gentleman's attention to the fact that there are some gentlemen in this House who will speak to the pending bill and who do not always seek an opportunity to publish to their constituents, and that there are a great many things in this bill which affect the conduct of this Government for the next year which some gentlemen wish to talk about, and it is not fair to assume that all of us want to speak to the galleries or to the newspapers, and it is not fair to limit the time to one hour on this, one of the greatest and most important bills before Congress.

Mr. TAWNEY. Mr. Chairman, in reply to the gentleman from Georgia, I will say that I feel quite confident that when items in which Members are interested are reached in the consideration of this bill in the committee, under the five-minute rule, there will be ample opportunity for any Member who desires to discuss the provision under consideration to do so. I do not wish to take advantage of anybody, but I want, if possible, to expedite the consideration and passage of this bill as much as possible.

Mr. ADAMSON. I will say to the gentleman that I never consume more than a few minutes of the time of this House, and those who speak to the bill do not generally consume a great deal of time.

Mr. TAWNEY. Mr. Chairman, the gentleman from Georgia is entirely right in saying that there is perhaps no appropriation bill submitted to the House of Representatives, or that originates in this body, of greater importance than the sundry civil appropriation bill. This bill carries appropriations for all the sundry civil expenses of the Government. It is a bill that comes closer to the people than almost any other appropriation bill enacted by Congress; a bill that affects more directly the material welfare of the people than any other. It is the bill that provides for all the aids to commerce and navigation which the Government of the United States furnishes. It is also the bill that provides all the facilities that enable the people of the United States to conveniently transact their business with the various branches of the Government. The bill therefore affects directly the interests of more of the constituents of Members of this House than any other appropriation bill, and it is for that reason, Mr. Chairman, that I have desired to confine the debate to the bill.

Mr. Chairman, my time is very limited, and I shall have to confine myself as briefly as possible to a general statement of the appropriations recommended by the bill, and also to a statement respecting some of the legislative provisions which the committee have recommended.

The total appropriation for the sundry civil expenses for the current fiscal year is $67,163,600.66.

The estimates submitted by the Departments for the next fiscal year aggregate $105,416,576.89.

The total appropriations recommended by the committee for sundry civil expenses for the fiscal year 1907 is $94,342,156.42, being $11,074,420.47 less than the regular and supplemental estimates.

Of the total amount carried in this bill $25,456,575.08 is for the construction of the Panama Canal and is reimbursable from the proceeds of the sale of bonds.

In addition to this sum, the amount carried for river and harbor improvements made necessary by river and harbor acts, and especially by the act passed at the last session of Congress, is in excess of the amount appropriated in the current law for that purpose by $6,774,844.14.

Adding, therefore, the Panama Canal appropriations to the excess over the current law for river and harbor improvements, and deducting that amount from the aggregate amount carried in this bill, leaves $62,110,737.20, or $5,052,863.46 less than the amount appropriated for sundry civil expenses for the current fiscal year.

The above-mentioned items, namely, for construction of the isthmian canal and to meet river and harbor contract obligations, are to meet the demands of previous legislation and upon which the committee had no opportunity to revise or reduce.

By comparing the other items upon which the committee used their discretion, a reduction of $5,052,863.46 is made under the current law.

Mr. Chairman, in the investigation of the estimates submitted by the various Departments for the sundry civil expenses for the next fiscal year, the committee gave those items the most careful investigation and consideration. I think the subcommittee having charge of the preparation of this bill consumed at least six weeks in the hearings before the committee, if not more, and the printed stenographic report of the hearings contains over 1,500 pages of printed matter.

I do not intend to take up the time of the committee in presenting any further details. The report of the committee gives a full and complete statement of all increases and decreases recommended. I have made an analysis of the bill, however, which I will print in connection with my remarks, which shows that there are sixteen items in the bill carrying $82,277,767.42, and four of these items aggregate $54,649,551.22. This leaves a balance of $12,064,389, and this sum is distributed amoug 176 different items, as follows:

Assistant custodians and janitors	$1,466,666.00
Engraving and printing	3,296,433.00
Fuel, lights, and water, public buildings	1,200,000.00
Geological Survey	1,138,320.00
Home for Disabled Volunteer Soldiers	4,202,944.00
Homes for soldiers in States and Territories	1,150,000.00
Isthmian canal construction	25,456,575.08
Light-houses, beacons, and fog signals	1,875,050.00
Light-House Establishment	3,850,000.00
Public buildings, contracts	5,170,583.20
Public lands, collecting revenue from, etc	1,013,220.00
Public Health and Marine-Hospital Service	1,185,000.00
Public printing and binding	5,325,000.00
Revenue-Cutter Service	2,080,000.00
River and harbor contract work	17,318,976.14
United States courts	6,549,000.00
Sixteen items	82,277,767.42
Carried by remaining items	12,064,389.00
Total	94,342,156.42

Isthmian canal construction	25,456,575.08
River and harbor contract work	17,318,976.14
United States courts	6,549,000.00
Public printing and binding	5,325,000.00
Four items	54,649,551.22

Object.	Appropriations for 1906.	Estimates for 1907.	Recommended for 1907. Amount.	Page of bill.
Agriculture, Department of, building	$700,000.00		$300,000.00	157
Alaska Commercial Company		$5,080.00		
Alaska, reindeer for	15,000.00	15,000.00	9,000.00	82
Boundary line between Canada and	65,000.00			
Court-house and jails in			40,000.00	139
Education in	50,000.00	100,000.00	100,000.00	81
Insane in, support of	17,282.00		23,000.00	84
Seal fisheries	12,950.00	11,430.00	11,430.00	61
Relief of native inhabitants of	19,500.00	19,500.00	19,500.00	62
Traveling and incidental expenses	10,000.00	10,000.00	10,000.00	141
Appraisers, local expenses, meetings of	1,200.00	1,200.00	1,200.00	31
Armories and arsenals	331,000.00	477,842.00	555,617.00	86
Army Medical Museum and Library building	8,000.00			
Arrears of pay and allowances, war with Spain	100,000.00		200,000.00	135
Artificial limbs and appliances for soldiers	425,000.00	145,000.00	145,000.00	120
Appliances for disabled soldiers	2,000.00	2,000.00	2,000.00	121
Appropriations, preparing statement of	2,000.00		2,000.00	158
Astrophysical Observatory	15,000.00	15,000.00	14,000.00	19
Atlanta, Ga., penitentiary	50,000.00	100,000.00	80,000.00	137,153
Attorney-General, publishing opinions of			500.00	143
Botanic Garden	7,000.00	7,000.00	7,000.00	158
Boundary line, United States and Canada	50,000.00			
Building where Abraham Lincoln died, repairs to	400.00	200.00	200.00	97
Buildings and grounds in Washington	152,850.00	144,050.00	166,450.00	89
Buck, George M	750.00			
California Débris Commission	15,000.00	15,000.00	15,000.00	121
Canceling United States securities	200.00	200.00	200.00	27
Capitol, building and grounds, lighting	42,500.00	42,500.00	42,500.00	65
Building, repairs, etc	30,000.00	30,000.00	30,000.00	64
Building, reroofing terraces			28,000.00	64
Building, revolving doors for entrances to			6,000.00	64
Cleaning works of art in	1,500.00	1,500.00	1,500.00	65
Repairs of building, Court of Claims	7,500.00			
Capitol, buildings and grounds, lighting—Continued.				
Flags for	$100.00	$100.00		
Repairs of fire-engine house and stables	1,500.00	1,500.00	$1,500.00	65
Grounds, improvement of	25,000.00	25,000.00	25,000.00	64
Casa Grande ruins, repairs to		3,000.00		
Chickamauga and Chattanooga Park	31,000.00	31,000.00	30,000.00	118
Chinese-exclusion act, enforcement of	600,000.00	500,000.00	500,000.00	62
Claims, back pay and bounty to soldiers	200,000.00		250,000.00	135
Claims for damages, army maneuvers		24,052.68		
Coast and Geodetic Survey	851,975.00	861,515.00	843,915.00	40
Committee on Department Methods, expenses			25,000.00	157
Court-house, District of Columbia, repairs	5,000.00	5,000.00	5,000.00	137
Court of Claims building, repairs			3,500.00	137
Crater Lake, National Park	3,000.00	5,000.00	3,000.00	80
Custody of dies, rolls, and plates	11,000.00	11,000.00	11,000.00	27
Customs service, scales for			25,000.00	31
Deaf and Dumb Institution	60,000.00	62,500.00	62,500.00	84
New buildings	30,000.00			
Repairs to buildings, etc	3,000.00	5,000.00	4,000.00	84
Maintenance and tuition of colored deaf mutes		4,500.00		
Defending suits in claims	55,000.00	55,000.00	55,000.00	139
Defense of suits before Spanish Treaty Claims Commission	112,000.00	92,000.00	112,000.00	142
Defense of Indian depredation claims	40,000.00	40,000.00	40,000.00	140
Distinctive paper for United States securities	250,000.00	230,770.28	308,900.00	26
Executive Mansion, expense of	53,000.00	53,000.00	113,000.00	93
Executive Mansion and grounds, lighting	25,525.00	25,525.00	26,160.00	94
Ethnology, American	40,000.00	50,000.00	40,000.00	19
Fish Commission	715,920.00	687,160.00	670,970.00	49
Fort Monroe, Va., sewer system	8,340.50	10,327.08	8,696.00	116
Freedmen's Hospital, support	28,000.00	28,000.00	27,500.00	85
New building	250,000.00	188,994.00		
Furniture, public buildings	400,000.00	455,400.00	720,400.00	28
Garfield Hospital	19,000.00			
General Grant National Park	2,000.00	2,500.00	2,000.00	80
Gettysburg Military Park	57,000.00	57,000.00	72,000.00	119
Governors Island, N. Y., buildings and improvements	100,000.00			
Howard University	47,600.00	47,600.00	47,600.00	84
Hospital for the Insane	362,550.00	425,480.00	357,800.00	82
House of Representatives, office building	980,000.00		500,000.00	64
House of Representatives, office-building power house	363,000.00			
Hot Springs Reservation, Ark	6,000.00			
Immigration stations	350,000.00		100,000.00	35
Independent Treasury, contingent expenses	240,000.00	240,000.00	200,000.00	24
Inspector of supplies for public buildings	5,000.00	5,000.00		
Inspector of furniture, salary and expenses	5,500.00	5,500.00	5,500.00	27
Assistant inspector, salary	1,600.00	1,600.00	1,600.00	28
Insular and Territorial expenses, Department of Justice	25,000.00			
Interior Department and Pension buildings	10,000.00	10,000.00	12,500.00	64
Improvement of heating old Post-Office building	24,000.00			
Preservation and repair of heating and lighting plants, etc	5,000.00	5,000.00		
International Catalogue of Scientific Literature			5,000.00	18
International Waterways Commission			20,000.00	116
International exchanges, Smithsonian Institution	28,800.00	28,800.00	28,800.00	18
Interstate Commerce Commission	365,000.00	385,000.00	375,000.00	21
Justice, Department of: Traveling and miscellaneous expenses	8,500.00	8,500.00	8,500.00	141
Care of rented buildings	10,000.00	10,000.00	10,000.00	141
Klocker, Oscar		30.00	30.00	63
Lands and other property of the United States	400.00	400.00	200.00	31
Leavenworth, Kans., Penitentiary	240,000.00	250,000.00	200,000.00	137
McKay Steamship Line		40.00	40.00	63
McNeil Island Penitentiary		6,000.00	6,000.00	138
Malloy, William M	1,000.00			
Maps for War Department	3,000.00	5,000.00	3,000.00	120
Milan, Italy, exposition at		40,000.00		
Military prison, Fort Leavenworth, Kans			17,480.00	118
Military posts, enlargement of	1,200,000.00	973,750.00	750,000.00	114
Army general hospital	100,000.00			
American Lake, Wash		30,000.00		
Presidio Reservation, San Francisco, Cal	7,500.00	15,000.00		
Presidio of Monterey, Cal., target range	10,000.00			

Object.	Appropriations for 1906.	Estimates for 1907.	Recommended for 1907.	
			Amount.	Page of bill.
Military posts, enlargement of—Continued.				
Fort Getty, R. I.		$11,000.00		
Fort Greble, R. I.		100,000.00		
Fort Logan, Colo., target range	$6,640.00			
Fort Hamilton, N. Y., harbor		250,000.00		
Fort Wetherill, R. I.		75,000.00		
Fort H. G. Wright, N. Y.		175,000.00		
Fort McIntosh, Tex.		8,000.00	$3,000.00	114
Fort Niagara, N. Y.	150,000.00			
Fort Monroe, Va.		27,650.00	27,650.00	115
Fort Moultrie, S. C.		26,000.00	26,000.00	116
Fort Stark, N. H.		40,000.00		
Fort Sheridan, Ill.		200,000.00		
Fort Ethan Allen, Vt.		25,000.00		
Fort Wright, Wash.			8,000.00	114
Fort Screven, Ga.			50,000.00	114
Fort Crockett, Tex.			158,953.75	115
Fort Snelling, Minn.			50,000.00	116
Forts Worden, Flagler, and Casey, Wash.		25,000.00		
Yokeka Point, Wash.		2,500.00		
Sandy Hook, N. J.	40,000.00			
Fort Oglethorpe, Ga.		20,000.00	20,000.00	115
Whipple Barracks, Ariz.		9,000.00		
Mission Indians, California, counsel for	1,000.00	1,000.00		
Moieties, compensation in lieu of	20,000.00	25,000.00	20,000.00	30
Mosher, Robert Brent, payment to			1,000.00	157
Mount Rainier National Park, improvements		2,600.00	2,500.00	80
Road in			50,000.00	118
National cemeteries, headstones, etc.	303,810.00	320,847.25	323,847.25	109
National currency, expenses of	28,000.00	38,820.00	50,000.00	26
North American Transportation and Trading Co.		5,158.80		
National Museum	249,080.00	297,288.80	240,080.00	20
National Museum, new building	1,500,000.00	750,000.00	500,000.00	19
New York Harbor, preventing deposits in	85,260.00	85,260.00	80,260.00	121
Paper and stamps, internal revenue	65,000.00	65,000.00	65,000.00	23
Peking, China, legation buildings	30,000.00			
Philippine insurrection, publication of records		15,000.00	15,000.00	121
Prevention of epidemics	100,000.00	300,000.00	200,000.00	34
Prosecution of crimes	45,000.00	65,000.00	65,000.00	140
Providence Hospital	19,000.00			
Public lands, surveying, including private land claims, etc.	406,480.00	432,035.00	423,555.00	69
Punishing violations of internal-revenue laws	100,000.00	100,000.00	100,000.00	23
Punishing violations of intercourse acts and frauds	4,000.00	4,000.00	4,000.00	141
Quarantine service	340,000.00	300,000.00	340,000.00	33
Recoinage of gold coins	6,000.00	7,000.00	7,000.00	25
Reform School, District of Columbia, buildings			50,000.00	138
Repair of water pipes	2,500.00	2,500.00		
Sealing and separating United States securities	1,500.00	1,750.00	2,000.00	26
Senate office building	580,000.00			
Sequoia National Park	10,000.00	12,200.00	10,000.00	79
Shiloh Military Park	24,000.00	25,000.00	24,000.00	119
Shipping service, contingent expenses	7,000.00	7,000.00	7,000.00	63
Rent, quarters for shipping commissioners		2,100.00	2,100.00	63
Special witness, destruction of United States securities	1,565.00	1,565.00	1,565.00	26
Survey of northern and northwestern lakes	100,000.00	100,000.00	75,000.00	120
Supreme Court reports	2,145.00	3,770.00	3,770.00	80
Suppressing counterfeiting and other crimes	125,000.00	125,000.00	125,000.00	29
Telegraph lines connecting Capitol and Departments	1,500.00	1,500.00	1,500.00	96
Transportation of minor coin	18,000.00	18,000.00	12,000.00	24
Transportation of reports and maps to foreign countries	100.00	100.00		
Transportation of silver coin	120,000.00	120,000.00	75,000.00	24
Treasury building, placing cables underground	1,200.00			
Vicksburg Military Park	75,000.00	70,000.00	70,000.00	120
Washington Monument	11,520.00	11,820.00	11,520.00	96
Wind Cave National Park	2,500.00	6,400.00	4,400.00	80
Wisconsin, land for target range in			150,000.00	115
Wright, Henry John		250.00	250.00	62
Yellowstone Park, protection of, etc.	7,500.00	13,540.00	7,500.00	79
Additional fencing, feed, etc.		5,800.00		
Improvement of	138,000.00	75,000.00	55,000.00	118
Yosemite National Park	5,400.00	5,750.00	5,750.00	79
Construction of road		181,000.00		
Zoological Park	95,000.00	118,000.00	95,000.00	21

One hundred and seventy-six items, carrying $12,064,389.

The committee has also reported in this bill various legislative provisions, and I beg the indulgence of the House while I explain briefly these provisions.

I know the Committee of the Whole has in times past criticised the Committee on Appropriations for reporting legislative provisions in appropriation bills. I want to say, in respect to these provisions, there is not one of them that, if adopted, will enact any rule of action for the people, and therefore are not in that sense legislative provisions. There is no provision recommended in this bill that concerns the fundamental principles of government in the least. They are restrictive and wholly remedial in their character.

Mr. HULL. Will the gentleman yield?

Mr. TAWNEY. I will.

Mr. HULL. Because I should like a little information. On page 115 of the bill there is an appropriation of $150,000 which will probably be for an artillery post (they call it a target range) in a place where there is no post established now, and in a locality where there is no authorization by any committee of the House for such an appropriation. Will the gentleman please explain it? I should like light.

Mr. TAWNEY. I will say to the gentleman from Iowa that when that item is reached in the bill I will explain the matter to him. The appropriation is recommended on the basis of the estimates submitted by the War Department. The amount has been reduced, but the matter will be discussed and explained fully, and I hope to the satisfaction of the gentleman from Iowa when the item is reached.

Mr. HULL. The reason I ask the question is simply because the Department requested the Military Committee to authorize the establishment of certain camps, this among others, and that committee refused to authorize them, and then the Department went to your committee.

Mr. TAWNEY. I may say in reply to the gentleman from Iowa that the item was submitted in the original estimates to the Committee on Appropriations and is not for the establishment of a "camp."

The first legislative provision to which I will call attention is one that will doubtless provoke some discussion. It may be subject to a point of order; but I want to explain to the committee the facts, and before I do that I want to call attention generally to these provisions and to say that they are the result of the investigation which the committee had made, not only of the estimates for the next fiscal year, but of the expenditures made in the current and previous years. This investigation disclosed some features of administration (I might call them abuses of administration in some instances) that ought to be remedied, concerning which no other committee in this House could have information, for the reason that they would not have occasion to investigate the subject, and all these provisions result from that fact.

While it is true the letter of the rules of the House prohibits the reporting of legislative provisions on an appropriation bill, nevertheless when that committee, which is the only committee of the House that is required in the preparation of its bills to investigate methods of administration and public expenditure, find abuses that should be remedied, it is its duty to call to the attention of the House not only the necessity for legislation, but the provisions that in the judgment of the committee would correct such abuses and promote better and safer administration.

Therefore, Mr. Chairman, these provisions are all remedial and restrictive in their character, and relate only to administration and economy as well as safety in the expenditure of the public money. For example, take the transportation of notes, bonds, and other securties of the United States and the fractional and minor coin. This recommendation provides that these securities and this coin shall, when practicable, be transported by registered mail and in such sums as the Secretary of the Treasury may determine, under such rules and conditions as may be agreed upon by him and the Postmaster-General.

During the current year there is appropriated for the transportation of currency, of Government securities, transportation of silver coin and minor coin about $350,000 in all.

Mr. OVERSTREET. Mr. Chairman, will the gentleman submit to a question?

Mr. TAWNEY. Certainly.

Mr. OVERSTREET. I am not sure that I understood the gentleman's first statement. You recommend that the coin shall, under proper conditions and agreement between the Treasury and the Postmaster-General, be transmitted by mail?

Mr. TAWNEY. By registered mail.

Mr. OVERSTREET. Is the gentleman familiar with the provision which the House has adopted taking all such matters away from the mail and transmitting them by other methods?

Mr. TAWNEY. Coin and currency?

Mr. OVERSTREET. Matters that are really freight and express.

Mr. TAWNEY. I do not know to what provisions the gentleman refers. I knew there was some provision of that kind. Does it apply to the shipment of money by registered mail?

Mr. OVERSTREET. It seeks to keep out everything that is not properly mailable.

Mr. TAWNEY. Is not money properly mailable?

Mr. OVERSTREET. Not in bulk.

Mr. TAWNEY. Is it not a fact that the banks all over the country are transporting money by registered mail?

Mr. OVERSTREET. Not at the expense of the Government, but at the expense of the banks. You propose to require the postal department to accept that expense?

Mr. TAWNEY. No; we make an appropriation to defray the expenses of transporting this coin and currency.

Mr. OVERSTREET. At what rate?

Mr. TAWNEY. At such rate as may be agreed upon by the Secretary of the Treasury and the Postmaster-General and under such rules and regulations as they may jointly make.

Mr. OVERSTREET. Why not take the regular rate?

Mr. TAWNEY. They can do that, but the objection to taking the regular rate is that there is a regulation that a registered package shall not weigh over 4 pounds.

Mr. OVERSTREET. What prevents them to-day from doing that?

Mr. TAWNEY. Simply because if you take a thousand dollars of silver, weighing about 60 pounds, it would have to be split up into as many different packages as 4 goes into 60.

Mr. OVERSTREET. Doesn't the gentleman know that money has been transported by the Treasury Department through the mails, freight in bulk, weighing more than 60 pounds?

Mr. TAWNEY. Yes; I know that there was a whole train load of gold brought from San Francisco to the Philadelphia mint as a result of a holdup on the part of the express companies, and thereby the Government saved $25,000.

Mr. OVERSTREET. In what way?

Mr. TAWNEY. By the difference in the cost of transportation.

Mr. OVERSTREET. But the Government had to pay for it at Government rates.

Mr. TAWNEY. Yes; but not at express rates.

Mr. OVERSTREET. In some of the instances the Government rates are higher than the express rates, but not necessarily so.

Mr. TAWNEY. As a result of this provision we were able to reduce the expenses of transportation of currency and coin about $91,000, all of which has heretofore gone to the express companies, and it will result in the money being taken from one pocket of the Government and put into the other.

Mr. GAINES of Tennessee. I would like to ask the gentleman a question.

Mr. TAWNEY. Very well.

Mr. GAINES of Tennessee. Heretofore we have had an appropriation to pay for the express charges in transporting silver coin. Now the gentleman proposes to send it by mail. How are you going to haul it and who is going to take care of it? I think the gentleman's proposition is a good one.

Mr. TAWNEY. The same as money in the bank is transported by registered mail.

Mr. GAINES of Tennessee. How is it going to be taken care of?

Mr. TAWNEY. The same as money is being taken care of that is transported by registered mail by the bank.

Mr. GAINES of Tennessee. To go by freight?

Mr. TAWNEY. It is to be transported by registered mail, under such rules and regulations as the Secretary of the Treasury and the Postmaster-General may agree upon. Heretofore the appropriations for this purpose have always read "for the transportation of silver coin," or other money and securities of the Government, "by registered mail or otherwise," and not a dollar, so far as the committee could ascertain, has ever been shipped by registered mail. It has all been shipped by express, and the express companies have received the amount appropriated.

Mr. GAINES of Tennessee. And it eliminates the excessive express rates altogether.

Mr. OVERSTREET. I understand that the real effect will be to permit this transportation by mail regardless of the 4-pound limit of weight.

Mr. TAWNEY. Provided the Postmaster-General and the Secretary of the Treasury agree.

Mr. OVERSTREET. But now the banks are not permitted to send by registered mail in excess of the 4-pound limit.

Mr. TAWNEY. This changes the law to that effect as to the Government only.

Mr. GAINES of Tennessee. Do you make any provision there for the dirty money that we had up in the sundry civil bill once?

Mr. TAWNEY. No.

Mr. OVERSTREET. What kind of an appropriation is allowed there for the expense of that transportation?

Mr. TAWNEY. It is the defference between, I think, $320,000 and $91,000.

Mr. OVERSTREET. That is to say, you reduce the amount of the appropriation heretofore carried to $80,000.

Mr. KEIFER. To about $91,000. That is the total reduction.

Mr. TAWNEY. On page 6 of the report it will be found that reference is made to the fact that there is a limitation of $100,000 for school purposes in the district of Alaska, under which limitation it will be impossible to employ a special agent for investigating the schools of Alaska at a compensation in excess of $1,200 a year, including the traveling expenses and a per diem of $4 a day. I presume that Members of the House are familiar with the reason for that limitation. In the hearings it developed that about a year ago a gentleman named Churchill, who was then employed in the Interior Department receiving an annual compensation of $2,500, resigned and was appointed a special agent to go to Alaska for the purpose of investigating the schools of the district of Alaska and the propagation of reindeer.

Mr. MANN. By whom was he appointed?

Mr. TAWNEY. By the Secretary of the Interior, at a compensation of $751 per month and his traveling expenses. The gentleman was also authorized to go by way of Boston and Montreal. He spent about three and one-half months in Alaska and about four and one-half months in the States at that compensation, preparing his reports, and the committee felt that that was an unjustifiable expenditure. In order to prevent a repetition of such an extravagant expenditure from this appropriation we have recommended this limitation.

There are a number of other minor provisions recommended. There is one provision which will require the heads of all of the Executive Departments within thirty days after the close of each fiscal year to submit to the Secretary of the Treasury a statement of all moneys received during the year from the sale of public property or from any other source and not deposited in the Treasury of the United States. Then the Secretary of the Treasury will be required to submit that statement to Congress with the reasons for the failure to deposit such funds in the Treasury. The reason for that grows out of the fact, as will be seen from the hearings, that the Secretary of the Interior, under an act approved March 3, 1901, sold some town lots in the Territory of Oklahoma, as he was authorized to do. The proceeds of the sale of these lots aggregated $738,000. In the judgment of the Auditor for the Interior Department, in the judgment of the Comptroller of the Treasury, and also in the judgment of the Committee on Appropriations that fund should have been deposited in the Treasury of the United States to the credit of the Secretary of the Treasury or to the credit of the general fund. Instead of that, the money was deposited in the subtreasury of the United States at St. Louis to the credit of the Secretary of the Interior, upon the theory that Congress had authorized that out of the proceeds of the sale of these lots certain improvements should be made in these various towns, such as the building of schoolhouses, court-houses, bridges, streets, etc., and that therefore this money need not be deposited in the Treasury. These expenditures were made under the direction of the Director of the Geological Survey, the vouchers transmitted to the Secretary of the Interior, and the money paid on the check of the Secretary.

The Auditor for the Interior Department informed the committee that none of these expenditures had been audited. There was an investigation some time ago of the transaction, but there has been no official audit of the expenditures made prior to the time the Auditor for the Interior Department appeared before the committee. Members of the House will find in the hearings a full and complete statement of the facts.

The committee in reporting this provision does not do so because it has reason to question either the amount received or the amount or legality of the expenditures made on the official check of the Secretary. His integrity or honesty is not questioned. The committee exonerates him from any blame in the premises, except his acknowledged ignorance of the law requiring the deposit in the Treasury of all public moneys and his failure to have the expenditure of these funds audited as the expenditures of all other public funds are required to be audited.

For that reason, Mr. Chairman, the committee have recommended the following provision:

SEC. 9. Hereafter the Secretary of the Treasury shall require, and it shall be the duty of the head of each Executive Department or other

Government establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the postal service, received by said head of Department or other Government establishment during the previous fiscal year for or on account of the public service or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the General Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during such year. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session.

If this provision had been the law, the Secretary of the Interior would have been obliged to submit a statement of that transaction to the Secretary of the Treasury and the Secretary of the Treasury would have been obliged to transmit that statement to Congress with the reason of the Secretary for his failure to deposit the sum of $738,000 in the Treasury.

The CHAIRMAN. The Chair desires to notify the gentleman in accordance with his request that he has consumed twenty-five minutes' time.

Mr. TAWNEY. I will yield twenty-five minutes to the gentleman from Massachusetts [Mr. SULLIVAN] and reserve the balance of my time.

Mr. GAINES of Tennessee. Before the gentleman yields the floor, I understand there is an item in the bill of $25,000——

Mr. TAWNEY. We will get at that under the five-minute rule.

Mr. GAINES of Tennessee. But I desire ask——

Mr. FITZGERALD. I wish to suggest to the gentleman from Minnesota that a member of the committee desires to discuss this under general debate.

Mr. TAWNEY. I can not hear the gentleman from New York.

Mr. FITZGERALD. A member of the committee desires time to discuss this bill under general debate, and I think the gentleman ought to give it to him. I refer to the gentleman from Arkansas [Mr. BRUNDIDGE].

Mr. TAWNEY. I still do not catch what the gentleman says.

Mr. FITZGERALD. The gentleman from Arkansas [Mr. BRUNDIDGE], a member of the committee, desires about forty minutes to discuss this bill under general debate. I think the gentleman from Minnesota should give him that time.

Mr. TAWNEY. I yield twenty-five minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I think before beginning a discussion of some features of this bill that the attention of the House ought to be called to the extraordinary manner in which the debate upon this bill has been cut off. I do not mean to assert anyone is guilty of bad faith in the premises, but I assert that it is a most unfortunate happening. A bill that ought to give to the Members of this House (touching, as it does, every portion of the United States in vital parts) almost unlimited opportunity of debate is cut down under the method proposed by the chairman of the committee to one hour. I do not know what the influences were which were set in motion to bring about this result. I do know, however, that upon this side of the House a very important speech was made early in the session showing clearly that the watch trust of the United States sold its product abroad cheaper than it did in this country. That speech had a great effect upon the country. It was answered upon the Republican side by two or three critics. The gentleman from Illinois [Mr. RAINEY] intended in the general debate upon this bill to close his remarks upon that subject and demonstrate absolutely the truth of the assertions which he made. I know that the request was made of me to do all in my power as a Massachusetts man to prevent the gentleman from Illinois from making his speech upon that subject. I do not say those influences were exercised upon the Republican side of the House, but at all events the extraordinary result has happened, the first time I have ever heard of it, of shutting off all debate beyond one hour upon this most important bill.

Mr. MANN. Will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. SULLIVAN of Massachusetts. Yes, sir.

Mr. MANN. Does the gentleman think the House at this time in the session ought to devote twelve hours to political debate on each side of the House, thereby preventing the consideration of the pure-food bill?

Mr. SULLIVAN of Massachusetts. I do not think, Mr. Chairman, any course should be adopted which would exclude from consideration any important measure.

Mr. MANN. The gentleman must be aware that general debate upon this bill would have that effect.

Mr. SULLIVAN of Massachusetts. I am not aware of that, Mr. Chairman, any more than general debate which has heretofore taken place has had that effect.

Mr. MANN. Well, it has had that effect up to date.

Mr. SULLIVAN of Massachusetts. For myself I would prefer we would remain in session until all subjects of legislation were properly debated and properly considered by this House; and if we upon this side had our way, sir, we would amend the rules so as to give the people of this country as well as the Members of this House the advantages of full and free debate upon all measures. [Applause on the Democratic side.]

Mr. MANN. The gentleman and I would probably stay, but when it comes to staying the gentleman's side of the House will probably disappear.

Mr. FITZGERALD. You have a majority of a hundred and twelve, and you should stay and do business.

Mr. MANN. The gentleman knows well you can not keep them all here——

Mr. SULLIVAN of Massachusetts. The gentleman will pardon me if I proceed, as under the rule I have only twenty-five minutes and I would like to discuss some questions which arose in the consideration of the bill. The first matter that this House ought to decide is the question of the type of canal which we will construct at Panama. The hearings developed the fact that the engineers are now seriously embarrassed in the work by reason of the failure of Congress to decide what kind of a canal should be constructed. We all assumed that the President had exercised the supposed discretion, under the Spooner Act, and decided in favor of the lock type; but Engineer Stevens has informed us that he has received no instructions; that the question is still an open one; that the prosecution of the work from now on will be seriously impeded, many delays will be caused, and much money will be wasted unless Congress at this session shall determine which type of canal we shall construct.

Another matter of great importance is the question of the purchase of supplies for the Panama Canal. An attempt will be made here on the part of the ultraprotectionists to limit the free exercise of the power of the Canal Commission to purchase its supplies under circumstances of the greatest competition. The purchasing agent of the Commission, Mr. Ross, and the president of the Commission, Mr. Shonts, both informed the committee that such a policy would result in the waste of a great deal of the nation's money. I understand that the amendment will give to the President the right to permit the canal authorities to purchase their supplies from abroad only in those cases where the prices charged by American manufacturers are "unreasonable and extortionate." The word "unreasonable," of course, would have no meaning whatever in such connection, for the word "extortionate" would control the meaning of that clause; and inasmuch as "extortion" is an unlawful exaction, the President would have to be convinced that an unlawful attempt to compel exorbitant prices was being made as the result of some combination among domestic manufacturers.

The result of that amendment would be that the President would never exercise that discretion. The Canal Commision would be compelled to purchase its supplies from American manufacturers, and the result would be that the taxpayers of the nation would have an immense amount of money added to the bill for the digging of the canal. Both of these Republican officials stated that at the present time 98½ per cent of the canal supplies were purchased from American manufacturers. The amendment would add, therefore, only the balance, or 1½ per cent, to sales of American manufacturers; but this would follow: On the 100 per cent or 98½ per cent which they would purchase the people of the United States would be compelled to pay an immensely enlarged amount. Both Mr. Shonts and Mr. Ross testified that they used their ability to purchase in the markets abroad merely as a club to compel American manufacturers to sell at their export prices, namely, at reasonable prices, fixed under competitive conditions.

Now, I trust the House will not hamper the Canal Commission in its endeavor to build for us in the quickest possible manner and at the lowest possible cost the canal that we all desire to see finished.

Another matter that came before the committee was the question of extending the investigation of structural materials and analyzing coals, peats, lignites, and other fuel materials. The committee has made an appropriation of $50,000 and $100,000, respectively, for these purposes.

The present high prices of building materials, steel, and lumber have made it absolutely necessary for the people of the United States to find some cheap substitutes for these. Reinforced concrete seems to be the hope of the industrial classes of the United States that are engaged in building enterprises. There are immense deposits of sand and stone in the United States suitable for making cement, which will be used in this concrete. The testimony of the experts before the committee, particularly that of the Supervising Architect of the Treas-

ury and Professor Holmes, of the Geological Survey, has shown the immense value of this building material to the United States Government and the people generally; but it is necessary that science shall take some more steps before the business world shall follow and complete the investigation. There is no corporation, notwithstanding the marvelous extent of the resources of some, that is to-day fitted to conduct this experiment upon the large scale which is necessary for the final determination of the value of these materials. The Government alone is capable of doing it; and I trust, therefore, that the House will support the action of the committee and appropriate the $50,000 required for the further investigation of the structural materials of the United States.

The coal of this country is not being mined to the extent that it should be. Much of the coal is not taken from the mines at all. Much of that which is taken is not consumed. We are consuming only a small percentage of the heat units in coal. Science has taken hold of this problem. It is conducting experiments, it is finding ways to utilize more of the heat units of coal and to render available to commerce much of the coal which now remains in the mines, which is now thought to be commercially unprofitable to extract. It is necessary to conduct these analyses of coal and peat and lignite, of which there are large deposits in the United States, in order that later commerce may take advantage of the investigations which science has made and give to the people of the United States relief from the present high prices of fuel.

Now, in my remaining time, Mr. Chairman, I will call attention to some violations of the law by heads of Departments who are members of the Cabinet of the President. Three specific violations of the law were called to the attention of the committee. One of them has been narrated by the chairman of the committee, namely, the improper manner of handling the town-lot funds of Oklahoma by the Secretary of the Interior, Mr. Hitchcock, and it is not necessary for me to do more than briefly sketch that transaction.

Under the act of March 3, 1901, the Secretary of the Interior was given authority to sell town lots in the Territory of Oklahoma, and with the proceeds to construct roads, erect bridges, court-houses, jails, and other public buildings. Over $730,000 was realized from the sale of these town lots, and the public works mentioned were erected out of the sum. The course of the Secretary of the Interior in the collection and disbursement of the fund is marked by that high regard for honesty and economy for which he is justly distinguished. The committee recognized this fact, and therefore expressly disclaims any intention to reflect in the slightest degree upon his personal honor or integrity. The charge I make is that he violated the law in two important particulars. The money received was not paid into the United States Treasury as a part of the general fund of the Government, and no account of it was rendered to the Treasury Department. Section 9, clause 6, of the Constitution of the United States provides that—

> No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public moneys shall be published from time to time.

The object of this provision is to secure to the people of this country a proper statement upon the books of the Treasury Department of the receipts and expenditures of all public funds. The Secretary of the Treasury is required by law to render to Congress at each session a statement of his accounts showing the receipts and expenditures of all public moneys, and the law also requires him to report to Congress "such officers and administrative departments and offices of the Government as were, respectively, at any time during the last preceding fiscal year, delinquent in rendering or transmitting accounts to the proper offices in Washington and the cause therefor." (29 Stat. L., 179.)

Notwithstanding the law, the Secretary of the Interior failed to deposit the Oklahoma town-lot funds in the Treasury of the United States as part of the Government funds; he failed to render an account of receipts and expenditures to the Treasury, and the Secretary of the Treasury neglected his duty to report such delinquencies to Congress. The money in question was deposited in a subtreasury, at St. Louis, to the credit of the Secretary of the Interior and disbursed by him. The Secretary defends his course on the ground that the statute made the Oklahoma town-lot funds a special fund of which he was the trustee, and that he was therefore excused from depositing the money and accounting for the same in the regular manner provided by the Constitution and the laws. An examination of his testimony before the committee will convince every Member of the House that his defense is not tenable under a proper reading of the statute. Furthermore, it is certain that if the acts under consideration were committed by a dishonest Secretary instead of the honest Secretary we are dealing with, the most dangerous results might have followed. It would be much easier to misappropriate public funds under the practice established in this case than it would be if the money were paid into the Treasury to the credit of the United States, disbursed therefrom, properly audited by the Auditor for the Interior Department, and the whole accounted for in the regular manner to the Treasury Department. The regular system of accounting would quickly subject an attempted fraud to detection, for that system sets up the officers of one Department as a check upon the officers in another Department, and Congress then scrutinizes both Departments. Under the system established in the collection and disbursement of the Oklahoma town-lot funds the whole transaction was under the sole direction and control of the Secretary of the Interior from the beginning to the end, unrestrained and unexamined by the officials of any other Department of the Government or by Congress.

Another violation of the law, to my mind more flagrant and with far less excuse, was committed by the Secretary of Agriculture, Mr. Wilson.

On February 9, 1903, Congress passed an act authorizing the Secretary of Agriculture to construct a commodious and fireproof building for the accommodation of the Department of Agriculture, including all of its bureaus and offices now occupying rented quarters in the District of Columbia, and directed him to remove the present building upon the grounds of the Agricultural Department. The Secretary had previously asked Congress for $2,500,000, to be spent in the execution of a plan for the erection of all necessary buildings for his Department. Such a bill passed the Senate, but failed to pass the House, and in the next Congress the act was passed which I have mentioned, authorizing the expenditure of $1,500,000 as the total limit of cost. The Secretary is erecting two wings upon the Agricultural grounds, upon which will be spent the $1,500,000 which Congress clearly intended should house the entire forces of the Department of Agriculture. The Secretary admits that the building he is constructing will not accommodate the entire Department, but only the laboratories and the library, and that the remainder of his force, including the administrative force, will be obliged to remain in the old administration building, which the law expressly says should be removed. Now, the result of this proceeding is that Congress will be obliged at a later day to appropriate another million or a million five hundred thousand dollars to execute the plans which the Secretary of Agriculture had in mind from the beginning. It will be necessary to erect these additional buildings to accommodate the entire Department.

I went upon the grounds yesterday and saw these two wings there upon B street. I asked a common employee what was the plan for further buildings, and this wayfaring man told us that it was the intention to go across B street and erect two more wings, and subsequently to connect the four wings and make them one entire building, for the accommodation of the entire Department.

The Secretary of Agriculture came before the committee and said that he was not going to ask Congress for additional money, but the common laborer upon the grounds knows better. He knows the plan, and every Member of this House, if he reads the RECORD, will know that not only has the Secretary violated the law, but that he has violated it deliberately, and that he intended to violate it from the very beginning.

I insert here an extract from his testimony, which proves this proposition completely:

[Hearings on May 10, 1906.]

Mr. SULLIVAN. Did they not advise you that the construction of that law required you to build a building to take care of the administrative forces as well as the laboratories and the library?

Secretary WILSON. No; they did not talk along that line at all. I never had any such advice from them. But as regards the administrative feature, the administrators can go into the building now erected just as well as any other proposed occupants of the building.

Mr. SULLIVAN. If they do, what will you do with the laboratories?

Secretary WILSON. We will put the dangerous laboratories at one end and the library and the offices that have women, and so forth, at the other end. There will be plenty of room there for administrators; plenty of it.

Mr. SULLIVAN. Do you mean this, that you could take this building which you are constructing and so arrange matters that it would take care of the entire force of your Department?

Secretary WILSON. If I am not required to pull down the present old building, if the library is taken out of the building it occupies at present, we can use that and the brick building that accommodates the three bureaus.

Mr. SULLIVAN. Do you not understand that the act requires you to pull down those three buildings?

Secretary WILSON. Yes; but we have a growth.

Mr. SULLIVAN. Did not the act require you to arrange matters so that you would not have to pay any more rent?

Secretary WILSON. At that time, certainly; and if the Department had not grown we would not have had to pay more rent.

Mr. SULLIVAN. In consequence of that *the act will have to be violated in at least two particulars?*

Secretary WILSON. *Yes; it is an act impossible of execution in view of the requirements of the present date.* That is what the fact is. If I could have foreseen that the Department would have grown as rapidly as it has grown, I certainly would have come back to Congress and said: "Gentlemen, I can not meet the requirements of that act at all." But, estimating the number of feet we are getting with an expenditure of $1,500,000, we could accommodate the force we had at the time the act was passed.

Mr. SULLIVAN. If the Department head is authorized to construe an act for the authorization of a public building with reference to its present needs alone, is there any safety for Congress at the hands of an administrative officer?

Secretary WILSON. Do these other people do other than make a complete building? I had that in mind, pardon me, and arranged it so that Congress could without expense add to it.

Now, Mr. Chairman, I can fancy the Secretary of Agriculture gleefully chuckling when, later, Congress appropriates another million or two to execute the plan which he, and not Congress, had in mind. Perhaps the Secretary has acted wisely and perhaps the plan of Congress was a foolish one; but I deny the right of the head of an Executive Department to say to Congress: "The law which you have enacted is unwise, impracticable, unwarrantable, and therefore I shall be a law unto myself." [Applause on the Democratic side.]

Mr. KEIFER. Mr. Chairman, in this denunciation of the Secretary——

Mr. SULLIVAN of Massachusetts. Let us have the question and not a speech, if you please.

Mr. KEIFER. I want to know whether this Congress did not last year make an appropriation to continue the construction of these very buildings he is now condemning?

Mr. SULLIVAN of Massachusetts. Mr. Chairman, the Congress did, and the committee recommends it this year, and another committee will recommend it next year, and the Secretary of Agriculture knew that they would be obliged by the logic of events to execute his plan and not the plan of Congress. [Applause on the Democratic side.]

The committee felt that inasmuch as contracts had been awarded for the entire amount authorized by law, less the trifling amount of $7,000, it would be a great hardship upon the contractors, who had dealt with the Secretary in good faith, to refuse to appropriate sufficient money to carry on the work in the next fiscal year, and that it would be an additional hardship upon the taxpayers of the nation to leave an unfinished and consequently valueless structure upon their hands.

Mr. TAWNEY. Will my colleague permit a question?

Mr. SULLIVAN of Massachusetts. If you will extend my time.

Mr. TAWNEY. You stated that the present bill carried the appropriation just as it was in the current law.

Mr. SULLIVAN of Massachusetts. I was mistaken about that, for the money is given, though the language is changed. If it had been carried with the same language as last year, it would have given an implied sanction by the committee of the legality of the Secretary's procedure. The committee refused that sanction and deliberately changed the language of the appropriation, simply carrying the amount requested by the Secretary. There is not a member of the committee who considered the question who entertains the slightest doubt of the illegality of the Secretary's procedure from the very beginning.

Now, Mr. Chairman, perhaps the Secretary has acted wisely, as I have said, but is that the question for Congress? He is a member of this Republican Administration, he is a member of the President's official family. Whether he has had the sanction of the President in his violation of the law I am not prepared to state, for I do not know, and I believe that the Secretary is too loyal to his chief to tell the truth if the President has sanctioned that violation of the law. At all events the fact remains that a law of Congress has been deliberately violated by a Department head, and the question now is, What do you gentlemen of the majority, who are charged with the responsibility for legislation, propose to do with this executive officer who deliberately and contemptuously flouts the solemn mandate of Congress? [Applause on the Democratic side.]

If the President was not aware of this violation of law before, he is aware of it now. If he fails to call for the Secretary's resignation it will be because he advised this violation and does not dare to remove him. On the other hand, if he did not know of it before, he does now, and if he fails to call for his resignation it is because he himself has contempt for Congress and its laws, and therefore upholds a member of his official family who expresses that contempt for Congress and its laws. [Applause on the Democratic side.]

The third violation is not without an extenuating feature. It has at least the merit of being frankly acknowledged by the officer in question. Mr. Commissioner of Immigration Sargent, who is a plain, blunt, honest man, and scorns all subterfuge, told us that he was violating the Chinese-exclusion law. So that there may be no misapprehension of his statement or its effect, I will read briefly from his testimony before the committee.

The chairman asked him if his estimates for the enforcement of the Chinese-exclusion law did not carry $100,000 less than in the previous year.

He replied that it did. Upon being questioned as to the reason for the decrease, he made the statement that the Chinese-exclusion law was not being enforced at the present time, and that it was the intention of this Administration not to enforce it. This is his statement:

As you will see, February shows a good deal less expenditure in 1906, as compared with 1905, because we are returning few Chinese to China.

Question. That is, they are not violating the law as much as before?

Mr. SARGENT. *No, sir; we were instructed not to make arrests of the Chinese found unlawfully in this country.*

Question. The law is not enforced so rigidly?

Mr. SARGENT. We are not doing so active a business as we were a few months ago.

Question. *From whom did you receive the instructions not to enforce the law?*

Now, mark the answer:

Mr. SARGENT. *I received the instructions from the head of my Department, the Secretary of the Department of Commerce and Labor.* He said that during this agitation about the boycott in China he thought it would be unwise to make the arrests, as we had been previously doing, of Chinamen found unlawfully in this country, and of course I always obey instructions. We were expected under the law to take into custody those who had been here unlawfully, and that was what I was doing.

Now, the money spent and estimated to be spent for the fiscal year 1906 is $134,000 less than the preceding year, and this $134,000 does not adequately express the proposed laxity in the enforcement of the law, for Mr. Sargent made it plain by his testimony that all they were doing was maintaining the force without keeping that force busy in their duties. He made this statement:

Comparing the month of February, 1905, with February, 1906, our expenditures were in the former $62,609 and in the later $28,683. Now, in February, 1905, we had a large deportation, while now we are deporting scarcely any, so that our expenditures at the present moment are what might be termed merely the running expenses, maintaining the service, paying the salaries and incidental expenses of the Chinese service, with very few returning to China, for which, of course, the larger amount of the fund is used.

Now, gentlemen, what folly it is to maintain such a law upon the statute books if the administrative officers of the Government are determined not to enforce it. What folly it is to expend nearly $400,000 for the maintenance of this branch of the service, when the head of the Department solemnly informs Congress that he has received instructions, which he intends to obey, that he shall not deport another Chinaman, that he shall not execute the law which the money is to be appropriated for.

I do not undertake to say here whether this law is a wise one or an unwise one. That is not a question for the executive branch nor for the judicial branch, but solely a question for the legislative branch of the Government. If Congress believes the Chinese-exclusion law ought to be repealed, then let Congress in its dignity repeal the law and save the people's money. But if Congress believes that the law ought to be executed as all laws ought to be executed, according to their intent, then let us insist that the money shall be spent, not in the maintenance of a useless bureau, but in the most diligent execution of that law. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TAWNEY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has ten minutes.

Mr. TAWNEY. I will yield three minutes more to the gentleman from Massachusetts.

Mr. SULLIVAN of Massachusetts. Three minutes will be sufficient. Now, Mr. Chairman, I do not think it is material to inquire the reason for this violation of the law. The fact is that it was violated. We all remember that there was a boycott in China upon American goods, and great pressure was brought to bear on the President and the officers of his Cabinet to relax the law so as to increase the exports of American goods to China.

I know that manufacturers from my section of the country clamored for a restoration of the conditions which would maintain unimpaired the volume of exports of textiles to China. I know that later the Department of Commerce and Labor ceased to execute the Chinese deportation law. I do not know whether the failure to execute the law was the result of a bargain between the President of the United States and the Chinese ambassador, but I know that the boycott existed in China and the boycott has ceased; that the exclusion law here was being enforced and that the law now is not being enforced. Whether

these are merely coincidences totally unrelated to each other is a question I leave to the judgment of the House. But the House ought not, if a bargain was made, to ratify such a bargain by leaving unpunished an executive officer of the Government—the Secretary of the Department of Commerce and Labor—who has willfully violated a law enacted by this body. Now, nothing has become more familiar to us than that ours is a government of laws and not of men. If we are to maintain a government of laws, we must stand vigilantly by the laws, or else a government of men will succeed and a despotism will ensue.

To prevent a government of laws from lapsing into a government of men unrestrained by law, it is necessary to exert constant vigilance. If some infractions of the law are allowed to go unpunished, a contempt for all laws will be bred that will eventually subvert the Government itself. This subversion is inevitable if violations of law are continued, whether they are committed by persons in humble walks of life or by those higher in the scale of society. Swiftly and certainly will that government proceed toward ruin wherein those appointed to execute the laws are themselves guilty of its violation. It is therefore in the interest of good government to call attention to a public official's neglect of a duty imposed by law to the end that even though the law's penalty be not visited upon him because of the indulgence of his party associates who enjoy political power, yet the force of public opinion will restrain him from similar breaches in the future.

The Secretary of Agriculture must not say to Congress, "Your law is folly, and therefore I shall do as I please, regardless of the law." The Secretary of the Interior must not say, "Your method of rendering accounts provided by the Constitution and the laws is not a practicable one, and therefore I shall deposit the money and account for it as I please." The Secretary of Commerce and Labor must not say, "The enforcement of the Chinese-exclusion law means the diminution of exports of cotton goods to China, and as trade is superior to law I will violate the law and restore the trade." Above all, the President of the United States, who is sworn to execute all the laws of Congress, ought not to remain idle now that these deliberate violations of the law by members of his own Cabinet are thus formally and publicly called to his attention. [Applause on the Democratic side.]

Mr. BRUNDIDGE rose.

Mr. TAWNEY. Mr. Chairman, I desire to say just one word in reply to the gentleman from Massachusetts [Mr. SULLIVAN]. The gentleman from Massachusetts stated at the outset of his speech that the purpose of closing debate was because the Republican side of the House feared the effect of a speech which the gentleman from Illinois [Mr. RAINEY] was to make in general debate. I presume this speech was to be upon the now famous subject of watches. The gentleman from Massachusetts [Mr. SULLIVAN] magnifies the importance of the gentleman from Illinois [Mr. RAINEY]. There is nobody on this side, either individually or collectively, who are quaking in their boots for fear of any speech that the gentleman from Illinois might make. We have withstood one speech from that gentleman of three hours on the subject of watches, and, notwithstanding the strain, we are capable of enduring a similar affliction. There was no secret meeting anywhere last night, or at any other time, as he claims, to prevent him from making a speech. I want to say also that in attempting to close general debate I have had to deny a request for time to a gentleman from Illinois [Mr. BOUTELL] on this side of the House, who requested three hours' time to discuss the subject which the gentleman from Illinois [Mr. RAINEY] has heretofore discussed, namely, the subject of timepieces.

Mr. Chairman, I move that the committee do now rise.

Mr. BRUNDIDGE. Mr. Chairman, I hope the gentleman will not make that motion just now, in view of the fact that this is a record bill, and also of the fact that as a member of the committee there are some matters in the bill which I desire to discuss. I do not want to discuss it under the five-minute rule, because I will not have the time. I will say to the gentleman now——

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman that when the item in which he is interested and which he desires to discuss is reached under the five-minute rule, he will have ample time to discuss it, even if he should desire as much as forty or fifty minutes. I know the subject to which the gentleman has reference, and the subject can be discussed when it is reached, I think, more pertinently than now. My purpose now is to get at the consideration of the bill under the five-minute rule in order that we may expedite its passage through the House. There will be no attempt upon my part or upon the part of any other Members of the House, so far as I know, to prevent the gentleman from discussing the subject which he has in mind.

Mr. BRUNDIDGE. Mr. Chairman, I appreciate the fact that the gentleman from Minnesota [Mr. TAWNEY] is anxious to get to the bill, and I have no desire to delay it, but I desire to explain to the gentleman that in all probability it will be utterly impossible for me to be in the House to-morrow.

Mr. TAWNEY. Oh, Mr. Chairman, the item which the gentleman has in mind will not be reached to-morrow, and it is doubtful whether it will be reached the day after.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] has moved that the committee do now rise.

Mr. BRUNDIDGE rose.

Mr. TAWNEY. Mr. Chairman, I have no time to yield, for if I yield the floor now, then, of course, I shall have no opportunity of further taking the floor.

Mr. BRUNDIDGE. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for thirty minutes.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that he may be permitted to proceed for thirty minutes. The gentleman from Minnesota [Mr. TAWNEY] objects by moving that the committee do now rise. The question is on the motion of the gentleman from Minnesota that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SULLIVAN of Massachusetts and Mr. WILLIAMS) there were—ayes 196, noes 53.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Massachusetts [Mr. SULLIVAN] tellers.

The House again divided; and the tellers reported—ayes 102, noes 57.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19844—the sundry civil appropriation bill—and had come to no resolution thereon.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19844—the sundry civil appropriation bill; and, pending that motion, I move that all general debate on the bill be now closed, and on that motion I demand the previous question.

The SPEAKER. The gentleman from Minnesota moves that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill; and, pending that motion, he moves that all general debate in the committee be closed. Upon that motion the gentleman from Minnesota demands the previous question. The question is on ordering the previous question.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I will ask the gentleman to withhold the previous question for a while.

The SPEAKER. But the previous question is not debatable.

Mr. TAWNEY. Mr. Speaker, I shall have to insist upon the question being taken upon my motion.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 140, noes 73.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 77, answered "present" 19, not voting 135, as follows:

YEAS—149.

Alexander	Campbell, Ohio	Driscoll	Hamilton
Allen, N. J.	Capron	Dunwell	Haugen
Ames	Chaney	Dwight	Hayes
Bannon	Chapman	Edwards	Hedge
Barchfeld	Cocks	Ellis	Henry, Conn.
Bede	Cole	Esch	Hermann
Beidler	Conner	Fletcher	Hill, Conn.
Birdsall	Cousins	Foss	Hinshaw
Bishop	Cromer	Foster, Ind.	Hogg
Bonynge	Crumpacker	Foster, Vt.	Howell, N. J.
Bowersock	Curtis	Fowler	Hubbard
Bradley	Cushman	Fulkerson	Hull
Brick	Dalzell	Fuller	Humphrey, Wash.
Brooks, Colo.	Darragh	Gaines, W. Va.	Jenkins
Brown	Davidson	Gardner, Mass.	Jones, Wash.
Brownlow	Davis, Minn.	Gardner, Mich.	Kahn
Buckman	Dawes	Gardner, N. J.	Keifer
Burton, Del.	Dawson	Gilbert, Ind.	Kennedy, Nebr.
Burton, Ohio	Denby	Gillett, Cal.	Kennedy, Ohio
Butler, Pa.	Dixon, Mont.	Goebel	Klepper
Campbell, Kans.	Draper	Graham	Knopf

Knowland	McMorran	Rives	Taylor, Ohio
Lacey	Mann	Roberts	Tirrell
Landis, Chas. B.	Miller	Rodenberg	Townsend
Landis, Frederick	Moon, Pa.	Scott	Volstead
Law	Mudd	Shartell	Vreeland
Lawrence	Murdock	Sibley	Waldo
Lilley, Conn.	Needham	Smith, Cal.	Wanger
Loud	Nevin	Smith, Ill.	Watson
Loudenslager	Norris	Smith, Iowa	Weems
McCarthy	Olcott	Smyser	Wharton
McCleary, Minn.	Overstreet	Southwick	Wilson
McCreary, Pa.	Payne	Sperry	Wood, N. J.
McGavin	Pollard	Stafford	Woodyard
McKinlay, Cal.	Powers	Sterling	Young
McKinley, Ill.	Prince	Stevens, Minn.	
McKinney	Reeder	Sulloway	
McLachlan	Rhodes	Tawney	

NAYS—77.

Adamson	Glass	Macon	Slayden
Bartlett	Goldfogle	Maynard	Smith, Ky.
Beall, Tex.	Goulden	Moon, Tenn.	Smith, Md.
Bell, Ga.	Granger	Moore	Smith, Tex.
Bowers	Hay	Padgett	Southall
Broussard	Heflin	Page	Spight
Brundidge	Henry, Tex.	Patterson, S. C.	Sullivan, Mass.
Burgess	Houston	Pou	Sulzer
Burleson	Howard	Rainey	Towne
Burnett	Hunt	Ransdell, La.	Trimble
Candler	James	Rhinock	Underwood
Clayton	Keliher	Richardson, Ala.	Wallace
Cockran	Lamar	Robinson, Ark.	Watkins
Davis, W. Va.	Lamb	Rucker	Webb
De Armond	Lee	Russell	Williams
Fitzgerald	Lindsay	Ryan	Wood, Mo.
Floyd	Livingston	Shackleford	Zenor
Gaines, Tenn.	Lloyd	Sheppard	
Garner	McLain	Sherley	
Gillespie	McNary	Sims	

ANSWERED "PRESENT"—19

Andrus	Graff	Kitchin, Wm. W.	Murphy
Bennet, N. Y.	Greene	Kline	Robertson, La.
Boutell	Grosvenor	Le Fevre	Sherman
Cooper, Wis.	Hardwick	Lever	Small
Currier	Haskins	Mouser	

NOT VOTING—135.

Acheson	Field	Lafean	Reynolds
Adams	Finley	Legare	Richardson, Ky.
Aiken	Flack	Lester	Rixey
Allen, Me.	Flood	Lewis	Ruppert
Babcock	Fordney	Lilley, Pa.	Samuel
Bankhead	French	Littauer	Schneebeli
Bartholdt	Garber	Little	Scroggy
Bates	Garrett	Littlefield	Slemp
Bennett, Ky.	Gilbert, Ky.	Longworth	Smith, Samuel W.
Bingham	Gill	Lorimer	Smith, Wm. Alden
Blackburn	Gillett, Mass.	Lovering	Smith, Pa.
Bowie	Gregg	McCall	Snapp
Brantley	Griggs	McDermott	Southard
Broocks, Tex.	Gronna	Madden	Sparkman
Burke, Pa.	Gudger	Mahon	Stanley
Burke, S. Dak.	Hale	Marshall	Steenerson
Burleigh	Hearst	Martin	Stephens, Tex.
Butler, Tenn.	Hepburn	Meyer	Sullivan, N. Y.
Byrd	Higgins	Michalek	Talbott
Calder	Hill, Miss.	Minor	Taylor, Ala.
Calderhead	Hitt	Mondell	Thomas, N. C.
Cassel	Hoar	Morrell	Thomas, Ohio
Clark, Fla.	Holliday	Olmsted	Tyndall
Clark, Mo.	Hopkins	Otjen	Van Duzer
Cooper, Pa.	Howell, Utah	Palmer	Van Winkle
Dale	Huff	Parker	Wachter
Davey, La.	Hughes	Parsons	Wadsworth
Deemer	Humphreys, Miss.	Patterson, N. C.	Webber
Dickson, Ill.	Johnson	Patterson, Tenn.	Weeks
Dixon, Ind.	Jones, Va.	Pearre	Weisse
Dovener	Ketcham	Perkins	Welborn
Dresser	Kinkaid	Pujo	Wiley, Ala.
Ellerbe	Kitchin, Claude	Randell, Tex.	Wiley, N. J.
Fassett	Knapp	Reid	

So the previous question was ordered.

The Clerk announced the following pairs:

For the vote:

Mr. BABCOCK with Mr. BUTLER of Tennessee.

Until further notice:

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. BENNETT of Kentucky with Mr. HOPKINS.

Mr. DALE with Mr. BOWIE.

Mr. DEEMER with Mr. KLINE.

Mr. DOVENER with Mr. SPARKMAN.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. GRONNA with Mr. HILL of Mississippi.

Mr. HASKINS with Mr. LEVER.

Mr. HITT with Mr. LEGARE.

Mr. HOLLIDAY with Mr. WILEY of Alabama.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. KETCHAM with Mr. MCDERMOTT.

Mr. KNOPF with Mr. WEISSE.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. PEARRE with Mr. DIXON of Indiana.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. WEEKS with Mr. STANLEY.

Mr. WELBORN with Mr. GUDGER.

For the day:

Mr. ACHESON with Mr. BRANTLEY.

Mr. ADAMS with Mr. GREGG.

Mr. ALLEN of Maine with Mr. JOHNSON.

Mr. BINGHAM with Mr. BYRD.

Mr. BLACKBURN with Mr. SMALL.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BURLEIGH with Mr. DAVEY of Louisiana.

Mr. CALDER with Mr. JONES of Virginia.

Mr. CALDERHEAD with Mr. CLARK of Florida.

Mr. CASSEL with Mr. GARBER.

Mr. COOPER of Pennsylvania with Mr. ELLERBE.

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

Mr. FASSETT with Mr. HEARST.

Mr. FRENCH with Mr. GILL.

Mr. GILLETT of Massachusetts with Mr. MEYER.

Mr. GROSVENOR with Mr. CLARK of Missouri.

Mr. HEPBURN with Mr. LESTER.

Mr. HUFF with Mr. AIKEN.

Mr. KNAPP with Mr. RANDELL of Texas.

Mr. LITTAUER with Mr. TAYLOR of Alabama.

Mr. LITTLEFIELD with Mr. RICHARDSON of Kentucky.

Mr. LONGWORTH with Mr. PUJO.

Mr. LOVERING with Mr. LITTLE.

Mr. MAHON with Mr. STEPHENS of Texas.

Mr. MINOR with Mr. BANKHEAD.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. PALMER with Mr. HUMPHREYS of Mississippi.

Mr. PARSONS with Mr. LEWIS.

Mr. REYNOLDS with Mr. REID.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. SAMUEL W. SMITH with Mr. RIXEY.

Mr. WM. ALDEN SMITH with Mr. BROOCKS of Texas.

Mr. TYNDALL with Mr. VAN DUZER.

Mr. WACHTER with Mr. TALBOTT.

Mr. WILEY of New Jersey with Mr. FIELD.

Until June 10, 1906:

Mr. OLMSTED with Mr. FLOOD.

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. MOUSER with Mr. GARRETT.

Mr. SHERMAN with Mr. RUPPERT.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the motion that general debate be now closed.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The House divided; and there were—ayes 146, noes 65.

Mr. WILLIAMS. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 74, answered "present" 17, not voting 139, as follows:

YEAS—150.

Adams	Davis, Minn.	Hubbard	Norris
Alexander	Dawes	Hull	Olcott
Allen, N. J.	Dawson	Humphrey, Wash.	Overstreet
Ames	Denby	Jenkins	Payne
Babcock	Dixon, Mont.	Jones, Wash.	Pollard
Bannon	Draper	Kahn	Powers
Bartholdt	Driscoll	Keifer	Prince
Beidler	Dunwell	Kennedy, Ohio	Reeder
Bennet, N. Y.	Dwight	Klepper	Rhodes
Birdsall	Edwards	Knopf	Scott
Bishop	Ellis	Lacey	Sibley
Bonynge	Esch	Landis, Chas. B.	Slemp
Bowersock	Fletcher	Landis, Frederick	Smith, Ill.
Bradley	Foss	Law	Smith, Iowa
Brick	Foster, Ind.	Lawrence	Smyser
Brooks, Colo.	Foster, Vt.	Lilley, Conn.	Southwick
Brown	Fowler	Lorimer	Sperry
Brownlow	French	Loud	Stafford
Buckman	Fulkerson	Loudenslager	Sterling
Burton, Del.	Fuller	Lovering	Stevens, Minn.
Burton, Ohio	Gaines, W. Va.	McCarthy	Sulloway
Butler, Pa.	Gardner, Mass.	McCleary, Minn.	Tawney
Campbell, Kans.	Gardner, Mich.	McCreary, Pa.	Taylor, Ohio
Campbell, Ohio	Gardner, N. J.	McGavin	Tirrell
Capron	Goebel	McKinlay, Cal.	Townsend
Chaney	Graham	McKinley, Ill.	Volstead
Chapman	Hamilton	McKinney	Vreeland
Cocks	Haugen	McLachlan	Wachter
Cole	Hedge	McMorran	Wanger
Conner	Henry, Conn.	Madden	Watson
Cousins	Hepburn	Mann	Weems
Cromer	Hermann	Miller	Wharton
Crumpacker	Higgins	Mondell	Wilson
Curtis	Hill, Conn.	Moon, Pa.	Wood, N. J.
Cushman	Hinshaw	Mudd	Woodyard
Dalzell	Hoar	Murdock	Young
Darragh	Hogg	Needham	
Davidson	Howell, N. J.	Nevin	

NAYS—74.

Adamson	Glass	McLain	Slayden
Bartlett	Goldfogle	McNary	Smith, Ky.
Beall, Tex.	Goulden	Macon	Smith, Md.
Bell, Ga.	Granger	Moon, Tenn.	Smith, Tex.
Bowers	Gregg	Padgett	Southall
Brundidge	Hay	Page	Spight
Burleson	Heflin	Patterson, S. C.	Sullivan, Mass.
Burnett	Henry, Tex.	Pou	Sulzer
Candler	Houston	Rainey	Towne
Clayton	Howard	Ransdell, La.	Trimble
Cockran	Hunt	Rhinock	Underwood
Davey, La.	James	Robinson, Ark.	Wallace
Davis, W. Va.	Keliher	Rucker	Watkins
De Armond	Lamar	Russell	Webb
Fitzgerald	Lamb	Ryan	Williams
Floyd	Lee	Shackleford	Wood, Mo.
Gaines, Tenn.	Lindsay	Sheppard	Zenor
Garner	Livingston	Sherley	
Gillespie	Lloyd	Sims	

ANSWERED "PRESENT"—17.

Andrus	Graff	Kline	Small
Boutell	Grosvenor	Le Fevre	Weeks
Bowie	Hardwick	Lever	
Cooper, Wis.	Haskins	Mouser	
Currier	Kitchin, Wm. W.	Richardson, Ky.	

NOT VOTING—139.

Acheson	Flack	Lester	Roberts
Aiken	Flood	Lewis	Robertson, La.
Allen, Me.	Fordney	Lilley, Pa.	Rodenberg
Bankhead	Garber	Littauer	Ruppert
Barchfeld	Garrett	Little	Samuel
Bates	Gilbert, Ind.	Littlefield	Schneebeli
Bede	Gilbert, Ky.	Longworth	Scroggy
Bennett, Ky.	Gill	McCall	Shartel
Bingham	Gillett, Cal.	McDermott	Sherman
Blackburn	Gillett, Mass.	Mahon	Smith, Cal.
Brantley	Greene	Marshall	Smith, Samuel W.
Broocks, Tex.	Griggs	Martin	Smith, Wm. Alden
Broussard	Gronna	Maynard	Smith, Pa.
Burgess	Gudger	Meyer	Snapp
Burke, Pa.	Hale	Michalek	Southard
Burke, S. Dak.	Hayes	Minor	Sparkman
Burleigh	Hearst	Moore	Stanley
Butler, Tenn.	Hill, Miss.	Morrell	Steenerson
Byrd	Hitt	Murphy	Stephens, Tex.
Calder	Holliday	Olmsted	Sullivan, N. Y.
Calderhead	Hopkins	Otjen	Talbott
Cassel	Howell, Utah	Palmer	Taylor, Ala.
Clark, Fla.	Huff	Parker	Thomas, N. C.
Clark, Mo.	Hughes	Parsons	Thomas, Ohio
Cooper, Pa.	Humphreys, Miss.	Patterson, N. C.	Tyndall
Dale	Johnson	Patterson, Tenn.	Van Duzer
Deemer	Jones, Va.	Pearre	Van Winkle
Dickson, Ill.	Kennedy, Nebr.	Perkins	Wadsworth
Dixon, Ind.	Ketcham	Pujo	Waldo
Dovener	Kinkaid	Randell, Tex.	Webber
Dresser	Kitchin, Claude	Reid	Weisse
Ellerbe	Knapp	Reynolds	Welborn
Fassett	Knowland	Richardson, Ala.	Wiley, Ala.
Field	Lafean	Rives	Wiley, N. J.
Finley	Legare	Rixey	

So the motion was agreed to.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on going into Committee of the Whole.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 143, noes 52.

Mr. WILLIAMS. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 75, answered "present" 14, not voting 156, as follows:

YEAS—135.

Adams	Cromer	Hayes	McKinney
Alexander	Crumpacker	Hedge	McLachlan
Allen, N. J.	Cushman	Hermann	McMorran
Ames	Dalzell	Higgins	Mann
Babcock	Darragh	Hinshaw	Miller
Bannon	Davidson	Hoar	Moon, Pa.
Bede	Dawes	Howell, N. J.	Needham
Beidler	Dawson	Hull	Nevin
Bennet, N. Y.	Denby	Humphrey, Wash.	Norris
Birdsall	Draper	Jenkins	Olcott
Bishop	Dunwell	Jones, Wash.	Overstreet
Bonynge	Dwight	Kahn	Payne
Bowersock	Edwards	Keifer	Pollard
Bradley	Ellis	Kennedy, Ohio	Powers
Brick	Esch	Klepper	Prince
Brown	Foss	Knopf	Reeder
Brownlow	Foster, Ind.	Knowland	Rhodes
Buckman	Foster, Vt.	Lacey	Rives
Burton, Del.	Fowler	Landis, Chas. B.	Rodenberg
Burton, Ohio	French	Landis, Frederick	Shartel
Butler, Pa.	Fuller	Law	Sibley
Campbell, Kans.	Gaines, W. Va.	Lawrence	Slemp
Campbell, Ohio	Gardner, Mass.	Lilley, Conn.	Smith, Cal.
Capron	Gardner, Mich.	Loud	Smith, Iowa
Chaney	Gardner, N. J.	Loudenslager	Smyser
Chapman	Gillett, Cal.	Lovering	Southwick
Cocks	Goebel	McCleary, Minn.	Sperry
Cole	Graham	McCreary, Pa.	Stafford
Conner	Hamilton	McGavin	Sterling
Cousins	Haugen	McKinley, Ill.	Stevens, Minn.
Sulloway	Volstead	Watson	Wood, N. J.
Tawney	Vreeland	Weems	Woodyard
Tirrell	Wachter	Wharton	Young
Townsend	Wanger	Wilson	

NAYS—75.

Adamson	Gaines, Tenn.	Lloyd	Sheppard
Bartlett	Garner	McLain	Sherley
Beall, Tex.	Gillespie	McNary	Sims
Bell, Ga.	Glass	Macon	Slayden
Bowers	Goulden	Moon, Tenn.	Smith, Ky.
Broussard	Granger	Moore	Smith, Tex.
Brundidge	Gregg	Padgett	Southall
Burleson	Hay	Page	Spight
Burnett	Heflin	Patterson, S. C.	Sullivan, Mass.
Butler, Tenn.	Henry, Tex.	Pou	Sulzer
Candler	Houston	Rainey	Towne
Clark, Fla.	Howard	Ransdell, La.	Underwood
Clayton	Hunt	Rhinock	Wallace
Cockran	James	Richardson, Ala.	Watkins
Davey, La.	Keliher	Robinson, Ark.	Webb
Davis, W. Va.	Lamar	Rucker	Williams
De Armond	Lee	Russell	Wood, Mo.
Fitzgerald	Lindsay	Ryan	Zenor
Floyd	Livingston	Shackleford	

ANSWERED "PRESENT"—14.

Andrus	Grosvenor	Kline	Small
Boutell	Hardwick	Le Fevre	Sparkman
Cooper, Wis.	Johnson	Richardson, Ky.	
Greene	Kitchin, Wm. W.	Robertson, La.	

NOT VOTING—156.

Acheson	Flack	Lamb	Randell, Tex.
Aiken	Fletcher	Legare	Reid
Allen, Me.	Flood	Lester	Reynolds
Bankhead	Fordney	Lever	Rixey
Barchfeld	Fulkerson	Lewis	Roberts
Bartholdt	Garber	Lilley, Pa.	Ruppert
Bates	Garrett	Littauer	Samuel
Bennett, Ky.	Gilbert, Ind.	Little	Schneebeli
Bingham	Gilbert, Ky.	Littlefield	Scott
Blackburn	Gill	Longworth	Scroggy
Bowie	Gillett, Mass.	Lorimer	Sherman
Brantley	Goldfogle	McCall	Smith, Ill.
Broocks, Tex.	Graff	McCarthy	Smith, Md.
Brooks, Colo.	Griggs	McDermott	Smith, Samuel W.
Burgess	Gronna	McKinlay, Cal.	Smith, Wm. Alden
Burke, Pa.	Gudger	Madden	Smith, Pa.
Burke, S. Dak.	Hale	Mahon	Snapp
Burleigh	Haskins	Marshall	Southard
Byrd	Hearst	Martin	Stanley
Calder	Henry, Conn.	Maynard	Steenerson
Calderhead	Hepburn	Meyer	Stephens, Tex.
Cassel	Hill, Conn.	Michalek	Sullivan, N. Y.
Clark, Mo.	Hill, Miss.	Minor	Talbott
Cooper, Pa.	Hitt	Mondell	Taylor, Ala.
Currier	Hogg	Morrell	Taylor, Ohio
Curtis	Holliday	Mouser	Thomas, N. C.
Dale	Hopkins	Mudd	Thomas, Ohio
Davis, Minn.	Howell, Utah	Murdock	Trimble
Deemer	Hubbard	Murphy	Tyndall
Dickson, Ill.	Huff	Olmsted	Van Duzer
Dixon, Ind.	Hughes	Otjen	Van Winkle
Dixon, Mont.	Humphreys, Miss.	Palmer	Wadsworth
Dovener	Jones, Va.	Parker	Waldo
Dresser	Kennedy, Nebr.	Parsons	Webber
Driscoll	Ketcham	Patterson, N. C.	Weeks
Ellerbe	Kinkaid	Patterson, Tenn.	Weisse
Fassett	Kitchin, Claude	Pearre	Welborn
Field	Knapp	Perkins	Wiley, Ala.
Finley	Lafean	Pujo	Wiley, N. J.

So the motion was agreed to.

The Clerk announced the following additional pair:

On this vote:

Mr. FLACK with Mr. TRIMBLE.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. WATSON in the chair.

The CHAIRMAN. The clerk will report the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled——

Mr. ADAMSON. Mr. Chairman, I move to strike out the enacting clause for the purpose of making a request. I have stated to the champions in debate, my friend from Minnesota [Mr. TAWNEY] and my friend from Massachusetts [Mr. SULLIVAN]——

Mr. TAWNEY. Can not the gentleman allow the first paragraph of the bill to be read?

Mr. ADAMSON. The Clerk has read the enacting clause, and I thought a motion to strike it out would be a good motion upon which to predicate my request.

The CHAIRMAN. The first paragraph must be read before the gentleman can make the motion to strike out the enacting clause.

The Clerk read as follows:

That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June 30, 1907, namely.

Mr. ADAMSON. Mr. Chairman, I have spoken to my friend from Minnesota [Mr. TAWNEY], the chairman of the committee,

and my friend from Massachusetts [Mr. SULLIVAN] in charge of the minority and have given them the reason for my request. I desire to talk about this bill, and I expect possibly to be called away from the city after to-day.

The CHAIRMAN. Does the gentleman make a motion to strike out the enacting clause?

Mr. ADAMSON. Yes.

The CHAIRMAN. The gentleman is entitled to five minutes.

Mr. TAWNEY. I suggest to the gentleman from Georgia that he substitute a motion to strike out the last word.

Mr. ADAMSON. In view of the disastrous consequences that might result from the prevalence of the first motion I yield to the importunities of my friend and move to strike out the last word.

The CHAIRMAN. The gentleman withdraws the other motion to strike out the enacting clause?

Mr. ADAMSON. Yes.

The CHAIRMAN. The gentleman now moves to strike out the last word, and is entitled to five minutes.

Mr. ADAMSON. Now, I ask unanimous consent that I may be allowed to proceed for fifteen minutes. I do not expect to take that much time, but if necessary I should like to have that long. I do not care to talk about this section of the bill, but about the bill.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed without interruption for fifteen minutes. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, in the outset I wish to congratulate my distinguished friend from Minnesota [Mr. TAWNEY], the chairman of the Committee on Appropriations, and his colaborers on that committee, on the spirit of economy manifested by them. This spirit of economy extends not only to money, but the chairman of the committee adopts the threadworn theory that time is money, and he economizes as to time, and he deliberately sticks a peg and limits himself to one hour, and then says, "I can not yield, because my time is limited," when he himself deliberately placed the limit which prevented him from yielding time which otherwise would have been his own.

I love economy. Especially do I love to see a sane moment on that subject among my friends on the other side of the aisle. But there is economy and there is economy. There is extravagance on one extreme and there is parsimony on the other. This great committee, Mr. Chairman, is charged with looking after the maintenance of the affairs of the Republic, only one other committee supplementing its efforts—the Committee on the Post-Office and Post-Roads, which looks to the necessary communication between individuals and sections of the country. Neither of these committees is expected to raise revenue, nor starve the industries and institutions of the country through parsimoney. Every other committee of this House may more properly urge the doctrine of economy. It is always and everywhere proper to urge the doctrine of honesty and the exclusion of graft; but when it comes to the two great committees which are to dispense the household funds in such a way as to maintain the Republic, or the family, in decency and efficiency that is the time to study practicality, to study efficiency, to study how to spend money to do the most good and how to make the wheels of government revolve in efficiency and security, and the resources and conditions of the family improve.

But if any provide not for his own, and especially for those of his own house, he hath denied the faith, and is worse than an infidel.

I am not denouncing my good friend the chairman of the Committee on Appropriations, but I am simply giving him warning of what may be in store for him in the way of denunciation if his committee pushes that doctrine of economy too far.

There is that scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty.

What we want the great appropriation committees to do is to be honest, but to provide for the efficient management of the affairs of this Republic, and supply everything that will benefit the people.

Now, there are two or three items in this bill which I desire to mention. I have not given great care to all the provisions of the bill. My attention has been called to one in regard to printing. They propose to save money in order to make reputations for economy in a committee which ought to make reputations for efficiency and honesty only. They propose to deprive the great Departments of this Government of doing the printing which they can do conveniently, expeditiously, without trouble, which would be disastrous to the Departments of the War and the Navy, and would cause them more trouble, delay, and inconvenience than the entire amount of money expended. It is the old folly of saving at the spigot and spending at the bung.

In the Geological Survey the very first item they strike is an item for topographical surveys. This House last year, by an overwhelming majority, increased the appropriation over the amount recommended by the committee, $300,000, making it $350,000. This year the committee, forgetful of what occurred one year ago, forgetful that the House is not here to tear down the Geological Survey, but to build it up, forgetful of the increase of $50,000 last year, which ought to justify at least an increase of another $50,000 to-day, have undone the work of last year and reported the old amount of $300,000. I should like the celebrated economists on that committee to inform the House what use they think it is for us to increase by $50,000, if they are coming along in their spasm of economy and destroying the benefit by reducing the appropriation to the first amount. Any old stingireen can make a reputation for economy if he will starve himself and his family and dress and live niggardly. This is too great a country for that. We have a right, our citizens have a right to the full services of the efficient corps now organized in the Geological Survey to extend the quadrangles that have covered as yet only a portion of our country. The same difficulty occurs in four or five other divisions in these operations. The measurements of streams, which are important in a thousand ways, have been once or twice put back entirely into the bill, when the Committee on Appropriations had left it out entirely. On two occasions, when the committee reported only $100,000, we have, by tremendous majorities, increased the amount to $200,000; but the economical committee, making a reputation by starving the country, in order to save a few dollars that ought to have been saved somewhere else, cut down the amount again to $100,000.

The same is true as to the preparation of the report on mineral surveys, and as to every division in that Department. Now, I do not know whether these statesmen on that committee expect a deficit in the Treasury, and endeavoring to save it by denying necessaries to the people, had heard that the Committee on Buildings and Grounds contemplated authorizing a building for the Geological Survey and accordingly cut this down to recoup or not, but I am here to say and every official of that Department will say they would rather work out doors and continue to do this work than to be deprived of the means of advancing the interests of the people by their researches and the excellent work of this splendid corps. If they must give up one, they would prefer to give up the building. If the Committee on Appropriations can afford to straggle by and look at that eyesore of a building in which this work is being done, the servants of the public would rather work there indefinitely than lose the means of carrying on their work.

Now, Mr. Chairman, there is another good and unanswerable reason why the items in the building should be increased. They have a magnificent force of excellent men, equipped with brains and experience and the necessary instruments to carry on all the branches of the work in the Geological Survey. It is necessary that that organization should be kept intact. If you cut the appropriations by proposed reduction to $360,000 at this time, you disband and destroy their efficient organization, and whenever the committee determines it will be economical somewhere else and that it will give this Department a chance to catch up, it will take years to reassemble and reorganize the force in its present efficiency. It is unwise, it is not economical, it is wasteful to cut down this appropriation in this way. I will not say it is a mad, a reckless waste, because I know the gentlemen of that committee are all patriots and good citizens desiring to do right. I know that what they have done has been actuated by the highest patriotism and the purest desire to make a good showing. I do not care if my good friend from Minnesota does succeed in making such a record for efficiency and wise expenditure, and not for parsimony, that if we must be afflicted in the future by Republican domination, he will have a chance to make as good a Republican Speaker as other Republicans. [Applause.] I hope amendments will be adopted undoing all this damage, and thank the committee for its attention and courtesy.

The Clerk read as follows:

Chicago, Ill., post-office and court-house: The appropriation made in the urgent deficiency appropriation act approved February 27, 1906, for improvements and changes of a general nature is hereby made available also for the interior decoration of the building.

Mr. MANN. Mr. Chairman, I wish to offer an amendment.

The Clerk read as follows:

Amend on page 3 by inserting after line 4 "for repair of paving, $15,000."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order.

Mr. MANN. Mr. Chairman, I am willing that the gentleman should make his point of order.

Mr. TAWNEY. I will make the point of order if the gentleman desires me to.

Mr. MANN. I would like to have the point of order disposed of now.

Mr. TAWNEY. I make the point of order that it is not authorized by existing law and is new legislation.

Mr. MANN. Mr. Chairman, on the point of order: The amendment is to provide $15,000 for the repair of the paving at the Federal building in Chicago. I may say to the Chair that the United States Government occupies the ground under the Federal building in Chicago by virtue of a purchase or exchange of ground and through an act of the legslature of Illinois. The act of the legislature is one which was approved March 7, 1872, and is as follows:

An act to amend an act entitled "An act to cede jurisdiction to the United States over certain land, and for the purchase and condemnation thereof," approved December 14, A. D. 1871.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the general assembly*, That "An act to cede jurisdiction to the United States over certain land, and for the purchase and condemnation thereof," approved December 14, in the year of our Lord 1871, and which was and is as follows, to wit:

"SECTION 1. Be it enacted by the people of the State of Illinois, represented in the general assembly, that the United States shall have power to purchase or condemn, in the manner prescribed by law, upon making just compensation therefor, any land in the State of Illinois required for custom-houses, arsenals, light-houses, national cemeteries, or for other purposes of the Government of the United States.

"SEC. 2. The United States may enter upon and occupy any land which may have been or may be purchased or condemned, or otherwise acquired, and shall have the right of exclusive legislation and concurrent jurisdiction, together with the State of Illinois, over such land and the structures thereon, and shall hold the same exempt from all State, county, and municipal taxation.

"SEC. 3. Whereas by the burning of the United States post-office, custom-house, and United States court rooms in the city of Chicago an emergency exists requiring this act to take effect immediately; therefore this act shall take effect from and after its passage"—

be, and the same is hereby, amended by adding thereto as follows:

"SEC. 4. That in case there shall be any street or alley running through any block or tract of land so purchased or acquired by the said United States for any of the purposes described in the said act hereinbefore set forth, all that portion of such street or alley within such block or tract of land, shall, upon the purchase of the same by the United States, or the transfer of the same to the United States by condemnation or otherwise, for any of the purposes aforesaid, be, and the same is hereby, vacated and closed, and the lots or tracts of land abutting upon any such street or alley shall extend to the center line thereof, and vest in the said United States, and become the property thereof, with full right, power, and authority to use, occupy, and enjoy the same as its own property in fee, to the same extent as though the same had never been used or occupied as a street or alley; and the said act to which this is an amendment shall apply to the said portion of such street or alley so vacated to the same extent as to the block or tract of land so purchased or to be purchased or condemned for any of the purposes aforesaid."

Approved March 7, 1872.

It has been claimed that under that act of the legislature the title of the Government to the grounds extended to the center of the streets around the post-office building. In 1880, before the construction of the post-office building had ceased, the United States appropriated money for the paving of the streets. That was carried in the general deficiency appropriation bill, approved June 16, 1880, and provided, under the head of "public buildings," for the construction of the custom-house, court-house, and post-office building and approaches at Chicago, Ill., including steps, grading, sidewalks, and paving, $125,000. Under that statute the Federal Government paved the half of the streets adjoining the Federal building on all four sides of the building, covering the entire square. That, as a matter of fact, was paved with cedar blocks.

In the latter part of the eighties the Government again paved all portions of these streets with granite blocks. These pavements are practically worn out. The item which I propose is for the repairing of these pavements laid by the Government on what it is contended is Government property.

Mr. TAWNEY. When were the streets paved and how many of them were paved?

Mr. MANN. The Government has paved all the streets around the buildings twice; that is, the half next to the Federal building.

Mr. TAWNEY. When were the streets paved, and was it done under a specific appropriation for that purpose?

Mr. MANN. The first time was under a specific appropriation, under an act which I have sent to the Chairman, in the general deficiency act of 1880, expressly providing for the pavement, and under that act the streets were paved. Subsequent to that time the streets have been again repaved by the Government. I may say to the gentleman, in all frankness, that I have been endeavoring to obtain from the Architect's Office the information how and under what appropriation the pavement was put down a second time, but the Architect informs me that he finds a trace of the record, but he had not been able to examine it. I have been trying to find out, but I have the first statute here. I know, as a matter of fact, that the streets were paved a second time by the General Government.

Mr. BURTON of Ohio. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BURTON of Ohio. I will suggest that this is an important inquiry. Is it not true that the General Government in the case of public buildings refuses to pave the streets adjacent to the buildings?

Mr. MANN. That is rather a question on the merits of the proposition.

Mr. BURTON of Ohio. Is not that the general rule, that the pavements are laid at the expense of the municipality?

Mr. MANN. I think that is so, but of course that has nothing to do with the point of order.

Mr. TAWNEY. Mr. Chairman, it is possibly true that the legislature of the State of Illinois has ceded to the Federal Government the fee to the center of the streets surrounding this public building in the city of Chicago. But it is also true that that cession has been made, as it is in all cases made, with the express limitation that it shall be entirely free from all taxes, local or otherwise, and free from any burden that the local authorities might otherwise impose upon it. I want to call the attention of the Chair to another fact, that while the State of Illinois has ceded to the Federal Government the fee to the center of the street, the Government can not use that property from the edge of the street to the center for the reason that it is burdened with an easement, which easement existed at the time the property was ceded to the Federal Government, and the Government accepted the cession subject to that easement or right of public use. Now, then, having made the cession with the limitation that it is to be free from any tax or burden, as all other cessions are made by all other States for all other public-building sites, it will be seen that that is the reason why the Government of the United States does not pave the streets surrounding the public buildings, because it has been expressly exempted from that burden or obligation.

The CHAIRMAN. Will the gentleman state to the Chair whether or not he has there the act of the Illinois legislature making the cession.

Mr. MANN. Mr. Chairman, I will state that I have read the act of the Illinois legislature under which the property was acquired. It is not a direct cession, but it covers that particular question.

Mr. TAWNEY. Mr. Chairman, in respect to the fact that these streets have been heretofore paved at the expense of the Federal Government, that should have no weight whatever in the determination of this question. There are only two post-office buildings in the United States that enjoy the distinction of having had the streets around them paved by a direct appropriation from the Federal Government—one in Chicago and the other in the State of Missouri—both places represented on the Committee on Appropriations at the other end of the Capitol by distinguished Senators from those two different States. Congress has never recognized, and the Government of the United States has expressly denied, that under the cession giving title to property for building purposes that that property was chargeable with the burden or obligation of paving the streets around the public building. If that can be done legally under the rules of the House in this instance, it can be done in every other instance throughout the United States.

Mr. CRUMPACKER. Mr. Chairman, I am incidentally and indirectly interested in this question. My interest lies in the direction of holding the gentleman's amendment in order, but not upon the grounds that he suggests. I do not believe the fact that the Federal Government has maintained improvements about the Federal property in the city of Chicago for twenty-five or thirty years gives it any advantage over communities where the Federal Government has never maintained or improved the streets at all. There is absolutely no force, in my judgment, in that position.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CRUMPACKER. It is not a public work or project in progress. I will yield for a question.

Mr. MANN. Does the gentleman think that from a parliamentary standpoint an appropriation for the repair of the Federal building in Chicago would have a better status than a proposition to put up a new Federal building on some vacant lot?

Mr. CRUMPACKER. Most assuredly, because from the standpoint of the Government, a public building is a public object already in progress, and the streets of the city of Chicago, from the standpoint of the Federal Government and from a parliamentary viewpoint, do not constitute a public work or object already in progress.

Mr. MANN. The gentleman probably did not understand the claim I made, that the legislature of the State of Illinois had

vacated this portion of the street around the Federal building, that the title to the property was vacated, so far as the public was concerned. The United States Government can close it up. It has taken possession and has closed up the sidewalks practically already.

Mr. CRUMPACKER. I understand that the title in public streets and alleys in the city of Chicago is in the city, but that must be by special statute, because I undertake to say that the doctrine is general all over this country that the public only has an easement in public thoroughfares, including streets and alleys, and that the title is in the owner of the adjacent property. In the city of Hammond—which, of course, is not just like the city of Chicago yet—there is a public building in process of construction. We would be very glad if we could find some way to get an appropriation from the Federal Treasury to build sidewalks and street pavements in front of the Federal building, but the title to the street is in the Federal Government. It bought in fee simple the lots upon which the building is being constructed, and under our law, and I think it is universal where it is not changed by special statute, the title is in the proprietor of the adjoining property. I understand that the street around the public building is likewise a public street.

Mr. MANN. I say that the act of the legislature vacated the streets to the center of the streets, and that the Government of the United States acts upon that; that it has built sidewalks; that it uses the space under the sidewalks, which similar space the city government elsewhere rents; that it has constructed large structures upon one of the sidewalks, so that practically part of them is almost impassable, and that the Government uses them for the handling of mails, and it is all just as much a part of the street as the balance.

Mr. CRUMPACKER. The public uses the streets around the public square in the same manner, of course, subject to the special use by the Federal Government. They use the streets and sidewalks under the same right that they do the streets and walks around other property.

Mr. MANN. Oh, they use the inside of the public building the same way, and walk through it to get out of the sunshine.

Mr. CRUMPACKER. They use the streets around it as a public thoroughfare in the same manner they do all the other streets.

Mr. MANN. That is permissive by the Government; the Government has a right to prevent it.

Mr. CRUMPACKER. I do not believe that a municipality or State legislature can cede a special right to a street to the Federal Government, and thereby secure immunity from street and sidewalk improvements. If it can do that, there will be several acts of cession when the legislatures meet next winter and the year after.

Mr. TAWNEY. Mr. Chairman, I want to ask the gentleman from Illinois a question.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman.

Mr. TAWNEY. Do I understand the gentleman to say this appropriation is for the repair of a street?

Mr. MANN. For the repair of pavement originally laid by the Government.

Mr. TAWNEY. For the paving of a street?

Mr. MANN. I did not say that.

Mr. TAWNEY. What is the fact?

Mr. MANN. The gentleman can have the item read from the Clerk's desk if he desires to do so.

Mr. TAWNEY. The gentleman knows what it is. I simply want to get at the fact. Will the Clerk report the amendment?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. Now, I may say to the gentleman the purpose is to repair a portion of the paving now so worn out that mail wagons coming to the post-office can not take that side of the street, and can not get there in proper time, I may say to the gentleman. There is nobody in Chicago who cares about it except from a governmental standpoint, and nobody uses that portion of the street except wagons going to and from the post-office.

Mr. TAWNEY. On what street is it proposed to repair this pavement?

Mr. MANN. Clark street, Adams street, and Dearborn street.

Mr. TAWNEY. Is not the present pavement on these streets, on the portion of the street which you say the Government owns the fee, identically the same as the pavement on the opposite side of the street?

Mr. MANN. It is not.

Mr. TAWNEY. In what respect is it different?

Mr. MANN. It was laid at a different time. They are both granite-block pavements. The city has long desired to pave the street, and the city has not been able to pave the street, because in Chicago no pavements are paid for out of the general fund. It is not possible to levy an assessment and confirm it even upon the other half of the street. The original pavements were laid at different times and by different methods, I may say to the gentleman. They are not laid of the same kind of block, except both are a species of granite block.

Mr. TAWNEY. Now, the purpose is this: The city, as I understand the gentleman, wants to have a new pavement on the whole street on all sides of this public building?

Mr. MANN. The city wants to have a new pavement on the outside of a portion of the street, and——

Mr. TAWNEY. And this proposes——

Mr. MANN. Will the gentleman——

Mr. TAWNEY. That the Government build a new pavement on this side of the street——

Mr. MANN. The gentleman asks a question and answers it himself, of which I am not complaining; but I would not answer it the same way.

Mr. TAWNEY. This is not a repair, but a reconstruction of an old pavement——

Mr. MANN. If it is not repair, and if they can not reconstruct it, it is all right; I do not say whether they can or not.

Mr. TAWNEY. Mr. Chairman, I want to submit to the gentleman from Illinois and also to his colleague this is a matter of very great importance——

Mr. MANN. It is a matter involving $15,000 out of $120,000,000.

Mr. TAWNEY. There are a great many other buildings, with all due respect to the gentleman, besides the one in Chicago, and they are all after us for pavements. In view of the fact that this is an important matter and this subject has been fully considered and discussed in previous Congresses, in which a decision of the Supreme Court was taken into consideration and had some weight with the Chair in the determination of the question at that time, I ask the gentleman from Illinois if he will not consent that the matter go over until I can have an opportunity to fully examine the discussion in that Congress?

Mr. BOUTELL. Mr. Chairman, I have no objection to that.

The CHAIRMAN. Does the gentleman from Illinois desire to discuss the point of order?

Mr. BOUTELL. Solely that.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. BOUTELL. The sole observation I wished to make was this: That in determining this point of order the Chair ought to consider the last precedent which was made on a question of this kind. In the diplomatic and consular appropriation bill——

The CHAIRMAN. The Chair has that in mind, he will state to the gentleman.

Mr. BOUTELL (continuing). There was an item for the reerection of a building. Well, of course, an original erection of a building would have been out of order on that bill. The point of order was made against the paragraph for the reerection, and the point of order was sustained. Thereupon the item was amended to read, "For the repair of the American consular building at Tahiti, Society Islands, $5,071.45," and the point of order to that item was overruled. It seems to me that that is exactly on all fours with the amendment that has been presented by my colleague from Illinois. Waiving for the present all discussion of the merits of this amendment, it seems perfectly clear to me, Mr. Chairman, that if the United States Government had assumed the right to the center of these four streets, and under that assumption had paved them, that then surely this item for repairs would now be in order. So far as I am concerned, I have no objection to postponing the discussion of the merits of this proposition, but it seems to me perfectly clear that it is not subject to the point of order.

Mr. HINSHAW. I would like to ask the chairman of the committee a question, in view of the situation developed here. There are a great many public buildings in the United States and a great many sites have been procured; and it appears that when the site is procured there is a cession by the State of the sidewalks and probably half of the street to the United States.

Mr. MANN. But this is not an ordinary case, I may say to the gentleman. This was an exceptional kind of legislation.

Mr. HINSHAW. I want to ask a question concerning the ordinary case. Well, now, if the sidewalks and half the street are paved, the city calls upon the adjoining property owners to construct their portion, and then calls upon the United States to construct its portion of the street adjacent to its building, and the United States Government refuses, I want to know

what the practice has been about recognizing that by appropriating money?

Mr. TAWNEY. It has never been the practice of Congress to appropriate money to defray the expense of paving around public buildings. As I stated a moment ago, there are only two instances, which I mentioned; one is the city of Chicago and the other in the city of St. Louis, or in some other city in the State of Missouri.

Mr. MANN. Has it not been the practice to keep up a walk around a public building?

Mr. TAWNEY. Yes; that is done by the Government of the United States, but not the street.

Mr. NORRIS. A little further, in answer to that question. In this particular instance there was no recognition, was there, by the Government of the right to concede in either case the demand, or to insist upon this improvement, and it was done by a direct appropriation in an appropriation bill, was it not?

Mr. TAWNEY. Well, I am not able to answer that question specifically, and it is for that reason, Mr. Chairman, I ask that this matter go over, in order that I may look up and inquire into the exact status and terms of these two appropriations that have previously been made for the pavement of these streets.

Mr. MANN. I would not endeavor to or insist, if I could, on taking any advantage of my distinguished friend, the able chairman of the Committee on Appropriations, for whose judgment I have great regard, nor take any advantage of the House, whether I be right or wrong. I am perfectly willing for all light to be thrown on the matter and perfectly willing for the matter to go over.

The CHAIRMAN. Do the gentleman from Illinois and the gentleman from Minnesota agree that it may go over without prejudice?

Mr. TAWNEY. I ask unanimous consent that the matter be passed without prejudice.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that it be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PRINCE. Mr. Chairman, I desire to offer an amendment at the same place and have it go over without prejudice.

The Clerk read as follows:

Page 2, line 4, after the words "fifteen thousand," "also $10,000, or so much thereof as is needed to pay for the repair of brick pavement heretofore constructed in the streets around the Government post-office building in the city of Galesburg, Ill."

Mr. TAWNEY. I make the point of order on that.

Mr. PRINCE. I ask unanimous consent that it go over with the other.

The CHAIRMAN. Without objection, it is so ordered.

Mr. NORRIS. Mr. Chairman, I have an amendment I desire to offer, an amendment exactly the same as the gentleman from Illinois offered. I ask unanimous consent that I may have until the matter is taken up again, when we return to the consideration in the same place in the bill, to offer that amendment. It is a similar one to that offered by the gentleman from Illinois.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. CRUMPACKER. Will not amendments of this character be in order when the paragraph is recurred to? I have in mind an amendment which I desire to propose, for pavement around the public building at Hammond, Ind.

Mr. TAWNEY. In my judgment, when this paragraph is recurred to later on these amendments may all be considered.

The CHAIRMAN. The Chair thinks not, because you recur for a specific purpose, unanimous consent for which has been given by the committee.

Mr. CRUMPACKER. Then I ask unanimous consent that when the paragraph is taken up again, I may have the right to offer an amendment providing an appropriation for paving the street in front of the public building in Hammond, Ind.

The CHAIRMAN. If there be no objection, the request of the gentleman from Indiana will be granted.

Mr. BARTLETT. I desire to add a request that the same thing may be done with reference to the public building at Macon, Ga.

The CHAIRMAN. If there be no objection, the request of the gentleman will be granted.

Mr. LIVINGSTON. I ask the same privilege for Atlanta.

Mr. TAWNEY. I trust members of the committee will not become hysterical about this matter. If this delay is going to precipitate a discussion of questions of order in respect to all the amendments, I realize that it would be advisable to have the ruling of the Chair now, one way or the other, and dispose of these several amendments on points of order or on their merits. That will end the whole thing. I do not like this idea of going into a promiscuous consideration of amendments that are not in order at this time.

The CHAIRMAN. The Chair sees no difficulty in the proposition.

Mr. PRINCE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PRINCE. Unanimous consent of the committee has been given to this amendment of the gentleman from Illinois [Mr. MANN], and also to the amendment offered by me in writing, and I do not see how we can do anything else than go on.

The CHAIRMAN. The point of order is well taken.

Mr. FITZGERALD. I ask unanimous consent that all members of the committee may have the right to prepare and offer similar amendments at this point.

The CHAIRMAN. If there be no objection, it will be so ordered.

Mr. MANN. What is the order?

The CHAIRMAN. That all gentlemen, when we recur in future to this section, may have the opportunity to offer amendments similar to the one offered by the gentleman from Illinois.

Mr. MANN. Unless that request is modified, so as to confine it to the items in the bill, I shall object.

The CHAIRMAN. To the items in the bill.

Mr. MANN. Yes; in relation to the buildings named in the bill.

The CHAIRMAN. Public buildings mentioned in the bill.

Mr. TAWNEY. Why, certainly. They all have to be there. They are all subject to a point of order, and if they do not relate to the bill, then they are subject to the point of order on the ground that they are not germane.

The CHAIRMAN. If there be no objection, the request as modified will be ordered.

There was no objection.

The Clerk read as follows:

Macon, Ga., court-house, post-office, etc.: For continuation of extension under present limit, $100,000.

Mr. BARTLETT. This is the place where I want to offer my amendment, similar to the one offered by the gentleman from Illinois [Mr. MANN].

Mr. TAWNEY. Will the gentleman offer it and have it pending?

Mr. BARTLETT. Yes; I will. I have it here.

For pavement around the United States Government building and lot at Macon, Ga., $2,000.

I just offer that to have it pending. I ask unanimous consent that it may be so considered.

Mr. TAWNEY. I shall make no objection to recurring to it.

The CHAIRMAN. If there be no objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

New York, N. Y., rent of old custom-house: For rental of temporary quarters for the accommodation of certain Government officials, $130,600.

Mr. SULZER. Mr. Chairman, this paragraph just read by the Clerk is the same old National City Bank custom-house rental fraud, and I move to strike it out of the bill.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SULZER. Mr. Chairman, this is the same old annual scandal, the same old national disgrace, the same old hoary fraud, and I move to strike out of the bill this appropriation for $130,600 to the National City Bank for rental for the old custom-house property in the city of New York. I have made this motion every year since this nefarious transaction was consummated. Last year, on my motion, the same paragraph, the same appropriation, was stricken out of the bill, and it ought to be stricken out again this year. There is absolutely no justification for this appropriation in law or in equity.

Mr. Chairman, most of the Members of this House are familiar with the facts in connection with this scandalous matter. They remember that in 1899 Lyman J. Gage, then Secretary of the Treasury, entered into an alleged contract with the National City Bank, of the city of New York, to sell the bank the old custom-house property, situate and occupying an entire block in Wall street, for $3,265,000, about one-half the real value of the property. This National City Bank, as is well known, is the Standard Oil bank, and the chief financial agency of "The System."

The Members of this House know all about this bank and the tremendous power it wields in financial and political circles all over this country. This National City Bank is one of the principal depositories for the surplus funds of the Government, and has on deposit all the time Government moneys amounting to millions and millions of dollars, for which it does

not pay the people of the United States one single dollar of interest.

Now, sir, shortly after this alleged contract of sale was entered into between the National City Bank and Lyman J. Gage, the Secretary of the Treasury, by which the old custom-house property was sold for $3,265,000, the bank is alleged to have paid the Government, on account of the purchase price, $3,215,000, leaving a balance due the Government of $50,000. The bank paid this money, so it is said, not directly to the Government, but indirectly, by transferring on the books of the bank the amount of $3,215,000 from one account to another account. As a matter of fact, the bank never really parted with one dollar of its money on account of the payment of part of the purchase price, and no deed from the Government to the bank has ever been executed or recorded in the city and county of New York, so that the title to this custom-house property still stands, so far as the records go, in the name of the Government, and yet the Government has been paying every year to the bank, except last year, when the appropriation was stricken out, $130,600 rental for the use, apparently, of its own property.

This custom-house property occupies one entire block in Wall street, in the city of New York, and is considered one of the most valuable pieces of property in the country. Competent real-estate experts estimate its value to-day at over $10,000,000, and the National City Bank will soon get this most desirable piece of property from the Government without practically paying one dollar for it. What a shame! What a fraud on the people!

This one-sided agreement between the Government and the bank should never have been made. The whole transaction is one of the most scandalous things in the history of the country. It is an unconscionable contract and can not be justified in law or morals. It is a fraud upon its face, and, as Mr. HEMENWAY, the chairman of the Committee on Appropriations, said last year when this matter was before the House, if the contract had been presented to him he never would have entered into it. I understand that the present Secretary of the Treasury has practically said the same thing. All the proceedings leading up to and surrounding this transaction between Secretary Lyman J. Gage and President James Stillman, of the National City Bank, bear the earmarks of a conspiracy to defraud the Government out of its property, and the most charitably inclined from the testimony before us can not escape the conviction that it was and is a fraud upon the taxpayers of this country.

It is my opinion that if the Attorney-General were instructed to institute an action in equity to set aside this unconscionable contract on the ground of fraud the facts would sustain the proceeding and the contract would be judicially annulled and canceled. The Attorney-General ought to institute such a proceeding.

Now, sir, it further appears that it was understood and agreed between the Secretary of the Treasury, Lyman J. Gage, and the officials of the National City Bank that $50,000 of the purchase price should be retained by the bank and that the deed for the property should not pass or be recorded, in order that the bank should escape the payment of taxes to the city of New York on this most valuable piece of property. It is well known that Government property can not be taxed by a State or by a municipality. I am reliably informed by the officials of the city of New York that the taxes on this property to-day would be about $100,000 a year. The bank now escapes this taxation, and it is an injustice to the people of the city of New York, and yet the bank seeks to compel the Government to pay interest on the purchase price as a rental for the property. Think of this Standard Oil bank charging the Government interest on its own money—rent for its own property. What a farce it all is! It is one of the most outrageous and shocking things that has ever come to my notice. I do not believe that any honest man who will take the trouble to investigate the matter can possibly justify the transaction.

No Member of this House can now vote for this appropriation and ever justify his vote. [Applause.] The whole transaction is a scandalous one, a fraud on the taxpayers of the country, because it deprives them of this valuable piece of property without a dollar of compensation; and it is an outrage on the taxpayers of New York City, because it deprives them of the taxes on the property. The appropriation in the bill for this rental is an outrage and can not be justified in the face of the honest facts. I intend to get, if I can, a record vote on this steal, so that the people will know how their representatives vote on this matter.

Now, sir, I object to this appropriation of $130,600 for rent, because the alleged contract is only an agreement to sell, and no title has as yet passed from the Government to the bank, no deed has been delivered, and no deed has been recorded, and the Government should not pay an exorbitant rent for its own property. It is a fraud and a sham and you all know it. The "System" has been very slick in every phase of this deal. It gets the Government property for nothing, has the use of the people's money without interest, makes the Government pay rent, and beats the city of New York out of the taxes. What a get-rich-quick scheme—but only the "System" could do it. It is a double fraud, and every aspect of the transaction is as unjustifiable as it is unconscionable. Just see what the Standard Oil crowd, through its National City Bank, have thus far made out of this scheme without either risking or paying one cent:

In "interest" upon the $3,215,000 "paid" to the Government	$914,200
In interest upon the same sum loaned on the street for seven years by the bank, about	914,200
In profit on the property now worth fully $10,000,000	6,735,000
Total profit	8,563,400

That is frenzied finance for you with a vengeance! No wonder the "System" thrives and grows fat! [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, just a word more. I think the House understands this matter. But, sir, I say that the Attorney-General should take immediate action in this case to set aside this contract, because it can not possibly be justified in law or in morals. It is a fraudulent agreement and an unconscionable contract, and it is voidable. This appropriation for $130,600 rent ought to be stricken out of the bill this year just the same as it was last year. I now move to strike it out—all the paragraph. [Applause on the Democratic side.]

Mr. TAWNEY. I do not care to occupy time in discussing this matter in opposition to the motion of the gentleman from New York. This transaction has been thrashed over in the House some three or four times since I have been a Member of this House, and there has been a full and complete report made of the entire transaction, explaining in detail the transaction and justifying the contract and all that has been done under it. One of the principal questions involved was whether or not the money received from the sale of this property was public money in the sense of the recipients being compelled to deposit it in the Treasury of the United States. That question was fully discussed in Senate Document 71, Fifty-sixth Congress. The Government of the United States owned this property. It sold it, and it deposited the money received with a Government depository in the city of New York. The condition of the contract was that when the consideration for the old custom-house was fully paid, the title to the property should be transferred by the Government. That was not to occur, however, until the new custom-house was completed, and this was, in substance, the provision of the law under which the sale was made. It will be completed in the near future and occupied, probably, by the 1st of next January. The matter will then be entirely closed up. The Committee on Public Buildings and Grounds, before whom the gentleman from New York [Mr. SULZER] recently appeared and discussed the matter, making the same speech that he has made here to-day—with which we are all familiar, having heard it so frequently—have considered the matter and are prepared to state to the House more completely and fully the facts in regard to the transaction than I am, and therefore I yield to the gentleman from Nebraska [Mr. NORRIS].

Mr. GAINES of Tennessee. I would like to ask the gentleman when this contract was entered into?

Mr. TAWNEY. I think in 1899.

Mr. GAINES of Tennessee. What were the conditions?

Mr. SULZER. I will say to the gentleman from Minnesota that the contract was entered into in August, 1899, between Mr. Stillman, of the National City Bank, and Lyman J. Gage, Secretary of the Treasury.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Gentlemen are aware of the fact that we have had this matter before us several years. It seems to me every session of Congress for years we have had a great squabble about the rental of this building. My recollection is that the Government undertook to sell, and did sell, some property to a New York bank, and that the title is still in the Government, and that the bank is using the property and cheating the State of New York and the city of New York out of the taxes because it can not be taxed, although it is really owned by the bank, the legal title still being in the Government. Instead of New York getting its taxes, the bank claims, when the assessor comes around, that it is Federal property and can not be

taxed. I will ask the gentleman from New York [Mr. SULZER] if I am not right?

Mr. SULZER. The gentleman is correct.

Mr. GAINES of Tennessee. I do not see why the Government or why the Secretary of the Treasury does not go on and vest the title in the bank, so that the State of New York and the city of New York shall not be beaten out of the taxes and its right to levy tax on this valuable piece of property. I will ask the gentleman from New York why he objects to this rent being paid? I object to it also, but I would like to hear from the gentleman from New York.

Mr. SULZER. I will say to my friend that I object to the payment of this rent because I insist that the title to the property still remains in the Government, and that no rent should be paid until the Government gives the bank a deed and the deed is recorded, so that the title is in the bank.

Mr. GAINES of Tennessee. Why hasn't that been done?

Mr. SULZER. I tried to find out and I could not. I put in a resolution of inquiry early this session, which passed this House, asking the Secretary of the Treasury what he did with the deed—where it was—and the Secretary of the Treasury sent to the House a communication saying that no deed had ever been executed. There is no deed—and there is the shame of it all.

Mr. GAINES of Tennessee. How much money has been paid by the bank to the Government?

Mr. SULZER. The bank, a national depository, has transferred on its books from one account to another account $3,215,000 of the purchase price, leaving a balance due the Government, on account of the purchase price, of $50,000.

Mr. GAINES of Tennessee. Why doesn't the bank pay the $50,000?

Mr. SULZER. Because the bank wants to deprive the city of New York of the taxes, and it has been doing it for seven years. The taxes on this property amount to over $100,000 a year.

Mr. GAINES of Tennessee. Now, Mr. Chairman, the former Members of this House, I know, are just as familiar as I am with the history of this matter. Here Congress is, with these facts before us for years, absolutely particeps criminis to cheating the city and State of New York out of this taxable property simply because we are drifting along here and not making the bank pay the $50,000, and the Government withholding a deed from this bank. The bank is a depository of the Government of the United States. I do not know the name of the bank.

Mr. SULZER. The National City Bank—the Standard Oil bank; the financial agency of the "system." It is a wonder—this bank.

Mr. GAINES of Tennessee. It is the simple duty of the Government to give a deed to this land, demand full payment, and take the money that has been shifted over from one ledger to another by this bank and put it in the Treasury of the United States. I understand that no money has actually been turned over to the Government and placed in the Treasury. The bank has simply taken Government deposits and paid for this land, except $50,000 yet due and not paid to avoid getting a deed and title, to avoid paying taxes. I say, gentlemen, that in all fairness there should not be any objection to demanding and collecting this balance and turning over the deed. There should be some consideration shown by Congress for the State of New York. There should be some consideration for the city of New York, and clean dealing, and, as it is, I contend and I charge that Congress has been particeps criminis in this outrageous fraud on the Government, the city of New York, and the State of New York, and in honest everyday morals and square dealing the Government of the United States, for itself and the people of New York, should compel the bank to pay this balance and give the bank a deed. As the matter stands, this bank has millions of Federal deposits—the people's money—lends it out and pays for this land, and more, the bank rents out this property to the people, and the Government of the United States, puts the rents in its coffers, and the State and city of New York is cheated out of taxing the land, all because the legal title is still, and purposely, in the United States, to avoid taxation. This is an outrage on the people I condemn most severely.

Mr. TAWNEY. Mr. Chairman, I want to say that the gentleman from Tennessee is very much exercised over the fact that this transfer has not been made.

Mr. GAINES of Tennessee. Why not?

Mr. TAWNEY. I was about to state why it has not been made. Under the act approved March 2, 1899, entitled "An act to supplement and amend an act entitled 'An act for the erection of a new custom-house in the city of New York, and for other purposes,'" approved March 3, 1891, contains among other things the following provision:

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to sell at public or private sale—

This was after the act authorizing the construction of the custom-house—

to the highest bidder after due advertisement, but for not less than $3,000,000, the present custom-house property in the city of New York bounded by Wall, William, and Hanover streets and Exchange place, and to deposit the proceeds of the sale, after payment of the usual incidental expenses, in the United States Treasury as miscellaneous receipts derived from the sale of Government property; and in case of such sale the Secretary of the Treasury shall lease said premises from the purchaser or purchasers thereof, at a rental which shall not exceed 4 per cent per annum on the purchase price, for use as a custom-house until the new custom-house shall be ready for occupancy, upon such terms as he may deem advantageous, and such sale shall be subject to such right of lease; and the Secretary of the Treasury is hereby authorized to accept the said purchase price in several payments from time to time as he may deem most advantageous: *Provided, however,* That the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and final payment is fully made.

Now, the new custom-house will not be ready for occupation until about January 1, 1907. The full consideration for the purchase was not made because then the title to the property would have passed to the purchaser, and the Government of the United States would have been subject to the will of the owner as to its future occupancy of that property and as to the conditions of that occupancy. The Government had to continue its occupancy in order to transact its business, and could not surrender possession either under the law or because of its own necessities.

Mr. GAINES of Tennessee. Will the gentleman yield right there?

Mr. TAWNEY. I yield.

Mr. GAINES of Tennessee. Has not the Government retained possession or had a lease for a number of years on this property, and has it not now a lease on this property?

Mr. TAWNEY. Under the terms and conditions of the sale which were fixed by the act which I have just now read.

Mr. GAINES of Tennessee. If we have a lease on it, how in the world can anyone take the Government's right away from the Government?

Mr. TAWNEY. But we do not have a lease.

Mr. GAINES of Tennessee. I understood the gentleman to say that we did.

Mr. TAWNEY. I say that we are occupying it under the terms and conditions of sale, which terms and conditions were fixed by this act which I have just now read.

Mr. GAINES of Tennessee. Why does not the bank pay the balance of the purchase money?

Mr. TAWNEY. Simply because the Government of the United States must occupy that building until the new custom-house is completed, and until that time it can not give title to the property.

Mr. GAINES of Tennessee. But if we have a lease on it we certainly can continue to occupy it.

Mr. SULZER. Mr. Chairman, just a few words right here.

Mr. GROSVENOR. Mr. Chairman, I understood the gentleman from Minnesota [Mr. TAWNEY] to be explaining this matter, and just about the time we got to where we would get a very intelligent idea of the situation he was broken in upon, and I would like to have him go ahead and tell us a little more.

Mr SULZER. Now, Mr. Chairman, I will tell the gentleman what he wants to know, I think, in a few minutes. Let the gentleman content his soul in peace for just a little while longer. I want to say to the gentleman from Tennessee [Mr. GAINES] and inform the House in regard to one of the most sinister features of this whole transaction. Let me read a few extracts from the letters of Mr. Stillman, the president of the National City Bank, and from Mr. Gage, then the Secretary of the Treasury. These letters are contained in Senate Document No. 71, which the gentleman from Minnesota [Mr. TAWNEY] has in his hand. That document is an indictment of Lyman J. Gage. It drove him out of the Treasury Department. On the 18th of August, 1899, President Stillman, of the National City Bank, wrote to Secretary Gage as follows:

We shall make the above payment of $3,215,000 upon the understanding, of course, that we are not to be liable for any taxes upon the property so long as you remain in possession.

Mr. GAINES of Tennessee. That is the milk in the cocoanut.

Mr. SULZER. "And the balance of the $50,000 remains unpaid and the deed undelivered." Yes; that is the milk in the cocoanut—a conspiracy to defraud New York City out of its taxes and the Government out of its property. Only the "System" could get away with it.

Now let me read a little more. In answer to that letter, Secretary Gage, on August 21, 1899, wrote to President James Stillman a letter, of which this is an extract:

As to the taxes against said property, you are advised that the Department's understanding of this matter is just the same as yours, and that until we deliver you the deed you will not have to pay the taxes to the city of New York.

Mr. GAINES of Tennessee. Whose language is that?

Mr. SULZER. Secretary Gage's.

Mr. GAINES of Tennessee. Secretary Gage's?

Mr. SULZER. Yes. Now, on the 12th of September, 1899, President Stillman wrote to Secretary Gage as follows:

> I am writing to you personally, as I desire to avoid all publicity of the contents of this letter, as the reporters seem to have access to everything that goes upon the files in connection with this custom-house matter.

Personally, indeed! Secrecy all along the line. No reporters wanted; no publicity, you see; all secrecy; all a damnable conspiracy between Gage and Stillman to defraud.

Now, Mr. Chairman, the facts in the case, which are well known to the newspapers of the country, and well known to most of the Members of this House who were here during those days, are to the effect that Secretary Gage sent for Mr. Stillman, and Mr. Stillman came to Washington and went to the Treasury Department, and Mr. Gage there told Mr. Stillman how much to bid for this property to get it. Mr. Stillman thereupon made the bid and the National City Bank got this property for about one-half of what it was actually worth. That was a fraud upon the taxpayers of the country. Then Mr. Gage entered into this nefarious contract of sale by which the National City Bank should practically get this property for nothing and compel the Government to pay rental for it—that was more fraud—and, furthermore, to cheat the taxpayers of the city of New York out of the taxes. That was more fraud.

Mr. GAINES of Tennessee. What is the tax value of that property?

Mr. SULZER. The value of the property is now about $10,000,000, and the tax about $100,000 a year. Now, here is an editorial in the New York World, an independent newspaper, which says that the National City Bank has already made over $8,000,000 on this property deal. For rentals it has received $914,200; for interest on the amount of money deposited with it in this matter it has made at least $918,200, and as a profit on the increased value of the property $6,725,000, making a clean net profit thus far on the deal of over $8,000,000, which has come out of the taxpayers and gone into the capacious pockets of the system.

Mr. Chairman, I appeal to the Members of this House in all fairness and in all honesty and ask, Do you want to vote any more of the taxpayers' money to the Standard Oil System? If you do, vote to keep this appropriation in the bill, and if you do not, stand by the House last year and vote out again this uncalled for appropriation of $130,600. It is unjust and dishonest, and ought not to be paid to the bank. No honest man can read the record of the transaction and then conscientiously vote for this appropriation. [Loud applause.]

But more; this was a good contract for the "System," and the "System" takes good care of its own. So let us see what it did for Mr. Gage and his assistant, Mr. Vanderlip. Well, after this contract of sale was made, after this bargain was consummated, Mr. Gage resigned as Secretary of the Treasury and went over to New York, and the "System" gave him $50,000 a year as president of one of its trust companies; and his assistant, Mr. Vanderlip, who was then Assistant Secretary of the Treasury and familiar with all the details of this matter, because he has testified to it, and I have some of his testimony here in my hand, he, too, resigned and went over to the city of New York and the "System" made him vice-president of the National City Bank, at a salary, so I am informed, of $25,000 a year, and he is still vice-president of the bank. So they fared pretty well at the expense of the people, and it is——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I know nothing about the facts in this case——

The CHAIRMAN. Does the gentleman move to strike out the last word?

Mr. MANN. I move to strike out the last two words, if necessary. I know nothing about the facts in this case, because I have listened to a number of speeches during a series of years on both sides of the question, and my mind would be so confused on the subject that I could not express any opinion, but I do know Mr. Gage, who was Secretary of the Treasury. The gentleman from New York, I take it, would not reflect either upon his intelligence or upon his integrity. He was for many years the cashier and afterwards the president of the First National Bank of Chicago, and no citizen of Chicago, with knowledge or experience in that city, would hesitate to say that the First National Bank of that city had been conducted during all of its life upon grounds broad, liberal, and fully sustained by honest dealings, and if the gentleman from New York relies for his position upon attack upon Secretary Gage I would say that I would much rather trust the reputation and the knowledge of the dealings of Mr. Gage for honesty and fair dealing than the gentleman's opinions, whatever his opinions may be founded upon. [Applause on the Republican side.] Mr. Gage, as a man, as a bank officer, and as Secretary of the Treasury of the United States never for a moment transcended the line of honest dealings, of absolute integrity, of fidelity to duty, both to himself and to the country. [Applause on the Republican side.] I would rather take that fact in behalf of this transaction—if it be true that it came under his personal knowledge and his personal consent—I would take that fact on the one side as outweighing all of the charges which the gentleman from New York indulges in in the House. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Chairman, I do not think this is a subject or the occasion for any vituperation, or any eulogy, either. Certainly, if Mr. Gage has nothing under the sun to entitle him to a eulogy except his part in this transaction, he is entitled to no eulogy at all from any man who possesses at one and the same time honesty and intelligence. He may be entitled to eulogy for other things, but certainly not for this. The gentleman from Minnesota [Mr. TAWNEY] says that he "has heard all this thing three or four times." Yes; and I have heard it three or four times; and every time I have heard it there is, to my mind, less and less ethical or honest excuse for this appropriation—less and less reason, reason specifically, can be given from one sensible man to another for continuing this appropriation under these circumstances. So thoroughly did the House hear it all the last time it was up that the House voted this appropriation out of the bill, and it was done by a Republican vote, without which it could not have been done; and it was done by them because they thought it was dishonest and wrong to keep it in.

Now, the gentleman from Illinois [Mr. MANN] says that he has never understood this transaction. If not then it must have been because the gentleman did not go back and read the contract and the testimony as to what the transaction is. Let us just take a barefaced view of it for a moment without looking at its bearing upon any man at all. The United States Government sells a piece of property belonging to the Government for $3,500,000. After it sells it it gets paid by allowing the money to lie in the hands of the purchaser without interest. It is a fact that the purchaser, the landlord of the property and the depositee happens to be exactly the same person—the National City Bank. Moreover, while landlord, so far as to receive rent this bank is not landlord enough to pay taxes. The title is in us—the United States. The United States Government then enters into a contract that the title is not to pass until all the money is paid.

This bank then transfers upon its books to the credit of the United States Government in course of time all of the money due for the purchase except $50,000. The Government permits it to keep the money by making it a Government depository. All the purchase money except $50,000 is thus transferred and deposited. This is a rare bookkeeping. And we are told that Secretary Gage was a rare business man. I will wager he never would have entered into just this transaction if he, instead of the Government, had been the original owner of the Government depository. The $50,000 is not transferred and deposited, because that would pass title, call for a deed to be recorded, and thus subject the City National Bank to taxation—State and municipal. Now, it would be just as easy for it to transfer that $50,000 on its books as it was to transfer three millions and more, but it does not do it.

Mr. TAWNEY. Now, will the gentleman permit me to ask him a question?

Mr. WILLIAMS. Let me conclude this statement and then I will. These are part of the facts. The next salient fact is that this money is left upon deposit in the City National Bank, which does not pay one dollar of interest. Two per cent interest upon this amount of money would amount to nearly $70,000 a year. This has been going on either seven or nine years—I have forgotten now which.

Several MEMBERS. Seven years.

Mr. WILLIAMS. Seven years. Seven times $70,000 would be $490,000 of this loss to the Federal Government of interest on its money, which is at least half, more than half, of the rental that the Government has paid per year during the entire time. The bank, we may safely say, has used the money at a profit of 6 per cent, which would amount to $200,000 per year, in round numbers. Now, then, if the Secretary and these parties had wanted to do something that was equitable and right, this might have been done; it might have been possible to defend the paying to these people of $130,600 a year as rent, if during that time they had paid the Government $70,000 a year as interest.

Mr. TAWNEY. Will the gentleman now permit me?

Mr. WILLIAMS. I now yield to the gentleman.

Mr. TAWNEY. You have now proceeded so far beyond the point I wished to interrupt you that I will have to restate what I understood you to say.

Mr. WILLIAMS. I am trying to make a consecutive statement.

Mr. TAWNEY. The gentleman stated that this purchase was made in a private manner.

Mr. WILLIAMS. I did not state that.

Mr. TAWNEY. I so understood the gentleman.

Mr. WILLIAMS. I made no such statement.

Mr. TAWNEY. Or at least a private arrangement between the United States and the National City Bank. I want to ask the gentleman if he knows the circumstances under which this purchase was made?

Mr. WILLIAMS. I know just what the gentleman has read from, just a moment ago.

Mr. TAWNEY. I beg the gentleman's pardon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I move to strike out the last two words.

Mr. TAWNEY. I want to submit this to the gentleman, in the report. I read the law. This is not the law I am reading now. I am reading what has been done by the Treasury Department under the law as shown by this document:

Pursuant to the provision of said act—

Referring to the act which I read—

Proposals for the purchase of said property (copy herewith) were solicited by public advertisement inserted, under date of June 2, 1899, in eleven of the leading newspapers published in the city of New York, a list of which said papers is shown in the certificate date August 22, 1899, inclosed herewith.

In response to said advertisement the following proposals were received:

National Bank of New York, James Stillman, President, $3,265,000.

New York Realty, Bank, Exchange, and Trust Company, Henry Morgenthau, president, $3,075,000.

Farmers' Loan and Trust Company, Edwin S. Marston, president, $3,055,000.

Mr. SULZER. Will the gentleman permit me there?

Mr. TAWNEY (continuing):

The proposal of the National City Bank, having been regarded as the most advantageous to the Government, was duly accepted by the Secretary of the Treasury, in writing, under date of July 3, 1899, and a copy of said letter will be found attached to and forming a part of the contract hereinafter referred to.

Well, now I want to ask the gentleman——

Mr. GAINES of Tennessee. I call for order.

Mr. WILLIAMS. Mr. Chairman, I believe I have the floor. The gentleman's "question," with no interrogation in it, came very near taking up my five minutes.

Mr. MANN. We will extend your time.

Mr. WILLIAMS. What the gentleman has read is no news to me or to the House.

Mr. TAWNEY. I think it corrects an impression that perhaps was erroneously created by the remarks of the gentleman in respect to the manner in which this property was disposed of.

Mr. WILLIAMS. I never created any impression that that could possibly correct.

Mr. SULZER. Will the gentleman allow me?

Mr. WILLIAMS. If you will allow me to answer what the gentleman has put before the House I will then yield to you. What the gentleman from Minnesota has read is this: That there was a public advertisement for the sale of the property, and that there were several bids for the purchase of the property. Nobody that I know of has ever denied that. If they had bought the property and had really paid to the Federal Government the money, if the money had gone into the Treasury, and if the title had passed to the purchaser, and if the city of New York and the State had gotten from the City National Bank the taxes from the purchase date to the present time, this question would not have been here at all.

There is nothing in connection with what the gentleman has read that has any sort of possible bearing or connection with the wrong of which we are now complaining, and this wrong is that the purchaser, the same corporation which rents to the Government and is the depositee of the purchase money without interest, are all one person; and that during the entire time we have been paying rent upon what is virtually our own property, not a dollar for it has gone into the Treasury or has been used by the Federal Government, even for the purpose of getting interest upon it, during this entire time. As I said a moment ago, there is no use in being fanatical, there is no use in being demagogical, there is no use in being eulogistic. This plain fact remains, that we sold this property for that amount of money. We have entered into an agreement whereby we rented back from the party to whom we sold it, and to whom we have delivered no title. In law, it is ours to-day. No title has passed. During that time they have paid no interest whatsoever upon the money which was due us. Now, that is all. This House, at the last session, struck this out.

The House struck it out, and it seems that the Senate agreed with the House. Both branches struck it out. The moral sense of the House was successfully appealed to against this thing. It is now put back here, not by the unanimous consent of the committee, I understand, but the Democratic members of the committee consented to its being placed in the bill merely for the purpose of allowing the House of Representatives to pass upon it, as I am informed by the gentleman from Massachusetts [Mr. SULLIVAN], a member of the committee.

One other word, Mr. Chairman. I can not conceive of any reason for continuing this, unless, perhaps, the National City Bank contributed very largely to the last Presidential campaign fund. I do not know whether it did or not.

Mr. CONNER. Mr. Chairman, I move to strike out the last two words. Some time ago, I think perhaps in the early part of this session, a resolution was introduced in the House to have this matter investigated, and was referred to the Committe on Public Buildings and Grounds.

Mr. SULZER. You are mistaken about that. There was not a resolution for an investigation, but merely a resolution calling upon the Secretary of the Treasury for information——

Mr. PAYNE. I make the point of order that the gentleman from Iowa has the floor.

Mr. SMITH of Iowa. I ask for order.

The CHAIRMAN. The Chair desires to remind Members of the committee that the only way to interrupt a speaker is to address the Chair.

Mr. CONNER. The resolution was to inquire why the Government had not made the deed that is mentioned here to-day. Now, the Committee on Public Buildings and Grounds took charge of that resolution, and a full investigation was had of the matters connected with the transaction of the sale of the old custom-house in New York City, and I am prepared to say that if the members of this committee will read the Senate and House reports showing an investigation of this matter, they will find they cover every phase of this question and show the transaction is as straight as a string from beginning to end; that the Government has been fairly treated; that no one has sought to take advantage of the Government, and that it has not been taken advantage of by anyone. These reports will absolutely demonstrate this fact. Our committee made a report to the House on this question, and that report is on file in the records of the House.

Mr. TAWNEY. Will the gentleman tell us what committee that was?

Mr. CONNER. The Committee on Public Buildings and Grounds.

Mr. TAWNEY. Was the report of the committee unanimous?

Mr. CONNER. The report of the committee was unanimous.

Mr. SULZER. The gentleman is entirely wrong about that. The committee made no report, except to report my resolution favorably. The resolution then went to the Treasury Department, and the Secretary of the Treasury sent a letter to Congress.

Mr. TAWNEY. I make the point of order that the gentleman from New York has not the floor.

The CHAIRMAN. The gentleman from New York is out of order.

Mr. PRINCE. Will the gentleman yield to me?

Mr. CONNER. Certainly.

Mr. PRINCE. Will you please state whether the title has passed from the Government to the bank for this property in controversy?

Mr. CONNER. It has not.

Mr. PRINCE. Why has it not?

Mr. CONNER. Because under the law and the contract of sale it was not to pass until the new custom-house is completed, and it will not be completed until about the 1st of next January, as I understand.

Mr. FITZGERALD. Will the gentleman yield?

Mr. CONNER. I have not the time to yield now. I wish to give something of the history of this transaction. This matter came up in Congress originally on the demand of the Members of Congress from the city of New York, who sought to have this arrangement entered into. They were then anxious to have a new custom-house, and it was their proposition that the old custom-house should be sold, and the act of Congress which was passed provided for its sale for not less than $4,000,000. The property was afterwards advertised for sale in many of the newspapers of New York City, and no offer was obtained. The amount of $4,000,000 could not be realized for the property. Afterwards by act of Congress permission was given to sell for not less than $3,000,000. The property was advertised again

in eleven of the prominent newspapers of New York, by Mr. Gage, who was then Secretary of the Treasury, Mr. Manning having been Secretary of the Treasury during the prior proceedings. The Democratic Congressmen from the city of New York urged that this matter be carried through.

Mr. SULZER. Who were they?

Mr. GAINES of Tennessee. Give their names.

Mr. CONNER. Whoever they were at the time. That is the statement before our committee. The National City Bank finally bought it for $3,265,000, which was the highest offer made for the property, no other bid being within $190,000 of this offer. The transaction was closed up strictly in accordance with the act of Congress.

Mr. PRINCE. Was there anything said about the use of this property by the Government during the time that the new custom-house was being completed?

Mr. TAWNEY. The law expressly provides the manner in which that shall be done.

Mr. PRINCE. Was the Government to pay rent to the bank during that time?

Mr. CONNER. It was to pay 4 per cent on the value of the property.

Mr. FITZGERALD. Does not the contract provide that the title shall not pass, not until the new custom-house is completed, but until the entire consideration is paid to the Government?

Mr. CONNER. Both.

Mr. WILLIAMS. No, it does not say both.

Mr. CONNER. Yes, both. Section 4 of the act of Congress approved March 2, 1899, is as follows:

That the Secretary of the Treasury is hereby authorized and directed to sell at public or private sale to the highest bidder, after due advertisement, but for not less than $3,000,000, the present custom-house property in the city of New York, bounded by Wall, William, and Hanover streets and Exchange Place, and to deposit the proceeds of the sale, after payment of the usual incidental expenses, in the United States Treasury as miscellaneous receipts derived from the sale of Government property; and in case of such sale, the Secretary of the Treasury shall lease said premises from the purchaser or purchasers thereof at a rental which shall not exceed 4 per cent per annum of the amount of the purchase price, for use as a custom-house until the new custom-house shall be ready for occupancy, upon such terms as he may deem advantageous, and said sale shall be subject to this right of lease; and the Secretary of the Treasury is hereby authorized to accept the said purchase price on several payments, from time to time, as he may deem most advantageous: *Provided, however,* That the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and final payment is fully made.

The Secretary in advertising for bids upon the property, stated, in accordance with the act of Congress, that no offer of less than $3,000,000 would be accepted. He further stated that the Government reserved the right to occupy said property until the new custom-house should be ready for occupancy, and the purchaser should receive as rental for the old custom-house an annual rental of 4 per cent upon the purchase price. After the acceptance of the bid of the National City Bank of New York, a contract was entered into between the Government and the bank wherein the bank was given the right to anticipate the payment of the balance of the purchase price at any time, in whole or in part, and the Government reserved the right to continue in possession of the old custom-house until the completion of the new custom-house. The National City Bank determined to exercise its option to make a larger cash payment than was required by the Department, and on the 28th of August, 1899, there was deposited to the credit of the Treasury of the United States, with the National City Bank of New York, a depository of public money, the full amount of the purchase price, except $50,000, which is now unpaid, the bank having previously deposited with the Assistant Treasurer of the United States bonds to secure the proposed increase of the public deposit by reason of the deposit of the amount of the purchase money for the custom-house property. This was done with the knowledge and approval of the Secretary of the Treasury.

There was no irregularity whatever in the payment of the money by the bank in the manner it was paid. The National City Bank of New York was then a lawfully constituted depository bank, and payment made to it or a deposit to the credit of the United States was in law a payment into the Treasury of the United States. The Comptroller of the Treasury, whose decision is binding upon the executive branch of the Government, holds:

That money is paid into the Treasury of the United States by being deposited with the Treasurer of the United States, here in Washington, or to his credit with an assistant treasurer, or in a designated depository.

That has been the uninterrupted and universal rule governing the accounting officers of the Government for many years. The letter of Hon. R. J. Tracewell, Comptroller of the Treasury, dated January 8, 1900, shows this to be the case. He is supported in this view by Hon. Maurice D. O'Connell, Solicitor of the Treasury, in a letter dated January 9, 1900, and also in a letter of Hon. J. F. Meline, Assistant Treasurer of the United States, of date January 6, 1900.

The fact that no deed has been made by the Government conveying the old custom-house to the bank can have no significance when attention is called to the correspondence had between the bank and the Secretary of the Treasury, showing that the delivery in escrow of a deed was subsequently waived, and the contract which was finally executed between the United States and the bank, dated August 18, 1899, expressly provides the waiver of this requirement. The Government could not compel the bank to accept the deed until the purchase price is fully paid, and the bank has not seen fit to pay the full amount of the purchase price. If complaint is to be lodged against anyone it should be against Congress for enacting the law under which the property was sold and those who were instrumental in having the act passed, and not against the Secretaries of the Treasury who in good faith carried out the letter of the law. There is but one thing for the Government to do, and that is to faithfully comply with its contract and pay the rent according to agreement until the new custom-house is completed and possession of the old one is surrendered to the bank.

The efforts which the minority are making to create political capital out of this matter will prove futile. I predict that this is positively the last appearance of the gentleman from New York [Mr. SULZER] to insist upon a further investigation of the conduct of the representatives of the Government in connection with the sale of the old custom-house.

Mr. FITZGERALD. Mr. Chairman, in January of the present year the comptroller of the city of New York, its chief financial officer, had his attention called to this very peculiar transaction, and he attempted to have levied and collected the taxes that should have been paid upon this property. He estimated that, since the Government sold the property, over $800,000 should have been paid to the city of New York in taxes. The question was referred to the law department of the city, and it was decided that because the title was in the Federal Government taxes could not be levied against the property by the city of New York. The comptroller came to Washington and called upon the present Secretary of the Treasury to ascertain why the title to this property had not been transferred to the purchaser. Mr. Shaw informed him that, in accordance with the contract, until the entire consideration was paid the deed could not be delivered.

Mr. YOUNG. Will the gentleman permit a question right there?

Mr. FITZGERALD. Yes.

Mr. YOUNG. Can the gentleman from New York tell whether under the terms of the contract this remaining $50,000 is now due?

Mr. FITZGERALD. The Federal Government can get it, as I understand the contract, upon demand and a tender of the deed.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. FITZGERALD. Yes.

Mr. SMITH of Iowa. What does the gentleman say as to whether a 4 per cent gross rent is a high or a moderate rent in the city of New York?

Mr. FITZGERALD. For property of this character, if the owner pays the taxes, it is a fair rent; otherwise it is exorbitant.

Mr. SMITH of Iowa. Is it not a fact that the very best property in New York rents for 4 per cent gross, and that the tenant pays the taxes?

Mr. FITZGERALD. I think not.

Mr. SMITH of Iowa. Is it not a fact that the Waldorf-Astoria is rented at 4 per cent gross, and that the tenants pay all the repairs?

Mr. FITZGERALD. I am not familiar with the terms under which the Waldorf-Astoria was built or leased.

Mr. SMITH of Iowa. Does the gentleman assert that if the Government of the United States pays 4 per cent upon the actual cost of this building, and then protects the parties against the payment of the taxes, that that is more than a reasonable rent in the city of New York?

Mr. FITZGERALD. I can not follow the questions of the gentleman, which are in the nature of a speech. I want to state some of the facts that I know in connection with this matter.

If it had been known in the city of New York that such an arrangement as has been made with this bank would have been made with the purchaser in the sale of this property, the bids would have been much higher.

Mr. SLAYDEN. Will the gentleman allow me a question?

Mr. FITZGERALD. Certainly.

Mr. SLAYDEN. What is the amount still due on that building?

Mr. FITZGERALD. Fifty thousand dollars.

Mr. SLAYDEN. Would it not have been better for the city of New York to have contributed that amount as a donation and then collected the taxes during that time?

Mr. FITZGERALD. Yes; the city would have made over $750,000. Now, Mr. Chairman, I was calling attention to what happened this year. The comptroller of the city of New York asked Mr. Shaw, the Secretary of the Treasury, why the deed was not delivered, and Mr. Shaw said it was not delivered because the full consideration had not been paid. And he said further, in effect, that he did not assume the responsibility for that contract; that he found it when he came into office.

Let me call the attention of members of this committee to the fact that this particular contract was made in the way it is evidently in order to evade the law in favor of the National City Bank. The National City Bank, under the national banking act, as I recall it, can not purchase real estate except to occupy it for banking purposes, or acquires it in the ordinary course of its business as the result of failure to take up loans as security for which the property is pledged.

Mr. REEDER. Will the gentleman allow me a question?

Mr. FITZGERALD. If it is brief.

Mr. REEDER. Was not the contract made for the express purpose of accommodating the city of New York with a new custom-house?

Mr. FITZGERALD. Not at all.

Mr. REEDER. Well, that is the situation; and now you gentlemen come here with a proposition to violate the contract made for the benefit of the city.

Mr. FITZGERALD. No; that is not the situation. The gentleman from Minnesota mentioned the bids that were made. The next bid to this, $3,265,000, was by the New York Realty Bond Company, and it was for $3,075,000. That company was ready to pay that money to the United States, and the difference between that bid and the bid of the bank is only $190,000. That bid was made in the belief that the purchaser would be liable for taxes. If that $3,075,000 had been paid to the Federal Government the city of New York would have collected $800,000 in taxes. The ingenious scheme already outlined was arranged, however, for two purposes—one to evade the payment of taxes to the city of New York, and the other to enable this bank eventually to get title to property that under the law it could not purchase.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman from Illinois has spoken in eulogy of the man who was at the time of this transaction Secretary of the Treasury, Mr. Gage. I do not care to say anything in disparagement of him, but I say that this transaction will not reflect credit upon him or his career. He is to-day the president of the United States Trust Company, in the city of New York, one of the institutions controlled by the same element that owns the National City Bank.

Mr. HILL of Connecticut. The gentleman is mistaken. Mr. Gage has entirely retired from business.

Mr. SULZER. He retired only the other day.

Mr. FITZGERALD. He retired within a few months. Almost as soon as he left the position of Secretary of the Treasury of the United States he took that place, and the man who was Assistant Secretary of the Treasury at that time, Mr. Vanderlip, is to-day the vice-president of this National City Bank. If these facts do not make the entire transaction smack suspiciously, I would like to know what transaction in the history of the Government does have a peculiar air. Let gentlemen defend this transaction if they will. Last year we struck out and did not pay rent for this custom-house. The National City Bank will eventually make more——

Mr. WILLIAMS. Will the gentleman allow me a moment for a suggestion?

Mr. FITZGERALD. Certainly.

Mr. WILLIAMS. Mr. Chairman, a moment ago some of the gentlemen over there seemed to be under the impression that this contract held that these purchasers were to be protected from taxes, water rates, etc., as long as the United States Government occupied the property. I want to read an extract from a letter of the Secretary of the Treasury, Mr. Gage, to Mr. Stillman, dated August 21, 1899, that proves that it is not dependent upon the occupancy, but upon the vesting of the title, and the vesting of the title is dependent upon the payment of $50,000. Here is the language:

> As to taxes, water rates against said property, you are advised that the Department's understanding of this matter is the same as yours, to wit, that so long as the title to the property remains vested in the United States you will not be liable for taxes or water rates.

There is nothing about occupancy at all.

Mr. FITZGERALD. If gentlemen wish to pay this money under these circumstances, of course they will vote to do so; but I hope that the House will not set its approval upon the transaction.

Mr. TAWNEY. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. TAWNEY. The gentleman recognizes, does he not, the legal liability on the part of the Government of the United States under the contract which was made?

Mr. FITZGERALD. Oh, Mr. Chairman, there is no obligation upon this House to pay money in the carrying out of a contract which reeks with fraud.

Mr. TAWNEY. A contract which embodied the identical conditions of the law, and the only kind of a contract that could have been made under that law, and there is a legal liability on the part of the Government. My question is whether the gentleman would pay this money in this way or pay a judgment in the Court of Claims.

Mr. FITZGERALD. If a judgment in the Court of Claims be obtained, it can not be collected unless an appropriation be made. I for one will not vote to appropriate money for such a purpose. This whole scheme has been deliberate. The Government has been treated unfairly. The city of New York has been deprived of money it should have had. Let those who were associated and who participated in the transaction take all the glory and credit from it which they may.

Mr. NORRIS. Mr. Chairman, as has been before stated, the Committee on Public Buildings and Grounds gave this matter a thorough investigation, or at least some of them did, and I desire to submit to the House candidly and fairly, without any prejudice, without any bias of a political nature or otherwise, what I believe to be the true and exact condition which exists in the matter.

I regret that gentlemen have made an attempt to-day, as they have done several times in the past, to make political capital out of this New York custom-house affair and to besmirch the characters of officials who are not here to defend themselves, and who while in office were carrying out, as I shall show, in good faith the mandates of Congress. I confess that I went into the investigation of this subject with a prejudice against the Government and against the officials who were managing the Government affairs relative to the matter. In the last session of Congress when this item in this bill was up for consideration I voted against this appropriation. I had not fully investigated it and I listened to the clamor and wild claims that were made against our officials in the Treasury Department and came to the conclusion that something was wrong.

It was in this state of mind and with this prejudice against the Government, when the matter came before the committee of which I am a member, that I commenced the investigation. I read the laws enacted by Congress under which the different officials of the Government acted. I read the CONGRESSIONAL RECORD where these laws were up for consideration. I read every letter and every document that passed between this bank and the Government, and I came to the conclusion that the Secretary of the Treasury and all of the other Government officials who have had anything to do with this transaction pursued a course which was absolutely honorable and which can in no way be criticised or justly found fault with. The fault, if there be one, was with Congress, and in order that the House may fully understand all of the conditions surrounding this matter I want to give the history of the transaction.

The sale of this property was first provided for by the act of March 3, 1891. In that act the minimum price was fixed at $4,000,000. This act passed the House during the second session of the Fifty-first Congress, practically by a unanimous vote.

Section 2 of the act of March 3, 1891, is as follows:

> SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, or at private sale after due advertisement, to the highest bidder, but for not less than $4,000,000, the present custom-house property in the city of New York, bounded by Wall, William, and Hanover streets and Exchange place. The proceeds of such sale, after the payment of the usual incidental expenses and commissions, shall be covered into the Treasury of the United States and is hereby appropriated and made available for the purpose of constructing the new custom-house building as herein and hereby provided; and in case of such sale the Secretary of the Treasury

shall lease said premises from the purchaser or purchasers thereof, at a rental which shall not exceed 4 per cent per annum on the purchase price, for use as a custom-house until the new custom-house shall be ready for occupancy, upon such terms as he may deem advantageous, and such sale shall be subject to such right of lease; and the Secretary of the Treasury is hereby authorized to sell said custom-house property and receive the purchase price in several payments from time to time, as he may deem most advantageous: *Provided, however,* That the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation, and the final payment is fully made.

The Secretary of the Treasury expended $2,308.05 in advertising for bids under that law. He never got a bid. He made some other investigation and some other attempt to bring this about, but he could not get a bid because the price was fixed by the law at too high a figure. As I look at it—and I am trying to look at it in a fair and honest way—there is no politics in it whatever. This law was in force from March 3, 1891, to March 2, 1899—eight years—and all that time officials were trying to sell this property. During half of this time there was a Democrat in the President's chair, and it was a Democratic Secretary of the Treasury who was trying his best to make this sale. He no doubt did his best and acted in good faith. He made a report on the 30th day of March, 1896, in regard to several things, in answer to some resolution of the Committee on Public Buildings and Grounds, and in this report he had this to say about that act and about this particular property, that on December 9, 1891, the Department advertised in the newspapers of New York City for proposals for the purchase of the present custom-house premises; and I shall insert in my remarks a copy of the advertisement and a certificate showing in what papers it was published.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. NORRIS. I yield for a question. I have only a very short time, and I want to get through with the matter.

Mr. GOLDFOGLE. Well, I want to be informed so as to vote intelligently.

The CHAIRMAN. Does the gentleman yield?

Mr. NORRIS. I will yield for a question, if the gentleman will ask it quickly.

Mr. GOLDFOGLE. The gentleman has intimated that he will print in the RECORD that which he does not now propose to read. I wish to ask the gentleman——

Mr. NORRIS. Oh, if the House will give me the time I will be very glad to read it now.

Mr. GOLDFOGLE. I want to know whether the advertisement at all indicated in any way that the purchaser could keep the purchase money without paying any interest for it.

Mr. NORRIS. Oh, I would have to read the advertisement in order to give the gentleman that information.

Mr. GOLDFOGLE. Well, I want to know what the advertisement is in order to vote fairly and intelligently upon the question.

Mr. NORRIS. Very well; I will read the advertisement, and then the gentleman can judge for himself. I will say to the gentleman that I have not the advertisement here under the first law. It is the advertisement under the second law and under which the sale was made that I have. But I was just coming to the statement——

Mr. GOLDFOGLE. What I want to get at is the advertisement under which bids were submitted, if bids were submitted at all.

Mr. NORRIS. Yes; I am going to read that, but that is under a different law.

Mr. GOLDFOGLE. Will the gentleman pardon me——

Mr. NORRIS. If I can get the time I do not care, Let the gentleman ask his question.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. NORRIS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. NORRIS. Now, let me go on first and then let the gentleman ask his question afterwards.

Mr. GOLDFOGLE. That will be all right if the gentleman does not take up the whole of the five minutes.

Mr. NORRIS. I was about to read what the Acting Secretary of the Treasury under Mr. Cleveland had stated.

On the 30th day of March, 1896, in the document referred to, and which I was about to read when the gentleman from New York interrupted me, the Acting Secretary of the Treasury under Mr. Cleveland used the following language in reference to the sale of this property under the act of March 3, 1891:

The Department advertised in the newspapers of New York City for proposals for the purchase of the present custom-house premises, but no proposals were received in response to such advertisement. Subsequent efforts were made by the Department to effect the sale of the property, but without success, for the reason that no proposals could be obtained to purchase said property at the upset price of $4,000,000.

From this it will be seen that efforts were made by both the Republican and Democratic Adminstrations to effect a sale of this property for the price named and under the conditions mentioned in the law. It seemed to be impossible to sell the property for $4,000,000, and that seemed to be the opinion of the Democratic Secretary of the Treasury after he had done his best to comply with the law and sell the property.

Now, Mr. Chairman——

Mr. GOLDFOGLE. Mr. Chairman——

Mr. NORRIS. Will you let me go on?

Mr. GOLDFOGLE. Will you answer the inquiry?

Mr. NORRIS. I do not want to yield now; I will answer the question later.

Mr. GOLDFOGLE. Will you yield at all?

The CHAIRMAN. The gentleman declines to yield.

Mr. NORRIS. Now, then, they were unable to sell the property. The testimony and the correspondence show they went to New York City, both a Republican Administration and the Democratic Administration, and spent nearly $3,000 and they never were able to receive a bid. They all agreed that the price was too high, and it must be put down if it was to be sold. Under these circumstances the act of March 2, 1899, was passed. This was in the Fifty-fifth Congress, third session. It passed the House on the 28th day of February, 1899, and the gentleman from New York who has made the motion to strike out this paragraph was in the House—was a Member of this House at that time. He was here that day, as the CONGRESSIONAL RECORD of that day will show. That law was passed without a dissenting voice, in which the upset price was fixed at $3,000,000. Section 4 of that act reads as follows:

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to sell at public or private sale, to the highest bidder, after due advertisement, but for not less than $3,000,000, the present custom-house property in the city of New York, bounded by Wall, William, and Hanover streets and Exchange place, and to deposit the proceeds of the sale, after the payment of the usual incidental expenses, in the United States Treasury as miscellaneous receipts derived from the sale of Government property; and in case of such sale the Secretary of the Treasury shall lease said premises from the purchaser or purchasers thereof, at a rental which shall not exceed 4 per cent per annum on the purchase price, for use as a custom-house until the new custom-house shall be ready for occupancy, upon such terms as he may deem advantageous, and such sale shall be subject to such right of lease; and the Secretary of the Treasury is hereby authorized to accept the said purchase price in several payments, from time to time, as he may deem most advantageous: *Provided, however,* That the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and final payment is fully made.

Mr. SULZER. The act reads "Not less than $3,000,000."

Mr. NORRIS. "The Secretary of the Treasury is hereby authorized and directed to sell," etc., "at public or private sale," and so on, "after due advertisement, but for not less than $3,000,000, the property," describing it and stating how it is bounded, etc.

Mr. GOLDFOGLE. Mr. Chairman——

Mr. NORRIS. I will not yield now.

Mr. GOLDFOGLE. I want to ask the gentleman——

Mr. NORRIS. Well, I have the floor; let me manage my own speech, will you not?—and then you can get in afterwards.

And in case of such sale—

That is, for $3,000,000 or over—

the Secretary of the Treasury shall lease said premises from the purchaser or purchasers thereof, at a rental which shall not exceed 4 per cent per annum of the purchase price, for use as a custom-house until the new custom-house shall be ready for occupancy, upon such terms as he may deem advantageous, and said sale shall be subject to such right of lease; and the Secretary of the Treasury is hereby authorized to accept the said purchase price in several payments, from time to time, as may be deemed advantageous: *Provided, however,* That the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and final payment is made.

Now, there are two things—the custom-house must be finished and final payment must be made before he is authorized to give possession. Now, Mr. Chairman, on the day that that law was passed, as I have said, the gentleman from New York [Mr. SULZER] was present. There was not even a roll call; there was no objection. Every Member from New York was anxious to get the act passed and everybody in the House was honest in the conviction that it was a right law. Nobody knew how much property was going to advance in value. No one knew what future conditions were going to be; but I submit to you, gentlemen, that if anybody was to blame it was the Congress of the United States that passed that law. In accordance with that law the Secretary of the Treasury advertised for bids——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORRIS. I ask, Mr. Chairman, permission to proceed for five minutes more.

Mr. GOLDFOGLE. Mr. Chairman, reserving my right to object, I want to say to the gentleman now that I asked for the last five minutes for him that he might reply to a question. He took the five minutes—took it because of the graciousness of this House. [Cries of "Regular order!"]

Mr. NORRIS. I am going to yield to the gentleman, but I want to finish this statement before I do it.

The CHAIRMAN. Will the gentleman kindly refrain until the Chair states the question? The gentleman from Nebraska asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York object?

Mr. GOLDFOGLE. Reserving my right to object, I ask the gentleman from Nebraska—— [Cries of "Regular order!"]

Mr. NORRIS. I will answer the gentleman's question.

Mr. GOLDFOGLE. If the gentleman says he will yield, I will not object.

Mr. NORRIS. But I do not yield this minute.

Mr. GOLDFOGLE. I want to be treated fairly on this floor.

Mr. NORRIS. I intend to yield to the gentleman, but I desire to finish this particular statement before doing so.

The CHAIRMAN. Does the gentleman from New York object?

Mr. GOLDFOGLE. Under the statement made by the gentleman, I do not.

The CHAIRMAN. The Chair hears no objection.

Mr. NORRIS. Now, Mr. Chairman, under that law these advertisements were made, and these bids were submitted, and the bid of this particular bank was accepted, which was $265,000 above the upset price. This sale was made, and the correspondence back and forth between the Secretary of the Treasury and the parties is contained in House document 264, which shows that this bank at one stage of the proceedings desired to pay off the entire debt and get the deed and possession, but the Secretary of the Treasury refused to do it, because the law—this law which Congress passed, and which the gentleman from New York [Mr. SULZER] voted for—required him to retain possession of this property until the new custom-house was completed. Now, I yield to the gentleman from New York. [Applause.]

Mr. GOLDFOGLE. I want the gentleman from Nebraska to answer this committee whether in any advertisement issued by the Treasury Department there was anything to indicate that the purchaser might retain without interest the purchase price, that the deed might not be put upon record, so that taxes could not be levied and collected?

Mr. NORRIS. Well, now, I will answer the gentleman's question by reading the advertisement, which will be a complete answer; but before doing that I want to submit an observation on this question of taxes.

Mr. GOLDFOGLE. Read the advertisement.

Mr. NORRIS. Gentlemen complain that the State of New York is not getting any taxes on this property. If it be true that under the laws of the State of New York the equity in this property owned by the bank is not taxable, then it is the fault of the laws of the State, and no complaint can justly be made against the Secretary of the Treasury on that account. It is true that in one of the letters written by the bank after the sale was made and while they were negotiating about the contract, the bank officials expressed the opinion that this property would not be taxable until the deed was passed and possession given. In answer to this letter, the Secretary of the Treasury agreed with this opinion. It was, however, a subject not in any way connected with the matter in hand—something that had no legal effect in any way; an opinion expressed on a subject that was not up for consideration and that had never been taken into consideration in any way whatever. The Secretary of the Treasury, representing the United States Government, and following not only the instructions, but the mandates of the law, was trying to sell the property, and in good faith he was doing everything he could to secure the largest price. The question of taxes was one in which the Government was not in any way interested, one that was not in any way considered in the passage of the law or considered or even thought of by the officials in carrying out the mandates of law. Whether the Secretary's opinion was right or wrong in regard to the taxability of this property was absolutely immaterial, and had nothing whatever to do with the case. The gentlemen who are complaining about this bank not paying its taxes to the State of New York ought to make their appeals to the legislature of that State, where laws should be enacted that would make taxable equities in property of this kind. I have given no attention to the question as to whether or not, as a matter of law, this property is taxable in its present status, because it has nothing whatever to do with the question before Congress. It is a matter entirely with the State of New York, and I can only say that if the laws of that State are so lax as to permit property of this kind to escape taxation, it is a subject that might well merit the consideration of the New York lawmakers.

Now, this advertisement was published in eleven newspapers.

Mr. GOLDFOGLE. What paper was it in?

Mr. NORRIS. I will give them to you, but I will have to look at another place to get it. Now, here is a copy of the advertisement:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 1, 1899.

Sealed proposals will be received at the Treasury Department, Washington, D. C., until 2 o'clock p. m. July 3, 1899, and then opened publicly, for the purchase of the custom-house property, bounded by Wall, William, and Hanover streets and Exchange place, New York City. No offer less than $3,000,000 will be considered. Each proposal must be accompanied by a certified check for $150,000. The Government reserves the right to occupy said property until the new custom-house on Bowling Green is ready for occupancy, and as rent for such use the purchaser will receive interest on the purchase price at 4 per cent per annum. The cash payment must not be less than $750,000. Bidders must state their wishes as to the manner of making the deferred payments, the arrangement of which rests with the Treasury Department, deferred payments to bear interest at 4 per cent per annum, payable semiannually. The right is reserved to reject any or all bids, or to waive any defect or informality in any bid should it be deemed in the interest of the Government to do so.

For further information apply to the collector of customs, New York City.

L. J. GAGE, *Secretary of the Treasury.*

"Deferred payments to bear interest at 4 per cent." That is better than cash.

Mr. GAINES of Tennessee. What is the date of that advertisement?

Mr. NORRIS. I read the date; it was June 1, 1899. Now, I will read the certificate that shows how that was advertised:

Treasury Department——

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. NORRIS. Unless some gentleman objects, I will print that in my remarks.

Mr. WILLIAMS. Read it. I ask unanimous consent that the time of the gentleman may be extended.

Mr. BARTLETT. I ask that the gentleman may have five minutes.

Mr. SULZER. Just put it in the RECORD.

Mr. WILLIAMS. Let the gentleman read it. It does not prove what he says.

The CHAIRMAN. Is there objection to extending the gentleman's time. [After a pause.] The Chair hears none.

Mr. NORRIS (reading)—

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 22, 1899.

This is to certify that in pursuance of the provisions of the act of Congress approved March 2, 1899, entitled "An act to supplement and amend an act entitled 'An act for the erection of a new custom-house in the city of New York, and for other purposes,' approved March 3, 1891," the custom-house property in New York City, bounded by Wall, William, and Hanover streets and Exchange place, was duly advertised for sale in the following-named newspapers published in said city for the periods set opposite each paper:

Mail and Express, Zeitung, Press, Wall Street Journal, Commercial Advertiser, Herald, Times, Tribune, Sun, twice a week, four weeks, beginning June 2, 1899; Journal of Commerce and Commercial Bulletin, twice a week, three weeks, beginning June 8, 1899; World, twice a week, two weeks, beginning June 13, 1899.

And further, that in my judgment such action was in compliance with the provisions of said act of Congress in respect to the due advertisement of said property.

Witness whereof, I have hereunto subscribed my hand and caused to be affixed the seal of the Treasury Department.

[SEAL.] L. J. GAGE,
Secretary of the Treasury.

Under the advertisement the following bids were received:

National City Bank of New York, James Stillman, president	$3,265,000
New York Realty, Bond, Exchange, and Trust Company, Henry Morgenthau, president	3,075,000
Farmers' Loan and Trust Company, Edwin S. Marston, president	3,055,000

On the 3d day of July, 1890, when the bids were opened, and it was found that the National City Bank of New York, was the highest bidder for the property and had bid $265,000 above the minimum limit fixed by the law, the Secretary of the Treasury immediately accepted such bid and notified the bank by letter on the same day of such acceptance. Then followed a long correspondence between the Secretary of the Treasury and the bank in regard to the details of the contract that, under the law, should be entered into between the bank and the Government. Various contracts were submitted by the bank and re-

jected by the Secretary of the Treasury, because they failed to comply with the law, and it was not until the 8th day of November, 1899, that the contract was finally and definitely settled and agreed upon. The letter from the bank which was sent to the office of the Secretary of the Treasury, with which its bids for said property was inclosed, was dated June 30, 1899. This letter, together with the answer of the Secretary, written after he had opened the bid made by the bank and the other bids, accepting such bid, and all the other correspondence leading up to the final completion of the contract, in the order in which the same occurred, is as follows:

THE NATIONAL CITY BANK OF NEW YORK,
New York, June 30, 1899.

SIR: Referring to the circular letter issued by you on June 1, 1899, inviting proposals for the purchase of the New York custom-house property, we now offer to purchase the said property according to the terms of your letter, and to pay for the same $3,265,000.

Inclosed please find cashier's check for $150,000.

We should prefer to pay a large portion of the purchase price in cash, the deed to be executed and held in escrow by a responsible trust company until the payment of the balance due at such time as may be arranged between us, and all details as to deferred payments to be arranged to your satisfaction.

Yours, respectfully,

THE NATIONAL CITY BANK OF NEW YORK,
By JAS. STILLMAN, *President.*

The SECRETARY OF THE TREASURY,
Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 3, 1899.

GENTLEMEN: Your proposal of June 30, 1899, to purchase the property known as the "custom-house," bounded by Wall, William, and Hanover streets and Exchange place, in New York, N. Y., in accordance with the act of Congress approved March 2, 1899, and the terms of Department advertisement dated June 1, 1899, for the sum of $3,265,000, is hereby accepted. It is noted that you desire to pay a large proportion of the purchase price in cash, and to have the deed executed and held in escrow by a responsible trust company, all details as to deferred payments to be arranged to the satisfaction of the Secretary of the Treasury.

Please to indicate to the Department what proportion of the purchase price you desire to pay in cash at this time, and indicate the name of the trust company with whom you desire the deed to be deposited in escrow.

The details of the arrangement under which the United States will retain the occupancy and use of the premises, in accordance with the terms of the act of Congress herein referred to, as well as all details as to the deferred payments, will be made the subject of a subsequent communication.

L. J. GAGE, *Secretary.*

The NATIONAL CITY BANK OF NEW YORK,
New York, N. Y.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 18, 1899.

GENTLEMEN: Referring to Department letter of the 3d instant, accepting your offer of the 30th ultimo for the purchase of the present custom-house property in New York City, I have to request that you will favor the Department with the information asked for at your earliest convenience.

Respectfully, yours,

H. A. TAYLOR,
Assistant Secretary.

The NATIONAL CITY BANK OF NEW YORK,
New York, N. Y.

THE NATIONAL CITY BANK OF NEW YORK,
New York, July 18, 1899.

SIR: Referring to your letter of the 3d instant, I beg to request that you will send me a copy of the act of Congress approved March 2, 1899.

It is suggested that the Farmers' Loan and Trust Company, which is one of the oldest and most responsible trust companies in this city, will be a satisfactory company to hold the deed in escrow.

At an early day I will arrange with you respecting the amount of the additional cash payment to be made by the bank, as well as all other necessary details pertaining to the completion of the purchase.

Yours, respectfully,

JAS. STILLMAN, *President.*

The SECRETARY OF THE TREASURY,
Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 21, 1899.

SIR: The receipt of your communication of the 18th instant is hereby acknowledged, and in response to your request there is herewith inclosed for your information a copy of act of Congress approved March 2, 1899, entitled "An act to supplement and amend an act entitled 'An act for the erection of a new custom-house in the city of New York, and for other purposes,' approved March 3, 1891."

Your suggestion that the deed of the old custom-house to your bank, when executed, be delivered as an escrow to the Farmers' Loan and Trust Company of New York City meets with the approval of the Department.

Respectfully, yours,

H. A. TAYLOR,
Assistant Secretary.

Mr. JAMES STILLMAN,
President The National City Bank of New York,
New York, N. Y.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., July 26, 1899.

SIR: I have the honor to advise you that the Department is about to consummate the purchase of a site for the new custom-house building to be erected in New York City under the provisions of the act of Congress providing therefor, and you are requested to advise the Department, without delay, as to the amount of the cash payment which the National City Bank desires to make upon the purchase of the old custom-house property.

It was understood at the time of the sale that the bank desired to make a larger payment than that required by the advertisement, and the Department is now ready to accept any amount in excess of $750,000 which you may wish to pay.

It is the desire of the Department to close this transaction without further delay, in order that the deed may be prepared and delivered in escrow to the Farmers' Loan and Trust Company, as suggested by you, and the contract by the Government to lease the old custom-house building during the erection of the new structure arranged in proper form.

A reply at your earliest convenience is requested.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Mr. JAMES STILLMAN,
President The National City Bank of New York,
New York, N. Y.

[Telegram.]

NEW YORK, *July 27, 1899.*

Replying to your letter of yesterday, Mr. Simonson, assistant cashier of this bank, will call upon you Friday to make final arrangements.

JAMES STILLMAN, *President.*

Hon. LYMAN J. GAGE,
Treasury Department, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 29, 1899.

SIR: In compliance with the request of your Mr. Simonson, there are inclosed herewith, for your inspection, the muniments of title of the United States to the so-called "custom-house property," bounded by William, Wall, and Hanover streets and Exchange place, in the city of New York, consisting of papers as fully described on the schedule hereto attached, the receipt of which papers you will please acknowledge.

When you have completed the examination of the papers referred to, I will be pleased to have you return them to the custody of the Treasury Department, where they should remain until the title to said property is actually vested in the National City Bank of New York, at which time, if you so desire, the papers will be transmitted to you.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Mr. JAMES STILLMAN,
President National City Bank of New York,
New York, N. Y.

THE NATIONAL CITY BANK OF NEW YORK,
New York, July 31, 1899.

SIR: We acknowledge receipt of your favor of the 29th instant, inclosing, for our inspection, muniments of title of the United States to the custom-house property, as more particularly described on the schedule thereto attached.

Upon completion of our examination of the papers referred to, we will be glad to return them to the custody of the Treasury Department until the title is actually vested in this bank.

Thanking you for your courtesy in the matter, we are,

Yours, respectfully,

JAS. STILLMAN, *President.*

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., August 1, 1899.

SIR: In compliance with the suggestion of your Mr. Simonson, on the occasion of his recent visit to Washington, I inclose herewith, for examination by your attorneys and for such criticism as they may see fit to submit, a copy of the proposed deed of the United States to your bank of the old custom-house property in New York City, and a draft of the essential stipulations of the contract to be entered into between the United States and your bank in reference to the matter.

The Department will be pleased to have you return the inclosures with such suggestions in reference thereto as you may deem pertinent and proper.

Respectfully, yours,

L. J. GAGE,
Secretary.

Mr. JAMES STILLMAN,
President National City Bank of New York,
New York, N. Y.

NEW YORK, *August 1, 1899.*

SIR: Mr. James Stillman, the president of the National City Bank of New York, has referred to us your letter to him of the 1st instant, inclosing proposed contract of sale and deed.

We have somewhat changed the form of the contract of sale without making any change in its material provisions, and we now send you herewith a copy as it has been revised. The principal change in substance is the addition of a clause providing for the insurance of the building against fire, the amount of which we have left blank, but which we suppose will be at least as much as the building has been heretofore insured for.

We have also provided that the deed, which will be executed and delivered to the Farmers' Loan and Trust Company, shall be delivered by it to the bank upon its receiving the balance of the purchase price and a lease of the premises to the Government. This is in accordance with the usual provisions of an escrow, and protects both parties in defining the terms upon which the deed may be delivered.

There are only two material changes in the form of the deed, a copy of which, as revised by us, we inclose.

In expressing the consideration we have stated, in accordance with the usage followed in this State, the total considerations, and we have made no reference to the fact that any part of the consideration remains unpaid. The deed will not be delivered until the consideration has been paid in full, and it should therefore properly describe the consideration as of that date. The provision as to the payment of a portion

now and the balance upon the delivery of the deed is contained in the contract of sale, which will, of course, be binding upon the trust company, as it will receive the deed under that instrument.

The other change in the deed is in the manner of its execution. In this respect we have combined the form of patent required by section 458 of the United States Revised Statutes with a conveyance executed by you, as Secretary, on behalf of the United States. We do this as a matter of abundant caution, inasmuch as the act of Congress under which the sale is made merely authorizes you to sell and receive the purchase price, but is silent as to the conveyance by you of the land. It is therefore possible that in the absence of an express power to convey, the general provisions of the Revised Statutes might be held to apply, as it might to be claimed that the deed should be executed by the Land Office instead of by yourself as agent. We do not ourselves think this was the intent of the act, but as the amount involved is so large and is likely to be largely increased by the improvement of the property, we desire to guard against the possibility of any such question in the future.

Yours, respectfully, SHEARMAN & STERLING.

The SECRETARY OF THE TREASURY,
Washington, D. C.

P. S.—We have suggested January 1, 1902, as the limit for the occupation by the Government of the old custom-house. Some definite limit should be fixed, in order to enable the bank to make its plans for improving the property.

S. & S.

THE NATIONAL CITY BANK OF NEW YORK,
New York, August 18, 1899.

DEAR SIR: In accordance with the permission given us when I had the pleasure of speaking with you on the telephone to-day, this bank will transfer on its books to-morrow, August 19, to the credit of the Treasurer of the United States, the sum of $3,215,000, as payment on account of our purchase of the old custom-house property, for which we will issue the customary receipt. Please instruct the assistant treasurer of the United States in this city to receive and hold as security for public moneys the required amount of United States bonds.

As the check for $150,000, inclosed with our bid and now in your possession has not been used, will you kindly return it to us?

We shall make the above payment of $3,215,000 upon the understanding, of course, that we are not to be liable for any taxes or water rates upon the property so long as you remain in possession and the balance of $50,000 remains unpaid and the deed is undelivered.

We presume you are forwarding to-day the deed and contract, as the same were sent you last Wednesday.

It seems from an examination of the title that the property contains 583 square feet less than we supposed, owing to the fact that the city has used a portion of the original tract as a street, and our attorneys advise us that it has had possession so long that probably we could not regain possession of it even after a protracted litigation.

Will you please give us a formal certificate, under seal, stating what notice you gave, by advertisement or otherwise, of the sale of the custom-house property, and that in your judgment this was in compliance with the act of Congress, in respect to due advertisement.

Assuring you of our appreciation of your kind attention, I am,
Yours, very truly,

JAS. STILLMAN, *President.*

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

THE NATIONAL CITY BANK OF NEW YORK,
New York, August 19, 1899.

DEAR SIR: We beg to advise having transferred to the credit of the Treasurer of the United States in this bank the sum of $3,215,000, on account of the purchase by us of the old custom-house property, and have deposited with the assistant treasurer of the United States here the following United States Government bonds, which, together with the excess of bonds now held by him, will cover the above amount:

$2,000,000 United States registered 4 per cent bonds of 1907.
$450,000 United States registered 5 per cent bonds of 1904.
$400,000 United States registered 4 per cent bonds of 1907.
$250,000 United States coupon 5 per cent bonds of 1904.

We have forwarded the customary receipt to the Treasurer of the United States.

Respectfully, yours, G. S. WHITSON.

The SECRETARY OF THE TREASURY,
Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 19, 1899.

SIR: This Department is in receipt of a communication dated August 14, 1899 (copy inclosed), from your attorneys, Messrs. Shearman & Sterling, submitting to the Department a suggested form of contract of sale and conveyance to be used in connection with the sale of the old custom-house property in New York, N. Y., to the National City Bank of New York.

The only material changes suggested by your attorneys in the forms submitted to you by the Department appear to be as follows:

First. That the bank shall make the final payment of $50,000 to the Farmers' Loan and Trust Company instead of to the Department. As the apparent object of this stipulation is to put the Farmers' Loan and Trust Company in possession of information showing that the final payment has actually been made, and that that portion of the condition relating to the delivery of the deed from escrow has been complied with, it is suggested that that object will be as well accomplished by the deposit of the amount at the proper time with the Assistant Treasurer United States, who will issue his certificates of deposit in duplicate or triplicate, one copy of which can be presented to the Farmers' Loan and Trust Company as evidence of such final payment, and the contract of sale should so provide.

Second. The stipulation as to the lease has been changed so as to limit the terms thereunder to a date not later than January 1, 1902. To this the Department suggests that it has no authority to consent, for the reason that the act of Congress authorizing the sale of this property provides in express terms that, "in case of such sale the Secretary of the Treasury shall lease said premises from the purchaser or purchasers thereof, at a rental which shall not exceed 4 per cent per annum on the purchase price, for use as a custom-house until the new custom-house shall be ready for occupancy, upon such terms as he may deem advantageous, and such sale shall be subject to such right of lease;" also, "that the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and final payment is fully made." It is stated by your attorneys that said date of January 1, 1902, was inserted for the purpose of enabling the bank to make its plans for improving the property. It is suggested that this can readily be accomplished by the insertion of a stipulation that this Department shall give the bank six months' notice of the time when the new custom-house will be completed and ready for occupation. In view of the foregoing the stipulation relative to the lease should be modified in conformity with these suggestions.

Third. It is stipulated in the form submitted by you, that during the occupation of the building by the United States it shall keep the same insured against loss by fire, and your attorneys suggest that the amount of such insurance ought to be at least as much as the building has been heretofore insured for. In this connection you are advised that the United States never insures its public buildings, and consequently has never had any insurance on this building; and, furthermore, that there is no appropriation under the control of this Department which could be made available for such a purpose. Consequently, if the bank desires to have this property insured it must secure the same at its own cost and expense.

As to the suggested change in the form of deed relating to the consideration, you are advised that the Department has no objection to expressing the consideration as having been paid in full, in view of the fact that the deed is not to be delivered from escrow until the total amount of the purchase price shall have been paid, and the conditions under which said deed shall have been delivered in escrow fully complied with.

In reference to the suggestion of your attorneys that, as a matter of abundant caution, the conveyance in this case should be in the form of a combined quitclaim deed and patent, because of the omission in the act of express authority to the Secretary of the Treasury to convey the property, you are advised that such form is not considered by the Department to be proper or necessary. It is a well-settled principle of law that whenever Congress confers authority upon an agent of the Government to do any act it is to be construed as including all necessary or usual or proper modes and means of accomplishing the act, since to authorize the doing of an act and at the same time to deny the proper means of doing it would be idle and absurd. (17 Opinions of Attorneys-General, 100; Story on Sales, sec. 70.) This principle has been the subject of numerous adjudications by the courts, and your attention is respectfully directed to the cases of Decker *v.* Freeman, 3 Greenleaf, 338; Valentine *v.* Piper, 22 Pick., 85, and Yale *v.* Eames, 1 Metc., 488.

Furthermore, it is suggested that the General Land Office has no authority to issue patents to lands other than those embraced within the public domain, and this term can not be held to apply to lands either acquired or set apart for a particular purpose of the Government, and therefore the Land Office would be without authority to act in this case and has so informally advised this Department. For these reasons it is submitted that a quitclaim deed, executed by the Secretary of the Treasury, will be ample to convey all the estate, right, title, and interest of the Government in and to the property in question.

In other respects the forms submitted by your attorneys appear to be satisfactory, and upon the receipt of a statement from you that the changes herein suggested are satisfactory to you new forms, prepared in accordance therewith, will be drawn and executed. It is requested that you favor the Department with an early reply.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Mr. JAMES STILLMAN,
President of the National City Bank of New York,
New York, N. Y.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 21, 1899.

SIR: Replying to your letter of the 18th instant in reference to the details of the business relating to your purchase of the old custom-house property in New York City, you are advised that when Department letters dated August 19, 1899, were prepared relative to the form of contract of sale and deed, and concerning the matter of the deposit with your bank of the sum of $3,065,000 to the credit of the Treasurer of the United States on account of the purchase of said property, your letter above referred to had not been received. The Department is now in receipt of certificate of deposit No. 1614, issued August 19, 1899, by the National City Bank of New York, showing the deposit by your bank to the credit of the Treasurer of the United States of the sum of $3,215,000 on account of the purchase of the old New York custom-house property. The certificate will be held awaiting determination of the question of the proper method to be employed in paying the outstanding expenses of the sale, as the amount to be deposited must be reduced by the amount of such expenses.

The subject of the return of your certified check of $150,000, deposited with your bid, will be disposed of at the same time.

As a reply to that portion of your letter of the 18th instant not covered by the two letters of the Department dated the 19th instant, you are advised that the property offered for sale by the United States is bounded by Wall, William, and Hanover streets and Exchange place, and that the same will be described in the deed to you as being so bounded. The Department is not aware that the city has appropriated any part of the property for streets since its acquisition by the United States, but if you desire it at any time I will have the records of the Department examined and advise you what they show, if anything, bearing on this point.

In compliance with your request that you be given a formal certificate, under seal, showing what notice the Department gave by advertisement, or otherwise, of the sale of the old custom-house, you are advised that such a certificate will be sent you, showing that the law was complied with in regard to advertising for proposals for the purchase of said property.

As to the taxes and water rates against said property, you are advised that the Department's understanding of this matter is the same as your own, viz, that so long as the title to the property remains vested in the United States you will not be liable for any taxes or water rates.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Mr. JAMES STILLMAN,
President of the National City Bank of New York,
New York, N. Y.

THE NATIONAL CITY BANK OF NEW YORK,
New York, August 24, 1899.

SIR: We have to acknowledge the receipt of your two favors of the 19th instant and that of the 21st instant, in relation to the old custom-house property in this city.

Mr. John A. Garver, of the firm of Messrs. Shearman & Sterling, the attorneys who represent us in this business, leaves to-night for Washington in order to carry out the suggestions contained in your letters referred to above.

Yours, respectfully,
JAS. STILLMAN,
President.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

THE NATIONAL CITY BANK OF NEW YORK,
New York, August 24, 1899.

DEAR SIR: This will introduce to you Mr. John A. Garver, of Shearman & Sterling, the legal representatives of this bank in connection with the matter of the purchase by us of the old custom-house property in this city.

In any way you can expedite the closing of the matter, you will confer upon us a favor.

Bespeaking for him your courtesy, we are,

Respectfully, yours,
W. A. SIMONSON.

The SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

THE NATIONAL CITY BANK OF NEW YORK,
New York, August 28, 1899.

SIR: We acknowledge receipt of your favor of the 26th instant, inclosing our cashier's check for $150,000, placed on deposit with you to secure our bid for the New York custom-house property.

We have followed your instructions by canceling the certificate of deposit issued by us for $3,215,000 (returned to us in your letter of the 24th) in favor of the Treasurer of the United States, and now send you herewith original certificate No. 1622 for $3,065,000, and No. 1623 for $145,000, together with our check for $5,000 to your order, making a total payment on the property of $3,215,000.

Will you kindly acknowledge receipt of this, and oblige,

Yours, very respectfully,
G. S. WHITSON, *Cashier.*

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

[Copies of certificates of deposit mentioned in foregoing letter.]

No. 1622.] THE NATIONAL CITY BANK OF NEW YORK,
New York, N. Y., August 28, 1899.

I certify that The National City Bank of New York have this day deposited to the credit of the Treasurer of the United States $3,065,000, on account of proceeds of sale of old custom-house property, New York City, for which I have signed triplicate receipts.

G. S. WHITSON, *Cashier.*

No. 1623.] THE NATIONAL CITY BANK OF NEW YORK,
New York, N. Y., August 28, 1899.

I certify that The National City Bank of New York has this day deposited to the credit of the Treasurer of the United States $145,000, on account of proceeds sale of old custom-house property, New York City, for which I have signed triplicate receipts.

G. S. WHITSON, *Cashier.*

THE NATIONAL CITY BANK OF NEW YORK,
New York, September 12, 1899.

SIR: On the 1st instant an official letter was written you acknowledging the receipt of yours of the 31st ultimo, and stating that the subject-matter had been referred to the counsel of the bank. They have examined the proposed quadruplicate contracts and deeds and approve of the adoption of the various suggestions, except the insertion in two places in the contract of the words "subject to appropriations to be made by Congress." If these words had been used in the act or been made a part of the terms of the Department advertisement, dated June 1, 1899, no objection would now be made to their insertion in the contract, but such was not the case.

It is immaterial to the bank what method the Department adopts for raising the money with which to pay the rent. It may be that its only method is, as suggested in your letter, through an act of Congress authorizing an appropriation for the purpose. The bank, however, does not wish to agree that any particular method shall be adopted by the Treasury Department. It relies upon the act of Congress and the Department advertisement, the former of which explicitly states that "the Secretary of the Treasury shall lease said premises * * * at a (certain) rental," and the latter, with equal explicitness, states that "as rent for such use the purchaser will receive interest on the purchase price at 4 per cent per annum." I think, therefore, that you will recognize the justice of this position and will not insist that these restrictive words be inserted, when neither the act nor the Department advertisement imposed them as a condition of the compulsory lease.

I am writing to you personally, as I desire to avoid the publicity of the contents of this letter, as the reporters seem to have access to everything that goes upon the files in connection with this matter. The delay in earlier communicating with you has been due to my absence from the city.

I am, yours, respectfully,
JAS. STILLMAN,
President.

The SECRETARY OF THE TREASURY,
Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 19, 1899.

SIR: You personal note of the 12th instant, addressed to the Secretary of the Treasury, in reference to the form of contract of sale to be entered into between the United States and your bank in the matter of the purchase of the old custom-house property in New York City, was duly received. In reference to the employment in said form of the words "subject to appropriations to be made by Congress," you are advised that those words were used advisedly. While the act authorizing the sale of the custom-house property authorizes and directs the Secretary of the Treasury to lease said property from the purchaser, no appropriation is made in said act, in terms, for the payment of the rent. It was therefore thought best to follow the established practice of the Department in similar cases by inserting the words in question, which it is thought do not in any way affect your right to payment. As stated in a former letter, an item for the rent in question will be included in the estimates for appropriations to be submitted to Congress. The contingency of the refusal of Congress to make such appropriation under the circumstances would seem to be exceedingly remote in view of its authority and direction to lease the property.

Respectfully,
H. A. TAYLOR, *Assistant Secretary.*

JAS. STILLMAN, Esq.,
President National City Bank of New York,
New York City.

THE NATIONAL CITY BANK OF NEW YORK,
New York, September 20, 1899.

SIR: We acknowledge the receipt of your favor of the 19th instant in reference to the New York custom-house (old property), and beg to say that the same has been referred to our counsel and will have prompt attention.

Respectfully, yours,
W. A. SIMONSON,
Assistant Cashier.

The SECRETARY OF THE TREASURY,
Washington, D. C.

THE NATIONAL CITY BANK OF NEW YORK,
New York, October 2, 1899.

SIR: Referring to our conversation of to-day, I beg to inclose you four copies of the agreement and deed in reference to the sale of the old custom-house property, upon which I have marked, on page 3: "Subject to appropriations to be made by Congress;" which sentence we desire, if possible, to have eliminated.

Trusting that you can see your way clear to do so, and that we may hear further from you in the matter at your convenience, we are,

Yours, very respectfully,
W. A. SIMONSON, *Assistant Cashier.*

Hon. FRANK A. VANDERLIP,
Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 5, 1899.

SIR: This Department is in receipt of your communication of the 2d instant, with inclosures, in which you request, if the Department can possibly do so, that the words "subject to appropriations to be made by Congress," on page 3 of the form of contract of sale of the old custom-house property in New York City be eliminated therefrom.

As previously explained to the bank by the Department, in its letter dated September 19, 1899, these words are employed in said contract form because, while the act of Congress authorizing the sale of said property empowers and directs the Secretary of the Treasury to lease the property from the purchasers, no appropriation is made in said act for the payment of the rent. Whether the words referred to are employed or not, it must be understood that until Congress provides an appropriation for the payment of the rent in question, there is no fund under the control of this Department which can be made available for that purpose, and that the Department, in the execution of the instrument referred to, does not intend to imply that such fund exists, or to take any action beyond the authority conferred upon it by the terms of the act of Congress referred to.

As heretofore suggested to the bank, the Department will include in its estimates for appropriations to be submitted to Congress, an item for the rent in question, and it is deemed unlikely that Congress will neglect or refuse to make provision therefor, in view of its direction to the Secretary of the Treasury to create the obligation.

It is, therefore, suggested that a communication be addressed to the Department by the bank stating that its understanding of the matter is as herein stated, and upon the receipt of such letter consideration will be given by the Department to the elimination of the words referred to from said contract form.

Respectfully,
F. A. VANDERLIP,
Assistant Secretary.

Mr. W. A. SIMONSON,
Assistant Cashier, National City Bank of New York,
New York, N. Y.

THE NATIONAL CITY BANK OF NEW YORK,
New York, October 12, 1899.

SIR: I duly received your letter of the 5th instant.

Our objection to inserting in the contract the clause making the payment of the rent "subject to appropriations to be made by Congress," was that we were unwilling to consent to any modification of the terms of the contract under which we made our offer for the property. We have no objection, however, to a definite understanding that the omission of this subject clause shall not make the Secretary of the Treasury personally responsible for the performance of the contract. If the contract is executed as it was authorized, Congress will have no excuse whatever for refusing to make the necessary appropriation, and if, for any reason, it should refuse to do so, our remedy in the Court of Claims would be clear. With this understanding, therefore, that the obligation is that of the United States, and not of the Treasury Department, will you kindly have the contract executed and returned to us.

Yours, very truly,
W. A. SIMONSON, *Assistant Cashier.*

Hon. F. A. VANDERLIP,
Assistant Secretary of the Treasury, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., October 16, 1899.

SIR: Referring to the communication from the National City Bank of New York under date of the 12th instant, there are returned herewith, for execution by the bank, the four copies of the contract of sale in connection with the transfer of the old custom-house property in New York City, having omitted therefrom the words "subject to appropriations to be made by Congress."

Please execute the four copies of the contract and return the same to this Department for execution on the part of the United States.

Respectfully,

O. L. SPAULDING, *Acting Secretary.*

Mr. JAMES STILLMAN,
President National City Bank of New York, New York, N. Y.

THE NATIONAL CITY BANK OF NEW YORK,
New York, October 20, 1899.

DEAR SIR: Herewith we beg to send you, duly executed by Mr. James Stillman, president, four copies of the agreement covering the purchase by this bank of the old custom-house property, sent us by you for signature.

Will you kindly have the signature of the Secretary now affixed thereto, returning us one copy, and oblige?

Yours, very truly,

W. A. SIMONSON, *Assistant Cashier.*

Hon. FRANK A. VANDERLIP,
Assistant Secretary of the Treasury, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., October 25, 1899.

GENTLEMEN: The contract of sale between the United States and the National City Bank of New York, in connection with the sale of the old custom-house property, is herewith returned (in duplicate) for correction, the execution of the instrument being unsatisfactory in the following particulars:

First. Inasmuch as by the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," a "lease, agreement, memorandum, or contract for the hire, use, or rent of any land, tenement, or portion thereof" is required to be stamped, and as it seems probable that the use of the premises by the Government will continue for more than three years there should be affixed to each of the inclosed copies of the contract of sale documentary internal-revenue stamps to the value of $1, this instrument being thought to come within the meaning of the law mentioned in so far as it provides for the use of the premises by the United States until the purchase price is fully paid.

Second. Properly authenticated evidence should be attached that James Stillman was at the date of execution the duly elected president of the bank, and as such president was authorized to execute the instrument on behalf of the bank. If the president did not have such authority at the date of execution, it will be necessary to have a resolution passed by the board of directors ratifying and confirming his act in executing the contract of sale at that time.

Please have these corrections made promptly and return the papers to this office.

Respectfully,

C. E. KEMPER,
Chief Executive Officer.

THE NATIONAL CITY BANK OF NEW YORK,
New York, N. Y.

THE NATIONAL CITY BANK OF NEW YORK,
New York, October 26, 1899.

SIR: We acknowledge the receipt of your favor of the 25th instant, returning us for correction duplicate contracts of sale in connection with the old custom-house property.

We will have the properly authenticated evidence attached and forwarded you in due course, which will probably be early next week.

Yours, respectfully,

W. A. SIMONSON,
Assistant Cashier.

The SUPERVISING ARCHITECT,
United States Treasury, Washington, D. C.

THE NATIONAL CITY BANK OF NEW YORK,
New York, October 31, 1899.

SIR: Inclosed I return you, duly stamped and authenticated, two copies of the contract between the United States of America and this bank covering the purchase by this bank of the old custom-house property, which contracts were inclosed to us in yours of October 25.

Trusting that they are now satisfactory, we are,

Yours, very respectfully,

W. A. SIMONSON,
Assistant Cashier.

The SUPERVISING ARCHITECT,
United States Treasury, Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 2, 1899.

GENTLEMEN: Referring to Department's letter dated the 25th ultimo, returning to you for completion the contract, etc., for the purchase by you of the old custom-house property in the city of New York, you are advised that the certificate signed by the cashier of the National City Bank that James Stillman was the president of said bank at the time of the execution of the instrument in question is not sufficient, in the opinion of the Solicitor of the Treasury, for the purposes for which it is requested. What the Department requires, as stated in its letter of the 25th ultimo, is a duly authenticated copy of the resolution or authority under which Mr. Stillman executed said instrument for the bank. In the event that he had no specific authority at that time there should be furnished a duly authenticated copy of the resolution of the board of directors of the bank ratifying and confirming his act in that regard.

Respectfully,

H. A. TAYLOR,
Assistant Secretary.

THE NATIONAL CITY BANK OF NEW YORK,
New York City.

THE NATIONAL CITY BANK OF NEW YORK,
New York, November 3, 1899.

SIR: Replying to your favor of the 2d instant, we beg to inclose, duly authenticated, a copy of the resolution of the board of directors of this bank, [illegible] the act of Mr. James Stillman as president of this bank in executing the agreement covering the sale to it by the United States Government of the old custom-house property.

Trusting that this is satisfactory, we are,

Yours, very respectfully,

W. A. SIMONSON.

The SECRETARY OF THE TREASURY,
Washington, D. C.

THE NATIONAL CITY BANK OF NEW YORK,
New York, November 8, 1899.

SIR: Inclosed we hand you our acknowledgment of your favor inclosing a copy of the agreement of sale of the old custom-house property, for which please accept our thanks.

Very truly, yours,

W. A. SIMONSON,
Assistant Cashier.

The SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

This correspondence shows the history of the transaction between the time of the acceptance of the bid and the actual signing of the contract. A careful perusal will convince any unbiased mind that the Secretary of the Treasury was at all times carefully and zealously guarding the interests of the Government and protecting them in every way. Many contracts were submitted by the bank and rejected by the Secretary. Every attempt on the part of the bank officials to vary in the slightest degree from the provisions of the law passed by Congress was at once checkmated and the law absolutely enforced, both in letter and in spirit.

I desire to call particular attention to the letter of Shearman & Sterling, the attorneys for the bank, dated August 14, 1899, and especially to the postscript to such letter, in which they ask that the Government agree to give possession and close the entire contract by January 1, 1902. The bank was anxious at all times to get possession of this property, as they say in one of their letters, so they could improve it. They would have been willing to have paid the entire amount in cash if by so doing they could have obtained immediate possession of the property, so that they could improve it and put it in shape for their uses.

Now, let us look at the answer of Secretary Gage to this letter. It is dated August 19, 1899, and in it he declines to permit such a stipulation or limitation to be put into the contract, and gives his reason for the same. This difficulty which has since arisen, these claims that have been made without any foundation in fact, detrimental to the Secretary in conducting this affair, are all based on the false impression that the bank desired the lease to run as long as possible and that the Secretary of the Treasury was assisting them in bringing about such an arrangement when, as a matter of fact, the bank was anxious to close the deal as soon as possible and get possession of the property, and the Secretary of the Treasury was precluded from agreeing to any such stipulation on account of the fact stated in his letter dated August 19, 1899, that the law under which he made the sale absolutely prohibited him from making any provision by which the Government should lose possession of the property prior to the completion of the new custom-house. In my judgment Congress made a mistake in passing this law by which the sale of this property was authorized. There is no doubt but what this property, together with all other property in the United States, has been affected by the wonderful prosperity we have enjoyed since this property was sold, and there is no doubt but what this property is much more valuable now than when the sale took place; but it is not only unfair, it is absolutely unjust in the extreme, to charge the Secretary of the Treasury with fraud and intrigue when, as a matter of fact, the record absolutely and clearly shows that had he done as his critics now claim he ought to have done he would have not only violated the mandates of the law, but would have been subject to impeachment for a flagrant violation of his duty.

Complaint has been made that this money was not actually paid in cash, but that the same was paid by certificates of deposit, giving the Government credit for the amount stated in the contract. This bank where the money was deposited was at the time one of the legally designated depositories of the United States. It had complied with the law in that respect and had put up Government bonds for the security of all deposits, including this one in particular. It is true that the Secretary of the Treasury might have demanded this payment in gold coin and immediately redeposited it in the bank, or, indeed, might have carried the money across the country to some other depository and there deposited it, but such course would have been not only inconvenient for the Secretary, but would have been foolish as well. This money was deposited the same as any other money in that bank or any other depository and was checked out in the due course of business the same as any other funds and according to the usual and ordinary course of business. I could produce ample authority as given in opinions of the legal department both under Democratic and Republican

Administrations, as well as decisions by the Supreme Court, that a payment of money due the Government into a legally designated depository, and the giving and acceptance of a certificate for such funds, is in law an actual payment to the Government of the money named in such certificate. But it is useless to argue, in my judgment, a proposition so evident and simple. It is admitted that the Government was given credit for the money and that it checked on the bank and used the money in the regular course of business.

I can not understand how Members of Congress can justify themselves in thus attempting to arouse partisan spirit and political prejudice by such misrepresentations of the facts and unfounded assertions in regard to a transaction where faithfulness of conduct and strict adherence to duty has marked every step taken by the officials of our Government. The mistake, if a mistake was made, was made by Congress in 1899, when it passed this law, and, in my judgment, it is not only unjust and unfair, but unpatriotic, for Members of this body to try to shift the responsibility and, without cause or reason, cast suspicion upon public officials who can not be heard here in their own defense.

The contract, the only chapter left in this proceeding, and which I will give to the House, protects every interest of the Government so far as it could be protected under the law under which the contract was made. Since the making of this contract there has been no violation of it, so far as I am advised, and I have not heard anyone claim that there has been a violation of its terms on the part of the bank. I challenge anyone to point to a single instance wherein the Secretary of the Treasury has in any way failed to follow out the mandates of the law or wherein, since the contract was entered into, there has been a failure on the part of the bank to comply with its part of the agreement.

Mr. YOUNG. Will the gentleman yield for a question?

Mr. NORRIS. I do.

Mr. YOUNG. I wish to ask the gentleman if he can tell us now what the terms of payment were which were actually agreed to in the contract, and whether that last payment is now due or not?

Mr. NORRIS. They are not required to make that last payment until the United States Government is entitled to possession of the new custom-house, as provided in this law, and it will not be paid, I presume, until the custom-house is completed.

Mr. YOUNG. Is that in the contract?

Mr. BARTLETT. No.

Mr. NORRIS. Mr. Chairman, unless there is objection, I will print as part of my remarks a copy of the contract that was entered into.

Mr. WILLIAMS. Let us have it now, if anybody has it.

Mr. NORRIS. I want to say that it will take some time to read it.

Mr. YOUNG. Get down to the terms of payment.

Mr. JONES of Washington. What was the arrangement made by the Secretary of the Treasury with reference to these deferred payments—whether or not the Government now can demand the balance of the purchase price and give the deed and still retain possession under the lease?

Mr. TAWNEY. No; not under the contract.

Mr. NORRIS. They can not do it under the contract.

Mr. JONES of Washington. Read that part of the contract.

Mr. NORRIS. I do not know that I can pick out that particular part at a moment's notice. While I am speaking of this contract, I want to call the attention of gentlemen who desire to see this report—House Document 264, Fifty-sixth Congress, first session—to the fact that in the correspondence they will find copies of proposed contracts that were sent back and forth between the bank and Government, and they might get the impression that the contract is found on page 42. As a matter of fact, the contract as signed between the Government and the bank, the final contract which is still in force, is found on page 35 of that document. The Secretary of the Treasury in a communication to the present Congress said that that contract was found on page 42, but I called his attention to the fact, after I had read all the letters in the document, that he was mistaken, and he sent a subsequent letter here to this House on February 15, in which he called attention to the fact that he was mistaken, and that the contract as modified is correctly copied in that document on page 35.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. YOUNG. I ask that the gentleman have five minutes additional time, in which to read the contract.

Mr. NORRIS. Let the Clerk read the contract, if they want it read.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan, that the time of the gentleman from Nebraska be extended five minutes, in which time the Clerk may read the contract?

There was no objection.

Mr. SULZER. It is only necessary to read the conditions of the contract.

Mr. NORRIS. I send the contract to the Clerk's desk and ask that it be read.

The Clerk read as follows:

CONTRACT BETWEEN THE UNITED STATES OF AMERICA AND THE NATIONAL CITY BANK OF NEW YORK.

This agreement, made and entered into the 18th day of August, 1899, by and between the United States of America (hereinafter called "the United States"), acting through its Secretary of the Treasury, of the first part, and the National City Bank of New York, of the city, county, and State of New York (hereinafter called "the bank"), a corporation organized under the laws of the United States, of the second part, witnesseth:

Whereas the act of Congress approved March 2, 1899, entitled "An act to supplement and amend an act entitled 'An act for the erection of a new custom-house in the city of New York, and for other purposes,' approved March 3, 1891," authorized and directed the Secretary of the Treasury to sell, subject to certain conditions mentioned in said act, the property in the city of New York now occupied by the United States as a custom-house and hereinafter referred to as "the old custom-house," bounded by Wall, William, and Hanover streets, and Exchange place; and

Whereas, in response to public advertisement, dated June 1, 1899, the National City Bank of New York, by James Stillman, its president, submitted a proposal in writing to purchase said property for the sum of three million two hundred and sixty-five thousand dollars ($3,265,000), on the conditions mentioned in the said proposal; and

Whereas Lyman J. Gage, as Secretary of the Treasury, under date of July 3, 1899, accepted said proposal, subject to the provisions of the act of Congress hereinbefore referred to (true and correct copies of which said act of Congress, proposal, and letter of acceptance are hereto attached and made part hereof and marked Exhibits A, B, and C, respectively); and

Whereas the bank subsequently waived the condition in its proposal requiring the delivery in escrow of a deed to said property, and such modification of the contract terms has been assented to by the Secretary of the Treasury, which said waiver and assent are hereby ratified and confirmed:

Now, therefore, the parties hereto hereby agree as follows:

First. The United States acknowledges the receipt from the bank of the sum of one hundred and fifty thousand dollars ($150,000), which was submitted with its bid as a guarantee of good faith, and now applied towards the purchase price. The balance of the first payment, six hundred thousand dollars ($600,000), making the aggregate sum of seven hundred and fifty thousand dollars ($750,000), as required by the advertisement for bids, shall be paid within ten days from the date hereof. The balance of the purchase price, namely, two millions five hundred and fifteen thousand dollars ($2,515,000), shall be paid upon the delivery of a deed of the said premises, in the form hereto annexed, marked "Exhibit D," conveying the same to the bank free and clear of all encumbrances. The said deed shall be executed and acknowledged in such manner as to entitle it to be recorded in the register's office of New York County, and shall be delivered to the bank upon the payment of the balance of said purchase price, when a new custom-house, to be erected by the United States on the so-called "Bowling Green site" (bounded by Bowling Green on the north, Whitehall street on the east, Bridge street on the south, and State street on the west) shall be completed and occupied by the United States. The bank shall, however, have the right to anticipate the payment of the balance of the said purchase price at any time, in whole or in part.

In case of payment of the entire balance due before the completion and occupancy of the new custom-house the United States shall deliver the said deed to the bank, provided the bank at the time of paying such balance shall execute and deliver to the United States a lease of the old custom-house property at an annual rental of one hundred and thirty thousand six hundred dollars ($130,600) (being four per cent (4 per cent) on the purchase price of $3,265,000), payable annually, for a term which shall continue until said new custom-house shall be completed and ready for occupancy. Meantime, and until the payment in full of the said purchase money and the execution and delivery of such lease, the United States shall have the right to continue in full and complete possession and occupancy of the old custom-house, and as a condition for so doing shall pay to the bank annually the sum of one hundred and thirty thousand six hundred dollars ($130,600), being four per cent (4 per cent) on the amount of said purchase price. And until the full payment by the bank of the purchase price the bank shall pay to the United States interest at the rate of four per cent (4 per cent) per annum, payable annually, on the balance of such purchase price remaining unpaid.

Second. The United States shall give at least six months written notice to the bank at the time when the new custom-house shall be ready for occupancy, and when it will deliver possession to the bank of the old custom-house.

Third. Should any repairs to the old custom-house building or its appurtenances be desired by the United States during the time it shall continue in possession and occupancy thereof, such repairs shall be made at its expense and cost.

In witness whereof the party of the first part has caused this instrument to be executed by its Secretary of the Treasury, and to be affixed thereto the seal of the Treasury Department, and the party of the second part has caused this instrument to be executed under its corporate seal, by its president, the day and year first above written.

[SEAL.] THE UNITED STATES OF AMERICA,
By L. J. GAGE, *Secretary of the Treasury.*

Witnesses:
ANSON S. TAYLOR,
JAS. A. WETMORE.

[SEAL.] THE NATIONAL CITY BANK OF NEW YORK,
By JAS. STILLMAN, *President.*

G. S. WHITSON.

(Authority to execute, etc., attached to original.)

Mr. TAWNEY. Mr. Chairman——
Mr. BARTLETT. Mr. Chairman——
Mr. NORRIS. Mr. Chairman, in order that there may be no doubt——
The CHAIRMAN. The time of the gentleman from Nebraska has expired.
Mr. BARTLETT. I understood the Chair to recognize me.
The CHAIRMAN. But the Chair recognized the gentleman from Minnesota to make a motion.
Mr. BARTLETT. The Chair could not do that in decency while I have the floor.
The CHAIRMAN. The Chair recognized the gentleman from Minnesota to make the motion. Afterwards the gentleman from Georgia will have the floor.
Mr. GAINES of Tennessee. The Chair recognized the gentleman from Georgia.
The CHAIRMAN. The Chair will state that the gentleman from Georgia will be recognized to debate the proposition, but that the chairman of the committee [Mr. TAWNEY] is entitled to precedence in order that he may make a motion to close debate.
Mr. BARTLETT. Mr. Chairman——
The CHAIRMAN. After which the gentleman from Georgia will be recognized.
Mr. BARTLETT. I have no objection to the gentleman from Minnesota moving to close debate, and if he had asked me to yield for that purpose I would have done so, but the Chairman recognized "the gentleman from Georgia," who yielded to the gentleman from Nebraska [Mr. NORRIS] to make a request.
Mr. TAWNEY. I will say to the gentleman from Georgia——
Mr. BARTLETT. Wait a minute. If I was recognized by the Chair, the Chair could not then, under any rule of any parliamentary body, recognize anyone else to make a motion to close debate until my time had expired.
Mr. TAWNEY. I will say to the gentleman from Georgia that I had the impression that the Chair had recognized the gentleman from Nebraska to ask leave to extend his remarks, and then I made my motion, not knowing that the gentleman from Georgia had been recognized.
The CHAIRMAN. The Chair has recognized the gentleman from Minnesota to make a motion.
Mr. TAWNEY. I move that all debate on the paragraph and pending amendments thereto be closed at 5.30.
The motion was agreed to.
Mr. BARTLETT. Mr. Chairman, this is an old matter, one that has not only created a great deal of comment and filled the records of Congress from 1899 down to this time with various reports, but one that has almost amounted to a national scandal.

I do not deny that the act of 1899 provided for the sale of this property, nor do I deny that the act provided for the occupancy of the property by the United States Government until the completion of the new custom-house; but I do deny that there is anything within the contract that permits the title of the property to remain in the United States indefinitely, or until the completion of the United States custom-house at New York, in order that the National City Bank may thereby escape the payment of its just taxes to the State, county, and city of New York. The contract has been read from the Clerk's desk, and it contains this provision:

In case of payment of the entire balance due before the completion and occupancy of the new custom-house the United States shall deliver the said deed to the bank, provided the bank at the time of paying such balance shall execute and deliver to the United States a lease of the old custom-house property, at an annual rental of $130,600, being 4 per cent on the purchase price of $3,265,000, payable annually.

In this same document, to which the gentleman from Nebraska [Mr. NORRIS] has called attention, on page 46, House Document No. 264, first session, Fifty-sixth Congress, there appears a letter from Mr. Stillman, then the President of that bank, in which he says that by reason of a telephone communication made on the 18th day of August, 1899, between him and the then Secretary of the Treasury, Mr. Gage, "We shall make the above payment *upon the understanding, of course, that we are not liable for any taxes or water rents upon the property so long as you remain in possession and the balance of $50,000 remains unpaid and the deed is undelivered.*" This is the letter:

THE NATIONAL CITY BANK OF NEW YORK,
New York, August 18, 1899.

DEAR SIR: In accordance with the permission given us when I had the pleasure of speaking with you over the telephone to-day, this bank will transfer on its books to-morrow, August 19, to the credit of the Treasurer of the United States, the sum of $3,215,000 as payment on account of our purchase of the old custom-house property, for which we will issue the customary receipt. Please instruct the Assistant Treasurer of the United States in this city to receive and hold as security for public moneys the required amount of United States bonds.

As the check for $150,000, inclosed with our bid and now in your possession, has not been used, will you kindly return it to us?

We shall make the above payment of $3,215,000 upon the understanding, of course, that we are not to be liable for any taxes or water rates upon the property so long as you remain in possession and the balance of $50,000 remains unpaid and the deed is undelivered.

We presume you are forwarding to-day the deed and contract, as the same were sent to you last Wednesday.

It seems from an examination of the title that the property contains 583 square feet less than we supposed, owing to the fact that the city has used a portion of the original tract as a street, and our attorneys advise us that it has had possession so long that probably we could not regain possession of it even after a protracted litigation.

Will you please give us a formal certificate, under seal, stating what notice you gave, by advertisement or otherwise, of the sale of the custom-house property, and that, in your judgment, this was in compliance with the act of Congress, in respect to due advertisement.

Assuring you of our appreciation of your attention, I am,
Yours, very truly,
JAMES STILLMAN, *President.*

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

Mr. NORRIS. Will the gentleman yield?
Mr. BARTLETT. Yes.
Mr. NORRIS. Was not that after the sale was made?
Mr. BARTLETT. Yes; it was.
Mr. NORRIS. How could that affect the sale? That was simply their construction.
Mr. BARTLETT. That was the understanding which he said he had through a telephone message with the Secretary of the Treasury.
Mr. NORRIS. That was nothing but the Secretary's opinion. There was no contract to that effect.
Mr. BARTLETT. Thus it appears from the evidence that after the act of Congress had been followed in the matter of advertising the property and the preparation of the deed to this property, the then Secretary of the Treasury changed the contract, and permitted the National City Bank of New York to reserve $50,000 as being due the United States, and postponed the making of the deed and requiring the bank to execute a lease, as was required by the act, for some purpose. Whatever that purpose was, the purpose was not to benefit the United States, because the United States could derive no benefit from it. It must have been, therefore, to benefit this bank, and the only way in which the bank could be benefited was that it kept the $50,000 without the payment of any interest to the Government, and by reason of the fact that the Government did not execute the deed and thereby pass the title to the bank, the city of New York and the State of New York and the county authorities of New York could not, so long as the title remained in the United States, collect taxes from the bank on this property. By this means, and the manner in which this act, as I contend, was improperly carried out by the then Secretary of the Treasury, the United States Government has contributed to this bank since 1899, in the way of interest upon deposits of the money due by the bank to the Government, in the way of rent of $130,600 a year, nearly one million and a half dollars, and if the completion of the custom-house shall be postponed much longer, the bank will have secured the property from the Government without paying anything for it. This kind of a transaction does not reflect credit upon the administration of the affairs of the Government by those who then had it in charge.

As has been stated heretofore and as was stated by Mr. Gage, the then Secretary of the Treasury, in his letter to Mr. Stillman, the act of Congress did not provide that the Government should withhold the deed and that the balance of the purchase money should not be paid until the completion of the custom-house, or so long as the United States should remain in possession of it, but the act provided that upon the payment of the entire balance due, before the completion of the new custom-house and its occupancy by the Government, the United States should deliver a deed to the bank, and the bank should execute a lease to the United States of the old custom-house for $130,600 a year. But according to the letter of Mr. Stillman, the president of this bank, to the then Secretary of the Treasury, which I have read, that was changed so as to be understood that so long as the Government should remain in possession and the balance of the $50,000 should remain unpaid the bank was not liable for taxes or water rates upon the property; and the failure of the Secretary of the Treasury to carry out the act of Congress and to demand the balance of the purchase money and to deliver the deed resulted in great benefit and advantage to this bank, whose directors had been so helpful to the Republican party in 1896. And from this same record—House Document No. 264—we know what this bank is and what it has done to aid the Republican party. We know that the National City Bank was organized some time in 1897, succeeding what was then known as the Third National Bank, and that the Third

National Bank had been a depository of the funds of the Government for a large amount—the money of the people of the United States—and that it paid no interest therefor; we know that somewhere, in New York and elsewhere, the national banks in 1896 contributed to that great corruption fund which alone enabled the Republican party in 1896 to succeed in the Presidential election. [Applause on the Democratic side.]

I do not speak unadvisedly. I hold in my hand evidence of the fact that the directors of this bank did contribute to that campaign. This same City National Bank was on June 5, 1897, seeking favors at the hands of this same Republican Secretary of the Treasury—were asking that the Government deposit be continued, because of the favors that the directors had done in aid of candidates of the Republican party—and I will read it. I read a letter dated June 5, 1897, which you will find on page 60 of this same document, addressed to Secretary Gage and signed by A. B. Hepburn, vice-president of the City National Bank:

NATIONAL CITY BANK OF NEW YORK,
New York, June 5, 1897.

MY DEAR MR. GAGE: The National City Bank, of this city, of which I recently became vice-president through the consolidation of the business of the Third National with it, is one of the banks designated as a United States depository, and I write to request that in any changes which may be made under the Administration we may not be disturbed in this respect. We should like to remain a United States depository as at present. Of course the bank is very strong, and if you will take the pains to look at our list of directors you will see that we also have very great political claims in view of what was done during the canvass last year.

Yours, very truly, A. B. HEPBURN.

Hon. LYMAN J. GAGE,
United States Treasury, Washington, D. C.

What was that "canvass last year," and who are these directors? Some of them, Mr Chairman, were directors of great insurance companies which admitted, in the investigation recently held in New York, that they took the money of those insured in these companies and contributed at least $150,000 each year to the campaign fund of the Republican party in order to defeat the Democratic party. [Applause on the Democratic side.]

Those are the reasons given in one letter, at least, that has come to light where the National City Bank asked favors of Secretary Gage. I do not say that there are other letters anywhere in regard to this identical transaction, but the vice-president of the bank who would write to the Secretary of the Treasury asking favors because the directors of his bank had contributed to the political campaign fund of the Republican party in 1896 would not hesitate to ask for any other favor in order that they might make millions of dollars out of the Government. It is true that the national banks and the insurance companies rendered great service to the Republican party in 1896. It is true that the great chieftain and champion of the Democratic cause went down to defeat not so much by reason of the ballots of the people of the United States as he did by reason of the dollars contributed by these corporations. And, Mr. Chairman, if the signs now appearing do not all fail, in 1908 the man that these bankers defeated in 1896 by the millions they contributed to the Republican party will be the Chief Executive of this Republic and will prevent such wanton waste of the money of the people. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Chairman, this is an annual performance made by the Democratic party for the purpose of endeavoring to show political relations between a Republican Administration and some of the financial institutions of the country. I have taken some pains to look up the question of administrative influence with banking institutions, and I have found but one instance in the history of the Republic where an Administration showed a disposition to avowedly seek the influence of banking institutions for political purposes by the deposit of public money. And, by the way, that was a Republican Administration—that is to say, if Thomas Jefferson was a Republican. During his Administration——

Mr. WILLIAMS. Would the gentleman mind inserting some other instances?

Mr. CAMPBELL of Kansas. I can not yield just now. I want to read a letter which I am sure will interest the gentleman from Mississippi. On the 12th of July, 1803, Mr. Jefferson wrote the following letter to Albert Gallatin, then Secretary of the Treasury:

I am decidedly in favor of making all the banks republican by sharing deposits among them in proportion to the dispositions they show. If the law now forbids it, we should not permit another session of Congress to pass without amending it. It is material to the safety of republicanism to detach the mercantile interests from its enemies and incorporate them into the body of its friends. A merchant is naturally a republican, and could not be otherwise only from a vitiated state of things.

The historian says that Gallatin gently put aside these demonstrations of Mr. Jefferson and administered his Department on business principles, with as little regard to political influence as possible.

Mr. BARTLETT. That is not what Gage did.

Mr. CAMPBELL of Kansas. The only thing that you have been able to charge against Mr. Gage is that a banker requested of him that he make deposits with his bank, a thing that President Jefferson asked his Secretary of the Treasury to do for political purposes. You have shown that a Republican Secretary of the Treasury was asked to make deposits, not that he did make them. Another time the same question was up and Mr. Gallatin again had to put aside the importunities of the patron saint of the Democratic party—Mr. Jefferson—that the public moneys of the country be used for political influence. Answering Mr. Jefferson, Mr. Gallatin says:

I am extremely anxious to see a bank at New Orleans. Considering the distance of that place, our own security, and even that of the collector, will be eminently promoted, and the transmission of moneys arising from the impost and sales of lands in the Mississippi territory would, without it, be a very difficult and sometimes dangerous operation. *Against this there are none but political objections, and those will lose much of their force when the little injury they can do us, and the dependence in which they are on Government, are duly estimated. They may vote as they please, and take their own papers, but they are formidable only as individuals, and not as bankers.*

I hope, Mr. Chairman, this annual performance may not be put on again for political purposes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER rose.

Mr. SULZER. Mr. Chairman, I move to strike out the last five words.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. SMITH of Iowa. Why, Mr. Chairman, is not a member of the committee entitled to recognition in preference to a gentleman who has already been recognized?

The CHAIRMAN. The Chair was not aware of the fact that the gentleman from Ohio [Mr. KEIFER] was a member of the committee. The Chair thought that he was obliged to recognize some one on the other side, having recognized some one on this side. The Chair thought it obligatory upon him to recognize the gentleman from New York, after which the Chair will state he will recognize the gentleman from Ohio [Mr. KEIFER], and then the gentleman from Iowa [Mr. SMITH], also a member of the committee.

Mr. SMITH of Iowa. But there will be no time then.

Mr. GAINES of Tennessee. Well, it is your own fault.

Mr. SULZER. Mr. Chairman, I only want to say it is a far cry from Gage to Gallatin, and I will not take up time to discuss ancient history. I do want, however, to call the attention of the House to some of the errors that have crept into this debate. One of the speakers said a little while ago that the Committee on Public Buildings and Grounds had thoroughly investigated this matter. That is an error. That committee made no investigation. The fact is that shortly after the beginning of this session of Congress I introduced a resolution of inquiry calling on the Secretary of the Treasury for information as to the whereabouts of the deed to this property. That resolution was referred to the Committee on Public Buildings and Grounds. It was privileged. It had to be reported. The committee gave me a hearing. One of the assistant secretaries of the Treasury—Mr. Taylor—arrived and opposed the resolution, but after the hearing the committee unanimously reported my resolution of inquiry. It went to the Secretary of the Treasury and he sent a letter to the House a little later, saying no deed had ever been executed, and hence no deed had ever been offered to the National City Bank, and hence no deed had ever been recorded in the city of New York, and hence the city of New York could not collect taxes on this property.

Now, take either horn of the dilemma which you wish. If the property belongs to the Government and the title is in the Government, then I assert that the Government ought not to pay a rental for it. If, on the other hand, the property belongs to the National City Bank, I say the National City Bank ought to pay taxes on it to the city of New York. [Applause.] It has been asserted here that this property was advertised. We all know about these advertisements. The papers in the city of New York have a large circulation, and very few people ever read a little real estate advertisement in fine print stuck out of the way in some corner. I declare as a Representative from the city of New York that the men who deal in real estate in that city knew nothing whatever about this sale or these advertisements. The Secretary, in his report, which I hold in my hand, says there were three bidders for this property. Let us see who those three bidders were. One was the National City Bank, another was the Farmers' Loan and Trust Company,

and the other was a bonding company. The Farmers' Loan and Trust Company is identified with the National City Bank and so is this bonding company. They were all acting in concert and with one end in view. All the facts prove it and sustain the charge of fraud and conspiracy.

Now, sir, I assert what several newspapers have charged over and over again, that the Secretary of the Treasury sent for Mr. Stillman, the president of the National City Bank; that Mr. Stillman came to Washington; that the Secretary of the Treasury told him how much to bid to get this property; that the bid was made, and that then this unconscionable contract was entered into between them—and it's a fraud upon its face. I do not believe there is a Representative of the people here who has read the facts in this report who has not reached the same conclusion that I have reached, and that is that this contract of sale is an unconscionable contract, a fraud on the people of this country, and a swindle on the taxpayers of New York. [Applause.] It ought to be annulled——

The CHAIRMAN. The time of the gentleman has expired——

Mr. SULZER. And no man can vote to carry out its terms and ever again look an honest constituent in the face. [Applause.]

Mr. KEIFER. Mr. Chairman, in the very short time I will have to talk upon this matter I know I can not make clear what I think would become perfectly clear to those who can and will investigate the matter. The first proposition I submit is that the condition we are now in as to this item of the appropriation bill is absolutely the only one we could get into by executing the law of 1899. We have pursued that law in the sale of this property every step of the way, and all the charges that are made against the Secretary of the Treasury ought to be made against the Congress of the United States, if they are of any significance whatever, because the act required him to do precisely what he did do. The proviso at the foot of section 4 of the act of March 2, 1899, is "that the use, occupation, and possession of said property shall not be surrendered until the new custom-house is ready for occupation and final payment is fully made."

The gentleman from Nebraska [Mr. NORRIS] has made clear that the property was sold as required by law.

Mr. PADGETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. KEIFER. I do not. Gentlemen are in the habit of taking up all the time in asking questions, and it seems none of us get to understand the question we are actually considering and——

Mr. PADGETT. Will the gentleman allow me to ask him this question?

Mr. KEIFER. I do not yield. In the contract that was made in pursuance of the sale of the custom-house and the law, it was provided, as has been already read, that—

> In case of payment of the entire balance due before the completion and occupancy of the new custom-house, the United States shall deliver the said deed to the bank, provided the bank at the time of paying such balance shall execute and deliver to the United States a lease of the old custom-house property at an annual rental of $130,600.

That is the condition for the delivery of the deed connected with the final payment. Now, the clause that is proposed to strike out of the present bill is the clause providing for the payment of a rental to this bank for the sum of $130,600, the precise amount that the contract and the law required the United States to agree to pay as a rental, and gentlemen say because in some way or other the city of New York does not get all of the taxes it is entitled to receive, because of a good or a bad law Congress made, that we should break faith and not pay the money that it was agreed and stipulated solemnly in writing, under a law of Congress, to pay, and gentlemen say they now discharge their high duty as Members of Congress by asking the Government to break its contract with one of the banks of the city of New York.

Mr. HILL of Connecticut. The city of New York gets all the taxes it is entitled to or could get under the circumstances.

Mr. KEIFER. That is doubtless true, but the question of taxes is not one the Secretary of the Treasury was charged with looking after, and he made a contract that the law required him to make, and precisely as the law required it to be made. Now, about the matter of the deposit. Let me read the clause from the letter of the Secretary of the Treasury, Lyman J. Gage, dated January 10, 1900.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEIFER. Give me one minute more to read this, as it will explain much that has been talked about.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. The Chair has agreed to recognize another member of the committee [Mr. SMITH of Iowa].

Mr. SULZER. I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. The Chair has stated——

Mr. KEIFER. I can not ask to take time from my colleague of the committee, but I do ask, Mr. Chairman, that I may be allowed to incorporate this in my remarks, and the gentleman from Iowa desires the privilege of extending his remarks also in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. Mr. Chairman, the extract of the letter from Mr. Gage which I desire to insert is as follows:

> Fifth. The custom-house property was sold to the National City Bank, as the highest bidder, on July 3, 1899. Under the terms of the sale it had the option of paying in cash all of the purchase money at any time or any part it might elect above $750,000, which sum it was absolutely obliged to pay. It exercised this option by choosing to pay $3,215,000, leaving $50,000 yet due. No deed will be executed until full payment has been made.

The money, as the same letter of the Secretary shows, was deposited in the National City Bank just as it would have been in any bank depository.

Mr. PADGETT. Mr. Chairman, I ask to be recognized to extend my remarks in the RECORD.

The CHAIRMAN. The Chair has recognized the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, the Government of the United States had the right to hold the title to the New York custom-house free from taxation in the city of New York until the end of time. Therefore no injustice was done to the city or the State of New York when the Government of the United States provided by this contract that it would hold this title so long as the Government of the United States occupied this custom-house for public purposes. The United States having that right, agreed to pay a rent, which was fair and just, of 4 per cent, the lessor to be exempt from the payment of taxes just as many of the rental contracts are made in the city of New York.

No injustice has been done the city of New York or the State of New York for that reason. But no injustice was done for another reason, because the law of New York provides for the levying of a 1 per cent tax upon shares of stock, their value being fixed by the capital stock, surplus, and undivided profit; and every dollar that the National City Bank has got invested in this property is now paying tax to the city of New York and the State of New York, and their complaint, if any they have, is that they are not able to levy a double tax upon the National City Bank. [Loud applause on the Republican side.]

Mr. HILL of Connecticut. That is the whole case.

Mr. SMITH of Iowa. It is not true that the Government of the United States allowed this money simply to be credited to it in the National City Bank, as has been stated, but the same security that is required for every other deposit of the United States funds in the national banks of this country was required. Not only that, but I have it upon information this day received from the Treasury Department, in the reduction of Federal deposits which has been going on for months past the deposits in the National City Bank have been contracted and called into the Treasury just as have the deposits in every other national bank of the United States. [Applause.] We made a fair and square contract, at a reasonable rate, that wrought no injustice to the people of New York. We deposited this money as other moneys are deposited in national banks. We have been drawing the money out of this bank, just as the money has been drawn out of other national banks in the contraction of the Federal deposits, and the only question before this committee is whether you are going to keep your contract and pay the rent according to the letter of the contract or see these people go out and bring suit in the Court of Claims and recover it from the Government at extra expense and cost to this Government. [Loud applause.] [Cries of "Vote!"]

The CHAIRMAN. The question is on the motion of the gentleman from New York, to strike out the paragraph.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SULZER. Division, Mr. Chairman.

The committee divided; and there were—ayes 42, noes 83.

Mr. SULZER. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] and the gentleman from Minnesota [Mr. TAWNEY] will take their places as tellers.

The committee again divided; and tellers reported—ayes 40, noes 89.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15869. An act granting an increase of pension to William H. McCune;

H. R. 12135. An act granting an increase of pension to William Laudahn;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 17072. An act granting an increase of pension to Joseph French;

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials;

H. R. 14513. An act to prevent the giving of false alarms of fires in the District of Columbia;

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901; and

H. R. 18333. An act granting land to the city of Albuquerque for public purposes.

REPRINT OF REPORT.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for a reprint of 300 copies of the report of the committee on the sundry civil appropriation bill, the folding room informing me that the supply is exhausted.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LIABILITY OF COMMON CARRIERS TO THEIR EMPLOYEES.

The SPEAKER laid before the House the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees, with Senate amendments, which were read.

Mr. STERLING. Mr. Speaker, I move to concur in the Senate amendments.

The question was taken; and the motion was agreed to.

CODIFICATION OF THE LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution, which I send to the Clerk's desk.

Mr. WILLIAMS. Mr. Speaker, it is after 5 o'clock and nearly 6; I object.

The SPEAKER. One moment. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the following concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of five Senators to be appointed by the Vice-President, and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the codification of laws prepared by the statutory revision commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical assistance, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object at this time. I do not know whether I will object at some other time or not.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LE FEVRE, for ten days, on account of important business.

WILLIAM A. HAMMOND.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of asking unanimous consent that I may file the minority views to the report of the Committee on Claims on Senate bill 290, for the relief of William A. Hammond, late Surgeon-General of the United States Army.

Mr. WILLIAMS. Why not do it to-morrow?

The SPEAKER. Is there objection?

Mr. WILLIAMS. Having objected to one thing because it is after 5 o'clock, I must object to all.

The SPEAKER. The gentleman from Mississippi objects.

Mr. TAWNEY. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting supplemental estimates for certain judgments and for Garfield Hospital—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 12318) to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise, wholly or in part manufactured by convict labor, or in any prison or reformatory, reported the same with amendment, accompanied by a report (No. 4782); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11040) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys, reported the same with amendment, accompanied by a report (No 4875); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19518) to amend section 5501 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 4876); which said bill and report were referred to the House Calendar.

Mr. McCLEARY of Minnesota, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 19756) to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands, reported the same without amendment, accompanied by a report (No. 4877); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the joint resolution of the Senate (S. R. 60) providing for the purchase of material and equipment for use in the construction of the Panama Canal, reported the same without amendment, accompanied by a report (No. 4878); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 14172) to provide a temporary substitute for the United States

district judge in the territory of Porto Rico, reported the same without amendment, accompanied by a report (No. 4879); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5810) granting an increase of pension to Thomas McGowan, reported the same without amendment, accompanied by a report (No. 4783); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 14634) for the relief of George H. Chase, reported the same with amendment, accompanied by a report (No. 4785); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2294) granting a pension to Michael Reynolds, reported the same with amendment, accompanied by a report (No. 4786); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3649) granting a pension to Sarah Agnes Sullivan, reported the same without amendment, accompanied by a report (No. 4787); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3697) granting an increase of pension to Sarah A. Petherbridge, reported the same without amendment, accompanied by a report (No. 4788); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3818) granting an increase of pension to David B. Johnson, reported the same without amendment, accompanied by a report (No. 4789); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4375) granting an increase of pension to David McCredie, reported the same with amendment, accompanied by a report (No. 4790); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4379) granting an increase of pension to Roy E. Knight, reported the same without amendment, accompanied by a report (No. 4791); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4585) granting an increase of pension to Mary A. Counts, reported the same without amendment, accompanied by a report (No. 4792); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4741) granting an increase of pension to Andrew J. Workman, reported the same without amendment, accompanied by a report (No. 4793); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4811) granting a pension to Mae Spaulding, reported the same without amendment, accompanied by a report (No. 4794); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5056) granting a pension to Alexander Plotts, reported the same without amendment, accompanied by a report (No. 4795); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5065) granting an increase of pension to Charles Jackson, reported the same without amendment, accompanied by a report (No. 4796); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5148) granting an increase of pension to Mildred McCorkle, reported the same without amendment, accompanied by a report (No. 4797); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5340) granting an increase of pension to Laura Hentig, reported the same without amendment, accompanied by a report (No. 4798); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5783) granting a pension to Florence H. Godfrey, reported the same without amendment, accompanied by a report (No. 4799); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5786) granting an increase of pension to Mary J. Ivey, reported the same without amendment, accompanied by a report (No. 4800); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5791) granting an increase of pension to Margaret Simpson, reported the same without amendment, accompanied by a report (No. 4801); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5952) granting an increase of pension to Hyacinth Dotey, reported the same without amendment, accompanied by a report (No. 4802); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6039) granting an increase of pension to George Gardener, reported the same without amendment, accompanied by a report (No. 4803); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6041) granting an increase of pension to James N. Brown, reported the same without amendment, accompanied by a report (No. 4804); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6187) granting an increase of pension to Martha Jane Bolt, reported the same without amendment, accompanied by a report (No. 4805); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6188) granting an increase of pension to Sarah Young, reported the same without amendment, accompanied by a report (No. 4806); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6264) granting a pension to Cornelius Sullivan, reported the same without amendment, accompanied by a report (No. 4807); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4292) granting a pension to George W. Kelly, reported the same with amendment, accompanied by a report (No. 4808); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4967) granting an increase of pension to Joshua Holcomb, reported the same with amendment, accompanied by a report (No. 4809); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5913) granting a pension to Helen Goll, reported the same with amendment, accompanied by a report (No. 4810); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6956) granting an increase of pension to Henry L. Johnson, reported the same with amendment, accompanied by a report (No. 4811); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8273) granting an increase of pension to John M. Pearson, reported the same with amendment, accompanied by a report (No. 4812); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9262) granting an increase of pension to Thomas J. Farrar, reported the same with amendment, accompanied by a report (No. 4813); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12100) granting a pension to James Wallace Phillips, reported the same with amendment,

accompanied by a report (No. 4814); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12128) granting an increase of pension to Dennis A. Litzinger, reported the same with amendment, accompanied by a report (No. 4815); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12190) granting an increase of pension to Milton R. Dugan, reported the same with amendment, accompanied by a report (No. 4816); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14144) granting a pension to Allen M. Cameron, reported the same with amendment, accompanied by a report (No. 4817); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15620) granting an increase of pension to David D. Owens, reported the same with amendment, accompanied by a report (No. 4818); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15856) granting a pension to Gordon A. Thurber, reported the same with amendment, accompanied by a report (No. 4819); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15619) granting an increase of pension to Samuel W. Atkinson, reported the same with amendment, accompanied by a report (No. 4820); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16169) granting a pension to Neal O'Donnel Parks, reported the same with amendment, accompanied by a report (No. 4821); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16397) granting an increase of pension to Allie Williams, reported the same with amendment, accompanied by a report (No. 4822); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16411) granting an increase of pension to Newton Moore, reported the same with amendment, accompanied by a report (No. 4823); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16747) granting a pension to Sherman Jacobs, reported the same with amendment, accompanied by a report (No. 4824); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17651) granting an increase of pension to Mary A. Riley, reported the same with amendment, accompanied by a report (No. 4825); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17732) granting an increase of pension to Joseph Scott, reported the same with amendment, accompanied by a report (No. 4826); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17874) granting an increase of pension to Roseanna Hughes, reported the same with amendment, accompanied by a report (No. 4827); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17918) granting a pension to Walter S. Harman, reported the same with amendment, accompanied by a report (No. 4828); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18113) granting an increase of pension to Louisa M. Sees, reported the same with amendment, accompanied by a report (No. 4829); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18214) granting an increase of pension to John Ingram, reported the same with amendment, accompanied by a report (No. 4830); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18403) granting an increase of pension to Mary Jane Ragan, reported the same with amendment, accompanied by a report (No. 4831); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18601) granting an increase of pension to Edward A. Barnes, reported the same with amendment, accompanied by a report (No. 4832); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18769) granting an increase of pension to Louisa Storey, reported the same with amendment, accompanied by a report (No. 4833); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18816) granting an increase of pension to Harriet Wetherby, reported the same with amendment, accompanied by a report (No. 4834); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18860) granting a pension to Andrew J. Anderson, reported the same with amendment, accompanied by a report (No. 4835); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19035) granting a pension to Lizzie Morgan, reported the same with amendment, accompanied by a report (No. 4836); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19101) granting an increase of pension to Sarah C. A. Scott, reported the same with amendment, accompanied by a report (No. 4837); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19105) granting an increase of pension to William Moser, reported the same with amendment, accompanied by a report (No. 4838); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19119) granting an increase of pension to Susan M. Osborn, reported the same with amendment, accompanied by a report (No. 4839); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19144) granting an increase of pension to Sarah Louisa Sheppard, reported the same with amendment, accompanied by a report (No. 4840); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19174) granting an increase of pension to Martha A. Billings, reported the same with amendment, accompanied by a report (No. 4841); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19241) granting an increase of pension to Henry A. Conant, reported the same with amendment, accompanied by a report (No. 4842); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19245) granting an increase of pension to William C. Hoover, reported the same with amendment, accompanied by a report (No. 4843); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19256) granting an increase of pension to Louisa J. Birthright, reported the same with amendment, accompanied by a report (No. 4844); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19298) granting an increase of pension to Job B. Crabtree, reported the same with amendment, accompanied by a report (No. 4845); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19300) granting an increase of pension to P. Easley, reported the same with amendment, accompanied by a report (No. 4846); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19318) granting an increase of pension to Mary E. Rivers, reported the same with amendment, accompanied by a report (No. 4847); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19319) granting an increase of pension to Elizabeth Spruell, reported the same with amendment, ac-

companied by a report (No. 4848); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19320) granting an increase of pension to Louise J. Pratt, reported the same with amendment, accompanied by a report (No. 4849); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19321) granting an increase of pension to Mary E. Turner, reported the same with amendment, accompanied by a report (No. 4850); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19322) granting an increase of pension to Mary Isabella Rykard, reported the same with amendment, accompanied by a report (No. 4851); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19323) granting an increase of pension to Orlando L. Levy, reported the same with amendment, accompanied by a report (No. 4852); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19324) granting an increase of pension to Susan M. Long, reported the same with amendment, accompanied by a report (No. 4853); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19325) granting an increase of pension to George Appel, reported the same with amendment, accompanied by a report (No. 4854); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19326) granting an increase of pension to Margaret R. Van Diver, reported the same with amendment, accompanied by a report (No. 4855); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19337) granting an increase of pension to Elizabeth C. Kennedy, reported the same with amendment, accompanied by a report (No. 4856); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19357) granting an increase of pension to Anna Lamar Walker, reported the same with amendment, accompanied by a report (No. 4857); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19415) granting an increase of pension to Sara Ann Revis, reported the same with amendment, accompanied by a report (No. 4858); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19462) granting an increase of pension to Emily Fox, reported the same with amendment, accompanied by a report (No. 4859); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19463) granting an increase of pension to Emma L. Patterson, reported the same with amendment, accompanied by a report (No. 4860); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19504) granting an increase of pension to Margaret E. Walker, reported the same with amendment, accompanied by a report (No. 4861); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19511) granting an increase of pension to Alexander Dixson, reported the same with amendment, accompanied by a report (No. 4862); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19528) granting an increase of pension to Elizabeth Maddox, reported the same with amendment, accompanied by a report (No. 4863); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19529) granting an increase of pension to Mary Elizabeth Hutcheson, reported the same with amendment, accompanied by a report (No. 4864); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19538) granting an increase of pension to Sarah Jane Dougherty, reported the same without amendment, accompanied by a report (No. 4865); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19587) granting an increase of pension to Martha Ann Jones, reported the same with amendment, accompanied by a report (No. 4866); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19604) granting an increase of pension to Beverley McK. Lacey, reported the same with amendment, accompanied by a report (No. 4867); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19626) granting a pension to Samuel Campbell, reported the same with amendment, accompanied by a report (No. 4868); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19670) granting a pension to Maria Rogers, reported the same without amendment, accompanied by a report (No. 4869); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19743) granting an increase of pension to W. P. McMichael, reported the same without amendment, accompanied by a report (No. 4870); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19744) granting an increase of pension to George C. H. Hummel, reported the same with amendment, accompanied by a report (No. 4871); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19819) granting an increase of pension to Johanna Kearney, reported the same with amendment, accompanied by a report (No. 4872); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19922) granting an increase of pension to Mary A. Sutherland, reported the same with amendment, accompanied by a report (No. 4873); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 1078) for the relief of Hamilton D. South, second lieutenant, United States Marine Corps, reported the same with amendment, accompanied by a report (No. 4874); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the joint resolution of the Senate (S. R. 30) to create a commission to inquire into citizenship of the United States, expatriation, and protection abroad, reported the same adversely, accompanied by a report (No. 4784); which said joint resolution and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MOON of Tennessee: A bill (H. R. 20015) to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 20016) to establish an additional recording district in Indian Territory—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 20017) to regulate the checking of baggage by common carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. CUSHMAN: A bill (H. R. 20018) authorizing the purchase or construction of a launch for the customs service at and in the vicinity of Port Townsend, Wash.—to the Committee on Ways and Means.

By Mr. MONDELL: A bill (H. R. 20019) restricting the right of entry under the desert-land law to surveyed public lands, and limiting the right of assignment of such entries—to the Committee on the Public Lands.

By Mr. MUDD: A bill (H. R. 20020) authorizing the Secre-

tary of the Navy to contract for the construction of a floating steel dry dock—to the Committee on Naval Affairs.

By Mr. FOWLER: A bill (H. R. 20021) for the issue and redemption of national-bank notes and for the gradual conversion of the United States notes into gold certificates—to the Committee on Banking and Currency.

By Mr. STEENERSON: A bill (H. R. 20022) authorizing the Secretary of Agriculture to investigate the subject of drainage—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 20023) for the relief of the heirs of R. W. Jemison—to the Committee on Claims.

Also, a bill (H. R. 20024) for the relief of Mrs. J. M. Thomas et al.—to the Committee on War Claims.

Also, a bill (H. R. 20024) for the relief of Mrs. J. M. Thomas, Lula Lawson, E. L. Lawson, and F. M. Lawson, heirs and legal representatives of Nancy Lawson—to the Committee on War Claims.

Also, a bill (H. R.20025) for the relief of Mrs. J. M. Thomas, Lula Lawson, E. L. Lawson, and F. M. Lawson, heirs and legal representatives of Robert Lawson—to the Committee on War Claims.

By Mr. BISHOP: A bill (H. R. 20027) granting an increase of pension to Newton Vansickle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20028) granting an increase of pension to Jane B. Wheeler—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 20029) granting an increase of pension to John B. Maison—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 20030) granting a pension to William E. Sharp—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 20031) granting an increase of pension to W. H. Linscott—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 20032) for the relief of the estate of Walker W. Winstead, deceased—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 20033) granting an increase of pension to Delos Odell—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 20034) for the relief of George Rutherford—to the Committee on Military Affairs.

By Mr. CLAUDE KITCHIN: A bill (H. R. 20035) for the relief of the estate of Lemuel H. Aldridge—to the Committee on War Claims.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 20036) granting an increase of pension to Oliver T. Westmoreland—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 20037) granting an honorable discharge from military service to Thomas McGivney—to the Committee on Military Affairs.

Also, a bill (H. R. 20038) granting an increase of pension to Thomas Egbert—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 20039) for the relief of Randall Buck, formerly called Randall Conn, of Williamson County, for services as blacksmith during the civil war—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 20040) granting an increase of pension to Joshua K. Page—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 20041) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20042) granting a pension to James T. Howell—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

The bill (H. R. 20005) to correct the military record of Daniel S. Kochendorfer—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Chamber of Commerce of Pensacola, Fla., for bill H. R. 17347, relative to men for seaport military defenses—to the Committee on Military Affairs.

By Mr. ALLEN of New Jersey: Petitions of C. D. McKelvey Lodge, No. 87, and Lodge No. 54, Brotherhood of Railway Trainmen, of Little Falls, N. J., against amendment to rate bill prohibiting passes to railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Sanford A. Pinyon—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of John S. Dillard—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elisha Anderson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Hansard—to the Committee on War Claims.

By Mr. BENNET of New York: Paper to accompany bill for relief of George O. Penfield—to the Committee on Naval Affairs.

By Mr. BONYNGE: Petition of citizens of Wray, Colo., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COLE: Petition of Parlette & Snyder, R. L. Rodgers, D. W. McAdow, and A. S. Burger, for an amendment to Post-Office Laws and Regulations making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. CUSHMAN: Petition of citizens of Walla Walla, Wash., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAWSON: Petition of Iowa Federation of Women's Clubs, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD: Paper to accompany bill for relief of Hiram N. Henry—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of C. D. Clark, of Illinois, against amendment to rate bill prohibiting passes to railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of estate of Walker W. Winstead—to the Committee on War Claims.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of George Rutherford, Bridgeport, Conn.—to the Committee on Military Affairs.

By Mr. LACEY: Petition of Brotherhood of Railway Trainmen, Lodge 737, Ottumwa, Iowa, and Ne Plus Ultra Lodge, Brotherhood of Railway Trainmen, and Locomotive Engineers, against amendment to rate bill depriving railway employees of passes—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Keokuk, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEE: Paper to accompany bill for relief of Methodist Episcopal Church South, Ringgold, Ga.—to the Committee on War Claims.

By Mr. LORIMER: Petition of associations and business firms of Chicago, and Brotherhood of Locomotive Engineers, against amendment to rate bill prohibiting issuance of passes to railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. McKINLAY of California: Petition of hop growers of Pacific coast, for reduction of duty on hop bagging—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of Ripon Grange, No. 341, Ripon, Cal., for parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of J. H. Rickel, for amendment to post-office laws and regulations making legal all paid paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Nimrod Porter, late of Maury County—to the Committee on War Claims.

Also, paper to accompany bill for relief of Randall Buck, Williamson County, Tenn.—to the Committee on War Claims.

By Mr. RUCKER: Petition of associations of railroad employees, et al., of St. Louis, Laredo, Milan, Brookfield, Moberly, and Trenton, Mo., against amendment to rate bill denying passes to railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Maryland: Petition of South Baltimore Division, No. 97, Brotherhood of Locomotive Engineers, and Washington Camp, No. 48, Patriotic Order Sons of America, Steve[illegible]ville, Md., against antipass amendment to railway bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of Cornell University libra-

rian, for law permitting duty free of foreign books for library use—to the Committee on Ways and Means.

Also, petition of Corn City Division, No. 4, Brotherhood of Locomotive Engineers, East Toledo, Ohio, against adoption of conference report on railway bill prohibiting passes to railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petition of New Jersey Division, Order Railway Conductors, against antipass amendment in rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Trenton Lodge, Railroad Employees, and engineers of Division No. 337, against amendment to rate bill depriving railway employees of passes—to the Committee on Interstate and Foreign Commerce.

Also, petition of Municipal Art Society, of Baltimore, favoring national board of art experts (S. 5694 and H. R. 17630)—to the Committee on the Library.

SENATE.

THURSDAY, *June 7, 1906.*

The Senate met at 2 o'clock p. m.

Rev. ULYSSES G. B. PIERCE, of the city of Washington, offered the following prayer:

From the house of sorrow, our Father, we come to the house of labor. So dost Thou lead us from the things to be borne to the things to be done. And as Thou hast given us Thy grace humbly to bow before Thy good providence, so we beseech Thee vouchsafe unto us Thy strength, that we may steadfastly lay hold of Thy purposes till Thy kingdom shall come and Thy will be done on earth, even as it is in heaven. Amen.

THE JOURNAL—ORDER OF BUSINESS.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

Mr. TILLMAN. I ask that the Senate dispense with the reading of the Journal.

The VICE-PRESIDENT. Without objection, it is so ordered, and the Journal stands approved.

Mr. TILLMAN. I move that the Senate proceed to the consideration of the conference report on the railroad rate bill.

Mr. LODGE. Are we to transact any routine morning business?

The VICE-PRESIDENT. The Senator from South Carolina has moved that the Senate proceed to the consideration of the conference report on the rate bill.

Mr. TILLMAN. I will give way for a few moments for bills, if the Senator wishes. I gave notice yesterday afternoon that I would ask that no morning business be transacted to-day, but if the Senator is anxious I will yield.

Mr. HANSBROUGH. I understand that the Senator will give way for routine business?

Mr. TILLMAN. Certainly; for a few minutes.

The VICE-PRESIDENT. Petitions and memorials are in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Division No. 439, Brotherhood of Locomotive Engineers, of South Framingham, Mass., and a memorial of Local Division No. 479, Order of Railway Conductors, of Milan, Ohio, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Pensacola, Fla., praying for the enactment of legislation to provide for the care of the defensive equipment of the seaports of the United States; which was referred to the Committee on Coast Defenses.

He also presented a petition of the Presbyterian Ministerial Association of Philadelphia, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. BURNHAM presented a memorial of the general board of adjustment, Brotherhood of Locomotive Firemen, Branch of the Boston and Maine Railroad, of Woodsville, N. H., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. LONG presented a memorial of Local Lodge No. 277, Brotherhood of Locomotive Firemen, of Hanover, Kans., and a memorial of Parsons Division, No. 161, Order of Railway Conductors, of Parsons, Kans., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BURKETT presented memorials of sundry railroad employees of Grand Island, Lincoln, Chadron, Omaha, Alliance, South Omaha, Norfolk, and Fremont, all in the State of Nebraska, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LODGE presented the petition of A. M. Bridgman, of Stoughton, Mass., and the petition of C. F. David, of Middleboro, Mass., praying for the enactment of legislation to amend the postal laws relative to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the locomotive engineers of the New Haven Railroad of Boston, Mass., and the memorial of G. H. Rowell, of Boston, Mass., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented the petition of John J. McCook, chairman of the railroad department, Young Men's Christian Association, praying for the retention of the provision in the railroad rate bill permitting the issuance of passes to railroad secretaries of the Young Men's Christian Association; which was ordered to lie on the table.

Mr. KNOX presented memorials of sundry railroad employees of Dunmore; Division No. 543, Brotherhood of Engineers, of Berwick; Lodge No. 384, Brotherhood of Firemen, of Philadelphia; Brotherhood of Engineers, of Blairsville; Division No. 276, Brotherhood of Engineers, of Scranton; Brotherhood of Trainmen of Galeton; W. B. Linn, of Philadelphia; sundry railroad employees of Pittsburg; Lodge No. 189, Brotherhood of Trainmen, of Pittston, and Lodge No. 528, Brotherhood of Firemen, of Galeton, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the rate bill prohibiting the issuing of passes to railroad employees and members of their families; which were ordered to lie on the table.

Mr. PLATT presented memorials of sundry railroad employees of Mechanicsville, Buffalo, and Norwich, all in the State of New York, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. WARREN presented memorials of sundry railroad employees of Evanston and Rawlins, in the State of Wyoming, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. TALIAFERRO presented memorials of sundry railroad employees of St. Augustine, Jacksonville, Tallahassee, and Pensacola, all in the State of Florida; of Indianapolis, Ind., and of Macon, Ga., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 6333) authorizing the Secretary of War to acquire for fortification purposes certain tracts of land on Deer Island, in Boston Harbor, Mass., reported it with amendments.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 3753) to grant an honorable discharge from the military service to Alexander Gray, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7226) for the relief of Patrick Conlin, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom

was referred the bill (S. 6255) to amend section 4 of an act entitled "An act to provide for a final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, reported it with an amendment, and submitted a report thereon.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 18900) correcting the military record of E. J. Kolb, alias E. J. Kulb, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4235) granting an increase of pension to Daniel Sullivan;

A bill (S. 6259) granting an increase of pension to Oakley Randall;

A bill (S. 4174) granting an increase of pension to J. P. Garland; and

A bill (S. 4695) granting an increase of pension to John H. Mullen.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 4365) granting an increase of pension to Mathew Kerwin;

A bill (S. 5547) granting an increase of pension to Hillary Beyer;

A bill (S. 6268) granting a pension to Helen G. Hibbard; and

A bill (S. 6339) granting an increase of pension to James Dearey.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14500) granting an increase of pension to Margaretta E. Hutchins;

A bill (S. 6148) granting an increase of pension to James S. Whitlock;

A bill (S. 4185) granting an increase of pension to George B. Barnes; and

A bill (S. 4345) granting an increase of pension to J. Dillon Turner.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5834) granting an increase of pension to Ethan A. Willey;

A bill (H. R. 11841) granting an increase of pension to Isaac A. McCulley;

A bill (H. R. 15542) granting an increase of pension to Charles E. Tompkins;

A bill (H. R. 18504) granting an increase of pension to James T. Rambo;

A bill (H. R. 18623) granting an increase of pension to John H. Bradberry;

A bill (H. R. 18790) granting an increase of pension to James Murphy; and

A bill (H. R. 18813) granting an increase of pension to Sarah A. Dawson.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (H. R. 4599) to remove the charge of desertion from the military record of Wakeland Heryford;

A bill (H. R. 13836) for the relief of Taylor Ware;

A bill (H. R. 9238) for the relief of William Saphar; and

A bill (H. R. 5509) for the relief of Russell Savage.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 6963) granting a pension to William P. Knowlton, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla., asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

ISTHMIAN EXPOSITION AT TAMPA, FLA.

Mr. CRANE, from the Select Committee on Industrial Expositions, to whom was referred the concurrent resolution submitted by the Senator from Florida [Mr. TALIAFERRO] on the 2d instant, authorizing the President of the United States to issue a proclamation to the governors of the various States inviting them to participate in an exhibition in the city of Tampa, in the State of Florida, of the resources, development, and progress of the United States, to celebrate in a suitable manner the commencement of the work on the Panama Canal, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. WARNER introduced a bill (S. 6387) for the relief of the city of Glasgow, Mo.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 6388) for the relief of Daniel M. Frost; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6389) for the relief of Allison J. Pliley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 6390) for the relief of the heirs of Joseph A. Brunson, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 6391) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McENERY introduced a bill (S. 6392) for the relief of the Third Presbyterian Church, of New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 6393) for the relief of certain churches, Masonic lodges, and colleges in the State of Alabama, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $2,500 for the management, improvement, and protection of Sullys Hill Park, North Dakota, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULBERSON submitted an amendment authorizing the Secretary of the Treasury to pay the sum of $400 to Blank & Parks, of Waxahachie, Tex., paid by them under protest to the collector of internal revenue at Dallas, Tex., etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment authorizing the Secretary of the Treasury to pay $400 to Mrs. R. E. Miller to reimburse her for money paid by her to the Government, in lieu of the money belonging to the Government stolen from her in her possession while she was employed in the post-office at Dallas, Tex., etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

CODE PREPARED BY THE STATUTORY REVISION COMMISSION.

Mr. CARTER submitted the following concurrent resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That a joint special committee be appointed, consisting of five Senators, to be appointed by the Vice-President, and five Members of the House of Representatives, to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the codification of the laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States, to have the same printed, and that the said joint committee be authorized to sit during the recess of Congress, and to employ necessary clerical assistance, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and the House of Representatives.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. Now I renew the motion to proceed to the consideration of the conference report on the railroad rate bill.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. FORAKER. The motion which carried was that we proceed to the consideration of the conference report?

The VICE-PRESIDENT. That is the motion which prevailed.

Mr. FORAKER. A day or two ago, speaking upon that conference report, I referred to a decision recently rendered by the

circuit court of appeals at Milwaukee, and I was inquired of at the time whether or not I had the opinion of the court. The Senator from Texas [Mr. BAILEY] wanted to know, and I answered that I did not have it, but I hoped to have it before this debate closed, and that when received I would put it in the RECORD. I have that opinion now, and I ask that it may be incorporated in the RECORD. I will read it, if necessary.

The VICE-PRESIDENT. Without objection, the decision will be printed in the RECORD without reading.

The matter referred to is as follows:

In the circuit court of the United States for the eastern district of Wisconsin. The United States of America, complainant, *v.* Milwaukee Refrigerator Transit Company; Pere Marquette Railroad Company; Erie Railroad Company; the Chicago, Rock Island and Pacific Railway Company; St. Louis and San Francisco Railroad Company; the Wisconsin Central Railway Company; the Chicago and Alton Railroad Company, and Pabst Brewing Company, defendants. In equity. May 31, 1906. Before Grosscup, Baker, Seaman, and Kohlsaat, circuit judges.

Baker, circuit judge, delivered the opinion of the court:

This is a proceeding to enjoin the defendants from continuing practices which are claimed to be in violation of the Elkins Act. (32 Stat., 847; R. S. Sup., 1903, pp. 363–366.)

The charges in the petition are substantially these:

That the brewing company organized the refrigerator company, is the beneficial owner of the refrigerator company stock, and thereby indirectly receives the moneys paid by the railroad companies to the refrigerator company on account of beer shipments, as hereinafter stated.

That the refrigerator company (apart from the charge that it is a dummy of the brewing company) was organized and is being carried on as a device for the purpose and with the intent of exacting from the railroad companies a large proportion of the freight moneys for interstate and foreign shipments controlled by it; that it has obtained and holds contracts from the brewery company and other owners of goods whereby it is given the exclusive control of shipments to competitive points; that it withholds such traffic from railroad companies which refuse to return to it from one-tenth to one-eighth of the freight moneys and gives the business only to the railroad companies which contract to make such returns.

That the defendant railroad companies, with the intent of evading the law, have entered into such contracts with the refrigerator company, and thereunder have paid to the refrigerator company from one-tenth to one-eighth of the freight moneys on all traffic controlled by the refrigerator company.

That unless restrained the parties will continue these practices.

I. As to the brewing company:

The majority of the brewing company stock is owned by persons who have no interest in the refrigerator company. The stock of the refrigerator company was bought and paid for by the holders thereof with their own money and in their own interest. None of it is held in trust for the brewing company. The majority of it is owned by persons who also own brewing company stock. But the brewing company pays its freight in full, receives no rebates, and is not a party to the contracts between the refrigerator and the railroad companies. Under the evidence the most that can be fairly said of the relations between the brewing and refrigerator companies is that the former gave the control of shipments of beer to the latter as a favor and to enable it to profit thereby if it could. For failure of proof the charges against the brewing company are dismissed.

II. Objections to the maintenance of this proceeding against the remaining defendants:

(1) Contention is made that equity jurisdiction does not inherently extend, and can not by Congress be extended, to restraining the commission of crimes and misdemeanors.

To afford protection where other means are inadequate has been accounted the chief merit of equity. That the infraction of a complainant's rights may also constitute a crime is no reason for denying relief. Cases of refusal where no property was involved came largely, we believe, from the consideration that equity will not enter unenforceable decrees, and not from regard for the intended doing of the criminal act. If a complainant's rights, whether the higher and more sacred rights of person (Warfield's case, 76 Am. St. R., 727; Itzkovitch *v.* Whitaker, 39 So. Rep., 499) or the lower and more sordid rights of property, can not be adequately protected elsewhere, and if a decree and writ that will be enforceable can be framed, no court of equity should acknowledge itself wanting in the primary power of devising decrees and writs to meet the demands of the situation.

The evils that have resulted from railroad companies' secret abatement of published rates in favor of particular persons have long been matters of common report and discussion. If a person whose business was being undermined and ruined through advantages unlawfully given to a competitor should seek relief in equity, the objection that a property right was not involved would be wanting. Because the persons affected are so numerous and widely separated, because their injuries severally may be small, and because the United States has the regulation of interstate and foreign commerce, in our opinion Congress very clearly had the power to authorize equity proceedings by the United States as complainant (parens patriæ in that respect) for the protection of all persons who would be injured by the unlawful practices. This conclusion necessarily was upheld in Swift *v.* United States (196 U. S., 375), though the contrary contention seems not to have been presented, and in Missouri Pacific Railway *v.* United States (189 U. S., 274), wherein the question was argued by counsel.

(2) The Attorney-General, of his own motion, directed the institution of this proceeding. Defendants claim that a suit of this kind will not lie except upon the initiative of the Interstate Commerce Commission. Section 3 of the Elkins Act opens by providing for action by the Commission after investigation. The bill, as it passed the Senate and went to the House, evidently contemplated no other mode. In the House the mandate that "it shall be the duty of the several district attorneys of the United States to institute and prosecute such proceedings" was amended by inserting after "United States" the clause "whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission." Whatever doubt concerning the authority of the Attorney-General to direct the bringing of this suit might arise from a mere reading of section 3 is removed, we think, by noting the history of the bill.

(3) A witness for complainant testified on cross-examination in substance that he was president of a rival refrigerator company; that he brought the alleged unlawful acts of defendants to the notice of the Interstate Commerce Commission; that the Commission took no action; that subsequently he called the Attorney-General's attention to these matters; that the Attorney-General stated to the witness that he would direct the district attorney to begin proceedings; that he believed the district attorney should have assistance, but doubted whether the appropriation at his command for that purpose would suffice to bear all of the expense, and asked the witness if his company would make up any deficiency; that the witness assented; that on the Attorney-General's inquiry concerning desirable special counsel the witness named Mr. Charles Quarles, who subsequently was retained by the Attorney-General; that the witness, by reason of his arrangement with the Attorney-General, has made payments to Mr. Quarles, and that Mr. Quarles represents the witness in certain lawsuits.

On this the defendants have based a motion to dismiss the proceedings.

That the Attorney-General exercised his own judgment in determining to direct the bringing of this suit is quite apparent. No witness, though hostile, can properly be criticised for calling the attention of the authorities to alleged violations of law. The facts on which the questions of legality depend are admitted by the defendants. No improper conduct by Mr. Quarles in eliciting the facts is shown or claimed. In open court defendants expressly waived any objection to the presentation and argument of the questions of law by Mr. Quarles on behalf of the United States.

If it be conceded that the law requires the United States to be represented by counsel who are as interested to see the innocent discharged as the guilty held, and that the Attorney-General is not authorized to retain special counsel, except on the basis that compensation shall come from the United States and nowhere else, it might be that the defendants would be entitled to a stay of proceedings until the United States should be represented by counsel concerning whose relations no objection could be urged. But this is not asked. And since the Attorney-General properly directed the district attorney to begin and prosecute this proceeding, and the defendants concede the facts on which liability must be predicated, if at all, they certainly are not entitled to a dismissal.

III. The character of the refrigerator company's practices.

The company owns refrigerator cars which it places at the disposal of railroad companies for use by them in handling certain kinds of traffic, and they pay it rent for the cars in the form of mileage. There is neither averment nor proof which attacks the company in its character of lessor of cars to the railroads.

But, under the conceded facts as we view them, the refrigerator company in its relations with the railroads appears in another rôle—that of shipper. From the brewing company and other owners of goods intended for interstate and foreign trans-

portation the refrigerator company obtains the exclusive right to route the shipments to all competitive points, and then withholds or gives the business according to the railroad companies' resistance or submission to the threat of diverting the traffic unless a tenth or an eighth of the freight moneys be paid to it. Control of the traffic is as absolute in the refrigerator company as if it were owner. And in numerous transactions the owner is not the shipper. And if an owner, having full dominion in all respects, conveys to another the dominion for transportation purposes, that other in all dealings respecting transportation should be deemed the owner and shipper. In this case, if the refrigerator company bought the beer and paid the brewing company's bill less freight and then collected the beer accounts and paid the railroads seven-eighths or nine-tenths of the published rates the granting of a rebate or concession by a carrier to a shipper would not be denied, we take it; and yet, so far as ledger balances and profits of the brewing company, the refrigerator company, and the railroads are concerned, the present method in its results is precisely that.

The foregoing consideration is in answer to the defendant's insistance that the Elkins Act touches only the carrier and the shipper. But under the strictest construction (and that the act should be fairly interpreted to effectuate its remedial purposes, see New York, etc., R. R. Co. *v.* Interstate Commerce Commission, 200 U. S., 361) we think it was designed to restrain all "parties interested in the traffic." In section 1:

> It shall be unlawful for any person, persons, or corporation * * * to solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce * * * whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier.

In section 2:

> It shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration.

And in section 3:

> Upon being satisfied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs * * * by proper orders, writs, and process * * * as well against the parties interested in the traffic as against the carrier.

So, if the refrigerator company be not considered as the shipper, it is at least a "party interested in the traffic."

IV. In the practice stated it is evident that the railroad companies in acceding to the demands of the refrigerator company have (1) failed strictly to observe the published tariffs, and (2) granted concessions whereby they received a less rate than that named in the published tariffs for the transportation of property in interstate and foreign commerce, both in disregard of the provisions of section 1.

It matters not that the particular practice herein disclosed is not described in the act. The inhibitions of "any device whatever" that accomplishes the condemned results is a ban upon invention in this field.

So far as the fact of intent is material it follows from the consideration that the parties knowingly and deliberately did what they did.

Let a decree be entered against the refrigerator and railroad companies defendant in accordance with the prayer of the petition.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. CULBERSON. I thought the Senator from Ohio had yielded the floor.

Mr. FORAKER. No; there is one other matter, if the Senator will allow me. There is another conference report pending here, and that is on the statehood bill. The Senator from Indiana [Mr. BEVERIDGE] who has had charge of it is not able to be in attendance at the Senate, but I am informed by the Senator from Vermont [Mr. DILLINGHAM], who is associated with him on that conference committee, that it will suit his convenience, if we can agree to it, to take up the conference report next Tuesday morning. That is agreeable to me, and unless there is objection on somebody's part, I will ask that the conference report be considered——

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. FORAKER. Certainly.

Mr. CULBERSON. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Texas will state his question of order.

Mr. CULBERSON. I understand that the motion before the Senate is to proceed to the consideration of the conference report on the rate bill.

The VICE-PRESIDENT. That motion has been carried, and the conference report on the rate bill is before the Senate.

Mr. CULBERSON. And now I understand the proposition is to take up another conference report.

Mr. TILLMAN. No; next Tuesday.

Mr. FORAKER. I have asked unanimous consent that it may be taken up next Tuesday morning, a date suggested by the Senator from Indiana, who is not able to be in attendance in the Senate to-day.

Mr. CULBERSON. Can we not get through with this report?

Mr. FORAKER. I only make the request so that there may be an understanding about it. There are some Senators who want to go out of the city. The Senator from Virginia [Mr. MARTIN] told me that he wanted to go away to-night.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. FORAKER. Certainly.

Mr. HOPKINS. I should have no objection to coming to an agreement that the conference report shall not be taken up before Tuesday, but I think in the absence of the Senator from Indiana a definite agreement ought not to be made that it shall be taken up on that particular day.

The Senate will remember that there was a very close vote in the Senate upon that subject, and that there is a marked difference of opinion between the Senate and the House. I think before that question is considered here there should be a full attendance of the Senate, and the Senator in charge of the bill should be here.

Mr. FORAKER. I am fixing that date at the suggestion of the Senator from Indiana and to accommodate him, as I understand it. If that is not agreeable, I will give notice that I shall move to take up that report as soon as the conference report on the rate bill is disposed of. I prefer that course.

Mr. MONEY. That is right.

Mr. DILLINGHAM. I will state that I have tried to get into communication with the Senator from Indiana, but have been unable to do so. However, I ascertained from his secretary that he thought that date would be agreeable to him.

Mr. HOPKINS. Of course, if the chairman of the committee is willing to set that day I will not interpose any objection, but I am unalterably opposed to the amendment of the Senator from Ohio, and I think that a time should be fixed when we can have a full Senate and there can be a full discussion upon that subject.

Mr. FORAKER. The question before the Senate will be whether or not we shall agree to the report made by the conference committee. That is the only question we will have up for consideration.

Mr. HOPKINS. While that is the direct question, everyone who knows anything about it knows that it is the proposition injected into the bill of the Senator from Ohio that will be the controlling influence.

Mr. FORAKER. It was not injected into it by the Senator from Ohio, but by the Senate of the United States.

Mr. HOPKINS. It was originated by the Senator.

Mr. FORAKER. I will withdraw the request, and I give notice that I will make a motion to take up the statehood conference report as soon as the conference report on the rate bill is disposed of.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Maine [Mr. HALE].

Mr. CULBERSON. Mr. President, I have no disposition to enter into a discussion of the bill, and I do not intend to do so. I simply rose to make an inquiry of the Senator from South Carolina in charge of the bill.

At page 3 of the reprint of the bill, the term "transportation" is defined by the act. If the Senator from South Carolina will turn to page 11, beginning at the bottom of page 11, and continuing on top of page 12, he will find the words "transportation, or facilities."

Mr. TILLMAN. If the Senator will permit me——

Mr. CULBERSON. One moment further. If the Senator will then turn to page 21 he will find that the committee have added the words "or transportation" in one place in lines 9 and 10, and in line 17 the words "ratos or."

What I desire to ask the Senator from South Carolina is the purpose of adding the words "or transportation" and the words "rates or" on page 21 of this reprint, in view of the legislative declaration of the meaning of the word "transportation" on page 3?

Mr. TILLMAN. If the Senator had been in the Senate when I presented this report, I know he would have taken cognizance

of the fact that I explained very fully that the words "transportation or facilities," at the top of page 12, had been inserted without any authority.

Mr. CULBERSON. I was not present.

Mr. TILLMAN. I say, the Senator not being present, it of course appears to him a little strange. I want to say, having been admonished by the Senate that they do not take kindly to our transgressing the rules in putting in new matter when we had no authority, I have already notified the Senate that it is the purpose of the conferees to obey the rule. We came in and told the Senate why we put these words in, that we knew we had no power to do it, but we thought it was a proper thing to do in order to have the language throughout the bill correspond and to clarify the meaning.

Mr. CULBERSON. The Senator somewhat misapprehends my inquiry. I am not criticising.

Mr. TILLMAN. I know that.

Mr. CULBERSON. What I want to know is what was the purpose of the committee in adding these words?

Mr. TILLMAN. It is not worth while to explain what our purpose was when I tell the Senator that the conferees will take that out. We will not bring in a conference report here again with those words in, because we do not want to transgress the rule. We knew we had no right to put them in.

Mr. CULBERSON. Very well.

Mr. FULTON. Mr. President, I understand the motion of the Senator from Maine [Mr. HALE] is the one offered yesterday to instruct the conferees. Is it not?

The VICE-PRESIDENT. It merely expresses the sense of the Senate. It does not instruct.

Mr. FULTON. Mr. President, I wish to submit a few observations concerning one amendment which was adopted by the Senate and disagreed to in conference. I realize that the Senators in charge of this report are very anxious to terminate this discussion and proceed with their work in conference. Were it not for the fact that the section which I in part represent in this Chamber is vitally interested in one of these amendments and in a large degree interested in another, I would not participate in this discussion at all; but in view of the deep interest the section I represent has in the one provision to which I refer, I feel that it is my duty to enter a protest against the conferees disagreeing to that amendment.

While I am on my feet I will take the opportunity to say in regard to the pass amendment or provision that I have received, as other Senators have, a great many telegrams from railway employees and from organizations of railway employees protesting against any provision being incorporated here that will prevent them from being supplied with or from accepting free transportation. I shall not take time to discuss that, as it has been fully discussed. I simply wish to say that I fully agree with them, and I believe that we ought not to enact any such legislation, and should we do so it would, in my judgment, be perpetrating a very great injustice upon those people. The matter of free transportation, as the Senator from Wisconsin [Mr. SPOONER] said yesterday, enters partly into the consideration for their employment, and we have no moral right to deprive them of that privilege.

I want to call the attention particularly of the conferees to the importance to the people of the Northwest in particular of preserving and retaining the amendment that was offered by the Senator from Washington [Mr. PILES], which excepts from those prohibited articles which interstate-commerce carriers may transport, they being interested in the production thereof, timber and the manufactured products thereof.

The Senator from Texas [Mr. BAILEY] yesterday said that if there is any one article which these carriers should be prohibited from engaging in the manufacture of it is the article of timber and the manufactured products thereof. His argument was based upon the fact that the timber supply of this country is being rapidly depleted. That is true, Mr. President, but it does not follow by any means that the mature timber that is going to waste in the forests should be allowed to go to waste and should not be manufactured simply because the timber supply is not as great as it formerly was.

In the great forests of the Northwest there are billions of feet of lumber in matured trees which if not converted into some article of use will pass into decay and will be lost entirely. The fact that we permit the lumbermen to prosecute their business does not in the least prevent or hinder us from providing for reforesting the timber land and for providing for a new and wider growths of timber.

So I submit that the proposition urged by the Senator from Texas is not one that may properly be considered in this connection. One of the greatest sources of wealth at the present time of the Northwest, and particularly in the States of Oregon and Washington, is its forests. If you shall deprive us of engaging in the industries incident thereto, Mr. President, you strip us at once of one of the greatest resources we have and the effect of this provision will be to do exactly that.

I have doubted from the beginning whether or not this provision which we have incorporated in regard to coal mines, prohibiting railways and common carriers from owning coal mines and transporting their products, is the wise way to deal with this question. The evil that is complained of is the discrimination that grows out of the ownership of these mines by carriers and the advantage it gives them over their competitors. I submit that there are ways of preventing such discriminations without interfering with the industries of the country, and I have doubted very much the power of Congress to enforce such a prohibition. I have doubted very much whether we can say to a common carrier, "If you own a coal mine you may not operate it, or if you do operate it and transport the product you can not engage in interstate commerce." I doubt the power of Congress to enact such a statute.

There are some articles that we can prohibit entering into interstate commerce, matters that are deleterious to the health of the public, matters that are of a dangerous characer, such as dynamite. We may prohibit, probably, the transportation of such articles. We may prohibit the transportation of diseased meats and any article injurious to public health.

Those matters on the ground of high public policy we may prohibit, but I doubt seriously if Congress under the power to regulate commerce can prohibit commerce in any article that is a proper and a suitable article for commerce.

When the coal amendment was pending in the Senate some days ago, I suggested that the entire question should be referred to a committee in order that we might get a report suggesting the best method of dealing with it before taking final action, in order that we might better determine just what exceptions should be made.

I believe that would have been the wiser course. The Senate declined to adopt that suggestion, however, but it did agree on the motion of the Senator from Washington [Mr. PILES] to except from the operation of the amendment timber and the manufactured products thereof. And now the conferees' report that they have abandoned that exception.

Now, Mr. President, if we shall fail to insist on the amendment of the Senator from Washington, the result will be this: In the great forests of the Northwest under present conditions, logging camps can not be profitably carried on without railway connections in many instances. Railways have to be built in connection with such enterprises in order to bring out the timber. These railroads are usually only a few miles long, but many of them serve the people of the vicinity as common carriers. However, the real primary purpose of such railroads is to serve the logging camps in connection with which they are constructed.

They connect in many cases with the trunk lines, or they come down to the great waterways, such as the Columbia River and Puget Sound. They therefore become interstate-commerce carriers, and under the provisions of this amendment, unless you adopt the exception proposed by the Senator from Washington, they will be prohibited from operating such roads for the purpose of carrying out the product of their logging camps.

The same rule applies throughout the Northwest also to coal mines. There are very few coal mines in the Northwest that are developed, except in connection with railroad lines. That which applies to coal mines and timber is true also of copper mines, iron and other mines.

Mr. President, what good reason is there for prohibiting our people from thus engaging in the development of the industries of the country? There is a great evil that we are seeking to remedy. We all understand that in the anthracite region there is an existing and a really great evil that we wish to exterminate, but can not that be remedied without striking down legitimate and proper industries?

It seems to me that the Senate of the United States ought to be able to correct the evils that we know of and yet preserve the industries that we all understand and admit are proper and legitimate and desirable.

Why should the man developing a mine up in the Rocky Mountains, finding it necessary in the course of that development to build a railway leading down to a trunk line, be prohibited from doing that simply because we want to correct an evil in some other section of the country, which we can correct without depriving him of that necessary facility?

Mr. BAILEY. Will the Senator from Oregon permit me?

Mr. FULTON. Certainly.

Mr. BAILEY. I wish to ask the Senator from Oregon if

what he has said with reference to lumber in his region is not equally true of coal or copper and other metals? Are not all of those industries connected with the operation of railroads? Then I understand the Senator from Oregon——

Mr. FULTON. Does the Senator wish me to answer that now, or wait until he is through?

Mr. BAILEY. Yes, sir.

Mr. FULTON. I will say to the Senator in answer, it is true in regard to these other products in a large degree, but not to the extent that it is true of lumber.

Mr. BAILEY. I have always found that that which is most profitable is the first that the railroad acquires, and in doing that the railroads are not different from the balance of the people. It seems to me that which they most largely control is precisely that which they ought not to be permitted to control at all.

But leaving all that aside, the Senator from Oregon believes that the principle of this amendment, as applied to his section of the country, is vicious. Then, would the Senator want to offer an amendment that applies to his State and to the adjoining State, and if they think it wise there to allow railroads to engage in other enterprises outside of their business as a common carrier perhaps it will not offend us who are a long ways off? The Senator might offer an amendment that exempts the State of Oregon and the State of Washington from the operation of what the most of us consider a wholesome principle.

Mr. FULTON. Will the Senator from Texas vote for such an amendment?

Mr. BAILEY. No, Mr. President; because I think it is sometimes necessary to take care of some people against their will. I should feel compelled to vote against allowing Oregon to make that mistake.

Mr. FULTON. It is necessary sometimes to take care of people against their will, but I object to this universal disposition to assume guardianship over everybody and over every section's industries.

Mr. BAILEY. Will the Senator permit me a moment?

Mr. FULTON. Certainly.

Mr. BAILEY. The Senator would argue as though we are interfering with the industries of people. He is mistaken. We propose to interfere with no proper and legitimate industry. We simply say that a corporation organized for one purpose, engaging in other purposes, shall be denied the right to engage in interstate commerce. If the railroad is a common carrier, then it is not a manufacturer, and ought not to be.

I am aware that in some of the older States railroads have been chartered with special rights to produce and transport coal, but I doubt if a charter has been granted in any State of the American Union for many years which confuses the functions of a common carrier and the functions of other branches of industry. I will ask the Senator from Oregon [Mr. FULTON] if it is true that railroads in his section of the country have in their charters been authorized to engage both in the business of transportation and in the business of production?

Mr. FULTON. I will state to the Senator that what the facts are in that respect I am not at this moment prepared to answer. I do know that there are short lines of railroad connected with coal companies—not in my State, for I do not know of any railroad in my State connected with coal mines—but I do know of one line, from Idaho into the State of Washington, a short line of railway, whose real and primary purpose—I might say, whose sole purpose—is simply to supply transportation facilities for that mine. How it is organized and what are the provisions of its charter I can not pretend to say. I only know the manner in which it is operated.

Mr. BAILEY. Will the Senator from Oregon permit me to make a suggestion to him?

Mr. FULTON. Certainly.

Mr. BAILEY. If it will pay one corporation to build a railroad and open and operate a mine, all under one management, would it not pay two corporations, each performing a separate service?

Mr. FULTON. The Senator, I think, will readily see how very impossible that is. Here is a company, we will say, that has a large mine in the mountains, distant from a railroad line. It may desire to open up and operate that mine; but it must have transportation facilities for the product down to a trunk line. If they are allowed, they themselves will build it; but if they have to get some other company, some existing line, to run a branch to the mine, the existing line may or may not do it. There may be many reasons why it would not do it. They may have business enough of their own, or they may say——

Mr. BAILEY. They may have business of their own in competition, and that is what we are trying to prevent.

Mr. FULTON. If the Senator will kindly allow me a moment further, they may say, "If we build a line, then another company may build a line, and there is not enough to justify us in investing the amount that would be required to take the chances." As an independent transportation proposition it may not pay, yet in connection with the mine it might pay to construct and operate the road. Then there may be financial conditions and hundreds of reasons we can imagine why such a company would not be willing to build a line. The man who is the owner of a mine would be willing at once to build a railroad to connect with the trunk line to take out this product and supply the markets of the world; it might pay him so to do, benefit the people, and injure no one. Why should he not be allowed to do that?

Mr. BAILEY. Will the Senator permit me one more interruption?

Mr. FULTON. Certainly.

Mr. BAILEY. The Senator says this mine might not be developed because the main line would fear to build down there owing to the fact that some other line might build down there. It is a most remarkable argument that the Senator asks us to believe, that one railroad would not build out to the mine for fear that another railroad might build out to it, and yet the railroad which might build would not be deterred from building when another had already built. In other words, the Senator asks us to believe that the fear of a second road would deter the first road without stopping to consider that the existence of the first road would deter the second one.

Mr. FULTON. The Senator will understand the proposition. I simply suggest a few possible reasons. There are doubtless many reasons that might be assigned; but the Senator knows that the important thing to a man owning a mine is that when he is ready to develop it he shall not be dependent on others for the necessary transportation facilities. He should not be placed in a position where he is dependent upon the will of some independent transportation line as to whether or not he will get his product out, and there is no reason why that should be done. I submit that it is not necessary to do that in order to correct the evil sought to be remedied by this legislation. I submit that these discriminations can be prevented without striking down and destroying legitimate industries and placing a handicap upon the development of the resources of the country.

The Senator from Texas has referred to the logging camps in the Northwest as if they were owned by the great transportation lines. They are not so owned. I do not know, and I will ask the Senator from Washington [Mr. PILES] if he knows, of a single great trunk line or main line of railway in the Northwest that is engaged in taking out saw logs or in manufacturing lumber?

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Washington?

Mr. FULTON. Yes; I have asked the Senator a question.

Mr. PILES. Mr. President, in reply to the question of the Senator from Oregon [Mr. FULTON] I will say that there is not, so far as I know—and I have been twenty-three years in the State of Washington—a logging railroad company, or what might be said to be a railroad company, that owns a sawmill, a lumber camp, or is in any manner engaged in the manufacture or shipment of lumber.

Mr. FULTON. That is my information, as well.

Mr. PILES. One moment further. The Senator from Texas [Mr. BAILEY] seems to labor under the impression that the great railway companies, the transcontinental railway companies of this country, are engaged in the lumber business in the greatest lumber region in the world. The facts are these: The great mill companies have become the greatest factors in the entire country for the development of the lumber regions. Those mill companies are organized for the purpose of building logging roads back into the forest and for the purpose of building and navigating steam and sail schooners to carry the products, which they themselves bring out of the forests, manufacture in the mills, and then transport on their own schooners. That is the business in which the people of that section of the country are engaged. No railroad company is engaged in that business. It is private people, who have invested their own private capital, who are engaged in this great industry. They spend more than $60,000,000 in the business in the State of Washington alone every year.

I agree with the Senator from Oregon [Mr. FULTON]. As I said the other day, this is a question that ought to be dealt with in the manner provided for by the amendment which I proposed to the bill and which the Senate adopted.

Mr. FULTON. The information of the Senator from Washington [Mr. PILES] is exactly mine. There is not a single great

railway line that is engaged in the lumber business, but all the railroads that are engaged in connection with such business are little lines, built by private individuals, leading up through some little valley 5, 10, or 20 miles in length.

As the Senator from Minnesota [Mr. CLAPP] suggests to me, these short railroad lines are simply incidental to and a part of the equipment of the main enterprise—simply adjuncts thereto; and yet they lead down to navigable waters, such as Puget Sound and the Columbia River, and connect there with vessels which take the product of the mills, or else they connect with some trunk line of railroad, which carries the product of the camp or mill to market.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Texas?

Mr. FULTON. I do.

Mr. BAILEY. I should like to inquire if it is not true in the State of Washington and in the State of Oregon that the people who have obtained railroad charters and condemned the property of private citizens are really conducting private business?

Mr. FULTON. The Senator is very much mistaken if he thinks they are not subserving the public interest at the same time. Take, for instance, a little railroad line I have in mind, that is about 5 miles long, I think, running back from the Columbia River, in the State of Washington. True, it is a common carrier, but it practiced no deception in getting the rights of a common carrier, because it serves the people of that little valley; it takes the products of their farms down to tide water, so that they can place them on board ship.

It is a great accommodation and a great benefit to the people of that valley; but the main purpose in constructing the road was to enable the owners to get their own logs to market. If some one will tell me why that industry should be destroyed and why they should be prohibited from operating these few miles of railway, I will be pleased to hear the reason; but I have not yet heard it suggested by any person.

Mr. President, I do not wish to take up further time. I know very well how anxious the conference committee is to get this measure back again into conference; but this is a matter of very deep and grave importance to the people of the Northwest. All through the mining regions the same condition prevails and the same result will obtain. If this amendment be enacted as it stands, it means the destruction of many industries now in operation; it means retarding seriously the development of the vast area west of the Rocky Mountains for many years to come. "Oh," some say, "you can prevent this by incorporating two companies, one a railway line and the other the logging, lumbering, or mining company."

Mr. President, we ought not to drive people into indirection in order to defeat or circumvent the law. I do not know whether they could defeat it or not by resorting to such expedients; but we ought not to enact legislation that must drive people to subterfuges such as that in order to operate industries that are important to great communities and to the public at large.

I trust that the conferees will take into consideration the death blow which they will deal to many industries of the West if they consent to disagree to the amendment of the Senator from Washington [Mr. PILES]. I hope it will be retained in the bill.

Mr. HOPKINS. Mr. President, the Senator from Ohio [Mr. FORAKER], just before the Senator from Oregon [Mr. FULTON] commenced his address, made a request that the conference report on the statehood bill be taken up on Tuesday next. I raised an objection at that time; but after consulting with Senators on both sides of the question I find that some Senators will be better accommodated on that day than on any other. I therefore withdraw my objection.

Mr. LODGE. Mr. President, on the matter of the consent referred to, I have no objection, of course, to the postponement of the consideration of the statehood conference report until Tuesday next, or to any other time when those who are interested in that question care to give notice; but, Mr. President, I do very much object at this stage of the session to confiscating the morning hour. It is the only time we have for the consideration of a number of bills, some of which are House bills, with which we want to deal before the session ends.

It seems to me the purpose of those who are interested in the statehood bill would be subserved if they would simply give notice that they would call up the conference report on Tuesday next immediately after the morning hour, and not before. That is the point we want to reach.

Mr. GALLINGER. Seven or eight days ago, Mr. President, I reported from the Committee on Appropriations the District of Columbia appropriation bill. I have allowed it to remain quietly on the Calendar so as to give other matters an opportunity to be heard. I want now to say that when the matter that is now before the Senate shall be disposed of, which I trust will be at an early hour to-day, I will ask the Senate to proceed to the consideration of that bill.

While I am on my feet, Mr. President, I desire to make an observation in reference to the conference report. It will be remembered that when the bill was before the Senate, by a very large vote the Senate voted adversely to the proposition to increase the salaries of the Interstate Commerce Commissioners from $7,500 to $10,000. A direct vote was taken, I think, not a yea and nay vote, but there was no question as to what was the sense of the Senate at that time. I am opposed to the proposed increase. I have never been able to see why a gentleman, however distinguished he may be, leaving this body, where he served for $5,000 a year, should not be content with an increase of 50 per cent over the salary he was receiving as a Senator, or why a Member of the other House should not be content, or why a private citizen, who was, perhaps, earning $4,000 or $5,000 a year in his business, should not be content with a salary of $7,500. I do not believe, inasmuch as the probabilities are that the Interstate Commerce Commission will be increased in numbers, that there will be an increase of business sufficient to warrant this very large addition to the salary of the Commissioners.

I will not again more than hint at the fact that the Congress seem to be tumbling over themselves to increase the salaries of all kinds of officials, but are content with the salary that they themselves are receiving, and which has not been increased for a great many years.

Therefore, Mr. President, I trust that when this conference report comes back to the Senate the sense of the Senate as it was expressed will be adhered to, and that the Commissioners will be asked to serve for the salaries which they are now receiving, which I think are entirely adequate.

As the Senator from New Jersey [Mr. KEAN] suggests to me, there is no particular reason why the number of Commissioners should be increased. I do not believe that the bill which we are now passing is going to greatly increase their duties or their responsibilities or their labors, and I think the claim that is being made that these men will be overworked because of this legislation is not well founded.

Mr. President, if any expression of the Senate is to be taken by way of suggestions as to the feeling of the Senate regarding some items of this bill, I shall ask that the declaration which I send to the desk be voted on at the proper time.

The VICE-PRESIDENT. The Secretary will read.

The Secretary read as follows:

It is hereby declared to be the sense of the Senate that the salaries of the Interstate Commerce Commissioners shall not be increased beyond that which they are now receiving.

Mr. GALLINGER. Mr. President, that is all I care to say. If any vote is to be taken upon any item in this bill by way of suggestion to our distinguished conferees, who desire to do, so far as they can, what the Senate wishes them to do, I shall ask that a vote be taken on the declaration which has just been read.

Mr. DANIEL obtained the floor.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from South Carolina?

Mr. DANIEL. Certainly.

Mr. TILLMAN. I want to suggest to Senators at this stage of the proceedings that it is very evident if anything like the motion made by the Senator from Maine [Mr. HALE] is attempted to be passed upon by the Senate, it will be amended and discussed, and we shall have the whole pass discussion over again and probably additional discussion. I want to protest against the effort at this stage of the proceedings to inject into this conference report almost an unheard-of action by attempting to instruct the conference before we have agreed or disagreed. We have agreed, and under the Manual of Conference Committees, which was prepared for the information of Senators, while it is declared to be in order to instruct conferees—

The resolution of instruction should be offered after the House has voted to insist and ask a conference and before the conferees have been appointed.

I do not think this conference committee should be treated differently from any other conference committee; and I shall, therefore, ask the Senate at the proper time, if these efforts to instruct are pressed, to accord us the same courtesy and fair treatment that other conference committees have had.

Mr. DANIEL. Mr. President, I ask that the motion of the Senator from Maine be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. Mr. HALE moves, as an expression of the views of the Senate:

That passes issued by railroad corporations included in this bill be confined to actual employees of such railroads and their families.

Mr. DANIEL. I move to strike out——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Maine?

Mr. DANIEL. I desire to get through my sentence first.

Mr. HALE. Very well.

Mr. DANIEL. I move to strike out the words "be confined to" and insert the words "shall include."

I now yield to the Senator from Maine for a question, but not otherwise.

The VICE-PRESIDENT. The Senator from Virginia yields to a question.

Mr. HALE. No, Mr. President; I intended to make a statement in regard to the motion which I offered yesterday, but I will wait until the Senator is through.

Mr. DANIEL. I wish to address the Senate on the subject of the conference report. I have been yielding to other Senators, and, of course, if the Senator from Maine desires to speak before I do, I will give place to him.

Mr. HALE. Then I wish to say, Mr. President, that I think the conference committee on the part of the Senate have been beset with many difficulties and troubles. I believe the committee has done the best that it could under the conditions, and I do not think that it is an obstinate or recalcitrant committee. It seems to me that the debate has served a very valuable purpose, and, in order that the conferees on the part of the Senate may not be embarrassed by anything in the way of actual instructions on this subject, I withdraw the motion which I made on yesterday.

The VICE-PRESIDENT. The Senator from Maine withdraws his motion.

Mr. DANIEL. Do I understand that the Senator from Maine withdraws his motion?

The VICE-PRESIDENT. The Senator from Maine has withdrawn his motion.

Mr. DANIEL. Then of course I can not offer an amendment to it.

Mr. President, I desire to say a few words respecting the conference report. In the first place, I will give a little attention to the observations made by the Senator from South Carolina [Mr. TILLMAN]. He complains that the Senate seeks to express some opinion in regard to some of the recommendations of the conference report, and makes the point that it is not in order, or not appropriate, for the Senate to express its opinion or give its instructions at this time, because, as he says, the conferees have not disagreed.

Mr. TILLMAN. I said that under the rules set forth in the document relating to conference reports—

It is not the practice to instruct conferees before they have met and disagreed.

But we have not disagreed.

Mr. LODGE. It is not the practice.

Mr. TILLMAN. I did not say it was the rule. I am objecting to an action being taken with reference to this conference committee that the Senate has never taken since I have been here in connection with any other such committee. That is all.

Mr. DANIEL. But, Mr. President, the Senate disagrees with its own committee, and it wishes to inform that committee, in some respects at least, in regard to its own dissent from the judgment of the committee. Clearly it is within the range of parliamentary law for them to do so.

Mr. TILLMAN. I know it is within the rule and power of the Senate to instruct. I do not pretend to claim that it is not. I am only protesting against the effort to inject into this proceeding at this stage of the business an unheard-of method of treating it. That is all. When we come back here again, after having heard all of this eloquence and all these suggestions and criticisms, and after all the light and all that kind of thing that has been thrown on the matter, if the Senate is not satisfied with what we bring back the next time, then the Senate can do as it pleases, as it will always do, and instruct or disagree to the report or adopt it.

Mr. DANIEL. I am not insisting, Mr. President, at this time that the Senate shall instruct its conferees, but quite clearly it is not a thing unheard of, as it is within the province of parliamentary law and a thing provided therein. I think the Senator is a little extravagant in his statements on the subject, but let that pass.

Extremes meet, Mr. President, and those who are for wide-open railroads, with the privilege to accord free tickets to anybody they please, and those who are for hermetically sealed railroads, with no privilege to grant free transportation at all, are in close alliance with each other.

I can not forbear the reflection that perhaps there is in the minds of some, who are insisting that railroad companies shall not be allowed by law to pass their own employees who are engaged in their business without charging them the same rates that they do other passengers, an idea that we will finally become so wearied with this topic as to throw the railroads wide open and leave them to give passes to whomsoever they please.

It is my belief, Mr. President, that the conferees of the Senate would best subserve the public interest and best accord with the average judgment of this body in insisting on amendment No. 4. Attempt was made to ridicule that amendment, and frivolous amendments were offered to it, with a view to bringing it into contempt. No provision that we can make on this subject will be satisfactory to everybody. Any provision that is made on this subject will find a certain percentage of strong opposition to the conclusion reached. No ideality and no approximate of perfection can be consummated on this topic. But the question is what will best reach the average judgment and the fair public purpose in view.

Railroads are nearer akin to government than any other corporations except other common carriers, who like them have received from the Government the powers of eminent domain. They carry the mails; they have received empires as gifts from the nation at large, vast grants from States and from communities, and their affairs interlace with the general affairs of the people more than those of any other corporation or any great concern that ever existed or can exist.

It is for this reason, Mr. President, as well as from the physical nature of the railroad corporations, that so many gratuities are besought of them and that they find it so easy to grant them. The trains move at stated times, whether full or empty. Like the omnibus it can always take on another passenger. There are the seats, and it is easy to let this man or that take one whether he pays or not. The bishops of churches, the clergy of the country, the highest and best men in every community of the United States, men whose characters are above suspicion and above reproach, have time and again solicited favors from these transportation corporations, and the reason why the giving of free passes has grown into such enormous proportions is because of the general existence of the habit to ask for them on the part of so many different and such respectable portions of society. It does not grow, unless in all cases, by any means from any corrupt motive on the part of corporations. Sunday schools, congregations, Christian associations, charitable institutions, and all manner of people, some who are afflicted with hardships and some who occupy important relations to the public—all of these have besought these favors from railroad corporations, and the railroads have borne most of the blame which should be distributed throughout society if blame is sought to be charged.

Mr. President, let us look at this amendment. It forbids in general the granting of free tickets, free passes, or free transportation. It excepts from its inhibition, first of all, officers, agents, employees, surgeons, physicians, actual and bona fide attorneys, and members of their immediate families. The amendment of the House, which has been recommended to us by our conferees, cuts out that obviously just provision with all others of the kind. Many of the railroad employees of the Southern Railroad, which empties its trains in this city every day, live in the adjoining city of Alexandria. Many of them arrive here after a day's work, and sometimes two or three day's work, coming from far South. When the company has discharged its passengers and its employees for the night, it takes the employees back to Alexandria, where they may rest with their families before they reappear here next morning or report for the next trip; and the House amendment says that is a crime and ought to be punished. The Senate yesterday passed some very strange legislation, but surely it is not going to pass such strange and obnoxious legislation as this. So far from being wrong, it is right on every kind of principle, and we should rejoice rather than lament if the corporation can so conveniently and properly serve the interest and convenience of the men who take their lives in their hands every day in the service of the public. It also subserves our interest at the same time.

Let us look at this amendment. It excepts—

Second. Ministers of religion.

Third. Local and traveling secretaries of Young Men's Christian Associations.

Fourth. Inmates of hospitals and charitable and eleemosynary institutions.

Fifth. Indigent, destitute, and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation.

Sixth. Inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers and Sailors' Homes, including those about to enter and those returning home after discharge under arrangements with boards of managers.

Seventh. Female nurses that served during the civil war.

Eighth. Ex-Union soldiers and sailors and ex-Confederate soldiers.

Ninth. Owners and care takers of live stock when traveling with such stock or when going to point of shipment or returning from point of delivery.

It is also provided that this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of carriers, and members of their immediate families, nor to prohibit any carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitations, nor prevent such carrier from giving free or reduced transportation to laborers transported to any place for the purpose of supplying any demand for labor at such place.

These are all. It is nothing but the voice of humanity and public convenience that speaks in every one of these instances. And what are we asked to do about it? Not to give them free carriage at public expense, nor free carriage at the carrier's expense, but to permit the carrier to carry them, if it pleases to do so, and not insist that it shall charge them. Who is going to be hurt by that amendment? What public policy is challenged or invaded by the amendment? Indeed, it might be wider without being hurtful.

But there is a public sentiment in this country, not ill founded, that the privilege of free transportation has been abused and misused and too freely granted. Every man in public life knows how often he is asked to request free transportation for other persons, and oftentimes for those who are as able to pay as any members of society; and out of constant solicitation and repeated urgings railroad corporations have yielded in many cases and enlarged the free-pass system beyond the reach of any just or humanitarian consideration.

I wish to say a few words about striking out the term "knowingly and willfully." If we strike out the words "knowingly and willfully," and punish everybody who may accept or receive any discriminatory fare or discriminatory freight rate from a corporation, we will make a crusade against as innocent men as there are in any country. The word "willfully," in this regard, is either surplusage or, perhaps, worse than surplusage. "Knowingly" is sufficient; and for my part I hope that our conferees, who have already had such exacting labors on this topic, may be enabled to report that the word "willfully" has been stricken out and the word "knowingly" retained. Go down in a hurry to a passenger station in any city, or send a messenger to freight a box from here to any other city, and if perchance the passenger fare or the freight rate is discriminatory in the individual case or with respect to a class that embraces that individual case, then this proposed act seeks to brand as a criminal both the corporation and the shipper or passenger who received or accepted it, although the shipper or passenger may have been utterly ignorant of the discrimination made and may have been as innocent as a babe unborn. This is wholly unjust; and if such be the intention of the statute, it is almost inconceivable that an intelligent body like the Senate of the United States will indorse and approve it.

I shall say no more, Mr. President, save to express the hope that our conferees may be able to gather from the general expression of opinion here what is the sense of the Senate. I feel assured that they will exert themselves to their best ability to have it executed in so far as they properly may, and I can not repress the strong faith that so great injustice as has been pointed out will, in a measure, at least, be prevented.

Mr. CARTER. Mr. President, before this bill is returned to the conferees, I desire briefly to express the views I entertain concerning two amendments which have resulted from the conference thus far.

To begin with, take the provision on page 16 of the bill of the print of June 2. It shows the amendment made in conference, beginning in line 22 on page 16 and continuing thence to the close of that section. I venture the opinion that nothing like this can be found in the whole round of penal legislation. Take, for instance, a shipper of goods, wares, or merchandise, which constitutes interstate commerce, and it proposes to make that shipper guilty of a misdemeanor and subject to heavy fines and forfeitures and likewise to a term in the penitentiary for an act of which he may have had no knowledge at all until charged in court with the offense.

I do not believe as a matter of law that any intelligent court would fail to instruct the jury to find the defendant not guilty if it appeared that criminal intent was wanting in the transaction. That adherence to plain, simple rules of justice by the court will not, however, excuse the Senate for attempting to do that which a court would probably refuse to do, to wit, convict an individual of an act of which he had no knowledge at all. It is dangerous legislation, Mr. President, for the reason that the shipper might readily be made the victim of an agent's indiscretion, lack of intelligence, or possibly malice, because the shipper is made responsible if or through an agent the thing charged is done.

Let us illustrate. A wholesale shipper in the city of Washington, engaged in selling groceries to the trade, has a large business, commonly known as a "jobbing business." This merchant ships goods into Virginia, Maryland, and all the surrounding country. Owing to the extent of his business and the multifarious details connected with it, he must, of necessity, act through agents and employees. If a clerk, of whatsoever grade of intelligence or extent of pay, makes a mistake in billing goods from the freight office, over the Baltimore and Ohio or the Pennsylvania from this city, quoting a lower rate of freight than the public schedules will figure out, this wholesale merchant in the city of Washington, under this provision as it stands with the amendment, would be subject to fines, and would go to the penitentiary if any court could be found to enforce such a law as this would be.

The merchant might not have heard of the shipment, even. He might have no knowledge of the fact that such shipment was made. The freight clerk in the office might have miscalculated either distance or pay, and thus rendered a bill of freight charges less than he should have rendered. However, not only the freight clerk would be liable under the proposed law, but the merchant would likewise be liable, because under this phraseology it is not necessary that either party should know that an offense was being committed.

Mr. President, I submit that the word "knowingly" should be retained in the law as an ordinary compliment to the good sense and sense of fairness of the Senate. It is a reflection upon the intelligence of this body to write a law upon the statute books with such drastic penalties as this contains and deliberately strike out that which would go to the element of criminal intent. As I said before, I believe the court would substitute as an instruction to the jury that which we strike out here, by instructing the jury that they could find the defendant guilty only if it appeared that he intentionally violated the law. But perchance that would not be correct. If not, then this would be a most deplorable piece of legislation. It could be made the means of great oppression, because a malicious clerk could make an innocent man guilty any day he pleased, either by a mistake or deliberate calculation in not exacting a sufficient amount of freight. It is amazing, Mr. President, that such an amendment is seriously contemplated for one moment.

Now, I grant that the word "willfully" might make conviction difficult, because the word "willfully," according to the accepted definition, goes beyond mere knowledge and betokens evil intent. But the word "knowingly" merely brings home the essential in every criminal act. It repels the idea of accident or mistake, and is an essential part of this proposed law, if we want to deal fairly with the shipper as well as with the railroad company.

Mr. President, one other question which has been discussed in the Chamber for some time seems to merit attention. With reference to the free-pass amendment, I have observed the discussion from the beginning. It was proposed, and seriously proposed, that the inhibition be placed exclusively upon members of the Senate and House of Representatives, and that the railroads, as to all other persons, might exercise their own judgment.

This territory of ours, the mainland of the United States, embraces over 3,000,000 square miles. It is the largest territory in the world subject to the control of one central government, save and except that of Russia and of China. We have, through a uniform system of education, escaped from the difficulties the forefathers contemplated in holding such a vast country together. It was apprehended for a long time after the Republic was established that sentiment would grow up in the Mississippi Valley hostile to the people on the Atlantic coast; that owing to tempermental and climatic differences the people of the Southern States would of necessity become the victims of a sectional feeling, and that those sectional feelings

would ultimately result in the destruction of the Central Government. The forefathers did not contemplate, at the time the suspicions were first formed, the extension of our domain to the Pacific coast. In the early part of the last century empires were talked about west of the river and east of the river, and one great trial occurred in the city of Richmond, when a Vice-President was tried for treason, in that it was charged he incited the establishment of a separate government in the Mississippi Valley.

It is not long ago that you could tell a man from Indiana by his peculiar vernacular; that you could almost unerringly select the State in which a man was born by the manner of his speech. Now, you can tell a New Englander part of the time and a distinct type of the Southerner also by ordinary accent displayed in conversation. But this little peculiarity of speech is confined now to the two sections I have named. We have become, from one ocean to the other, a homogeneous, united mass of people. No one will ever be able to tell what rapid transit and easy progress from coast to coast and from interior to coast has done in the way of making the perpetuity of this Republic possible. Had it not been for the railroads, with their rapid transit, the electric telegraph and the printing press, a Republic stretching from the Atlantic to the Pacific Ocean would, in my judgment, have been only of short duration. The people have benefited by these easy methods of travel. The Republic has been strengthened and solidified.

Important as it is to the people, it is of infinitely greater importance that their representatives, charged with the duty of legislating for the whole country, should not be a provincial set. It is necessary that a Representative in the House or a Senator in this body should not only be conversant with his own district or State, but that he should be conversant with every part of the country whose destiny rests in the hands of himself and his colleagues.

It is well known that the compensation of Members of the House and Senators render travel by them over the country extensively at their own expense impossible. We, of course, can pursue this method. We can invite into this Chamber and into the other end of the Capitol men of great fortunes and independent means. But I doubt if that kind of representation, however conscientious and worthy the men, would either be satisfactory to the country or beneficial to its interests. What this Congress ought to be in both branches is a thoroughly representative body, coming from the various walks of life, and representing men from those struggling at the bottom to the millionaire, if you please.

We have been confronted with a proposal to increase the pay of Members and Senators. I think through a mere matter of moral cowardice, that is not done. Now, we propose to single out the Members of the House and Senate, and practically say that those who are dependent on their salaries shall travel only between the capital of the country and their respective homes.

Instead of doing this, I would pursue what I think a more enlightened policy. I would have the Postmaster-General of the United States authorized and directed to issue free transportation to every Member of the House and Senate, good over any railroad carrying the United States mails. We are paying to-day over $30,000,000 for carrying the mails.

Mr. HOPKINS. Over $44,000,000.

Mr. CARTER. I am thankful for the correction. We are paying over $44,000,000 to-day for carrying the United States mails. This amount would not be increased one farthing if you required the roads holding the mail contracts, by contract stipulation to respect the passes issued by the Postmaster-General to the Representatives of the States and the people, gravely concerned in acquiring accurate information such as can only be acquired by travel and observation in many instances.

Now, Mr. President, we will take the large State of Texas, which my genial friend represents in part. If unable to get free transportation in the State of Texas on any railroad, I am sure that the large communities at distant points remote from each other in that great State will be denied the privilege of meeting and hearing our genial and eloquent friend.

It is useful to the people to meet their Representatives. It is useful to the people of other States to meet them. I know in our great, vast, imperial country west of the Mississippi, wherever a delegation of members of the House or Senate may go, the people in the village, city, or town will undertake in a most hospitable manner to entertain them and give them some knowledge of the country in which they for the time being abide. It is of great importance to that section of the country that the Members of Congress should be permitted to go there.

We have, for instance, to-day in the neighborhood of $38,000,000 being invested in the irrigation enterprise. What is the man of meager means in a New England State to do for accurate information on that subject? Will you depend on wood cuts and pictures and descriptive matter? We of the West would prefer to have you come out and see for yourselves the barren spot above the canal, and the beautiful, green, and productive land before the canal. We would like to have you come out and see how your neighbors and old friends in New England are doing out there. When you get the information by actual observation and contact with the people you will come back here better enlightened, more capable of legislating and contributing to the well-being of the whole country.

Mr. President, if it is not proper or if it is deemed inexpedient to provide that the postal roads shall carry Members of Congress or Members of the Cabinet and the President over the country free, then there ought to be an appropriation sufficient for the purpose. I am not one of those dealing in self-abasement to the extent of indulging the opinion that a ride on a farmer's wagon or a ride on a railroad will prostitute the honor and the judgment of a Senator or a Representative of the United States. These great railroads are as much interested as the people of our villages in having enlightened men come in to observe the country.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. Certainly.

Mr. PERKINS. I wish to ask my friend from Montana a question, with his permission. Suppose this amendment is adopted and a great calamity should befall any other city of the country as it did San Francisco in the month of April, when the railroad companies transported during nine days over 300,000 persons free of charge, and the estimated value of such transportation by the officials was said to be $465,000. The free transportation was continued later on, but that is the official record for nine days.

The question I wish to ask is if this amendment is adopted, Would it not be a penal offense and would not the railroad officers be fined or imprisoned if they carried those poor distressed people free of charge?

Mr. CARTER. Most assuredly. They would all go to the penitentiary in regular order. We would have to appropriate money to impound the whole of the railroad staff on the western coast.

Mr. GALLINGER. And would not all those who had accepted passes go, too?

Mr. CARTER. Certainly. The three hundred and odd thousand would go to jail instead of going for relief somewhere else. A more ridiculous piece of legislation never was proposed anywhere than this. We know how it grew up in our very sight, Senators offering one exception after another, until the whole matter became a laughingstock in the Chamber.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. I am glad to yield.

Mr. BACON. I wish to ask the Senator, if he has given investigation to this matter, if it is not also true that if the proposed amendment should be entirely eliminated as adopted by the conference committee and there should be nothing placed in the bill in lieu thereof, and the bill should be passed without it, the result would still be the same, for the reason that under the general law, the law as it now exists, the issuance of free passes is prohibited? Under the present bill, by an amendment, I think offered by the Senator from Massachusetts, anyone who would violate that provision would be still subject to penal consequences, although there may be no specification of a penalty for the issuance of passes. Is not that correct?

Mr. CARTER. I believe the present law prohibits the issuance of passes in certain cases.

Mr. BACON. And whereas in the law as it now exists there is no penalty, the law will remain as it is as to the prohibition, and this bill will apply a penalty.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. CARTER. I am glad to yield to the Senator.

Mr. KNOX. I have made a pretty careful examination of the existing law and the pending measure and the proposed amendment to it, and I find the situation to be this: If we absolutely did nothing on the subject of passes, striking out the conference committee's recommendation and striking out the amendment as passed by the Senate, under the existing law the free issuance of transportation is prohibited. There is no penalty under the existing law. If I had a copy of the bill, I could point it out exactly.

Mr. FULTON. I hand the Senator a copy of the bill.

Mr. KNOX. It is on page 16 of the bill. First, referring to page 14 of the bill, you will observe the language is that—

No carrier shall, unless otherwise provided by this act, engage or participate in the transportation of passengers or property, as defined in this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time.

That is clearly a prohibition upon the issuing of passes.

Nor shall any carrier refund—

Here is an attempt and a very——

Mr. TILLMAN. Mr. President——

Mr. KNOX. If the Senator will permit me just to finish this sentence, it will take only a moment:

Nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

So there is a prohibition against charging or receiving any different compensation, whether it be a greater or less sum than the rates published by the schedule prepared for rates and fares; and there is also a prohibition against refunding it by any device whatever.

Now, if you turn to page 16 you will find the following:

The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges as required by said acts or strictly to observe such tariffs until changed according to law shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than $1,000 nor more than $20,000 for each offense.

So in my judgment if this bill becomes a law without anything upon the subject of passes at all, there is a specific provision that under the provisions I have read the issuance of a pass is absolutely prohibited to anyone, and it is impossible for a railroad company to carry anybody for any except the published tariff; and if they do they are subject to a minimum fine of $1,000 and a maximum fine of $20,000.

Mr. BACON. Those are the provisions, I will take the opportunity to say, that I had in mind when I made the inquiry of the Senator from Montana.

Mr. CARTER. Mr. President, it does appear that if the amendment proposed by the conferees should be adopted a railroad conductor would have to buy a ticket before starting out with his train. A brakeman would certainly have to have a ticket. The president of the road would have to have a ticket. The general manager, the road master, and the superintendent would have to have tickets.

Mr. PERKINS. How about the engineer and fireman?

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Certainly.

Mr. NELSON. I wish to ask the Senator from Pennsylvania if there was nothing said in this bill about the matter of passes would it not leave the law of 1895 in force?

Mr. KNOX. It would leave the law of 1895 with this penalty attached.

Mr. NELSON. The exception in the act of 1895 would be in force?

Mr. KNOX. Yes.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. I will yield to the Senator.

Mr. TILLMAN. If the contention of the Senator from Pennsylvania be true, I simply want to say that it is a great pity this was not discovered and made known both to the Senate and to the country the day when this Joseph's coat of a pass provision was put in the bill.

Mr. CARTER. The pass provision was put in to make exceptions from the general rule. I take it the proposition of the Senator from Pennsylvania is entirely correct. Taking the former law in conjunction with this bill, eliminating all reference to passes, the two put together would of course——

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. CARTER. Certainly.

Mr. KNOX. If the Senator will permit me, I am in some doubt as to the accuracy of my answer to the question propounded by the Senator from Minnesota [Mr. NELSON]. He wanted to know whether if we did nothing the exceptions in the act of 1895 would stand. I have grave doubts whether they would stand. In fact, I am quite sure, from reading this proposed statute, that there would be an implied repeal of the exceptions in the act of 1895.

In answer to the suggestion of the Senator from South Carolina [Mr. TILLMAN] that it was a great pity this had not been discovered earlier, I will state for my part that there was so much to be discovered I think it was pretty wise in us to have discovered as many things as we have already done. I think it will probably be a year before all of this bill will be brought to light.

Mr. CARTER. It seems to be a reservoir of mysteries.

Mr. President, I have concluded. I do feel that it is the interest of all the people, the interest of the Government, to encourage rather than to practically prohibit the free travel of Members of Congress over the country whose destiny rests in their hands so largely. It does seem to me that instead of putting in this drastic amendment it would be better to leave to railroad management the question of the transportation of the poor, the question of that benevolence which should not be prohibited by law where human hearts can be appealed to. It seems to me that a desire to conserve revenue and to perform faithfully the trust reposed in them will constrain railroad managers at all times and places to restrict the special pass privilege to the narrowest possible limits. But instead of this prohibition upon Members of Congress, if it is deemed improper to receive transportation free from the respective companies even in the States, then public policy of a sound character demands that we should provide otherwise to facilitate and encourage inspection and observation of the country by the body compelled to legislate for it.

Mr. LODGE. Mr. President, I send to the desk a resolution which it has been my intention to offer at the proper time.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Resolved, That in the opinion of the Senate the word "knowingly" should be retained in House bill 12987 where it occurs on page 16, line 23; on page 18, line 20, and on page 19, line 9.

Mr. LODGE. Mr. President, I have not put that in the form of an instruction, because at this stage it seems to me undesirable to do so. I should not suggest it at all, if it were not for the attitude taken by the Senator from South Carolina [Mr. TILLMAN]. If we reject this report, as we are going to reject it, under the parliamentary practice the bill stands exactly as it originally left the Senate, with all its amendments untouched and all open to conference.

The Senator from South Carolina says it is not the practice to instruct conferees, unless they have disagreed. That is quite true, but it is apparently the plan of the Senator from South Carolina that the conferees shall never disagree. So, under that——

Mr. TILLMAN. Mr. President——

Mr. LODGE. Under that practice we should never get a chance to vote on any of these important amendments. I will yield in a moment.

The conferee does not represent his own views. He represents the views of the Senate. The Senate put in this specific word "knowingly" without division, on a vote. It is a very vital and important word. Before the conferees yield on that to the House, if the House demands that they should yield, I think the Senate's opinion should be taken on the question of the disagreement. I think we should have an opportunity to pass upon that question again before the conferees yield it.

Again and again on conferences I have sustained amendments which I had opposed in the Senate, and it has been the practice of every Senator who has ever served on conferences. Again and again I have seen the conferees on appropriation bills come back here with amendments which had been put in against the wishes of the committee, against the wish of every conferee, to take the further instructions of the Senate. Only a few years ago the House of Representatives overruled its conferees on the naval bill, and those conferees resigned and three new conferees were put in their place.

Now, yesterday afternoon the Senator from South Carolina, with all the zeal and energy which he possesses, was advocating here in the Senate the wisdom of striking out the word "knowingly," sustaining the merits of the proposition. My point is that what we want represented in the conference is the view of the Senate on that question. I have no desire to hamper the conferees; I have not the slightest desire to instruct them; but this is a case where, if the report is rejected, the amendments go back to conference, and the last instruction of the Senate was a vote, passed without division, to put that word in. I think, if it is necessary, we ought to express our opinion upon it now.

Mr. TILLMAN. Will the Senator allow me now?

Mr. LODGE. Certainly; I yield to the Senator.

Mr. TILLMAN. I am speaking now about the implied accusation of the Senator, or the direct accusation, that I have a plan to defeat the action of the Senate.

Mr. LODGE. Oh, no; I did not say that, Mr. President.

Mr. TILLMAN. The Senator said it seemed to be the plan of the Senator from South Carolina to give the Senate no chance to express its opinion by never having a disagreement.

Mr. LODGE. I said it seemed to be the plan to have no disagreement.

Mr. TILLMAN. Did the Senate send us out to have a disagreement? I thought it sent us out to agree.

Mr. LODGE. We sent you out to have a disagreement, if necessary.

Mr. TILLMAN. We tried to have a disagreement on some things.

Mr. LODGE. We sent you there to carry out the will of the Senate.

Mr. TILLMAN. And we have tried to keep the will of the Senate by having the House yield wherever we could. We got them to yield forty-seven times out of fifty. How much more does the Senator want? Is he a glutton on yielding?

Mr. LODGE. I am a glutton on keeping in the word "knowingly."

Mr. TILLMAN. Ah, I see the Senator wants to have his own way in that particular case without the House letting me have my way at all.

Mr. LODGE. No; I want the Senate's way in the conference, and not the way of the Senator from South Carolina.

Mr. TILLMAN. The Senator from South Carolina is a minority member of the Senate conferees. The House conferees are two Republicans and one Democrat. It is a queer proposition that the Senator from South Carolina bosses the conference committee.

Mr. LODGE. Well, he shows symptoms of it.

Mr. TILLMAN. I have done the best I could to get a bill here that was workable and, as I thought, in conformity with the wish of the Senate, and I have got forty-seven agreements from the House. We got it. I do not say that I got it, because the other conferees were just as persistent and anxious to hold to the Senate amendment as I was.

Mr. LODGE. Well, Mr. President, there are some amendments that are more important than others, and I think this is an extremely important amendment. I want to call attention again to a point in connection with the word "knowingly."

On page 16 the conferees, who object so much to the words "knowingly and willfully," have retained, in line 5, the words "willful failure" in regard to the publication of the tariff of rates. The publication of the tariff of rates lies at the bottom of all this legislation, and it would be manifestly absurd to hold responsible all the officers of a railroad or a corporation because some subordinate had failed to post in a station a table of rates, or because a table of rates once posted had been torn down. The utter absurdity of that is so manifest to the conferees that they have left in the word "willful," which the Senator from Maryland [Mr. RAYNER] thought such an objectionable word. They have left it in in regard to the publication, and yet they do not hesitate to strike out both "willfully" and "knowingly" in the case of a failure to perform duties under this act where imprisonment is the penalty as well as a fine.

Mr. CULLOM. Will the Senator indicate the line?

Mr. LODGE. It is on line 5, page 16:

> The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs.

Of course the word "willful" ought to be there. It is perfectly right in that place to have it there, and in the same way I contend, as the Senator from Montana [Mr. CARTER] has already contended, that it is monstrous to leave all these men, carriers as well as shippers, at the mercy of any careless or perhaps revengeful subordinate.

The Senator from North Dakota [Mr. MCCUMBER] pointed out yesterday a clause to which I think we have not perhaps given sufficient attention, and that is at the bottom of page 17:

> In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier, or shipper, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or shipper as well as that of the person.

You make by that every officer of the road responsible for the act of every agent and every subordinate. For Congress to pass a statute deliberately under which men can be put in prison for acts where they had no malicious or criminal intent whatever, I believe is legislation of which Congress has never been guilty.

Mr. CULLOM. May I be allowed to interrupt the Senator?

Mr. LODGE. Certainly.

Mr. CULLOM. Does the Senator understand that the conferees on the part of the Senate could have done anything with the provision he has read?

Mr. LODGE. No; I think the provision is proper. I read it only to show the necessity for this word where you spread out and say that any subordinate shall not only be held responsible for his own act, but that also the carrier and the shipper shall be held responsible for his act.

Where you provide that in the statute, very properly, as I think, you ought not to leave out the word "knowingly" and make the act an absolute crime whether criminal intent entered into it or not.

Mr. President, I do not care to take more time on the question of the word "knowingly." I think it is one of the most important points in the bill. I have no desire to enter on a course of instruction to the conferees at this stage, but I do think that on as important a question as that, on which is dependent a man's liberty, we are entitled to some assurance that before it is abandoned the Senate should at least have the right to vote on it again.

Mr. BACON. Mr. President, I shall detain the Senate but a moment.

I entirely agree with what has been said by Senators as to the importance of the retention of the word "knowingly." Otherwise, outside of any injustice to the carrier, every shipper would necessarily have to inform himself as to every railroad tariff in order that he might know when he made a shipment and paid a rate whether or not it was discriminatory in any particular. I will not say anything further on that point, because I think sufficient has already been said.

Of course there is no disposition, or at least I judge there is none, on the part of the Senate to instruct or unduly hamper the conferees. At the same time it is of advantage to the conferees to have knowledge of what is the disposition of the Senate as to certain amendments which are in dispute among Senators or among the conferees themselves.

I rose simply to say a word as to one particular amendment. The Senate, by a decisive vote, amended the bill as it came from the House in the matter of the compensation proposed for the Commissioners.

PANAMA CANAL.

The VICE-PRESIDENT (at 4 o'clock p. m.). Will the Senator from Georgia suspend for a moment? The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. BACON. Mr. President, I just said that the Senate, by a decisive vote, amended the bill as it came from the other House in the matter of the compensation to be paid to the Interstate Commerce Commissioners. The present compensation of such Commissioners is $7,500. The bill as it came from the House of Representatives provided for a compensation of $10,000. The Senate amended the bill so as to make that compensation in future what it now is under the present law. The conferees have agreed upon a rejection of that amendment of the Senate; and we have, therefore, confronting us the fact that in the absence of any expression on the part of the Senate, as this bill is to go back to the conferees, they would naturally conclude that the Senate is satisfied with that action on their part.

For myself I desire to say that I am fully as much in earnest now in my opposition to the $10,000 salary for these Commissioners as I was at the time when the vote was taken; and from expressions which I have heard from other Senators, I believe that is also true as to them.

I myself can not be reconciled to the provision that these Commissioners should receive $10,000. It may be, in the abstract, that they are entitled to such compensation, but they are not entitled to it as compared with the salaries which the United States Government pays to its other officers. We have a general

scale of salaries which runs through all of the offices of the Government, including the legislative branch, if you please, Congress. There is no reason why particular officers should be singled out and have extravagant salaries paid to them in comparison with the salaries paid to others. Without stopping to elaborate upon the matter, it seems to me utterly indefensible that one of these Commissioners should receive nearly 25 per cent more salary than is given to the Vice-President of the United States and that one of these Commissioners should receive 50 per cent more salary than is given to the circuit judge who is to pass upon his acts.

Mr. President, I will not go to the extent of saying, as has been said here on the floor, that the salary of Senators and Representatives is kept at the present figure because cowardice on the part of Congress prevents a change; it is not necessary to say that for the purpose of the application which I wish to make of it; but if we accept that salary as a correct compensation for Senators and Representatives—and so long as we do not change it we must accept it as being, in the view of Congress, the correct compensation—upon what possible basis can be rested the argument that an Interstate Commerce Commissioner is entitled to twice the salary of a Member of the other House or of a Senator? In my humble judgment there is no officer of this Government—outside, if you please, of the Supreme Court of the United States or the President of the United States or the Vice-President of the United States—who should receive a greater salary than a Senator or a Representative, and, in my humble judgment, the ability which enables a Senator or a Representative to properly discharge his duty is as great as the ability which is required to discharge the duties of any other officer under the Government.

There may be, and probably is, a necessity that the scale of salaries should be put upon a different basis. I repeat what I said when the matter was before the Senate when the rate bill was pending, that whenever it comes to a question of recasting all salaries that will be the time for us to consider whether or not a particular salary should be raised; but until we are prepared to enter upon a general consideration of it, until we are prepared to say what should be the salaries of Senators and Representatives and judges and heads of Departments—those who are called Cabinet officers—and of the President and Vice-President of the United States; until we are ready to go to a general consideration of it, it is not to be defended, in my opinion, that we should pick out an isolated case and raise a salary to twice that which is enjoyed by a Senator or a Representative.

I hope before the conferees on the part of the Senate shall agree to an abandonment of the figures fixed by the Senate, or rather the amendment proposed by them which fixed the figures where they are now, that the conferees will come back to us and get a definite expression of opinion whether or not the Senate is willing to give up the amendment which they made to the House bill in that particular.

Mr. SPOONER. Mr. President, I do not at all agree with the Senator from Georgia [Mr. BACON] in his reasoning as to the salary which it is proposed shall be paid to these Commissioners, or that Congress should not properly pay the commission or an officer of the United States, where the public interest requires it, until Congress is ready to recast and revise the general salary list of the United States, including members of the House of Representatives and of the Senate. I agree that the salary paid the Vice-President of the United States is inadequate.

Mr. BACON. If the Senator will allow an interruption, I desire to say that I would make an exception in that case. I would vote for that.

Mr. SPOONER. I know, as everyone else knows, that the salary paid to Senators and Members of the House of Representatives is inadequate. It is in our power to increase our salaries if we should feel at liberty to do so; but it is not in the power of these outside parties to affect our salaries, although we have control over theirs. There is no relation whatever, in my mind, between the salary which ought to be paid to this Commission and the salary which is paid to a United States circuit judge who sits in judgment upon the acts of the Commission. The positions are entirely different. They are different in rank; they are different in honor, and they are different in another respect, that the judge holds his position for life. He is beyond the reach of Congress. His salary can not be diminished; and after he shall have reached the age of 70 years, if he has served ten years upon the bench, he is at liberty to retire and during the remainder of his life to receive the salary provided for by the statute at the time of his retirement.

The salaries are not fixed for the purpose of obliging the Commission. They are fixed, Mr. President, in the public interest and upon the theory that an adequate salary will secure the employment of men well fitted and well adapted by experience to discharge the duties of the office.

When this bill shall have become a law, there will not be and there never will have been in the United States an administrative body possessed of so much responsibility and with so much power to determine so many complex questions affecting the interests of all the people as this Commission, and I would be willing to vote, if it were necessary, to pay the members of the Commission $15,000 a year, in order to get men adequate to the discharge of these very difficult and responsible duties. It is in the public interest that it should be done.

Mr. President, I desire to ask the Senator from Massachusetts if it is his purpose to press his resolution?

Mr. LODGE. I do not want to do anything that is distasteful to the conference committee, but I should like to take the opinion of the Senate on that.

Mr. SPOONER. I hope the Senator will not press it.

Mr. LODGE. Very well; I will not, if there is any objection to it.

Mr. SPOONER. Taking the sense of the Senate upon it is a practical instruction.

Mr. LODGE. It is.

Mr. SPOONER. And there is nothing in the situation which, in my judgment, warrants an expression of opinion in a formal way by the Senate upon any matter which has been reported by the conference committee. I think the committee has come back here having done a splendid piece of work.

Mr. LODGE. I think so, too.

Mr. SPOONER. I think their report shows, not only that the Senate conferees have insisted, as far as it was possible for them to do, upon the judgment of the Senate, as embodied in the bill, but it also shows that the House conferees have met the Senate conferees in a spirit of conciliation and with a strong desire to get at an agreement on the essential portions of this bill. It is a full and free conference, in fact; and I think nothing should be done by the Senate which will make it in spirit other than a full and free conference. I think it would be an unfortunate thing to send our conferees back to conference with any sort of instruction.

Mr. LODGE. If the Senator will allow me, I feel exactly as he does about the matter. I have no desire to hamper the conferees, as I have said, but it is a matter of great importance. I think the expression of the Senate, on both sides of the Chamber, in regard to it will be of value, and I have no doubt will be considered by the conferees when they return to conference.

Mr. SPOONER. Mr. President, I rose to say a word about the words "knowingly and willfully." I think it is a very serious question whether the word "willfully" should remain in the bill. The courts will construe the word "knowingly" not to be synonymous with the word "willfully," although sometimes they are dealt with by the courts as synonymous; but where Congress or any legislative body uses such words, the courts must hold that they were not intended to mean the same thing; that "knowingly" was intended to mean one thing and "willfully" was intended to mean another thing. The Supreme Court has passed upon the meaning of the words "knowingly and willfully" in a penal statute in the case of Felton *v.* The United States, 96 United States Reports, page 699. The words are found in the sixteenth section of the act of July 20, 1868, imposing taxes on distilled spirits. I need not state the case, but the court say this about it:

> Doing or omitting to do a thing knowingly and willfully—
>
> That is the language of the statute—
>
> implies not only a knowledge of the thing, but a determination with a bad intent to do it or to omit doing it.

I think, Mr. President, that the words "and willfully" may very wisely be omitted from the bill; otherwise I fancy that experience will establish the fact that they will be a gateway for escape. The word "willfully" in a great many cases——

Mr. LODGE. The Senator, of course, knows that my proposition is only to retain the word "knowingly."

Mr. SPOONER. I know that. The word "knowingly" should be retained, in my opinion. Speaking from the standpoint of the shipper alone and only for a moment, the context provides as follows:

> And it shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce by any common carrier subject to said act to regulate commerce and the acts amendatory thereof whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce and the acts amendatory thereof, or whereby any other advantage is given

or discrimination is practiced. Every person or corporation, whether carrier or shipper, who shall—

Omitting the words "knowingly and willfully"—

offer, grant, or give, or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor.

Mr. President, I venture to say that in not one case in five thousand does a shipper, who goes into the depot of a common carrier for the purpose of ascertaining a freight charge between given points, consult the published tariff. I doubt if there is one case in a thousand where a person, unless he has had some experience with freight tariffs, can easily ascertain from the published tariff, with its classifications and its complexities, what the rate would be for a carload of horses or a carload of potatoes or any other freight between two points.

It must be remembered that all manner of people avail themselves of transportation facilities—the educated and the uneducated, those who understand our language and those who do not. All grades and all conditions of life are represented among the shippers. Farmers, manufacturers, merchants, professional men, everybody sooner or later will deliver for transportation to a railway company some sort of freight.

Mr. President, naturally they go to the office and ask the agent of the railway company what the freight will be upon a given article from such a point to such a point. They have a right to assume, in view of the act—if this bill shall become an act—and in view of the penalty imposed upon the railway carriers by this bill, that their information will be accurate; they have a right to act upon it, and they will act upon it. If one solicits a concession, that is knowingly done. If one railway company "offers, grants, or gives a concession" or a discriminatory privilege, they know that; but, as to the shipper, he may accept it without knowing it. It may be a mistake or it may have been done by an agent of the railway company intentionally, and without the word "knowingly" this provision will be a trap for the unwary and the innocent. It makes the fact malum prohibitum. It eliminates from the offense all element of intent, even of knowledge, and the Supreme Court has said in the very case to which I have referred that to punish where there is not intent shocks the sense of justice. They say:

All punitive legislation contemplates some relation between guilt and punishment. To inflict the latter where the former does not exist would shock the sense of justice of everyone.

And so, Mr. President, I hope the conferees—if I may have the attention of the big man of the conference committee——

Mr. TILLMAN. I am not the biggest man. The Senator from West Virginia [Mr. ELKINS] outweighs me, and the Senator from Illinois [Mr. CULLOM] is a much more distinguished man than I am.

Mr. SPOONER. The Senator from South Carolina has been doing all the talking. That is what I meant.

Mr. TILLMAN. Naturally, as chairman of the committee of conference, I have tried to ward off all this avalanche of blows and criticism—I will not say abuse, though we have had some pretty hard knocks, too.

Mr. SPOONER. I thought under the circumstances I might safely compliment the Senator from South Carolina without offending the Senator from West Virginia.

Mr. ELKINS. Certainly.

Mr. SPOONER. Mr. President, I think it is of the highest importance that the Senate conferees shall insist upon the retention in this bill of the word "knowingly," and I think it would be very wise if they should consent to drop out the words "and willfully." That is all I want to say.

Mr. PATTERSON. Mr. President, in view of the avalanche of criticism that has been poured upon the conference committee by reason of the striking out of two words from an amendment, I think something ought to be said in behalf of that committee and in its justification, if it can be said. I think the Senators who criticise the striking out of the word "knowingly," as well as the word "willfully," give to the words a great deal more importance in connection with this particular provision of the bill than is at all necessary.

When we look at the personnel of the committee of conference, it is impossible to believe that the words were stricken out thoughtlessly or that in striking them out they undertook to make criminals out of countless numbers who would otherwise be innocent and law-abiding citizens. What I want to suggest to the Senate is that the element of knowledge is essential to the acts that are prohibited in the use of the words themselves that designate the things that are prohibited, and that it is utterly impossible, Mr. President, to give or receive a rebate, or to give or receive a concession, or to give or receive a discrimination, without knowledge being a part of the transaction. If some individual were accused of violating this provision of the bill, if it should remain in, no court could, in administering the law, pass sentence upon him when the transaction itself showed that it was the result of an error or mistake, because there can be no rebate as the result of an error, no concession as the result of an error, and no discrimination as the result of an error.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. I yield for a question.

Mr. SPOONER. I only want to ask a question. Suppose the agent of the railway company by mistake gives the shipper a lower rate than the published rate?

Mr. PATTERSON. I intend to come to that.

Mr. SPOONER. That would be an error, would it not?

Mr. PATTERSON. I intend to come to that.

Mr. SPOONER. Would it not be punishable under this bill with the disputed words left out?

Mr. PATTERSON. I will not omit to notice that. Take the matter of a rebate. It means to draw back, to take from. If you apply it to rates, there must first be an established rate, and then there must be an agreement between the parties that, a part of it having been paid, it in some way or manner gets back into the pockets of the person who paid it. There can not be a rebate within the meaning of the law without knowledge upon the part of those who are essential to the transaction. That would be the case, Mr. President, whether it was in demanding a rebate or granting a rebate or receiving a rebate.

Mr. SPOONER. I agree to that.

Mr. PATTERSON. Very well. Then we come to the word "concession." I maintain that my claim is as applicable to that as to rebate. If you go to the dictionary, you find that a concession is declared to be—

(1) The act of granting or yielding, usually implying a demand or a request, and so distinguished from voluntary giving.

Then again:

(2) Anything granted, yielded, or admitted in response to a demand, petition, or claim, or permitted under pressure.

Take those definitions of a concession. How is it possible for there to be a concession unless something is yielded as the result of a demand, as the result of a request or a petition? And whatever yielding there may be upon the part of a railway company to a shipper of some portion of the published or regular schedule, it is absolutely essential to constitute it a concession that there should have been a request made for it in some form. So that whether you grant a concession, or demand it, or receive it, or take it, the element of knowledge is essential to it, and therefore there is no necessity for the word "knowingly" in the statute.

Mr. SPOONER. But there is no harm in leaving it in, is there?

Mr. PATTERSON. I am now, Mr. President, talking about the committee of conference for the purpose of showing, if I can, that they have made no mistake in striking out of the amendment unnecessary words.

Now, we come to "discrimination." The word "discrimination" is akin to concession and rebate. A discrimination may be a concession in the matter of charges, of rates, or of service or the manner of delivery and everything of that kind, and there must be more than one of a class before there can be a discrimination. The person discriminated against must be upon a perfect equality in every way with the one who receives the discrimination. It may be in the quality or it may be in the quantity; it may be in the point of shipment; it may be in the character of the goods; but before there can be a discrimination there must be a perfect equality in every conceivable way. Otherwise there is and can be no such thing in law as a discrimination. A discrimination necessarily implies an understanding, because, as with rebate and concession, there can be no such thing as a discrimination without intent. It is utterly impossible that there should be discrimination without intent and without purpose.

Mr. McCUMBER. May I ask the Senator a question right there?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. Yes.

Mr. McCUMBER. This bill provides that there shall be no unjust discrimination. Who is to determine whether the discrimination is just or unjust in the matter of discrimination between localities, etc.?

Mr. PATTERSON. I will read to the Senator the provision under discussion.

Every person or corporation, whether carrier or shipper, who shall offer, grant, or give, or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor.

Mr. McCUMBER. Does not the word "discrimination" refer to discriminations that are defined previously? And those discriminations are unjust discriminations.

Mr. PATTERSON. Mr. President, however you may seek to qualify it, the main word, after all, is the word "discrimination," and everything it implies is essential to the determination as to whether or not that clause of the bill has been violated, and whether it is simply a discrimination or an unjust discrimination. What I maintain is that there can be neither rebate nor concession nor a discrimination without the element of knowledge.

Mr. TILLMAN. I will say to the Senator from Colorado that the word "discrimination" higher up, which is alluded to here, has no "unjust" attached to it. It is simply the plain word "discrimination."

Mr. PATTERSON. When a person is indicted for the commission of a crime, it must be for the offense described in the statute, and a person could not be guilty of violating this section of the statute who by mistake or in ignorance received the services of a common carrier for a price below that which others would be required to pay. I have no question that, should anyone be indicted for violating this section of the statute, proof upon the part of the accused that it was a mistake or an error or done innocently upon his part would be a complete exculpation, because with that element in the case there could not be a rebate, a concession, or a discrimination.

The Senator from Wisconsin [Mr. SPOONER] read a decision of the Supreme Court of the United States in which the court held that the words "willfully and knowingly" meant, to give the exact phrase, to do a thing with a bad intent. It is not necessary in a criminal statute for the word "willfully" to be there, if to constitute the offense it must be done knowingly, because whenever one knowingly violates a statute he does it with a bad intent. One can not disobey a statute knowingly without disobeying it with an intent to commit an offense. So that "knowingly," in the definition of a criminal statute, necessarily implies a bad or an evil purpose.

I do not desire, Mr. President, to dwell upon this any longer. I thought it was due to the committee of conference to show, and to show it by definitions about which there can be no controversy, that they eliminated words that were entirely superfluous, and that, so far as the word "knowingly" is concerned, it was already there by legal intendment. I will not dwell upon that proposition any longer.

But I desire to say a word about salaries. I do not think it is fair to compare the members of a great commission like this with Senators or Representatives. There are no peculiar qualities required to make a good Senator or a good Representative. They must be intelligent men, or at least they ought to be intelligent men, and honorable men; but to be a Senator or Representative does not require any particular expert skill or knowledge. We have men all over the country seeking these offices and willing to make great sacrifices to secure them, some with a view of wearing them as they would wear a rosette in the buttonhole of their coats. As to Senators and Representatives, it depends upon the manner in which their constituency regards them. Are they good fellows? Did they serve in the Army? Are they good entertainers? Are they constitutional lawyers? Are they faithful and thoughtful of the welfare of their constituents? The honor of these positions, Mr. President, counts for a great deal with those to whom the positions are given.

But you can not have in the occupancy of the office of Commissioner any but those who have peculiar skill, peculiar knowledge, peculiar ability—knowledge, skill, and ability that are not common to the human family in the eminent degree in which they are required in cases of this kind.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. I do.

Mr. McCUMBER. May I ask the Senator if those are the qualifications of the present personnel of the Commission?

Mr. PATTERSON. I am not prepared to speak of the qualifications of the personnel of the Commission, and I hardly think it is the right thing for the Senator to do, to ask from a member of this body his opinion of the membership of the Commission.

Mr. McCUMBER. Why not?

Mr. PATTERSON. But I have no question in the world—judging by the work the Commission has done, the indefatigable manner in which the Commission has been attending to its duties, the things it has accomplished in Philadelphia and Cincinnati and elsewhere in bringing to the attention of the country gross violations of the law and gross crimes committed by railway officers in high position—that the Commissioners do possess the qualifications to which I have referred.

Mr. McCUMBER. That is just what I wanted the Senator to say—that they do have the qualifications. They now draw only $7,500 a year salary, and if they have the qualifications to-day at $7,500, they can fill the office to-morrow at exactly the same rate.

Mr. PATTERSON. I have no doubt in the world that they will continue to fill the position to-morrow at the same rate, just as those Senators who are constantly bemoaning the fact that they get only $5,000 a year will continue to be Senators, although the salary may not be raised; and if I can judge from the expressions I hear in the cloakroom and elsewhere there is not a Senator upon the floor who does not feel that his pay is wholly inadequate for the services he renders. Yet he continues to be a Senator.

But, Mr. President, I believe that the law as it will be imposes immensely greater responsibilities upon the Commission than those that are upon its shoulders at the present time. I have no doubt it will largely increase the volume of the business that it must do. It will vastly increase the degree of responsibility that they may assume and must assume, for now they will realize for the first time for a good many years in the history of the Commission that the responsibility and the duty are devolved upon them not only to declare that a given rate is not fair or is discriminatory, but to fix rates, and they must so fix them that they will stand the scrutiny of the courts of the country. I believe that for the efficient administration of the law the membership of the Commission should be increased to seven, and that for the character of men and the quality of the men who should compose the Commission, $10,000 a year is not too much.

Mr. President, I did not expect to consume any more time, but to be in fashion I ought to say something of course about free transportation. That would seem to be the sweetest of the notes that most of the Senators have sung since this controversy has been in this Chamber. With all the rest of them, I agree decidedly with the proposition that railroad men and their families should not be excluded from the privilege of free transportation. The trouble about free transportation is that it is wholly at the will of the transportation companies. Like kissing, it goes by favor; and the trouble is that those who receive the favors of free transportation as a rule are those who do not need it and are hardly deserving of it.

I heard the Senator from North Dakota talk about the tens of thousands of tuberculosis patients now in the mountains, who were there through the generosity of the railroad companies. That picture was overdrawn. I doubt if you will find one out of twenty who is there out of any generosity on the part of any railroad company. Those who are there are, as a rule, able to travel.

Mr. McCUMBER. Let me ask the Senator how many one out of twenty would aggregate if he would take them all over the United States.

Mr. PATTERSON. Oh, it is not such a vast number at all. It is a goodly number, as a matter of course. But the great trouble about free transportation is not in interstate free passes, it is in free passes that Congress can not control at all—transportation in the States; transportation given to members of legislatures; transportation given to members of political parties.

Mr. President, I will venture the assertion, and I ask to be contradicted if I make a mistake as to any State, that there is hardly a State in the Union to-day in which, when a political convention of the dominant party is called, the convention chamber is not filled with delegates who go there on free transportation supplied by the railway companies. I read yesterday or the day before of the particular boast of virtue made by the delegates to the Republican State convention of Pennsylvania, that they had all bought their own tickets upon this occasion, and therefore they were not beholden to the great railway companies of the State.

There is no question in the world that the system of free transportation as practiced in the States of the Union is pernicious to the very last extent and to the highest degree. It taints the legislation of every State. It impedes the independence and the patriotism of the delegates to every political convention. There is not a political convention, there is not a legislature that meets in any of the States of the Union, which is not, by reason of the pernicious system of free transporta-

tion, controlled to a very alarming extent indeed by the favors the members receive and the favors they expect from railway companies in the way of free transportation.

I do not believe it affects Senators and Representatives in Congress. It is of too small consideration. The men who reach the Senate and the men who reach the House are not to be influenced in their attitudes toward legislation by the mere matter of a free pass. But that can not be said of State legislatures; it can not be said of State political conventions. There is not a Senator who does not know that the actions of conventions and the laws of legislatures are largely fashioned and put out by the influence of free passes from the railroads of the State. Those evils we can not reach, and it seems to me that there is a lot of unnecessary frenzy about the matter of interstate transportation, because I believe it is of minimum importance as compared with that which Congress can not reach at all.

My notion about this would be that instead of simply granting to the railroads the right to issue free transportation unlimited, authorizing them to do that which they may or may not do, the wise thing would be to authorize them to do it, but before they did it to require them to file a statement with the Interstate Commerce Commission in which they should set forth the classes to which they are willing to issue transportation, with proper limitations, and then when one brought himself within that class the railroad company should be compelled to give him transportation, and not allow it any longer to be a matter of favor, for in ninety-nine cases out of a hundred free transportation is given because of favors that are expected in return, favors that, as a rule, are not legitimate and that tend very greatly indeed toward giving the railroad companies the undue predominance that they hold and have held for so many years in the political and industrial affairs of the country.

Then every year the railroad company should be required to file with the Interstate Commerce Commission a list of all transportation that it gave out, which list should contain the name of the beneficiary, his residence, and the kind and character of the transportation. When a system of that kind is adopted, there will be something scientific about it. As it is now, you simply say, "You may, if you want to, give free transportation to certain classes." I think the whole system is wrong, and that a more scientific, more sensible and rational system should be adopted, which Congress has a right to adopt in dealing with interstate transportation.

These are my views, Mr. President, and I am content with having expressed them.

Mr. LA FOLLETTE. Mr. President, I do not find myself able to agree with the views expressed by the Senator from Massachusetts [Mr. LODGE] and by my colleague [Mr. SPOONER], both of whom strongly favor retaining the word "knowingly" where it occurs in line 23 on page 16, line 20 on page 18, and line 9 on page 19. The significance of the word "knowingly" will be seen from either of the sentences in which it occurs. I read from page 16:

> Every person or corporation, whether carrier or shipper, who shall *knowingly* offer, grant, or give or solicit, accept, or receive any such rebates, concessions, or discriminations, etc.

Any lawyer knows that it would be necessary in any prosecution upon this provision to prove actual knowledge upon the part of the accused. The burden of proving the intent would be upon the Government. It would be practically impossible, with the railroad company in possession of all the facts, to furnish that proof for the Government, excepting as to the agent or subordinate, who, in granting the concession, merely carried out instructions of some one in authority over him. To retain the word "knowingly" is to open a way for the escape of all of the higher officials of the railway company, those who are in fact responsible for the violations of the law.

The word "knowingly" is not necessary in this statute for the protection of any innocent shipper or railway agent or official. No departure is made from the published schedule or regular rate, excepting it be knowingly done, both by the representative of the railway company seeking to secure business or the shipper seeking to secure a special advantage.

Mr. President, why has it so suddenly become essential that this word "knowingly" should be ingrafted upon this statute? If it is retained it amends the Elkins law and will render it necessary to prove actual knowledge in every case brought under that statute. Have Senators thought of that? I doubt whether Senators realize what a radical and far-reaching amendment to the Elkins law the introduction of this one little, innocent appearing word would really make. When the Elkins law was enacted a great mistake was made in striking out the penalty of imprisonment. This bill restores the penalty of imprisonment. Let us not now commit the greater blunder of so amending the law as to render it impossible to convict the high officials—the ones really guilty when rebates and concessions are granted by their subordinates.

The Senator from Massachusetts [Mr. LODGE] called attention to the fact that the conferees have not stricken out the word "willful" in line 5, page 16, but have stricken out the words "knowingly and willfully" in lines 23 and 24 on the same page, which he regards as an inconsistency upon their part. The word "willful," which they have retained, in line 5, on page 16, is in reference to the filing and publishing of tariffs. A violation of that provision could not occur without its being a willful act on the part of the railroad company. The Elkins law retained the word "willful" in the same connection. In the first section of the law it is provided that "the willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges, as required by said acts, or strictly to observe such tariffs until changed according to law, shall be a misdemeanor," but in all of the subsequent provisions of the Elkins law neither the word "willfully" nor the word "knowingly" is found.

Mr. LODGE. Will the Senator from Wisconsin allow me?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. Yes.

Mr. LODGE. The Senator must be aware that the Elkins law expressly repealed the imprisonment clauses. There is no punishment of imprisonment under the Elkins law.

Mr. LA FOLLETTE. Will the Senator contend that it would be any more or less unjust to inflict the penalty of a fine of $20,000 upon a railroad company if the act had been done by an agent without any authority to do it?

Mr. LODGE. No.

Mr. LA FOLLETTE. Certainly not.

Mr. LODGE. It would not be any more unjust, but it would be a great deal worse to put him in prison.

Mr. LA FOLLETTE. Under the Elkins law the accused, if convicted, is subject to a fine which may be as great as $20,000, and the Government is not required to prove the specific intent to secure the conviction and impose the penalty.

Mr. LODGE. Then it needed amendment worse than I thought it did.

Mr. LA FOLLETTE. It never has been complained of as requiring amendment in this respect. It certainly ought not to be so amended now. Neither "knowingly" nor "willfully" should be injected into this statute, and the conferees did wisely in striking them out. The only purpose served by these words is to protect the higher officials and embarrass the Government in the enforcement of the law. In every case where some agent or other employee is found violating the law it will be necessary to prove that the official higher up knowingly and willfully gave the rebate, or that the person receiving it knowingly and willfully received it.

The words "knowingly" and "willfully" first came into use in some of the early English statutes. They came in at a time when almost every violation of a statute was a felony and not a misdemeanor.

They put in a new element. The willful intent and knowledge had to be proven as well as the actual violation of the statute. When the statutes made every offense a felony this was just. In the case of a misdemeanor it is not defensible. Of late the tendency of legislation which defines misdemeanors is to omit these words. The individual is presumed to know the statute. This is especially true of statutes prescribing rules and regulations for trade and commerce. It is inconceivable that a man should receive a rebate and not know that he is violating the law, or that an officer of the railroad company will pay one and not know that he is violating the law, or that an agent of the company will give a rebate or some other discrimination in violation of the law and not know it. Furthermore, the agents of railroad companies do not deviate from the published schedules or the rules and practices of the company without the authorization of some one in authority. If they did not have such authorization it would be impossible for them to carry out the agreements which they make to violate the law.

Under such conditions it is preposterous to say that the violation in such cases could be committed without the knowledge and the consent of the superior. The striking out of the word "willfully" is not sufficient. The word "knowingly" ought also to be omitted. I understand that representatives of the Interstate Commerce Commission appeared before the conference committee and quickly made it clear that these words would only serve to embarrass the Commission and that it would be impossible to reach any of the real offenders and punish them if these words were allowed to remain in the bill.

These words are not required for the protection of a single innocent person. They would prove an obstruction to prosecution behind which the real culprits in the violation of this proposed law could escape. The Senate should stand by the action of the conferees and should not put itself on record as favoring a proposition which the officers charged with the enforcement of the statute are unanimous in declaring will embarrass them and will to an extent nullify the plain intention of the law.

I wish to say a word upon another provision in the bill—that pertaining to passes. It is entirely unnecessary, and I hesitate to detain the Senate for a moment upon that branch of the discussion which relates to the granting of free transportation to employees of railroad companies. I do not believe that the passes which have always been granted to railway employees have really been in danger since this bill first came up for discussion several weeks ago. I am aware that the railway employees have been much exercised and alarmed for fear that such an amendment would be adopted and become a part of the law. But, in fact, there never has been any real danger of that.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I do.

Mr. CLAY. I agree with the Senator that railroads ought to give their employees passes, but I wish to ask the Senator a question. Suppose the conferees should take the bill and strike out in its entirety the pass amendment and leave the amendment adopted by the Senate on page 14, and say nothing more about passes. That amendment reads as follows:

> Nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

Now, is it not true that if this amendment should stay in the bill, as adopted by the Senate heretofore, and we should strike out everything relating to passes, that the railroads would be deprived of the privilege of giving to their employees passes? While probably it was not intended to have any such effect, strictly construed, would it not have that effect?

Mr. LA FOLLETTE. I am inclined to think it would. I wish, Mr. President, to be clearly understood. I am in favor of retaining in this bill the declaration, first, with respect to the prohibition of passes generally, and then making the specific exceptions, eliminating from that prohibition those classes to which it should not in reason apply. I am in favor of excepting from the prohibition—or, to state it more explicitly, I am in favor of allowing the railroads to issue passes to their employees, to the families of the employees, and to the officers of their organizations. I think they should be allowed to issue passes to care takers traveling with live stock, where the railroads require some one to accompany the stock.

Aside from these exceptions, and one other which I shall presently mention, I think the law should clearly prohibit the issue, the use, and application for free passes or free transportation. I do not believe that it is sufficient to simply prohibit public officials from receiving passes. It is a question in which all people are interested. The discrimination is one which affects the entire public. It is but a few years since one of the leading auditors of a great railway system declared that at least 10 per cent of all the passenger traffic of the country was upon free transportation.

If you apply that to the transportation of to-day, it means that those riding upon free transportation secure privileges the value of which would amount to the railroads, if such transportation were paid for at regular rates, to something like $50,000,000 a year. Now, that means a considerable addition to the transportation charge of every man, woman, and child paying fare on the railroads of the country.

Mr. President, I do not wish to repeat what has been said here in this discussion, but I do wish to call the attention of the conferees to one subject which has not been referred to in this debate. It seems to me that an exception should be made in this statute with respect to railway mail clerks, post-office and rural-route inspectors.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. TILLMAN. It does seem to me that the United States is fully able to pay for the transportation of any of its officials, mail clerks, inspectors, or otherwise; and if the postal laws do not provide that railway mail clerks who may be off duty may travel and see their families free, I think the remedy could be applied better in the Post-Office appropriation bill rather than in this measure.

Mr. LA FOLLETTE. I quite agree with the Senator from South Carolina that provision might well have been made in the Post-Office appropriation bill. It was not made in the Post-Office appropriation bill. That bill has passed the House of Representatives and passed the Senate without any amendment in that respect; and, as I understand the rules of both bodies, although the bill is now in conference, no amendment can be added which will reach that provision.

Yesterday when I expected to have said a word on this subject, I communicated with the Post-Office Department by telephone to ascertain the view of the Postmaster-General and the Assistant Attorney-General of that Department with respect to this matter. This morning I called there, and the report which I got from the Post-Office Department over the telephone was confirmed. I offer this to the Senate conferees as a suggestion worthy of their consideration.

The Post-Office Department is struggling every year with a deficiency that almost doubles annually. Postmaster-General Cortelyou is constantly improving the service, and at the same time putting forth every effort to make a saving and reduce expenditure wherever possible. His conduct of the business of that great Department is worthy of the very highest commendation. He is constantly vigilant to economize in every branch of the service while improving its efficiency. The larger matters are carefully guarded, and at the same time every little detail is watched, making a saving here and a saving there, in order that the rapidly increasing deficiency shall be met and checked.

In the matter of the sale of the little booklets containing postage stamps, they are saving something like $315,000 for the fiscal year. By requiring postmasters to report to the Department the excess received on the sale of stamped envelopes, where the sales of single envelopes are made, instead of requiring them to report the sales of an entire package, as heretofore, they are saving nearly $50,000 a year. Every effort is being put forth by the Postmaster-General to check this growing deficiency and, if possible, to reduce it in the future.

Now, if there is to be imposed upon that Department the charge of paying for the transportation of some 17,000 postal clerks and of all the railway route inspectors and of the post-office inspectors, I am informed by the Postmaster-General that it will increase the deficiency at least $1,000,000 a year.

If we were in possession of the post-office appropriation bill, and if there was an opportunity to introduce into it an amendment requiring the railroad companies, for the $43,000,000 which they receive for carrying the mails for the Government and the $6,000,000 in addition which they receive for the rentals of postal cars, as a part of the consideration to furnish transportation to these employees of that Department, it would be another thing.

That measure, however, has passed beyond the reach of the Senate. It has passed beyond the reach of the House. We are in the closing days of this session. Should a sweeping prohibition of passes be adopted such as reported by the conferees the only opportunity to provide for the employees of the Post-Office Department is to add an exception to the pass provision of this bill, unless an independent bill could be passed. In consideration of the great importance of the matter I ask the attention of the conferees to the opinion of the Assistant Attorney-General of the Post-Office Department.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. TILLMAN. I am very certain that the very document the Senator is now going to read was sent to the conferees. We considered it, and it was the opinion of all of us—all six—that the United States ought to pay for its employees, and that the postal clerks ought by the contract to be hauled to their homes.

Mr. CLAY. Will the Senator right there let me say a word, with the permission of the Senator from Wisconsin?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I will yield.

Mr. CLAY. We pay to the railroads about $40,000,000 for hauling our mails.

Mr. LA FOLLETTE. About $49,000,000, as I remember the figures.

Mr. CLAY. We pay between $6,000,000 and $7,000,000 for the rental of cars. Under existing law the railroads carry the railway mail clerks from one end of this country to the other.

Mr. CARTER. Mr. President——

Mr. CLAY. One moment.

Mr. CARTER. In order that——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I do.

Mr. CARTER. In order that the Senator may have the definite figures with reference to railway mail pay for transportation by railroad routes, it is $43,000,000. It is $10,000,000 more for the rental of cars.

Mr. CLAY. I had reference, and doubtless the Senator from Wisconsin had reference, to the amount paid for cars and the amount paid for hauling the mails; and it amounts to nearly $50,000,000.

Mr. LA FOLLETTE. It is just a little short of $50,000,000.

Mr. CLAY. That is correct. Now, I say, if by the passage of this rate bill we intend to deprive the Post-Office Department of the right to have these employees carried free of charge, it is time for Senators to consider this feature of the measure, because it will cost between $1,000,000 and $1,500,000 per year to carry the railway clerks and employees from one section of the country to the other.

Mr. GALLINGER. They are now carried free, are they not?

Mr. CLAY. They are carried now in consideration of the $43,000,000 that we pay for the purpose of hauling the mails and the $7,000,000 that we pay for the rental of cars. Mr. President, we pay more than we ought to pay at the present time for the carrying of these clerks and for the hauling of the mails. Under no circumstances ought we to pay hereafter the amount now paid for the carrying of these clerks, nor should we under any circumstances continue to pay the amount we pay at present for the hauling of the mails and for the rental of the cars.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I do.

Mr. TILLMAN. I should like to ask the Senator from Georgia in what way would this bill, when it becomes a law, interfere with the contracts now existing between the Government and the railroads in regard to the carriage of mails and the transportation of mail clerks?

Mr. LA FOLLETTE. If the Senator from Georgia will permit me——

Mr. CLAY. I was going to say to the Senator——

Mr. LA FOLLETTE. I beg your pardon; make your own answer. I yield to you.

Mr. CLAY. I was going to say I had not thought that it did, but it is worthy of discussion. The Senator from Wisconsin says it does, that under the feature of the bill which he is now discussing it will be impossible for the railroads to carry these employees without a violation of this statute. If that is true it is a matter that we certainly ought to consider.

Mr. TILLMAN. We would have to reconsider our action and bring the bill back here and go into its consideration again, because the conferees can not legislate on all these new matters. They would take us by the heels and kick us out and put new men in charge.

Mr. CLAY. The pass amendment, under no circumstances, ought to apply to railway mail clerks. We get as a part of the consideration for the money we pay at the present time for the purpose of hauling the mails and for the purpose of renting cars the hauling of the railway mail clerks. If this pass amendment is going to interfere with existing conditions, it is time to consider that feature of it.

Mr. TILLMAN. I am only calling attention to the fact that under the rules of the Senate, or the usages of the Senate, as we have been told here for the last three days, the conferees can not do this thing. You will have to get the bill back in here and fix your bill better, and then we will try to fix it ourselves.

Mr. LA FOLLETTE. Mr. President, I wish to say that the contracts between the Government and the railway company for the carrying of the mails do not specifically provide for the carrying of the railway mail clerks. All that I have said upon this subject has reference to the carrying of the railway mail clerks from their homes to the points where they start on their regular runs and their return home again after they have made their run with the mail car. What I have said with reference to the rural route inspectors has reference to their riding upon the trains everywhere in the discharge of official duty, and the same with reference to post-office inspectors.

Mr. CLAY. With the Senator's permission——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield?

Mr. LA FOLLETTE. Certainly.

Mr. CLAY. I think this is a very important point. Has the Senator any information from the Post-Office Department as to how they would construe this proposed law in regard to the future action of the Department in permitting the railway mail clerks to ride free of cost?

Mr. LA FOLLETTE. I was coming to that in the course of discussion when the interruptions occurred. It has become the custom for the railway companies to transport these employees of the Post-Office Department. They are furnished with cards into which are worked in some way the likeness of the railway postal clerk, and he is enabled thereby to be identified and allowed to ride back and forth upon trains between the runs that he makes and his home.

But the Assistant Attorney-General of the Post-Office Department says that there is no provision under which they are able to exact this transportation from the railway companies, and in the face of a sweeping declaration that no passes shall be given to anybody they fear at the Post-Office Department that they would be denied the right which they are now granted by the railroad companies of transporting these employees. If the Department should be compelled to pay for this transportation it would impose upon the Post-Office Department an expenditure of something like a million dollars a year.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. LA FOLLETTE. Certainly.

Mr. BAILEY. I agree with the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Georgia [Mr. CLAY] that this is a matter well worth the consideration of the Senate, but it is not a matter within the jurisdiction of the conference committee. The Senate provision in respect to passes did not except railway mail clerks. The House provision does not except the railway mail clerk, because it excepts no class. So there being nothing in either the Senate or the House provision in that respect, it looks to me like the matter is beyond the jurisdiction of the conference committee.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. TILLMAN. With the permission of the Senator from Wisconsin, I will say to the Senator from Texas there was no provision placed in the bill by the House in regard to passes at all, and what is in the conference report is the substitute [illegible]ed by the House conferees, not by the House, and sub[illegible] and agreed on by both; and that, if accepted, will leave [illegible]tuation exactly like it is now until the 1st of next Janu[illegible]. In the meantime Congress will have until January to take up the whole question of free passes and free transportation and pass whatever kind of law it wants. It was with a view to postponing action and to get relief from the disagreement that the drastic provision which was brought in here was incorporated, because it does not go into effect until the 1st of January.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. I do.

Mr. WARREN. I wish to ask a question of the Senator who has just taken his seat. Does the Senator in charge of the conference report believe that he is allowing time enough to consider this question? He speaks of Congress assembling in the fall, and the provision is to go into effect the 1st of January.

Mr. TILLMAN. I say the existing law will remain in effect until the 1st of January. This drastic provision, which prohibits passes to all people, will not go into effect until the 1st of January. I suppose there will be time between the meeting of Congress on the first Monday of December and the adjournment for the Christmas holidays to provide for the passes that people think ought to be allowed. Since we have been told to go back and fix this thing up, the conferees might postpone the time for this law to go into effect until the 4th day of March, and give us the entire winter—the whole of next session—to fix it up to the satisfaction of the country. We do not in the bill, if it becomes a law as the conferees report it, interfere in the slightest degree with existing conditions this year.

Mr. WARREN. But the Senator from Pennsylvania made a very good case in stating that it does interfere with existing conditions.

Mr. TILLMAN. The trouble with the Senator from Pennsylvania, who is a great lawyer, is, I think, that he is entirely technical on that ground. I do not believe the courts would hold it so, and I would be glad to have some of the other lawyers

here examine those provisions and see whether they think they apply to passes.

Mr. WARREN. We had better not take the chances.

Mr. LA FOLLETTE. I beg the Senator's pardon, but I must decline to yield further. Before I conclude I wish to present the opinion of the Assistant Attorney-General of the Post-Office Department.

With respect to the suggestion of the Senator from Texas [Mr. BAILEY], I am not positive that it is within the province of the conference committee to deal with this question. But it does seem to me that when they have the whole subject under consideration the question of the elimination of one class, or the addition of another class to the excepted classes already embraced in the section would be within their province. Whatever the fact may be, this matter is of such great importance to the Government that I felt warranted in taking the time of the Senate to make this statement. If there is any doubt about the power of the conferees to insert such a provision as will protect the Post-Office Department against the loss of a million dollars to the railroad companies, that doubt should be resolved in favor of the Government.

The statement which I have here from the Assistant Attorney-General is not the letter referred to by the Senator from South Carolina, which, he states, was before the conferees. They had no letter, as I am informed, from the Assistant Attorney-General. This is an informal statement of his opinion taken down over the telephone upon yesterday and verified by him this morning. He says:

I have not looked into the question, and the opinion I give is merely offhand. It is a question whether the Government could make a contract with the railroads which would require the roads to carry its railway mail clerks, inspectors, and other employees over the lines free in the event of a sweeping provision forbidding the issuance of all free transportation being passed as a part of the interstate-commerce act.

The law fixes the amount of compensation which shall be paid the railroads for carrying the mails. When the railroads undertake to carry the mails they understand that it must be carried under the provisions of the law and the regulations of the Department. One of these regulations is that mail clerks in the performance of their duty or going to and from their domicile shall be carried over the lines free. This is not a part of the law. It is a regulation, and while in a sense it is a contract, it imposes a duty *not imposed by the law*. I believe that the passage of a *sweeping clause* forbidding the giving of free transportation would at least render it *doubtful* if the Government could demand this service of the railroads and that it is probable *it would have to pay for the transportation* of all of these employees.

Mr. McCUMBER obtained the floor.

Mr. BAILEY. Will the Senator from North Dakota permit me just a moment?

Mr. McCUMBER. Certainly.

Mr. BAILEY. Mr. President, I expressed the opinion a moment ago that this matter was beyond the jurisdiction of the conferees. I was led to express that opinion by treating the conference report as the House provision; but on reflection, and in view of the fact that the House said nothing about limiting the right to issue passes, and that the Senate limited it to certain classes, I think the conferees clearly would have the right to include additional exceptions, if they chose.

Mr. McCUMBER. Mr. President, it seems to me that in the discussion of free transportation the Senate is drifting very far from the question that is properly before it. The Senate has already passed upon the question by an almost overwhelming vote in favor of the elimination of free passes with certain exceptions which the Senate considered matters of public policy and matters of humanity.

The only question that is before the Senate to-day, so far as this discussion is concerned, is whether the conferees will uphold, so far as they are able to do, the almost unanimous decision of the Senate with reference to transportation. The argument that has been made by the Senator from Colorado [Mr. PATTERSON], clear and agreeable and elucidating as it necessarily was, is something that has already been thrashed out on this floor. The Senate has agreed with him by its vote that free transportation should not be granted to delegates to conventions of either party. It has decided by a vote that free transportation should not be given to Members of Congress, to the judiciary, or to executive officers.

Mr. PATTERSON. Mr. President——

Mr. McCUMBER. That matter has been settled once by the Senate.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. Certainly.

Mr. PATTERSON. Does the Senator claim that anything that is in the bill as it left the Senate will prevent any railroad company from giving free transportation within a State, transportation confined to a particular State?

Mr. McCUMBER. I do not think it does, and I do not think we are liable to pass anything of that kind.

Mr. PATTERSON. Then how has the Senate declared that there will be no free transportation given by a railway company to members of a convention?

Mr. McCUMBER. It has declared generally against free transportation to anyone, so far as it has authority to make a law on the subject. That is all that either of us can claim. The Senator certainly does not suppose that I would for a moment contend that Congress should pass a law that the railroads could not grant a pass from one point in a State to another point in the same State, provided there was no State law against it. But so far as it can correct the evils it has sought to do so in recommending the passage of a bill limiting the use of free transportation.

The only question is, Shall the conference committee uphold the decision of the Senate upon that subject? I disagree absolutely with the Senator from Colorado, that we ought to increase the restrictions beyond what were made by the Senate in its vote a few days ago. If the Senator was driving into the city in his carriage and should see a cripple, he would either take him in his carriage and take him to the city, or he would send an ambulance for him. I do not think the Senator would regard it as a crime, for which he ought to be punished, because he acted under those natural impulses of humanity. If the Senator would not vote to punish himself, I know of no reason why he should vote to punish a railway company because they were influenced by the same humanitarian principles.

Now, that is all that the people ask to be done upon that subject. We wish the law, as we stated that we want it to pass, and to have it become a law, as was evidenced by the vote here a few days ago.

Mr. President, I want to call the Senator's attention to another matter, to the words "willfully and knowingly;" and I especially invite the attention of the junior Senator from Wisconsin [Mr. LA FOLLETTE], if he is here.

Mr. CULLOM. He has gone.

Mr. McCUMBER. I want the Senator fully to understand what it means to strike out the word "knowingly," at least. I have no objection to striking out the word "willfully," but I again call attention to the provision on page 17. This applies not only to the carrier, but it applies to the shipper, and I will read that portion of it which applies to the shipper. It will read as follows:

In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for the shipper, within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such shipper as well as that of the person.

The shipper is made a party to the action, and his action is also made criminal if he accepts a greater or a less sum than the schedule rates. A man from Montana, with a carload of cattle, will go to the agent and get the cost of transporting that carload of cattle, weighing a certain number of pounds, to the Chicago or to the St. Paul stock yards. If he makes an error, the shipper is responsible. Would the Senator say for one moment that this shipper, relying upon the statement that is given him as to the cost of transportation, should be held in a criminal action and imprisoned because of an error committed by some one else?

If that be true, and no one will deny it, why should we not insert there the word "knowingly?" I call the Senator's attention simply to that one phase without going over the other phases which have already been discussed here to-day.

I want to say a word, Mr. President, before closing, in answer to the statements made by the senior Senator from Wisconsin [Mr. SPOONER] upon the amount of salary to be received by these Commissioners. The Senator from Wisconsin has said that this extra salary is not for the benefit of the Commissioners, but that it is a matter of public interest. I will agree with him there, that the salaries in all instances are for the most part matters of public interest.

Mr. SPOONER. In theory.

Mr. McCUMBER. In theory; yes. I think the Senator will agree with me that the salary should always be such a sum as will insure for the position a class of men who can properly fill it. I think the Senator will probably agree with me that we should not go beyond that; that that should be the limit of determining what should be a fair salary to be paid officers in any official place.

Mr. President, would these Commissioners, of whom the Senator from Colorado [Mr. PATTERSON] speaks so highly—and I agree with him entirely in what he has said—resign their position if we did not increase their salary $2,500 beyond what they are receiving at the present time?

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. I do.

Mr. HOPKINS. I wish to ask the Senator from North Dakota if it is not a fact that the present salary induced Judge Cooley, of Michigan, who was regarded as the ablest constitutional judge and lawyer of his age, to accept a position on the Commission?

Mr. McCUMBER. That may be, Mr. President. Judge Cooley occupied the bench, as the Senator from Illinois knows——

Mr. HOPKINS. Judge Cooley, who is a recognized authority on constitutional questions——

Mr. McCUMBER. Certainly.

Mr. HOPKINS. Judge Cooley accepted a position at the present salary; and if he would accept, what reason is there now for increasing the salary in order to procure able men? Is not that an evidence that the ablest men in the country would accept the position?

Mr. McCUMBER. I had in my notes the name of Judge Cooley, and was going to speak of him in a moment. I think the Senator from Wisconsin [Mr. SPOONER] will agree that Judge Cooley was one of the greatest judges in the United States, well qualified to fill that position, and he filled it with honor in the very beginning, when the powers of the Commission were not well defined or well understood. If we could get such a man then, why can we not get the same character of men at the present time?

Mr. GALLINGER. And if the Senator from North Dakota will permit me, during those years the Interstate Commerce Commission made rates.

Mr. McCUMBER. In either instance, whether they made the rates or not, they were compelled, under the law at that time, to determine what were reasonable and just rates; and if we make a rate, they will have to investigate the same subjects now to determine what is a just and reasonable rate, and it will require no greater mental power to do that in the future than it has required to do it in the past.

Mr. HOPKINS. In other words, the conditions, if this bill becomes a law, will be practically what they were when Judge Cooley was induced to accept the position with a salary of $7,500 a year.

Mr. McCUMBER. And the same qualifications will be required. I know, Mr. President, that Senators who have represented great corporate interests, who have lived in the atmosphere of great fees, somehow seem to feel that we can not get men qualified to fill these great positions unless they receive such salaries as are paid by a few great corporations, who are able to pay enormous fees; and that their compensation must be based on the compensation paid to the attorneys of these great corporations. I do not think that that is a fair standard of measurement for the qualification of men to fill these positions. I believe to-day the Senator from Wisconsin could go into his own State and pick out half a hundred men who are receiving a compensation as practicing attorneys of less than $7,000 per annum who would be the equal of any one of the Interstate Commerce Commissioners who are occupying those positions to-day. I believe that that is true in every State in the Union. The amount of earning capacity of the average lawyer in the United States is less than $1,500. In that we take in a great army of people, I admit, who are hardly competent to fill a position of this kind. Those who receive enormous salaries are those who are located in the great cities and who generally have some important corporate interests to look after, and those become, by reason of their training, specialists, and not general practitioners. I believe that we need the general practitioner for this character of work.

Mr. President, the Senator from Wisconsin also stated as a reason why we could get splendid judges to fill the circuit bench for $7,000 a year that those were life positions. That is not the reason, Mr. President. I think we could get just as good judges if they were given simply a seven-years' term, as is provided in this bill for the Interstate Commerce Commissioners. The Secretary of State does not hold a life position, and we have been able to get such men as John Hay in that position; and I might go through a great number of names of men who are accepting $8,000 for a position of that kind. We can fill those positions. The Secretary of the Interior to-day has five times the amount of work to do of the character imposed upon him that could be possibly imposed even upon this great Commission, in looking after the internal affairs of the entire country. We have good men in such positions and we will continue to get proper men in all such honorable positions.

We get good men in the United States Senate, and we get them for $5,000 a year, although their necessary expenses in traveling and otherwise are many times greater than the expenses of these Commissioners.

But some Senator may say, "You are in favor of raising the salaries of Senators and Representatives." True, but it is not for the purpose of getting better men, because I do not think we could get men one atom better or better qualified to fill the position because of the increase of the salary; but I believe we should do a simple act of justice and make the salary commensurate with the position and the expenses that the incumbent of the office has necessarily imposed upon him.

Mr. President, my attention has been called very lately to the case of an attorney who received $30,000 for drawing up an instrument of incorporation and of association, which was to protect certain of the great corporate interests of the country. I believe it took a $3,000 clerk to find fault enough in that instrument to destroy it; certainly it took only an $8,000 Attorney-General to determine that it was not good in law and would not stand any legal test.

All this, Mr. President, simply demonstrates the fact that we are not always going to get such a wonderfully higher grade of intelligence and of intellectuality by increasing the salary that is to be paid to an incumbent of an office in any particular instance.

The present circuit judges, as I have stated before, must pass upon all of the matters that are passed upon by the Interstate Commerce Commission. It certainly requires as great intelligence, as great a lawyer, as great a man to oversee the work of the Commission as is required to perform the duties of that Commission. If that be true, then the same principle that would demand that we pay $10,000 or $15,000 to the members of the Commission would also demand that we pay $15,000 or $20,000 to the judges of the circuit court.

We can fill these positions, Mr. President, and there are thousands of men in every State who could be selected who are well qualified to fill them, and who would fill them for that salary, and—what is far more than the salary, ten times over to them—the honor of the position and the good that they could do to humanity.

Mr. SPOONER. Only a word, Mr. President, in reply to the Senator from North Dakota [Mr. McCUMBER]. I was antagonizing the proposition of the Senator from Georgia [Mr. BACON], which he announced here this afternoon and which he has announced hitherto, that he is indisposed to increase salaries in special cases of Government officials until there could be a general readjustment of salaries of those who are in the Federal public service.

Mr. BACON. Mr. President, if the Senator will pardon me, I wish he would go a little further and state that that is upon the assumption on my part that, as long as the salaries remained as they are now at the present plane, that plane must be accepted as the recognized and correct standard of salaries; and so long as that standard is recognized as correct, as illustrated by the salaries of Senators, Representatives, and judges of the courts, there ought not to be a departure from it in the fixing of high salaries for particular individuals, until, by undertaking to thus reform the whole, we should recognize that the present standard of salaries is wrong.

Mr. SPOONER. Mr. President, the Senator from Georgia states in different language precisely the idea which I have imputed to him, and I do not agree with it.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I do.

Mr. TILLMAN. I was going to suggest, Mr. President, and in a way appeal, to Senators to leave something that is involved in this bill undiscussed. There are important matters, about which there could well be differences of opinion, and as to which there has been shown to exist a very radical difference of opinion here. The conferees have had sufficient advice and admonition and enlightenment; but the Senate will remember that the House passed this provision by a unanimous vote, lacking only seven, which the Senate conferees accepted, and that the Senate conferees induced the House conferees to accept practically all the Senate amendments. I think that the question of the salary, which was fixed by the House, might be left for a further conference by the conference committee of the two Houses, without entering into the merits of the question of salaries, the inadequacy of some and the excessive character of others. While, of course, I realize that Senators will continue to talk, as they have all day now, all day yesterday, and the day before, and will probably do so to-morrow, I beg, out of mercy for other business, that we do not continue to stir the water and agitate along all the lines in this bill.

Mr. SPOONER. The Senator from South Carolina has utterly wasted about three minutes of my time. [Laughter.]

Mr. TILLMAN. I was aware that the Senator would say what he pleased in his own time. I did not rise to address myself to him so much as to half a dozen other Senators who are waiting around here to get the floor as soon as he sits down. [Laughter.]

Mr. SPOONER. Mr. President, I was saying that I do not agree with the Senator from Georgia, and I do not intend to take much time in what I have to say. I believe that the people of the United States, in all human probability, would justify, in the present condition of the nation, a readjustment of salaries. I believe that if the Senate and the House of Representatives should pass a bill properly adjusting the salaries of Senators and Members of the House of Representatives, it would meet with general approval among the people of the United States. I estimate them in that way. But there has been no movement of consequence in either House to do that thing, and it is to the credit, Mr. President, I think, of the Senate and of the House that such is the fact, for a sense of delicacy has restrained the Senate and the House because they have the control of the public purse, and they are indisposed and have been, while realizing that the salaries paid are unjust, to vote money out of the Treasury into their own pockets. That, I think, is all that has stood in the way of a readjustment of the salaries of Senators and Members of the House of Representatives.

But, Mr. President, we ought to pay as much as is necessary to obtain for the public service the best ability that can be obtained for that service. Judge Cooley was a great lawyer, but Judge Cooley did not live in the day of great fees. His mind was not beclouded, as the Senator from North Dakota [Mr. McCUMBER] suggests that mine is, by familiarity with the atmosphere of great corporations or the memory of great fees received from corporations. He was a student. I do not think Judge Cooley probably, situated as he was, could have made greater compensation in Michigan in the practice of the profession, for he had been a great many years on the bench and a writer of valuable law books. His line of work was largely in that direction. There is no possible similarity between the position of a member of the Interstate Commerce Commission and a Federal judge, for reasons which I gave when I took the floor before.

Mr. President, my mind has not been influenced in the slightest in what I have said by a remembrance of great corporation fees. Twenty-two years ago, when I ceased to have any connection as a lawyer with a railway corporation, in connection with a general practice the compensation was trifling compared with what is paid in these days.

Mr. McCUMBER. I think probably, if the Senator will allow me to interrupt him, that he misunderstood my statement. I stated that there are many Senators—I did not say this Senator, that Senator, or any other—who live in an atmosphere where large fees are paid—I did not say to them or through them—and, of course, they will, naturally perhaps, have more of an idea of compensation being based upon those large fees than I would who have not lived in that atmosphere.

Mr. SPOONER. Mr. President, the Senator was replying to my observations specifically, and his remark as it will appear in the RECORD would seem to be directed to me.

Mr. McCUMBER. I assure the Senator it was not so intended.

Mr. SPOONER. For twenty-two years, Mr. President, I have not received a dollar from any railroad corporation in the United States for any professional service or any other service, directly or indirectly, and during the last twenty-two years, while I have been a member of the Senate, I have not practiced my profession for any corporation, except to close up a case nearly finished when I was elected in 1896, and to advise a traction company in northern Wisconsin in one suit, or, to any appreciable extent, for individuals. But even though I had, Mr. President, I think I would still be capable as a Senator of studying, and studying alone, the public interests in attempting to legislate here as a servant of the people for the people.

Some of the salaries which we pay are manifestly inadequate. To-day no man but a rich man can represent the United States as an ambassador at London or at Paris, and, I might say, at St. Petersburg. It is a situation that should not remain. It is not creditable to this nation. Such a salary ought to be paid for those services as would make it possible for men of great ability, who have spent their lives in study and preparation to fit them for the discharge of such high duties, but who have not the money to enable them, at their own expense, either in whole or in part, to go there and work and do what is necessary to be done to properly represent this Government.

Mr. BACON. Will the Senator pardon me if I interrupt him?

Mr. SPOONER. I want to finish in a few moments, if the Senator will permit me.

Mr. President, take the Panama Canal. Apply the doctrines which are sought here to be applied to the Interstate Commerce Commission to the engineer to whom is intrusted the construction of the Panama Canal. You could not hire an engineer fit for that work for what is paid a Senator or for what is paid a Cabinet officer, or for $10,000 or $15,000 a year. Why? Because the Government of the United States is obliged to compete with the railway corporations of the United States in order to obtain the very best—for it must have the very best—engineering talent available in this country which can be obtained. Even with the salary now paid, the honor of the position, and the prospect of having one's name connected with that great work alone enable us to secure a competent man.

Mr. President, perhaps this $7,500 salary is enough for the Interstate Commerce Commissioners. I do not criticise the Commission as it is, but I think we have had some men on that Commission since its creation who did not seem to me men I would have chosen for that place. They are liable at the end of their terms to be displaced; they are subject to removal during their terms. It is a place which has, in its tenure, vicissitudes. It is a place somewhat dependent upon other wills than their own, and it is difficult to find a lawyer in good practice, if you deal only with a lawyer, who will abandon his practice, leave his home, scatter his clients, and come to Washington to spend five years or six years or seven years, and be liable at any time to go out and to hunt a new practice and to build up again. Every sensible man takes that into account. And, Mr. President, as I said before, we are placing upon these men great responsibility.

There ought to be a good traffic man on this Commission, a man familiar with the traffic business of the country; a man who knows from experience with railroad corporations the weak spots, who knows how to get at the truth, who is an expert. You can not expect to get such a man unless you approximate at least the salaries paid to such men by the railway corporations. I think this is about the most expensive city in the United States, except, perhaps, New York, for a man to live.

Talk about the honor of the place. The best men who would be attracted by this position would not come simply for the good they could do the country during a term, it may be shorter or longer. They do not want to come here at a sacrifice to themselves and to their families. It is a great work. It is full of complexity and difficulty, and the Commissioners ought to have good pay. I myself should be perfectly willing to vote, feeling that I voted in the interest of the people and all the people, to attach to these positions a salary which would make the place attractive to men fitted by experience and study and ability for the duties and willing to take the office. That is the basis upon which I advocate a fairly good salary to these Commissioners, and that is wise and beneficent expenditure of the public money.

Mr. WARREN. Mr. President, in view of the appeal made by the Senator from South Carolina [Mr. TILLMAN] for haste and a final vote on the conference report, I shall occupy but a few moments, and shall speak upon one part of the bill only, and that the antipass amendment.

It seems to me, if we can judge from the atmosphere of this Chamber, that there is not a Senator who does not believe that the employees of railroads should have free transportation for themselves and their families, and the conferees must insist upon this to the very end and until accomplished. I do not believe it will be denied by a single Senator that men in charge of live stock traveling over the roads should also have free transportation.

It seems to me that the Senate's antipass amendment, agreed to very nearly unanimously in the Senate, should be now adhered to in preference to the one that is presented by the conference report, or in preference to leaving the bill with no provision in regard to the pass question.

The live-stock men are not alone interested in the matter of free transportation for those accompanying stock. The railroads also are interested; but, most of all, the consumers of meat products are interested. These are pretty strenuous times just now in the endeavor to cleanse and purify everything relating to our meat products. It is a time when all the sensitiveness and all the examinations and investigations, no matter what may be the good results that may follow, bears very heavily upon the live-stock grower. All of this excitement is lowering the price day by day of the live stock of this country.

It seems to me that under the circumstances we can not be too liberal toward the live-stock grower, nor can we be too careful in the way the stock is shipped to market.

Who, then, shall go with this live stock? Shall it be the pick ups and hoboes without experience that a railroad may be obliged to send, or shall it be those who have an interest in the stock? The men who accompany live stock do not ride for pleasure. They are there in their overalls and coarse clothing, riding on the freight trains with cattle, getting in the cattle cars at every station to care for them. It is a laborious and hard service. It is a service that no man wants for the sake of riding over a railroad, and is in no wise a favor or a discrimination for or against anyone. No man pleads for a pass to go with live stock, unless he has an interest in that stock.

So whatever the conference committee may do, it seems to me the owners or agents in charge of live stock should be put upon the plane of highest privilege as to transportation next to the railroad employees, and if there are any exceptions whatever to the prohibition of the issuance of passes they should be included, for, indeed, they are practically, for the time being, railroad employees.

Mr. President, the producer—the farmer—if I may use the simile, is always the "under dog." In a fight his back is upon the rock, with the weight of the world upon his breast. All the pressure, the wear and tear, and the tug of war of the business world comes upon one side, with no give way or relief on the other. The consumer wants low prices and bears down upon the retailer; the retailer bears down upon the wholesaler; the wholesaler upon the manufacturer, and the manufacturer upon the raw material, and there is where the farmer—the producer—is caught. Whatever is done in injury of the matter of meat products the poor farmer gets the entire weight of the burden and has the losses to bear.

I noticed just now in the afternoon paper some testimony that is being taken in another place in the Capitol, and I will ask the Secretary to read the paragraph I have marked. It is a statement under oath of the manager of one of the great slaughtering establishments, Mr. Wilson, and it tells the results of the present agitation concerning the packing houses.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

"The results have been disastrous," he said. "The sale of fresh and manufactured products has been more than cut in two. Every country in Europe has taken up the agitation. It is hurting us very materially. Other countries that produce in competition are taking advantage of it. They will get the benefit and we stand the losses. I hate to think what the ultimate results will be if we are cut out of the foreign trade. We will not be able to handle the stock that raisers and farmers send us, and I don't know how we are to avoid a terrible calamity in the Western country at least."

Mr. WARREN. The gentleman who gave that testimony is speaking what he believes to be the truth. He is speaking of what the indications seem to prove, that all this cleaning house that we are engaged in, and to which I am not now objecting, is putting the farmer and his product in jeopardy for at least the present season, and it seems to me this is the wrong time to take away from the stock grower that which he has always enjoyed—the privilege of protecting his own stock when it is in shipment—and also taking away the best protection we have for our meat product while it is en route from the pastures to the shambles. We ought to afford to the consumers of meat every precaution and protection possible, which will include the proper care while the product is thus on the way from its feeding grounds to the slaughtering pens.

So, Mr. President, I plead for the free transportation, going and coming, of those who accompany live stock in whatever may be done regarding this antipass amendment.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was rejected.

Mr. TILLMAN. I move that the Senate further insist upon its amendments and request a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Vice-President be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. TILLMAN, Mr. ELKINS, and Mr. CULLOM as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. Mr. President, I had given notice that if the rate bill was disposed of at a reasonable hour I would call up the District of Columbia appropriation bill; but the hour is so late that I now suggest to the Senate that after the routine morning business to-morrow I will ask consideration for that bill.

INDIAN APPROPRIATION BILL.

Mr. LODGE. I desire to ask the Senate to dispose of the bill with reference to Niagara. It will not take more than a few moments to dispose of it, and I should be very glad to get it out of the way.

Mr. CLAPP. Will the Senator from Massachusetts yield to me to make a statement?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I simply wish to get this bill read and disposed of. However, I yield to the Senator from Minnesota to make a statement.

Mr. CLAPP. Mr. President, the report of the conferees on the Indian appropriation bill was filed two weeks ago to-day. There has been no opportunity seemingly to take it up. I wish to give notice that I shall ask for its consideration immediately on the conclusion of the action of the Senate on the District of Columbia appropriation bill.

PRESERVATION OF NIAGARA FALLS.

Mr. LODGE. I now ask to take from the Calendar for consideration the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes. It is a House bill which has been unanimously reported by our committee. I think it will not delay the Senate longer than to read it. There is an amendment of the committee, and two other amendments are to be offered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment, in section 3, page 4, line 11, after the word "prohibited," to insert "as well as any diversion of water or transmission of power in violation hereof;" in line 13, after the word "enforced," to insert "or enjoined at the suit of the United States;" in line 14, after the word "by," to strike out the words "the order of;" and in line 14, after the word "court," to strike out "exercising" and insert "having;" so as to make the clause read:

And, further, the removal of any structures or parts of structures erected in violation of this act, or any construction incidental to or used for such diversion of water or transmission of power as is herein prohibited, as well as any diversion of water or transmission of power in violation hereof, may be enforced or enjoined at the suit of the United States by any circuit court having jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States.

The amendment was agreed to.

Mr. CLAY. I would be glad to know from what committee the bill comes.

Mr. LODGE. From the Committee on Foreign Relations. It is a unanimous report. The matter was long before us. We had hearings on the bill. I am not aware that there is any question about it.

Mr. HOPKINS. I offer the amendment which I send to the desk.

The SECRETARY. After the word "river," in line 25, page 4, section 4, it is proposed to insert:

Provided, however, That nothing contained herein shall be construed to hold or concede that the waters of Lake Michigan or other lakes or rivers wholly within the territory of the United States are subject of international negotiation.

Mr. LODGE. I have no objection to the amendment.

The amendment was agreed to.

Mr. BAILEY. I presume that this is the bill to preserve Niagara Falls.

Mr. LODGE. It is.

Mr. BAILEY. I am sure, inasmuch as it comes from the Committee on Foreign Relations with a unanimous report, that the subject must be within the jurisdiction of Congress. But I want to know whether the jurisdiction of Congress over the subject results from the fact that the river is a navigable stream or because it is an international boundary.

Mr. LODGE. Because it is an international boundary, and it requires negotiations in order to settle it. The bill is limited to three years, in order to give opportunity for the negotiations to proceed. The river is a navigable stream above the falls.

Mr. BAILEY. I could not quite comprehend the purpose of providing in this, which seems to be merely a law and has no element of contract in it, that this proposed act may be altered, modified, or repealed.

Mr. LODGE. I suppose that is because the negotiations may occur and be completed before the expiration of the three years.

A treaty would naturally supersede it. I do not think the seventh section is necessary. It came from the House, and I did not think——

Mr. BAILEY. It would not be necessary, because if this matter shall be made the subject of a treaty, the treaty would repeal the law.

Mr. LODGE. The treaty would absolutely supersede it.

Mr. BAILEY. I have no disposition to find fault with the bill.

Mr. SPOONER. A great many permits for the use of water, on our side, will be granted to citizens of New York, upon which investments will be made, and it is well enough to reserve the power.

Mr. KNOX. I propose the amendment I send to the desk.

The SECRETARY. On page 2, line 15, after the word "use," it is proposed to insert the following:

Or contracted to be used in factories, the buildings of which are now in process of construction.

Mr. LODGE. I understand that applies to only one case of a factory which is now completed, practically, and the committee would have no objection to it, I think.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLESTON LIGHT AND WATER COMPANY.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill (H. R. 8410) to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek, in Berkeley County, in the State of South Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUARTEL LOT, MONTEREY, CAL.

Mr. FLINT. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 16946) releasing the right, title, and interest of the United States to the piece or parcel of land known as the "Cuartel lot" to the city of Monterey, Cal., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened and (at 6 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 8, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 7, 1906.

DISTRICT ATTORNEYS.

Hiram E. Booth, of Utah, to be United States attorney for the district of Utah, vice Joseph Lippman, whose term expires June 7, 1906.

William M. Mellette, of Indian Territory, to be United States attorney for the western district of Indian Territory. A reappointment, his term expiring June 30, 1906.

SURVEYOR OF CUSTOMS.

Sheridan F. Master, of Michigan, to be surveyor of customs for the port of Grand Rapids, in the State of Michigan, in place of James A. Coye, deceased.

RECEIVER OF PUBLIC MONEYS.

Samuel A. Wells, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash., vice Eugene B. Hyde, whose term will expire June 28, 1906.

REGISTER OF LAND OFFICE.

Matthew R. Wilson, of Montana, to be register of the land office at Bozeman, Mont., to take effect June 30, 1906, at the expiration of his present term. (Reappointment.)

PROMOTIONS IN THE NAVY.

Commander Greenlief A. Merriam to be a captain in the Navy from the 6th day of June, 1906, vice Capt. John J. Hunker, promoted.

Commander John B. Milton to be a captain in the Navy from the 6th day of June, 1906, vice Capt. William T. Burwell, promoted.

Commander Aaron Ward, an additional number in grade, to be a captain in the Navy from the 6th day of June, 1906, vice Commander John B. Milton, promoted.

POSTMASTERS.

CALIFORNIA.

N. T. Edwards to be postmaster at Orange, in the county of Orange and State of California, in place of Mellie B. Towne. Incumbent's commission expires June 19, 1906.

INDIANA.

Maynard A. Frisinger to be postmaster at Decatur, in the county of Adams and State of Indiana, in place of Albert Brittson. Incumbent's commission expired May 21, 1906.

IOWA.

Edna Chesley to be postmaster at Sutherland, in the county of O'Brien and State of Iowa, in place of Henry L. Chesley, deceased.

William Gray to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa, in place of G. A. Watts. Incumbent's commission expired May 8, 1906.

KENTUCKY.

Robert E. Woods to be postmaster at Louisville, in the county of Jefferson and State of Kentucky, in place of Thomas H. Baker. Incumbent's commission expired January 13, 1906.

MAINE.

Perham S. Heald to be postmaster at Waterville, in the county of Kennebec and State of Maine, in place of Williard M. Dunn. Incumbent's commission expired January 16, 1906.

MISSOURI.

Edward T. Alexander to be postmaster at Slater, in the county of Saline and State of Missouri, in place of Maurice Mann. Incumbent's commission expires June 19, 1906.

James W. Mills to be postmaster at Versailles, in the county of Morgan and State of Missouri, in place of James W. Mills. Incumbent's commission expired January 22, 1906.

George W. Smith to be postmaster at Sweet Springs, in the county of Saline and State of Missouri, in place of George W. Smith. Incumbent's commission expired May 19, 1906.

NEBRASKA.

Albert M. Coonrod to be postmaster at Ord, in the county of Valley and State of Nebraska, in place of Samuel A. Stacy. Incumbent's commission expired May 27, 1906.

NEW JERSEY.

Orwill Van Wickle to be postmaster at Matawan, in the county of Monmouth and State of New Jersey, in place of Benjamin F. S. Brown. Incumbent's commission expired April 22, 1906.

NEW YORK.

John M. Hamilton to be postmaster at Batavia, in the county of Genesee and State of New York, in place of John M. Hamilton. Incumbent's commission expires June 10, 1906.

Charles Herbert Rich to be postmaster at Cattaraugus, in the county of Cattaraugus and State of New York, in place of Herbert B. Easton, resigned.

George T. Salmon to be postmaster at Lima, in the county of Livingston and State of New York, in place of George T. Salmon. Incumbent's commission expired May 27, 1906.

OKLAHOMA.

Sam L. Darrah to be postmaster at Custer, in the county of Custer and Territory of Oklahoma. Office became Presidential April 1, 1906.

PENNSYLVANIA.

Harry G. Smith to be postmaster at West Chester, in the county of Chester and State of Pennsylvania, in place of Harry G. Smith. Incumbent's commission expires June 30, 1906.

TEXAS.

H. W. Derstine to be postmaster at Merkel, in the county of Taylor and State of Texas, in place of Robert A. Rollins, resigned.

WASHINGTON.

William L. Lemon to be postmaster at North Yakima, in the county of Yakima and State of Washington, in place of William L. Lemon. Incumbent's commission expires June 27, 1906.

Fred W. Miller to be postmaster at Oakesdale, in the county of Whitman and State of Washington, in place of Fred W. Miller. Incumbent's commission expires June 7, 1906.

William W. Ward to be postmaster at Dayton, in the county of Columbia and State of Washington, in place of William W. Ward. Incumbent's commission expires June 30, 1906.

WEST VIRGINIA.

Carrie Newton to be postmaster at Benwood, in the county of Marshall and State of West Virginia, in place of Carrie Newton. Incumbent's commission expires June 30, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 7, 1906.

APPOINTMENT IN THE ARMY.

Col. John McClellan, Artillery Corps, to be brigadier-general from June 1, 1906.

PROMOTION IN THE NAVY.

Capt. John J. Hunker to be a rear-admiral in the Navy from the 6th day of June, 1906 (subject to the examinations required by law).

REGISTER OF THE LAND OFFICE.

John Thomas, of Prairie View, Kans., to be register of the land office at Colby, Kans.

RECEIVER OF PUBLIC MONEYS.

Frank A. Twichell, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash.

POSTMASTERS.

MASSACHUSETTS.

Frank H. Fales to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts.

MICHIGAN.

William H. Arthur to be postmaster at Marshall, in the county of Calhoun and State of Michigan.

MISSISSIPPI.

Annette Simpson to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi.

MISSOURI.

Willis E. Flanders to be postmaster at Paris, in the county of Monroe and State of Missouri.

NEW YORK.

W. E. Hughes to be postmaster at Fulton, in the county of Oswego and State of New York.

NORTH CAROLINA.

Alexander L. McCaskill to be postmaster at Fayetteville, in the county of Cumberland and State of North Carolina.

Hugh Paul to be postmaster at Washington, in the county of Beaufort and State of North Carolina.

NORTH DAKOTA.

Henry W. Ellingson to be postmaster at Rugby, in the county of Pierce and State of North Dakota.

OHIO.

Augustus J. Eminger to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio.

Albert W. McCune to be postmaster at Bradford, in the county of Miami and State of Ohio.

PENNSYLVANIA.

Samuel J. Matthews to be postmaster at Olyphant, in the county of Lackawanna and State of Pennsylvania.

TEXAS.

Hiram T. Andrews to be postmaster at Wolfe City, in the county of Hunt and State of Texas.

John T. Cunningham to be postmaster at Graham, in the county of Young and State of Texas.

John T. Dawes to be postmaster at Crockett, in the county of Houston and State of Texas.

Harry E. Downs to be postmaster at Batson, in the county of Hardin and State of Texas.

M. J. Lee to be postmaster at Kirbyville, in the county of Jasper and State of Texas.

VIRGINIA.

Floyd L. Harless to be postmaster at Christiansburg, in the county of Montgomery and State of Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 7, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, and, on motion of Mr. PAYNE, was approved.

REVISION OF THE LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of five Senators to be appointed by the Vice-President, and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical assistance, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman what is the necessity for this, when the codification commission have made a full and complete report and the matter is now on the Calendar of the House?

Mr. MOON of Pennsylvania. The gentleman will bear in mind that the only report that is before the House, the only completed bill that has been reported, is the one involving the criminal code. The great mass of the substantive law which was committed to this commission to revise and codify has not yet been reported to this House. The House will fully understand that this work is a very large one, and that before it can be enacted into law it must pass both the House and the Senate.

Immediately upon our appointment, at the present session of Congress, in obedience to a resolution of our committee I entered into correspondence with the Senate committee in order to bring about joint action. Owing to the fact that the chairman of that committee was absent and ill, it was impossible for us to get any joint action. Our committee have proceeded earnestly and industriously during this entire session of Congress——

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Yes.

Mr. HENRY of Texas. Does this resolution provide for a continuation of the present commission that was appointed to revise the laws, or for the abolishment of that commission?

Mr. MOON of Pennsylvania. I want to say that it does not in itself have any effect upon that commission; but I want also to say to the gentlemen of the House that our Committee on the Revision of the Laws this morning, by resolution, authorized me, as chairman of that committee, to introduce a bill into the present Congress abolishing that commission. The object of this looks to the consummation of the work, which will bring to a conclusion the duties of that commission.

Mr. HENRY of Texas. Why not put a provision in this resolution abolishing that commission if we are to appoint another commission now to take the place of that one?

Mr. MOON of Pennsylvania. You are not appointing another commission; you are appointing a joint committee of the two Houses, which simply represents the revision committee of the Senate and the revision committee of this House. This is not a new commission.

Mr. LIVINGSTON. Then let this resolution stand until you abolish that commission.

Mr. MOON of Pennsylvania. Our thought with regard to that was this: We discussed that very earnestly this morning. We believed it to be wise to submit that matter to the joint committee contemplated in this resolution and that we ought to consult with the committee to be appointed by the Senate before we definitely take that action. This committee is as anxious as any individual Members of this Congress can be to accomplish that purpose.

Mr. HENRY of Texas. Is it the purpose of this commission to take the code already prepared by the commission that has been at work for about ten years, or to go over all of the work again and get up a new revision?

Mr. MOON of Pennsylvania. Let me say to the gentleman that this is not to be a commission; it is only a joint committee of the two Houses, the object being to facilitate the work that

must be done by the respective committees of the two Houses. Now, we propose, of course, to take the work of the commission, to go over it, and to embody it in the form of bills to be presented and passed by Congress.

Mr. HENRY of Texas. This is a commission to revise the criminal and civil statutes, is it not?

Mr. MOON of Pennsylvania. The existing commission is a commission employed by Congress——

Mr. HENRY of Texas. I understand, but is it not your purpose to have this committee that you provide for revise both the civil and criminal laws?

Mr. MOON of Pennsylvania. The purpose is to consider the work of the commission.

Mr. HENRY of Texas. To revise the revision, in other words?

Mr. MOON of Pennsylvania. To put the work of the commission into bills that will be submitted to this House and to the Senate for the purpose of being enacted into law.

Mr. LIVINGSTON. And with the right to revise and change?

Mr. MOON of Pennsylvania. No; we do not give to this commission——

Mr. LIVINGSTON. Then why do you have a committee, if you have no right to revise and change?

Mr. MOON of Pennsylvania. I think the gentleman will understand that all this work goes back before the committee. I want to say that the existing commission has interpreted its powers very broadly and that it has included a great deal of new law in their report that this committee do not feel they have a right to recommend.

Mr. LIVINGSTON. Why not let the two Houses of Congress handle this work?

Mr. MOON of Pennsylvania. I think the gentleman will understand that it would be utterly impracticable to do that.

Mr. SHERLEY. Mr. Speaker, if I may be allowed to make a statement, perhaps I can simplify this somewhat.

The SPEAKER. Is there objection? The Chair hears none.

Mr. DE ARMOND. Mr. Speaker, I should like to know a little more about this before we pass the objections made.

Mr. MOON of Pennsylvania. I yield to the gentleman from Kentucky.

Mr. SHERLEY. I desire to say to the House that at the last——

Mr. LIVINGSTON. I have not withdrawn my reservation of the right to object yet.

Mr. SHERLEY. I desire to say to the House that at the last session of Congress, in the closing days of that Congress, there was passed, on my motion, a resolution authorizing the Commission to report finally at this session of Congress. I then said to the House that I was in favor of the abolition of this Commission, and that I would do what I could to bring its labors to a close. I want to say to the House now that this resolution looks to the carrying out of the pledge I then made upon the floor. The purpose of this resolution is to appoint a committee consisting of five Senators and five Representatives, who will work during the recess of Congress——

Mr. LIVINGSTON. Then why not appoint these ten men from the two committees, five from the Senate committee and five from the House committee?

Mr. SHERLEY. This leaves it optional with the Speaker of the House and with the President of the Senate to appoint any five members of the respective bodies. I have no doubt there will be appointed men from the two Committees on the Revision of the Laws.

Mr. HENRY of Texas. How were the statutes revised heretofore? Has this course ever been adopted for revising the laws heretofore?

Mr. SHERLEY. As I understand it, there has always been cooperation between the committee of the House and the committee of the Senate. The gentleman will understand that in regard to the judicial code, for instance, there is a change made that is fundamental. Now, it is possible that the House committee and the House might act along certain lines that might not at all meet with the concurrence of the Senate; and this being work of a technical character, it seemed to the members of the Committee on the Revision of the Laws of the House that by getting the two committees together and having them consult together the result of their labors could be brought into the respective Houses with some fair chance of getting final legislation during the short session.

Mr. HENRY of Texas. Is there not a Committee on the Revision of the Laws in the Senate as well as in the House?

Mr. SHERLEY. There is; but the Committee on the Revision of the Laws of the Senate would not begin its labors until after the House had acted.

Mr. SMITH of Kentucky. Will the gentleman yield for a question?

Mr. SHERLEY. If the gentleman will permit me a moment now. In the short session that is coming it would be practically impossible for this House to consider independently the report of its committee and then have it go over to the Senate as entirely new matter and be considered by them in time to pass before final adjournment. With the idea of facilitating action, it was thought that if the two Houses had their two committees work together the result of their joint labor might produce a bill that could be put through within the short session by both bodies, and so the labors of the committees would not come to naught. Now I yield to the gentleman.

Mr. LIVINGSTON. Why not put it through at this session?

Mr. SMITH of Kentucky. The gentleman has substantially answered the question that I wanted to ask. It seems to me that with only a short session of this Congress remaining we can not expect committees in both Houses to act upon this great mass of reports that have come in from this revisory Commission. So by the adoption of this resolution you get the two committees at work together during the vacation, and by the time Congress meets for the short session it can be reported to one House or the other, I take it to this House, acted upon promptly and sent to the Senate.

Mr. SHERLEY. That was the idea involved; and I want to say to the gentleman from Missouri, because when the matter was up last year he interrogated me in regard to the life of this Commission, that there was upon my motion to-day adopted in the Committee on the Revision of the Laws a resolution instructing the chairman of that committee to introduce a bill at this session abolishing the Commission on the 1st of October of this year.

Mr. DE ARMOND. Why not attach that to this resolution and abolish it on the adoption of this resolution?

Mr. SHERLEY. In the judgment of the committee, it is thought advisable to put through this resolution, and then in the draft of that bill to make a proper provision in regard to having some man who had been familiar with all the Commission's work, subject to the orders of the joint committee of the House and Senate. I can assure the gentleman from Missouri that a bill will be introduced and will be favorably reported at once by the committee and brought upon the floor for the abolition of that Commission.

Mr. DE ARMOND. But that is as far as the assurance can go.

Mr. MANN. What about the appropriation for the Commission?

Mr. SHERLEY. The appropriation is a continuing one and would go on forever without some action of Congress.

Mr. MANN. We make appropriations for it every year.

Mr. SHERLEY. The gentleman is mistaken. In the act creating the Commission it was provided that the payment should be made out of the funds in the Treasury from year to year. It will require affirmative action to abolish the Commission.

Mr. MANN. I think we have been making appropriations for the Commission ever since I have been in the House.

Mr. SHERLEY. The gentleman is mistaken.

Mr. DE ARMOND. The Commission is paid through the Attorney-General's department. The assurance which the gentleman from Kentucky gives, goes to the favorable reporting of the bill, and necessarily it can go no further. Why, if this Commission is to be abolished, not abolish it by the resolution providing for the joint committee?

Mr. LIVINGSTON. That is what ought to be done.

Mr. DE ARMOND. I do not think the two pieces of legislation ought to be separated.

Mr. SHERLEY. I will suggest to the gentleman from Missouri that it is doubtful whether by such a resolution you can repeal the act creating this Commission. It ought to be done by a bill properly drawn and passed.

Mr. DE ARMOND. A joint resolution would do it.

Mr. HOAR. If the gentleman will permit me, I want to suggest that the joint special committee which will be appointed may desire to have the right to consider what should be done with the records, and make suggestions as to what should be done with reference to reports on the work of the Commission and as to their need of its services and the time of their termination.

Mr. DE ARMOND. That is very well, but Congress ought to be done with the Commission.

Mr. LACEY. If the gentleman will allow me to suggest, we are framing legislation every day that will go into this revision, and this Commission can put that into proper shape to

be enacted in the report of the joint committee. There is a great deal of that work to be done yet.

Mr. DE ARMOND. I can not take that view of it. In view of the fact that they have been eight or ten years at work and have not done more than three respectable lawyers could do in six months with a proper clerical assistance, it seems to me that it does not have much fruitfulness in it as to what is to be in the future. The Commission ought to have been abolished long ago.

Mr. SHERLEY. I want to say to the gentleman from Missouri that he is no more desirous of bringing about that result than I am. I am ready to do all I can, and if the gentleman will bear with us he will see results in a few days in that regard.

Mr. DE ARMOND. I do not think so. I think it will take all the push and power behind this resolution, with all the power and influence to get rid of that Commission, which is practically a useless thing and has been for years and years, and it is likely to continue a useless and expensive Commission for years and years to come.

The SPEAKER. Is there objection?

Mr. DE ARMOND. I object, Mr. Speaker, unless the propositions are coupled together.

PRINTING DIGEST AND MANUAL.

Mr. CHARLES B. LANDIS. Mr. Speaker, I present the following privileged House resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That there be printed 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-ninth Congress, the same to be bound and distributed under the direction of the Speaker and the Clerk of the House.

The question was taken; and the resolution was agreed to.

PRINTING FOR SPECIAL COMMITTEE INVESTIGATING GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I also present the following privileged House resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the special committee appointed to investigate the management of the Government Hospital for the Insane be authorized to have such printing done as may be necessary for the transaction of its business.

The question was taken; and the resolution was agreed to.

PRINTING FOR COMMITTEE ON IRRIGATION OF ARID LANDS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I also present the following privileged House resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Irrigation of Arid Lands be authorized to have such printing and binding done as may be necessary in the transaction of its business.

The question was taken; and the resolution was agreed to.

JOINT RESOLUTION SUPPLYING DEFICIENCIES IN APPROPRIATIONS FOR ASSISTANT JANITORS AND CUSTODIANS OF PUBLIC BUILDINGS.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to submit the following joint resolution and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Minnesota reports the following joint resolution from the Committee on Appropriations, which the Clerk will report.

The Clerk read as follows:

Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings.

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $45,000 to supply a deficiency in the appropriation for pay of assistant custodians and janitors, including all personal services in connection with the care of public buildings under control of the Treasury Department outside of the District of Columbia exclusive of marine hospitals, mints, branch mints, and assay offices, for the fiscal year ending June 30, 1906.

Mr. TAWNEY. I ask unanimous consent for its immediate consideration, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I object to the receiving of this report. I make the point of order that it is not a report from the Committee on Appropriations.

The SPEAKER. The Chair overrules the point of order.

Mr. TAWNEY. Mr. Speaker, I want to say to the gentleman from New York this matter came to the committee's attention this morning, and more than a majority of the committee were present, and the gentlemen present, including the gentleman from Georgia, who is the ranking member of the minority of the subcommittee which has charge of deficiency appropriations. I also spoke to the gentleman from Massachusetts, and was looking for the gentleman from New York. Had I known the necessity of this, I would have called a meeting of the committee, but a majority of the committee were there and considered it and authorized the chairman to report it to the House.

Mr. FITZGERALD. I object, Mr. Speaker.

The SPEAKER. The Chair understood the gentleman from Minnesota to report the resolution from the Committee on Appropriations.

Mr. TAWNEY. I have; by direction of the committee.

The SPEAKER. And the gentleman makes the point of order——

Mr. UNDERWOOD. I understand, Mr. Speaker, it is not the report of the committee, but it is the report——

The SPEAKER. It is a question of fact, and the Chair would ask the gentleman from Minnesota——

Mr. TAWNEY. I said the committee directed me to report it, a majority of the committee being present.

Mr. UNDERWOOD. Was the committee called together to consider this matter?

Mr. TAWNEY. It was; but not formally called together.

Mr. UNDERWOOD. I make the point of order, if the committee was not formally called together——

The SPEAKER. But a majority of the committee were there, and directed the gentleman to report the bill.

Mr. UNDERWOOD. Informally, Mr. Speaker.

The SPEAKER. Was a majority present?

Mr. TAWNEY. A majority was present.

The SPEAKER. The Chair overrules the point of order.

Mr. UNDERWOOD. Mr. Speaker, I desire to appeal from the ruling of the Chair, and I wish to say this——

Mr. TAWNEY. Mr. Speaker, I move to lay the appeal upon the table.

The question was taken; and the Chair announced that the ayes seemed to have it.

Upon a division (demanded by Mr. UNDERWOOD) there were—ayes 150, noes 43.

So the appeal was laid upon the table.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Alabama demands the regular order.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

ORDER OF BUSINESS.

Mr. TAWNEY. I withhold my motion to go into Committee of the Whole.

Mr. FOSS. Mr. Speaker, I call up the naval appropriation bill on the Speaker's table, and ask unanimous consent——

Mr. UNDERWOOD. I demanded the regular order, and I insist upon it.

The SPEAKER. The gentleman demands the regular order.

Mr. TAWNEY. Mr. Speaker, I will modify my motion. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation bills reported from that committee.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. FITZGERALD. I make the point of order that there is a motion pending to proceed with the consideration of the sundry civil appropriation bill.

The SPEAKER. The gentleman modifies his motion.

Mr. TAWNEY. I modified my motion.

The question was taken; and the motion was agreed to.

URGENT DEFICIENCY.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. TAWNEY. I call up for consideration the joint resolution which was sent to the Clerk's desk a few moments ago and has been reported.

The CHAIRMAN. The gentleman from Minnesota calls up the joint resolution reported by the Committee on Appropriations, which the Clerk will report.

The joint resolution was again reported.

Mr. TAWNEY. Mr. Chairman, about two months ago the Secretary of the Treasury informed the Committee on Appropriations that there would be a deficiency in the current ap-

propriations for assistant janitors and custodians of Government buildings throughout the United States. At that time it was understood that this deficiency would be carried in the general deficiency appropriation bill. The Secretary of the Treasury this morning informed the committee that the appropriation will be exhausted in about seven days from to-day, and that unless this deficiency appropriation can be obtained at once, by the 15th day of this month the elevators in the Government buildings outside the District of Columbia will cease to run, and that the Government buildings will have to be closed, so far as the service of the elevators is concerned; and that is the necessity for getting prompt action in respect to the appropriation for this deficiency. I now yield to the gentleman from Georgia.

Mr. LIVINGSTON. Mr. Chairman, while in the Treasury building yesterday the Treasury officials brought this deficiency to my notice. It involves every public building, north and south, east and west in the janitor and elevator service, and with only seven days to get an appropriation through the House and the Senate and thus become available, it should be taken up this morning. As to the committee meeting, to which my friend objected, I did not know that he was not present, and I am not responsible for his absence. Gentlemen of the House, this appropriation must be made to keep the courts of the country going, and to do so, it must be made available by the 15th of this month or the janitor service and the elevator service of the buildings will stop, public business will stop.

Mr. CLAYTON. Is there any reason on earth why this should not pass now?

Mr. LIVINGSTON. None.

Mr. CLAYTON. Well, then, let us vote upon it.

Mr. GOULDEN. Why was it omitted from the sundry civil bill?

Mr. LIVINGSTON. It does not belong there. It ordinarily would have been provided for in the general deficiency bill, and we thought we would have plenty of time to do that, but we now know that it would be too late to make the appropriation, and hence this resolution. That is all there is to it.

Mr. UNDERWOOD. Mr. Chairman, I merely wish to say this with reference to this matter——

Mr. TAWNEY. How much time does the gentleman want?

Mr. LIVINGSTON. I yielded him a moment.

Mr. TAWNEY. I yielded to you.

Mr. UNDERWOOD. Five minutes.

Mr. TAWNEY. All right.

Mr. UNDERWOOD. Mr. Chairman, I wish to say with reference to this resolution that it may be all right, so far as I know, and it may be all wrong. I protested against the ruling of the Speaker a few minutes ago and attempted to get the floor to explain to the House why I did not believe the Speaker's ruling on this proposition was right. The Speaker recognized the gentleman from Minnesota instead of myself, and of course I had no opportunity to say what I intended to say. Now, I merely desire to put this into the RECORD. There is no protection to the individual Member of this House, if you will allow the chairman of a committee and the Speaker of the House of Representatives to call together such members of a committee as they desire to report a resolution to this House without notification or a committee meeting.

Mr. LIVINGSTON. Now, I want to correct the gentleman. I know of my own personal knowledge that the chairman of the committee did not do this. He did not select members, as the gentleman has indicated.

Mr. UNDERWOOD. I did not say that he did in this instance; but if he can call together at his beck and call a majority of the committee without giving notice of a committee meeting, why, then the object of committees is entirely abolished. If a gentleman is a member of a committee that would object to legislation, you can pass it through the House and through the committee without ever giving notice to him whatever. The rules of this House contemplate that when a committee passes on legislation that committee should be called together and notice given, and I say when the Speaker recognizes a gentleman to call up a resolution here as a report of a committee that has not been passed on by a committee regularly called together and notified to come together he violates the rules of this House.

Mr. LIVINGSTON. But the gentleman's own committee has done that very thing.

Mr. UNDERWOOD. Oh, they did it by unanimous consent.

Mr. SULLIVAN of Massachusetts rose.

Mr. TAWNEY. Mr. Chairman, I yield to the gentleman from Massachusetts for three minutes.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I agree with my colleague on the committee from New York, and with the gentleman from Alabama [Mr. UNDERWOOD], that as a matter of practice and of sound policy all matters should be called first to the attention of committees regularly called together; but there are times when we can afford to make a slight sacrifice of principle in order to accomplish some practical result, and in this case no harm will result if we do that. I think that the chairman of the committee proceeded in a practical way to do a necessary thing, and I wish to say, further, that while I am not usually sparing in my criticisms of my political opponents, I would be lacking in common decency if I did not say now that the chairman of the Committee on Appropriations has been eminently fair in his treatment of the minority members of that committee. That committee has not always had the reputation of treating the minority members fairly, but it is justly achieving that reputation this year. I am informed that in past years objectionable portions of hearings have been excluded upon the ipse dixit of the chairmen of committees. No such practice is tolerated by the chairman of the Appropriations Committee. The utmost freedom in the expression of opinion and action is granted to the members of the minority. In fact, I can see no distinction whatever in the chairman's treatment of the members of that committee upon the grounds of politics. Therefore, while the criticism is a just one that committee meetings ought to be held, in this particular case nothing will result that is harmful by this slight concession of principle. A majority of the members of the committee were present. Some who were not present at the majority meeting were consulted later. All of the members of the committee who know the facts are aware that it is a just appropriation and that action ought to be taken now, and that it ought not to be delayed because of a useless sticking for principle upon a trifling occasion. I trust, therefore, that the action of the chairman of the Committee on Appropriations will be sustained by the House.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield to me?

Mr. TAWNEY. How much time does the gentleman desire?

Mr. FITZGERALD. Five minutes.

Mr. TAWNEY. I yield to the gentleman for five minutes.

Mr. FITZGERALD. Mr. Chairman, there are times when occasions arise that would justify informal meetings of the committee for the purpose of reporting an emergency appropriation. The deficiency that this appropriation is to make up, however, is not a sudden or an emergent appropriation. It grows out of a palpable violation of the law by a Department of the Government. Last year there was a certain amount of money appropriation for janitor and custodian service in the Treasury Department. It was $45,000 less than the estimate submitted by the Department to Congress. When the urgent deficiency bill was up the Department requested that this $45,000 be given in order to do the work that it had contemplated, but that Congress had refused to approve, and the committee refused to incorporate the item in that bill, and very severely criticised those who were responsible for the failure to comply with the law which was enacted to prevent deficiencies in the service. As soon as those criticisms were made in the House officials in the Treasury Department singled out courthouses and customs-houses and public buildings in the districts of members upon the Committee on Appropriations and cut off the janitor service, in order apparently to show that if Members of Congress dared criticise these men in their violations of the law that they would show, by making trouble at home for them, that it was a dangerous thing to do. Since early in the year it has been known that $45,000 would be required in order to carry out this service in accordance with the estimate of the Department, and not until yesterday did my distinguished colleague from Georgia on the committee learn from the Department that this money would be needed, although he was one of the members of the committee who refused to grant this appropriation in the urgent deficiency bill. Mr. Chairman, I am not any more oversensitive as to my rights as a member of the committee than other members are. Resolutions providing moneys for the relief of the San Francisco sufferers were reported and passed here without objection or criticism, although there was no meeting of the committee. This is the third measure reported in the nature of an appropriation bill that should come up in the ordinary way that was never considered, and was reported without notice to the members of the Committee on Appropriations.

So far as I am concerned, I will pursue the same practice in the future. I am present here most of the time, and I am easily accessible to those whose duty it is to give notice of these meetings. I am fairly faithful in my attendance upon the committee, and at the meetings of the House, and so long as I am a member of the committee I propose that matters such as this shall not be passed upon informally, without some effort made

at least to make the facts public. This resolution is necessary, because the members of this Administration violated the law. They flaunted an act of Congress in the face of Congress. They expended money, or proposed to expend money, not in accordance with what Congress had determined, but in accordance with the decision of the chief clerk of the Department to expend what he thought was necessary. Against that practice the committee, led by the chairman, protested, and I believe this resolution should not be passed without a similar protest being registered. And if possible, I believe that in some way those responsible for this deficiency should be punished as they deserve. It was a clear violation of a provision put on an appropriation bill to prevent deficiencies. Some method ought to be devised to punish those who violate the law. To the bill itself I have no objection. The money is required to carry on the public business. To the manner in which the bill comes before the House I do object, and I shall continue to express my disapproval with the practice at each recurrence of it.

Mr. TAWNEY. I yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I do not know by what authority the statement is made by my colleague on the committee from New York [Mr. FITZGERALD] that the Treasury Department discriminated against Members of the House or the Committee on Appropriations who were opposed to making the necessary appropriations for janitors and custodians in these public buildings for the current year, but I understand that his main complaint now is that the Treasury Department did not apply the rule to Members who did not belong to the committee. He thinks that members of the committee ought to have been allowed to vote against the necessary appropriation and the Government still take care of the janitors and custodians in their court-houses and other public places, and for that reason he says he is opposed to making this appropriation now.

But I rose, Mr. Chairman, to say that this is an emergency appropriation. On the 15th of this month all over the country these janitors and custodians will have to be discharged and the public business crippled unless this action is promptly taken. It happened this morning that, information coming to the chairman of the committee, he gathered together and talked to as many of the members of the committee, of both political parties, as he could find, and as none of them suggested an objection, but all he saw of the committee united in assenting to the proposition and that the chairman should make the report at once, he therefore properly made it.

I wish to say that I myself am opposed to informal meetings without all members being notified, in all ordinary cases. I do not want a committee meeting when I am not present or am not notified to be present, but such emergencies as this have arisen all along through the history of Congress, and they are likely to arise again, and no censure can apply to our chairman in this case.

Mr. GAINES of Tennessee. I should like to ask the gentleman from Minnesota a question.

Mr. TAWNEY. I yield for a question.

Mr. GAINES of Tennessee. Did you get the information about this deficiency this morning?

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. Never got it before?

Mr. TAWNEY. Why, we knew two months ago that there would be a deficiency, but we did not know that the current appropriation would be exhausted inside of seven or eight days from now. We intended to carry it on the general deficiency appropriation bill, but the fact that this appropriation will be completely exhausted before the general deficiency bill or the sundry civil bill can become a law makes it absolutely necessary that this emergency appropriation should be made now, in order to continue the service after the 15th of June.

Mr. GAINES of Tennessee. If the gentleman will indulge me in another inquiry—I happened to be out of the Chamber when the gentleman first took the floor to explain this—is this the deficiency that caused the stoppage of the elevators in about forty of the custom-houses throughout the country?

Mr. TAWNEY. I will answer the gentleman, and also at the same time answer the criticism of the gentleman from New York [Mr. FITZGERALD] on this subject.

Mr. GAINES of Tennessee. I should like to have the gentleman answer my question first.

Mr. TAWNEY. Mr. Chairman, this deficiency was presented to the Committee on Appropriations during the consideration of the urgent deficiency appropriation bill. It appeared, however, that, although the Department had apportioned this appropriation at the beginning of this fiscal year, that apportionment had not been waived in accordance with the law, and there was therefore no reason assigned for the deficiency. The antideficiency law had not been complied with, and for that reason the committee refused to grant the appropriation at that time. Therefore, when the matter was again brought to the attention of the committee, the Department was informed that if they would waive the apportionment and give the committee the reasons for the waiver and the reasons assigned were satisfactory to the committee, the item would then be carried in the general deficiency appropriation bill. At that time it was expected the general deficiency bill would become a law before the 15th of June. Now, that can not be; and the fact that this appropriation will be exhausted before the general deficiency bill can pass it will necessitate shutting down all the elevators and the discontinuance of this service unless the appropriation is made at once.

Mr. GAINES of Tennessee. The gentleman has not pointedly answered my question. Has this deficiency anything to do with stopping the elevators in forty of the custom-houses and post-offices of the United States, which the gentleman knows I brought to his attention sixty or ninety days ago?

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. Has this deficiency anything to do with that?

Mr. TAWNEY. It has.

Mr. KEIFER. It brings about the same result.

Mr. GAINES of Tennessee. My good friend will remember that I conferred with him several times, and he informed me that he went down to the Treasury Department and used some rather warm language there, and he stated to me that he found they had the money, and he started the elevators in about a week, and I was very much obliged to him.

Mr. TAWNEY. Yes; they have a sufficient amount to continue the service until the 15th of June, and then there will be a deficiency of $45,000, or that additional amount will be necessary to continue the service until July 1. Now, upon our promise, in the event of their compliance with the antideficiency law, to carry the $45,000 deficiency in the general deficiency bill, the service was again reestablished and the elevators put in operation. But the appropriation necessary for that purpose, we were advised, will be exhausted by the 15th of June, or within seven days, and the same condition will exist that existed last spring, unless the Department can get the money.

Mr. GAINES of Tennessee. The gentleman went down and found that they did have the money to run the elevators, and that the elevators should not be stopped. Now the gentleman comes in and says that there is a deficiency, which the gentleman is now trying to cover.

Mr. TAWNEY. If the gentleman from Tennessee will pardon me, I do not think I made any statement that would justify him in reaching a conclusion of that kind. I said they had sufficient money to keep this service going until the 15th of June.

Mr. GAINES of Tennessee. You made them start the elevators.

Mr. TAWNEY. They did start the elevators on the promise of the members of the committee that if they would comply with the antideficiency law we would carry the item of $45,000 to continue the service from the 15th of June to the 1st of July.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. TAWNEY. I yield to the gentleman from Tennessee.

Mr. PADGETT. If the Department had money sufficient to carry the work on until June 15, why did they stop it back in April?

Mr. TAWNEY. The reason for stopping it was this: They did not stop the entire service, but they had to reduce the expenditure in order to make the appropriation last until the 1st of July.

Mr. PADGETT. Why did they stop it in some places and continue it in others?

Mr. TAWNEY. That is a matter the gentleman will have to go to the Treasury Department to find out. I do not know what rule they followed in discontinuing the service in one part of the country and not in another. Nevertheless it was necessary for them to do that if they were going to be limited until the 1st of July with the amount of the current appropriation.

Mr. PADGETT. Does not the gentleman think it would have been better and more just and fair to have continued the service up until the exhaustion of the appropriation, and only close it down after the exhaustion of the appropriation?

Mr. TAWNEY. That the law would absolutely forbid. They could not use the money for the purpose of making a deficiency.

Mr. PADGETT. They could run the service up to the exhaustion of the fund and stop.

Mr. TAWNEY. No; the law expressly forbids that. The antideficiency law prohibits that. The gentleman will recall, if he stops to think a moment, that during the consideration of

the urgent deficiency bill there was considerable criticism, not only of this Department, but of all Departments, because they had not complied with the antideficiency law. In this particular case the appropriation had been apportioned, but the apportionment had not been waived, and the Department informed us that there would be a deficiency of $45,000 in this appropriation. We declined to encourage them in the nonobservance of the antideficiency law by refusing to give them that deficiency appropriation. Of course, there was some feeling created, doubtless, between the House and the Department in consequence of that fact. But after the bill had passed and the service had been dispensed with in certain places the Department conceded then that they had neglected to waive the apportionment and said they would waive it, and asked if the matter would be carried in the general deficiency bill, and we informed them that it would and the service was again restored.

Mr. PADGETT. The antideficiency law does not prohibit the use of all the money that has been appropriated for a specific purpose. It only prohibits the creation of a debt beyond the appropriation, and under the appropriation that was made the service could have been continued until June the 15th.

Mr. TAWNEY. The gentleman either has not read the antideficiency law carefully or he is in error in regard to its construction.

Mr. PADGETT. If they run the service up to June the 15th and then stop, there would be no deficiency. There would be a lack of service, but they would only have used the money appropriated. Why did they stop in some districts and continue in other districts the service during the month of April when there was money enough to carry it up to the 15th of June?

Mr. TAWNEY. I can only repeat the statement I made to the gentleman a moment ago—that that is a question that he will have to address to the Secretary of the Treasury.

Mr. PADGETT. I will ask the gentleman if it does not occur to him that there was some favoritism and some disposition to visit punishment upon certain Members?

Mr. TAWNEY. Certain members of the Appropriation Committee?

Mr. PADGETT. Yes; and others.

Mr. TAWNEY. I do not know as to others, but I will say to the gentleman that if there was any favoritism of that kind it was not limited to one party in the committee, because members of both parties on the committee suffered alike.

Mr. PADGETT. I am not putting it on a party basis. I am calling attention to the fact that the departmental officer is proposing to punish Members of Congress for the exercise of his official function.

Mr. TAWNEY. I will say in reply to that and in justification of the Department, that the Department submitted to the Committee on Appropriations a list of all buildings in which this service was in whole or in part dispensed with in consequence of the necessity of making the current appropriation last until the end of the fiscal year.

Mr. GAINES of Tennessee. Has the gentleman that list?

Mr. TAWNEY. That statement is on file in the Committee on Appropriations, and it covers some 200 or 300 cases.

Mr. GAINES of Tennessee. Will the gentleman put that statement in the RECORD?

Mr. TAWNEY. I do not know that I will put it in the RECORD, but I will give it to the gentleman in order that he can see where the places are where the service was diminished or entirely suspended.

Mr. GAINES of Tennessee. I would be very glad to get it.

Mr. TAWNEY. It is a lengthy statement and would be of no special benefit if it was placed in the RECORD.

Mr. GAINES of Tennessee. The gentleman will recollect that I called for the places and the gentleman at that time said that he hadn't got it, and I haven't got it yet. I would like to say——

Mr. TAWNEY. Oh, let the gentleman go to the committee room and ask the clerk.

Mr. GAINES of Tennessee. Well, if the gentleman will give me authority to go in there and get the information I will be dead sure to get it and dead sure to publish it, if the gentleman will let me. I am a sure shot when you give me a chance. [Laughter.]

Mr. TAWNEY. I now yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, our very genial and smiling friend from New York [Mr. FITZGERALD] would apparently put the Treasury officials at a point "between the devil and the deep sea." At one time he complains because they expend more money than is appropriated, and when, in good accord with his complaint, they properly cut off a portion of the appropriation in his district, in the largest post-office territory in the United States—the only place where they can afford to do with less janitor and elevator service—he comes in and complains of that action.

Mr. FITZGERALD. Oh, Mr. Chairman, I did not complain because they cut off the janitor and elevator service in my district. In fact, I never heard of it until I read the report.

Mr. MANN. But the gentleman a moment ago was complaining about it. He said the Department cut off the janitor and elevator service in the districts represented by members of the committee. Where else would they commence to cut off the service than in the gentleman's district? Would they cut off the one janitor at Buncotown or at some little place in the country and not cut them off in New York?

Mr. FITZGERALD. But they cut them off at Buncotown, and that is why the members of the committee who happened to have both those towns in their district come here. [Laughter.]

Mr. MANN. They cut them off in Buncotown, which the gentleman represents here so ably on the floor of the House. They did precisely what the gentleman wanted them to do, and when they did it he complained. The only way to do is to make the appropriation and restore the service. The gentleman has no license to complain in one minute that they do a certain thing, and then when they fail to do it, to complain of that in the next minute.

Mr. FITZGERALD. Oh, I have a right to complain if they violate the law.

Mr. MANN. Oh, I give the gentleman the right to complain about anything. He is like myself. [Laughter.]

Mr. GAINES of Tennessee. It seems to me there has been a disobedience of the law by somebody somewhere in some Department. Is there to be a prosecution under this criminal statute that we enacted last year?

Mr. MANN. In the first place, Mr. Chairman, I would state to the gentleman from Tennessee that we enacted no criminal statute, and in the next place there has been no disobedience of the law.

Mr. GAINES of Tennessee. But I so understood.

Mr. TAWNEY. Mr. Chairman, I move that the joint resolution be laid aside with a favorable recommendation.

Mr. UNDERWOOD. Mr. Chairman, I would like to know if this joint resolution has not to be read under the five-minute rule? It carries an appropriation.

The CHAIRMAN. If the demand is made, it has to be.

Mr. UNDERWOOD. Then I make the demand.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings.

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $45,000, to supply a deficiency in the appropriation for pay of assistant custodians and janitors, including all personal services in connection with the care of public buildings under control of the Treasury Department outside of the District of Columbia, exclusive of marine hospitals, mints, branch mints, and assay offices, for the fiscal year ending June 30, 1906.

Mr. GAINES of Tennessee rose.

Mr. TAWNEY. Mr. Chairman, I move that the resolution be laid aside with a favorable recommendation.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GAINES of Tennessee. I rise to ask for a minute or two in which to ask a question.

Mr. TAWNEY. Mr. Chairman, I will yield to the gentleman for a minute.

Mr. GAINES of Tennessee. Mr. Chairman, my good friend from Chicago [Mr. MANN] tells us that we did not pass the statute which, I believe, the gentleman from Minnesota [Mr. TAWNEY] reported, which we all agreed to—it was subject to a point of order—a statute to punish officials who exceeded appropriations in executing public work. Now, here is a case, and yet my good friend from Chicago for the first time, as far as I know, and certainly the first time I have ever heard of it, tells us that it is not a statute under which we can punish an offender. Is that the kind of a statute my good friend from Chicago and my good friend from Minnesota [Mr. TAWNEY] brought in here for the purpose of punishing offenders and which we all voted for as a criminal statute?

Mr. MANN. But the gentleman from Tennessee is talking about the bill that we passed this year, which has nothing to do with this appropriation.

Mr. GAINES of Tennessee. Is there not some law against this now?

Mr. MANN. No criminal law.

Mr. GAINES of Tennessee. I think the gentleman is mistaken about that.

Mr. MANN. That is what the gentleman endeavored to cor-

rect in the bill that passed this year. The gentleman from Tennessee has not made the distinction between the two years.

Mr. GAINES of Tennessee. I thank the gentleman for the information. Now, I know my friend well enough to know that next year he will join the Democrats in punishing offenders——

Mr. MANN. But next year the Democrats will not be in power.

Mr. GAINES of Tennessee. Oh, yes, we will. We are going to have William J. Bryan President of the United States before a great while. [Applause on the Democratic side.]

Mr. MANN. I want to say to my friend it is just as likely Mr. Bryan will be President at the next session of Congress as at the next Congress.

Mr. GAINES of Tennessee. Mr. Chairman, I enjoy to the extreme President Roosevelt's stealing Democratic thunder and putting it in the shape of law that William J. Bryan and the Democrats have always stood for, and so we stand to-day with you rejoicing that for one time in a century we find the Republican party one time in a few things trying to do right. [Laughter and applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota, that the resolution be laid aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

Mr. TAWNEY. Mr. Chairman, I now call up the sundry civil bill, and move that we proceed with its consideration.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 5257. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.; and

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 2969. An act to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body created under the laws of the United States.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. LODGE, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4862) allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANKENY, Mr. CARTER, and Mr. DUBOIS as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

San Francisco, Cal., custom-house: For continuation of building under present limit, $500,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how it is so much money is given to San Francisco as contradistinguished from other cities or public buildings? I am a friend of San Francisco and of the earthquake sufferers. I want to help them and have and will continue. I have introduced a bill, Mr. Chairman, to allow a rebate on all kinds of imported structural materials used by these earthquake sufferers of California in restoring their homes and buildings. For a century or more Congress has allowed rebates on imports for persons, companies, expositions, etc. This rebate is a giving back to the earthquake sufferer the tariff tax he has paid on imported house and all material actually used.

Mr. TAWNEY. I will say for the information of the gentleman from Tennessee that the size of the appropriation must necessarily vary with the size of buildings. I do not know whether the gentleman from Tennessee ever considered that or not.

Mr. GAINES of Tennessee. I am very glad to know the scales are falling from my friend's eyes in that respect.

Mr. TAWNEY. That is the fact, and this $900,000 is within the limit of cost of the construction of the building at San Francisco.

Mr. GAINES of Tennessee. Then that is all right, and I'm for it. Now, Mr. Chairman, by way of continuing my remarks, I want to state that a few days after this earthquake at San Francisco I introduced a bill based upon a statute which Andrew Jackson, as President, approved twice, and one subsequently enacted by Congress for the relief of the Chicago sufferers; and I received, Mr. Chairman, rather to my surprise, several letters from people in San Francisco thanking me for the interest I manifested in the matter.

Among those letters, Mr. Chairman, is one from J. J. Moore & Co. and one from C. D. Bunker & Co. One of these letters states that there is now a combination being formed in the city of San Francisco for the purpose of putting up the prices "to the serious detriment of property owners and home builders."

They pray, Mr. Chairman, in substance, for the rebate relief set forth in my bill, which has no limit as to time. They say the one-year limitation set forth in the resolution introduced by the gentleman from Illinois [Mr. MADDEN] is too short a time. They beg, Mr. Chairman, to be relieved from the denials, the punishment, and oppression not only of this local combination, but from the steel trust and the lumber trust and various other trusts that make cement and other building material, including sewer material.

But the point I wish, Mr. Chairman, just briefly to allude to is this: It has gone to the people of California, says Mr. Bunker—and I want the leader of the Democratic side [Mr. WILLIAMS] to hear publicly what I said to him privately, and which, I may add, he has positively denied—that the Democrats, writes Mr. Bunker, were objecting to the passage of a bill giving this relief, or words to that effect. The gentleman from Mississippi [Mr. WILLIAMS], the leader of this side of the House, denied the charge, and I now repeat that so far as my humble efforts are concerned, that I shall vote for such a measure as the one I have introduced or, indeed, the ones which have been introduced by Republicans and be glad to do so, and so will the balance of the Democrats.

The President is a Republican. The Republicans control the Senate, the Republicans control the House; and I so wrote to Bunker & Co. and others, and that the Republicans, even over the protest of the Democrats, if it were possible for them to protest, could put this or that measure through Congress, not only to relieve the sufferers in California, but they can pass other bills to aid the millions of people of this country that want homes and buildings, including the Government of the United States, which is spending millions to erect post-offices and public buildings throughout this country. But the Republicans fail to do anything.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask a few minutes more—say five minutes.

The CHAIRMAN. The gentleman asks to be allowed to continue for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, Mr. Chairman, we are shipping——

Mr. TAWNEY. Is the gentleman confining himself to this subject——

Mr. GAINES of Tennessee. Why, of course.

Mr. TAWNEY (continuing). The custom-house at San Francisco?

Mr. GAINES of Tennessee. We are going to build it with structural material, and that is what I am talking about. The gentleman does not want to shut me off?

Mr. TAWNEY. I do not know that I do. I do not think it is possible to do so.

Mr. GAINES of Tennessee. The man never lived in this world, and will never live, who can shut my mouth in my efforts to free the American people from the robber tariff and

tariff trusts. [Laughter and applause.] Now, sir, I was born in dear old Tennessee, not very far from the sacred tomb of Andrew Jackson, who approved the very kind of a bill that I have introduced in this House to aid these sufferers. [Applause.]

Mr. Chairman, this is not all. In looking over the press reports I have here I find that there were about eighty churches that have been demolished in San Francisco; and, my heavens, you will not reduce the tariff to aid in rebuilding God's churches, and yet the platform of the Republican party is: "In the beginning the Republican party created the heavens and the earth." You will not take care of your own—if it costs you anything. You will not lift the robber tariff even from the mudsills that are to hold up God's church back in the land of flowers and gold, though you worship the golden calf. [Laughter and applause.]

Why, Mr. Chairman, we are selling and delivering material in England for the purpose of fencing in or out "rabbits." That is a fact—the press states. You are selling it there cheaper to fence in or out "rabbits" than you do to protect the Republicans and the Democrats, their wives, their daughters, their sons, their homes, and houses. Ah, Mr. Chairman, we passed a law, similar to the Andrew Jackson statute, for the benefit of railroad building in the Philippine Islands. Yes; you cheapen railroad material to build railroads for the yellow-bellied Filipinos; yet, Mr. Chairman, when it comes to the restoration of the homes of the exalted and the poor and of God's churches, in grief-stricken California the Republican party "stands pat."

Unfortunately, Mr. Chairman, the delegation, so far as I know, from that great and glorious old State, that is peopled largely by sons from Tennessee, that State that was annexed to this country by a Tennessee President, sent able Representatives here to "stand pat." I have heard no speeches from them in this House so far, when their homes and firesides, in a Republican State, with a Republican constituency, are seized in the jaws of a local monopoly in connection with the ungodly steel trust, which is punishing the American people everywhere by monopolistic and oppressive prices.

Ah, Mr. Chairman, I had sincerely hoped, that I would not have cause to be called to speak thus to-day, but I do so because the people of Tennessee love Californians and justice is being denied her people. Californians took care of the immortal First Tennessee Regiment when they went to the Philippine Islands, and when they returned, and that good old woman, Mrs. Townsend, now dead and gone, spent fifteen or twenty thousand dollars of her money to take care of them when they were hungry, weary, and worn, away from home. We love the Californians, and if the great lawmakers from that State in this House and in the nation do not want to crush the steel trust, the lumber trust, the cement trust, and every other sort of an outlaw that wants to oppress these people, there will always be found one from Tennessee who will not put party above home, put party above constituency, put party, Mr. Chairman, on top of a bleeding, oppressed, and defenseless people who are crying for bread and you give them a stone. [Loud applause.]

The Clerk read as follows:

Sherman, Tex., post-office and court-house: For continuation of building under present limit, $40,000.

Mr. BRUNDIDGE. Mr. Chairman——

Mr. TAWNEY. On yesterday the gentleman from Arkansas stated that he desired thirty minutes of time on a certain provision of this bill. At that time I informed him that when we were in Committee of the Whole if he desired that time I would consent that he should have it. I am informed that it is necessary for him to leave, and I ask unanimous consent that he may proceed for thirty minutes at this time if he desires it.

The CHAIRMAN. The gentleman from Minnesota asks that the gentleman from Arkansas may be permitted to proceed for thirty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BRUNDIDGE. Mr. Chairman, during the time allotted to me in which to discuss this bill I wish to confine myself to the discussion of one single item in it. That item will be found on page 94, where provision is made for the appropriation of $25,000 to defray the traveling expenses of the President for the next fiscal year, together with his invited guests.

My objections to this item are several. In the first place, I object to it because it is an indirect attempt to raise the salary of the President of the United States. If the present salary of the Chief Executive of this Government is inadequate, if it is insufficient, then I undoubtedly would favor a proper increase in that salary, but it ought to be done openly and frankly by an act of Congress, passed through this House, that would apply not only to the present President of the United States, but to all future Executives as well. This appropriation, if made, comes in contravention of existing law. It applies to the present Executive alone. It may not apply to the next. It may never apply to any other. It is the manner in which this salary is sought to be raised that first challenges my objection. I do not believe that Congress ought to be asked to do that indirectly which it has not the manhood and courage to do directly, openly, and aboveboard, and for that reason, Mr. Chairman, in the first place, I am opposed to this item in the bill, and hope the same will be stricken out.

Then, again, I say to the House frankly that I am aware of no duty devolving upon the Chief Executive, I am aware of not a single official act that the President of the United States has to perform the performance of which calls him beyond the seat of government or requires any travel whatever on his part. I do not believe that this appropriation ought to be made for the purpose of saying to the President of the United States that it is the opinion and judgment of Congress that you ought to absent yourself from the seat of government as much as possible and encourage trip after trip to be taken, when his services possibly are needed here in Washington at the seat of government to look after governmental affairs and to properly discharge the duties of his office, and for this additional reason I am opposed to it.

Again, it is a new departure. No Congress has ever yet appropriated money from the public Treasury to pay the traveling expenses of the Chief Executive, nor have they ever thought of doing such a thing, and, in my candid judgment, the suggestion for this new departure comes from the Chief Executive or the White House, either directly or indirectly. Mr. Chairman, for that reason I am strongly opposed to the appropriation. I believe if necessity for legislation exists, which the President of the United States sees and recognizes, he should send his message to the entire Congress, pointing out the necessity of the legislation and the wisdom of the same, and not by making suggestions to a few Members of this House or a few members of the Senate, by sending for a few favored pets from the House or Senate and carrying them through the back room of the White House into some secret chamber, there to formulate and shape national legislation, such as the President may desire enacted or defeat such as he may be opposed to.

Mr. Chairman, the country has recently witnessed at least one striking instance of the evil effects of this character of legislation attempted upon the part of the President of the United States. I refer to the pending railroad rate bill, the history of which is entirely familiar to the country. I hope that the time will speedily come when no President of the United States will dare to speak to a Member of Congress or a United States Senator in secret or private about what kind of legislation he thinks this body should enact. Let his messages come in an open and frank manner; let them come to the whole American Congress, and through them to the American people, for by no other way and no other means can this Government be maintained upon the principles and policies upon which it was originally established by our forefathers, and upon which every patriotic citizen desires it should remain forever. Then, again, we can not separate ourselves from the fact, we can not blind ourselves to the truth, that the majority of the trips taken by Presidents over the country have not been wholly devoid of political significance. I see no good nor valid reason why Congress should appropriate money to defray the campaign expenses of the President of the United States, and if we are going to do so then why not pay the expenses of every other man who may be running for office? This is a new departure also, the hurtful effects of which will sooner or later dawn upon every man in this House, regardless of his political convictions. It may be well to look and see what this bill really carries for the support of the President and the Executive Mansion of this Government. It is true his salary is only $50,000, but of the sum total this is an insignificant amount. The legislative bill passed by this House carries the following appropriations:

For the President's salary, $50,000; for a secretary to the President and other employees in the Executive Office, $66,340; for contingent expenses to the President, $20,000.

The amounts carried in this bill in addition to those I have just mentioned are as follows:

Ordinary care of the Executive Mansion, $35,000; extraordinary repairs of the Executive Mansion, $35,000.

It is a little singular, Mr. Chairman—in fact, to the ordinary citizen it would be considered almost strange—that the amount required for the ordinary repairs and the amount required for the extraordinary repairs were alike this year—$35,000—exactly the same to the fraction of a cent. And yet that is the amount appropriated.

For fuel to the Executive Mansion, $6,000; care of the conservatory and greenhouse, $9,000; repairs to the greenhouse, $3,000; improvements and maintenance of the Executive Mansion, $4,000; traveling expenses of the President, $25,000.

Making the sum total of $253,340 that will be appropriated by this Congress to maintain the President and the Executive Mansion of this Government if this bill is enacted into law.

Mr. Chairman, in view of the fact that the sum of $253,340 is asked to be appropriated by this Congress to support the President and maintain the Executive Mansion, a comparison of these items with the expenses for the same purpose in former years may not be wholly uninteresting to the Members of this House. Let us take, for instance, 1901, the last year of President McKinley's Administration. Compare these items with the appropriations for that year. The salary, of course, was the same—$50,000—but for a private secretary and other employees of the Executive Mansion he was allowed $48,500, as against $66,340 in the present bill. For contingent expenses President McKinley, in 1901, was given by Congress $12,000, as against $20,000 carried by the present bill. For care of the White House and refurnishing of the same, Congress appropriated $20,000, against $35,000 in the present bill. For extraordinary repairs, nothing was given; for fuel to the Executive Mansion, $3,000 was appropriated, or one-half the sum that is carried in the present bill. That may be accounted for, Mr. Chairman, and doubtless can be, by the assurance, which we all feel, that under the present management of the White House they are running under a double head of steam just now, and require twice as much fuel as they have ever required before. [Laughter on the Democratic side.]

For care of the conservatory and greenhouses, $2,000 was allotted to President McKinley, as against $9,000 carried by the present bill. Thus it will be seen that, all told, the expenses of the President and the White House for 1901, the last year of President McKinley's Administration, amounted to $147,000, or $106,000 less than the items carried in this bill as the expenses of the present occupant of the White House.

But, Mr. Chairman, let us make one other comparison. Turn, if you please, to 1897, the last year of Grover Cleveland's occupancy of the White House as President of this country, and compare the expenses of that year, and we find: For the President's salary, $50,000; for secretary to the President and employees of the Executive Mansion, $35,200; for contingent expenses, $8,000; for ordinary care and refurnishing of the Executive Mansion, $20,000; fuel for the Executive Mansion, $3,000; care of conservatory and greenhouses, $2,000; traveling expenses of the President, nothing; repairs to greenhouses, $1,000; improvements of Executive Mansion and grounds, $13,000, making the sum total of $135,200, a difference of $118,140 in favor of the Administration of Grover Cleveland. The expenses of the President and the White House were that much less than this House is to-day asked to appropriate to maintain the present occupant. This is not to be wondered at, nor is it in the least surprising, for I recall no instance where a comparison has ever been made between the public money expended by a Democratic Administration and that of a Republican one, but what the advantage always has been, and always will be, found to be in favor of the Democrats. [Applause on the Democratic side.]

I shall here attach a statement giving the expenditures in detail for the different years:

	1897.[a]	1901.[b]	1906.[c]
President's salary	$50,000	$50,000	$50,000
Secretary and other employees in Executive Office	35,200	48,500	66,340
Contingent expenses	8,000	12,000	20,000
Ordinary care and refurnishing Executive Mansion	20,000	20,000	35,000
Extraordinary repairs of Executive Mansion			35,000
Fuel for Executive Mansion	3,000	3,000	6,000
Care of conservatory and greenhouses	2,000	2,000	9,000
Repairs to greenhouses	4,000	5,000	3,000
Improvements and maintenance of Executive Grounds and Mansion	13,000	12,000	4,000
Traveling expenses of President and invited guests			25,000
Total	135,200	152,500	253,340

[a] Cleveland. [b] McKinley. [c] Roosevelt.

Mr. Chairman, this is not all. There is a belief, well founded and consistent, that the Army appropriation bill that recently passed this House carries with it an addition to the $253,340 here appropriated, which is to be used by the Chief Executive of this Government. What it is, how much it is, where it is, how it is appropriated, no man can obtain the direct and positive information; and yet the belief is so general and well founded that I find no man who will challenge the fact that it exists and is made year after year. I am forced to the conclusion that it would prove highly interesting to the country to know just what this is and what it is used for.

But this is not all. In addition to this, we appropriate for forty policemen, whose sole and only duty it is to guard the White House, the White House grounds, and the Chief Executive. This will add an expense of $40,000 per annum, bringing the grand total of expenditures that we are called upon to make to maintain the present Chief Executive and the White House up to more than $300,000 for this year, and how much more no mortal man can tell, though it must be considerable.

I am not prepared to say that forty policemen to guard the President and the White House are too many or too few. I confess I do not know. It seems to me, however, that it would be the part of wisdom and economy to station a section of the Army about that magnificent building to guard the present occupant and let at least some of these policemen devote their attention to protecting the innocent women and children of the city of Washington, who are being assaulted night after night.

But, Mr. Chairman, in this I may be entirely wrong, for I recall the fact that recently at the White House they made one very important, brave, and gallant arrest. By the aid of a negro these gentlemen succeeded in ejecting from the White House an inoffensive, quiet, peaceable American lady. They carried her out with force, like a criminal. They carried her out in a manner that has ever been and ever will remain an outrageous insult to the American people, American manhood, and American womanhood alike. [Applause on the Democratic side.] In my candid judgment, it was disgraceful in the extreme, and may the scene never be witnessed again—an innocent, nonoffending woman, whose only offense had been a desire to see the great chief of the United States, in the Executive Mansion of this Government, on purely a matter of business, thus treated. And, Mr. Chairman, when these gallant heroes and brave warriors had succeeded, with much danger, no doubt, to their personal safety and security, in expelling this defenseless character from this magnificent mansion, it seems to me that ordinary decency and ordinary propriety would have suggested that there the matter stop, at least in so far as they were concerned. Such was not the case, however, for we find this same set, this same lot of policemen, passing throughout the city of Washington, going into the different department stores, questioning employees. We find them writing letters into other cities and other States in order to discover and unearth some evidence of the fact that there was some stain or some blot on the character of this woman whom they had so unceremoniously and cowardly ejected from the White House of the Government. [Applause on the Democratic side.]

Mr. Chairman, this, in my judgment, was the greater crime of the two. It is repulsive to decency, to honor and integrity alike. But, Mr. Chairman, this is not all. If these forty gentlemen ought to be retained there and are necessary, I have no objection; but we learn that this gallant gentleman, the brave and fearless employee who gave the order that this lady should be thus arrested and ejected from the White House, finds his reward by being appointed by the Chief Executive of this Government to one of the highest offices in the gift of the President. He is made postmaster of the great city of Washington; and thus again we are confronted with the great truth that bravery has its own reward. [Laughter.] I do not know Barnes, and I do not want to know him; but, in my candid judgment, his appointment as postmaster of the great city of Washington is an insult but little less, if any, than the ejection of Mrs. Morris from the White House in the first instance, and the womanhood and manhood of Washington ought to rise up and with one acclaim protest against the outrage.

But we are told further, in addition to the $25,000 to defray the expenses of the President and his invited guests—and I suppose they will all be Republican spellbinders out to save the country in the coming campaign—in addition to that this committee was asked to incorporate an item of $50,000 to build a new stable for the present occupant of the White House in which to stable his high-stepping and magnificent steeds. It developed and was shown that he has, all told, five carriage horses and five saddle horses. His Secretary has four carriage horses, the Executive Mansion one carriage horse, making in all fifteen in number, to say nothing of those that the other employees have. Of this number we are told that while they keep the carriage horses in the present White House stables, it has been discovered that on account of its low location, on account of the dampness that arises early in the morning and settles late in the evening over that particular locality, that the present incumbent of the White House has discovered that it is entirely too unhealthy for him to keep his saddle horses in it,

and he stables them elsewhere. Just where he stables them, just what the Government pays for the stabling, nobody knows. Nobody has ever been able to ascertain, but let us hope, Mr. Chairman, that they are at least housed on some magnificent height in the city of Washington where the cool and refreshing air brings joy and health to those magnificent steppers, and that the surrounding scenery is the most sublime and magnificent, for they are the strenuous steeds of a most strenuous Executive. [Laughter.]

Just how much longer this tomfoolery is to be indulged in the average citizen of this country would like to know. The vicinity of the location of the present White House stables is found to be healthy enough for a large number of innocent women and children and honest men of this country to live in, and there they have lived day after day, month after month, and year after year without murmur or complaint; but the location is entirely too unhealthy for five of the President's saddle horses that he desires to stable in a more healthy locality, and asks Congress to appropriate $50,000 to build him a new stable. And we will do it—that is, our friends on the other side will do it. They may defer it this year, but, in my candid judgment, as certain as fate, next year you will find it in the appropriation bill, because this gentleman has got a way of having his own way, and our friends over there on the other side invariably yield.

Now, I suppose it is true, Mr. Chairman, that if this appropriation of $25,000 is made, some part of it may be used by the present incumbent of the White House in traveling to different parts of the United States and redelivering the celebrated lecture, two or three times already delivered, upon the subject of the muck rake. As for myself, and I believe also I may speak for a large portion of the people of this Government, we have heard already quite enough of this muck-rake nonsense and are disgusted with it. No wonder, in view of present appropriations and present expenditures—no wonder that the President should hold up to public ridicule magazines and newspapers of this country and public men and private citizens who dare to criticise. Mr. Chairman, I entertain the hope and the belief that the time will never come in the history of the politics of this Government when any man occupying a position of public trust and public office will rise so high and become so great that all, from the humblest citizen and most obscure newspaper to the largest and greatest, may not justly and properly criticise his official conduct and actions when criticism is needed, for herein lies our greatest safety. In my judgment, to make this appropriation is not only a departure, but it is unwise, un-American, and undemocratic. How any man occupying a seat upon this side of the Chamber, calling himself a Democrat, can vote for the enactment of this provision into law and for this expenditure of public money I confess, Mr. Chairman, I am unable to understand. I sought to place upon the files of this House my dissenting views from this appropriation. Although they were prepared and filed within less than two hours after the filing of the report by the chairman of this committee I was informed that I was too late, that I would have to obtain unanimous consent from the House or else my views could not be published.

I recall no other case, I recall no other instance, where any man who desired to file either a minority report or dissenting views—and filed them on the same day the majority report was made—where he was denied the right which justly belonged to him to have the same printed and printed along with the majority report. But it seems that some power unknown to me, some gentleman of high authority likewise unknown to me, has made the objection and that the public printing of the same was refused until I should obtain from this House unanimous consent. Mr. Chairman, at that time I respectfully declined and do yet to ask the House to give me the privilege to do what every other gentleman has always had the right to do without request, and what I believe I had the right to do, unanimous consent or no unanimous consent. It but emphasizes the fact that power in the hands of a small person, whoever he may be, is a dangerous thing indeed. How long this kind of thing is to continue, how far it is to reach I am unable to say. I am unable to predict. But I say to you, Mr. Chairman, that I read in the signs of the times and in the public press one hopeful indication. The people of the country are getting tired of the feeling of expectancy and excitement. They never know what is going to happen from one day to the other, and at last the so-called "business interests" of this country, and the conservative, liberty-loving manhood of this Government, are turning to William J. Bryan as the conservative, safe candidate for President of the United states in 1908. [Applause on the Democratic side.] I believe that it means a Democratic victory.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

San Francisco, Cal., custom-house: For continuation of building under present limit, $500,000.

Mr. WILLIAMS. Mr. Chairman, the clause just read, the appropriation for the San Francisco custom-house, as known to everybody, is being put in at this time partly, at any rate, for the purpose of helping those who have suffered by the earthquake and fire there. I want to make a few remarks concerning what has been partially discussed, as I am informed, in the House this morning by the gentleman from Tennessee [Mr. GAINES]. I had been appointed as one of the committee to attend the funeral of Senator GORMAN, and was not at the time in the Chamber. I see from a newspaper clipping, which the gentleman from Tennessee [Mr. GAINES] has shown to me, that there has been an effort made in San Francisco to throw the blame of what lack of energy there has been in the House in relation to the drawback bill for the relief of San Francisco upon the minority and its so-called "obstructive tactics." I notice from this extract that somebody reports from here that the reason why the Republican party does not pass the bill which was intended to give a rebate of duties upon building material brought for the purpose of rebuilding San Francisco, as was done in the case of Portland and Chicago, was because there would be obstruction upon the Democratic side. I want now to say what the House already knows and what probably the country has not noticed, that even when I was denying unanimous consent for any sort of legislation, I always made an exception of the appeals for the relief of San Francisco upon the ground that that was a totally exceptional thing of an emergency character, something that must be done at once. It is untrue, Mr. Chairman, that either I, or this side, have ever been disposed to delay in the slightest degree any legislation for the benefit of these people. We were ready and we are ready now to vote at any time that the Republican Committee on Ways and Means will bring the bill to the House, and I am ready upon the committee to vote for a bill giving a rebate of duties on importations of materials brought into this country for rebuilding San Francisco.

I want to call the attention of the House to the fact that this is no new legislation. It was done in the case of Boston and it was done in the case of Chicago; but when Baltimore, a southern city, burned down, I introduced a bill asking that the same measure of relief be accorded to Baltimore. That was voted down in the committee and was never permitted to be reported to this House—for what good reason I was ever, and am now, unable to ascertain. Why Boston and Chicago should be put upon one footing and Baltimore upon another I have not yet learned——

Mr. KAHN. Will the gentleman yield for a question?

Mr. WILLIAMS. But notwithstanding that fact, I am ready now to forget what has been denied Baltimore, to "return good for evil," and do for San Francisco what gentlemen would not do for Baltimore. Now I yield to the gentleman.

Mr. KAHN. The gentleman certainly does not mean to state to the House that relief was given to Boston?

Mr. WILLIAMS. Why, I have always understood that to be true.

Mr. KAHN. That was not true; it was denied to Boston.

Mr. WILLIAMS. It was given to Chicago.

Mr. KAHN. And also to Portland, Me., in 1866.

Mr. WILLIAMS. And Portland, Me., in 1866. Mr. Chairman, I do not know whether my recollection is correct or whether that of the gentleman from California [Mr. KAHN] is correct. I have never looked up the act to find whether there was such an act, but I have always understood that like legislation was had for Boston; but whether it was or whether it was not, it was had for Chicago, it was had for Portland, and it was denied to Baltimore, although a bill was introduced and its passage was asked. Now, I do not know whether a bill was introduced for Boston or not. Now, Mr. Chairman, brick, cement, marble, glass—some of the ordinary window-glass bears by the way over 100 per cent tariff tax—lumber, nails, structural steel—all these that are now heavily tariff taxed, some, as I have said, over 100 per cent, are needed for the reconstruction of San Francisco, and I want the country to understand that the only obstruction in this House is the coterie of obstruction to everything else that touches the "System," as Tom Lawson would call it, the obstruction of stand-patism and the obstruction of stand-patters. [Applause on the Democratic side.] If gentlemen from California who represent the Republican party upon this floor are in earnest, let them prod up the members of the Republican party upon the Committee on Ways and Means. They will not have to

prod up the Democrats; we are ready for you now. [Applause on the Democratic side.]

Mr. Chairman, it is a curious thing. This House votes by unanimous consent millions of dollars out of the Treasury to aid the people of San Francisco with, perhaps, a doubtful right to do it, but everybody declined even to debate it. It was done; but when it comes to giving a small amount of money in the way of tariff-tax rebates gentlemen stand here and decline to do it. There must be a reason. It is not because of the amount of money. No; it is because they have a superstitious fear of touching the "System." You will give the money that has been paid into the Treasury, that belongs to the people, and you, perhaps, do right to give it, but when you come to take a dollar out of the pockets of the cohort of manufacturers who are protected by your system by permitting competition with them to give it to the sufferers you dare not do it. They are the men who mold your legislation. They are the men who get up your campaign fund. You will give millions of dollars of the people's money out of the Treasury, but when it comes to giving only hundreds of thousands of dollars in such a way that it might possibly be a diminution of the profits that go into the pockets of the manufacturers you do not make any serious effort to do it. You delay it; you refuse it. Why, some Republicans have become constitutional lawyers upon the question, as I understand. I understand it has been said that a drawback law of that sort would be unconstitutional; that it would violate the uniform-taxation clause of the Constitution of the United States. Mr. Chairman, there is no difference between giving money already collected and in the Treasury and giving money that might be collected that is not yet in the Treasury by passing a drawback law to return it after collection. And upon two occasions prior to this at least, and, as I still think, though possibly I may be mistaken, three occasions, you have made a precedent and no constitutional violation has been found by any court to exist. I did not know until a moment ago that anybody in the wide world dared to attempt to lay the blame of this delay or this nonfeasance, if there be blame attached, to the Democratic party or to me, but hereafter it will be certain that nobody will attempt it.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Mississippi yield to the gentleman from Ohio?

Mr. WILLIAMS. I do.

Mr. GROSVENOR. Has anybody who is in anywise connected with the Committee on Ways and Means made any intimation of that character, so far as you know?

Mr. WILLIAMS. No. That is the reason I had not heard of it until this morning, when this San Francisco paper was handed me with this matter, which appears to have been written here in Washington.

Mr. GROSVENOR. I think the members of that committee would very cheerfully join in giving a certificate of good moral character to all the Democratic members upon that particular question. [Laughter.]

Mr. WILLIAMS. Ah, Mr. Chairman! "Praise from Sir Hubert is praise, indeed!" I am glad the gentleman continues right and is not going to permit his partisanship to make him attempt to get party advantage out of a statement that would not be true.

Mr. GAINES of Tennessee. Will my friend allow me to make a suggestion here?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I move to strike out the last two words.

Mr. TAWNEY. This matter is entirely foreign to the subject of the bill. Now, I do not want to object to the gentleman from Tennessee or the gentleman from Mississippi. The gentleman has already consumed ten minutes. I will ask him if he can conclude his remarks in five minutes?

Mr. WILLIAMS. I do not care to occupy any further time, except to answer the question of the gentleman.

Mr. TAWNEY. I shall not object.

Mr. GAINES of Tennessee. I want to state that I have letters here from California stating, or going to show——

Mr. TAWNEY. That is the same statement you made some time ago——

Mr. GAINES of Tennessee (continuing). That that statement has gone out——

Mr. TAWNEY. That is the same statement that you made a while ago.

Mr. GAINES of Tennessee (continuing). By which they believed the Democrats here are blocking the passage of the California relief proposition. I have telegrams and letters here asking us to obliterate party lines and pass this measure, and the Democrats stand here ready to-day to do it; and we have not been blocking this proposition.

Mr. WILLIAMS. Am I recognized? Was there any objection?

The CHAIRMAN. If there be no objection, the gentleman from Mississippi will be recognized for five minutes. [After a pause.] The Chair hears none.

Mr. WILLIAMS. Now, one other thing that it may be well for me to add in this connection. Whether the country at large knows it or not, the Members of the House know and I want the country to know that there was one object, and one only, in what many people incorrectly called a filibuster that was operated on this side of the Chamber. In the first place, it was not a filibuster, because except upon the Lee bill, which stood on a different footing, there was no real filibuster. We merely resorted to our constitutional privilege under the rules to call for the yeas and nays, to refuse unanimous consent, and to have a quorum present. In doing that this House understood that our object was to coerce a report from the conference committee upon the statehood question. That report was finally—well, brought in. The report was made, and as soon as the report was made our object in pursuing that policy had been accomplished, and therefore we ceased to pursue the policy any further, and will not resume the policy unless it shall appear later on that the Speaker and the controlling element of this House is not going to permit the Members of the House of Representatives to have a vote upon the separate provisions of the conference report.

If it shall appear to the bitter end that this House is not to be permitted to express itself upon the several provisions of the statehood conference report; if it shall appear we are to be gagged by another rule, or if it shall appear that we are to be forced to swallow the conference report in gross, either to vote against it altogether or vote for it altogether, without an opportunity to amend it, without an opportunity being extended to the House to express its opinion upon the question whether or not Oklahoma and the Indian Territory should be admitted as one State, and Arizona and New Mexico left for the future to deal with, or else admitted separately; if that shall later appear, then we will resume the policy of demanding that every constitutional requirement shall be complied with before any legislation is carried on by this body until the Speaker's obstruction of the right of the House to handle itself shall cease. [Applause on the Democratic side.]

[From New York Sun of May 2, 1906.]

FEDERAL RELIEF OF CHICAGO AFTER THE FIRE.

The Chicago fire, in which 250 people lost their lives and 98,500 their homes, and property valued at $196,000,000 was destroyed, occurred on October 7, 8, and 9, 1871. On December 11, soon after Congress met, Representative H. C. Burchard, of Illinois, introduced a bill for the relief of sufferers by the fire, the wording of the bill passed by Congress for the relief of the people of Portland after the fire on July 4, 1866, being closely followed. In the Portland fire property valued at $10,000,000 was destroyed and one-fourth of the population lost their homes and were in want.

The Burchard bill was amended in the Senate, and as it passed that body it provided that "all goods, wares, and merchandise" sent "from places without the limits of the United States as gratuitous contributions" for the relief of Chicago should be admitted free of duty; that there should be a drawback of the import duties "on all materials imported to be and actually used in buildings erected on the site of buildings burned by said fire," provided that the materials should have been imported and used during the term of one year from and after the passage of the act; and that the collection of internal revenue taxes of sufferers by the fire who had resided, done business, or owned property in the burned district should be suspended "until after the close of the next regular session of Congress."

When the bill was returned to the House a stand was made by the lumber interests, and it was amended so as to provide that drawbacks should not be paid upon lumber imported for Chicago. The Senate accepted the amendment. A plausible argument for the exception of lumber from the operation of the law was made by Representative Omar D. Conger.

Mr. Thurman, of Ohio, declared that this argument was almost as old as the Constitution. "We have again and again," he said, "remitted duties on articles imported into the United States for specific purposes. I think we did remit duties upon all articles imported here for exhibition purposes at the national exposition." Mr. Sherman thought the bill might be a bad precedent, but he added: "It seems to me it does not come within the literal language of the Constitution. I regard it as simply a gratuity, a contribution by the people of the United States for the relief of the sufferers by fire at Chicago." Mr. Frelinghuysen, of New Jersey, saw no constitutional difficulty. "As I understand it," he said, "the Constitution requires that there shall be no unequal system of duties, that the system shall be uniform throughout the United States; not that Congress may not in a specific case, as a matter of charity, relieve the collection of duties. Surely Congress has just as good a right to omit to receive $1,000,000 or $500,000 of duties coming into the Treasury as to pay out that amount. It is a matter of charity, not affecting the Constitution, which requires that the general system shall be uniform throughout the nation."

Mr. KAHN. I move to strike out the last three words.

Mr. Chairman, the history of drawback legislation, so far as it relates to building material for the rehabilitation of com-

munities destroyed by fire, is exceedingly interesting. In 1866 the city of Portland, Me., was visited by a conflagration which consumed a great part of that city. The fire occurred on the 4th and 5th days of July of that year. When Congress convened in the following December a bill was promptly passed which allowed the citizens of that community to receive a drawback upon such building material as they should import for the reconstruction and the rehabilitation of their city. This drawback was to be allowed, I believe, for a period of one year from the 6th day of July, 1866. And I think the records show that only $22,000 was paid back to the people of that community in drawbacks. So that, after all, they did not derive any great advantage from the legislation. When the terrible catastrophe occurred in Chicago, in October, 1871, a bill of similar import was introduced in the Congress on the 5th of December, 1871. That bill finally passed and became a law on the 5th of April, 1872. By its terms the people of Chicago were to receive the benefits of the drawback for one year, except upon lumber. Lumber was especially excluded from the provisions of that bill, the reason being that at that time the great lumber tracts in Michigan had also been devastated by fire, and the lumbermen of that region were also in distress.

It was deemed unwise, in the face of their misfortune, to subject them to the harmful competition of Canadian lumbermen, and lumber was especially excepted from the Chicago relief bill. The entire amount of money that was repaid in the nature of drawbacks in the Chicago case amounted to $185,000. That was all the money that was given back in the nature of drawbacks during the entire year within which the law was in operation. And to secure that meager advantage, the Chicago bill was debated in this House and in the Senate off and on during the entire period from December 5, 1871, to March 29, 1872. Mr. Chairman, the debate upon the Chicago relief bill had scarcely passed into history when another fire devastated a great city of our Union. I refer to the city of Boston, Mass. The conflagration there occurred on the 9th and 10th of November, 1872. Again a bill was introduced in the Congress of the United States, having for its object the giving to the people of Boston the privileges of a drawback on building material to be used in the rebuilding of that historic old municipality. That bill passed the House of Representatives, but when it came up in the Senate serious objection was made. It was contended by lawyers of eminent distinction that the provisions of such a measure were decidedly unconstitutional. The question of constitutionality had not been raised in the cases of Portland and Chicago, or at any rate this was the first time that it was seriously considered. The bill was debated in that body for a number of hours, and finally, upon motion of Senator Thurman, of Ohio, the entire question was referred to the Committee on the Judiciary of the Senate.

In making the motion to refer, the distinguished Senator from Ohio—and he was a great constitutional lawyer—said:

Mr. President, this bill is one on which there is some danger of the heart running away with the head, and that may be said of all such bills. * * * I am quite sure that every Senator is disposed to exercise any constitutional power we possess to afford relief to the people of Boston. But there is a fundamental rule in regard to the Constitution, and that is, that where a power is doubtful the legislature ought to abstain from attempting the exercise of it. * * * Now, for one, I wish more light than I have upon this subject. Other Senators may have considered this question so fully that their minds are made up on the constitutional point. I confess that mine is not; and I should be very glad, therefore, before another precedent of this kind is set, that this subject should receive careful judicial consideration. Fires occur, calamities occur every year in the country, and as the settlements extend they will be more numerous. It will be very difficult to draw any line of distinction between a calamity by fire or by a tornado or by an earthquake or by a great flood. I do not see how any distinction can be drawn; and if Congress is to intervene with relief in every case in which any community, however large or however small, in the great extent of territory belonging to the United States shall be a sufferer, I do not know where will be the end of our benevolence, the example being once fully set. * * * Now, it does seem to me that before any more precedents are built up on this subject this matter should receive a careful legal consideration, and I hope, therefore, that the Senators who favor this bill will consent to the motion I am about to submit, and that is that the bill be referred to the Committee on the Judiciary for report.

Mr. Chairman, I do not think the gentleman from Mississippi [Mr. WILLIAMS] or the gentleman from Tennessee [Mr. GAINES] will question the ability or the Democracy of Senator Thurman. He himself was a member of that great committee to which the bill was thereupon referred. The full personnel of the committee was as follows: Senators George F. Edmunds, of Vermont; Roscoe Conkling, of New York; Matthew H. Carpenter, of Wisconsin; Frederick T. Frelinghuysen, of New Jersey; John Pool, of North Carolina; George G. Wright, of Iowa, and Allen G. Thurman, of Ohio. It was a committee of remarkably able men. True, two opinions upon this measure were subsequently filed in the Senate from that committee—a majority and a minority report. The majority report held that the bill in question was unquestionably unconstitutional; and as Senator Thurman did not sign the minority report, it is reasonable to suppose that his views were entirely in accord with the majority, which majority, as I have just stated, contended that such legislation was absolutely unconstitutional.

The two Senators from California at that time, one of them being a Democrat and the other a Republican, both voted to refer the matter to the Judiciary Committee. Let us see what Senator Casserly, the Democratic Senator from that State, had to say upon that occasion. I quote from his speech in the Senate, delivered on December 13, 1872. He said:

Being on my feet, I shall say a word or two as to the vote which I shall give on the pending motion of the Senator from Ohio [Mr. Thurman] to commit this bill to the Judiciary Committee.

I shall vote for the motion. I think it very desirable that in the obvious conflict of views which exists in this body among some of the ablest and most experienced Senators we should have the aid of the Judiciary Committee on arriving at a proper conclusion upon this bill. For myself, I ought to say in candor that I see no way of avoiding the constitutional objection which has been urged here, first, I believe, by the Senator from Wisconsin [Mr. Carpenter], and afterwards sustained by other Senators on each side of the Chamber.

The Senator from Massachusetts [Mr. Sumner] argued with great earnestness and much force of illustration that the bill is not a bill in conflict with the provisions of the Constitution; first, that all duties shall be uniform; and, next, that Congress shall give no preference by any regulation of revenue or commerce to the ports of one State over the ports of any other. I can not agree with him. * * *

The Senator from Massachusetts [Mr. Wilson] seeks to avoid the constitutional objection by striking out of his bill the name of the port of Boston. I apprehend this will hardly reach the difficulty. True, it does, in terms, make the bill a general bill entitling all articles to a drawback wherever imported if they are to be used, and are in fact used, in the construction of buildings upon the site of buildings burned in the fire of Boston. The effect remains the same, however. You still, in effect, give a preference to the port of Boston. The articles are to be used there to be entitled to a drawback. Of course no one will think of importing them at any other port. Boston will still have the preference forbidden by the Constitution. This will be extremely plain if you consider the bill as though it provided that the articles were to be sold in Boston—which is really the effect of it—and on that ground were entitled to a drawback. Could the constitutionality of such a bill be maintained? Why not? Because the import business would all go to that port in preference to ports in any other State. That would be the practical effect of such an act.

Mr. Chairman, Mr. Casserly was one of the great lawyers of the State of California. He was also an ardent Democrat. He held the bill in question to be unconstitutional, and, as I have already remarked, he voted to send it to the Committee on the Judiciary.

But there was no effort made at that time to consider the question in a narrow, partisan light, as is being attempted here. Let us recapitulate the vote upon the motion of the Senator from Ohio (Mr. Thurman) to refer the bill to the Committee on the Judiciary.

The vote stood as follows:

YEAS.—Messrs. Alcorn, Ames, Bayard, Buckingham, Cameron, Carpenter, Casserly, Chandler, Clayton, Cole, Conkling, Cooper, Corbett, Davis, Ferry of Connecticut, Frelinghuysen, Gilbert, Goldthwaite, Hamilton of Maryland, Harlan, Hitchcock, Howe, Johnston, Kelly, Machen, Morrill of Vermont, Morton, Norwood, Osborn, Pratt, Saulsbury, Stevenson, Tipton, West, and Windom—35.

NAYS.—Messrs. Anthony, Brownlow, Cragin, Edmunds, Fenton, Ferry of Michigan, Flanagan, Hamlin, Logan, Patterson, Pomeroy, Sumner, Trumbull, Vickers, and Wilson—15.

But the gentlemen on the other side of this Chamber will say, "Why, Senator Thurman is not recorded on this vote at all!" That is true. But the Senate was fully informed as to how he would have voted had he been present, for just prior to the roll call this announcement was made:

Mr. MORRILL of Maine. On this question I am paired with the Senator from Ohio [Mr. Thurman]. If he were present he would vote "yea," and I should vote "nay."

Now, I desire to call the fact to the attention of the Members of this House that nearly all of the Democratic Senators who voted upon that motion voted in favor of committing the bill to the Committee on the Judiciary.

But, Mr. Chairman, in committing that matter to the Committee on the Judiciary in the Senate at that time, Senator Thurman stated that it was not done with the object of burying the bill. On the contrary, it was presumed that it was giving the bill into the hands of its friends, because five of the seven members of that committee had been in the Senate when the Chicago bill was under consideration, and five of those seven members had voted in favor of the Chicago bill on the first vote, although after the reconsideration there were three members of the committee who voted against it, so that it was reasonable to suppose that the Judiciary Committee at least was not unfriendly to the project.

The bill was committed on December 13, 1872, and on January 20, 1873, the Committee on the Judiciary, by Senator Carpenter, of Wisconsin, a man concerning whose great ability as a constitutional lawyer I presume there will be no difference of opinion upon this floor, filed in the Senate a report, known as "Report No. 311, Forty-second Congress, third session." In

that report Mr. Carpenter and four of his colleagues hold that the bill is altogether unconstitutional on two grounds: First, that it contravenes section 8 of Article I of the Constitution, which reads:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and to provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The committee held that in giving one community an advantage over another community in the shape of a drawback, it would be giving the community so favored an advantage never contemplated and expressly prohibited by the Constitution, in that it would prevent the law from being enforced uniformly throughout the United States.

Mr. WILLIAMS. May I ask the gentleman a question there?

Mr. KAHN. Yes.

Mr. WILLIAMS. Has there been any proposition to exempt from the payment of import duties goods imported into San Francisco? As I understand it, the proposition has been to collect the duties and then to pay the money back out of the Treasury.

Mr. KAHN. The bill in the Boston case is identical with this bill.

Mr. WILLIAMS. Yes; but in either case was there ever a proposition to relieve from the duty on imports the people of either Boston, Portland, Chicago, or San Francisco? If there had been, of course it would have been unconstitutional. Has not every bill contained a proposition, and does not the bill now for San Francisco contain a proposition, not to interfere with the levying or collection of the duties, but merely to pay back to the people there a sum of money fixed beforehand, to be equal to what they have paid?

Mr. KAHN. As I understand it——

Mr. WILLIAMS. And if that be true, what is the difference between that fact and the appropriating of $240,000, if it will amount to that?

Mr. KAHN. As I understand it, that very point was raised at the time the Boston bill was before the Senate; Senator Casserly, of California, argued it very fully, and it was held at that time——

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. KAHN. I decline to yield just now. It was held at that time that you can not do indirectly that which you can not do directly; which, of course, is a principle of law that the gentleman will not dispute.

Now, in addition to that section of the Constitution, the committee also held that the bill was unconstitutional in this, that it contravened section 9 of the same article, which reads:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

The Senate at that time held that that was good law, and the precedent established in the case of Boston has never since been changed—it has been constantly maintained ever since.

Mr. WILLIAMS. Did the Senate pass upon the matter, or was it simply that committee?

Mr. KAHN. That committee brought in this report on January 20, 1873, and the Senate never thereafter considered the bill. After this report was filed the bill was allowed to rest on the files of the Senate. It never went any further.

Once more, in the case of Baltimore, a similar measure was introduced in this House, as I understand it.

Mr. GAINES of Tennessee. Before the gentleman leaves the Boston matter, did not the Boston bill release from duty all imports brought in at Charlestown, Mass., and Boston, Mass.? That is not the bill that is pending, and no such bill has ever been introduced anywhere for the benefit of San Francisco.

Mr. KAHN. I do not know whether the Boston relief bill contained that provision or not.

Mr. GAINES of Tennessee. It did.

Mr. HUMPHREYS of Mississippi. Was that report from the Senate committee unanimous?

Mr. GAINES of Tennessee. The Boston bill refers specifically to Charlestown Harbor and Boston Harbor. Now, we do not mention any harbor at all in this bill.

Mr. KAHN. As far as that goes, the committee passing upon the question at that time considered the very proposition of the gentleman from Tennessee, and held that it was unconstitutional. I commend him to the report of the debates in the Senate at that time, and also to a reading of the committee report. They will prove instructive to him.

Mr. GAINES of Tennessee. Was there not a dissenting report in that case?

Mr. KAHN. There was.

Mr. GAINES of Tennessee. By whom? Judge Edmunds and Senator Wright, two of the greatest lawyers we have ever had.

Mr. KAHN. Yes; but five of the committee held that it was unconstitutional. And they were Senators Carpenter, Thurman, Conkling, Frelinghuysen, and Pool. The gentleman from Tennessee will not deny that they also were among the greatest lawyers we have ever had. In the case of Baltimore no action was taken, it having been held that the Congress had established a precedent in the case of Boston. That precedent had not been deviated from for twenty years, and it was deemed not advisable to raise this constitutional question again. Therefore it was decided that nothing should be done, and nothing was done, and Baltimore never received any relief. And although many other cities have been stricken in various ways since the Boston case, the precedent established at that time has never since been departed from.

Immediately after the catastrophe that befell San Francisco on the 18th of last April I went to that city, and on my return here I found that a number of bills had been introduced granting drawbacks on building material to be used in San Francisco; and a number of its citizens wrote to me in regard to the matter. I made inquiries among my colleagues, and I soon learned that it was impossible to pass such a bill. I have learned, furthermore, through letters recently received by me, that one year's relief in San Francisco would be practically of no benefit to the people there. The catastrophe was so great, was so appalling, that a relief bill of this kind would practically afford no relief at all, because modern buildings are built largely of structural steel, and it takes almost a year to put up a single building of that character; and unless a bill could be passed exempting building materials from duty for three years, it would probably be of no use at all to the people of San Francisco. But aside from that, the members of the California delegation, individual members of that delegation, have been assured that the steel manufacturing companies of this country would give preference to orders from San Francisco over all others; that there would be no attempt made to raise the price of structural steel to be used by the people of San Francisco in the rehabilitation of their city. Again, take the case of cement. I have had a letter within the last three days on the subject, and I say to the gentleman from Tennessee that the only cement that has been increased in price at San Francisco is the foreign, imported cement. The cement which is manufactured in California is purchased there to-day at the same price it was sold for before the fire.

Mr. GAINES of Tennessee. Secretary Taft states that all cement from foreign countries is cheaper than the American cement, and he is trying to get the Government to make cement for the Panama Canal on the Isthmus in order to avoid the cement trust of this country, which the gentleman wants to turn San Francisco over to.

Mr. KAHN. I am not speaking about cement here; I am speaking about cement in San Francisco, and the cement manufacturers of California do not belong to any trust. I desire to inform the gentleman and Members of this House that the cement-manufacturing companies in the State of California are selling cement as cheaply to-day as they were selling it before the catastrophe that occurred in that State. The only cement that has enhanced in price there is the foreign imported cement. The cement-manufacturing companies of California do not propose to raise the price of their manufacture. They have given assurances to that effect, and I do not think that we need have any fear on that ground.

Mr. WILLIAMS. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. WILLIAMS. The gentleman has said that they had given assurances. Of what character are these assurances—anything that would financially hold them?

Mr. KAHN. I do not think the gentlemen who are interested in the manufacture of cement in California could make such assurances and then go back on them and continue to live in California. [Laughter and applause.]

Mr. WILLIAMS. I do not know whether they could live in California, but if the gentleman will pardon me it is ordinarily a trick of trade to keep reasonable until Congress adjourns when Congress could interfere with the exploitation of those people. I know nothing about the cement people of California; they may be the best people in the world; but the ordinary rule of business men in America is, I am sorry to say, to get as much as they can for any product, and the demand for cement will be enormously increased.

Mr. KAHN. I only want to say in reply to that that if any effort were made to increase the price beyond what it is to-day, and beyond what it is in other sections of the country, it will be only a matter of four or five months when Congress will reconvene, and I think I can safely say that the Republican majority on this floor would not consent to allow San Francisco to be mulcted in the price of cement or any other commodity

that enters into the construction of her buildings. [Applause.]

Now, I want to say, in conclusion, there is no need to hold out false promises to the people of California. The California delegation in this House has discussed this matter repeatedly. They are not chasing rainbows. They are making an earnest, serious effort to accomplish results for their stricken communities. They saw no chance for the passage of such a bill at this session, and so they wisely determined to concentrate their efforts in the direction of legislation that held out the promise of success. The people of San Francisco want to commence rebuilding the magnificent city by the Golden Gate; they want to reestablish and maintain her in her proud position as the Queen of the Pacific; the delegation from California in this House, learning of the constitutional objections that were being raised against a drawback bill, concluded that it were best to notify our citizens that such legislation is impossible. And, Mr. Chairman, the failure of the passage of this bill will not delay the rehabilitation of San Francisco; it will not retard her growth; for her citizens, undismayed and undaunted, will build a more substantial, a more beautiful, a more magnificent San Francisco than the old. [Loud applause.]

Mr. TAWNEY. Mr. Chairman, I understand the gentleman from Ohio [Mr. GROSVENOR] wishes to reply to the remarks made by the gentleman from Arkansas [Mr. BRUNDIDGE], respecting the item in the bill paying $25,000 for traveling expenses of the President.

Mr. GROSVENOR. That is the idea, along that line.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that I may be allowed to insert as a part of my remarks the report made in the Senate of the United States on January 20, 1873.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert as a part of his remarks the report referred to.

Mr. WILLIAMS. Mr. Chairman, reserving the right to object, I shall have no objection if the gentleman will put in at the same time the dissenting opinion by Senator Edmunds.

Mr. KAHN. I intended that in my original request.

The reports above referred to are as follows:

[Senate Report No. 311, Forty-second Congress, third session,]

IN THE SENATE OF THE UNITED STATES, *January 20, 1873.*

Mr Carpenter submitted the following report to accompany bill H. R. 2993.

The Committee on the Judiciary, to whom was referred the bill (H. R. 2993) entitled "An act for the relief of the sufferers by fire in Boston," which act is as follows:

"*Be it enacted, etc.*, That there shall be allowed and paid, under such regulations as the Secretary of the Treasury shall prescribe, on all materials, except lumber, imported into the port and district of Boston and Charlestown, to be used, and actually used, in the construction and completion of buildings erected on the site of buildings burned by the fire of November 9 and 10, 1872, a drawback of the import duties paid on the same; and such drawback shall be allowed on such goods so imported and so used as shall be in warehouse on the day this act goes into effect: *Provided*, That said materials shall have been imported and used during the term of one year from and after the passage of this act"—

respectfully submit the following report:

Your committee understand that this bill was referred to obtain their opinion in regard to its constitutionality; therefore only that question will be considered.

Whether the bill be constitutional or not depends upon the construction to be given to those provisions of the Constitution which relate to foreign commerce; and Boston, a great commercial metropolis, has an interest in the preservation of the integrity of the Constitution in this behalf far exceeding any benefit which might be derived by its citizens from the provisions of this bill.

The Constitution should be so construed as to give effect to the intention of its framers as evidenced by its language; and where its language is doubtful that intention may be ascertained by consulting the circumstances under which the Constitution was adopted, the evils which were found to exist under the previous confederation of States, and the objects intended to be secured by the "more perfect union" which the Constitution was designed to establish. It is well known that the interests of commerce formed one of the principal motives for adopting the Constitution. Thirteen or thirty-seven independent States, with thirteen or thirty-seven variant tariffs and conflicting commercial systems, would be disastrous to the commercial interests of our people. To avoid this, and to consolidate the States into one nation for the purposes of trade and commerce, was a great inducement to the adoption of the Constitution. And of all the ends secured by that instrument none is more prominent and none is guarded with greater solicitude than this, that all the States shall enjoy equal privileges of commerce. The Constitution protects inland States against exactions of States on the seaboard, and every seaboard State is protected against combinations of several States. Article I, section 8, provides:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

That is, all that may be done by Congress, in the way of providing by taxes and duties for paying the debts and providing for the common defense and general welfare of the United States, is subject to this limitation and qualification that "all duties, imposts, and excises shall be uniform throughout the United States."

To provide for the common defense and general welfare comprehends the whole duty of a national government, and if not even to secure this is it permitted by the Constitution to violate this rule of uniformity, it is clear that it may not be violated for temporary objects or to accomplish local purposes.

The Supreme Court of the United States, by Marshall, Chief Justice, has declared that the phrase "'throughout the United States' includes the District of Columbia and every spot and place subject to the jurisdiction of the United States."

Section 9 of the same article provides:

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

These provisions of the Constitution secure to every State all the advantages and subject it to all the burthens in regard to commercial regulations enjoyed and borne by other States of the Union. Speaking of the provision which requires uniformity in laying duties, Story (Comm. Const., section 957) says:

"It was to cut off all undue preferences of one State over another, in the regulation of subjects affecting their common interests. Unless duties, imposts, and excises were uniform, the grossest and most oppressive inequalities, vitally affecting the pursuits and employment of the people of different States, might exist. The agriculture, commerce, or manufactures of one State might be built up on the ruins of those of another; and a combination of a few States in Congress might secure a monopoly of certain branches of trade and business to themselves, to the injury, if not to the destruction, of their less-favored neighbors. The Constitution, throughout all its provisions, is an instrument of checks and restraints, as well as of powers. It does not rely on confidence in the General Government to preserve the interests of all the States. It is founded in a wholesome and strenuous jealousy, which, foreseeing the possibility of mischief, guards with solicitude against any exercise of power which may endanger the States, as far as it is practicable. If this provision as to uniformity of duties had been omitted, although the power might never have been abused to the injury of the feebler States of the Union (a presumption which history does not justify us in deeming quite safe or certain), yet it would of itself have been sufficient to demolish, in a practical sense, the value of most of the other restrictive clauses in the Constitution. New York and Pennsylvania might, by an easy combination with the Southern States, have destroyed the whole navigation of New England. A combination of a different character between the New England and the Western States might have borne down the agriculture of the South, and a combination of a yet different character might have struck at the vital interests of manufactures."

A construction of the Constitution which defeats its acknowledged purpose is a perversion of the Constitution; and any bill which would accomplish what the Constitution intended to prohibit is unconstitutional. The cunning with which a particular bill may be framed to avoid conflict with the Constitution, in language, will not rescue it from objection if the end it would accomplish be one which the Constitution forbids. This rule of constitutional construction has often been declared by the Supreme Court. In Bronson *v.* Kinsie, (1 How., 311), the Supreme Court, by Taney, C. J., in construing that provision of the Constitution which declares that no State shall impair the obligation of a contract, say:

"Whatever belongs merely to the remedy may be altered according to the will of the State, provided the alteration does not impair the obligation of the contract. *But if that effect is produced*, it is immaterial whether it is done by acting on the remedy, or directly upon the contract itself. *In either case it is prohibited by the Constitution.*"

And again they say:

"And no one, we presume, would say that there is any substantial difference between a retrospective law declaring a particular contract or class of contracts to be abrogated and void, and one which took away all remedy to enforce them, or encumbered it with conditions *that render it useless or impracticable to pursue it.*"

The same principle is declared in Green *v.* Biddle (3 Wheat., 1), McCracken *v.* Hayward (2 How., 608), and in the Passenger cases (7 How., 283). Indeed, the principle is so obvious that it stands in no need of support by authority.

It is evident that a bill providing that imported articles shall pay a certain duty, but that the importer, on making proof to the satisfaction of the Secretary of the Treasury that he has paid the duties, shall receive from the Treasury an amount equal to the duties paid, is equivalent to declaring that such articles shall be admitted free of duty. The constitution of several of the States declares that the rule of taxation shall be uniform; that is, that taxation shall bear equally upon all persons in proportion to the taxable property they possess. Therefore, a law which should declare that a certain class of persons—for instance, all lawyers, all physicians, or all merchants—should *pay* taxes, but on *proof* of payment should be entitled to receive from the Treasury an amount equal to the amount of taxes paid by them, would be a palpable evasion of the Constitution, and such act would be void. A payment made under an existing provision of law that the amount paid shall be immediately refunded is not a payment in any proper sense. Duties paid under such a provision of law are not paid at all. A debtor who passes money to his creditor with the right hand and takes it back with the left makes no payment.

Bearing these views in mind, let us consider this bill. It provides that there shall be allowed and paid, upon all materials imported into the ports and district of Boston and Charlestown, to be used, and actually used, in the construction and completion of buildings erected on the site of buildings burned by the fire of November 9 and 10, 1872, a drawback of the import duties paid on the same, provided that said materials shall have been imported and used during the term of one year from and after the passage of the act. The fire "of November 9 and 10, 1872," means not all fires which occurred in the United States on those days, but the fire which on those days occurred in Boston. If this bill be constitutional for one year, it would be for ten years or for all time. The question, therefore, is whether Congress can provide that certain articles imported at the port of Boston and used in that city shall be free of duty, while the same articles imported at the port of New York and used in that city, or imported at any other port of the United States and used in any part of the United States, shall pay a prescribed duty. In other words, the question is whether such a law imposes uniform duties throughout the United States and gives no preference to the port of Boston over the ports of other States. Of all questions submitted for discussion, one to which the answer is self-evident is the most difficult to deal with. And your committee are at a loss to determine what argument can make the conflict between this bill and the Constitution more evident than appears upon their face.

In the first place, the Constitution declares—

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

If the bill under consideration shall become a law it will be a part of the commercial system of the United States, and it will then, in effect, be provided that all building materials imported into the United States, and used in the city of Boston, shall pay a certain duty; provided, how-

ever, that if such articles shall be imported at the port of Boston, and used in that city, they shall be free of duty. The Constitution, in providing that no preference shall be given to the ports of one State over those of another, means, of course, that no regulation of commerce or revenue shall be made which shall render it more advantageous to the importer to enter his goods at one port than at another. If this bill shall become a law a merchant in Boston, wishing to rebuild his store in the burnt district, can import his materials duty-free at the port of Boston; but if he enters such materials at the port of New York, and conveys them by rail to Boston, he must pay a prescribed duty. If it can be maintained that a regulation of commerce which declares that goods imported at a specified port shall pay no duty, but if imported elsewhere shall pay duty, does not make a preference in favor of the port of free entry, then this bill goes clear of that objection. If a statement of this proposition does not suggest its unsoundness, your committee despair of showing the unconstitutionality of this bill.

But as that part of the bill which gives preference to the ports of Boston and Charlestown might be stricken out in the Senate, your committee proceed to consider whether the bill would be constitutional should it be thus amended.

The other provision of the Constitution is that "All duties, imposts, and excises shall be uniform throughout the United States."

It is contended that if an article imported and entered at any port of the United States, but to be used for a certain purpose, be admitted free of duty, the rule of uniformity is not violated; and from this proposition it is argued that a law permitting building materials to be entered at any port of the United States free of duty, to be used in the city of Boston only, is constitutional. But it is believed by your committee that a slight examination of this conclusion will convince every one of its unsoundness.

Keeping in view the end which the Constitution intended to secure—that is, that all the States should be on an equal footing so far as duties, imposts, and excises are concerned—that the Constitution was intended to prevent the evil which would result to a particular State from the combination of other rival States, let us consider to what results the principle contended for leads.

If this bill be constitutional, then a similar bill in relation to any or all other imported articles would also be constitutional. If building materials, or other articles imported into the United States at any port, to be used in Boston, may be free of duty, then the provisions of the bill might be extended to articles to be used in the State of Massachusetts or all New England. And a law which should provide that all hides imported into the United States and manufactured into leather in New England, and all wool imported into the United States and manufactured into yarn or cloth in New England, should be exempted from duties otherwise imposed, would be constitutional. But what would be the practical result of such a law? Manifestly to give to New England the monopoly of woolen and leather manufacturers. It is contended that the rule of uniformity would not be violated by such a law, because a citizen of Wisconsin might import hides or wool at the port of Charleston, S. C., free of duty, provided he should transport the same to New England, and there manufacture them into leather or woolen cloth. But this is evidently sticking in the bark. Such a bill, if it conformed to the letter, would violate the spirit and defeat the purpose of the Constitution; for while the citizen of Wisconsin might enjoy the benefit of such a law by removing to New England, or conducting his business there, what would the State of Wisconsin say to a commercial reputation which should compel her citizens to transfer their capital and business to New England, or offer them a premium or inducement to do so? Or, to turn the point of this argument against New England, suppose Congress should pass a law that raw materials imported into the United States and manufactured in any part of the Union except New England, should be free of duties imposed as to New England, would not such discriminating law utterly ruin that flourishing manufacturing section? Could the tanners and shoemakers of Lynn pay any duty which Congress might choose to impose upon them, and still compete with other sections of the country paying no duties whatever? This would be the precise evil which Story says is prevented by this provision of the Constitution. Without this provision, he says:

"The agriculture, commerce, or manufactures of one State might be built up upon the ruins of those of another, and a combination of a few States in Congress might secure a monopoly of certain branches of trade and business to themselves to the injury, if not to the destruction, of their less-favored neighbors."

Chicago and St. Louis are rival cities. Suppose a bill to be passed by Congress providing that all building materials imported into the United States, and actually used in St. Louis, should be admitted for twenty-five years, or an indefinite time, free of duties imposed by law upon all building materials used in Chicago. Would not such a bill make a discrimination in favor of St. Louis most injurious to Chicago? Suppose a bill to pass Congress providing that all building materials or raw materials imported into the United States, and used or manufactured in the State of Pennsylvania, should be free of duties imposed upon all such materials imported into the United States, and used or manufactured in the State of New York. Is it not evident that the effect of such a law would be to give Philadelphia great advantages over New York? Or suppose a law to provide that all merchandise imported into the United States, provided it should be sold by retail, or in broken packages, in the State of Pennsylvania, should be free of duties imposed in all other cases. Would not such law destroy the commercial interests of New York? Certainly it would, if the duties generally imposed by law were high enough to present an inducement to the importer to pass by the port of New York and enter his goods at the free port of Philadelphia. Indeed it is too evident to require further illustration that, if Congress may pass this bill, it may pass a bill which, by its onerous duties and capricious exemptions, would divert commerce from one State to another at pleasure. And this is the very thing the Constitution was intended to prevent.

Your committee do not doubt that an act which should provide that materials imported and used to replace buildings destroyed by fire in any part of the United States; or a bill which should provide that hides and wool imported and manufactured into leather or cloth in any part of the United States, should be admitted free of duty; or on proof that the duties had been paid, the importer should be entitled to an equal amount from the Treasury, would be constitutional; would be constitutional, because it would be uniform in its operation and effect throughout the United States, and would give no preference to one State over another, nor tend to build up the manufacturing or commercial interests of one State at the expense of another. But, in the opinion of your committee, it can not be maintained that a commercial regulation is uniform throughout the United States which requires the citizens of the several States to remove their capital and business to a particular State to enjoy its benefits. When we consider that the States which formed the Union were rivals and jealous of each other; that one great motive to the formation of the Union and the adoption of the Constitution was to secure to all the States equal privileges and advantages in commerce and manufactures, and that two provisions were inserted in the Constitution to secure this end, your committee can not hesitate to declare that Congress has no power to pass this bill.

But it is said that the precedents support the bill. To this it may be answered, that the Constitution is an abiding and continuing command; and that nineteen violations of it will not justify the twentieth. It may be that unimportant bills have been passed by Congress which violate the principles of the Constitution in this respect; but it is believed that in all such cases, except one which will be hereafter particularly mentioned, the bills have passed without serious opposition, and, therefore, without full consideration. Instances may be found where Congress has authorized certain articles to be imported for particular colleges or charitable institutions free of duty; but in such cases the articles have been specified in the act, and the duty, which would otherwise have been collectible, was trifling. And it is believed that in none of these cases has the constitutional objection been urged or considered. It is a principle declared by all the courts that although a certain point was involved in the record, and in effect concluded by judgment, it is not to be regarded as a precedent in other cases, unless raised by counsel or expressly passed upon in the opinion of the court. This reasonable maxim of jurisprudence applies with full force to the bills above alluded to. That Congress has *inadvertently* passed one or many bills which conflict with a plain provision of the Constitution can afford no justification for the passage of another such bill against which the objection is raised, and brought clearly to the consideration and pressed upon the conscience of Congress.

A bill similar to the one under consideration was passed in the case of the fire at Portland; but it seems to have passed without consideration, certainly without discussion. The objection that it was unconstitutional was not raised by either House. A like bill was passed in the case of the Chicago fire, at the last session. This objection was made in the Senate. The bill was reported by the Committee on Finance, but was not considered by the Committee on the Judiciary; and it is fair to presume that the sympathy of Senators for the sufferers in that unparalleled calamity contributed more to the passage of the bill than the deliberate judgment of the Senate upon the constitutional question.

The occurrence of the Boston fire has brought the matter again to the consideration of Congress, and this is the first time your committee have been directed to consider the constitutionality of such a bill. The importance of the subject, and the fact that a calamity by fire can not be distinguished from one produced by a flood, a hurricane, an earthquake, or any other visitation outside of the ordinary course of things, and the fact that if Congress attempts to insure against one it must against all, not only justifies but calls for a reconsideration of the subject, and makes it necessary to determine the principles to be applied in all such cases. If, in view of all these considerations, Congress shall pass this bill, it is not perceived by your committee upon what ground Congress could refuse relief to individual sufferers. How many buildings must be destroyed to justify the interference of Congress? Must there be a thousand, or five hundred, or one hundred, or fifty, or five? Where is the line to be drawn? Must not Congress become the great almoner of the nation—a great insurance company for 40,000,000 of people?

An attempt is made to justify this bill upon the ground that it is substantially a drawback of duties; and it is said that drawbacks are as ancient as duties. To this two answers may be made; first, a drawback, as understood by all the commercial world, is a rebate of duties upon articles imported into, and subsequently exported in unbroken packages from a country. This is not a case of drawbacks; the provisions of the bill relate to articles to be used—that is, consumed—in this country.

In the second place, under our Constitution, drawbacks must be as uniform as duties. A law which should provide that all goods imported into, and exported in unbroken packages from, the State of New York should have a drawback of duties, without providing for such drawback in case of goods imported into and exported from the ports of other States, would make a preference in favor of the ports of the State of New York, and violate the rule requiring uniformity throughout the United States.

If it be said that the bill is in effect a mere appropriation of money out of the Treasury, and that Congress has a power of appropriation limited only by the fact that the appropriation must be made "to pay the debts and provide for the common defense and general welfare of the United States," the answer is plain. The bill does not provide for paying any debt or for anything necessary to the common defense. Nor is it an appropriation for the "general welfare." The bill is essentially a local measure. But, in the language of Story, "a power to lay taxes for the common defense and general welfare of the United States is not in common sense a general power. It is limited to those objects. It can not constitutionally transcend them. If the defense proposed by a tax be not the common defense of the United States, if the welfare be not general, but special or local, as contradistinguished from national, it is not within the scope of the Constitution." (1 Story's Com. on Con., sec. 922.)

It requires no argument to show that the power of appropriation is no broader than that of taxation; and therefore, as Congress can not lay taxes for a merely local purpose as contradistinguished from a national one by taxation, so it can not appropriate money for such local purpose.

Upon the best consideration they have been able to give to this subject, your committee are compelled to report that the bill under consideration violates both the provisions of the Constitution above quoted, and ought not to pass.

IN THE SENATE OF THE UNITED STATES, *January 20, 1873.*

Mr. Edmunds, from the Committee on the Judiciary, submitted the following as the views of the minority on the bill entitled "An act for the relief of the sufferers by fire in Boston:"

The purpose of referring this bill to the Committee on the Judiciary is understood to have been to obtain its views respecting the constitutionality of laws of this character. This question of constitutionality arises chiefly, and perhaps in a mere legal sense entirely, under the eighth section of the first article of the Constitution, the first clause of which reads as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

Another clause gives Congress the power to regulate commerce with

foreign nations, and among the several States, and with the Indian tribes.

Another clause gives it the power to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

One clause of section 9 declares that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken."

Another clause declares that "no tax or duty shall be laid on articles exported from any State."

And still another declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

The power of laying duties, etc., conferred by the first clause above quoted, has been held to refer exclusively to the taxing power, and not to the power to regulate commerce. (Gibbons *v.* Ogden, 9 Wheat., 1.)

The chief question, then, is whether a bill which, for a particular purpose and in a particular emergency, is believed by Congress to be one promotive of the "general welfare of the United States," and which proposes in substance to remit the "duties, imposts, and excises" upon a particular class of property designed for particular use, and which the bill authorizes to be brought into any port of the United States, by any citizen of the United States, for that object, is in conflict with the provision that "all duties, imposts, and excises shall be uniform throughout the United States."

Literally, it would seem that no such objection could possibly be raised, unless the use to which the goods authorized to be imported everywhere by every citizen is to be taken as a controlling element in the question of uniformity. To hold this would seem also to require that in every case, in order to the uniformity, the duties on property imported should be imposed without variation as to rate or exception as to things.

Although little, if any, light is thrown upon the design of the framers of the Constitution in inserting this clause in its recorded discussions upon the subject, yet it seems manifest that the object was to prevent a majority of the States from oppressing some one or more of the other States by imposing heavier duties upon articles imported into them than upon those imported elsewhere. It could not have been thought necessary that the majority of the States should be deprived of the power to injure themselves by imposing in a particular State a lower rate of duty than that imposed in all the others. It must have been presumed that the States and their representatives would act for the protection of their own interests, and that combinations which might be formed would be formed against the few, rather than by the few against the many.

We come, then, to consider what is the true import of the phrase "all duties, imposts, and excises shall be uniform throughout the United States." This is a phrase of limitation, and, upon settled principles of interpretation, it ought not to be extended beyond the fair import of the words used. The uniformity here required must evidently be a uniformity in respect to the *objects* upon which duties are to be imposed and the *persons* by whom those duties are to be paid. To say that the phrase has a more extensive meaning than this would make it import that one single rate of duty should be imposed upon every article brought into the country, without exception and without any qualification derived from the obvious political necessities of the times. That no such construction has ever been contended for, and that the universal practice of the Government has been the reverse of it, is sufficient evidence to show that the meaning of the terms must be limited as we have stated.

If, then this uniformity applies only to the imposition upon the particular subject of the law imposing the duty and the class of persons who may bring it into the country, it would seem to follow inevitably that if all goods imported for a particular purpose bear the same rate of duty or bear none at all, and all citizens are given the right to import them for that purpose, the law is not infringed by the fact that it happens that the particular purpose which is made the test of importations of that character is one which must be exercised in a particular place or by a particular class of people. It was perfectly well known to the framers of the Constitution, as it is to us, that the varieties of climate, occupation, and industry in the country were so great that necessarily particular classes of objects which might be brought from abroad would be used exclusively in particular States or sections of the country, and that other particular classes would be used in other States or sections of the country. It was impossible then to look, so far as the uniformity of imposition was concerned, to the uses to which goods imported should be appropriated; and if the right to import particular things might be exercised by all citizens alike, and in all parts alike, the security designed by the Constitution was accomplished without undertaking to see to it that each State of the Union should consume or buy more or less of the things thus brought in.

If it be the judgment of Congress that the general welfare will be promoted by the free importation of goods to be used for a particular purpose, in a particular place, not *because* it is a particular place or in a particular State, but because the object to which they are to be devoted happens by accident to be one to be effectuated in some one State or place, there can be said to be no preference to that State or place as such, although the same goods and for the same purpose could not be used on that occasion in any other State or place. Its real spirit and essence in such a case is not to interfere with uniformity or to create a preference between States or ports, but it is to accomplish the general welfare by aiding a particular object or a special enterprise which must of necessity be located somewhere, and not everywhere, in the country.

While, as we have seen, therefore, such a law does not violate the letter of the Constitution, it is equally clear that it does not violate its spirit, which, as we have seen, was to prevent the oppression of a particular State for the benefit of the others, and not to prevent Congress, when the general welfare required it, from allowing all the citizens of the country to bring in goods in aid of some special object which happened to be attainable only by their use in a particular case.

It was seen evidently by the framers of the Constitution that this first clause of section 8 would not prevent Congress from indirectly giving the preference to a particular port even; and in order to exclude such an exercise of the power conferred by this clause it was provided in the next section that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." Were the construction of the first clause of section 8 by those who believed such bills to be unconstitutional the correct one, there would have been no necessity for the qualifying provision found in section 9.

The same word, "uniform," is used in the same section as applied to naturalization. And yet Congress in early days exercised without question the power of providing that, in a special instance and for a particular purpose, certain persons should be naturalized ipso facto, although at the same time, by the general laws of naturalization, all other aliens were subjected to a probation. Such was the act of March 26, 1804 (2 Stat., 292), which provided—

"That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States at any time between the 18th day of June, 1798, and the 14th of April, 1802, and who has continued to reside within the same, may be admitted to become a citizen of the United States without a compliance with the first condition specified in the first section of the naturalization act."

And the second section of the same act provided—

"That when any alien who shall have complied with the first condition specified in the first section of such original act, and who shall have pursued the directions prescribed in the second section of said act, may die before he is actually naturalized, the widow and children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such upon taking the oaths prescribed by law."

The condition referred to was in the act of April 14, 1802, and required a declaration of intention to become a citizen, to be made three years at least before his admission as such.

A provision in the fourth section of the act of 1802, of a similar character, naturalizing by mere act of law certain alien children then in the United States, was carried into effect by the Supreme Court, without any doubt being suggested that by such special provisions for special cases the requirement of uniformity was not obeyed. (Campbell *v.* Gordon, 6 Cranch, 176.)

In these instances it will be perceived that Congress and the Supreme Court thought that uniformity was retained under the Constitution, if it existed in respect to the particular subject or thing embraced in the particular enactment, although in general, and as to all other persons and things, another provision existed.

A long series of acts of legislation upon the subject of duties, imposts, and excises, beginning with the early history of the Government, seems to us to involve precisely the same principles, and to give a practical construction to this clause of the Constitution in favor of the validity of such laws. The following are some of the instances of the kind:

In the duties act of 1790 (1 Stat., p. 177, sec. 70), it was provided that—

"No goods, wares, or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than 30 tons burden, *except within the district of Louisville, etc.*"

This instance would seem at first view to go so far even as to evade the prohibition against the preference to ports; but it was probably thought valid, on the ground that no particular port or ports were named, and as the design of the statute was not to accomplish such preferences, but only for particular reasons affecting the general welfare, to provide a special rule for a particular district.

The fishery drawbacks in the act of 1792, and other acts, seem to a certain degree to fall within the same principle.

The act of February 27, 1793 (1 Stat., 324), provided for the free admission of horses, cattle, sheep, swine, and other useful beasts imported for breed.

The act of March 7, 1794 (1 Stat., 342), proceeded specially upon the grounds we have before stated. The preamble recites that—

"Whereas the disastrous situation in the town of Cape Francois, in the island of Hispaniola, compelled sundry vessels belonging to citizens of the French Republic, in the month of June last, to take refuge within the ports of the United States;

"And whereas they are liable by law to the payment of foreign tonnage, which, considering the necessity of their case, ought equitably to be remitted to them."

And it then proceeded to enact such remission.

It would certainly be a very narrow line of argument to hold that Congress may constitutionally remit a particular duty due upon a vessel which has entered one of its ports, but may not declare in advance that if a particular vessel does enter the duty shall be remitted. If such a distinction were sound, it would follow that Congress might constitutionally remit all duties due from all citizens of a particular State for the mere reason that they were citizens of that State, which will scarcely be maintained.

The true test evidently is that, consistently with the letter of the Constitution, the validity of the law is to be tested by the real purpose and spirit of its enactment. If that purpose be to promote the general welfare by relieving distress or encouraging a particular enterprise, and not to aid classes of citizens because of their territorial location, the law must be valid.

The act of June 4, 1794 (1 Stat., 372), provided—

"That in all cases where the term allowed by law for the exportation of goods, wares, and merchandise, with the benefit of a drawback of the duties thereupon, shall have expired after the last day of January last past, and previous to the last day of July next, there shall be allowed further time for the exportation with the benefit aforesaid, until the last day of July next."

This provision, and all the others looking to the past instead of the future, would be much more objectionable than a bill such as that now proposed, for the reason that only the particular persons who had already imported goods could be benefited, instead of its giving an equal privilege to all citizens of the United States who might choose to import goods for the special purpose authorized by law.

Another act of June 4, 1794 (1 Stat., 373), directed the collector of the district of Pennsylvania to take a bond for the payment of duties accruing on teas imported in the ship *Argonaut* from China, payable on a particular day, thus making an exception from the general provisions upon that subject in favor of a particular ship and for a particular time.

The act of January 28, 1795 (1 Stat., 410), provided that—

"The duties on the tonnage of sundry shallops and small schooners lately employed to convey to Boston a number of French citizens, late inhabitants of St. Peter and Miquelon, from Halifax and Shelburne, in Nova Scotia, where they had been sent prisoners by the British during the present war, be, and the same are hereby, remitted."

Here was a specific instance of the remission of duties upon vessels on account of their particular occupation, although they had entered at one single port, which had thereby obtained the advantages to be derived from such entrance. But as the purpose of the act was not to prefer Boston to other ports, or these vessels to other vessels merely, but to show a patriotic appreciation of loyalty under circumstances of distress, its constitutional propriety was not questioned.

By the act of June 1, 1796 (1 Stat., 494), relief was provided for such owners of stills as should make it appear that within a particular period of time they had not been able to work their stills during that time by the destruction or the failure of fruit or grain, or any other unavoidable cause; and such distillers were given an election to pay, in lieu of the ordinary and general duty upon the yearly capacity of their stills, a monthly duty of 10 cents per gallon for the time their stills were actually employed.

By the act of February 19, 1803 (2 Stat., 201), relief was granted to sufferers by fire at Portsmouth, by extending the time for discharging their custom-house bonds.

By the act of March 19, 1804 (2 Stat., 272), the sufferers by the fire at Norfolk were permitted to cancel their bonds given for duties to the collector, and to substitute therefor new bonds, with further indulgence as to time of payment.

By the act of March 3, 1817 (3 Stat., 369), the Secretary of the Treasury was directed to remit to any person to whom a license upon a still had been granted before the 1st July, 1816, for a term extending beyond said day, who should prove to his satisfaction that he had discontinued the use of such still, such proportion of the duties thereon as should be just.

By the act of April 20, 1818 (3 Stat., 465), the Secretary of the Treasury was directed to remit all alien or discriminating duties, either upon tonnage or merchandise imported in respect of British vessels which have been entered in ports of the United States at any time between the 3d day of July and the 18th August, 1815.

By the act of 24th February, 1820 (3 Stat., 543), remission was made of "the duties which have accrued or may accrue to the United States upon the importation of a statue of George Washington, by order and for the use of the State of North Carolina."

By the act of 19th January, 1824 (4 Stat., 3), the Secretary of the Treasury was "authorized and required to refund to the distillers of spirituous liquors within the county of Berks, in the State of Pennsylvania, who, at any time since the 1st of January, 1814, have used the stills made according to" a certain improvement. This act, on its passage, was the subject of much discussion as to its propriety, but no question was made respecting its constitutionality. (See Annals of 18th Cong., vol. 1, p. 910.)

By the act of 26th May, 1824, the same relief was extended to all persons similarly situated. (4 Stat., 44.)

By the act of 19th March, 1836 (5 Stat., 6), which was entitled "An act for the relief of the sufferers by the fire in the city of New York," an extension of the time of payment upon duty bonds was given "to all persons who have suffered loss of property by the conflagration at that place on the 16th day of December last by the burning of their buildings or merchandise;" with a proviso that the benefits of the section should not be extended to any person whose loss by such fire was less than $1,000. And by the second section of the same act a similar extension was provided upon all other bonds given for duties at the port of New York prior to the fire, for a shorter period of time, excepting such bonds as had fallen due before the 17th day of December then last past.

By the act of July 7, 1838, it was directed that the duties should be remitted upon all goods, wares, and merchandise destroyed in unbroken and original packages by the great conflagration which took place in the city of New York on the 16th and 17th December, 1835. And by the same act it was further provided that certificates given by the collector and naval officer of that port to persons, showing how much money they had paid upon goods so destroyed, should be received instead of cash in the payment of duties upon goods to be imported. In this instance it will be perceived that, besides the ordinary relief given by remission, in the various cases above referred to, it was provided that while all the other citizens of the United States must pay their duties in coin, the particular sufferers by that fire might pay their duties by these certificates. This provision seems to come much nearer a want of uniformity than any of the others.

By the act of March 3, 1839, "for the relief of umbrella makers," a special remission and refunding of duties was provided to those who had imported umbrella stretchers within a certain period of time named.

The well-remembered act of July 27, 1866 (14 Stat., 304), "for the relief of sufferers by fire at Portland," provided that all gratuitous contributions to the sufferers should enter that port duty free, and also that on all materials actually used in buildings erected on the ground burned over a drawback of import duties should be paid, provided said material should have been imported at the port of Portland during the year ended July 5, 1867.

By joint resolution of 20th July, 1868 (15 Stat., 260), vessels of the United States touching at or near ports in Canada under certain circumstances were exempt from the payment of tonnage fees to the consuls of the United States, as required by the general laws applying to all other vessels; the reason for the exception being that those vessels made these ports on their voyages from one port of the United States to another, although the same reason would apply to a vessel sailing from New York to New Orleans and touching at Habana.

By joint resolution passed July 23, 1868 (15 Stat., 260), it was provided that—

"The statue representing the figure of Victory, intended to surmount the monument in memory of the Pennsylvania soldiers who fell in the Mexican war, now about being erected on the capitol grounds at Harrisburg, being in marble, cut in Italy, and which will soon be ready for shipment, shall be admitted free of duty."

By joint resolution passed March 3, 1869 (15 Stat., 349), the Secretary of the Treasury was directed to remit duties on a meridian circle imported for the observatory at Cambridge, Mass., and also upon one imported for the observatory of the Chicago University, at Chicago, Ill.

The instance of the bill for the relief of the sufferers by the Chicago fire is too familiar to need further reference.

At this present session of Congress an act has been passed providing that a certain distiller in Tennessee might carry on his business upon property of which he was not the owner, although all other distillers are required by general law to be the owners in fee of such property.

And a bill has also passed allowing the admission, free of duty, of certain articles to be used in the construction of a monument at Annapolis.

Other instances of a similar character to those above recited can no doubt be found, but enough have been named to show the uniform course of legislation bearing in a greater or less degree upon the true construction of the provision of the Constitution now brought into question. It appears to us that these acts of legislation, or most of them, can only be upheld upon the principle we have stated in the outset, and that they furnish a clear legislative exposition of the true scope and purpose of this constitutional requirement as understood from the foundation of the Government to this time, the essential idea being that the test of uniformity is answered by the application of the rule to the particular thing upon which the duty or impost is laid in the given case named in the law, without looking to the fact that its ultimate use or destination may happen to be one which indirectly or incidentally works a benefit to a particular town or a particular State.

So long as the manifest object of the law is not to confer an advantage or preference upon one State or place because it is such a State or place, but is to promote the general welfare by giving aid to a particular class of citizens who are in distress, and who must of necessity reside in some State and in some place, even if it could be maintained successfully (which does not seem to us to be true) that the Constitution, read without the light of experience and practice, does not permit such assistance to be rendered to citizens, the long and uniform practical construction which has been given to it in favor of bills of this character ought to be decisive upon this point. It is a familiar principle of interpretation that a contemporaneous construction of the Constitution and long practice and acquiescence therein are usually the conclusive guides to its meaning. (Stuart *v.* Laird, 1 Cranch, 299.)

In the report of the majority of the committee all distinction between the remission of duties in consequence of the character of the use of the thing imported, which in this case, and remissions in consequence of the place of such or any use, seems to be ignored, and the bill is treated entirely as if it were a bill declaring that "all goods used in Boston" should have a drawback. An argument directed against such a proposition has, we think, no application to the present case.

The majority of the committee appear also to be of opinion that the Constitution requires uniformity of effect throughout the United States in the imposition of duties, etc. The Constitution does not so declare. It declares that "all duties, imposts, and excises," not the effect or object of them, but the duties, etc., themselves, "shall be uniform," etc.

The test of uniformity, therefore, must in the legal aspect of the matter be applied to the act of importation and to the terms imposed upon that. The destined use of the goods is merely a descriptive means of identifying the class of things to which a special rate of duty or an entire remission of it is applied in the law.

In respect to the opinion of the majority of the committee that the precedents referred to are of little weight, for the reason that usually the constitutional question was not raised, it is enough to say that in all these instances the bills were special, and the question manifest upon the face and in the very nature of the subjects; so that the absence of discussion or dispute makes a stronger practical construction of the Constitution in favor of the power of Congress to pass such bills. It is true, as is claimed, that no number of violations of the Constitution can justify another; but it is also true that, in seeking for the true interpretation of that instrument, a particular signification, long imputed to it and acted upon without question for a great length of time, is of the utmost importance, not to justify its violation, but in order to know its true meaning. Such is the imperfection of language and such is the variety of mental constitution among men that any other rule would make the Constitution the most uncertain and changeable of laws; it would be held in one year and by one Congress to authorize acts which in the next year and by the next Congress it would be held to forbid.

As we have already suggested, the rule of uniformity may be answered by a law that infringes the clause of the Constitution forbidding preferences being given by any regulation of revenue to the ports of one State over those of another. In the bill before us we think that the provision in it requiring the importation in question to be made into the ports of Boston and Charleston only, does infringe the clause last referred to, and that the same ought to be stricken out.

GEORGE F. EDMUNDS.
GEORGE G. WRIGHT.

Mr. MANN. I think the gentleman has no right to put a condition upon a request for unanimous consent. The gentleman making the request has the right to determine what it shall be for himself.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that I may continue not longer than fifteen minutes, and I probably shall not occupy more than ten.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, away back in the earlier and sometimes called the better days of the Republic there was a campaign waged in this country for President of the United States, the two leading candidates being William Henry Harrison and Martin Van Buren. I am going briefly into an incident or two of that campaign to show that while we may not be getting any better, while we may not be getting any lower down, we are certainly no worse in our use of doubtful weapons of political warfare than our ancestors. There was at that time a suspicion upon the minds of one of the elements in this country that Martin Van Buren had become indoctrinated with the ideas of monarchy and aristocracy and plutocracy and all kinds of ocracies that were inimical to the growth and perpetuity of our free institutions, and so severe was the criticism that thousands of men voted for Mr. Harrison with the belief that the election of Van Buren would turn over the Government to an alliance with Great Britain, which was to be ratified and cemented and promoted by the marriage of a member of the Van Buren household with a daughter of the kingly Government of Great Britain. At a great political meeting that was held in furtherance of the purposes of that campaign a great Whig orator was urged to a fearful point of mental excitement by attacks upon the White House and its administration. The old story of the gold plate, which was familiar to men of that day, was brought out, revarnished, and used for illustration, and finally, when the audience had become thoroughly hysterical,

he took a coin out of his pocket on which was a female figure and at the foot of the female figure was a liberty cap. That coin has pretty well gone out of circulation in the United States to-day. He declared, Mr. Chairman, with the greatest vehemence, that so far had Martin Van Buren progressed in his proposed alliance with Great Britain and the overthrow of the political institutions of our country that he had changed the coinage and had taken the liberty cap off the head of the female and placed it at her "dirty feet." [Laughter.] As a matter of course, Van Buren was defeated. I was only about 6 years old at that time. I did not hear that speech, but it has been repeated a thousand times in my hearing by those who did hear it—a hundred times; no, twenty times. [Laughter.] Well, Mr. Chairman, we have lived all these years; I have grown to be an old man; and here we have on the floor of the House an assault upon the White House because they want a clean horse stable and other reasonable facilities at the home of the President.

Mr. Chairman, here we are talking of the beef-packing industries of this country because there is an odor that comes up from them which is offensive to the nostrils of some of the polite young gentlemen who have been detailed for the inspection of those institutions, and at the same time we hear an assault upon the President's household. I do not suppose, as a matter of fact, that the President had anything in the world to do with the suggestion about the new horse stable—he may have had. If so, he was right about it. We assail the Administration because somebody has suggested that it would be wise to have a stable where these inspectors, in the moments of their retirement from the inspection of the beef-packing institutions, could go and admire the symmetry and beauty of horses without any further offense to their refined olfactories. This kind of warfare is a relic of antiquity. It is not indulged in nowadays, except as an experiment, a sort of mental acrobatic, gymnastic feature of attack. It can have no effect upon the American people; and I want to say this now, and I am glad to say it upon my own motion, that if I were to attempt by an illustrated lecture to impress upon the people of the Old World, the best of them, the most intelligent of them, the most highly educated—if I were attempting to impress upon them the absolute domination of plain, everyday, democratic living and plain democratic administration of a great government, if I wanted to place the highest object lesson that it is possible to place before a class of students upon that particular topic, I would take them to the White House, the home of the President, the home of his family, the home of the executive department of this Government, and show them the everyday life of the occupant, for the time being, of the Presidential chair [applause on the Republican side]—show them his incoming and outgoing, and I speak of him now as simply the type of the American President—show him in his daily walks among his fellow-citizens, a man, a simple American citizen without a single signification of greatness by reason of his high office, without any insignia of the idea of extravagance in living, in pomp or circumstances of place—the plain American administrator of the plain American Government. [Applause on the Republican side.] I would point to him as he meets his fellow-citizens, from the highest to the lowest, and discusses with them the passing events of the day, as he meets them upon the common ground of intelligence and interest as citizens.

I would point to his children attending the public schools; I would point to his traveling and commingling with his fellow-citizens throughout the country; I would take them to the White House, on those festal occasions when the American people are assembled there to meet the Chief Magistrate of the country and his family, and point out as illustrative of the highest development of true American publicity all that can be seen on an occasion like that. Whatever criticism can be made of our Government, it has not developed aristocracy and plutocracy. Whatever may be said about the accumulation of riches in the hands of some people and their attempt at display, nothing of the kind has ever come near the headquarters of the American Republic. No President of the United States has ever been unseemly in his airs and attitude in his official position [applause], and it has been and is to-day the wonder and surprise of the people of foreign nations that the American President to-day is a plain American citizen of to-day. Twenty-five thousand dollars for traveling expenses! It is a contemptible sum in amount for the purpose; a criticism of it is unjustifiable and unfortunate. The American President travels about the country. We criticised one President once because he had not traveled enough. We have one now who has covered more territory to which the Constitution goes ex propria vigore than any of his predecessors, and we are glad of that. It is one bright spot in our situation that our President knows something of all the dominion over which the flag flies. But somebody here in Congress has proposed to allow him $25,000, or to allow $25,000 to be expended in sending him about over the country to visit his fellow-citizens. Is it possible that there lives on earth a man who begrudges that appropriation? Is there a man who doubts its propriety? Is there a man who does not say amen to it? If there is I have yet to meet him. How many horses the President rides, that seems to be an issue. Well, some Presidents did not ride horses at all. They could not, if the horse was nervous and excitable. I like a President who can ride not only one horse, but half a dozen horses [applause]—not all at once, nor going different ways, but a President who likes a horse of high metal, to correspond with its rider; and I think the American people do not criticise, never have criticised, an American President for that. I knew one President, whom I have heard criticised because he never knew the difference between a poor horse and a good one, and was always being swindled by some horse sharper. I am glad to see a President reach that height of efficiency that he can not be cheated by a horse jockey; I think it is a great thing. [Applause.] So, Mr. Chairman, the people of this country do not condemn, but admire, the Administration of the White House. The American people do not condemn, but approve, of the expenditures of money for the White House. Go up there. I should like to take the gentleman from Arkansas [Mr. BRUNDIDGE] with me, and take a quiet walk through the White House. That is the home of the President. It has been the home of the President since the days of Washington. I hope it may be the home of the President until the dawn of eternity. [Applause.] It is the old White House of our ancestors. I believe in it; I do not want to see it changed to a palace somewhere. [Applause.] I want to see that plain, unadorned, dignified, but simple, house of the President, to which the people can come as they can now, through which they may wander and admire its symmetry and beauty and reflect upon its historical significance, and I deny that the American people will criticise the President of the Republican party or the Democratic party or any other party, who comes to the White House and lives in the light and under the example that has been set by the present and former Presidents of the United States. [Applause.]

The Clerk read as follows:

For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings, $18,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of making a statement. A few moments ago the gentleman from California [Mr. KAHN] rose to have the Senate report by Senator Carpenter and others made a part of the RECORD of to-morrow. At the same time I rose for the purpose of asking unanimous consent to have the minority report of Judge Edmunds and Judge Wright put in the RECORD AS PART OF MY REMARKS or of his, and it seems that some gentlemen have made objection to the position I took, saying I was trying to mold the speech of the gentleman from California. Nothing was more foreign to my thought. I am only too glad to have the valuable document in the RECORD, along with the very valuable opinion rendered by Judge Edmunds and Judge Wright, two of our great lawyers and great Senators.

Mr. PRINCE. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to talk for five minutes on matters other and different from those contained in the bill.

The CHAIRMAN. The gentleman asks unanimous consent that he may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PRINCE. Mr. Chairman, I find on looking at the annual report of the Interstate Commerce Commission for the year 1905 that the number of persons on the pay rolls of the railways of the United States, as reported for June 30, 1904, was 1,296,121.

The House, Mr. Chairman and fellow-members of the committee, will be held responsible by the country for the legislation thus far enacted in depriving those men and their families of free transportation on the railways of this country. The Senate, in the bill passed by that body, provided for that. The House in its bill, H. R. 12987, did not refer to transportation of any kind for railway employees. The amendment prepared and passed by the Senate made provision for transportation for those employees. It would have remained in the bill if the House had not, by its action, forced the conferees of the Senate to abandon that amendment. The people may want to know why the Senate did not insist on this amendment. So that the condition stands before the country. The Senate put it in; the House has stricken it out, and we, my fellow-Members, will be

called to the bar of account for that by the people this fall when they vote.

What further have we done? There was a provision placed in the bill by the Senate, an amendment, including those engaged in shipping live stock and giving them transportation from the point going to and the point returning, where they were necessarily engaged in looking after their stock. The House insisted that that provision put in by the Senate go out, and it went out on account of the action of the House conferees; and we will be held responsible to the country for striking that out of the bill.

What further has been done? The same bill came from the other body with an amendment in it as follows:

The term "common carrier," as used in this act, shall include express companies and sleeping-car companies.

The House has refused thus far to include sleeping-car companies in the bill. What justification, my countrymen, can we give to our people when we go before them this fall and say we have included twelve express companies under the law and we refuse to include at the same time in the same law the only known monopoly in the United States that has no opposition of any kind or character, namely, the Pullman Palace Car Company? [Applause.] The people may be a little curious to know why the Senate receded from this amendment, and explanations may be in order.

Now, there is only one way to reach questions of this kind. There is no use talking about President Van Buren and whether his niece or nephew wanted to do something or other. That has long since passed. Let us meet the live issues. What have we to say to the country upon our action in this matter? For one, I voted against sending the bill to conference and insisted on holding in our hands the right to concur or nonconcur in this body. It was not a party question; never has been a party question in this House. Our friends upon this side of the House, as well as my side of the House, practically unanimously voted for this railway rate measure, sending it to the other body, and that other body practically unanimously voted for the amended measure and sent it back here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. I ask unanimous consent that I may have five minutes more.

There was no objection.

Mr. PRINCE. There is only one thing for this House to do, and that is when this conference report comes into this House vote it down. [Applause.] Then it is in our hands to do as we please with it. Then I would concur in the amendments, every one that the House conferees have concurred in, and in addition to them I would put sleeping cars under control of the common-carrier system in this country. Now, what have we? Here in the report of this Interstate Commerce Commission there is not a word with reference to the Pullman Palace Car Company, no control of any kind or character; no report made to the country or to the House, and we have this anomalous condition. A strong monopoly—not a trust, but a monopoly that our party and our people want controlled—left absolutely without control by this House, and thus far the House seems to concur in leaving or allowing this monopoly to do as it pleases. There are only two railroads in this country that I find have their own sleeping cars. One is the East Florida Coast Line, a short line, and the Great Northern. If this law is enacted and this company is left out, it can destroy the privilege and right of any railroad company operating any sleeping cars of its own. It can control them. It could get some one to go before the Commission and make complaint of any railroad company that has its own sleeping cars and fixes the rates on their own line, because they are common carriers; and you may blot them out if it appears that they are unequal or unjust; but you can not appear before the Commission, if the rate of this monopoly is too high, and have it brought before the law, because you have excluded it, and you see the position we are in when we go before our fellow-men this fall. I believe the next House will be Republican. We have much-needed legislation to pass now. We do want to pass proper meat-inspection laws. We do not want to be responsible for failure to pass a pure-food law before we adjourn. That is up to us, and a live issue. [Applause.]

Now, I am frank to say that the Pullman company makes no report to the Interstate Commerce Commission. It is not primarily amenable to the interstate law. It is possible that the Commission might regulate the rates of sleeping cars by holding railroads responsible for such charges, but this is by no means certain.

The matter should be definitely and clearly settled by placing sleeping cars under the interstate-commerce law, and parlor cars should likewise be included. And for one I give notice now that I shall vote against concurring in this conference report. I hope that something may be done, and if not here, then elsewhere, that this whole matter may be sent again to the conferees; and if they come in here leaving out the sleeping-car companies, if they come in here refusing to grant free transportation to railway officers, men, and employees and members of their families, if they come in here refusing to grant free transportation to stockmen necessarily in charge of stock in transit, I for one give notice that I will vote against concurring in such a conference report. I want to give notice in advance and state to the country and to my constituents my position before this matter comes up. I hope the House will insist upon its rights. I hope it will no longer hand over to conferees the prerogatives that it should exercise, but that it will hold itself responsible, as we will be held responsible to our people individually for our votes here in this House. When this conference report comes in, if it does not contain the provisions to which I have referred, I hope it will be voted down. [Loud applause.]

Mr. MANN. I move to strike out the last word, for the purpose of making an inquiry of the gentleman in charge of the bill. I am interested in having the House proceed with this bill, because the committee of which I am a member are desirous of getting the pure-food bill before the House for its consideration. The gentleman in charge of this bill [Mr. TAWNEY] gave notice that he would confine the debate to the items in the bill. If that be his purpose, very well. If that be not his purpose, I shall use such means as are in my power to attain that end.

Mr. TAWNEY. I say, Mr. Chairman, that it is my purpose from this time on to confine the debate to the provisions of the bill.

Mr. MANN. I have no criticism of what has been done.

Mr. TAWNEY. Several gentlemen spoke to me yesterday when we were endeavoring to close general debate, each of whom wanted five or ten minutes to-day under the five-minute rule, and in order to effect what I was endeavoring to accomplish I gave consent to those gentlemen that they should have the time they desired; but from this time on I trust I may be able to confine the debate to the provisions of the bill as they are reached.

Mr. WILLIAMS. Mr. Chairman, while we were in the House I understood the gentleman to say that there should be the fullest debate on the bill itself.

Mr. TAWNEY. Under the five-minute rule on the bill. I am now speaking about matters foreign to the provisions of the bill.

Mr. WILLIAMS. Then there will not be any objection upon the gentleman's part for extensions of time for matters contained in the bill?

Mr. TAWNEY. On matters relating to provisions of the bill there will be reasonable time.

Mr. HINSHAW. The gentleman from Illinois is a member of the Committee on Interstate and Foreign Commerce.

Mr. MANN. Yes.

Mr. HINSHAW. In view of some adverse editorial criticisms of the position of the pure-food bill, it seems that there are some statements being made throughout the country that it is the purpose of the so-called administration of the House, and perhaps of the Committee on Interstate and Foreign Commerce, not to consider the pure-food bill at this session of Congress. I have investigated the matter to some extent and I am convinced that that is incorrect. I want to ask the gentleman if it is not the purpose of the Committee on Interstate and Foreign Commerce, and, as far as he knows, of the officers of this House, to give consideration to that bill fully at this session of Congress?

Mr. MANN. Mr. Chairman, I do not wish to violate the very rule which I shall endeavor to enforce, but I will say that certainly, in my opinion, it is the intention of the House to consider and pass a pure-food bill, and I have no doubt it will become a law at this session of Congress.

Mr. HEPBURN. Mr. Chairman, if I may be permitted, I want to say a word about this matter. I have seen and heard of criticisms on the part of gentlemen for fear that the pure-food bill would not be considered. Some gentlemen who voted against the consideration of that bill the other day when I myself attempted to get consideration of it, or, rather, gentlemen who voted in favor of taking up another proposition that excluded it, have been quite busy in their comments since that time. It is no fault of the Committee on Interstate and Foreign Commerce that that matter has not yet been considered. That committee reported the bill many weeks since. This House elected to take up that very important matter, the naturalization bill, and spent days upon that, instead of the pure-food bill,

when the alternative was offered, and some of the same gentlemen who aided in that have been vociferous in their criticism of the Interstate and Foreign Commerce Committee for not getting the pure-food bill before the House.

Mr. BARTLETT. Mr. Chairman, if my friend from Minnesota will permit me to proceed just for a minute, when the House met this morning I was absent, discharging a duty that the House had imposed upon me as a member of the committee to attend the funeral of Senator GORMAN. My good friend from Nebraska [Mr. NORRIS] called attention to the fact that the RECORD of this morning was interpreted to disclose that he has been credited with some remarks that I made yesterday, and the gentleman was kind enough to have the matter cleared up. I am certainly glad he did it, because if I had been present and had thought that what I said had been accredited to my friend from Nebraska, I myself would have been the first person to see that he should not receive the credit of it. I am rather proud that I made the speech, and thank the gentleman for making the correction.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the uniform rate of $65 per month each during the period of actual employment, and $3 per day for each occasion of service at other times; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters and purchase of fuel in kind for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, $1,602,850.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking what is the necessity of putting in the words "including the old Chicago station?"

Mr. SMITH of Iowa. That is the language that has heretofore been employed in this bill. I am not advised of any reason for a change and consequently made no change.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay and allowances of captains, lieutenants, engineer in chief, chief engineers, assistant engineers, and constructor, Revenue-Cutter Service, cadets, commissioned surgeon; two contract surgeons, two civilian instructors, one at $1,800 and one at $1,500, and pilots employed, and rations for the same; for pay of warrant and petty officers, ships' writers, buglers, seamen, oilers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for fuel for vessels, and repairs and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, approved May 16, 1888, February 6, 1893, and March 3, 1899; and an act relating to the anchorage and movement of vessels in St. Marys River, approved March 6, 1896; and an act relating to the anchorage of vessels in the Kennebec River at or near Bath, Me., approved June 6, 1900; for temporary leases and improvement of property for revenue-cutter purposes; not exceeding $10,000 for the improvement of the depot for the service at Arundel Cove, Md., purchased under authority of the act of March 3, 1905; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $1,600,000.

Mr. MANN. Mr. Chairman, I make the point of order against that paragraph. A surgeon is provided for, two civilian instructors, and not exceeding $10,000 for the improvement of the depot for service at Arundel Cove, Md. I think they are all subject to a point of order, but I would like to ask the gentleman what information the committee has upon this subject?

Mr. SMITH of Iowa. At Arundel Cove is maintained a training school for this Service. Heretofore they have had no instructors except the officers of the Revenue-Cutter Service. These officers have been detained there at inconvenience and detriment to the Service, and perhaps at times it has been found that they were not possessed of all the desirable qualifications for instructors, and it is the belief of the committee that the Revenue-Cutter Service ought to have at least two trained civilian instructors, selected with special reference to their ability as instructors rather than to their ability—as all commissioned officers necessarily are—in the work of the Revenue-Cutter Service. The showing made was such as to convince the committee that these civilian instructors ought to be allowed at this training school.

So far as the $10,000 is concerned, that is allowed for improvements. In the last Congress $30,000 was allowed for the purchase of the premises. They are in a bad state and need extensive repairs, and the committee believed that $10,000 was a moderate and reasonable allowance for the necessary improvements and repairs upon this property that has only recently come into the hands of the United States.

Mr. MANN. I beg the gentleman's pardon, but this is not for repairs.

Mr. SMITH of Iowa. For improvements.

Mr. MANN. They have not got $10,000 worth of buildings there to repair.

Mr. SMITH of Iowa. It is for improvements.

Mr. MANN. I guess it is for new buildings.

Mr. SMITH of Iowa. It is within the power to spend a portion of it for new buildings, but it was the belief of the committee from the testimony before it, which is shown in the hearings, that this amount was necessary to put this property that has recently been acquired by the United States into a suitable condition to carry on the training school.

Mr. MANN. It seems to me that if the Service wishes to have improvements made there in the way of new buildings, it ought to go before the proper committee, which has jurisdiction of the matter. We have a bill pending before the committee now which has jurisdiction of the subject, not in reference to that particular matter, but in reference to some reorganization of the Service.

Mr. SMITH of Iowa. I am not prepared to say—but that question will not arise unless the gentleman deems it his duty to insist upon the point of order—that it is solely within the jurisdiction of his committee to authorize every improvement upon this property at Arundel Cove. Of course that question would come before the Chair on a point of order if made. But I trust the gentleman will not deem it his duty to make the point of order.

Mr. MANN. I do not wish to make the point of order if the gentleman can tell us what it is for, and give a good reason for it.

Mr. SMITH of Iowa. I have stated that the record shows that within a year the property was purchased by the United States.

Mr. MANN. I am perfectly familiar with that, for we passed the bill providing for the purchase.

Mr. SMITH of Iowa. The buildings are in bad repair, and more buildings are required. The sum is so modest, as compared with the munificent sums which Congress has appropriated to rebuild West Point and Annapolis, similar institutions for the Army and Navy, that the committee thought the amount ought to be allowed.

Mr. MANN. If the gentleman means that this sum is to be used for repairs, I have no objection to it being appropriated for repairs of the buildings at that point, but it seems to me that Congress ought to have something before it to guide it in the building of new buildings. No one knows but that they may commence a hundred-thousand-dollar building. Congress absolutely has no control of the subject.

Mr. SMITH of Iowa. I think that is not justified, and I now have at hand the particular matter which I have referred to, and I will call it to the attention of the gentleman.

Last year the property was leased, and now it has been purchased outright.

In the estimate we have made we have put down $10,000 for the purpose of adding to some of the buildings, repairing wharves, and improving the property generally, and building an addition to the boiler house.

Now, this item was so small for these numerous purposes, of repairing wharves, building an addition to the boiler house, and some slight additional buildings needed, that the committee thought it was only a reasonable allowance, as compared with the millions that Congress has voted for the improvement of the Military and Naval Academy properties.

Mr. MANN. I do not see what a comparison has to do with it, but that explanation, so far as I am concerned, is satisfactory.

Mr. SMITH of Iowa. I believe now I have explained every item the gentleman speaks of except the item of the commissioned surgeon. He is authorized by express statute, and it is inserted here accordingly.

Mr. MANN. By what statute? It never has been provided for heretofore.

Mr. SMITH of Iowa. I call the gentleman's attention to the following, to be found on page 94 of the hearings:

Mr. SMITH. I notice you substitute the word "surgeon" for "surgeons" in this.

Captain ROSS. We have there a "surgeon," and then we have "surgeons" right after. Do you see that?

Mr. SMITH. Yes.

Captain ROSS. I will tell you how that came about. Congress passed a law some years ago giving us one surgeon. This man had made a trip to the Arctic for the relief of the whalers, and a bill was passed in Congress which made him a surgeon, with the rank of first lieutenant. He is in the service to-day as a commissioned officer. As soon as he dies the office lapses.

Mr. TAYLOR. You mean to say that the act made the surgeon by name?

Captain ROSS. Yes, sir; that is right——

Lieutenant REINBURG. For heroic services in Alaska.

Mr. MANN. Mr. Chairman, I remember that now. I shall insist on the point of order, so far as it relates, on page 14, to the two civilian instructors—one at $1,800 and one at $1,500.

The CHAIRMAN. The Chair will ask the gentleman in charge of the bill whether there is any law authorizing this item?

Mr. TAWNEY. Mr. Chairman, I would say that these two civilian instructors provided for in this bill were appropriated for on the urgent request and upon a showing that was made by the official in charge of the Revenue-Cutter Service, who appeared before the committee. There is no authorization in law for them. If the point of order is insisted upon, of course the point of order would have to be sustained. I desire to say to the gentleman from Illinois, however, that I think if he will read the testimony of the man in charge of the Revenue-Cutter Service, who appeared before the committee in respect to the necessity and advantage to the cadets of having two civilian instructors, he will be convinced, as the committee was convinced, of the advisability of providing for them.

Mr. MANN. That is quite possible. We have a bill pending before the committee that could easily cover this question as it covers a lot of other questions.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. MANN. I do.

The CHAIRMAN. The Chair sustains the point of order. The Chair understands that the point of order is not made to the entire paragraph.

Mr. MANN. No; just to that item.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For special repairs to revenue cutters, $200,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I do that for the purpose of making an inquiry of the chairman of the committee with regard to that paragraph and the following one. The following one is the provision authorizing the Navy Department to transfer the *Bancroft* from the Treasury Department for the Revenue-Cutter Service. My understanding is that it is the intention of the Department to use this vessel as a training ship. I know that it is in very bad repair, having had no repairs for a number of years, and it is estimated that $100,000 will be required to put it into serviceable condition. I want to ask the chairman of the committee if in the provision last read, appropriating $200,000, there is a provision for the repair of this vessel?

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from Iowa that for the first time the sundry civil bill carries an appropriation of $200,000 for repairs of the revenue-cutter vessels. In addition to that they have their usual appropriation and the general fund, which has been increased $150,000. Out of the $200,000, which they have never had before, they can use such amount as is necessary to put the *Bancroft* in proper condition.

The Clerk read as follows:

Toward the construction of a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, said vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe, as authorized by the act of Congress approved May 12, 1906, to be immediately available, $100,000; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction at a cost not to exceed $250,000, the limit fixed by said act.

Mr. MANN. Mr. Chairman, I make the point of order on lines 19, 20, 21, and 22, page 16. I think it is subject to the point of order, and I do it for the purpose of having a ruling. It has been the custom, and in this case that custom was followed, for an act to be passed authorizing in this case the Secretary of the Treasury—a special act—to have constructed at a cost not to exceed $250,000 the vessel referred to in this item of the appropriation bill. I think that gives the Secretary of the Treasury authority to make contracts. If it does, of course this item is unnecessary; if it does not, this item is subject to a point of order. It makes no difference to me, so far as this particular item is concerned, but if it is necessary to put this in the appropriation bill every time, then as far as I am concerned I want to see a form of the bill which we pass specially for these things changed, so that we cover the case. When the Committee on Interstate and Foreign Commerce reports a bill into the House authorizing the Secretary of the Treasury or the Secretary of Commerce and Labor to construct one of these vessels or have it constructed, the intention is to give to that Secretary authority to have that vessel constructed, not to leave it exclusively to the Committee on Appropriations to afterwards decide the same question. I think the authority in the law now gives the Secretary the authority to do this. The light-house bill, which is now in conference, purports to give the Secretary of Commerce and Labor authority to construct various aids to navigation, but if this provision is necessary that bill might as well be thrown in the waste basket.

Mr. BARTLETT. Might I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. Does the gentleman think the committee ought to provide the amount necessary to build this vessel as reported and enacted into law by Congress?

Mr. MANN. No; I do not think it is necessary to provide all the amount.

Mr. BARTLETT. I do not say necessary; but does the gentleman not think we ought to provide the amount?

Mr. MANN. I do not think we ought to provide all at once. I do not know there is objection to appropriating part at one time and part at another time. Now, the distinction between this item and the previous item in the bill is this: Both relate to the construction of a vessel, but the previous item in the appropriation bill goes in under an act of Congress which does not authorize the Secretary of the Treasury to construct a vessel. "That there shall be constructed, for and under the supervision of the Revenue-Cutter Service, a first-class ocean-going tug." But the second item goes in under a provision which authorizes the Secretary of the Treasury to have constructed a vessel, at a cost not to exceed so much. Now, I contend to the gentleman in charge of the bill that is sufficient authority to construct the vessel. That is the form which has been adopted by our committee for the very purpose of leaving to the Committee on Appropriations jurisdiction in reference to making the actual appropriation, but not leaving to the Committee on Appropriations jurisdiction to determine whether a vessel can be constructed or not. When Congress authorizes the Secretary to construct a vessel, then it is the duty of the Committee on Appropriations to bring in appropriations necessary for the particular year. Congress has passed upon that question. It is bad form, and if it is persisted in will require us to reform our form, or that we make an appropriation for the vessel. I do not think the gentleman ought to resist it.

Mr. TAWNEY. Mr. Chairman, it is not lawful for any administrative officer to involve the Government in any contract obligation without authority of law or in excess of appropriations made for that purpose. The bill authorizing the construction of this vessel made no appropriation whatever. While it authorizes the construction of the vessel it makes no appropriation for defraying the expense of that construction, and therefore the Secretary of the Treasury could not enter into any contract obligation for the building of the vessel until the appropriation was made for the purpose.

Mr. BARTLETT. Mr. Chairman, will the gentleman allow me to interrupt him?

Mr. TAWNEY. In just one moment. Now, the uniform practice has been to incorporate the language which is incorporated here in order to meet the condition, "and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction, at a cost not to exceed $250,000," the limit of cost fixed by said act. Now, the appropriation is only $100,000, because that is all that can be expended during the next fiscal year in the construction of that vessel. The remainder of the appropriation or the limit of cost will be appropriated for or carried in the next sundry civil act, but this gives him authority to enter into a contract up to the full limit of cost. The result of the practice is to avoid appropriating money for objects for the next fiscal year, which money can not be expended during the fiscal year, but enabling the officer to create a contract liability to the full limit of cost. I do not see why the gentleman from Illinois finds any occasion to criticise this language or the practice. It is true that his committee reported a bill from this House authorizing the construction of this vessel. Congress passed it, and it has become a law. The Committee on Appropriations does not interfere with it. This language simply enables the Secretary to do that which he could not do under the terms of the bill as it passed both Houses of Congress, to make a contract to the full limit of cost, and also obviates the necessity of appropriating more money than can be expended

for this object during the next fiscal year. I now yield to the gentleman from Georgia.

Mr. BARTLETT. The gentleman says this act did not appropriate any money. The act did authorize the construction of this vessel. Does not the gentleman think the practice of the Committee on Interstate and Foreign Commerce in leaving to the Appropriations Committee the duty of appropriating money rather than the Interstate Commerce Committee itself should undertake to appropriate money, a proper custom and practice to be followed by that committee?

Mr. TAWNEY. Why, certainly——

Mr. BARTLETT. We leave it to your committee, and I think we ought to do it. Now, the question I intended to ask the gentleman was, if there were hearings before the committee upon this particular item, if he believes a hundred thousand dollars is a sufficient amount to carry out the purposes of the act during the next fiscal year?

Mr. TAWNEY. Well, I will say to the gentleman that the Department advised us that they could not expend to exceed $100,000 during the fiscal year, and without this language the Department can not contract up to the limit of cost.

Mr. BARTLETT. I understand that.

Mr. TAWNEY (continuing). Unless we appropriate the full amount.

Mr. BARTLETT. I understand that; but the information I want to get at, which the gentleman has almost entirely furnished, is that the idea of the Department is that this vessel can not be constructed during the next fiscal year entirely.

Mr. TAWNEY. It can not be; we are so advised by the Department.

Mr. BARTLETT. I wanted to get that information.

The CHAIRMAN. The Chair would like to ask the chairman of the committee this——

Mr. TAWNEY. I simply desire to say that if we appropriate now $250,000 for the construction of this vessel, that language is not necessary; but without the full appropriation, or appropriation for the maximum limit of cost, the Secretary of the Treasury can not contract for the completion of that vessel. Now, in order to enable him to contract for the completion of the vessel, we can——

The CHAIRMAN. Is it not a fact that the Secretary can not so contract, because you have no authorization?

Mr. TAWNEY. There is no authority to make any obligation; in fact, the law prohibits the Secretary of the Treasury from making an obligation that is not authorized by law.

Mr. CRUMPACKER. I want to suggest, in connection with that, that the law prohibits any Department officer from making a contract beyond the appropriation for a public building or improvement. The decision of the House has been to the effect that boats and vessels are not public buildings or improvements, and that the limitation upon appropriation, if the authorization fixes the limit of cost, is a proper limitation upon the appropriation. The rule is applied to the building of the Navy, and my recollection is that it has likewise applied to the construction of boats for the Revenue-Cutter Service.

The CHAIRMAN. The Chair thinks not. The Chair thinks no holding of that kind has ever been made to apply to other than naval vessels.

Mr. TAWNEY. Mr. Chairman, the effect of sustaining the point of order would simply be this: That in order to commence the construction of this vessel, beginning the next fiscal year, we will then have to appropriate $250,000, the limit of cost, or $150,000 more than can be expended during the next fiscal year.

The CHAIRMAN. The gentleman may claim that that is an argument to the Chair that the point of order should not be sustained.

Mr. TAWNEY. The objection, or the point of order, if I understand, is to the language authorizing the Secretary of the Treasury to contract for the whole limit of cost.

The CHAIRMAN. And for that authorization there must be legislation.

Mr. TAWNEY. There must, and the authority for contracting and for the limit of cost for the full amount of the appropriation is all that this provision accomplishes.

Mr. MANN. Mr. Chairman, if the gentleman in charge of the bill is correct, this is clearly subject to the point of order. If I am correct in my contention, it is not subject to the point of order. The gentleman, perhaps, had better direct his attention to me and see whether he can convince me or not.

Mr. TAWNEY. I do not care whether it goes in or whether it stays out. I would just as soon see it go out, and then next year it can go in.

Mr. MANN. I would like to know, when the gentleman says that there is no authority, as a matter of fact whether the Secretary of the Treasury can not enter into a full contract before a cent is appropriated?

Mr. TAWNEY. Simply a statute of the United States.

Mr. MANN. What is the statute? It is easy to say that there is a statute. I do not say that the gentleman is not correct. It is easy to say that there is a statute; but I do not know of any statute, I am frank to say. I do not see why authority given to an executive officer to do something, to construct a vessel, is not just as direct authority as to say that he can enter into a contract for the construction of a vessel. I fail to see the difference between directing an officer to do a thing and directing him to do it in a particular way. I would like to have the authority of law, if the gentleman has it.

Mr. TAWNEY (to Mr. CRUMPACKER). Has the gentleman the statute?

Mr. CRUMPACKER. The section of the statute applies to public buildings and improvements. I do not believe it includes the construction of boats at all. A decision made by Speaker Reed, in the House of Representatives, twelve or fifteen years ago, perhaps the strongest among the decisions, held that it is a limitation, describing the manner in which the money is spent as the limitation by the rules of the House. There is no known statute which prevents this kind of a contract. The question is whether the authorization of the contract is legislation, or whether it is a limitation; that is the meaning in the practice of this House.

Mr. MANN. Will the gentleman permit me, and yield to a question?

Mr. CRUMPACKER. I will.

Mr. MANN. The gentleman from Indiana probably has referred to the law. I do not know the terms of the law he has in his mind. I should be glad if he would state what it is, as I have never known of any. Is it the opinion of the gentleman from Indiana that if Congress passes a law authorizing and directing the Secretary of the Treasury to construct a Federal building at some town, that the Secretary of the Treasury gains no authority under that act of Congress, and that he can not proceed to construct the building?

Mr. TAWNEY. Do you mean that he can make a contract for a building, without express authority, where there has been no appropriation made?

Mr. MANN. The question is, If Congress passes a law authorizing and directing the Secretary of the Treasury to erect a public building at Hammond, Ind., can he do nothing in accordance with the law until after the Committee on Appropriations have made an appropriation?

Mr. CRUMPACKER. I think that when Congress authorizes him to construct a public building, and gives him a certain amount, he is authorized to make a contract; but I do not see that a revenue cutter, a vessel, is a public building, or that it comes within the purview of that statute at all, and I think that when Congress——

Mr. MANN. Supposing it does not come within the purview of the statute. Here is an act which reads that the Secretary of the Treasury is hereby authorized to have constructed, at a cost not to exceed $250,000, a steam vessel, etc. Now, is it the contention of the Committee on Appropriations that that amounts to nothing, that that does not give the Secretary of the Treasury authority to have a vessel constructed?

Mr. TAWNEY. In reply to the gentleman from Illinois I will say——

Mr. MANN. The gentleman from Indiana [Mr. CRUMPACKER] has the floor.

Mr. TAWNEY. Let me quote this statute. The act authorizing the construction of this vessel does not authorize the Secretary of the Treasury to enter into any contract obligation involving the Government in the payment of the money necessary for that construction. Now, section 3679 of the Revised Statutes reads as as follows:

> No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriation.

Mr. CRUMPACKER. That is the deficiency statute—to prevent deficiencies.

Mr. TAWNEY. No; it is not.

Mr. CRUMPACKER. I think that is clearly——

Mr. TAWNEY. It is not the deficiency statute at all.

Mr. CRUMPACKER. It is a special statute on the subject of contracts.

Mr. TAWNEY. That is the act passed July 12, 1870.

Mr. MANN. If the gentleman from Minnesota will permit me, under that statute, if you follow the wording of it, the Sec-

retary of the Treasury could not enter into a contract. Now, it is nonsense to say that we can not authorize him——

Mr. TAWNEY. He can not enter into a contract without this authority.

Mr. MANN. But that statute would forbid giving him the authority. I say we give him the authority when we authorize him to construct the vessel.

Mr. TAWNEY. You did not give it to him expressly to enter into a contract. He can build it in any old way he pleases.

Mr. MANN. There is nothing there forbidding him to enter into a contract.

Mr. TAWNEY. It says he can not involve the Government of the United States in any contract obligation——

Mr. MANN. Beyond the appropriation; but if we pass a statute authorizing him to do it, that takes the place of the former statute. We do that in all our public building acts.

Mr. CRUMPACKER. We do not in a single one.

Mr. TAWNEY. I am advised it has never been done in a single instance, with all due respect to the gentleman from Illinois.

Mr. MANN. I will give the gentleman a little further information. There have been no instances of recent years, except these instances now, where we have adopted the form that the Committee on Interstate and Foreign Commerce has here adopted. In these two items one of the forms that was passed did not authorize the Secretary of the Treasury to construct the vessel. The other did authorize him, and what I am contending for is that the form which we have adopted does authorize him; and if it is decided that it does not, I want to know it, and we will change the form.

Mr. TAWNEY. Another section of the statute, section 3732, reads as follows:

> No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

The CHAIRMAN. If that is the law, how do you expect to change it on an appropriation bill?

Mr. TAWNEY. We do not propose to change it. I should like to ask the gentleman from Illinois [Mr. MANN] whether under his contention he thinks it would be advisable and that the Committee on Appropriations should, in the face of the fact given us by the Treasury Department that they can expend no more than $100,000 in the construction of this vessel next year, or the next fiscal year, have reported here an appropriation of $250,000 for that purpose in order to enable the Secretary to make a contract for the completion of that vessel?

Mr. MANN. I have no criticism whatever to make on the Committee on Appropriations in this matter. I think the Committee on Appropriations did precisely the thing I should have done if I had been in their place and had good intelligence; but the question goes beyond that. What we want to know is what the law is in reference to these matters. The Committee on Appropriations reported in accordance with what was its judgment of the law. If that judgment be correct, their action is correct. I wish, however, the gentleman would pass this item until we ascertain what the Comptroller says. If the Comptroller says that this contract can not be entered into, I have no objection to the item.

Mr. TAWNEY. I should like very much to accommodate the gentleman from Illinois——

Mr. MANN. I do not care whether the gentleman accommodates me or not. I am perfectly willing to have a ruling.

Mr. TAWNEY. This has been the practice of the House.

Mr. MANN. I will say to the gentleman it is no accommodation to me.

Mr. TAWNEY. It has been the practice of the House in reference to all the vessels of the Revenue-Cutter Service and the Life-Saving Service, authority for the construction of which has been given by reports from the Committee on Interstate and Foreign Commerce; and if the gentleman wants to put the House in the position of being compelled to appropriate $150,000 more for this purpose than is necessary he can do so, and the point of order can be sustained or overruled at this time.

Mr. MANN. I will say, if the Chair will permit me——

The CHAIRMAN. The Chair is clearly of the opinion that the paragraph is obnoxious to the rule, and the point of order is sustained.

Mr. MANN. I just wish to say to the gentleman that yesterday when the gentleman from Minnesota asked me to consent to pass over an item I very gladly did it, although I had the gentleman in what seemed to be a very tight place. This time the gentleman does not wish to pass it over. It makes no difference to me. I shall be perfectly willing to accommodate the gentleman at all times.

Mr. TAWNEY. "The gentleman from Minnesota" asked that that item be passed in order that he might obtain information concerning it. The gentleman from Illinois is so well informed on this subject that he did not ask that it go over for the purpose of his gaining any information, but in order that I might be informed, and be convinced, possibly.

Mr. MANN. Not at all. I should much rather be convinced that the view of the gentleman is correct.

Mr. BARTLETT. I understand the Chair has sustained the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTLETT. I move to amend the section by striking out "one hundred thousand dollars" and inserting "two hundred and fifty thousand dollars." That was the amount authorized by this act which it is proposed to carry out. The vessel is of a great deal of importance to commerce.

Mr. TAWNEY. Mr. Chairman, if the gentleman will pardon me, I understood from the ruling of the Chair that the entire section goes out.

The CHAIRMAN. The point was only made as to the last four lines.

Mr. MANN. I will say to my friend from Georgia that there is no possible doubt but that the Secretary of the Treasury can go ahead and make a contract for this vessel; and if he can not, we will correct it.

Mr. BARTLETT. He can go ahead and make the contract, but how is he going to pay for it?

Mr. MANN. He can use only $100,000 in the next fiscal year.

Mr. BARTLETT. The gentleman understands that I have no purpose except to carry out the law that is reported from the Committee on Interstate and Foreign Commerce.

Mr. MANN. I raised the point, I will say to the gentleman, more on account of the light-house matter than anything else. I want to know "where we are at."

Mr. BARTLETT. Why not permit the amendment to be made at $250,000?

Mr. TAWNEY. I will not consent to that, in view of the fact that the Treasury Department says that it can not spend but $100,000 this year. I shall not consent to give them $150,000 they do not want and can not expend.

Mr. BARTLETT. Would the Secretary of the Treasury under this authorization simply undertake to provide for a boat costing $100,000?

Mr. TAWNEY. No; he will contract for a boat, as the gentleman from Illinois contends, contract for a vessel up to the limit of the cost, and $100,000 will enable him to go on and bufild, and at another session of Congress we can give him the remaining amount.

Mr. BARTLETT. I offer an amendment making it $250,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> In line 18, page 16, strike out the words "one hundred" and insert "two hundred and fifty;" so as to read "two hundred and fifty thousand dollars."

Mr. BARTLETT. Now, Mr. Chairman, I want to say to the gentleman from Minnesota that I have no desire to change the bill or to make this for any amount except that provided for by law, nor do I desire to make the amount larger in this appropriation bill than can be used by the Department. I offer this amendment out of pure caution that no complication might arise in the mind of the Secretary of the Treasury that he would not be authorized to contract for a boat or vessel of the size of that authorized by the act.

Now, if it is the opinion of the gentleman from Minnesota that the Secretary of the Treasury will provide or contract for a vessel which would eventually cost $250,000 and expend only $100,000 during the next fiscal year, I am content. But having looked into the matter of the necessity for the vessel, I am very anxious that it should be built, and built of the size and dimensions provided for, and expected to be built for $250,000. Will the gentleman from Minnesota answer my question whether or not, if the provision remains in the bill at $100,000, the Secretary of the Treasury will contract for a vessel only to cost $100,000?

Mr. TAWNEY. The gentleman from Georgia will pardon me, but the contention of the gentleman from Illinois and myself is to the effect—the gentleman from Illinois contends that he now has authority——

Mr. BARTLETT. But the Chair has ruled differently.

Mr. TAWNEY. The ruling of the Chair does not affect the contention of the gentleman from Illinois. My contention is that without this it would be impossible for him to make the contract.

Mr. BARTLETT. I so understood the gentleman.

Mr. TAWNEY. The question is, Whose opinion is entitled to the most weight? I am rather inclined to think, from what I know about the gentleman from Illinois and from my confidence in my own opinion, that the most weight should be given to his opinion.

Mr. BARTLETT. Both opinions are entitled to much weight; but the gentleman from Minnesota is in charge of the bill, and we have to look to him for information about it.

Mr. TAWNEY. I will say to the gentleman from Georgia that it is my information and my judgment, from an examination of the statutes, that the Secretary of the Treasury can not contract for a vessel to the maximum limit of cost unless the full amount is appropriated for; but I do not believe at this time that this amendment should prevail. We ought to conclude the consideration of this bill, and then the matter may be cleared up and fully ascertained. I do not want to put in the bill $150,000 that we will have to reappropriate in the next Congress.

Mr. BARTLETT. The gentleman knows that I do not want to do so, and that is not my purpose. Simply because the gentleman took the position he has just reiterated and out of pure caution is the reason I offer the amendment. Now, will the gentleman from Minnesota agree that this may be passed without prejudice?

Mr. TAWNEY. I think the appropriation had better stand as it is at $100,000, which is the amount that will be expended, and when the gentleman from Illinois and the gentleman from Georgia and myself call upon the Comptroller of the Treasury and ascertain what his ruling would be, we can perhaps return to this item and fix it up by unanimous consent.

Mr. BARTLETT. Mr. Chairman, I will ask the gentleman if he will agree to that?

Mr. TAWNEY. Certainly.

Mr. BARTLETT. Then I ask that it be passed without prejudice.

The CHAIRMAN. Unanimous consent is asked that the section be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

International Catalogue of Scientific Literature: For the cooperation of the United States in the work of the International Catalogue of Scientific Literature, including the preparation of a classified index catalogue of American scientific publications for incorporation in the International Catalogue, the expense of clerk hire, the purchase of necessary books and periodicals, and other necessary incidental expenses, $5,000, the same to be expended under the direction of the Secretary of the Smithsonian Institution.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order to the paragraph just read, with a view of finding out something about it. I would like to know from the gentleman in charge of this bill what it means.

Mr. TAWNEY. I will suggest to the gentleman that he direct his inquiries to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, for many years there has been an international society of nations, as distinguished from a society of individuals from those nations, engaged in the preparation of a catalogue, international in character, of scientific works. The expense here covered is simply the expense incident to the compilation of a catalogue of the American scientific works to be furnished to the international society, to be incorporated in the international catalogue. The United States has not heretofore appropriated for this specific purpose, but the expense has heretofore been borne chiefly from the funds of the Smithsonian Institution. The whole revenues of the Smithsonian Institution derived from the trust fund are only about $50,000 per annum. The preparation of this American portion of this international scientific work therefore consumes about 10 per cent of all the revenues of the Smithsonian Institution. This is, in my judgment, a diversion of that trust fund from the purposes for which it was given. I think it is such a use of it as ought not to be permitted. The trustees of the Smithsonian Institution are unwilling longer to devote this great portion of their revenues from this trust fund to the preparation of the American material for insertion in the international catalogue. It is essential to scientific study that the scientific works of the world should be annually catalogued, and it seems but a small contribution for the United States to make, to be willing to pay the simple expense of cataloguing the American scientific works and furnishing that portion of the matter to be incorporated in the great work.

Mr. CRUMPACKER. Let me ask the gentleman a question. Is it not true that all of the great libraries of the world are catalogued up to date, and contain all of the publications, scientific and otherwise?

Mr. SMITH of Iowa. It is not true that the great libraries of the world are able to keep up each year with all the scientific works in all the languages that men speak. This is for the great libraries.

Mr. CRUMPACKER. Each library has its own catalogue—current catalogue—has it not?

Mr. SMITH of Iowa. Oh, it does in a way have a catalogue; but it is never possible for these different libraries to prepare a complete catalogue of all the scientific works of the world for that year, and that must be plain to the gentleman from Indiana [Mr. CRUMPACKER] when I tell him that the work incident to the preparation of the catalogue of the American scientific works alone costs $5,000, and that many of the nations of the earth are contributing much more in scientific literature than we are and to the preparation of this catalogue than we are asked to contribute.

Mr. CRUMPACKER. Are not these same publications catalogued by the Congressional Library?

Mr. SMITH of Iowa. It is probable that the Library of Congress catalogues these publications in a measure. It is not conceivable that it is capable of cataloguing all the scientific works published in every country in the world every year.

Mr. CRUMPACKER. Of course, but this appropriation is only for the cataloguing of the American scientific publications, and I had the impression that the Library of Congress already made a complete and current catalogue of all publications.

Mr. SMITH of Iowa. It is not being furnished in form for use by the international society.

Mr. CRUMPACKER. Why don't he furnish catalogues of scientific works?

Mr. SMITH of Iowa. I am not advised why it is not furnished, but this is the source—the Smithsonian—from which the international society has always derived this contribution.

Mr. CRUMPACKER. There is no law authorizing this expenditure now, is there?

Mr. SMITH of Iowa. There is not. The United States has long participated, but participated through the Smithsonian trust fund, and the trustees are unwilling to longer pay the expense.

Mr. CRUMPACKER. That, the gentleman says, is a diversion of a trust fund. Congress has never made any provision for this?

Mr. SMITH of Iowa. No.

Mr. CRUMPACKER. Mr. Chairman, I think I shall have to insist on the point of order, if it is good, and I think it is. There is no authority in law for this appropriation, it is conceded.

The CHAIRMAN. Does the gentleman from Indiana make the point of order?

Mr. CRUMPACKER. I make the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I grant the point of order is well taken. I regret the gentleman from Indiana feels constrained to make it.

The CHAIRMAN. The point of order is conceded by the gentleman to be well taken, and is sustained.

The Clerk read as follows:

Building for National Museum: For continuing the construction of the building for the National Museum, and for each and every purpose connected with the same, $500,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to briefly make a few observations, not so much on the merits of the item, as on the general proposition of the cost of our public buildings. I want to seriously, candidly, and frankly call to the attention of the distinguished chairman, whom I know is industrious and has shown that he is a man of intelligence, as are his associates. Why is it, gentlemen—I am sure you have asked yourself, as I have myself—that we have so many deficiencies? We appropriate here, and fix the cost, to build things, and then we have to appropriate a whole lot more to finish them. I am going to read briefly a few lines from Secretary Taft on the proposition of the home and foreign cost of structural material.

In a letter to the President, dated May 14, 1906, Secretary Taft, in part, says on buying two steel dredges for the Panama Canal:

When the Army went to the Philippines, which were not affected by the Dingley tariff and where Army supplies were admitted free of duty, the question arose as to where Army supplies were to be purchased. The practice was adopted under this section to buy supplies for the Army in the Philippines where they could be had at the cheapest price, preference of course being given to American supplies and material when conditions of price and quality were equal. Accordingly, large amounts of meat have been purchased from Australia instead of from the United States, because meat could be purchased at about one-half what it would cost to bring it over from the Pacific coast.

The result of a consideration of general principles of law and the practice of the Government, in the absence of specific direction to the contrary, is that in the construction of the Panama Canal in the Canal Zone on the Isthmus, which is outside the tariff wall surrounding the United States proper, and into which, by virtue of the Hay-Varilla treaty with the Republic of Panama, material, supplies, and machinery of all kinds for the construction of the canal are to be introduced free

from tariff or imposts, it is your duty to buy where you can obtain the material, supplies, and machinery at the cheapest price, other conditions with respect to quality, prompt delivery, etc., being equal. This view, it seems to me, is confirmed by the failure of Congress to direct any different course on your part, although the matter was brought to its attention more than a year ago, and your view of your duty in the premises, if Congress took no further action, was clearly indicated.

I ought to add that, while of course a very large proportion of all the purchases made for the construction of the canal have been from American merchants and manufacturers, some purchases have already been made abroad, and a saving effected in the purchase of camparatively small quantities of cement. In the construction of the canal an enormous quantity of cement will have to be purchased, and the question will soon recur again as to the acceptance of foreign bids for this material.

Very respectfully, WM. H. TAFT,
Secretary of War.

The PRESIDENT.

Now, I am not going to talk politics. I am going to talk dollars and cents reform for the benefit of the Government and people. You will remember two or three years ago Mr. Secretary of the Navy Moody reported to Congress that he would not start the work on the Annapolis buildings until we gave (in addition to the $8,000,000 already appropriated) $2,000,000 more, and he said the reason why he did that was because structural material had gone up either 20 or 30 per cent; that the architect had so reported. Congress gave the $2,000,000 additional and finished paying it a few days ago, I believe. I hold in my hand Senate Document No. 444 of the present Congress. In Secretary Taft's letter to the War Department, dated War Department, May 14, 1906, wherein bids for a couple of dredges for canal work were discussed, he states there is a difference of $70,850 between a Scotch bid and an American bid—between a bid made by the Maryland Steel Company, with headquarters at Sparrows Point, Md., and the Scotch firm of William Simons & Co., of Renfrew, Scotland. Now, gentlemen, here is the point of my proposition: In that small matter, less than $700,000, here is a saving of seventy-odd thousand dollars to the United States Treasury when we permit foreign structural builders to bid on our contract.

Now, here is an appropriation bill which, I believe, carries nearly a hundred million dollars—between ninety and a hundred million—and in a short while there will be, or rather exists now, deficiencies, and you will find, gentlemen, that in a great measure these deficiencies are brought about by the trusts and combinations dealing in all kinds of building material in this country, who have put up the price of material, and thus the original appropriation becomes too small to pay for the work. After we set a price on what a thing shall cost, after the plans are made, after they are submitted, and after we start on the work, we find that Government and the American people are in the grasp of the structural material makers of this country, who have practically no competitors. We find in a small matter—less than $760,000—this Panama proposition, there is a saving to the Government due to foreign bids of nearly $71,000 by allowing foreign bids. In the Annapolis instance they raised the cost of building material nearly 30 per cent.

Now, these are facts, gentlemen, which nobody can dispute. And I say here, in all candor, gentlemen of the Republican party—now, I must speak of partyism right here—you owe it to the American people to see not only that the laws are amended to meet the conditions and exigencies such as I have suggested here, but you owe it to the people to so change the laws as to prevent such a condition of things as this to arise and attack the Treasury. It is your duty to protect the American Treasury against being held up by these people, I do not care where or who they are. Why, they are indicting trusts in my country, and if guilty, whether black or white, Republican or Democrat, and more so if he is a Democrat, because he ought to know better, let them be indicted and punished.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last three words.

Mr. PAYNE. Mr. Chairman, I make the point of order the gentleman can not get the floor by offering another amendment for an additional five minutes. He must get additional time——

Mr. GAINES of Tennessee. I want to suggest to the gentleman that this is the first time I have ever heard that objection made. Now, I have known the gentleman himself to make the same request. I ask unanimous consent for five minutes additional.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Tennessee may have five minutes.

Mr. GAINES of Tennessee. I may not take it all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, Mr. Chairman, here is a matter that Judge Taft, a man of brains, integrity, and backbone, has brought to your attention, yet you stand here, "standing pat," so pat that you dare not put the "monopolized article" upon the free list, as the old leaders of your party did to free the monopolized article, and you do not even dare to reduce the tariff and allow fair competition in the limits of the United States proper. Now even the fact that here you have one of your own great men—a man almost greater, if a man can be, than his party, Secretary Taft—bringing to your attention this matter, does not seem to move you from your "stand-pat" status. I believe the Senate has already passed a resolution preventing the Secretary of War or the President of the United States from even saving this $70,000 to the Government of the United States in this Panama matter.

Now, Mr. Chairman, I will not take up the time of the committee further, but I will ask unanimous consent to extend my remarks in the RECORD on this subject of export and home price of our American manufactures.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to by Mr. GAINES of Tennessee is as follows:

Home and foreign price of American-made goods.

[By Byrum W. Holt, secretary New York Tariff Reform Club.]

EXPORT PRICES.

An attempt will be made in this pamphlet to show—

1. That it is reasonably certain that the great bulk of our exports of manufactured goods, amounting to $452,000,000 for the year ending June 30, 1904, are sold to foreigners at prices much lower than those prevailing in this country.

2. That it is highly improbable that these exported goods are sold at a loss.

3. That a regular system of continuously selling exported goods at prices below those exacted in the home market prevails in the United States and other high-tariff countries.

4. That while most protectionist countries encourage the selling of manufactured goods to foreigners at lower than home prices by the payment of drawback duties on imported material used in the manufactured article, and sometimes by direct export bounties, yet—

5. That, in this country at least, neither drawback duties nor export bounties account for much of this foreign selling at reduced prices.

6. That therefore these export prices furnish evidence that our present tariff duties are unnecessarily high, even from a protectionist standpoint.

7. That combinations, or trusts, controlling the home market take advantage of this excessive protection to exact exorbitant prices from domestic consumers.

8. That not only is this an oppression upon our citizens, who have generously taxed themselves for the benefit of these favored industries, but—

9. That it seriously handicaps all unprotected exporters, whether manufacturers or farmers, because it compels them to pay higher prices for materials, machinery, and supplies than are paid by their foreign competitors.

10. That, instead of encouraging our home industries, protection, by making it cheaper to produce abroad, is now encouraging foreign industry.

11. That for these reasons many important manufacturing establishments founded and conducted with American capital have recently been located abroad rather than in the United States.

I. OUR EXPORTS OF MANUFACTURED GOODS.

For the year ending June 30, 1904, our exports of manufactured goods were valued at $452,000,000. These goods comprised nearly all kinds and classes of manufactured articles. The more important items, according to value, were:

Exports of domestic manufacture for the year ending June 30, 1904.

Iron and steel	$111,948,586
Mineral oil, refined	72,487,415
Copper, manufactures of	57,142,079
Leather, and manufactures of	33,980,615
Agricultural implements	22,749,635
Cotton, manufactures of	22,403,743
Chemicals, drugs, dyes, and medicines (about)	13,000,000
Wood, manufactures of (not lumber)	12,981,142
Paraffin and paraffin wax	8,859,961
Instruments and apparatus, scientific	8,297,723
Paper, and manufactures of	7,543,728
Fibers, manufactures of	6,414,658
Tobacco, manufactures of	5,042,749
India rubber, etc., manufactures of	4,435,590
Books, maps, and other printed matter	4,347,304
Cars, passenger and freight, etc	3,370,733
Carriages, all other	3,354,801
Musical instruments	3,230,982
Paints, pigments, and colors	2,756,581
Clocks and watches, and parts of	2,281,195
Spirits, distilled	2,276,826
Soap	2,499,953
Gunpowder, etc	2,441,596
Glass and glassware	1,978,481
Wool, manufactures of	1,987,958
Cycles	1,965,023
Automobiles, and parts of	1,895,605
Lamps, chandeliers, etc	1,502,884
Jewelry and manufactures of gold and silver	1,365,654
Starch	1,340,282

NEARLY ALL GOODS SOLD CHEAPER FOR EXPORT.

The evidence is overwhelming that the great bulk of these exported goods are sold at prices materially lower than those prevailing in the United States. Those who have been connected with the export trade for many years estimate that 85 or 90 per cent of our exports are sold at an average of about 20 per cent less than they would have brought if sold at home-market prices.

On many important articles the difference between the export and home prices is above 50 per cent—often 100 per cent. The average difference for iron and steel goods is about 30 per cent. The average difference for mineral oil, implements, tools, and machinery is about 20

per cent; for leather goods and furniture, about 10 per cent, and for manufactures of cotton and copper, cars, carriages, and paints, somewhat less than 10 per cent.

TARIFF REFORM COMMITTEE'S PAMPHLET OF 1890.

Perhaps the first important evidence that, as a result of our highly protective tariff, American manufacturers were continuously selling manufactured goods abroad on an extensive scale at prices much below those prevailing in the United States was presented by the Tariff Reform Committee when it, on August 30, 1890, published Protection's Home Market, a 16-page illustrated pamphlet containing statements from leading manufacturers, from prominent Republicans, and from export journals, which published the export prices of many articles. This pamphlet was widely circulated, and undoubtedly helped to produce the political turnover of 1890 and 1892.

A few statements from this pamphlet may be quoted here, not only because they are valuable in themselves, but because they portray conditions to-day almost as well as they did fourteen years ago.

The American Machinist, September 26, 1889, said:

"Just why American manufacturers will sell machinery and other goods from 10 to 30 per cent cheaper in Europe than they will sell them to be used at home is rather puzzling; but anyone curious in the matter can easily enough find out that many of them do this. It may be necessary to cut prices in order to secure trade from abroad, but it is likely to strike the American purchaser as being a little rough on him."

The Engineering and Mining Journal, March 15, 1890, said:

"So soon as the industry has attained the position where it can more than supply our home market and has to send its goods abroad, where they compete with those of foreign manufacturers, it is evident that they are either giving the foreigners the benefit of lower rates than they do onur own people or that they are able to get along at home without any protection from foreign manufactures. It is not fair that our own people should be made to pay more than foreigners for the products of our own land."

The Republican Secretary of Agriculture, Mr. Jeremiah M. Rusk, gave some expert testimony on this subject in 1890. He said:

"I had an opportunity to take some stock in the combination (American Harvester Company), and I know what inducements were offered. An investigation will show that this same combination is now selling or offering to sell machinery in Russia and Australia and other wheat-growing countries at a lower figure than they do in this country. This won't do, and I need not offer any argument to prove the weight or truth of the assertion. The first thing the farmer will do when he is acquainted with the facts will be to make a howl against the trusts and protection that does not protect. Whether justly or not, he will charge it to the Republican party. I am as certain as I can be of anything that this mower and reaper trust will cost the Republican party hundreds of thousands of votes at the next Presidential election unless it takes a firm stand against it and trusts in general."

Even that steadfast Republican paper, the New York Press, admitted on October 22, 1889, that—

"It is sometimes looked upon as wise to ship goods out of the country at cost, rather than break the regular price for which such articles sell in the country in which they are produced."

On July 30, 1890, Mr. A. B. Farquhar, in a letter to the Farmers' Call, of Quincy, Ill., said:

"Certainly our manufactures are sold much lower abroad; we could only need protection to get better prices from our customers at home. We do manufacture and sell in Canada, South America, and Europe many agricultural implements and machines, and could we have free raw material and the commercial advantages which free trade would give us America would become the great manufacturing emporium of the world, and the farmer, of course, would share the prosperity, since he would have less to pay for everything and get better prices for all he sold. Go on with your good work. When the farmer begins to think and rise up against this swindle it is doomed."

As to whether or not the export prices quoted were for the wholesale trade alone, the Engineering and Mining Journal of August 26, 1890, said:

"Prices quoted by us are, as you will notice, at the head of the first column, 'for export only,' and the prices therein given are the prices at which every foreign subscriber can buy in this market. It stands to reason that orders for farm implements are frequently for one only. If to buy one machine is retail trade, then these foreign prices are retail prices.

"Our domestic subscribers are barred from the prices quoted in these columns. These special discounts are 'for export only,' and in more than one instance we have lost our advertiser through publishing these prices.

"That the foreigner can buy at retail in this market cheaper than the domestic consumer is as indisputable as the daily revolution of the earth. We can enumerate any number of instances where houses have written us: 'Prices furnished are for export only, and it would be most injurious to us if these figures were circulated in the "home markets."'"

From several export price lists and from prices obtained direct from manufacturers, this Reform Club pamphlet of 1890 compared the domestic and foreign prices of many articles. It appeared that agricultural implements, machinery, and tools were sold for export at prices from 5 to 30 per cent below those charged in the home market. Barb wire was then sold for export at $2, and at home at $3 per hundred pounds; wire nails at $1.35 and $2.25, respectively; rivets at $5.55 and $10; typewriters at $60 abroad and $100 at home; sewing machines at $20.75 abroad and $27.50 at home.

PRACTICE HAS GROWN WITH OUR EXPORT TRADE.

Since 1890 the practice of selling goods at lower prices for export has grown with our export trade in manufactured products. During this period commercial and daily newspapers have been continually printing letters and news items about the differences between the home and export prices of various articles and goods, and sometimes of American goods reimported, after paying transportation costs both ways, and sold at a profit under the home-market prices.

In 1902 the Democratic campaign book contained considerable evidence on this subject. This year's Democratic campaign book contains much more evidence, and enumerates hundreds of articles on which the differences between the export and home prices is very marked. Nearly all of the prices in the campaign book are quoted in this pamphlet, full information as to their accuracy having been obtained.

II. OFFICIAL EVIDENCE.

ADMISSIONS FROM GOVERNMENT PUBLICATIONS IN 1900.

By 1900 the numerous iron and steel combinations (not yet consolidated) had become so dictatorial at home and so bold in selling their products abroad at greatly reduced prices that it became necessary to convey to them an official warning of the folly of the course they were pursuing.

The following quotations are from a special article on iron and steel in the official Report of the Bureau of Statistics on Commerce and Finance for August, 1900:

"The progress of work on shipbuilding in the United States has likewise been retarded, because makers of steel materials required a higher price from the American consumers than they did from the foreign consumers for substantially similar products. Of course American exporters have to get foreign contracts in competition with foreign plate makers, who are excluded from our domestic market. In addition to this, American export plate makers are interested in preventing the establishment of plate manufacturing in their customer nations abroad, and to that end bid low enough to discourage foreign nations from entering the field for producing their own plate at home. The progress of domestic manufactures of iron and steel goods may likewise be handicapped by the sale of iron and steel in their manufactured state at so much lower a price to foreigners than to domestic customers as to keep the American competitor out of foreign markets generally. The natural limit to such a policy of maintaining a higher level of prices for these materials at home than abroad is found in the restriction of domestic consumption and the import duty. If restriction of consumption at home does not operate to prevent the shortsighted policy of discrimination against domestic development of manufacturing industries, the other contingency is more or less sure to rise, namely, the demand for the reduction of the tariff on unfinished iron and steel, in order to equalize the opportunity of makers of finished products in foreign markets. To this policy the domestic consumer is usually ready to lend himself, thus making a powerful combination of interests to set limits to the rise of domestic prices on iron and steel materials.

* * * * * * *

"Of the two policies open to iron and steel makers, the farsighted one of keeping the domestic and foreign markets as near as possible on a par in the price of these materials of manufacture seems by far the wiser one to follow, both in the interest of a steadier course of prices, which means steadier consumption, and on account of the competition of manufacturers of finished goods with foreign manufacturers in the neutral markets of the world.

"The other policy of maintaining prices to manufacturers at the highest level at home leaves little margin for experiment in seeking new markets, and restricts the application of iron and steel to additional uses at home. The depressing effects of an agitation for tariff revision to remedy this inequality are sure to cause a far greater business loss not only to the country as a whole, but to the producers of iron and steel themselves than is to be gained by selling at low prices abroad, which they can not help, and at high prices at home, which they can help. Nor can the home-market price be sustained beyond certain limits by export sales. Certain American manufacturers of steel materials tried this policy up to April, 1900. It resulted in a very positive shrinkage in domestic consumption at the then high rates. Farmers had ceased to purchase barbed wire for wire fences, retail hardware dealers had complained for months of diminished business in nails and wire. Jobbers had gotten in the way of doing a hand-to-mouth business on prices that had advanced from $1.35 to $3.20 in the course of a year. Hence the reduction of $1 in April, 1900, became a necessity in order to keep the mills in operation.

"If steel rails, for example, sell at Pittsburg for $35 per ton for months in succession for home consumption, while the foreign consumer is purchasing them for $22 to $24 per ton, the domestic market is sure to order no more than it is obliged to have for the time being."

This warning to the iron and steel companies was unheeded. They immediately formed a much bigger trust (the United States Steel Corporation) and became more domineering than ever at home while pushing boastfully and ostentatiously into foreign markets by offering goods for exports at prices sometimes less than half those charged in the United States. Apparently the Republicans themselves have forgotten their own warnings. Or, perhaps, having been victorious in the elections of 1900 and seeing no very unusual demonstrations on the part of the people, they have concluded that there is no limit to the endurance and meekness of the voters, and it is safe to "stand pat" on a tariff that encourages these outrageous practices.

EVERYTHING LOWER FOR EXPORT, SAID PRESIDENT SCHWAB, OF THE STEEL TRUST.

The president of the United States Steel Corporation testified before the Industrial Commission on May 11, 1901. He had grown up in steel mills and had always seen all kinds of steel goods sold at reduced prices for export. Apparently it had never occurred to him that this system was an abuse of protection, was against public policy, and that everybody did not know of this usual and habitual difference between export and home prices. Hence he made some very frank admissions. Here are some extracts from his testimony:

"Q. Will you take up the question for a moment of the relation between export prices and the prices in this country? You have, perhaps, heard some of the discussion.—A. I heard some of the discussion of the gentleman who just preceded me. I do not quite agree with him, of course. It is quite true, as he says, that export prices are made at a very much lower rate than those here, but there is no one who has been a manufacturer for any length of time who will not tell you that the reason he sold, even at a loss, was to run his works full and steady. That has been the chief thing regarding all these companies in their export business. I think you may safely say this, that where large export business is done, for example, in the line of iron and steel, nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export. Railroads will in most instances carry them a little cheaper for you, and so on all down the line. But labor, within my knowledge at least, has never been asked to work for a lower price for export material, so that labor benefits more by it than almost any other interest.*

"Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the

* The fallacy in this statement is exposed by a notorious illustration. It was not very long after this testimony was given that the tin-plate branch of the United States Steel Corporation coerced its workmen into an agreement to accept about 20 per cent lower wages upon tin plate made for export. The company asserted that it was only by such a reduction of wages that it could obtain orders from the Standard Oil Company. Heretofore that company has used imported tin plate from which to make the cans for exported oil, obtaining a drawback from the Government of 99 per cent of the duty paid on the imported plate. (See pp. 16–17, infra.)

home market?—A. That is true; perfectly true. I just want to interrupt you and say that American steel has been sold in the American market at as low prices in times of extreme depression as it has been in foreign markets, but it has been sold without profit. You know we do run for a space of time at a loss.

"Q. Would you say that when business is in a normal condition the export prices are regularly somewhat lower than home prices?—A. Oh, yes; always.

"Q. (By Mr. Jenks.) I should like to go back a moment to the question of export prices. You said that during last year the export price was considerably lower than the price in the United States. Would you mind giving us definite figures?—A. I have not them at hand, but it would vary with each article.

"Q. Suppose you take the case of steel rails. Could you give us about the difference between the export and domestic price?—A. I would have to make a guess; I do not know definitely. The export price was about $23 a ton.

"Q. And the price here?—A. Was $26 and $28.

"Q. At the same time?—A. At the same time.

"Q. In making these export prices are the export prices at all uniform or do they vary?—A. They vary with the competition we may have."

Mr. John W. Gates, the head of the American Steel and Wire Company, told the Industrial Commission on November 14, 1899, that barb wire and wire goods were sold cheaper to foreigners because lower prices were necessary in order "to hold outside trade." He said they were exporting 700 tons of wire a day and that they furnished England with 60 per cent of her supply of wire.

INDUSTRIAL COMMISSION'S INVESTIGATION OF EXPORT PRICES.

The Industrial Commission, a strongly partisan body, made an investigation of export prices. It sent schedules of inquiry to 2,000 of the 600,000 manufacturing establishments in this country. It received 416 replies. In these replies 75 manufacturers admitted that they were discriminating in favor of foreign customers, and that their exports were valued at about $4,000,000.

On the supposition that these 75 manufacturers were the only ones in this entire country who were selling goods for export at reduced prices, many leading Republicans are asserting that out of our total product of manufactured goods, valued at over $13,000,000,000, and of our total exports of manufactured goods, valued at over $450,000,000, only $4,000,000 worth of goods are sold abroad at reduced prices. Absurd as they are, these statements are repeated in many forms in the Republican campaign book of this year and in the speeches of Secretary Shaw, Speaker CANNON, and others. Secretary Shaw's favorite way of stating it is that only "one-thirteenth of 1 per cent of the output of our factories is annually sold abroad cheaper than in the domestic markets."

That the investigation of this subject made by the Industrial Commission was most inadequate is evident to all who know how it was conducted, and is, indeed, substantially admitted by the Commission in their report.

Replies were received from only about one out of every five manufacturing establishments to which schedules of inquiry were sent. As it was optional with the manufacturers whether or not they should fill out and return the inquiry blanks, it may be presumed that the really guilty ones did not volunteer information which would endanger their protection. Many manufacturers made ridiculous answers, perhaps with a view to providing campaign material for the party of protection. Thus many asserted that their domestic prices were substantially below their export prices. This is absurd. Not only is there no reason why export should exceed domestic prices, but it is next to impossible for them to do so. As 90 or 95 per cent of all goods exported are sold through export commission houses, which buy of manufacturers and sell to foreign customers, it is absurd to suppose that they will pay manufacturers much more for goods than these goods are selling for in the domestic market. The exporters would, of course, fill their foreign orders by buying goods where they could obtain them cheapest. Hence it is impossible for the export to exceed the domestic prices under similar conditions of sale. Under these circumstances it is remarkable that even seventy-five manufacturers frankly admitted that they were selling goods cheaper to foreigners than to Americans.

VALUABLE EVIDENCE FOR COMMISSION'S REPORT.

In spite of the unfavorable conditions under which the Industrial Commission's investigation was made, considerable valuable information was obtained from the admissions of the seventy-five manufacturers and from the conclusions of the Commission. In summing up their conclusions as to export prices the Industrial Commission said:

"In about 20 per cent of the cases covered by the Commission's returns the export prices have ruled lower than those charged to home consumers. * * * The practice is quite common in all countries and on the part of separate establishments as well as of combinations."

In view of "the practice by some exporters of making lower prices abroad than at home, and of the desirability of protecting the consumer as well as the producer," the Commission recommend that, "without waiting other legislation, the Congress provide for a commission to investigate and study the subject and to report as soon as possible what concessions in duties may be made without endangering wages or employment at home, what advantages abroad may be obtained therefrom, and also to suggest measures best suited to gain the ends desired."

This is a substantial admission that the investigation was not thorough and that tariff duties were, in part, at least, responsible for the difference between export and home prices. No attention whatever was paid to this recommendation by Congress.

REPORT OF MR. THOMAS W. PHILLIPS, A MEMBER OF THE COMMISSION.

One of the Commission, Mr. Thomas W. Phillips, did not sign the majority report. In a supplementary statement he said:

"There are a large number of industries in which it is in evidence that the domestic price is much higher than the export price. I do not agree that the answers to inquiries addressed by the Commission to exporters indicate that the trusts are not chargeable with this practice to any serious extent. Out of the 2,000 schedules of inquiries sent out there were received only 416 replies, and only a very few of these replies came from corporations known popularly as trusts (Vol. XIII, p. 726). The fact that about seventy-five answers indicated lower prices abroad than at home is significant when it is noted that more than four-fifths of those addressed failed to answer, and that naturally those who are chargeable with such discrimination would be the ones who would decline to reply.

"Several witnesses before the Commission on behalf of the trusts admitted that their export prices were lower than the domestic prices, but they contended that this was necessary in order to work off their surplus and to keep their establishments running full time, and that all manufacturers in all countries do the same. This argument overlooks the fact that their surplus products could also be worked off by lower prices at home and that it is the tariff which encourages them to cause domestic surplus by restricting domestic consumption through high prices."

On April 2, 1902, Mr. John M. Peters testified before the Ways and Means Committee that lead was being exported and sold for but little more than half of the home price. On the same day Mr. A. G. Webster, president of the New England Shoe Association, testified that leather was sold for export at 5 to 10 per cent below domestic prices.

TESTIMONY BEFORE THE SHIPPING COMMISSION.

Some evidence as to export prices was obtained in the testimony given before the Congressional Merchant Marine Commission at its sittings in different cities this year.

Mr. James J. Hill, of the Great Northern Railroad, stated that competing roads in Canada were obtaining American rails at $10 a ton less than he had to pay for them, and since that testimony was given the trade papers have reported heavy sales by the United States Steel Corporation to the Canadian Pacific Railroad Company, at $20 per ton—$8 lower than the lowest domestic price.

Mr. James C. Wallace, of the American Shipbuilding Company, on June 28, 1904, at Cleveland, Ohio, told this Commission that American steel was delivered at Belfast for $24 a ton, while the same steel cost purchasers in this country $32* at Pittsburg. In reply to members of the Commission he stated that his authority for the statement came from the assistant sales agent of the Carnegie Steel Company. This statement caused Senator GALLINGER, chairman of the Commission, to exclaim: "If that's so, it is an outrage and ought to be remedied."

Numerous other witnesses testified to similar differences between the domestic and export prices of ship plates and of other shipbuilding materials.

SENATOR BACON'S EVIDENCE ON STEEL RAILS, BARB WIRE, ETC.

Senator AUGUSTUS O. BACON, of Georgia, produces some strong evidence of export prices in his speech in the Senate, April 25, 1904. He had printed in the CONGRESSIONAL RECORD a letter to him from Mr. James T. Wright, vice-president and general manager of the Macon, Dublin and Savannah Railroad Company. Senator BACON stated that Mr. Wright was an Indianian and a Republican. In his letter to Senator BACON, Mr. Wright states that his railroad was compelled to pay $29 a ton for 5,618 tons of steel rails, although the same steel company that charged him $29 offered to sell him rails for Honduras at $20, the rails to be loaded upon vessels chartered to a foreign port. Commenting upon these prices Mr. Wright said:

"Allowing a liberal amount for cost of delivery at tide water, which in this particular case would have been very small, we American citizens paid to this American industry $33,000 in excess of what foreigners would have been compelled to pay. And $33,000 would have put up a very handsome library filled with standard books on protection.

"And this was a very small transaction—only 50 miles of railroad! Payments were cash, and neither needed nor asked any concessions in the matter of time. Because we were Americans, interested in the development of a small section of our country, involving faith and sacrifices, we were compelled to pay out as a bonus in excess of $600 per mile."

Senator BACON also had printed in the RECORD a letter from Mr. W. G. Raoul, president of the National Railroad Company of Mexico. It was dated February 25, 1904. In it Mr. Raoul said:

"For a long time past all our purchases have been made on the basis of export prices, even though they have occasionally stopped in Texas, the competition being keen enough to produce this cut in prices in favor of the Texas shipments, so that it has been some time past since we have had any material differences, but those differences do exist, and to an iniquitous extent. I use the word 'iniquitous' because it certainly seems to me when the citizens of the United States are required under the laws of the country to pay a higher price to the manufacturers than these same manufacturers are willing to make and sell to foreign people for. In 1902 I secured bids on steel rails for Mexico from United States mills at about $24, delivered at Tampico, while the price I paid at the same time for rails for our road in Texas was $28 at the mills.

"I have understood that the Canadian Pacific has just bought a large lot of rails from the United States Steel Corporation at $21. It is asserted and denied that the $21 is for delivery at Montreal. If it is, the price at the mill would be about $19, while the price for United States roads is still $28 at the mills. I do not know this of my own knowledge, and it is merely current report."

The following extracts from Senator BACON'S speech further elucidate the statements in the letters:

"I stop there to note that the $24 was the price, delivered at Tampico, for rails which were to be used for a part of the road in Mexico. Of course, from the $24 was necessarily deducted the cost of transportation, so far as the receipt of the manufacturer is concerned, and for the road, so far as it lay in Texas, at the mills the price was $28 a ton. So if you allow even $4 as the cost of transportation, there was a difference of $8 a ton between the price charged by the manufacturers for rails sold to the same party where he was to use a part of them in Texas and to use the other part in Mexico.

"Twenty-four dollars was the price at Tampico, and in that case, of course, the manufacturer paid the freight to Tampico, and that was for rails to be used in Mexico; but for rails which were to be used in Texas the price was $28 at the mills, which would have required the railroad company, of course, to pay the freight.

"If $4 was the cost of transportation at a difference of $8 a ton between the price charged by the maker of the steel rails to the same person where he had a railroad line partly in Texas and partly in Mexico, he paid $8 more for the rail to be laid in Texas than for the rail to be laid in Mexico.

"Mr. BLACKBURN. At the same time?

"Mr. BACON. At the same time; not, as suggested by the learned Senator from Rhode Island, when there was a difference in pig iron, or the cost of labor, or anything else. Here is $8 a ton, about representing the difference made up by the $7.84 a ton duty.

"In these two cases here are the actual prices stated by a customer. In each case it is the same rail by the same manufacturer to the same customer at the same time, and in each case there is a discrimination of the price to this same customer of the same rail at the same time

*This was prior to alleged recent cuts in domestic prices by the manufacturers.

as between the rail to be used in the foreign country and the rail to be used at home."

SENATOR BACON'S EVIDENCE ON EXPORT PRICES OF BARBED WIRE.

In the same speech Senator BACON said:

"Barbed wire has increased in price, certainly, considerably over 100 per cent, if not nearly 200 per cent, not very recently, but at the time when it was taken into the trust and very soon thereafter.

"I have a letter from an exporter in New York City, voluntarily written to me. In which he states that the price to him for barbed wire to be exported to South America is $2.20 per hundred pounds, while to the man in the United States the price of barbed wire is from $2.90 to $3 per hundred pounds. In other words, the farmer in South America can fence his fields with barbed wire made in the United States and sold to him in the United States at a less price than that at which the farmer in the United States can buy barbed wire from the same man in the United States to fence his field with. Under the operation of the present tariff law the American farmer is compelled to pay to the barbed-wire manufacturers in the United States at least 40 per cent more than the South American farmer is required to pay when he buys exactly the same wire from the same man in the United States.

FOREIGN OFFICIAL EVIDENCE.

The British Blue Book on "British and Foreign Trade and Industrial Conditions," prepared by the board of trade and issued late in 1903, contains much evidence of foreign goods sold lower in Great Britain than in the countries of their origin. The evidence relates principally, if not entirely, to Germany, Austria-Hungary, and the United States—all protected countries.

The evidence shows that German coal, coke, pig iron, steel billets, rails and girders, wire, wire nails, ship plates, and paper are sold much cheaper in England than in Germany, the difference, in the case of steel rails, amounting to 20 per cent, and in the case of wire nails to over 50 per cent of the German home prices. It shows that American steel (tin plate) bars, ship plates, steel billets, and merchant iron and steel were then selling in Great Britain at prices far below those prevailing in the United States.

This evidence is proof that like conditions produce like results, and that manufacturers in protected markets in any country are likely to compel their customers at home to pay higher prices for goods than those charged foreign customers.

THE CHAMBERLAIN TARIFF COMMISSION REPORT.

The Chamberlain tariff commission is made up of about sixty of the leading business men of England. During several months it has been taking testimony on the need of tariff duties to prevent the "dumping" of foreign goods in England. The establishment of this commission, and, indeed, the whole fiscal agitation in Great Britain, are the result of the methods of selling goods in the free British market practiced by the protected manufacturers of foreign countries, especially of Germany and the United States.

The first volume of the report of this commission, which is an unofficial body, was issued in July, 1904. It relates to iron and steel only. A great number of British manufacturers, covering every branch of their great iron and steel industry, either testified personally before the commission or sent in written statements in answer to very thoroughly prepared question sheets submitted to the trade by the commission. The evidence, showing sales in the British market by manufacturers of iron and steel products in Germany and in the United States at prices greatly below the domestic prices charged by the same manufacurers in those countries to domestic consumers, is overwhelming and startling. The conclusions of the commission in respect to the facts are fully sustained by the evidence. With their proposed remedy, namely, the imposition of duties by Great Britain upon importations of iron and steel from Germany and the United States, we have nothing to do in this pamphlet, but the evidence showing the sales by American manufacturers in the British market at prices greatly below the domestic prices in the United States is directly pertinent to our inquiry. The evidence taken before this commission is very voluminous. A few extracts, typical of the whole, make interesting reading for American consumers of iron and steel products.

EVIDENCE OF ENGLISH FIRMS AS TO PRICES OF "DUMPED" GOODS.

Firm No. 898: "Pig iron from the United States is imported into this country below cost price here. Our customers are buying at 5s. per ton less than we can produce at, and the Americans are reported to be selling for export to England at a price equivalent to 8s. per ton lower than the price at which they are supplying their own country."

Firm No. 1147: "We were informed by an American mattress maker last summer that American wire, which could be bought in Birmingham at £18 per ton, was sold for £21 in the States, and when freight, etc., is taken into consideration, this would be a drop of between 15 per cent to 20 per cent. Our price in Birmingham is £18 10s., but 90 per cent of the wire used by mattress makers in Birmingham is American, and doubtless the same condition prevails in other towns."

GERMAN AND AMERICAN BARS.

Firm No. 1512: "The following are the prices of German and American bars for export to this country and for their own trade:

"*German bars.*—Export, per ton, 77s. d/d works in Wales. Home market, per ton, 92s. 6d. f. o. b. maker's works.

"*American bars.*—Export, per ton, 76s. d/d works in Wales. Home market, per ton, $28, or £5 16s. 8d. f. o. b. maker's works.

"Price of Welsh bars, 80s. to 85s. delivered.

"Tariff on steel bars into Germany, 23s. 5d. per ton.

"Tariff on steel bars into United States of America, 46s. 8d. per ton."

Firm No. 478: "Messrs. A. B. C., of Sheffield, used to buy large quantities of steel from us for export to (colony). They now buy in the States and ship direct to (colony). They never see it; only invoice it and pocket the profit. How is tariff reform going to deal with this?"

BRITISH LOSING CANADIAN MARKET FOR TIN PLATES.

Firms Nos. 1510 and 1511: "Our experience is that we are fast losing the Canadian market for tin plates, and the Americans have recently sold at least 100,000 boxes there, while it is reported that they have also taken orders for Australia.

"The Iron Age of February 4, 1904, page 48, gives the price of 20 by 14 tin plates at $3.64 f. o. b. Chicago, or 15s. 9d. a box. The present price of English tin plate is about 10s. 9d., net, f. o. b. Swansea. Notwithstanding this difference in favor of our tin plates, the Americans have booked Canadian orders at a price delivered Canada less than f. o. b. Swansea price of English plates. The tariff put on tin plates by the United States has completely killed our trade with that country except as regards a small export of tin plate for reexportation, on which a rebate of 99 per cent of the tariff is allowed."

Witness No. 1 (505): "In Canada we suffer from American competition. I lost an order for 1,000 tons of steel rails there last week. America also competes in Australia and at the Cape, but not so keenly as in Canada. I can not give you the reason for the loss of the order for 1,000 tons of rails; the order was intended for Cape Breton, and was worked through Glasgow merchants, who assured us we would get the order. We lost it in spite of the 33 per cent preference."

DUMPING PRICES FOR THREE YEARS.

Witness No. 2 (545): "The practical working of the dumping process is shown by comparing the prices at which cheap bars and billets are sold here from Germany and the United States during the past three years and the prices at the same time in the countries of origin:

Prices of American and German products in United Kingdom.			Price in—	
			Germany.	United States.
	s.	d.	s.	s.
Nov., 1901. German sheet bars delivered works port United Kingdom	81	3		
Freight	9	6		
	71	9	95	.....
Aug., 1902. German billets delivered works inland	88	0		
Freight	17	2		
	70	10	95	.....
Jan., 1903. German sheet bars delivered port United Kingdom	78	6		
Freight	9	6		
	69	0	94	.....
Jan., 1904. United States billets delivered works inland	81	3		
Freight	24	1		
	57	2	.....	92
Jan., 1904. United States sheet bars delivered port United Kingdom	78	0		
Freight	16	5		
	61	7	.....	96
Jan., 1904. German billets f. o. b. Rotterdam	70	0		
Freight	5	0		
	65	0	90	.....

"The prices given of steel delivered in the United Kingdom are actual contracts; the prices in Germany and the United States are taken from the Iron and Coal Trades Review. * * * Similar difference exists in the German and United States prices at home and abroad of rails, sheet iron, nails, wire rods, etc."

SELLING PRICES OF TUBES IN PROTECTED COUNTRIES.

Witness No. 12 (820): "It is a fact that tubes are sold at higher prices in protected countries than the same countries export and sell at in Great Britain. On February 18, 1904, I got from the British consul at Pittsburg, America, the discounts from the American price lists that the tubes are being sold at in Pittsburg—that is, the largest seat of manufacturing of American tubes. That was in truck loads of 5 tons. When I worked out this on the American price lists, less the discounts given me, and at per thousand feet—taking a thousand feet of each of the sizes for which I am able to get a price, namely, fourteen, making a total of 14,000 feet—I got a net sum that they would pay in Pittsburg of £420 4s. 1d., and on the same date—and it fortunately happens that it was the same date—I got a quotation from the United Steel Products Company of America, practically the selling spot for some of the large American works, for tubes delivered in the Thames, London. These discounts are quoted from the English price list. I took a thousand feet of each of these fourteen sizes—they are the running sizes of the trade—and less the discounts which they gave me it made for the 14,000 feet £332 14s. 6d., so that the American is really dumping in the Thames, at £87 9s. 7d., for this quantity of tubes, less price than he is obtaining at the point of manufacture, where he has neither to pay freight nor carriage. In other words, he is selling at 26.25 per cent higher price in Pittsburg than he is selling these same tubes in the Thames."

Witness No. 13 (864): "In July, 1904, the American bars came in, and they were actually being sold at £5 5s. a ton c. i. f. against our price of £7 at that time, and the buyers completely held off buying tin plates, and there was a fortnight's stoppage of all the tin-plate works."

STEEL MANUFACTURING COSTS IN UNITED STATES AND ENGLAND.

Witness No. 16 (1023, 1026, 1045, 1046): "The cost of converting pig iron into steel in the United States must, in the majority of cases, be somewhat less than the corresponding cost in this country, despite the fact that wages there are materially higher. * * * I do not hesitate to say that if the Canadians had been charged the same prices as were nominally charged on the other side of the line, hardly any American iron and steel would have found its way into Canada during the last five years in competition with the cheaper prices quoted for British material.

"A firm employing nearly 1,500 hands, writing in February, states that the current price of basic pig iron in Germany was then 58 marks per ton. The lowest cost at which this could be converted into steel joists and beams could not be less than 31 marks per ton. Yet these German joists, costing not less than 89 marks, were being offered f. o. b. Antwerp at 82½ marks per ton, less 2½ per cent discount. The home price in Germany for joists f. o. b. at works was 105 marks. Similarly the current price for pig iron at Pittsburg was $13 (54s. 1d.); the cost of manufacturing these into billets could not have been less

than $5.50 (27s. 1d.) per ton, making together 81s. 2d. Yet these were being delivered c. i. f., any British port, at 75s. per ton, making a difference of 6s. 2d. per ton, exclusive of sea freight and land freight from Pittsburg to the American port. The home prices for these billets at Pittsburg was $24 (100s.)."

On the voluminous and very complete evidence taken before them this commission of merchants came to the following conclusions on the subject of "dumping:"

"DUMPING" A CONTINUOUS AND ORGANIZED SYSTEM.

"It is, in our opinion, impossible to maintain that dumping is merely a temporary expedient, unprofitable to the countries which practice it, and, therefore, certain to be abandoned. In fact, the evidence indicates that dumping is a part of an organized policy. The evidence further suggests that, just as foreign competition, commencing at the lower stages of production, has, as we have shown, gradually extended, so foreign countries must inevitably find it profitable to dump in branch after branch of the more finished manufactures as their productive power increases."

Much evidence was taken also before this commission on the effect of trusts, syndicates, and cartels in establishing and maintaining the system of selling products in foreign markets at prices greatly below the home price. The evidence is very interesting, but we have not space to review it in this pamphlet. The commission came to the following conclusion:

TRUSTS AND CARTELS.

Among the witnesses we have examined and in the returns made by manufacturers there is some diversity of opinion as to the effect of trusts and cartels, so far as the promotion of economics of production is concerned, but there is a general agreement that, in association with the tariff policy of the countries concerned, the trusts and syndicates of the United States, and more particularly the cartels of Germany, are a powerful aid in securing the control of the home market, and, as a consequence, in regulating the export trade."

"THE HOME CONSUMER PAYS THE BILL."

(a) If these sales in foreign markets are made by American manufacturers at a fair profit, obviously, even from a protectionist point of view, they are able to produce at prices which render any protective tariff not only unnecessary, but a gross oppression upon the home consumer. It is only by reason of the tariff, which excludes foreign competition, and by monopolization of the home market by trusts and combinations, that the domestic consumers can be compelled to pay the high domestic prices. Repeal or radical reduction of the tariff on these products would necessarily bring down the price to a reasonable basis.

(b) If such sales in foreign markets are made by American manufacturers at a loss (highly improbable as a continuous proceeding), then that loss must be recouped by exactions in the home market. In either case, whether of actual loss or very low profit, the American consumer pays the bill. Apparently in explanation or justification of these low export prices, it is argued that the goods are sold abroad at cost, and sometimes below cost, but that the productive capacity of American mills is greater than is necessary to supply the home demand, and that by keeping the mills running continuously and obtaining a much larger product, the cost of the whole product is greatly lowered, economies being thus made in labor and fuel and incidental expenses. It is argued that so great is the advantage from keeping the mills running to their full capacity, or as near that as practicable, that it pays to sell the surplus in foreign markets at almost any price that can be obtained. The whole transaction, it is claimed, shows a profit. That is to say, by exacting tremendous prices from the home consumer, the profit on the much greater quantity of the product sold at home recoups the loss on the foreign sales, and leaves a handsome profit for dividends upon hugely excessive capitalization. If this justification is satisfactory to the American consumer, there is nothing more to be said. From the manufacturers' standpoint it may be satisfactory, but the domestic consumer obtains little or none of the advantages alleged to result from a production greater than is necessary for the supply of the home market. As Mr. Phillips pointed out in his minority report as a member of the Industrial Commission, the domestic high price greatly restricts home consumption, and is the chief cause of the surplus product. With a fair home price domestic consumption would be greatly increased. If by continuous production the cost of producing each unit is so greatly reduced that domestic prices could be made lower than would be practicable if production was more limited, the combinations within the shelter of the tariff enable the producer to reap the benefit. The consumer receives little or no part of it, because the prices are not reduced. The arguments present no justification for the continuance of such an artificial condition of affairs at the expense of domestic consumers. If the tariff duties were removed, or greatly reduced, the production of iron and steel would be measured by such a supply as could be disposed of either at home or abroad at fair prices.

All the evidence, including that of the most experienced American manufacturers, shows that in the great branches of the iron and steel industry they can produce more cheaply than anywhere in the world, and without any tariff at all have no reason to fear foreign competition. It is not improbable that without a tariff they would not be able to maintain prices that would give returns adequate to pay large dividends upon the tremendous overcapitalization which has prevailed in these industries of recent years. What importance, however, should the general public attach to that?

THE SIZE OF THE BILL.

The total value of manufactured goods sold to final consumers in this country can hardly be less than $6,000,000,000, and may be as high as $8,000,000,000. If, as is reasonable and probable, these goods are worth 20 per cent more in the home market than they would command for export, or more than they would command in our markets were there no tariff-protected trusts and monopolies in control here, then we are paying something more than $1,000,000,000 a year for our tariff whistle. This is the cost at wholesale prices. At retail prices the cost of "protection" is probably $1,500,000,000 or $1,600,000,000. This is about $20 per family for our entire population. This is the cost to us of a system that greatly hampers and restricts our foreign trade directly, through the high tariff duties on imported goods, and indirectly through the handicap which it puts upon our manufacturers and farmers when it compels them to pay for more materials, machinery, implements, and supplies than is paid by their foreign competitors. It is the cost to us of having our manufacturing industries conducted by huge monopolies, heavily overcapitalized, corrupting politics, engaging constantly in stock jobbing, and using foul means to get rid of small and independent manufacturers. Do we—that is, 99 out of 100 of us who do not pocket tariff taxes—get value received?

There is no compensating benefit to labor when goods are sold at higher prices in the home market, for in order to maintain these higher prices production must be restricted. With home prices lowered to the level of foreign prices far more goods would be consumed and far more labor would be employed in producing them. This would mean steadier employment and increased yearly earnings if not increased weekly wages.

EVIDENCE FROM TRADE JOURNALS, NEWSPAPERS, ETC.

Besides the great amount of official and unofficial evidence as to the difference between export and home prices of manufactured goods, trade journals, newspapers, and letters from manufacturers and dealers furnish no end of facts as to export prices. Only a few of these will be cited here.

INGRATITUDE OF TIN PLATE TRUST.

The tin plate trust has for over two years been selling plates to the Southern Cotton Oil Company and other exporting manufacturers of canned goods at about $1 per box below the regular prices. It offered to meet the Welsh prices (about $1.50 per box of 100 pounds below the American price, the duty being $1.50 per box) on an order for 1,500,000 boxes from the Standard Oil Company, if the workingmen would accept a 25 per cent reduction in wages. The compromise was arranged and reduced wages were accepted until September, 1903, and extended to 1904 and 1905. Thus these workers are now working at reduced wages in order that the manufacturers may sell tin plate for export at two-thirds of the prices charged in the home market.

The tariff on tin plates has cost this country over $100,000,000 during the last twelve years. As soon as the manufacturers could produce as cheaply as foreigners they got together and formed a trust and put up the price from $2.80 per box in 1898 to $4.84 in 1900. It is now $3.64.

The ingratitude of the protected trusts and manufacturers is monumental. They accept charity from us until they become strong, then they utilize to the fullest the power which the tariff gives them to charge us exorbitant prices, and to our protests they merely reply: "What are you going to do about it?"

EXPORT PRICES OF FILES.

In February, 1904, the literary bureau of the Democratic Congressional committee received a letter from Henry Rossell & Co. (Limited), Sheffield, England., large manufacturers and dealers in files and tool steel. This letter says:

"As an illustration of the unfair manner in which home buyers of files are treated by the United States manufacturers, I inclose you herewith a comparison of the prices charged to the buyers in the United States with those offered by the same manufacturers here."

Some of the prices on the list inclosed follow:

Comparative prices of American files in America and England.

Articles.	Price per dozen.		Difference.
	England.	United States.	
			Per ct.
Flat bastard, 4 inches	$0.34	$0.92	170
Flat bastard, 6 inches	.50	1.07	114
Flat bastard, 10 inches	1.08	1.75	62
Hand bastard, 4 inches	.38	.92	142
Hand bastard, 6 inches	.62	1.07	73
Hand bastard, 10 inches	1.30	1.87	44
Half-round bastard, 4 inches	.34	1.20	253
Half-round bastard, 6 inches	.50	1.52	204
Half-round bastard, 10 inches	1.08	2.27	108
Round bastard, 4 inches	.34	.75	121
Round bastard, 6 inches	.50	.87	74
Round bastard, 10 inches	1.08	1.40	30
Square bastard, 4 inches	.34	.95	179
Square bastard, 6 inches	.50	1.15	130
Square bastard, 10 inches	1.08	1.85	71

From these figures we see that the American File Association, which has not revised its price list to American buyers since November 1, 1899, is charging us for most kinds of its small files more than twice as much as it charges Englishmen for these same files, and for half-round files we must pay them three times the price charged Englishmen.

On July 30, 1904, the New York Journal of Commerce and Commercial Bulletin contained the following:

"One of the most interesting features of the steel situation is an important sale of several thousand tons of steel plates for export, the price of £5 delivered at Newcastle-on-the-Tyne, netting the mills about 90 cents per net ton, f. o. b. Pittsburg. It should be remembered that sales are made in the English market by the gross ton; allowing $3.50 freight rates and a slight allowance for insurance, this price would net the mills $20 gross, or $1.80 per net ton, or 90 cents per 100, against $1.60 per 100 for domestic business."

A POLICY THAT HANDICAPS AMERICANS AND FAVORS FOREIGNERS.

Irrespective of the gross injustice of which manufacturers are guilty when they utilize their protection to compel home consumers to pay more than a fair price for goods and more than foreigners are regularly paying, there are other important reasons why this practice should be discouraged rather than encouraged by tariff legislation. These reasons hold good even if the generally accepted theories of protection are true.

It is a bad economic policy for a nation so to legislate that its own manufacturers and workers must pay more for materials and goods than is paid by foreigners for these same materials and goods.

1. Such a policy handicaps home manufacturers of finished goods and gives their foreign competitors a great advantage, not only in foreign markets, but often in home markets, even when tariff duties are fairly high on such commodities.

2. Instead of encouraging and building up home industries, such a policy discourages and drags them down by enabling finished goods to be manufactured more cheaply abroad. Foreign manufacturers can produce more cheaply because they can obtain many of the raw materials from our protected manufacturers cheaper than their American competitors can obtain them. Hence foreign manufacturers can

often, because of our tariff laws, undersell American manufacturers of finished goods in foreign and, sometimes, in our domestic markets.

3. Such a policy leads to retaliatory tariffs on the part of foreign countries which wish to save their industries from some of the evils of what is called the "dumping" process.

An impressive illustration of the effect of such a policy in inducing retaliation is found in the recent action of Canada in establishing a countervailing duty against "dumped" exports from the United States. These duties were first imposed in June, 1904, and in his budget speech of June 9 the Canadian minister of finance said that the government proposed to levy these extra duties because of the great and rapidly increasing quantity of manufactured goods made in the United States and sold in Canada in competition with domestic products, at prices far below those prevailing in the United States for similar commodities. The Canadian customs officials, on the entry of foreign merchandise, now make an inquiry into the price of such merchandise in the country of export, and if such price is found to exceed the invoice price, an additional duty equal to the whole difference is assessed. In this manner that government hopes to protect its domestic manufacturers against what is virtually an "export bounty" resulting from the high tariff in the exporting country.

Another illustration is found in the new tariff established in Mexico on April 1, 1904, which, it appears, is intended to keep out American manufactured goods sold in Mexico at lower prices than in the United States.

Another illustration is the protectionist agitation in Great Britain, which is largely based on a demand for retaliation against the United States and Germany.

4. Such a policy tends strongly to induce manufacturers who might otherwise do an extensive export business to establish branch factories in foreign countries, where they can manufacture more cheaply; where they can, in fact, get more benefits from "protection" than they get at home.

The extent of the injury done by this absurd and foolish policy in driving industries out of this country is only just beginning to be recognized by the protectionists. Attention was called to it officially in the special article on iron and steel in the August, 1900, Report of the Bureau of Statistics on Commerce and Finance, extracts from which are printed on pages 4–5, supra.

HIGH REPUBLICAN AUTHORITY FOR ASSERTING THAT OUR TARIFF SYSTEM IS CAUSING AN EXODUS OF AMERICAN MANUFACTURERS TO FOREIGN COUNTRIES.

The following extracts are taken from an article in the January, 1904, Annals of the American Academy of Political and Social Science, entitled "The Tariff and the Export Trade of the United States," by a leading Republican, Mr. S. N. D. North, Director of the Census. In this article, after showing the heavy burden of tariff duties upon wool and other raw materials, and after asserting that American manufacturers are not greatly handicapped by the higher wages here because, man for man, the average American workman can accomplish more work, in a given time, and do better work, than the average workingman of any other country, and can thus offset in a very considerable degree, the difference in day wages between our own and all European countries, Mr. North says:

"It remains the fact that a constantly increasing number of our great manufacturing corporations are constructing vast plants abroad to supply their foreign customers; and, of course, they would not do this unless experience proved there was an advantage in it. I have before me a long list of these establishments. It indicates that more than $40,000,000 of American money is now invested in European plants devoted to the manufacture of various American specialties, including all descriptions of electric apparatus, sewing machines, belting, radiators, shoe machinery, coal-conveying apparatus, steel chains, machine tools, hoisting machinery, boilers, pumps, blowing engines, mining machinery, printing machinery, elevators, match-making machinery, pneumatic tools and photographic apparatus.

"The Western Electric Company, of Chicago, Ill., is interested in extensive factories in London, Paris, Antwerp, and Berlin, not all of them carried under the name of that company, but all of them established and controlled by its capital. The General Electric Company has three or four such establishments, and has recently constructed a hugh new factory in Rugby, England. The Westinghouse Company has just finished, at Trafford Park, in England, one of the largest electric factories in Europe, employing two or three thousand men, and it has other factories in Havre, France, and St. Petersburg, Russia. The Singer Sewing Machine Company has three large plants in Europe, under its direct control. The Chicago American Tool Company is building a plant at Frazerburg, near Aberdeen. The Howe printing presses are made in London, as is also the American linotype machinery. The Draper Company has recently completed its new factory in Lancashire, to supply the greatest cotton manufacturing district of the world with American fast-running Northrup looms. This list might be extended indefinitely, and a fine field for investigation opened for the full measurement of this remarkable transplantation.

"Much has been written about the invasion of foreign manufacturing capital in the United States, for the construction of factories to supply the American market in competition with American manufacturers. A great deal of such capital has found investment here, particularly in the textiles; but the sum total of this American investment of foreign manufacturing capital is a bagatelle in comparison with the American manufacturing capital which has found investment in European countries within the last fifteen years, and is now engaged in manufacturing what is known as American goods on foreign soil. The irruption of American wares, of which the foreign manufacturers have complained so loudly of late, is an interesting and significant phenomenon in connection with the question under discussion. Far more significant, it seems to me, is this construction of American factories on foreign soil to construct American machinery and appliances by American methods, in direct competition with the strongest foreign establishments and in bold and avowed determination to control the markets of the world.

"Can it be fairly argued that the protective tariff is driving these American manufacturers abroad in order to obtain advantages for competition in the world's market of which that tariff deprives them at home?

"I will conclude, therefore, by brief allusion to an aspect of the subject suggested by the remarkable invasion of American manufacturing capital and enterprise into the European countries, for the purpose of a hand-to-hand competition on their own soil. It will necessarily result—it has already resulted—in a large diminution of our export trade in American manufactures.

"Instead of making in America electrical apparatus, cotton looms, all kinds of machinery, tools, etc., to ship abroad for sale, our manufacturers will increasingly produce these wares abroad for their foreign trade, and the statistics of our exports will be correspondingly reduced. They are already so reduced in value and amount to many millions of dollars every year. It may easily come out, in the course of time, that the volume of our foreign trade in manufactures, instead of increasing by leaps and bounds, as it has been doing, will gradually become stationary, and even show a decline."

The following, from the Journal of Commerce and Commercial Bulletin, of New York, March 28, 1904, bears out the remarkable statement of Mr. North:

LARGE SINGER PLANT TO BE BUILT IN CANADA.

"The Singer Manufacturing Company, of Elizabethport, N. J., local offices Singer Building, Broadway and Liberty street, is to build another extensive plant outside of the United States, a site having been secured at St. John, N. B. The Singer people have large plants operating at Kilbowie, Scotland; near Trieste, Austria, and in the vicinity of Moscow, Russia. A big factory is also under construction about halfway between Hamburg and Berlin, Germany.

"Mexican advices state that the Mexican Car and Foundry Company, S. A., has been organized in Mexico City to operate under the concessions granted by the Mexican Government to Isaac M. Hutchinson, who represents the interests in the Southern republic of the American Locomotive Company, the Niles-Bement-Pond Company, A. L. Ide & Sons, the Chicago Pneumatic Tool Company, etc. The capital of the company is $1,000,000 gold. Construction work has already been begun and will be pushed to completion as soon as possible. The initial capacity of the plant will be increased as rapidly as additional machinery can be installed."

In this line are the following extracts from an editorial in the Iron Age of March 31, 1904:

"The advance in Mexican tariff rates, which goes into effect this week, is likely to cause a number of American manufacturers to establish branch factories there. * * *

"The Mexican situation almost parallels that of Canada, the difference being that the latter country not only maintains high duties on most manufactured products, but also discriminates in favor of Great Britain. Numerous American manufacturers have established branch factories in Canada, and the movement has by no means ended, rather important developments of this character having been very recently announced. It may be assumed that in both of these border countries American capital will continue to be invested as long as the Government is stable and the investment appears reasonably safe."

INFLUENCE OF DRAWBACK DUTIES AND EXPORT BOUNTIES ON EXPORT PRICES.

In Germany and some other European countries which have adopted high protective tariffs, export bounties have had an important influence upon the sales of goods in foreign markets at prices much lower than the domestic price.

In the United States, however, there are no direct export bounties. But it should not be overlooked that in the case of a powerful combination, controlling much the larger part of domestic production in a line of manufacture, our extremely high tariff acts substantially as an export bounty. When, for example, the steel corporations sell steel bars and billets and other forms of partially manufactured steel in Great Britain at prices from 30 to 50 per cent lower than the same manufacturers exact at home, the excessive domestic price, which, by virtue of the tariff they are enabled to charge, differs very little in result from a direct export bounty paid by the Government out of the proceeds of taxation.

In nearly all commercial countries drawback duties are allowed on exported goods manufactured in whole or in part from imported materials on which duties have been paid at the time of importation. These drawbacks do undoubtedly explain much of the difference between the export and domestic prices on a few articles, such as tin cans manufactured from imported tin; molasses, sirup, refined sugar, and confectionery manufactured from imported raw sugar; leather made from imported hides, and bags made from imported burlaps, etc. But the great bulk of our manufactured articles exported and sold in foreign markets at greatly reduced prices, contain no imported raw materials whatever. This is conclusively shown when it is considered that the total amount of drawbacks paid by the United States in 1903 was only $5,058,862, of which nearly $2,000,000 was paid on tin cans alone, and of which fully three-fourths was paid on the articles above enumerated. For example, the great exportations of iron and steel, which afford the most flagrant instances of low export and excessive domestic prices, contain no imported materials and are not affected by drawback allowances.

III. VERY DIFFICULT TO OBTAIN EXPORT PRICES.

Having produced much evidence, official and unofficial, as to the difference between export and home prices, and as to the extent of the practice of selling cheaper for export, some tables of prices will be given. Although these tables state the export and home prices of more articles and classes of articles than were ever before stated in similar tables, yet it is certain that this list does not mention one-fifth of the articles thus sold cheaper for export than to home consumers.

The difficulty of obtaining both export and home prices for the purpose of comparing them is very great. Both the trusts, which manufacture the most of the goods exported, and the independent manufacturers, who sell many goods abroad usually have "export" price lists and often "export" catalogues which differ radically from those used in the domestic market. These export lists and catalogues circulate only in certain foreign countries, and are so closely guarded that it is very difficult for any but an export merchant to obtain them in this country. Some of them can not be obtained even by old and well-known export agents.

There are nearly 300 export commission houses in New York City. Some of the largest of these publish weekly or monthly export trade journals. These are a mixture of catalogues and price lists, and circulate only in foreign countries. They do not usually quote the lowest prices for export. Some of them, and noably the Exporters and Importers' Journal, refer to a special discount sheet, which prints the lowest export prices. The Democratic Congressional committee in 1902 obtained this sheet only after offering a reward of $100 for it. It came from a merchant in a foreign country. The Democratic campaign book of 1902 contained a considerable list of articles sold cheaper abroad than at home. Had the discount sheet been obtained a month sooner, so that more time would have been left in which to obtain home prices, a very much longer list could have been printed.

While the tariff committee has been unable to obtain this special discount sheet for any month in 1904, it has been able to obtain copies

of several recent export journals, notably (1) The Exporters' and Importers' Journal of June 18, 1904, published by Henry W. Peabody, No. 17 State street, New York City; (2) The American Export Monthly of June 18, 1904, published by Arkell & Douglas, Nos. 5 to 11 Broadway, New York City; (3) The Export World and Herald of July 5, 1904, published by the American Trading Company, Broad Exchange Building, New York City; (4) El Mundo y Heraldo de la Exportacion of June 21, 1904, also published by the American Trading Company.

While many of the prices quoted from the journals are not the lowest export prices, yet they are often far below the home prices on the articles mentioned.

To supplement and corroborate the information derived from these export journals, the tariff committee employed a man who has for twenty years been a buyer of goods for export.

Being personally acquainted with the selling agents of many of these exporting manufacturers, this man could and did obtain the export catalogues and price lists of most of the manufacturers here quoted. Many of these price lists are in the possession of the tariff reform committee. In most cases the manufacturers themselves, or their agents, have marked their discounts for export on the margins of their catalogues or lists. Sometimes they have also indicated their home discounts in the same way. In other cases the expert who obtained these prices wrote them on the margins of the lists as they were given to him. All of these prices were obtained in June, July, and August, 1904.

From the information thus obtained the following comparative lists of prices have been prepared. They are not usually bottom prices, because they were not given to a man who had actual orders for goods in hand. Besides, all exporting manufacturers allow a commission to the buyers of goods for export. This commission is seldom or never less than 1 per cent and is sometimes as high as 5 per cent.

The home prices are believed to be the lowest for quantities of goods similar to those on which export prices are quoted. They were obtained from manufacturers, from domestic price lists, from market quotations, and from merchants who are buyers for domestic consumption.

[In order to save space the names of the manufacturers of the articles mentioned in the following tables have been omitted.]

PART I.—*Showing differences in discounts between export and home prices.*

Articles.	Export discount from list.	Home discount from list.	Difference.
	Per cent.	*Per cent.*	*Per cent.*
Adzes, axes, hatchets	10	Net.	11
Axes	10	Net.	11
Baking powder:			
Horsford's	10,2	Net.	13
Royal	10	Net.	11
Bench hooks	25,5	15,10	7
Braces, carpenters'	10,5	Net.	17
Bolts:			
Carriage	80	75	25
Machine	80,5	75	31
Tire	80,10,5	80	12
Brushes:			
Painters'	60	50	25
Horse, scrub, and stone	15	Net.	18
Cake boxes, wedding	35	25	16
Carriage material	10,5	Net.	17
Churns:			
Thermometer	40,5	30	23
Cylinder	50	30,5	23
Copying pads	35	25	16
Corn shellers:			
Western	40,5	35	14
Eagle	40,10	35	20
Corn planters, Boston	35	25	17
Crowbars, steel	10	Net.	11
Crucibles	40	20	33
Cultivators:			
Harrow	40,5	30	23
Knox	50	40	20
Universal hand	40	30	17
Cutlery, knives and forks	25,2½	15	33⅓
Drills:			
Drill braces	25,10,5	25,10	17
Auger bit stocks	50	40	20
14-inch ratchet drills	35	25	15
Breast drills, Nos. 10, 11	35	15,10	33
Drilling machines, No. 3	35	25	15
Steel bar drills	10	Net.	11
Twist drills	70,10,10,2	70,10	12
Bit stock drills	75,10,2	70,10	24
Ratchet drills	50,10,2	40,10	23
Drilling machines and drill vise	25,10,10,2	25,10	15
Engines, hoisting, and miscellaneous mining and logging machinery	35	10 to 20	23 to 38
Envelopes, mailing, manila	35	25	16
Erasers, rubber	35	25	16
Eyelets, brass	35	25	15
Eyelet punches	35	25	16
Fan mills:			
Grant's	45	30,5	21
Boston	40	30	17
Feather dusters	70	50	66
Fountain pens	40,2½	Net.	70
Garden reels	40	33	11
Gas machines	40	Net.	65
Glue, in glass bottles	35	25	16
Grain mills, horse	40	33	11
Harness	15,5	Net.	31
Hammers:			
Tack	40,10,10,10,10	40 to 40,10	35 to 50
Blacksmiths'	10	Net.	11
Hoes, horse, Knox	40,5	33	21
Jackscrews	60,10	50,10,10	12
Labels, all descriptions	35	25	16
Lamps, kerosene, latest pattern	50,20	40,10 to 50	20 to 36
Leggings, canvas and leather	15,5	Net.	31

PART I.—*Showing differences in discounts between export and home prices*—Continued.

Articles.	Export discount from list.	Home discount from list.	Difference.
	Per cent.	*Per cent.*	*Per cent.*
Leather belting:			
First quality	70,5	60	44
Second quality	70,10,5	60,10	60
Third quality	80	60,10,10	60
Links	80	75,5	18
Lubricants:			
Oil, cylinder	25,5	Net.	40
Graphite, machine	20,5	Net.	32
Metal polish	10,10	Net.	36
Miter boxes	10,10,10,10,10	10-10,10	23-37
Mucilage in tubes	35	25	16
Oars and sculls	5,2	Net.	10
Oilers and clamps	70	60,10	20
Paper napkins	35	25	16
Paper fasteners	35	25	16
Paper targets	35	25	16
Paper, crepe	35	25	10
Paints, etc., coach and car	40,5	40	5
Ready-mixed	45,5	45	5
Lead and zinc	40,5	40	5
Varnish	25,5,5	25,5	5
Paint, dry	45-50,5	30-40	25-33
Plows:			
Eagle, 1 and 2 horse	50,5	40	25
Side-hill	40,10	37	15
Sod and road	50	40	20
M. E. chilled	40	30	17
Contractors' grading	33	25	24
Swivel-road	40	30	17
Steel beam and other patterns	10	Net.	11
Pipe cutters	75,10,5	65,10,10	30
3-wheel	80,10,10	75,10	40
1-wheel	60	50	25
Pumps:			
Cistern and pitcher	70	60	14
Force and various	50 to 60	40 to 50	20 to 25
Elevator arms	65	55	28
Seaman pump	25	15	13
Sprocket wheels	50,10	40,10	20
Jaw clutch couplings	50	40	20
Mall, iron buckets	60	50	25
Acme steel buckets	40,10	30,10	10
Iron pulleys	50	40	20
Planes:			
Wood, Bailey's	25,10,10,10,10	25,10	37
Iron, Bailey's	25,10,10,10,10	25,10	37
Rowlocks	75	70,10	8
Rules:			
Boxwood	55,10,10,10,10	60 to 60,10	25 to 40
Ivory	35,10,10,10,10	35 to 35,10,10	25 to 50
Plumbs and levels	30,10,10,10,10	30,10	30
Plumbs and levels, duplex	20,10,10,10,10	20,10	37
Try and miter squares	40,10,10,10,10	40,10	35
Gauges	20,10,10,10,10	20,10	37
Saws:			
Hacksaw blades, 10-inch	30,10	25	20
Hacksaw frames, No. 17	35	25	15
Butcher saw blades, No. 18	30,10	25	20
Butcher saw frames, No. 18	35	25	15
Saw blades Nos. 1 and 2	60,10,10,2	50,10	13
Saw blades, concave, No. 3	30,2	25	8
Hacksaw frame, No. 21	50,10,2	35,5,10	14
Butcher saws	60,2	50	25
Kitchen and coping saws	50,10,10,2	50	25
Hand rip and pruning	25,12½,10	25	37
Backsaws	50	40	20
Saddles, all descriptions	15,5	Net.	31
Safes, office	10,5	Net.	17
Sail cloth, cotton duck	27,2,2	10 to 15,2	18 to 25
Sealing wax	35	25	16
Seals, notarial and initial	35	25	16
Scales, all patterns	40,10,5	40	17
Screws, coach	80,20	80	25
Shovels and spades	10	Net.	11
Shovels, spades, and scoops	50,75	40	33
Sharpening stones:			
Scythe stones	50	33 to 40	20 to 32
Axe stones	50,10	40	33
Washita oilstones	50,10	33	45
Arkansas oilstones	50 to 50,10	33	32 to 45
Queer Creek oilstones	50,10 to 50,20	40	33 to 50
Sandstones	50,10 to 50,20	40	33 to 50
Razor hones	50,33,3	50	50
Sledges, steel	10	Net.	11
Sozodont	20,5	5	85
Spirit levels, 26 to 30 inch	50	35,10	30
Shipping tags	35	25	16
Spurs, all patterns	15,10	Net.	33
Stirrups, all patterns	15,10	Net.	33
Stoves, Nos. 8, 9, 99	30,10,5	20	33
Stove polish	40	20	33
Screw-drivers	70,10,10,10,10	70 to 70,10	35 to 50
Spring cutters	90,40	90	65
Talking machines	50	Net.	100
Tape, cloth	35	25	16
Tapers, wax	35	25	16
Taps:			
Machine, hand	70,5	70	11
Machine, screw	80,5	80	11
Pipe taps and reamers	80,10,20	80,10	25
Thermometers:			
Common	85,10,5	85	15
Medium	60,10	50	12
Tooth powder and paste	20,5	5	25
Tube scrapers	70	60	33

PART I.—*Showing differences in discounts between export and home prices—Continued.*

Articles.	Export discount from list.	Home discount from list.	Difference.
	Per cent.	*Per cent.*	*Per cent.*
Trucks:			
Store	50	40,5	15
Platform	40	30	17
Railroad	30	20	15
Vises	60,10,10,5	60,10	20
Watches, gold and silver	20	Net.	20
Wheeljacks	45	30,10	15
Wrenches:			
Screw	60,10	60	11
Screw	60	50	25
Ratchet	50	40,10	8
Tap	15	Net.	15
S	50	40	20
Vulcan pipe	60,10	60	10
Alligator	75,10,2	70,10	22

PART II.—*Showing differences between export and home prices of certain specified articles.*

Articles and description.	Export. price.	Home price.	Difference.
			Per cent.
Adzes:			
Carpenters' square head, 4-inch, per dozen	$9.90	$11.00	11
Ship carpenters, per dozen	10.80	12.00	11
Coopers', per dozen	11.70	13.00	11
Axes and hatchets:			
Yankee, unhandled, 5 to 7 pounds, per dozen	6.75	7.50	11
Yankee, handled, up to 7 pounds, per dozen	6.30	7.00	11
Turpentine han., 4½ to 5½ pounds, per dozen	8.33	9.25	11
Miners' han., per dozen	5.62	6.25	11
Hatchets:			
Hunters' No. 3, per dozen	4.95	5.50	11
Carpenters' 4-inch, per dozen	5.85	6.50	11
Coopers', per dozen	5.85	6.50	11
Lathing No. 2, per dozen	4.50	5.00	11
Baking powder:			
Horsford's, 1-pound cans, per case	3.66	4.15	13
"Royal," 4-ounce cans, per dozen	1.17	1.30	11½
"Royal," 6-ounce cans, per dozen	1.62	1.80	11½
"Royal," 8-ounce cans, per dozen	2.16	2.40	11½
Bit stocks (augur), per dozen	12.00	14.40	20
Braces:			
Drill, per dozen	23.09	24.30	17
Carpenters', 14-inch, per dozen	11.42	13.37	17
Brooms, No. 6, per dozen	2.10	2.60	25
Brushes:			
Painters' A quality, No. 2-0, per dozen	3.20	4.00	25
Painters' B quality, No. 2-0, per dozen	6.30	7.88	25
Painters' F quality, No. 2-0, per dozen	8.00	10.00	25
Dusting, A. H., per dozen	3.92	4.90	25
Window, X6, per dozen	10.00	12.50	25
Molders', No. 45, per dozen	4.88	6.10	25
Carpet, No. 27, per dozen	10.00	12.50	25
Horse, No. 48, army pattern, per dozen	3.61	4.25	18
Mane, No. 926, Hindoo, per dozen	3.82	4.50	18
Scrubbing, No. 76, double, per dozen	1.36	1.60	18
Stove, No. 100, handled curved, per dozen	3.40	4.00	18
Shoe, No. 76, handled, per dozen	8.50	10.00	18
Hair, No. 409, per gross	44.62	52.50	18
Bush hooks, No. 3, each	6.30	7.00	11
Canned goods:			
Best Baltimore beans, No. 2½, per dozen	.85	1.05	23
Best peaches, per dozen	1.60	1.75	9
Best peas, per dozen	.85	1.05	23
Best corn, G. R., per dozen	1.30	1.50	15
Best lobsters, flat, per dozen	3.50	4.00	14
Best 3-pound apples, per dozen	.80	1.00	25
Best 3-pound tomatoes, per dozen	.75	.85	12
Cartridges:			
U. M. C. Co., army, rev., per M	7.83	8.70	11
Rim fire, 22 short, per M	1.80	2.37	32
Primers, Berdan's, per M	.81	1.44	78
Caps, B. L. Sturtevant, per M	.81	1.52	88
Shells, loaded black powder, 200, New Club, per M	12.25	15.96	30
Wads, gun, black edge, 4-gauge, regular, per M	1.44	1.60	11
Chairs:			
Maple, cane seat, No. 2584, per dozen	13.00	17.50	35
Golden maple rocker, cane seat, No. 2586, per dozen	19.00	22.50	35
Golden maple arm, cane seat, No. 2585, per dozen	26.00	35.00	35
Wood seat, No. 4025, per dozen	4.25	5.75	35
Wood seat, No. 4026, per dozen	4.75	6.50	35
Wood seat, No. 4027, per dozen	4.75	6.50	35
Wood seat rocker, No. 4001, per dozen	14.50	19.50	35
Cane seat settees, No. 2583, per dozen	51.00	69.00	35
Counter stools, No. 1006, per dozen	16.00	21.50	35
Revolving stool, cane seat, No. 153, per dozen	22.75	30.50	35
Churns, cylinder, No. 4, each	2.00	2.47	23
Clocks:			
8-day Akron or Aldrich, each	1.50	2.00	33
Strike, each	.62	.80	31
Waverly, mantel, each	17.50	25.50	50
Chopin, mantel, each	5.67	8.50	50
Natal, strike, each	1.85	2.60	40

PART II.—*Showing differences between export and home prices of certain specified articles*—Continued.

Articles and description.	Export price.	Home price.	Difference.
			Per cent.
Clocks—Continued.			
Trinidad, strike, each	$2.02	$2.85	40
Drop octagon B. time, each	2.10	2.90	40
Octagon, rosewood, 6-inch, each	1.65	1.65	40
Condensed milk, Eagle brand	5.50	6.25	15
Copying pads, No. 1, letter, per dozen	.88	1.01	16
Corn shellers, Prairie, each	3.50	4.20	20
Corn planters, Boston, each	13.00	15.00	15
Crowbars, steel, per pound	.054	.06	11
Crucibles:			
4-gallon, No. 90	4.86	6.48	34
6-gallon, 3 quarts, No. 150	8.10	10.80	34
Style B, Brazing	6.75	9.00	34
Cultivators, Matthews, hand, each	4.20	4.90	17
Curry combs, 8 bars, open back, japanned, per dozen	.97	1.30	31
Cutlery:			
Table knives and 3-prong forks, bone handles, No. 632, per gross pairs	10.97	12.75	16
Table knives and 3-prong forks, bone handles, No. 1735, per gross pairs	15.14	17.63	16
Cutlery, table knives and 3-prong forks, bone handles, No. 4520, per gross pairs	42.12	48.96	16
Cutlery:			
Triple-plated table knives, No. 170, per dozen	2.34	2.74	16
Triple-plated table knives, No. 170C, per dozen	2.55	2.97	16
Triple-plated table forks, No. 170, per dozen	2.34	2.72	16
Triple-plated table forks, No. 170C, per dozen	2.45	2.85	16
Bread knives, No. 900	1.39	1.61	16
Carving knives (stag handle) per set	1.61	1.87	16
Butcher knives (beech handles, 12 inch), per dozen	4.50	5.10	16
Dried apples, selected quality, packed, per pound	.55	.06	9
Drilling machines, No. 3, each	26.00	30.00	15
Drills:			
Breast, Nos. 10-11, per dozen	23.40	27.54	18
Ratchet, 14-inch, each	3.25	3.75	15
Envelopes, manila mailing, 6 by 9, per box	4.25	4.88	16
Erasers, rubber:			
Nos. 880 to 887, per pound	.60	.80	33⅓
Typewriter, 40 to pound, per gross	2.92	3.90	33⅓
Disk, per gross	3.24	4.32	33⅓
Eyelet punches, No. 4, combined, per dozen	11.70	13.50	16
Eyelets, brass, No. 2, per M	.49	.56	16
Fan mills, Grant's, No. 2, each	17.69	21.80	21
Feather dusters, Bell:			
No. 8, turkey feather, per dozen	3.30	5.50	66⅔
No. 10, turkey feather, per dozen	4.20	7.00	66⅔
No. 11, turkey feather, per dozen	12.60	21.00	66⅔
Feed bags, leather bottom, ventilated, per dozen	6.46	8.00	31
Flavoring extracts:			
Vanilla, ¼ pint, per dozen	7.58	8.43	12½
Vanilla, pints, per dozen	14.36	16.15	12½
Lemon, pints, per dozen	9.65	10.88	12½
Lemon, ½ pints, per dozen	5.49	6.16	12½
Florida water (in 1 dozen boxes)	2.75	5.00	82
Fountain pens:			
No. 12, plain, each	1.47	2.50	70
No. 14, plain, each	2.35	4.00	70
No. 14, gold mounted, each	2.94	5.00	70
No. 224, gold mounted and chased, each	4.70	8.00	70
Garden reels, each	4.20	4.66	11
Gas machines, acetylene:			
10 lights, each	28.80	48.00	66⅔
20 lights, each	60.00	100.00	66⅔
35 lights, each	90.00	150.00	66⅔
50 lights, each	120.00	200.00	66⅔
Gasoline, 86 degrees, per gallon	.15	.17	13
Glucose, 45 degrees gravity, per 100 pounds	1.91	2.87	50
Glue:			
In glass bottles, per dozen	.49	.56	16
Art paste, No. 2, per dozen	.52	.60	16
Glycerine, chemically pure, in 2-ounce bottles, per gross	8.40	10.20	22
Grain mills, horse, each	13.20	14.66	11
Hammers, blacksmiths, per pound	.22	.25	11
Harness:			
1-horse—			
Breast collar, nickel, No. 2000, per set	5.15	6.75	31
Breast collar, nickel, No. 2001, per set	9.18	12.00	31
Hame collar, No. 2012, per set	9.56	12.50	31
Russet, buggy, hame, No. 2012, per set	10.33	13.50	31
Coupe harness, nickel or brass, No. 3229, per set	19.76	27.00	31
Cart or dray, best quality, No. 2065	26.78	35.00	31
Riding bridles (without bits), covered buckles, per dozen	23.72	31.00	31
Military bridles, yellow front, brass trimmings, per dozen	36.72	48.00	31
Collars, horse or mule, hogskin, two buckles, No. 2481, per dozen	9.18	12.00	31
Hames, with tugs, nickeled, 1-inch, per dozen	2.30	3.00	31
Halters, black or russet leather, 1¼-inch, per dozen	5.10	6.25	31
Bits, Dexter snaffle, No. 2761, per dozen	4.84	6.00	31
Bits, Whitman, two-rein, nickel, per dozen	34.44	45.00	31
Hoes, horse, Knox, No. 2, each	4.95	6.00	21
Jackscrews, No. 10, each	1.98	2.23	12

PART II.—*Showing differences between export and home prices of certain specified articles*—Continued.

Articles and description.	Export price.	Home price.	Difference.
			Per cent.
Kerosene oil, in cases	$0.11	$0.15	36
Labels:			
Plain, per dozen boxes	.32	.38	16
Gummed, No. 247, per M	.65	.75	16
Lard, Red Cross brand, per pound	.06	.065	8
Leather belting:			
First quality, 6-inch, per foot	.38	.53	44
Second quality, 6-inch, per foot	.30	.48	60
Third quality, 6-inch, per foot	.26	.42	60
Leggins:			
Brown canvas, 4-strap and 3-button, per dozen	9.75	13.00	31
Russet grain, per dozen	27.92	36.50	31
Lubricants:			
Graphite axle grease in 10-pound pails, per pound	.70	.94	33⅓
Graphite, special, in barrels, per pound	.20	.26	33⅓
Graphite, oiled, in barrels, per pound	.19	.26	33⅓
Lumber, No. 2 shelving, dressed, per M	33.00	35.00	8
Mucilage in tubes, per dozen	.57	.66	16
Nail clippers:			
The "Apt" pattern, per gross	14.92	20.00	34
The "Snow" pattern, per gross	14.04	16.00	14
Naphtha, 76°, per gallon	.12	.14	16
Pails, wooden, 2-hook, oak grained, per dozen	1.35	1.75	30
Paper boxes, wedding cake, No. 7, per 100	1.95	2.25	16
Paper, crêpe, assorted, per roll	.06¼	.07¼	16
Paper fasteners, No. 5, round, per M	4.55	5.25	16
Paper napkins, medium, assorted, per dozen boxes	.87	1.13	16
Paper targets, No. 9, gallery, per M	1.95	2.25	16
Pencils, lead:			
Fine, round, per gross	2.25	3.00	33⅓
Fine, hexagon, per gross	3.24	4.32	33⅓
Fine, monarch, per gross	3.99	5.32	33⅓
Fine, artists', per gross	5.52	7.36	33⅓
Academic, black, per dozen	1.87	2.50	33⅓
Academic, hexagon, per dozen	2.43	3.24	33⅓
Scholastic, hexagon, per dozen	1.12	1.50	33⅓
Sun, silk finish, hexagon, per dozen	1.35	1.80	33⅓
Pencils, slate:			
Soapstone, 5-inch, per case	9.66	12.88	33⅓
Soapstone, in wood, per case	7.20	9.60	33⅓
Perfumery:			
"Edition de Luxe" extract, 2-ounce bottles, per dozen	15.60	17.85	15
"Fantasy" or "Dactillis," 3½-ounce bottles, per dozen	8.24	9.35	15
"Fantasy" or "Dactillis," 2½-ounce bottles, per dozen	5.26	5.95	13
"Violet," per dozen	11.70	13.38	15
"Cashmere Boquet," per dozen	4.10	4.55	11
Pistol holsters, McClellan, No. 2577, per dozen	53.55	70.00	31
Playing cards, class A:			
No. 329 Steamboat, per gross	4.28	10.00	134
No. 155 Ex Tourist, gold edge, per gross	11.97	26.00	120
No. 101X Ex Tigers, gold edge, per gross	9.12	20.00	120
Plows:			
2-horse Eagle W. & C., each	4.15	5.25	25
2-horse side hill, each	5.81	6.77	15
Heavy road, each	8.50	10.20	20
N. E. chilled 2-horse, each	7.20	8.40	17
Contractors' heavy grading, each	18.33	20.61	24
Steel beam, Nos. 52, 53, 54, 50, each	10.35	11.50	11
Printing presses, news and job:			
No. 5, each	780.00	850.00	10
No. 6, each	859.00	1,000.00	18
No. 7, each	1,000.00	1,100.00	10
Printing type:			
6-point Roman face, per pound	.41⅔	.55	31
8-point Roman face, per pound	.33⅓	.46	31
10-point Roman face, per pound	.30	.43	31
12-point Roman face, per pound	.27	.36	31
6-point job face, per pound	.75	.99	31
8-point job face, per pound	.58½	.77	31
10-point job face, per pound	.48	.63	31
12-point job face, per pound	.43	.57	31
14-point job face, per pound	.40	.52	31
18-point job face, per pound	.39	.51	31
24 to 36 point job face, per pound	.36	.48	31
Revolvers, Colt's army, each	10.80	12.00	11
Roofing, slate, 8 by 16 inches to 20 by 26 inches, per square	4.87	5.52	14
Rope, manila, extra selected, per pound	.11	.13	22
Saddles:			
Ladies' hogskin seat, No. 2107, each	7.84	10.25	31
Men's, McClellan army style, No. 2241, each	6.81	9.00	31
Men's, English style, hogskin, first quality, No. 2274, each	10.33	13.50	31
Safes, 63 by 38 by 32 inches, each	149.62	175.00	17
Sarsaparilla (in boxes of 1 dozen), per gross	47.04	55.00	15
Saws:			
Circular, 22-inch, each	4.62	5.50	18
Mitre, 18-inch, each	4.27	5.13	18
Rip, 18-inch, No. 4, per dozen	14.18	18.00	27
Rip, 18-inch, No. 5, per dozen	11.81	15.00	27
Hand, 18-inch, No. 6, per dozen	11.81	15.00	27
Bench, 18-inch, No. 14, per dozen	8.87	11.25	27
Pruning, 18-inch, No. 64, per dozen	5.91	7.50	27
Pruning, double edge, 18-inch, No. 65, per dozen	6.19	7.88	27

PART II.—*Showing differences between export and home prices of certain specified articles*—Continued.

Articles and description.	Export price.	Home price.	Difference.
			Per cent.
Saws—Continued.			
Compass, 14-inch, No. 87, per dozen	$2.81	$3.57	27
Buck, 30-inch, No. 104, per dozen	7.00	8.40	20
Hack-saw blades, 10-inch, per gross	6.43	7.65	20
Hack-saw frames, No. 7, per dozen	6.50	7.50	15
Butcher saw blades, per dozen	.75	.90	20
Scales:			
Port. platform with wh. No. 28, each	22.06	25.80	17
Family brass scoop, No. 324, each	7.70	9.00	17
Grocers' U beam, No. 350, each	4.10	4.80	17
Scoops, furnace, No. 3, per dozen	4.00	5.40	30
Sealing wax:			
Bankers', per pound	.65	.75	16
Express, per pound	.26	.30	16
Seals, notarial:			
No. 13, colored, per M	.92	1.05	16
Gold or silver, per M	1.62	1.88	16
Seals, steel dies, ebony handles, each	3.90	4.50	16
Shipping tags:			
No. 2P, per M	.65	.75	16
Baggage No. 5P, per M	1.30	1.50	16
Shot, drop, from small to B size, per pound	.0325	.065	100
Shovels:			
D handle, R point, No. 3, per dozen	7.42	8.25	11
A1 No. 2, per dozen	6.25	8.40	33
Sledges, steel, per pound	.16	.18	11
Soap:			
Laundry (in 75-lb. boxes), per box	3.47	4.00	15
Do	3.09	3.85	25
Toilet, Violet, per gross	32.00	40.80	25
Toilet, Jockey Club, per gross	23.87	28.05	25
Toilet, Lettuce, per gross	19.50	22.44	15
Toilet, Vioris (large), per gross	16.62	19.12	15
Toilet, Sweet Lavender, per gross	14.04	19.12	35
Toilet, shaving stick (large), per gross	13.90	16.74	20
Toilet, honey, per gross	11.11	12.75	15
Toilet, cashmere bouquet (large), per gross	20.48	30.24	48
Toilet, white castile, per gross	9.94	12.11	25
Toilet, glycerine, per gross	8.34	12.75	52
Sozodont:			
Large size, per gross	54.72	68.40	25
Small size, per gross	18.24	22.80	25
Spades:			
A1, No. 2, per dozen	6.25	8.40	33
D handle, R. point, No. 2, per dozen	6.97	7.75	11
Spirit levels, 26 to 30 inch, each	1.80	2.11	30
Spurs, U. S. officers' fine brass, complete, per dozen pairs	34.51	41.50	31
Stirrups, men's round and fancy, polished, per dozen pairs	13.60	16.00	31
Stove polish:			
In ¼-gross boxes, per gross	3.50	4.66	33⅓
In bulk, per pound	.07½	.09½	27
Stoves, No. 8, square top, each	11.97	16.00	33
Talcum powder:			
Violet, large size, per dozen	1.39	1.60	16
Cashmere bouquet, ½ pound, per dozen	1.39	1.60	16
Talking machines:			
Royal, each	7.50	15.00	100
Junior, each	12.50	25.00	100
Monarch, each	17.50	35.00	100
Tape, cloth, per dozen boxes	.87	1.13	16
Tapers, wax, per gross boxes	4.55	5.25	16
Thermometers, japanned tin case:			
Common, 7-inch, per dozen	.65	.75	15
Common, 8-inch, per dozen	.70	.83	15
Common, 10-inch, per dozen	.83	.98	15
Common, 12-inch, per dozen	1.03	1.20	15
Medium, 8-inch, per dozen	2.70	3.00	12
Medium, 10-inch, per dozen	4.05	4.50	12
Medium, 12-inch, per dozen	5.40	6.00	12
Tobacco:			
Plug, black pocket, per pound	.15 to .19	.25 to .30	66
Pieces, 16 to pound, per pound			
Pieces, 14 to pound, per pound			
Pieces, 7s and 2½ to pound, per pound			
Tooth paste, in tins, per gross	18.24	22.80	25
Tooth powder, in tins, per gross	18.24	22.80	25
Trucks:			
Store, each	3.00	3.42	15
Platform, No. 1, each	7.20	7.84	17
Railroad, each	23.10	26.40	15
Trunks:			
No. 105, 34 inch, each	4.25	5.00	18
No. 175, 28 inch, each	2.50	3.25	30
No. 176, 28 inch, each	3.00	3.75	25
No. 84, 28 inch, each	4.00	4.75	19
No. 83, 28 inch, each	2.75	3.50	27
No. 85, 28 inch, each	3.25	4.00	23
Tube scrapers, per inch	.30	.40	33⅓
Vaseline:			
Blue seal, No. 2 size, per dozen	.58½	.70	20
Blue seal, No. 1 size, per gross	3.51	4.20	20
Pomade, 5-pound cans, per can	1.08	1.40	30
Pomade, No. 1 size	.82	1.25	50
Pomade, No. 2 size	1.64	2.08	25
Cold cream, No. 2 size	1.46	1.88	25
Camphor ice, tubes	.63	.75	25
Borated, No. 1 size	1.32	1.50	15
Vises, pipe, No. 1, each	1.25	2.00	60
Washboards, zinc, per dozen	1.75	2.25	25
Wash tubs, oak grained, 8 nest, per nest	1.80	2.25	25
Watches:			
18-carat gold, No. 2400, 18 size, hunting case, each	40.00	50.00	25

PART II.—*Showing differences between export and home prices of certain specified articles*—Continued.

Articles and description.	Export price.	Home price.	Difference.
Watches—Continued.			*Per cent.*
18-carat gold, No. 2400, 18 size, open face, each	$33.60	$42.00	25
14-carat gold, No. 2500, 18 size, hunting case, each	28.00	35.00	25
14-carat gold, No. 2500, 18 size, open face, each	24.00	30.00	25
14-carat filled case, No. 2740, 18 size, open face, each	8.40	10.50	25
Sterling silver case, 18 size, open face, each	5.60	7.00	25
Silveroid case, 18 size, open face, each	1.80	2.25	25
Electro case, 18 size, open face, each	1.80	2.25	25
Dollar-Yankee watch, nickel, each	.60	.75	25
Defiance watch, nickel, each	.70	.85	21
Wheel jacks, No. 3, each	1.79	2.04	15
Witch hazel, 15 per cent standard, pints, per dozen	2.38	2.85	20
Wrenches, 10-inch, screw, per dozen	5.04	5.60	11

Mr. KAHN. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California makes the same request. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act, $85,000.

Mr. MANN. Mr. Chairman, I move to amend, in line 17, by striking out "eighty-five" and inserting "one hundred."

The Clerk read as follows:

Page 23, line 17, strike out "eighty-five" and insert "one hundred."

Mr. MANN. Now, Mr. Chairman, I understand the Committee on Appropriations has done the proper thing for that committee to do—not to go beyond the amount of the estimate. It is also true that we have been informed in our Committee on Interstate and Foreign Commerce that the force of inspectors for the enforcement of the safety-appliance act is too small. In the year 1904, which is the last year for which there is a report, there were 3,416 railway employees killed and 36,413 injured in train movement. In the same year there were 3,662 employees killed on the railroads and 67,067 injured. In the same year there were 10,046 persons killed on the railroads and 84,155 injured. Now, it does seem to me, when practically the only provision the Government makes for the safety of employees on railroads is the safety appliances, there ought to be a sufficient sum to employ an ample number of inspectors to see that the safety air brakes are in condition; that the grab irons are properly put on the cars; that the automatic couplers are properly installed on all cars and engines, and that the proper safety appliances, as required by the act, are provided by the railroads.

Mr. TAWNEY. Mr. Chairman, I trust the amendment offered by the gentleman from Illinois will not prevail. The committee has given to the Interstate Commerce Commission all the money for this purpose that the Commission estimated to be necessary and that the Commission believe they can expend properly. When the chairman of the Commission and the secretary of the Commission were before the committee, Mr. Moseley, the secretary, spoke directly to this point, and gave the reason why more money could not be advantageously expended. He said:

You know, Mr. Chairman, that I came up here and asked you for money in addition to the $75,000—

He was then referring to the increase of $10,000 allowed in the urgent deficiency bill at the beginning of the session—

that is, the unexpended balance which we had left over from the former year—

They expended about $8,000 less than the amount appropriated—

But I told you that I did not know whether we were going to spend it. I think we may be able to save it. Mr. MANN, of Illinois, on the floor some time ago said that this bureau ought to be largely increased. The difficulty is, sir, that this properly must be a matter of slow growth. We want to get the best men we can and we want to feel our way. We do not want to build up a great establishment like the Life-Saving Bureau, spending from $2,000,000 to $3,000,000 a year. We do not want to build up anything of that sort. We had the same amount of money last year, with the reappropriation given us, which we are asking this year.

Mr. KNAPP. I want to indorse that statement with a word of comment. Of course the secretary has taken a peculiar interest in this matter of the safety of railway employees, and, as everybody knows, his interest and activity had very much to do with the passage of the law, as it has to-day with its administration, but I think it would be very unwise for the Government to appropriate $500,000 or a million dollars for this purpose on the theory that if a little of this is a good thing a great deal of it would be better.

Now, I am in entire sympathy with the gentleman from Illinois in respect to the efficient inspection of cars and these safety appliances. But I do not believe that our sympathy should lead us to appropriate more money for the purpose of carrying out the provision of this law than those charged with administrating the law say can be expended wisely. There is no principle upon which such action could possibly be justified if the House or Committee of the Whole should attempt to take it. I trust that the amendment will not prevail.

The CHAIRMAN. The quesion is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Transportation of fractional silver coin: For transportation of fractional silver coin, by registered mail or otherwise, $75,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. KEIFER. Mr. Chairman, I move to amend this last paragraph by striking out the word "fractional" in line 22, page 24.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 24, line 22, strike out the word "fractional."

Mr. KEIFER. Mr. Chairman, I believe in every year heretofore, since we have been coining silver dollars, there has been a provision for their transportation from the mints where they are coined to the banks or other parties desiring them, at the expense of the Government.

In the sundry civil bill passed March 3, 1905, for the current year ending June 30, 1906, the language used in the law, under the head of the transportation of silver coin, was this:

For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $120,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury to subtreasuries, free of charge, silver coin when requested to do so.

Now, in the bill as reported, the word "fractional" is put in to qualify what follows, "silver coin;" and if this bill as originally drawn should become a law there will be no free transportation of silver dollars for the fiscal year ending June 30, 1907.

There was an apparent deficiency in the matter of the transportation of silver dollars this year, and it will be remembered that I attempted to have a provision made to meet that apparent impending deficiency. I understand the Treasury Department has gotten along without having any particular trouble, and it has been transporting silver dollars. So, as I have already stated, it has been the custom from year to year to provide, in the sundry civil bill, an appropriation for the purpose of transporting silver dollars from the mints, or from the depositories where they are kept, to the banks and to parties desiring them. This is but just.

In the city of Philadelphia the banks get their silver coin free, because they are beside the mint. In the city of New York they do the same thing, because silver dollars are deposited in the custom-house there. And so, I might say, silver dollars are now coined in San Francisco; and so far as the city of San Francisco is concerned, it has these silver dollars ready for the banks; but between Philadelphia and San Francisco lies a large region of country where the banks and parties have hitherto had their silver dollars sent, on request, free. It has been the policy of the Government to distribute and utilize in circulation as far as possible the immense number of silver dollars that we have coined. It should be the policy now to utilize them as much as possible. It helps to build up the prosperity of the country everywhere to have these silver dollars used and in general circulation.

Mr. GAINES of Tennessee. As the gentleman is so familiar with this matter, I wish he would explain to me how we are going to send this coin by mail? We are taking away the right to send it by express, and I do not understand the physical operation of sending it by mail.

Mr. KEIFER. In the time I have I could not undertake to state how all these things have been done heretofore.

Mr. GAINES of Tennessee. I know how they have been done heretofore, but I want to know how they will be done hereafter.

Mr. KEIFER. In the law of last year we had a similar provision with reference to the transportation of silver dollars by registered mail or otherwise, and that will be the effect of this law if we strike out the word "fractional."

Mr. GAINES of Tennessee. How is the physical act done of sending silver by mail? That is what I want to know.

Mr. KEIFER. I have not time to go into that. That is an old matter. I am anxious to say a word in favor of the more general distribution of silver dollars in the United States, if possible, than we have had in the past.

I know, Mr. Chairman, that there is a portion of our country, perhaps east of a line drawn north and south through the city of Chicago, where the silver dollar is not so much used, but east of such a line, in Ohio, Indiana, and in Kentucky, we use silver dollars. When we come here and draw our pay, they give us new paper dollars, and it is a rare thing to see a silver dollar here in circulation. Conditions are wholly different in the West and Middle West. The people demand and require the silver dollar in common circulation. If the Government does not transport it free the banks will not have it, and it will go out of circulation practically. Banks can not afford to have it expressed at their own expense. In the Eastern States they use more paper money, but in the West our people like the silver dollar for convenience, and I have every reason to believe that throughout the entire southern portion of our country the silver dollar is very popular and found to be very convenient among all classes of people.

Mr. JOHNSON. In the South we have no bills, generally, of less than $5, and the only small currency used there is silver.

Mr. KEIFER. I have no doubt that statement is correct.

Mr. WILLIAMS. I just want to interrupt the gentleman long enough to reenforce and emphasize the statement he has just made. It is absolutely correct. Throughout the entire southern country, and especially in the cotton belt and in the sugar belt, we can hardly get along without the silver dollars.

Mr. KEIFER. I understand, Mr. Chairman, from the statements of gentlemen and otherwise, that the silver dollar is the only good dollar that is in circulation in that country.

Mr. BURGESS. I am in hearty sympathy with the object which the gentleman wishes to attain, but I believe that his amendment does not go far enough. It would strike out the fractional silver and leave no provision for the transportation of that. Would it not be better, instead of striking out the word "fractional," to add the word "dollars," thereby securing the free transportation of silver dollars and fractional silver also?

[The time of Mr. KEIFER having expired, by unanimous consent, at the request of Mr. GAINES of Tennessee, it was extended ten minutes.]

Mr. KEIFER. Mr. Chairman, answering the last suggestion, it is probable that there is something in it, because the language of the law last year was this:

For transportation of silver coin, including fractional silver.

But if my proposed amendment is adopted, I give notice that I will make the necessary motion to correct it in the respect suggested by the gentleman. If my present motion is determined favorably, the balance of it can easily be adjusted. The first question to be determined is whether it is the sense of this committee or of the House that silver dollars shall be transported free by the Government on request of banks or other parties throughout the country, as has been the custom in past years.

Mr. GAINES of Tennessee. Will the gentleman state what his amendment is? I did not catch it.

Mr. KEIFER. To strike out the word "fractional" in line 22, page 24, of the bill. That is all there is of it now. Last year we made an appropriation of $120,000 to transport silver coin, including fractional silver coin. This bill only provides for $75,000, but that is a matter that can be attended to later.

I am anxious to have the committee understand that this is a question of great interest. We have some of us steadily opposed the free coinage of silver, but some of us have also been in favor of the coinage of silver and the introduction of it into this country as a circulating medium. We should not have voted for it if it was to be cribbed up and kept where it was convenient only to a very small portion of our people, and they of that section of our country opposed to the coinage and use of silver.

I voted in 1878 for the bill that authorized the coinage of most of the silver coin we have now in existence. I voted for the bill against the veto of a Republican President. I have never regretted that. I am not now going to abandon these silver dollars. I want the common people, the laborers, the people in the shops, to have access to them, as many of them as they can possibly use.

The silver dollar is also valuable in the respect that it is clean money. We have a great deal of dirty paper money that comes to us out West, soiled by much handling, and it will be worse in the future, and we shall have to legislate to have more small paper currency if we do not continue to provide for the distribution of silver dollars as in former years. Our cities, like Cincinnati, Cleveland, Columbus, Dayton, and Toledo, in Ohio, all want silver and they now use it largely, as do the common people throughout our State. All our great business centers need and want the silver dollar in their business. They do not want to transport it at their expense, and be at a disadvantage as against banks and parties otherwise and more favorably located. And when you go farther west of these cities, even out in the mining regions of the Rocky Mountains, where they dig the silver out of the earth and send it back to Philadelphia to have it coined, it ought to be sent to them so that they can use it in their business. Why, as this bill provides, transport fractional silver and minor coinage, notes, bonds, and currency at the Government expense? It is of equal importance to transport free our silver dollars. I appeal to the House to do now only what has been the practice in past years. It never was needed more than now. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, just a word. A few weeks ago, in some bill that was under consideration here at this session, Congress struck out a deficiency appropriation to defray the expense of transporting silver dollars to the bankers and people of the country.

Mr. KEIFER. We did not strike out the provision. The House simply refused to put it in.

Mr. GAINES of Tennessee. Inside of ten days after that bill became law I received letters from nearly every banker in my district, which is composed of Davidson County, where the city of Nashville is located, and the counties of Cheatham, Montgomery, Robertson, and Stewart, protesting against the failure to make this usual appropriation. I want to say that I suppose that nine-tenths of those bankers in those counties voted against me in 1896; but if a vote could be taken to-day, ten-ninths of them would vote for me. [Applause.]

But I want to say, Mr. Chairman, that this unwise elimination of this small appropriation is weighing heavily not only upon the bankers, but upon the farmers of the South, the tobacco growers and the cotton growers, the white and black population, who prefer to use the silver dollar. There is a magic in the "dollar of the daddies" to them all; and let me tell you that whatever affects—hurts—cotton, to move or buy it, hurts all sections of the country. In fact, we move our crop South by using the silver dollar. Now, if you want to help the negro, who is at home in the cotton patch, do not cripple the use of the old dollar.

A negro would rather have a plug hat, a red cravat, and a silver dollar and a drink than anything else on earth. [Laughter.] As a rule, up to a few years ago, the banker in our country got to be a poor Republican or a worse Democrat. Many of them voted for the lamented McKinley and against Bryan on the gold question. But they are anxious to have this appropriation reinstated because the want of it distresses their business. We are struggling for prosperity you gentlemen have in the West and in the East; and the cotton growers are struggling; white and black are struggling side by side in the field, in the factory, in the woods, and elsewhere in life's great race, and I, gentlemen, with great pleasure and sincerity, indorse the words of the gentleman from Ohio [Mr. KEIFER], who was the friend of silver in 1878, the friend of free coinage a little before that, and who now stands here to-day speaking for the great majority of the people of the United States in this matter. [Laughter.]

Mr. KEIFER. Mr. Chairman, I must disclaim that last statement.

Mr. GAINES of Tennessee. Oh, I think the gentleman has forgotten, for I looked up the record a few days ago.

Mr. SMITH of Iowa. Did not the gentleman from Ohio vote for the Bland Act?

Mr. KEIFER. I stated a little while ago I voted for it over a President's veto.

Mr. SMITH of Iowa. Well, the Bland Act provided for the free and unlimited coinage of silver at the ratio of 16 to 1.

Mr. MADDEN. Mr. Chairman, during the consideration of the urgent deficiency bill the fact was developed that in the transportation of silver dollars by express, where a banker in Yonkers made a request for a certain amount of silver coin, that silver was transported from New York to Binghamton, back from Binghamton to Albany, from Albany to Yonkers, and four express companies were paid for carrying that coin, whereas if it was sent directly from the subtreasury, a small distance would have to be traversed in the transportation, at but one express charge.

The development of that information led the members of the Appropriations Committee to the conclusion that no appropria-

tion whatever should be made for the transportation of silver coin. If the bankers of the country require paper money, they make a request on the subtreasuries of the country for the amount they need, and they are obliged to pay the cost of the transportation. Why should silver be put in a different position from any other currency of the country? The fact of the matter is that the bankers frequently make application for silver dollars with which to pay the obligations they owe other people, because they can get silver transported free, and then they dump a cargo of silver on some unsuspecting creditor, and force him to accept it, and he is obliged to pay for the shipment of that silver coin back to the subtreasury. It seems to me that there ought not to be under any condition of circumstances an appropriation made for the transportation of this character of coin any more than there is for the transportation of any other money of the country.

Mr. BURGESS. Mr. Chairman, this is a matter of more moment than members of this great committee think, and with all respect to these gentlemen, I do not think the reason they give for abandoning the wise practice is sufficient. It strikes me as rather remarkable that a great committee like this should say that because here and there some bankers are standing in with the express companies and shipping forward and backward and beating the Government that therefore we will abandon the whole thing. It seems to me that that is rather remarkable.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. BURGESS. Certainly.

Mr. TAWNEY. I would like to ask the gentleman, if he were a member of the Committee on Appropriations what he would consider it his duty to do in respect to this appropriation in view of the action of the House at this session of Congress, which emphatically rejected the proposition of continuing the free transportation of silver dollars?

Mr. BURLESON. We believe that that action of the House was wrong.

Mr. TAWNEY. The committee had to respect the action of the House as the sense of the House, which was taken, and overwhelmingly in favor of abandoning the free transportation of silver.

Mr. BURGESS. I would suggest, in reply to the gentleman, that that is no answer to the merits of the question. The real question is, Will any wise business purpose be subserved by continuing the appropriation? That is the real question.

Now, the facts are these: Every man with a wink of sense, regardless of his view on the money question—whether he was for or against the free coinage of silver—will concede that many men do not like to take any considerable amount of silver in payment of any check or debt, and that it rather has to be nurtured and fostered in order to get silver dollars in circulation in any considerable amount. Now, we have the coin in the Treasury, and if we can get it out among the people, in circulation, undoubtedly the country will be benefited and the Treasury will be relieved. Speaking for Texas, I know what I am talking about. We have in the fall there something like 3,000,000 bales of cotton picked out in four or five months. The Mexican laborer and the negro laborer, who largely do the picking, are shy of paper dollars. They look upon them with suspicion. The negro and the Mexican know a silver dollar when they see it, and that is what they want.

Now, the landlord, the man who raises the crop, goes to the banker and says: "I must have so much in silver dollars and so much fractional silver to pay off my laborers," and the banker must in some way get it. The question is, Would it not be better to continue this practice and keep these dollars in circulation than it would be to abandon it upon the flimsy excuse that here and there in rare instances some express company is skinning the Government a little bit? Would it not be easy to change the verbiage and vest discretion in the Secretary of the Treasury, so that that kind of thing could not happen, and let the good results follow? We have been continuing from year to year this appropriation. It is just a simple business question. It does not cost very much, and I think it does a very great deal of good to the whole country in a way. I get letters from my constituents, as does the gentleman from Tennessee [Mr. GAINES]. I received them after the action was taken by the House to which the chairman has alluded. Bankers from all over my district write me respecting it, and my colleagues tell me the same, that they receive similar letters, all taking exactly the same position. It will not do to say that these men are urging this appropriation in order to benefit any express company, because they do not care one single cent about that feature of the matter at all. The bankers believe that their customers will be benefited, and therefore they ask for its continuance.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. A few weeks ago the bankers of my State met in convention and passed very strong resolutions in favor of the Government resuming the practice of sending silver coin to the banks. This appropriation is necessary in order to put the bankers of the country on an equality. Those banks that are located where there are subtreasuries can go to the subtreasuries and get their silver coin. The Government can not have a subtreasury in every community. We should so adjust the finances of the country as to give the bankers in the interior the same advantages that bankers at and near the subtreasuries have.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman permit a question?

Mr. JOHNSON. Yes.

Mr. SMITH of Iowa. Is anything that the gentleman has said not equally applicable to the duty of the Government, then, to forward all kinds of currency that it exchanges to the people all over the United States?

Mr. JOHNSON. Perhaps when we reach that question we will discuss it.

Mr. SMITH of Iowa. Is there any distinction, in the gentleman's judgment?

Mr. JOHNSON. We are now discussing the silver question, and you have a provision in this bill to transport the silver of smaller denominations than $1. On what principle did you put that in the bill?

Mr. SMITH of Iowa. Well, we will cheerfully tell the gentleman when we come to that question and when we come to argue the matter before the committee. Will the gentleman tell me any reason why the Government, making gratuitous exchange of money with the citizen, should, wishing to exchange some kind of money for another and giving it gratuitously, bear the expense of that transaction with reference to the silver dollar more than with other kinds of money?

Mr. JOHNSON. Mr. Chairman, I have already stated that those bankers located in the neighborhood of subtreasuries can get this exchange without expense, and while the Government can not put subtreasuries in every community, it can transport the coin and put the bankers on an equality.

Mr. SMITH of Iowa. Would the gentleman pardon me——

Mr. JOHNSON. I have but five minutes.

Mr. SMITH of Iowa. Very well. I do not wish to interrupt the gentleman if it is not agreeable, of course.

Mr. JOHNSON. In the country in which I live we rarely see a one-dollar or a two-dollar bill. For all transactions under $5 we use fractional silver or the silver dollar. The people are used to it and it is necessary in the transaction of our business. All that we ask is that the Government shall treat these bankers in the interior where this coin is needed just as they treat the bankers who are more fortunately situated in reference to the subtreasuries. If it is right to transport the minor coin, why not the dollars?

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration a joint resolution to supply deficiencies in an appropriation for assistant custodians and janitors of public buildings, and had directed him to report the same with a recommendation that it do pass; also that said committee had had under consideration the sundry civil appropriation bill, and had come to no resolution thereon.

Mr. TAWNEY. Mr. Speaker, I move the adoption and passage of the joint resolution reported from the Committee of the Whole.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the bill (H. R. 17686) making appropriation for the naval service for the fiscal year ending June 30, 1907, and for other purposes, with Senate amendments, and ask unanimous consent that the House disagree to the Senate amendments and request a conference with the Senate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair announces the following conferees.

The Clerk read as follows:

Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER.

EXTENSION OF REMARKS.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask unanimous consent to insert in the RECORD pages 1361, 1362, 1363, and part of 1364 of the hearings for the Appropriations Committee on the sundry civil appropriation bill, being a statement in the form of a letter by the Secretary of the Interior, Mr. Hitchcock. I do this because in view of the remarks of yesterday the Secretary believes that his defense should be spread upon the records. I must add, however, that the committee read this letter over carefully and that it did not change its opinion of the illegality of the Secretary's procedure by reason of anything contained in that letter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1906.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: Referring to the statement made by me on the 10th instant, before your committee, relative to the fund derived from the sale of town lots in the towns of Hobart, Lawton, and Anadarko, in the Territory of Oklahoma, under the act of March 3, 1901 (31 Stat. L., 1093-1094), some additional matters have occurred to my mind in connection therewith that I desire to bring to your attention.

The sale of said town lots was but an incident to the opening of the Kiowa and Comanche lands in the Territory of Oklahoma that occurred in 1901. Hon. W. A. Richards, then Assistant Commissioner, now Commissioner of the General Land Office, was placed in charge of that opening; and the plan and regulations relating to said opening were prepared in the office of the Assistant Attorney-General of this Department, and given the personal supervision of that officer.

The act providing for the sale of said lots was a distinct departure from any legislation with which the Interior Department had ever had to do. It was as stated by one of the members of your committee sui generis. It provided for the creation of counties and establishment of their boundaries, and for the creation of county seats in each of said counties, and the survey, subdivision, and sale of the town lots in said county seats. It placed duties upon the Secretary of the Interior such as had never before been placed upon that officer. It provided that the proceeds from the sale of said lots, after the expenses of survey, subdivision, and sale had been paid therefrom, should be disposed of under his direction for the purpose of building bridges and roads, a courthouse, and such other public improvements as the Secretary of the Interior might deem advisable; and it provided that he should pay the expenses actually necessary to the maintenance of the county governments in each of said counties until such time as the local taxes provided a sufficient revenue for that purpose.

Plenty of acts had been passed by Congress prior to this one, making an appropriation of moneys, the disposition and expenditure of which was placed under the direction and control of the Secretary of the Interior, but they were for funds already in the Treasury. A number of special acts had been passed authorizing and directing the Secretary of the Interior to sell certain portions of the public land at public auction, but the sales as a rule were for the purpose of obtaining revenue for the General Government, and the proceeds thereof went into the hands of the receiver of public moneys at the respective local land offices in the usual way, and thence into the Treasury.

Some idea may be gathered as to the idea of Congress in the matter by a glance at the proceedings while the bill (H. R. 12901) was pending before it. In the report of the House committee (56th Cong., 2d sess., Rept. No. 2274) the following statement is found in regard to this feature of the bill:

"An entirely new method is provided for disposing of the town lots. Heretofore, whenever town sites have been reserved, they have been opened to occupancy to anyone who, in the mad rush for possession, was able to settle upon it first. This method has always led to opportunities for violations of law, blackmail, threats, and in many cases compelled intruding settlers in the towns to equip themselves with six-shooters and Winchesters; in fact, in many cases the settler who could equip himself as a walking arsenal usually obtained possession of choice lots and was not interfered with.

"This bill provides that all the lots in the county-seat towns shall be sold at public auction and the proceeds applied to erecting a courthouse, costing not to exceed $10,000, and the balance of the money is to be used in making roads, erecting bridges, and for such other purposes as may be deemed necessary. It is expected that in no case will the receipts from the sales of these county-seat lots be less than $100,000 for each county seat. This fund will pay all the expenses of the county and equip its government with all facilities and prove a godsend to those who may settle in either the town or county.

"In the past every county in Oklahoma had a debt represented by county warrants of from $50,000 to $100,000 before the people elected their own county officials. Under this bill no indebtedness can be contracted, unless approved by the Secretary of the Interior, in any county prior to the election by the people of their own officials at the next general election. The bill further provides that the necessary officers, made necessary by the laws of Oklahoma, shall be appointed by the Secretary of the Interior."

Also, in the debate on the bill in the House February 18, 1901, on which day it passed that body under suspension of the rules, Mr. LACEY, chairman of the Committee on Public Lands, in explaining this feature of the bill to the House, made this statement:

"The bill provides that the proceeds of the sales of the town lots shall go into the *county fund* for the building of bridges and courthouses. This is a great improvement over the previous laws under which other parts of Oklahoma have been opened." (The emphasis is mine.)

And again he said:

"The allotments are to the Indians, and the balance will be opened under the homestead law; but if the town lots are taken without any compensation the result would be that individuals would get the benefit of the unearned increment, whatever it may be. Under this amendment they will be sold and the value of the town lots will go to the counties to be used for county purposes."

In view of the report of the House Committee on Public Lands above quoted (there was no discussion in the Senate) showing how the proceeds from the sale of these lots would enrich the counties affected thereby, and the statements of Mr. LACEY that the proceeds were to go into the county fund, I beg to submit to you, was it not reasonable to conclude that Congress passed this bill with the understanding that none of these proceeds were to be deposited in the Treasury, but were to be expended by the Secretary of the Interior, as trustee, for the immediate benefit of the counties affected thereby? This is item No. 1.

On July 19, 1901, instructions were prepared by the Assistant Attorney-General for the signature of the Acting Secretary, which were addressed to Mr. Richards, advising him as to the manner of his procedure in the sale of said town lots.

Those instructions, among other things, directed Mr. Richards to deposit the proceeds from the sale of said lots in the United States subtreasury at St. Louis to the credit of the Secretary of the Interior as trustee for the various town sites.

The deposits were made in that way, but on August 10, 1901, a deposit having been made or tendered by Mr. E. P. Holcombe, townsite trustee for the town of Hobart, the assistant treasurer of the United States at St. Louis, being in doubt as to his authority to accept the deposit in that way, wrote the Secretary of the Treasury, on or about that date, in regard to the matter, with the result that on August 12, 1901, the Secretary of the Treasury wired the assistant treasurer at St. Louis to accept the deposit. The evidence of this will be found in certain correspondence addressed to Mr. E. P. Holcombe, left by me with your committee, and is important, in that it shows that the Secretary of the Treasury not only knew the manner in which the moneys were deposited, but directed that such deposits be received. This is item No. 2.

The funds having been deposited in the manner above stated, and with the knowledge if not by direction of the Secretary of the Treasury, it is apparent that they could be checked out only or disbursed only by the official check of the Secretary of the Interior; and if that was a proper deposit, then the propriety of all the following procedure must follow as a matter of course, for the entire control of the matter was thereby put in the hands of the Secretary of the Interior, who was answerable to no one for the manner of his procedure, except the authority that created the trust he was executing, namely, the Congress of the United States. This is item No. 3.

On January 22, 1902, the Acting Secretary of the Interior, Judge Ryan, addressed a communication to the Secretary of the Treasury, as follows:

The SECRETARY OF THE TREASURY.

SIR: I have the honor to request that this Department be furnished with a book of 500 checks on the United States assistant treasurer, St. Louis, Mo., for use of the Secretary of the Interior in the disbursement of the fund derived from the respective sales of town lots in Oklahoma, as provided in the act of March 3, 1901 (31 Stat, 1093-1094).

Respectfully, THOS. RYAN, *Acting Secretary.*

In response to that request the Secretary of the Treasury furnished a check book, and has since furnished other check books of a similar character, upon a similar request, for the same purpose. This is deemed important, in connection with the other items above set forth, as showing that the Treasury Department, from the beginning, had knowledge, not only of the manner in which the deposit of the proceeds from the sale of said town lots was made, but was given notice of the manner in which it was proposed to disburse said proceeds, and that it offered no objection or criticism thereto, and hence must, in all justice, be held to have acquiesced therein. This is item No. 4.

In connection with the four items above mentioned, your attention is called to the fact that every month, as I am advised, the assistant treasurer at St. Louis in transmitting his monthly report or accounting to the Treasury Department transmits, among other things, the checks that have been drawn by the Secretary of the Interior upon said townsite funds. These checks, from the beginning, were notice to the accounting officers of the Treasury Department of the manner in which those funds were being disbursed, and no notice has ever come from that Department to the Interior Department that there was any irregularity in the procedure, or that anything was ever done that should not be done—a further evidence, in my judgment, that the Treasury Department must be held as having notice of and acquiesced in the procedure of this Department in the disbursement of said fund. This is item No. 5.

In December of 1904 a committee, appointed one by the Auditor for the Interior Department and one by the Comptroller of the Treasury, examined the vouchers on file in this Department, and not only found no irregularities of moment in connection with said disbursements, but, on the contrary, you will find the following statement in the body of their report:

"The vouchers were generally in proper form as evidence of payment and of that for which payment was made; the purposes for which expenditures were made being within the statutes providing for the expenditures. The vouchers for salaries and allowances of county officers and other expenses for county government bear the approval of the county commissioners and governor of the Territory of Oklahoma, and indicate the close scrutiny of the latter, his approval in many cases being for a reduced amount, which in all cases was followed in the payment of vouchers."

A copy of that report, dated January 23, 1905, was transmitted under cover of a letter to me by the Secretary of the Treasury, without comment or criticism, and without any suggestion that the course that had been pursued by the Interior Department in the disbursement of this fund was in any way irregular. Another item, if you please, which justified this Department in believing that the Treasury Department concurred in the course it was pursuing in this matter. This is item No. 6.

Something was said by one of the members of your committee on the question of publicity; and in this connection I desire to say that the annual report of the Secretary of the Interior every year since these disbursements began has contained a full and complete report of the condition of said fund, showing the amount of money received, the amount disbursed, and the purposes for which disbursed, and the amount remaining on hand in each portion of the fund. This matter has not been done in a corner. There has been no effort to conceal anything, but every effort has been made to give it the widest publicity consistent with proper administration. This is item No. 7.

Something was also said by one of the members of the committee by way of a comparison between the town-lot act and the reclamation act.

In reply to that I desire to say that a comparison between the two acts at the time these questions were presented was impossible, for

the reason that the reclamation act was not passed until fifteen months after the town-lot act became a law, and, as stated, there was no precedent of any similar law for the guidance of the Department.

The construction which the assistant attorney-general for this Department seems to have put upon the act appears to have been that it created a trust which the Secretary of the Interior, and he alone, was required by the law to execute. It is upon that theory, apparently, that the funds were deposited in the manner stated, and that theory has been followed since in the administration of the act, and I am by no means convinced that it is not the correct one. The act provides that the proceeds from the sale of said lots shall, after certain preliminary expenses are paid therefrom, "be disposed of under the direction of the Secretary of the Interior in the following manner;" then follows the purposes for which said expenditures are to be made. There seems to be no uncertainty or ambiguity about that language, which justifies, apparently, the theory on which this Department has proceeded.

Something was also said by your committee—that a trustee must make a showing or accounting. That is true; to the power that creates the trust and him; and this trustee is ready to make a showing or report at any time to the power that created him as such trustee, to the Congress of the United States, to your committee, or to any other body or individual authorized by law to receive it.

Every dollar of this fund that has been disbursed has been legitimately expended for the purposes contemplated by the act and none other, and the claims submitted have been carefully and conscientiously audited, the more so, perhaps, because of the nature of the trust. I can within a very brief time furnish your committee, if required to do so, an itemized statement of every penny expended, and I can in fifteen minutes show the exact condition of the fund.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

EXTENDING PROVISIONS OF ACT OF MARCH 3, 1901, TO CERTAIN OFFICERS OF THE NAVY AND MARINE CORPS.

Mr. MEYER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17663.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17663) to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle.

Be it enacted, etc., That officers of the Navy and Marine Corps advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall from the date of the passage of this act be carried as additional numbers of each grade in which they serve.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know what this is and who it affects.

Mr. MEYER. I will state, Mr. Speaker, at present it affects about two officers directly in the Marine Corps, and who have received additional numbers by reason of conspicuous conduct in battle in the Philippines and in China.

Mr. GROSVENOR. Will not the gentleman from Louisiana speak a little louder? We can not hear a word.

Mr. MEYER. In pursuance of the provisions of sections 1506 and 1605 of the Revised Statutes, and in recognition of "eminent and conspicuous conduct in battle or extraordinary heroism" during the Spanish war, a number of officers of the Navy and Marine Corps were advanced upon the navy list. Such advance, while intended merely to benefit the officers so advanced, incidentally worked hardship upon the officers who, while perhaps equally patriotic and competent, had been assigned to duty under circumstances affording no opportunity to achieve especial distinction, and who consequently found themselves, after the war, in lower relative places on the naval list than they would have occupied if the war had not occurred.

Such promotions for special gallantry were therefore made at the expense not of the Government, but of the unfortunate officers over whose heads others were promoted. To remedy these conditions a clause was inserted in the act making appropriations for the naval service approved March 3, 1901 (31 Stat., 1108), as follows:

That the advancement in rank of officers of the Navy and Marine Corps, whensoever made, for services rendered during the war with Spain, pursuant, respectively, to the provisions of sections 1506 and 1605 of the Revised Statutes, shall not interfere with the regular promotion of officers otherwise entitled to promotion; but officers so advanced by reason of war service shall, after they are promoted to higher grades, be carried thereafter as additional to the numbers of such grade to which they may at any time be promoted; and each such officer shall hereafter be promoted in due course contemporaneously with and to take rank next after the officer immediately above him, and all advancements made by reason of war service shall be appropriately so designated upon the navy list: *Provided, however,* That no promotion shall be made to fill a vacancy occasioned by the promotion, retirement, death, resignation, or dismissal of any officer who at the time of such promotion, retirement, death, resignation, or dismissal is an additional member of his grade under the foregoing provisions.

This provision is, however, limited in its application to services rendered "during the war with Spain." Certain officers of the Navy and Marine Corps have been advanced for gallantry in action in the Philippines and in China since the close of the Spanish war, and with respect to these officers and others on the lists below them the objectionable conditions above set forth now exist. If the remedy provided by the act of March 3, 1901, above quoted, was desirable in the case of advancements made for services during the war with Spain, it would appear to be equally appropriate whensoever like advancements are made. Upon this subject the Chief of the Bureau of Navigation, in a report dated January 27, 1906, says:

As the matter now stands, the advancements of officers of the Navy and Marine Corps which have been made for service other than in the war with Spain are entirely at the expense of the officers who have lost numbers by reason of these advancements, and it appears to the Bureau that the reward for one officer should not be made at the expense of another. Officers who did not have an opportunity to earn an advancement certainly should not suffer the loss of promotion to which they would otherwise be entitled but for the advancement over them of other officers.

The Bureau recommends that Congress be asked to enact legislation providing that all officers of the Navy and Marine Corps who have been or may be advanced under the provisions of sections 1506 and 1605 of the Revised Statutes shall, after they are promoted to a higher grade, be thereafter additional to the number of the grade to which they may at any time be promoted.

The bill, Mr. Speaker, has received the recommendation of the Navy Department and a unanimous report from the Committee on Naval Affairs.

Mr. PAYNE. Mr. Speaker, we can not hear the gentleman over here. I would like to ask the gentleman a question—if this bill is not to correct promotions which were made on account of services in the Spanish-American war or services in the Philippines of some officers or members of this Marine Corps?

Mr. MEYER. It applies to officers who have received promotion by extra numbers for conspicuous gallantry in the war with China and the war in the Philippines. Such legislation has been enacted in favor of officers who gained distinction in the Spanish-American war, but does not apply to similar cases in the wars with China and in the Philippines.

Mr. PAYNE. Then this extends the same privileges and rights in reference to promotion to men who rendered conspicuous service in the war in the Philippines and in China as has already been extended by law to men promoted for the same character of service in the Spanish war.

Mr. MEYER. Yes. Really it does not give any advantage or additional favor to the officers thus promoted, but is in justice to the officers over whom they were promoted. It provides them as extra numbers.

Mr. MANN. This does not refer to any war in the future.

Mr. MEYER. It provides that officers of the Navy and Marine Corps, advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall be carried as additional numbers of each grade in which they serve.

Mr. PADGETT. I would like the gentleman to state who declared the war with China.

Mr. MEYER. Wars are frequently engaged in without any declaration of war.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution;

H. R. 17576. An act to provide for the entry of agricultural lands within forest reserves;

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 14397. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1907;

H. R. 13917. An act to remove the order of dismissal from the military record of Robert W. Liggett;

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto; and

H. R. 239. An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees.

The Speaker announced his signature to enrolled bills of the following titles:

S. 6288. An act to create a new division of the western judi-

cial district of Texas, and to provide for the terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes;

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section;

S. R. 20. Joint resolution directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow;

S. 6329. An act authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington;

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida, in the city of Miami in said district;

S. 4698. An act for the preservation of American antiquities;

S. 4370. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact;

S. 2023. An act for the extension of Euclid street, in Meridian Hill, District of Columbia;

S. 4239. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 685. An act for the erection of a monument to the memory of John Paul Jones;

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor; and

S. 86. An act for the erection of a monument to the memory of Commodore John Barry.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5924. An act to extend the provisions of the existing bounty-land laws to the officers and enlisted men and the officers and men of the boat companies of the Florida Seminole Indian war—to the Committee on the Public Lands.

S. 2969. An act to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi-judicial body created under the laws of the United States—to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 6067. An act to change the records of the War Department relative to Levi A. Meacham;

H. R. 13245. An act to correct the military record of Henry Gude;

H. R. 13795. An act for the relief of John Purkapile;

H. R. 14184. An act to extend the irrigation act to the State of Texas;

H. R. 1982. An act granting a pension to Ada Collins;

H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;

H. R. 6120. An act granting a pension to Harriet M. Smithers;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 13824. An act granting a pension to Noah Myers;

H. R. 14678. An act granting a pension to James A. Boggs;

H. R. 16272. An act granting a pension to William D. Willis;

H. R. 16595. An act granting a pension to James R. Hicks;

H. R. 16918. An act granting a pension to Matilda J. Williams;

H. R. 17340. An act granting a pension to Julia Walz;

H. R. 17940. An act granting a pension to Rhetta Florence Tilton;

H. R. 18034. An act granting a pension to Mary A. Montgomery;

H. R. 18426. An act granting a pension to Elizabeth Hathaway;

H. R. 18460. An act granting a pension to Benjamin F. Tudor;

H. R. 18966. An act granting a pension to John W. Ward;

H. R. 19005. An act granting a pension to Gideon M. Burriss;

H. R. 612. An act granting an increase of pension to George W. Kohler;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

H. R. 1438. An act granting an increase of pension to Oliver T. Smith;

H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;

H. R. 1650. An act granting an increase of pension to Frank B. Watkins;

H. R. 1736. An act granting an increase of pension to Charles A. Walker;

H. R. 1788. An act granting an increase of pension to William D. Christy;

H. R. 2092. An act granting an increase of pension to Franklin M. Hill;

H. R. 2237. An act granting an increase of pension to Martin Pool;

H. R. 2247. An act granting an increase of pension to Anthony Sanspeur;

H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;

H. R. 2785. An act granting an increase of pension to Margaret Bonynge;

H. R. 3243. An act granting an increase of pension to John H. Anderson;

H. R. 3351. An act granting an increase of pension to George King;

H. R. 3488. An act granting an increase of pension to Egbert J. Olds;

H. R. 3495. An act granting an increase of pension to Charles F. Tower;

H. R. 3572. An act granting an increase of pension to William L. Riley;

H. R. 3588. An act granting an increase of pension to William H. Riggin;

H. R. 4161. An act granting an increase of pension to Robert Beatty;

H. R. 4241. An act granting an increase of pension to David B. Coleman;

H. R. 4597. An act granting an increase of pension to Martin Ellison;

H. R. 4715. An act granting an increase of pension to John H. Whiting;

H. R. 4956. An act granting an increase of pension to James C. Bryant;

H. R. 5040. An act granting an increase of pension to Joseph Montgomery;

H. R. 5560. An act granting an increase of pension to Henry Chubb;

H. R. 6059. An act granting an increase of pension to Elias Hanes;

H. R. 6205. An act granting an increase of pension to Lucy E. Engler;

H. R. 6208. An act granting an increase of pension to William D. Conner;

H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;

H. R. 6505. An act granting an increase of pension to Mary C. Chapman;

H. R. 6596. An act granting an increase of pension to Alex. O. Huffman;

H. R. 6774. An act granting an increase of pension to John Platt;

H. R. 7147. An act granting an increase of pension to Bronson Rothrock;

H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;

H. R. 7402. An act granting an increase of pension to Edwin M. Todd;

H. R. 7535. An act granting an increase of pension to John L. Moore;

H. R. 7836. An act granting an increase of pension to Alexander G. Patton;

H. R. 8155. An act granting an increase of pension to Henry E. Seelye;

H. R. 8232. An act granting an increase of pension to James M. Jared;

H. R. 8722. An act granting an increase of pension to Arthur M. Lee;

H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;

H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;

H. R. 8817. An act granting an increase of pension to Calvin M. Latham;

H. R. 8852. An act granting an increase of pension to Frederick W. Clark;
H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;
H. R. 9531. An act granting an increase of pension to Eliza Rogers;
H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;
H. R. 9828. An act granting an increase of pension to John Broughton;
H. R. 9844. An act granting an increase of pension to John J. Erick;
H. R. 9862. An act granting an increase of pension to William B. Warren;
H. R. 10794. An act granting an increase of pension to Jacob Schultz;
H. R. 10828. An act granting an increase of pension to Michael Lennon;
H. R. 10865. An act granting an increase of pension to Alexander Caldwell;
H. R. 11057. An act granting an increase of pension to Lewis J. Post;
H. R. 11152. An act granting an increase of pension to Theodore S. Currier.
H. R. 11161. An act granting an increase of pension to Michael Aaron;
H. R. 11260. An act granting an increase of pension to James H. Van Camp;
H. R. 11457. An act granting an increase of pension to Cyrus Vanmatre;
H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;
H. R. 12184. An act granting an increase of pension to Joseph Sprauer;
H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;
H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;
H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;
H. R. 12879. An act granting an increase of pension to Catharine Myers;
H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;
H. R. 13069. An act granting an increase of pension to Friend S. Esmond;
H. R. 13149. An act granting an increase of pension to Ida L. Martin;
H. R. 13443. An act granting an increase of pension to James E. Hammontree;
H. R. 13594. An act granting an increase of pension to Jonathan Snook;
H. R. 13993. An act granting an increase of pension to Joseph Watson;
H. R. 14264. An act granting an increase of pension to John H. Eversole;
H. R. 14661. An act granting an increase of pension to John B. Bussell;
H. R. 14702. An act granting an increase of pension to Christian Schlosser;
H. R. 14729. An act granting an increase of pension to David Ford;
H. R. 15056. An act granting an increase of pension to James Ramsey;
H. R. 15104. An act granting an increase of pension to Thomas E. Owens;
H. R. 15126. An act granting an increase of pension to William K. Trabue;
H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;
H. R. 15613. An act granting an increase of pension to William W. Combs;
H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;
H. R. 16073. An act granting an increase of pension to John Ginther;
H. R. 16109. An act granting an increase of pension to Jacob Cline;
H. R. 16252. An act granting an increase of pension to Adam Dixon;
H. R. 16441. An act granting an increase of pension to Joseph J. Goode;
H. R. 16492. An act granting an increase of pension to John M. Logan;
H. R. 16496. An act granting an increase of pension to Thomas Dailey;
H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;
H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;
H. R. 16662. An act granting an increase of pension to Van Buren Beam;
H. R. 16682. An act granting an increase of pension to William Hammond;
H. R. 16812. An act granting an increase of pension to Dudley McKibben;
H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;
H. R. 16915. An act granting an increase of pension to Orange Bugbee;
H. R. 16977. An act granting an increase of pension to Isabel Newlin;
H. R. 16998. An act granting an increase of pension to Elijah Curtis;
H. R. 17170. An act granting an increase of pension to Jackson D. Turley;
H. R. 17171. An act granting an increase of pension to David H. Parker;
H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;
H. R. 17309. An act granting an increase of pension to John W. Chase;
H. R. 17346. An act granting an increase of pension to Newton S. Davis;
H. R. 17374. An act granting an increase of pension to Isom Wilkerson;
H. R. 17388. An act granting an increase of pension to Patrick McCarthy;
H. R. 17390. An act granting an increase of pension to Mary Sheehan;
H. R. 17445. An act granting an increase of pension to William H. Farrell;
H. R. 17466. An act granting an increase of pension to James P. Hall;
H. R. 17476. An act granting an increase of pension to Henry Ballard;
H. R. 17542. An act granting an increase of pension to John Cain;
H. R. 17590. An act granting an increase of pension to Jacob Woodruff;
H. R. 17637. An act granting an increase of pension to Gardiner K. Haskell;
H. R. 17678. An act granting an increase of pension to Alexander Moore;
H. R. 17772. An act granting an increase of pension to John W. Henry;
H. R. 17825. An act granting an increase of pension to Bolivar Ward;
H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;
H. R. 17891. An act granting an increase of pension to Eliza M. Buice;
H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;
H. R. 17922. An act granting an increase of pension to Thomas D. Adams;
H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;
H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;
H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;
H. R. 17990. An act granting an increase of pension to Samuel Yehl;
H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;
H. R. 18039. An act granting an increase of pension to John W. Stephens;
H. R. 18041. An act granting an increase of pension to William R. Hiner;
H. R. 18073. An act granting an increase of pension to Mary McFarlane;
H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;
H. R. 18105. An act granting an increase of pension to John A. Lyle;
H. R. 18106. An act granting an increase of pension to Mary E. Patterson;

H. R. 18121. An act granting an increase of pension to John W. Jones;
H. R. 18132. An act granting an increase of pension to John W. Blanchard;
H. R. 18184. An act granting an increase of pension to John J. Howells;
H. R. 18239. An act granting an increase of pension to Bryant Brown;
H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;
H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;
H. R. 18262. An act granting an increase of pension to John H. Broadway;
H. R. 18308. An act granting an increase of pension to Clay Riggs;
H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;
H. R. 18319. An act granting an increase of pension to Newton Kinnison;
H. R. 18355. An act granting an increase of pension to Rachel A. Webster;
H. R. 18356. An act granting an increase of pension to William A. Custer;
H. R. 18357. An act granting an increase of pension to William E. Starr;
H. R. 18367. An act granting an increase of pension to John Wilkinson;
H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;
H. R. 18399. An act granting an increase of pension to Pauline Bietry;
H. R. 18400. An act granting an increase of pension to Elmira M. Gause;
H. R. 18402. An act granting an increase of pension to Lucy W. Powell;
H. R. 18447. An act granting an increase of pension to Elijah G. Gould;
H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;
H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;
H. R. 18469. An act granting an increase of pension to Samuel C. Dean;
H. R. 18486. An act granting an increase of pension to William F. Walker;
H. R. 18505. An act granting an increase of pension to M. Belle May;
H. R. 18509. An act granting an increase of pension to Ellen L. Stone;
H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;
H. R. 18524. An act granting an increase of pension to Julius Rector;
H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;
H. R. 18542. An act granting an increase of pension to Sarah Ann Day;
H. R. 18551. An act granting an increase of pension to William D. Drown;
H. R. 18560. An act granting an increase of pension to John Hamilton;
H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;
H. R. 18573. An act granting an increase of pension to John M. Quinton;
H. R. 18605. An act granting an increase of pension to William Lawrence;
H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;
H. R. 18628. An act granting an increase of pension to William E. Chambers;
H. R. 18633. An act granting an increase of pension to Jennie F. Belding;
H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;
H. R. 18654. An act granting an increase of pension to Robert D. Gardner;
H. R. 18655. An act granting an increase of pension to Leander Gilbert;
H. R. 18678. An act granting an increase of pension to Evans P. Hoover;
H. R. 18696. An act granting an increase of pension to Louisa C. Gibson;
H. R. 18697. An act granting an increase of pension to Martha L. Beesley;
H. R. 18702. An act granting an increase of pension to Edward B. Prime;
H. R. 18724. An act granting an increase of pension to Alfred Gude;
H. R. 18730. An act granting an increase of pension to William C. Mahaffey;
H. R. 18746. An act granting an increase of pension to Isaac Howard;
H. R. 18747. An act granting an increase of pension to William H. Colegate;
H. R. 18794. An act granting an increase of pension to William C. McRoy;
H. R. 18795. An act granting an increase of pension to James E. Raney;
H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;
H. R. 18822. An act granting an increase of pension to Sophie S. Parker;
H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;
H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;
H. R. 18910. An act granting an increase of pension to Philo E. Davis;
H. R. 18930. An act granting an increase of pension to Eliza J. Mays;
H. R. 18935. An act granting an increase of pension to Mina A. Boswell;
H. R. 18959. An act granting an increase of pension to Albert G. Packer;
H. R. 18976. An act granting an increase of pension to Nelson S. Preston;
H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay; and
H. R. 18052. An act granting a pension to John Lewis Bernard Breighner.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNWELL, for one week, on account of important business.

To Mr. MCCREARY of Pennsylvania, for one week, on account of important business.

SPONGES.

The SPEAKER laid before the House the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, with a House amendment nonconcurred in by the Senate.

Mr. GROSVENOR. Mr. Speaker, I move that the House adhere to its amendment, and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HINSHAW, Mr. WILSON and Mr. SPIGHT as conferees on the part of the House.

Mr. TAWNEY. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sallie D. Stamper against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for expenses of the Commission to the Five Civilized Tribes—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11044) authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys

acting as special disbursing agents amounts paid by them out of their private funds, reported the same without amendment, accompanied by a report (No. 4886); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19571) to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo., reported the same without amendment, accompanied by a report (No. 4887); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8440) granting 5 per centum of the land sales on military land warrants to the public-land States, reported the same without amendment, accompanied by a report (No. 4888); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9107) granting a pension to James W. Russell, reported the same with amendment, accompanied by a report (No. 4880); which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11157) to compensate E. C. Sturges for property lost during the Spanish-American war, reported the same with amendment, accompanied by a report (No. 4881); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16515) for the relief of Robert Gray, reported the same without amendment, accompanied by a report (No. 4882); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURTON of Delaware: A bill (H. R. 20043) to fix the pensionable status of the Fifth and Sixth Regiments of Delaware Volunteers—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 20044) to extend to the port of Knoxville, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

By Mr. BONYNGE: A bill (H. R. 20045) to amend section 4896 of the Revised Statutes of the United States—to the Committee on Patents.

By Mr. TAWNEY: A bill (H. R. 20046) to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," by defining the boundaries of the forest reserve, and for other purposes—to the Committee on Indian Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 20047) to authorize the construction of a bridge across the Tennessee River at the city of Chattanooga, State of Tennessee—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 20048) providing for the use of $3,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in the State of Florida, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. HEPBURN: A bill (H. R. 20049) to reappropriate the proceeds from the sale of public lands belonging to the United States in the State of New York for use during the fiscal year 1907—to the Committee on Appropriations.

By Mr. SHERMAN: A bill (H. R. 20050) to amend and further extend the benefits of the act of Congress approved February 28, 1891, being an act in relation to the allotment of land in severalty to Indians on the various reservations—to the Committee on Indian Affairs.

By Mr. GREENE: A bill (H. R. 20051) authorizing Ira J. Baker to install water mains in the streets of the subdivision of Langdon, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SOUTHARD: A bill (H. R. 20052) to amend section 490 of the Revised Statutes of the United States—to the Committee on Patents.

By Mr. LOUDENSLAGER: A resolution (H. Res. 569) to pay to the widow of Robert Richardson a certain sum of money—to the Committee on Accounts.

By Mr. SULZER: A resolution (H. Res. 570) concerning the sale of the custom-house property in Wall street, New York City—to the Committee on the Judiciary.

By Mr. SMALL: A joint resolution (H. J. Res. 171) authorizing the Postmaster-General to investigate and report plans for a safe, substantial, and fireproof mail car—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 20053) for the relief of Oliver P. Wiggins—to the Committee on War Claims.

Also, a bill (H. R. 20054) granting a pension to Oliver P. Wiggins—to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 20055) granting an increase of pension to Isaac A. King—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 20056) granting an increase of pension to William D. Smith—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 20057) granting an increase of pension to Cynthia Marsh—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 20058) for the relief of S. H. Williamson—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 20059) granting an increase of pension to William C. Cathey—to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 20060) granting an increase of pension to Anna E. Hughes—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 20061) granting an increase of pension to Caswell York—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 20062) granting an increase of pension to Philip Lape—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 20063) granting an increase of pension to Jane Sherman—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 20064) granting an increase of pension to William C. Arnold—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 20065) to grant an extension of certain letters patent to Louie J. Harris—to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Edward Lauterbach and other American citizens, protesting against legislation for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ACHESON: Petition of geologic and topographical survey commission of Pennsylvania, School of Engineers, State College, against reduction of appropriations for hydrographic investigations, for testing of fuel, and for geological survey work—to the Committee on Appropriations.

Also, petition of Emerson Smith & Co., Beaver Falls, Pa., for eight-hour law on manufactories engaged in Government work—to the Committee on Labor.

Also, petition of F. A. E. Division 565, Brotherhood of Locomotive Firemen, New Castle, Pa., and Monongahela Valley (Pa.) Lodge, No. 277, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: Petition of members of Magdalena Lodge, Brotherhood of Locomotive Firemen, members of Order of Railway Conductors and Railway Employees of New Mexico, and J. H. Barton, secretary Brotherhood of Locomotive Firemen, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of May E. Moore and 31 others, of Waterford, Pa., for investigation into affairs of Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Publishers League, New York City, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Civic Club of Pittsburg, Pa., for passage of

pure-food bill and preservation of Niagara Falls—to the Committee on Interstate and Foreign Commerce.

Also, petition of James N. Taylor, chairman legislative committee, Builders' Exchange, Erie, Pa.; S. T. Brindley, president Erie Manufacturing Association, Erie., Pa., and Erie City Iron Works, Erie, Pa., against passage of the eight-hour bill—to the Committee on Labor.

Also, petition of J. C. Wagner, secretary Brotherhood of Trainmen, Meadville, Pa.; H. C. Phillips; J. A. Billington; J. F. Woodbine, secretary Division No. 282, Brotherhood of Locomotive Engineers, Albion, Pa.; J. C. Benson, secretary Railroad Trainmen, Erie, Pa.; D. W. Dykes, secretary Brotherhood of Locomotive Firemen, Lodge No. 207, Meadville, Pa.; C. M. Comstock, secretary Fellowship Lodge, Railway Trainmen, Albion, Pa., and T. M. Crowley, master of Brotherhood of Locomotive Firemen, Erie, Pa., against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BRADLEY: Petition of Orange County board of supervisors, New York, relative to need of a public school for children of enlisted men stationed at West Point—to the Committee on Military Affairs.

By Mr. CURRIER: Protest of citizens of New Hampshire, against passage of Senate bill No. 529—to the Committee on Merchant Marine and Fisheries.

By Mr. DAWSON: Petition of Clinton Lodge, No. 34, Brotherhood of Locomotive Trainmen, of Clinton, Iowa, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Retail Merchants' Association, Cherokee County, Iowa, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DEEMER: Petition of Parkhurst Memorial Presbyterian Church, Elkland, Pa., for amendment to Constitution prohibiting polygamy in the United States—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Wilbur F. Crafts, for Sunday closing of Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. GROSVENOR: Petition of business firms protesting against passage of eight-hour bill from the following cities, to wit: Akron, Ohio; Lorain, Ohio; St. Joseph, Mo.; Sheboygan, Wis.; St. Paul, Minn.; Bridgeport, Conn.; Pittston, Pa.; Erie, Pa.; York, Pa.; Fort Wayne, Ind.; Alliance, Ohio; High Point, N. C.; Bellairé, Ohio; Atlanta, Ga.; Rockford, Ill.; Lima, Ohio; Beloit, Wis.; Spokane, Wash.; Peru, Ind.; Bristol, Conn.; Bennington, Vt.; Oshkosh, Wis.; Norristown, Pa.; South Bend, Ind.; San Francisco, Cal.; Bridgeport, Conn.; Seattle, Wash.; Chicago, Ill.; Shelbyville, Ind.; Cleveland, Ohio; Rochester, N. Y.; Chattanooga, Tenn.; Covington, Ky.; Buffalo, N. Y.; Troy, N. Y.; Baltimore, Md.; Cincinnati, Ohio; Pittsburg, Pa.; Syracuse, N. Y.; New York, N. Y.; Dayton, Ohio; Evansville, Ind.; Boston, Mass., and Toledo, Ohio—to the Committee on Rules.

By Mr. WILLIAM W. KITCHIN: Papers to accompany bill (H. R. 20036) granting an increase of pension to Oliver T. Westmoreland—to the Committee on Invalid Pensions.

By Mr. KINKAID: Protests of citizens of Nebraska, against Post-Office Circular No. 25, issued by Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of Oskaloosa Lodge, No. 71, Railway Trainmen, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Petition of Brotherhood of Railway Trainmen, Johnstown; Brotherhood of Railway Trainmen, Altoona; Division 466, Brotherhood of Locomotive Engineers, Bellewood; Division 51, Order of Railway Conductors, Tyrone; Division 467, Brotherhood of Locomotive Engineers, Tyrone; Division 172, Order of Railway Conductors, Conemaugh; Division 498, Brotherhood of Locomotive Firemen, Bellewood, and George F. Ribblett, Kittanning, all in the State of Pennsylvania, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry railway employees of Altoona, Pa., against the antipass amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Iowa: Petition of citizens of Guthrie County, Iowa, and Audubon County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Maryland: Petition of Washington Camp, No. 48, Patriotic Order Sons of America, for bill H. R. 17941—to the Committee on Rules.

By Mr. STERLING: Petition of C. C. Lewis, for amendment to post-office laws making legitimate all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *June 8, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ORDINANCES OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, certified copies of certain ordinances granted by the executive council of Porto Rico with the approval of the governor thereof; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17686) making appropriation for the naval service for the fiscal year ending June 30, 1907, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, disagreed to by the Senate, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HINSHAW, Mr. WILSON, and Mr. SPIGHT managers at the conference on the part of the House.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle; and

H. J. Res. 170. Joint resolution to supply a deficiency in the appropriations for assistant custodians and janitors of public buildings.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

S. 86. An act for the erection of a monument to the memory of Commodore John Barry;

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor;

S. 685. An act for the erection of a monument to the memory of John Paul Jones;

S. 2623. An act for the extension of Euclid street, in Meridian Hill, District of Columbia;

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 4370. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact;

S. 4698. An act for the preservation of American antiquities;

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami in said district;

S. 6288. An act to create a new division of the western judicial district of Texas, and to provide for the terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes;

S. 6329. An act authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington;

H. R. 239. An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees.

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 13917. An act to remove the order of dismissal from the military record of Robert W. Liggett;

H. R. 14397. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1907;

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution;

H. R. 17576. An act to provide for the entry of agricultural lands within forest reserves;

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto;

S. R. 20. Joint resolution directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow; and

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section.

PETITIONS AND MEMORIALS.

Mr. LODGE presented the petition of Dr. William K. Knowles, of Boston, Mass., praying for the enactment of legislation to amend the postal laws relative to newspaper subscriptions; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Mount Hope Lodge, No. 475, Brotherhood of Railroad Trainmen, of Fall River, Mass., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. FLINT. In behalf of the junior Senator from Nevada [Mr. NIXON], who is absent from the Chamber by reason of illness, I present sundry telegrams against the pass amendment to the rate bill.

The VICE-PRESIDENT. The memorials will be received.

Mr. FLINT (for Mr. NIXON) presented memorials of Local Trainmen's Lodge No. 313, of Winnemucca; Local Division No. 158, Brotherhood of Locomotive Engineers, of Sparks; Local Lodge No. 7026, Brotherhood of Railroad Trainmen, of Tonopah, and Local Division No. 94, Order of Railway Conductors, of Winnemucca, all in the State of Nevada, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. GALLINGER presented a memorial of sundry property owners and residents of Georgia avenue, Washington, D. C., remonstrating against the enactment of legislation to change the name of Georgia avenue to Arsenal avenue; which was referred to the Committee on the District of Columbia.

Mr. FRAZIER. I present about 700 telegrams received from citizens of Tennessee, protesting against the adoption of an amendment to the railroad rate bill denying to railroads the right to issue passes to railroad employees and their families. The telegrams were addressed to me personally, but I present them as being in the nature of memorials, and ask that they lie on the table.

The VICE-PRESIDENT. The memorials will be received.

Mr. FRAZIER presented memorials of sundry railroad employees of Nashville, Crossville, Jackson, Humboldt, Trenton, Harriman, Memphis, Jonesboro, Lafollette, Fayettesville, Shelbysville, Rockwood, Dayton, Graysville, Oakdale, Chattanooga, Cleveland, Emory Gap, Lexington Depot, Bolivar, Tullahoma, Franklin, Clarksville, Evansville, Athens, and Knoxville, all in the State of Tennessee, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. STONE. I present sundry telegrams, in the nature of memorials, from citizens of Kansas City, Quitman, Plattsburg, Rockport, Clearmont, St. Joseph, Ravenwood, and South St. Joseph, in the State of Missouri, remonstrating against the adoption of the so-called "meat-inspection section" in the agricultural appropriation bill, requiring packers to pay for inspection. I move that the memorials be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CLARK of Montana presented the memorial of W. J. Brown, secretary of the Brotherhood of Railroad Trainmen, of Great Falls, Mont., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. DANIEL presented petitions of the Baptist Conference of Richmond; of the congregation of the Broad Street Methodist Church, of Richmond; of the Methodist Preachers' Meeting of Richmond; of the East Hanover Presbytery, of Richmond; of the Young Men's Christian Association of Richmond, and of 200 citizens of Norfolk, all in the State of Virginia, praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which were referred to the Select Committee on Industrial Expositions.

He also presented the petition of Mary A. Fairfax, of Washington, D. C., praying that she be reimbursed for damages sustained by the establishment of a school near her property in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HOPKINS presented memorials of sundry railroad employees of Chicago, Beardstown, Murphysboro, and East Dubuque, all in the State of Illinois, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. OVERMAN presented a memorial of sundry railroad employees of the South and Western Railway Company, of Bristol, Tenn., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. CLAPP presented memorials of sundry railroad employees of Virginia, Detroit, Melrose, East Grand Forks, Winona, St. Paul, and Minneapolis, all in the State of Minnesota, remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of free passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BURROWS presented memorial of Local Lodge No. 568, Brotherhood of Railroad Trainmen, of Alpena, Mich., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. PLATT presented memorials of sundry railroad employees of New York, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

STATISTICS RELATING TO PASSENGER RATES.

Mr. LODGE. I ask that some statistics which I have received, being a comparison between passenger rates in this country and the countries of Europe, and which I intended to introduce during the discussion of the rate bill and omitted, may be printed in the RECORD and also as a document. They are very valuable statistics prepared by Mr. H. T. Newcomb, who was one of the witnesses before the Interstate Commerce Commission.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

WASHINGTON, D. C., *May 12, 1906.*

MY DEAR SIR: I regret very much that the difficulty and delay incident to obtaining the necessary data have precluded an earlier fulfillment of my promise of December 19, 1905, to furnish you with tables showing comparisons between passenger charges on European railways and those in force for similar distances in the United States.

I now submit the promised tables. You will observe that I have followed your suggestion, that a comparison not unfair to the European railways can be made by setting against the first-class fares in force abroad the first-class fares charged in this country plus the Pullman fares. This conclusion seems to be justifiable. Perhaps, however, it will not do to say that it is always fair to American railways. On this basis the question of relative quality of service is left out of sight, although, if allowance could be made for it, it would render the showing still more gratifying to good Americans. This is especially true when the comparison is between ordinary first-class fares in Europe and the first-class fares in this country for a night journey plus the sleeping-car fares. The traveler in Europe obtains for his first-class fare the privilege of wrapping himself in a rug and of reclining as he can on the seats of his compartment; certainly obtaining a much smaller degree of comfort than if he had a berth in an American sleeping car.

In the following table I have compared the fares for distances from 51 to 392 miles, using the first-class fares for European journeys and adding to the first-class fares in this country the rates for a seat in a Pullman parlor car. You will observe that in all cases the points of departure and destination are given, together with the mileage, and for this country the railway and Pullman fares are stated separately, the totals also being given.

Journeys compared.		Distance in miles.		Fares.			
				American.			
American.	European.	American.	European.	Railway.	Pullman.	Total	European.
Boston, Mass., to Exeter, Mass.	Paris to Dreux	51	51	$1.20	$0.40	$1.60	$1.78
New York, N. Y., to Storm King, N. Y.	Paris to Compiegne	55	52	1.08	.50	1.58	1.90
Cincinnati, Ohio, to Dayton, Ohio.	Modane to Turin	59	58	1.65	.25	1.90	2.34
Boston, Mass., to Gardner, Mass.	Berne to Lucerne	65	60	1.42	.25	1.67	1.93
New York, N. Y., to Hyde Park, N. Y.	Paris to Orleans	80	78	1.56	.50	2.06	2.70
Albany, N. Y., to Herkimer, N. Y.	Paris to Amiens	81	81	1.62	.50	2.12	2.83
New York, N. Y., to Rhinecliff, N. Y.	Berlin to Stettin	90	84	1.76	.75	2.51	2.57
Philadelphia, Pa., to New York, N. Y.	Turin to Bologne	90	91	2.50	.50	3.00	3.30
Albany, N. Y., to Utica, N. Y.	Turin to Milan	95	93	1.90	.50	2.40	3.36
Buffalo, N. Y., to Port Allegany, Pa.	Paris to Rheims	97	97	2.85	.50	3.35	3.37
Boston, Mass., to Springfield, Mass.	Bologne to Venice	99	99	2.56	.75	3.31	3.59
Boston, Mass., to Northampton, Mass.	Paris to Dieppe	105	104	2.23	.75	2.98	3.63
Boston, Mass., to Portland, Me.	Cologne to Treves	115	112	2.50	.60	3.10	3.43
Washington, D. C., to Harrisburg, Pa.	Lucerne to Pino	127	122	3.74	.75	4.49	5.07
Cincinnati, Ohio, to Louisville, Ky.	Bologne to Ancona	129	127	3.50	.50	4.00	4.57
Pittsburg, Pa., to North Girard, Pa.	Lisbon to Moura	132	132	3.95	.50	4.45	4.60
Washington, D. C., to Philadelphia, Pa.	Milan to Bologne	136	134	4.00	.75	4.75	4.84
Portland, Me., to Bangor, Me.	Paris to Douai	137	135	4.10	.75	4.85	4.71
New York, N. Y., to Albany, N. Y.	Paris to Lillebonne	143	135	3.10	1.00	4.10	4.58
Boston, Mass., to North Adams, Mass.	Paris to Le Havre	143	142	3.61	.75	4.36	4.93
Duluth, Minn., to St. Paul, Minn.	Athens to Patras	152	144	4.30	.50	4.80	4.82
Albany, N. Y., to Syracuse, N. Y.	Paris to Tours	148	148	2.96	1.00	3.96	5.14
Washington, D. C., to Staunton, Va.	Paris to Lille	155	153	4.55	.75	5.30	5.34
Duluth, Minn., to Minneapolis, Minn	Coblence to Cassel	160	155	4.30	.50	4.80	5.14
Pittsburg, Pa., to Central City, Ohio.	Paris to Sedan	163	162	4.75	.75	5.50	5.62
St. Louis, Mo., to Terre Haute, Ind.	Cadiz to Cordova	169	165	5.23	.75	5.98	6.51
Indianapolis, Ind., to Vandalia, Ill.	Irun to Burgos	172	167	5.17	.75	5.92	6.21
New York, N. Y., to Wilkes-Barre, Pa.	Vienna to Budapest	174	173	4.35	.75	5.10	5.20
Chicago, Ill., to Oshkosh, Wis.	Madrid to Albacete	177	173	4.97	.60	5.57	6.47
Chicago, Ill., to Hillsdale, Mich.	Madrid to Palencia	178	176	5.30	.75	6.05	6.58
Columbus, Ohio, to Indianapolis, Ind.	Rome to Cecina	181	175	5.30	.75	6.05	6.32
Chicago, Ill., to Rock Island, Ill.	Ancona to Rome	183	183	5.00	.60	5.60	6.61
Cleveland, Ohio, to Springfield, Ohio.	Paris to Calais	183	183	4.80	.75	5.55	6.38
New York, N. Y., to Fonda, N. Y.	Hamburg to Strasburg.	186	185	3.98	1.25	5.23	6.43
Pittsburg, Pa., to Crestline, Ohio.	Pontebba to Verona	189	188	5.65	1.00	6.65	6.78
New York, N. Y., to Harrisburg, Pa.	Brussells to Paris	195	193	5.50	1.00	6.50	6.63
Chicago, Ill., to Gladstone, Ill.	Paris to Dijon	196	196	5.89	.75	6.64	6.81
Council Bluffs, Iowa, to Kearney, Nebr.	Constantinople to Adrianople.	199	198	5.95	1.00	6.95	9.47
New York, N. Y., to St. Johnsville, N. Y.	Berlin to Konitz	207	204	4.38	1.50	5.88	6.38
Cincinnati, Ohio, to Toledo, Ohio.	Pisa to Rome	211	207	6.00	.50	6.50	7.46
Boston, Mass., to Lyndon, Vt.	Paris to Poitiers	213	209	5.24	1.00	6.24	7.27
New York, N. Y., to Boston, Mass.	Madrid to Saragossa.	214	212	5.00	1.00	6.00	7.90
Albany, N. Y., to Fairport, N. Y.	Athens to Olympia	218	218	4.38	1.25	5.63	7.80
Boston, Mass., to Schenectady, N. Y.	Paris to Nancy	219	219	4.84	1.25	6.09	7.63
Buffalo, N. Y., to Vermilion, Ohio.	Hamburg to Stettin	222	222	6.05	1.25	7.30	7.40
Albany, N. Y., to Rochester, N. Y.	Hof to Frankfort-on-the-Main.	228	222	4.58	1.25	5.83	6.88
Chicago, Ill., to Amherst, Wis.	Paris to Luxembourg.	236	234	6.58	.75	7.33	7.99
New York, N. Y., to Utica, N. Y.	Lisbon to Tavira	236	231	5.00	1.50	6.50	7.85
Baltimore, Md., to Deer Park, Md.	Cadiz to Grenada	241	237	6.80	1.25	8.05	10.06
St. Louis, Mo., to Indianapolis, Ind.	Irun to Valladolid	242	242	7.40	1.00	8.40	9.01
Boston, Mass., to Fonda, N. Y.	Nuremberg to Prague.	245	244	$5.38	$1.25	$6.63	$7.81
Boston, Mass., to Newport, Vt.	Paris to Nantes	250	246	6.35	1.25	7.60	8.56
New York, N. Y., to Rome, N. Y.	Paris to Limoges	252	251	5.30	1.50	6.80	8.73
Chicago, Ill., to Alton, Ill.	Paris to Metz	257	244	6.55	1.00	7.55	8.44
Washington, D. C., to Altoona, Pa.	Turin to Venice	259	258	7.69	1.25	8.94	9.29
New York, N. Y., to Oneida, N. Y.	Berlin to Dirschau	265	265	5.54	1.50	7.04	8.21
St. Louis, Mo., to North Vernon, Ind.	Bordeaux to Narbonne.	267	253	7.95	.75	8.70	8.80
Chicago, Ill., to Auburndale, Wis.	Paris to Belfort	275	275	7.74	.75	8.49	9.57
St. Louis, Mo., to Kansas City, Mo.	Cardova to Madrid	277	275	7.50	1.00	8.50	10.24
Chicago, Ill., to Crestline, Ohio.	Paris to Angouleme	280	279	8.00	1.50	9.50	9.71
Boston, Mass., to Ilion, N. Y.	Pontebba to Milan	285	281	6.18	1.50	7.68	10.10
St. Louis, Mo., to Chicago, Ill.	Tetschen to Vienna	286	285	7.50	1.00	8.50	8.53
New York, N. Y., to Syracuse, N. Y.	Madrid to Murcie	291	286	6.06	1.50	7.56	10.05
Albany, N. Y., to Buffalo, N. Y.	Paris to The Hague	297	297	6.15	1.50	7.65	9.77
Chicago, Ill., to Louisville, Ky.	Madrid to Valence	304	304	8.00	1.00	9.00	11.42
Boston, Mass., to Rome, N. Y.	Cologne to Paris	311	306	6.70	1.50	8.20	10.21
Chicago, Ill., to Columbus, Ohio.	Paris to Lyons	314	313	8.35	1.00	9.35	10.87
St. Louis, Mo., to Nevada, Mo.	Madrid to Santander.	317	313	8.35	1.00	9.35	12.29
Boston, Mass., to Oneida, N. Y.	Breslau to Stralsund.	324	324	6.94	1.50	8.44	9.93
Baltimore, Md., to Greensboro, N. C.	Madrid to Cartagena.	331	326	9.90	1.50	11.40	12.16
New York, N. Y., to Altoona, Pa.	Foggia to Bologne	327	327	9.45	1.50	10.95	11.80
Buffalo, N. Y., to Slatington, Pa.	Paris to Le Croisic	338	323	8.00	1.50	9.50	10.16
St. Louis, Mo., to Cincinnati, Ohio.	Paris to Amsterdam.	339	332	9.00	1.00	10.00	10.50
Baltimore, Md., to Pittsburg, Pa.	Sofia to Varna	342	336	8.00	1.50	9.50	11.27
New York, N. Y., to Charlottesville, Va.	Paris to Bale	340	338	9.90	1.50	11.40	11.40
New York, N. Y., to Manchester, N. Y.	Madrid to Seville	360	356	7.00	2.00	9.00	13.28
New York, N. Y., to Rochester, N. Y.	Paris to Bordeaux	371	361	7.68	2.00	9.68	12.55
New York, N. Y., to East Rush, N. Y.	Paris to Zurich	382	382	7.00	2.00	9.00	13.20
St. Paul, Minn., to Lakota, N. Dak.	Madrid to San Sebastian.	385	382	11.22	1.70	12.92	14.22
St. Louis, Mo., to Parsons, Kans.	Paris to Lucerne	387	386	10.10	1.00	11.10	13.47
Chicago, Ill., to Hastings, Minn.	Paris to Brest	390	388	10.89	1.00	11.89	12.88
Baltimore, Md., to Buffalo, N. Y.	Irun to Madrid	392	392	10.00	2.00	12.00	14.59

In the following table, the distances being longer than those in the first table, I have used the rates for a double berth in a sleeping car instead of those for a seat in a parlor car. In all other respects the data correspond.

Journeys compared.		Distance in miles.		Fares.			
				American.			
American.	European.	American.	European.	Railway.	Pullman.	Total	European.
Chicago, Ill., to Des Moines, Iowa.	Madrid to Seville	358	356	$10.15	$2.00	$12.15	$13.28
New York, N. Y., to Batavia, N. Y.	Madrid to Monforte	404	401	8.30	2.00	10.30	13.98
Philadelphia, Pa., to Greensboro, N. C.	Madrid to Huelva	424	424	12.70	3.00	15.70	16.03
Washington, D. C., to Buffalo, N. Y.	Paris to Darmstadt	438	427	11.20	2.50	13.70	14.89
New York, N. Y., to Pittsburg, Pa.	Berlin to Insterbourg.	444	424	10.50	2.00	12.50	13.04
Chicago, Ill., to Kansas City, Mo.	Madrid to Cadiz	458	439	12.50	2.50	15.00	17.49
Washington, D. C., to Alliance, Ohio.	Paris to Chateaulin	458	445	10.50	2.50	13.00	13.34

Journeys compared.		Distance in miles.		Fares.			
				American.			European.
American.	European.	American.	European.	Railway.	Pullman.	Total	
Boston, Mass., to Batavia, N. Y.	Pino to Rome	463	449	$9.65	$2.50	$12.15	$16.19
New York, N. Y., to Irving, N. Y.	Paris to Avignon	468	461	9.25	2.50	11.75	16.04
New York, N. Y., to Dunkirk, N. Y.	Berlin to Vierjbolovo.	480	461	9.25	2.50	11.75	14.21
Chicago, Ill., to Omaha, Nebr.	Milan to Foggia	490	462	12.75	2.50	15.25	16.64
New York, N. Y., to Brocton, N. Y.	Hamburg to Dantzig.	489	489	9.45	2.50	11.95	14.42
St. Louis, Mo., to Athens, Ohio.	Paris to Turin	497	496	13.05	3.00	16.05	17.51
Washington, D. C., to Maysville, Ky.	Paris to Hanover	536	507	14.00	3.00	17.00	17.35
Boston, Mass., to Dunkirk, N. Y.	Madrid to Vigo	539	511	11.80	3.00	14.80	16.79
Cleveland, Ohio, to St. Louis, Mo.	Foggia to Turin	548	536	15.00	3.00	18.00	19.30
Washington, D. C., to Columbus, Ohio.	Paris to Nuremberg.	568	540	12.75	3.00	15.75	19.48
Council Bluffs, Iowa, to Denver, Colo.	Paris to Milan	572	559	17.00	3.00	20.00	20.30
Chicago, Ill., to Emporia, Kans.	Paris to Hamburg	586	582	15.85	3.50	19.35	20.15
Boston, Mass., to Erie, Pa.	Paris to Munich	587	571	12.65	3.00	15.65	20.57
Washington, D. C., to Dayton, Ohio.	Paris to Marseille	639	536	14.00	3.00	17.00	18.63
Washington, D. C., to Atlanta, Ga.	Paris to Leipsic	648	647	17.50	4.00	21.50	22.29
Chicago, Ill., to Weedsport, N. Y.	Paris to Cannes	657	656	14.25	3.50	19.20	22.82
Boston, Mass., to Mentor, Ohio.	Belgrade to Constantinople.	660	659	14.25	3.50	17.75	21.81
Washington, D. C., to Richmond, Ind.	Paris to Nice	688	675	15.00	4.00	19.00	23.50
New York, N. Y., to Toledo, Ohio.	Paris to Barcelona	736	708	16.25	4.00	20.25	25.25
New York, N. Y., to Indianapolis, Ind.	Paris to Carlsbad	825	728	19.00	5.00	24.00	24.46
New York, N. Y., to Chicago, Ill.	Paris to Copenhagen.	912	804	20.00	5.00	25.00	28.49
Boston, Mass., to Chicago, Ill.	Paris to Madrid	1006	902	22.00	5.50	27.50	31.78
Chicago, Ill., to Fort Worth, Tex.	Paris to Gothenburg.	1109	965	26.40	6.00	32.40	34.39
Chicago, Ill., to Denver, Colo.	Paris to Stockholm	1210	1208	29.50	6.00	35.50	42.71
Philadelphia, Pa., to Omaha, Nebr.	Paris to Belgrade	1312	1247	29.50	7.50	37.00	43.28
Philadelphia, Pa., to North Platte, Nebr.	Paris to Bucharest	1603	1587	38.05	9.50	47.55	49.93
Philadelphia, Pa., to Sidney, Nebr.	Paris to Adrianople	1726	1707	41.80	10.50	52.30	59.43

Where sleeping cars are available in Europe, the rates are still higher and vastly exceed those via the American railways. The following table shows the charges from Paris to the destinations named via the Oriental express in comparison with rates for similar distances in the United States. The charges in both cases include a berth in a sleeping car:

Journeys compared.			Distance in miles.		Fares (plus sleeping-car fares).	
American.		European, from Paris to—	American.	European.	American.	European.
From—	To—					
Baltimore, Md	Pittsburg, Pa	Strasburg	342	313	$10.00	$13.84
New York, N. Y.	Rochester, N. Y.	Carlsruhe	371	365	10.18	16.53
Do	Batavia, N. Y.	Heidelberg	404	390	10.30	17.57
Washington, D. C.	Buffalo, N. Y.	Stuttgart	498	422	13.70	19.06
Chicago, Ill	Kansas City, Mo	Frankfort-on-the-Main.	458	445	15.00	19.08
Cleveland, Ohio	St. Louis, Mo	Nuremberg	548	540	18.00	24.34
Council Bluffs, Iowa.	Denver, Colo	Munich	572	571	20.00	25.55
New York, N. Y.	Toledo, Ohio	Carlsbad	736	728	20.25	30.45
Do	Chicago, Ill	Vienna	912	861	25.00	38.35
Chicago, Ill	Fort Worth, Tex.	Budapest	1,109	1,024	32.40	47.47
Philadelphia, Pa.	Omaha, Nebr	Belgrade	1,312	1,247	37.00	57.19
New York, N. Y.	North Platte, Nebr.	Bucharest	1,693	1,587	50.80	64.40
Philadelphia, Pa.	Cheyenne, Wyo	Adrianople	1,828	1,707	56.40	75.03
New York, N. Y.	Denver, Colo	Constantinople.	1,971	1,915	59.75	75.03

If there is anything further that I can do for you in this connection, please let me know.

Very respectfully, yours, H. T. NEWCOMB.

Hon. H. C. LODGE,
United States Senate, Washington, D. C.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17455) permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BURROWS. I should like to hear the provisos read.

The Secretary preceeded to read as requested.

Mr. BURROWS. That is sufficient.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH Y. PORTER.

Mr. TALIAFERRO. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 5365) to appoint Joseph Y. Porter a lieutenant-colonel and assistant surgeon and to place him on the retired list of the Army, to report it favorably with amendments, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Military Affairs were, in line 6, before the word "surgeon," to strike out the word "assistant" and insert the word "deputy," and after the word "surgeon" to insert the word "general:" after the word "Army," in line 7, to insert the words "without pay," and at the end of the bill to insert the following proviso:

Provided, That no pay, bounty, or other allowance either heretofore or hereafter shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Joseph Y. Porter, late a captain and assistant surgeon of the United States Army, to the position of lieutenant-colonel and deputy surgeon-general, and to place him on the retired list of the Army without pay as of that rank, and the retired list is hereby increased for that purpose only: *Provided*, That no pay, bounty, or other allowance, either heretofore or hereafter, shall become due or payable by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to appoint Joseph Y. Porter a lieutenant-colonel and deputy surgeon-general, and to place him on the retired list of the Army."

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. Reports of committees are in order.

WHARVES AND PIERS IN LAKE MICHIGAN.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 162) authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind., to report it favorably without amendment.

Mr. HEMENWAY. I ask for the immediate consideration of the joint resolution just reported by the Senator from Illinois.

Mr. KEAN. I withdraw the demand for the regular order, but will insist on it after the joint resolution is disposed of.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHANNEL IN MISSISSIPPI SOUND.

Mr. CLAY. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 165) providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes, to report it favorably without amendment. I desire to call the attention of the senior Senator from Mississippi [Mr. MONEY] to this report.

Mr. MONEY. I ask unanimous consent for the present consideration of the joint resolution. I hope that no objection will

be made to it, because I can not stay here very long and I want to get it passed.

Mr. LODGE. What is the bill?

Mr. MONEY. It is a report from the Committee on Commerce nationalizing a port.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

REPORTS OF COMMITTEES.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, reported it with amendments.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (H. R. 17983) providing for the erection of a monument on Kings Mountain Battle Ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 2476) to authorize the Commissioners of the District of Columbia to regulate the business of employment agents and employment agencies; and

A bill (S. 6097) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report, accompanied by a bill (S. 6394) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations; which was read twice by its title.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla., reported it with amendments, and submitted a report thereon.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (S. 5830) providing for the taking of testimony in cases at law or in equity now pending or hereafter to be brought in the circuit courts of the United States, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2527) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, reported it with amendments.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 4267) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse, reported it without amendment, and submitted a report thereon.

Mr. CARTER. I ask for the present consideration of the bill (S. 6234) to authorize the Chicago, Milwaukee and St. Paul Railway Company, of Montana, to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.

Mr. GALLINGER. Has the morning business closed?

The VICE-PRESIDENT. The morning business is not closed. Reports of standing and select committees are in order.

Mr. GALLINGER. I ask for the regular order if morning business has not closed.

The VICE-PRESIDENT. The regular order is demanded. If there are no further reports of committees, the introduction of bills and joint resolutions is next in order.

BILLS INTRODUCED.

Mr. SMOOT introduced a bill (S. 6395) for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURKETT introduced a bill (S. 6396) granting an increase of pension to Mahlon N. Brisack; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 6397) for the relief of the estate of Jean Cheri Verneuil, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 6398) granting an increase of pension to Daniel Omstead; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 6399) to authorize the construction of a bridge across the Tennessee River at the city of Chattanooga, State of Tennessee; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6400) for the relief of the Hiwassee Masonic Lodge, No. 188, of Calhoun, Tenn.; and

A bill (S. 6401) for the relief of the estate of Walker W. Winstead, deceased.

Mr. BLACKBURN introduced a bill (S. 6402) for the relief of Amanda Casey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 6403) for the relief of George Ivers, administrator de bonis non of William Ivers, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6404) for the relief of the estate of Peter H. Knight; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 6405) for the opening of Macomb street NW., District of Columbia;

A bill (S. 6406) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch (with an accompanying paper); and

A bill (S. 6407) to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 6408) granting a pension to Mary Louise McLean; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 6409) to grant an extension of certain letters patent to Louie J. Harris; which was read twice by its title, and referred to the Committee on Patents.

Mr. McCREARY introduced a bill (S. 6410) granting an increase of pension to Marcus A. Biggerstaff; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6411) granting an increase of pension to Z. T. Elkin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6412) to correct the military record of W. R. Flanery; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 6413) granting a pension to Eugenia Sinclair; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. NELSON. I submit an amendment relative to the number of third lieutenants in commission in the Revenue-Cutter Service and also in relation to the chief engineer of the Revenue-Cutter Service, which I intend to propose to the sundry civil appropriation bill. I ask that the amendment be printed, together with the accompanying memorandum to be printed at the foot of the amendment, and referred to the Committee on Appropriations.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. CLARK of Montana submitted an amendment proposing to appropriate $15,000 for improvements for the present Federal building at Butte, Mont., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

ASSISTANT CUSTODIANS AND JANITORS OF PUBLIC BUILDINGS.

Mr. HALE. I ask the Chair to lay before the Senate the emergency measure which has come from the House of Representatives.

The joint resolution (H. J. Res. 170) to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $45,000 to supply a deficiency in the appropriation for pay of assistant custodians and janitors, including all personal services in connection with the care of public buildings under control of the Treasury Department outside of the District of Columbia, exclusive of marine hospitals, mints, branch mints, and assay offices, for the fiscal year ending June 30, 1906.

Mr. HALE. I ask that the joint resolution be put on its passage.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked by the House, and that the conferees be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

THOMAS GARRATT.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 18236) granting an increase of pension to Thomas Garratt, returned from the House in compliance with the request of the Senate.

Mr. McCUMBER. I move to reconsider the votes by which the bill was ordered to a third reading and passed, and that it be indefinitely postponed.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle was read twice by its title, and referred to the Committee on Naval Affairs.

ELIZA SWORDS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

W. A. CALDERHEAD,
JOHN C. CHANEY,
LINCOLN DIXON,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 4:

S. 584. An act for the relief of David H. Moffat.

On June 6:

S. 5561. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901.

On June 8:

S. 1243. An act providing for compulsory education in the District of Columbia.

FISHING IN ALASKAN WATERS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows: In the second line of the language proposed to be inserted, after the word "has," strike out the word "not;" in the third line of the language proposed, after the word "is," insert the word "not;" at the end of section 1 strike out the words "canneries, saleries, etc.," and insert the words "or with the canning, salting, or otherwise preserving of fish;" and the House agree to the same.

WM. P. FRYE,
H. C. LODGE,
A. O. BACON,
Managers on the part of the Senate.

LLEWELLYN POWERS,
EDWIN W. HIGGINS,
Managers on the part of the House.

Mr. FULTON. I wish the Senator who has this matter in charge would explain just what change is made by the conference report.

Mr. LODGE. It is a mere verbal change. It makes no change in the bill at all, but simply corrects the wording. The wording of the bill as passed by the House was not quite correct.

The report was agreed to.

PROPOSED ISLE OF PINES INVESTIGATION.

Mr. FRAZIER. I ask unanimous consent——

The VICE-PRESIDENT. The present order is concurrent and other resolutions. Are there concurrent or other resolutions?

Mr. MORGAN. I ask the Chair to lay before the Senate Senate resolution 103.

The VICE-PRESIDENT. The Senator from Alabama calls up Senate resolution 103, proposing the appointment of a committee to make a careful examination into the condition of the people of the Isle of Pines, etc.

The Senate resumed the consideration of the resolution submitted by Mr. MORGAN March 22, 1906, as follows:

Resolved, That a committee of seven Senators be appointed by the Chair, with instructions to make diligent and careful examination into the condition of the people of the Isle of Pines before and since the enactment of the law known as the "Platt amendment" to the Army appropriation bill, approved the 2d day of March, 1901, and up to the time of the execution of this order and their report thereon.

Such inquiry shall include the form of the so-called "government de facto" in said island, its officers, and by whom appointed, and the manner in which such government has been conducted by those who claim or have claimed to be in authority there since the Army of the United States was withdrawn from the island of Cuba and the government of that island was turned over to the Congress and people of Cuba.

The committee shall inquire and report whether under such government in the Isle of Pines any official abuses or oppressions have occurred with reference to the people of that island affecting their liberties, their persons, or their schools, their churches, their sepultures, their taxation, their employment or vocation, their property of any description, their intercourse and trade on the island, or with other ports or places, or with shipping engaged in the trade of the island.

They will inquire and report in respect of any alleged judicial proceedings, civil or criminal, conducted or entertained by any judge, magistrate, or alcalde acting under the laws of Cuba, against any of the inhabitants of the Isle of Pines, resulting in their imprisonment or amercement in fines or forfeitures, and of the places at which such trials were had, and as to the removal of such defendants, by force or compulsion, to any place in the island of Cuba to answer such accusations or prosecutions. And also whether the alleged judicial officers so employed in such proceedings were appointed by the Government of Cuba or of any department thereof.

Said committee will further inquire and report as to the number of American citizens that were residing in the Isle of Pines at the time when the Government of Cuba was turned over to the Congress and people of the Republic of Cuba and before that time, and when the immigration of such citizens into said island first begun.

They will further ascertain and report as to the progress of such immigration, and the classes of people who settled in the island as seekers and builders of permanent homes or places of residence, and the number of such citizens who now reside in the Isle of Pines as permanent settlers; and also what increase or decrease of population and of what citizenship, respectively, has taken place in that island since the evacuation of Cuba by the Army of the United States.

The committee will also examine into the conditions of the island as to agriculture, fruit growing, and the extent to which the immigrants from the United States are landowners and cultivators, and whether their crops, orchards, and farm productions, such as cattle, hogs, and poultry, are becoming productive and prosperous.

They will also give descriptions of the topography of the island, its waters and water courses, and its coasts, bays, inlets, and harbors, with reference to navigation; and its roads and bridges and by whom constructed and paid for; its forests and their value; the healthfulness of the island, and the character and conduct of the citizens of the United States who reside there, and, generally, any facts that will inform the Senate as to all material facts concerning the duty of the

Government toward the safeguarding, protection, and regulation and control of its citizens who inhabit the Isle of Pines.

2. Said committee is empowered to visit the Isle of Pines, or to designate a subcommittee to visit the same, and to send for persons and papers. Oaths to witnesses may be administered by any member of the committee or subcommittee.

3. The committee is empowered to appoint a secretary, a stenographer, a typewriter, and a sergeant-at-arms, and to pay them their compensation at the rate prescribed by law.

The necessary allowances for travel and board of the committee and its officers and for attendance and the mileage and attendance of witnesses shall be paid on proper vouchers approved by the chairman of the committee, out of the contingent fund of the Senate.

The committee may sit during the sessions of the Senate or during its vacations and at any place in the United States or in the Isle of Pines.

Mr. MORGAN. Mr. President, when I was stating the facts, on Friday of last week, on which this resolution is based, the Senate kindly offered me permission to conclude my remarks, setting aside the regular order for that purpose. I was physically unable to avail myself of that indulgence, and the resolution has gone over until to-day. I thank the Senate for its further indulgence.

I feel it to be my public duty to complete my statement of the grievances of the citizens of the United States who are living in the Isle of Pines. They have not been listened to by the other departments of the Government, though they have been pressed with differential respect and importunity, but with the firmness that injured people are wont to express their complaints for serious wrongs done them, especially to the President of the United States.

They demand their constitutional right of petition, but not on bended knees or with timorous breath.

I am here presenting their petition to the Senate for a hearing, simply, before action is taken on a treaty that gives their property to Cuba, together with their homes; that places their social, political, and religious rights under the control of a Government that despises them and subjects them to abuse by people who, in their exercise of illegitimate and brutal power, repeat the story of the viper that, being warmed into life and saved from destruction by the kindly assistance of the woodman, turned upon him and stung his children to death at his fireside.

I am not on the floor only to endeavor to defeat that treaty. That is not necessary, in my judgment, for I believe it has never had the votes requisite to its ratification, and it should never have had such support in the Senate.

Will it not be considered by my fellow-Senators as a strange statement if I should declare that I dread the consequences of the rejection of this unfortunate treaty upon the peace and safety of Cuba and upon the peace and welfare of the people of the United States? When the treaty is defeated, then the Isle of Pines must confront the greater peril of the unrestrained antagonism of the Secretary of State. This has been declared, and that announcement must have been intended to seal the fate of our people in that island.

Presently I will explain the causes of these apprehensions, when I have read some further statements showing the great changes that have occurred in the Isle of Pines since that treaty was negotiated, on the 2d of March, 1904, more than two years ago, and since the enactment of the Platt amendment on May 2, 1901, more than five years ago.

This treaty proposes some recognition of the rights of American citizens in the Isle of Pines, as follows:

ART. III. Citizens of the United States of America who, at the time of the exchange of ratifications of this treaty, shall be residing or holding property in the Isle of Pines shall suffer no diminution of the rights and privileges which they have acquired prior to the date of exchange of ratifications of this treaty; they may remain there or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners.

That our people "shall suffer no diminution of the rights and privileges which they have acquired previous to the date of the exchange of ratifications of this treaty" means that the Cuban Government will not permit them to acquire any of those rights and privileges that belong to ordinary Christian civilization while the treaty is pending except the bare right to own lands and some other descriptions of property in the Isle of Pines. Unless they are permitted by the de facto government to acquire and enjoy some other rights and privileges it is vain that the treaty should declare that they should "suffer no diminution" when it is ratified.

All the time since this treaty was negotiated and since Cuba had partial autonomy under the Platt amendment, she has exercised the full governing power in the Isle of Pines. This has been done under an interpretation made by General Wood, on the 20th of February, 1903, of an agreement with Cuba dated May 20, 1902. While that interpretation is of no validity and is manifestly a perversion of the agreement of May 20, 1902, still it has been made to serve the purpose of putting Cuba in possession of all the powers of civil and military government in the Isle of Pines up to the present time. Since General Wood's postfactum interpretation was given to that agreement in February, 1903, Cuba has exercised greater power in the Isle of Pines than she has ever attempted to exercise in any department of the alleged mother island of Cuba.

I will defer for a moment to present what Cuba has actually done under these extraordinary powers to prevent American citizens from acquiring or enjoying the "rights and privileges" that are to "suffer no diminution" if this treaty is ratified, and will examine the extract from the agreement of May 20, 1902, which General Wood has changed by his marvelous and unauthorized interpretation given a year later.

That extract is as follows:

It is understood by the United States that *the present government of the Isle of Pines* will continue as a de facto government pending the settlement of the title to the said island by treaty, pursuant to the Cuban constitution and the act of Congress of the United States approved March 2, 1902.

This agreement was made on May 20, 1902, after the Cuban constitution was adopted, after Cuba had elected a Congress, and after all was prepared for the accouchment that should give it the breath of life. This agreement was the accoucheur that brought it into active existence. It antedated Cuba's first infantile scream of life and liberty.

Cuba was not "*the present government*" when that document was executed. It was the expected government, which that document was intended to inaugurate. There was no *present government to be "continued"* in the hands of Cuba, as a de facto government. It was the military government of the United States that was to be continued. Cubans had no military government anywhere except under the command of the United States, and they had no civil government except as a convenience to enable the sovereign—the Government of the United States—to rule them and the Spaniards and other foreigners on the island of Cuba. "The present government" that was continued in the Isle of Pines by that agreement of May 20, 1902, was the military government of the United States, to continue until Congress should otherwise provide. It was not intended that the military government of Cuba or its civil government should exist in the Isle of Pines as a de facto government. To make this more definite and certain, it was further provided in the agreement of May 20, 1902, that the "present government" should continue "pursuant to the Cuban constitution and the act of Congress approved March 2, 1902"—the Platt amendment—*both of which excluded the Isle of Pines from the constitutional limits of Cuba.*

The Platt amendment of March 2, 1902, which is the only law of the United States that related to the Isle of Pines on the 20th of February, 1903, or before or since that time, does not provide for a government de facto in the Isle of Pines. No law of Congress, or even of Cuba, has ever provided for any such government. It was a pure military invention, based upon no pretense of right, authority, or power, unless it might be upon some fancy of the Secretary of War or of General Wood that, because Cuba had been under the military domination of the United States, one or both of them could institute a government for the Isle of Pines and ordain it to continue as a de facto government until the question of title to the Isle of Pines could be settled by treaty with the United States. This was presumptuous usurpation by the military authorities.

Usurpation of military power could scarcely be more audacious than this adventure. Yet that interpretation by General Wood, a year later, of an agreement made May 20, 1902, is the sole foundation of all the difficulties and outrages that the Cuban authorities have inflicted upon citizens of the United States since the government of the Isle of Pines was thus surrendered to them. General Wood, in the "indorsement" he made on the Senate resolution of February 16, 1903, says:

The action taken by the military government was in accordance with telegraphic orders from the honorable Secretary of War.

It will behoove the committee, if the Senate should adopt the pending resolution, to ascertain the authority of the Secretary of War to create a de facto government in the Isle of Pines and place it under Cuban dominion. Perhaps the committee can also discover the origin, in law, of a de facto government created at the expense of the de jure government, that no act of war, or of usurpation, and no treaty had displaced or put in abeyance. There must be a foundation or authority for such unheard-of enterprises before the United States can be thus deprived of its sovereign supremacy wherever its flag floats by a military secretary or the order of a brigadier-general.

Now, Mr. President, I will return to what this Cuban military government de facto has been doing with our citizens in the Isle of Pines since it was lifted into its terrible authority by the

interpretation of Gen. Leonard Wood, announced from the *office of late military commander of Cuba* in Washington. He is cited in the report of the majority of the committee as authority, even after his powers had ceased and he was functus officio. His "interpretation" came at a queer date, according to accusations made by intelligent and credible men who have suffered heavily under his officious utterances.

I will refer to this accusation farther on. I desire again to state that I am discussing this resolution with reluctance, and only because I believe it is necessary to prevent serious conditions in Cuba. I have again asked the Senators who oppose it and prefer not to kill it outright by a vote, if they have that power, but to turn it over to the Committee on Foreign Relations, where it will be asphyxiated, that they would consent to its passage without a division. They decline to accept any peace overtures. They insist that the questions in the case are all questions of law, and not of fact; questions of duty, and not of conditions. They insist that if the people are to suffer they are to be blamed for rashly trying to live and thrive on the soil of the United States, and under its flag, when the President desires to give up that soil, and the people with it, to Spanish voracity in Cuba. If only law questions are concerned in this matter, are the people to be censured because they can not decide such questions offhand and against their honest right, while the Senate had not been able to decide either the law or the facts against them after more than two years' incubation?

In that time, and before that time, these worthy people have suffered much, and they ask the Senate to find some remedy for their troubles, or at least that, in pity, they will investigate the causes of their distress. The President turns away and refuses to hear them through their chosen delegate bearing their petition. The people who sent that delegate were as worthy, as intelligent, and as patriotic as any average community in America, and the delegate, Mr. Pearcy, is personally the peer, in the judgment of his acquaintances, who are numbered by thousands, of the President.

He turns Mr. Pearcy over to Mr. Secretary Root, who has recently written the following letter, which prejudges and predetermines the entire question, as well for the people as for the Senate:

DEPARTMENT OF STATE,
Washington, November 27, 1905.

DEAR SIR: I have received your letter of October 25, in which you say: "Kindly advise me at your very earliest convenience the necessary procedure to establish a Territorial form of government for the Isle of Pines, West Indies, United States of America."

It is no part of the duty of the Secretary of State to give advice upon such subjects. I think it proper, however, to answer your inquiry so far as it may be necessary to remove an error under which you appear to rest concerning the status of the Isle of Pines and your rights as residents of that island.

There is no procedure by which you and your associates can lawfully establish a Territorial government in that island. The island is lawfully subject to the control and government of the Republic of Cuba, and you and your associates are bound to render obedience to the laws of that country so long as you remain on the island. If you fail in that obedience, you will be justly liable to prosecution in the Cuban courts and to such punishment as may be provided by the laws of Cuba for such offenses as you commit. You are not likely to have any greater power in the future. The treaty now pending before the Senate, if approved by that body, will relinquish all claim of the United States to the Isle of Pines. In my judgment the United States has no substantial claim to the Isle of Pines. The treaty merely accords to Cuba what is hers in accordance with the international law and justice.

At the time of the treaty of peace which ended the war between the United States and Spain the Isle of Pines was and had been for several centuries a part of Cuba. I have no doubt whatever that it continues to be a part of Cuba, and that it is not and never has been territory of the United States. This is the view with which President Roosevelt authorized the pending treaty, and Mr. Hay signed it, and I expect to urge its confirmation. Nor would the rejection of the pending treaty put an end to the control of Cuba over the island. A treaty directly contrary to the one now pending would be necessary to do that, and there is not the slightest prospect of such a treaty being made. You may be quite sure that Cuba will never consent to give up the Isle of Pines and that the United States will never try to compel her to give it up against her will.

Very respectfully, ELIHU ROOT.

CHARLES REYNARD, Esq.,
President of American Club of the Isle of Pines, West Indies.

Mr. Charles Reynard, to whom Mr. Root's letter is addressed, replied to it on December 14. Mr. President, as the reply is somewhat lengthy, and it has been printed in the report of the majority of the Committee on Foreign Relations, I will ask leave to insert it in the RECORD without taking up the time of the Senate or exhausting my own strength in reading it.

The VICE-PRESIDENT. Without objection, permission will be granted.

The letter referred to is as follows:

SANTA ROSALIE HEIGHTS,
Isle of Pines, West Indies, December 14, 1905.

SIR: On December 4 I replied briefly by cable to the letter of November 27, with which you favored me in reply to mine of October 25. I have since then carefully considered your letter, together with the members of the American Club and others of our fellow-citizens interested, and in their behalf, as well as for myself, I respectfully invite your attention to the following statement:

You say in your letter, "The Isle of Pines is lawfully subject to the control and government of the Republic of Cuba." This we emphatically deny. We regret that you did not see fit to give some reason for the bold and unsupported statement which you make. We beg to submit the following reasons in support of our denial of that statement.

The Republic of Cuba exists solely by virtue of the Cuban constitution. That constitution was adopted, ratified, promulgated, and put in force by the sole authority of the United States. Beyond the scope of that constitution the Cuban Republic has no powers whatever. By the terms of that constitution itself the Isle of Pines is expressly excluded from the constitutional boundaries of Cuba. Until that constitutional limitation is removed and until, by some of the known, recognized, and lawful methods by which a sovereign state may acquire an extension of its territory, the Isle of Pines becomes incorporated in the Republic of Cuba, the Government of that Republic can no more exercise lawful control over it than over Key West or the peninsula of Florida itself.

Further, by that section of the act of Congress approved March 2, 1901, which is commonly called the "Platt amendment," the Isle of Pines was expressly excluded from Cuban territory. The act of Congress is still in full force. Until its provisions respecting Cuba are repealed or modified by the Congress of the United States or in some other lawful way they have the force of law, and the Government of the United States and every officer and Department of that Government is bound by them, personal opinions of any Government officials, however high in station, to the contrary notwithstanding.

We maintain, therefore, that in usurping and continuing to exercise any measure of political control over the Isle of Pines up to this day the Cuban Government has acted unlawfully and in violation of the plain provisions of the Cuban constitution. And we maintain further that the Government of the United States and any officers of that Government who have knowingly consented to or connived at such usurpation on the part of the Cuban Government have acted unlawfully and in violation of the plain provisions of the act of Congress of the United States referred to.

In your letter of November 27 you state further: "You and your associates are bound to render obedience to the laws of that country (Cuba) so long as you remain in the Isle of Pines. If you fail in that obedience, you will be justly liable to prosecution in the Cuban courts and to such punishment as may be provided by the laws of Cuba for such offenses as you commit." This, we submit, is only an erroneous conclusion on your part from the untenable statement previously quoted from your letter. We are unable to conceive how the laws of Cuba can be in force in a territory in which the constitution of Cuba, by its own terms, is not in force and to which Cuban authority has never been extended by conquest or treaty. We must decline to acknowledge the duty of obedience to the laws of an alien country while we are within a territory from which such alien jurisdiction has been expressly excluded by the laws of our own country.

Your letter states also:

"In my judgment, the United States has no substantial claim to the Isle of Pines. * * * I have no doubt whatever that it continues to be a part of Cuba and that it is not and never has been territory of the United States."

We regret sincerely that your opinion as to the validity of the American claim to the Isle of Pines should be so directly opposed not only to our own, but to the opinions expressed on the same subject by the late President McKinley, by your distinguished predecessor in office—Secretary Hay—and by the late military governor of Cuba, Gen. Leonard Wood. That President McKinley did believe that the island was ceded by Spain to the United States is easily shown by his action in directing the dispatch of an official communication from the War Department, dated August 14, 1899, in which occur these words: "This island was ceded by Spain to the United States, and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes * * * and * * * the disposition of public lands must await the action of Congress." This very explicit statement was made more than six months after the treaty of Paris had been ratified by the Senate of the United States, and therefore after there had been ample time for reaching a sound conclusion as to the meaning and effect of the terms by which, in the treaty, the extent of the cession of territory made by Spain was to be distinguished from the relinquishment of sovereignty which applied solely to Cuba.

President McKinley, acting on the same conclusion, directed that the Isle of Pines be placed as American territory on the great maps issued by the Government of the United States, which show all the territory belonging to the United States. This action was public notice to all the world that the United States Government not only had a substantial claim to the Isle of Pines, but that no doubt was entertained of the validity of that claim. Moreover, the late Secretary Hay clearly and openly expressed his opinion, based on the same considerations, doubtless, which had led President McKinley to form his conclusion, that the island was and should remain an American possession. And, finally, General Wood, only a few days before the termination of the American occupation of Cuba, openly expressed the same opinion, and gave emphatic assurances to some of the American citizens interested that the American control of the island would be continued after the island of Cuba had been delivered to the Cuban Government. It will not surprise you, therefore, if we decline to accept your brief and unsupported conclusion above quoted, but prefer to adhere to the conclusions reached by Secretary Hay and General Wood, the reasons for which have repeatedly been published, making it unnecessary to repeat them here.

Further, we are informed and believe that you yourself, when Secretary of War, acting on the advice or recommendation of the legal adviser of the Bureau of Insular Affairs, directed the military governor of Cuba, on or about May 16, 1902, in view of the inauguration of the Cuban Government then about to occur, to take steps to continue the then existing government in the Isle of Pines as a de facto government, pending the settlement, by treaty, of any question as to the title to or jurisdiction over that island. Such a course indicated an intention to respect and comply with the provisions of the act of Congress of March 2, 1901, above referred to, and to provide for the continuation of the American control of the island until a final decision of any pending questions could be lawfully reached. In his address delivered to the President of the Cuban Republic on the occasion of the institution of the Cuban Government, on May 20, 1902, the military governor au-

nounced to the Cuban Government that the existing government in the Isle of Pines would be so continued—that is, that the American authority in the island would continue—pending the negotiation of a treaty covering the question in dispute, but he failed entirely to take any steps whatever to carry out the intention so announced. By this failure and neglect alone, and for no other cause that can be imagined, the Cuban Government inaugurated on that day was permitted to assume control over the Isle of Pines, in violation of the express terms of the constitution, by which it derived its right to exist, and in total disregard of the act of Congress which permitted it to come into existence. That control so usurped has continued to be exercised from that day to this without our recognition of its validity and in spite of our repeated protests against it. It is much to be regretted that in your letter to me or in any public utterance of yours you have not seen fit to explain to your fellow-citizens what instructions were given by you, as Secretary of War, on this point, and why any instructions that may have been given looking to the fulfillment of the provisions of the act of Congress were permitted by you to be disregarded, and why no steps were taken by you or your successor to correct the deplorable results of such apparent neglect and disobedience on the part of your subordinate.

It is further observed by us that it was not until after this breach of duty and violation of law had resulted in the betrayal of our interests to an alien government you, as Secretary of War, in opposition to the known and expressed wishes of Mr. John Hay, then Secretary of State, insisted on the negotiation of the treaty, which has never been confirmed, by which the American claim to the Isle of Pines was sought to be abandoned in favor of the Cuban Republic, thus covering up and concealing by the sanction of law the illegal acts and omissions of the Department of the Government over which you presided at the time and for which you were responsible.

Your letter further states: "You may be quite sure that Cuba will never consent to give up the Isle of Pines, and that the United States will never try to compel her to give it up against her will."

With the first part of that statement, considered as a prediction, we are not concerned. We are prepared to maintain and are maintaining that Cuba is not lawfully or rightfully in possession of the island. We know that one Department, at least, of our Government at Washington has refused to recognize and has, in fact, distinctly repudiated the claim of Cuba to the island as a part of her territory. We are confident of our ability, if a hearing is granted to us, to demonstrate the absolute correctness of our position on this question, and we have enough confidence in the sense of justice and law-abiding character of our fellow-citizens of the United States and of the greater part of our own Government to feel sure that, once that demonstration has been made, they will never consent to the deliberate abandonment of a part of the national territory and a number of their fellow-citizens to an alien power, and that means will easily be found by which the United States will resume the control of the island, unlawfully abandoned by you, with or without the consent of any foreign power whatever.

You also state that "the rejection of the pending treaty would not put an end to the control of Cuba over the island. A treaty directly contrary to the one now pending would be necessary to do that." From such a statement we emphatically dissent. The pending treaty has for its motive and its purpose the consummation of a wrong which is at present incomplete. The rejection of the treaty by the Senate of the United States or by the Congress of the United States would put an end to further attempts in that direction and would leave the status of the Isle of Pines exactly what it was before the attempt to betray us was conceived. That status would be determined by the law of the United States, to say nothing of the constitution of Cuba. It is the sworn duty of the President of the United States to enforce the law relating to the Isle of Pines as faithfully as he enforces the laws against any form of robbery. To accept your dictum on this point is to acknowledge that a treaty with a foreign power is required to undo a wrong against American citizens, but frustrated by them.

You lay stress on the statement that "the Isle of Pines was and has been for several centuries a part of Cuba." Geographically the island is not a part of Cuba. Politically it was a part of the Spanish dominions, just as Porto Rico and the Philippines were. Administratively it has recently been a part of the Spanish Government of Cuba, just as the districts of east and west Florida were long a part of the same district government. But, granting all that you mean by the statement last quoted, it does not follow that the Isle of Pines was included in the territory over which Spain relinquished her sovereignty by the treaty of Paris rather than in the territory which was ceded by that treaty to the United States. The right of Spain to cede it was as good as her right to relinquish it, whether it was or was not a part of Cuba, politically, geographically, or administratively. The only question worth considering in this connection is whether Spain intended to and did cede the island to the United States, and whether the United States accepted the cession in its favor, or whether the island was included in the relinquishment made by Spain in favor of a Cuban State to be erected by the United States.

That the Spanish commissioners who assisted in the negotiation of the treaty and in the drawing of the instrument believed that they were consenting, on behalf of their country, to a cession of territory, which included the Isle of Pines, to the United States is apparent from the language employed by them in an appendix to protocol No. 9, presented to the American commissioners at the meeting held on October 21, 1898, which, as officially published by the United States, says that the United States "did claim sovereignty over * * * the islands surrounding Cuba, which will render impossible the independence of the latter without the good will and gracious consent of the United States, which will always have it at their mercy, through their control over the islands which inclose it as a band of iron." The Isle of Pines nowhere approaches the Cuban coast within 50 miles. There can be no doubt that the Spanish commissioners at Paris intended and believed that they were ceding the island to the United States. The American commissioners never expressed any dissent from the statement of the Spaniards on this point. Nor can there be any doubt that President McKinley, who dictated or approved every provision of the treaty, so understood and interpreted it. The official declaration of the War Department, of August 13, 1899, the action of the Interior Department with respect to the official maps of the United States territories, above referred to, neither of which could have been possible without the order or approval of President McKinley, sustain the same view.

The more recent action of the Treasury Department, in refusing to concede to the products of the Isle of Pines exported to the United States the reduction of duties granted to Cuban products under the provisions of the reciprocity treaty with Cuba, was based expressly on the ground that by act of Congress the Isle of Pines was not Cuban territory and the Department must be governed by that act until it should be repealed or lawfully nullified. In fact, not a single Department of the Government of the United States has ever recognized the Cuban claim to the island except the Department of State. And it is a very striking fact that the State Department itself never expressed any doubt on the subject until after the island had been allowed, by the neglect or disobedience of a military subordinate, to fall into Cuban hands, after which the Department was confronted by the alternative of acknowledging and correcting the wrong then committed or of condoning and concealing it by the negotiation of such a treaty as is now awaiting the action of the Senate.

We regret sincerely that in your letter of November 27 you saw fit to limit yourself to a bare statement of what you profess to consider as facts, certain conclusions which you profess to draw from such facts, and predictions as to what will or will not happen in the future. It may be that you do not consider it within the scope of your duty as Secretary of State to impart to your fellow-citizens the reasons for your conclusions any more than to give to your countrymen the advice which I respectfully solicited from you in my former letter. In the total absence of any such reasons in support of your position we prefer to stand by the conclusions reached by President McKinley, Secretary Hay, and Secretary Shaw, the reasons for which are stated above only in part, and which are diametrically opposite to yours.

To resume, then, we maintain that the Isle of Pines is and has been, ever since the confirmation of the treaty of Paris, American territory; that the Cuban Government has not and never has had any lawful right to exercise any control whatever in or over that territory; that such control as has been usurped and exercised by that Government is based on a breach of duty by a subordinate American officer and is in violation of the law of the United States and the Cuban constitution itself; that we have not attempted and will not attempt to deprive the Republic of Cuba of any of its lawful possessions by secession, insurrection, or revolution, and that we have no other end in view than the defense of American territory and of our interests lawfully acquired in it, and of our birthright as American citizens. In this effort we feel that we should be entitled to receive your support in the discharge of your sworn duty; to our astonishment and deep regret we find you arrayed on the side of our enemies. And even more deeply do we regret the appearance, for the first time in the history of our country, of an American Secretary of State who is not only willing but anxious to abandon a portion of American territory and a large number of American citizens to an alien and lawless government for no consideration and for motives which he seems unwilling to disclose.

Very respectfully,

CHARLES REYNARD,
President American Club of the Isle of Pines,
West Indies, United States of America.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

Mr. MORGAN. Mr. President, on the issues of fact and law joined between them, I am convinced that Mr. Reynard has answered Mr. Root triumphantly.

As a Senator entitled to consider and vote on this subject, I challenge and resent Mr. Secretary Root's ex cathedra enunciation of the fixed policy of the United States on this question of our relations with Cuba. If he finds such outgivings compatible with his supposed relations to the Senate as Secretary of State, and if he finds Senators who agree with him in such decretal orders to the people and Government of the United States, and who sustain his arrogant assumption of power by their votes in this body, I can only express my dissent with becoming respect to the sovereign State and people of Alabama, who sent me here to express, without fear, their earnest demand that treaties shall be made by the President, by and with the consent of the Senate, and not by a Secretary of State, and that international rights shall be open to inquiry, despite his opinions.

If Secretary Root believes that Cuba has always owned the Isle of Pines and still owns it, and that she will never cede it to the United States, the most embittered Spanish Royalist in Cuba could not state the right of Cuba with more dogmatic assertion. So believing, he is not even impartial in this great controversy, and is disqualified from deciding it, ex cathedra or otherwise. Certainly he is not qualified to be the guardian of State for Americans in the Isle of Pines, who are honestly claiming their rights thus arbitrarily overruled by the Secretary of State.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. MORGAN. Yes.

Mr. SCOTT (handing a paper to Mr. MORGAN). I ask the Senator from Alabama if, in his opinion, that is a correct quotation?

Mr. MORGAN (examining). I see it is an "Extract from treaty of Paris." Then there are some inquiries stated here.

Mr. SCOTT. Are not those inquiries a correct statement of the case?

Mr. MORGAN. I will read what the Senator from West Virginia has called my attention to:

[Extract from treaty of Paris.]

ART. II. Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies.

Following that are these queries:

PERTINENT QUERIES.

Is the Isle of Pines an island? Is it in the West Indies? Was it, at the time of the signing of the treaty of Paris, under Spanish sovereignty?

Those questions must necessarily be answered affirmatively. They are a perfect analysis of the leading question in dispute.

Mr. President, the decision so announced by the Secretary of State accounts for the indifference of that Department to the appeals of our people who are now locked in Cuban prisons, under illegal convictions of crimes of which they are not guilty, and are making humble appeals to the Senate for relief and redress.

An important inquiry involved in this imbroglio with Cuba, in which our people are left to their self-protection, or, to state the fact more accurately, are refused any assistance or intervention by the Executive of the United States, is the commerce and commercial rights of the people of the island with Cuba and with other countries. This external commerce and travel can only be conducted by vessels, as the island is 60 miles from Cuba, and several hundred miles from the great commercial ports of the United States. It has no land connections with other countries.

In controlling such transportation by water between such ports and places, and also between points on the Isle of Pines, the Cuban Government has resorted to such arbitrary and unjust measures that Americans there are being robbed and maltreated in a way that brings our Government under just censure for its refusal to assist them in asserting their rights, even under the laws of nations.

In addition to the sworn statement of Mr. Pearcy, in the RECORD of Friday, June 1, on this subject, I will now read the following letter which shows a decision of our Government that the Isle of Pines is not Cuban territory within the meaning of the treaty of reciprocity with that Government:

NUEVA GERONA, ISLE OF PINES, W. I.,
December 18, 1905.

Maj. J. E. RUNCIE, *Habana, Cuba.*

DEAR SIR: In regard to the barrel of honey shipped from the Isle of Pines to Mobile by S. H. Pearcy, will say that the writer arrived at Mobile December 22, 1904, and it was only a few days later that I went to the custom-house to pay the duty on same. At the time that I paid this duty I was given the 20 per cent reduction in accordance with the reciprocity treaty with Cuba. The next day I was sent for to come to the custom-house, where I was informed by the official in charge, Mr. Callahan, that in looking into the matter he had found a decision, rendered him from Washington, which stated that the Isle of Pines was not Cuban territory; therefore could not give me the benefit of the reciprocity of that country. Consequently I had to refund the 20 per cent given me previously under this clause.

A copy of this decision rendered from Washington upon which Mr. Callahan based his action was obtained by Mr. Ed. J. Pearcy and sent to Mr. J. A. Hill at New York, to file with his claim before the Supreme Court.

Yours, respectfully, DRIVER FULLTON.

Here is a decision upon the question by our own custom-house authorities, free from the interpretation of Gen. Leonard Wood, that under the treaty of Paris and under the Platt amendment the Isle of Pines was not a part of Cuba, but was a part of the United States, and was therefore not included within the privileges of our treaty of reciprocity with Cuba. This decision is, doubtless, correct, and it shows that the Leonard Wood interpretation of the agreement of May 20, 1904, is wholly at fault in placing the Isle of Pines within the jurisdictional limits of Cuba in spite of the Cuban constitution that expressly excludes it therefrom. If General Wood's military order was ever intended to continue "the present government" of Cuba over the Isle of Pines, which government did not then exist, it did not take that peculiar flavor of interpretation until the tobacco fields of Pinar del Rio were found to be in competition with better tobacco fields in the American Island of Pines. This new condition needs to be examined. It has not been examined and will not be, if it can be further concealed.

I will here remark, Mr. President, that the minister from Cuba, whom I respect very highly and for whose opinions and statements I have the greatest possible deference, has printed a pamphlet and circulated it amongst Senators, and I suppose throughout the United States, in which he makes a disquisition on the laws of nations, making extracts from certain standard authorities. He also enters into a long enumeration of maps, reaching back to the earliest possible dates and coming down to this time—an enumeration and consideration of perhaps fifty maps; I do not know how many there are—to support the conclusion that the Isle of Pines was always geographically, and under the governmental establishment, a part of the island of Cuba. They are undoubtedly maps which, during that same period of time, were issued by very eminent geographers. But why are we paying any attention to that, when it was one of the terms and conditions of the Platt amendment that Cuba should in her constitution change all this geography and meet this occult claim that the Isle of Pines had always been a part of Cuba by saying that she shall exclude it from her constitutional limits? The constitution of Cuba consequently excluded it expressly from her constitutional limits; the Platt amendment expressly excluded it from the constitutional limits of Cuba; and everything excluded it until we get down to that agreement of March 2—I believe it is—1903; and then claimed that it is not only included within the constitutional limits of Cuba, but that a government de facto is established by that agreement on the Isle of Pines; and the American flag, which was floating there, was hauled down and the Cuban flag put up; and it seems to have been understood that this government de facto is to be supplied with its officials and its powers of every kind by the Government of Cuba. I deny the fact and also the interpretation of that alleged agreement.

Mr. President, that change in the geography of Cuba, by which the Isle of Pines was excluded from her constitutional limits and set apart as separate territory, as I have observed, was forced upon Cuba by the Government of the United States. The Government of the United States demanded that Cuba should do that before we would give her the breath of life, that she did not have, and she did not have a national entity until we gave it to her by our agreement. She was ours essentially. We made a great mistake in not going further and taking her and dealing with her as she ought to have been dealt with. If we had done so, we should have got rid of a great deal of trouble between this Government and that, and very much more trouble that is now brewing and threatening the peace of the whole country. But the Platt amendment forced Cuba to change her geography by constitutional delimitation, excluding the Isle of Pines from her jurisdiction. I should think that Mr. Quesada's quotation of maps would become ineffectual in the presence of such a constitutional provision as that. If Cuba and the United States, agreeing together, can not change that geography so as to make the Isle of Pines a separate place, a separate piece of property and subject to a separate jurisdiction from that of Cuba, maps have a very much greater authority than I ever supposed they had. They fix the boundaries of nations, it appears, that even constitutions can not change. That is the situation.

Mr. President, there is much talk about Cuba having always owned the Isle of Pines. She never owned a foot of it. There is much talk about Cuba. She never was in possession of a foot of it, as a government or in any other right. But, granting that it was always in the legal jurisdiction of Cuba, granting all that they claim on that subject, it still turns out that, in order to get a title to the land set apart in her own constitution, she agreed that the Isle of Pines should be excluded from it. Does not that break up this mythical geographical idea and geographical definition, and are Senators justified logically in recurring to these definitions in support of a theory, when there stands the constitution of Cuba and the Platt amendment and the subsequent agreements, all of them declaring that the Isle of Pines is excluded—that is the word used—from the territory of Cuba?

We made there, Mr. President, a political delimitation which Cuba can not surmount until she changes her constitution. She can not thus disregard it without our consent, because Cuba, after all, has never been erected, even up to this day, into a free, sovereign, and independent government. That is all a mistake; it is a fallacy that is leading some very wise men into error. No, sir; Cuba is vassal; the United States is sovereign, to a very large extent, and is suzerain over that Government. There are many things stated in her constitution which she consents that she will not do without the consent of the United States. I need not quote them now.

After this matter had taken place, during Mr. McKinley's Administration, Gen. BINGER HERMANN, Commissioner of the General Land Office, by the direction, as he stated on the floor of the House, of the President of the United States, began printing maps of the territory of the United States relating to their insular possessions. He has printed four in successive years, and I have got them here. One of them hangs in this Chamber, so that Senators may read it, which shows the Isle of Pines, separated from the island of Cuba, geographically, by 60 miles of water, is marked "United States possession."

I hope Senators will examine these maps.

These maps are circulated throughout the United States in large numbers. There is no part of the publications of the Government of the United States which the people more eagerly apply for and get into their houses than the maps published by the authority of the Government. Every Senator here knows that. We have sent out hundreds and hundreds of maps for the purpose of informing our people of the geography of their country. Four annual series of them went out to the people of the United States with the Isle of Pines marked on them as the property of the United States. What better evidence does

a common man want as to the ownership of the Isle of Pines when he can look up to the walls of his cottage and see hanging there an official map printed by authority of the United States on which the Isle of Pines is described as a part of the territory of the United States? But that had to be reversed. There were influences at work in Pinar del Rio. There was a tobacco trust in Pinar del Rio, and they had to reverse that situation, and they did reverse it.

Mr. President, these things ought to be inquired into by the Senate of the United States. We have not got the facts before us on the oaths of men—we have got their letters, we have got some sworn affidavits that I put in the RECORD here; but we have not, by any means, touched the very sore spot in this whole business, which is that the tobacco trust in Cuba has been attempting, and is now attempting, with might and main to drive these people from their homes that they have bought upon an island that was marked on the map of the United States as being under the Government and flag of this country.

I wish now to speak, Mr. President, about our commercial relations to the Isle of Pines, and to call attention to the fact that the Cuban Government has traveled far beyond the Platt amendment and her own constitution, and, basing her pretensions upon the idea that she has absolute sovereignty and autonomy, is dealing with the people and property of the United States engaged in commerce in a way that violates the law of nations and the laws of the United States.

When the steamer *Cristobal* was built by the owners as an American vessel for the Cuban trade, the Cuban Government determined to capture it by applying the old Spanish coasting-trade laws to its flag and its ownership. It placed the Leonard Wood de facto grapple upon it, and was, almost literally, invited by the United States Government to reject any pretensions of the right of the United States to own or govern the Isle of Pines.

I have here a letter from Mr. T. J. Keenan, addressed to me, under date of February 19, 1906, which I will ask the Secretary to favor me by reading, as I ha e not very much strength to waste. It is a very interesting and very important letter, and Mr. Keenan is a strong, able, powerful man, and is not a man to be frowned down even by the Senate of the United States.

The PRESIDING OFFICER (Mr. LODGE in the chair). The Secretary will read as requested.

The Secretary read as follows:

THE INTERNATIONAL LEAGUE OF PRESS CLUBS,
Pittsburg, Pa., February 19, 1906.

Hon. JOHN T. MORGAN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Two thousand Americans who have purchased present or future homes on the Isle of Pines owe you heartfelt thanks for your efforts to prevent the ruin and expatriation which would follow the consummation of the iniquitous Isle of Pines treaty. Following Secretary Root's assurance to Cuban Minister Quesada that the treaty would be forced through the Senate at the present session, the Cuban Government has already adopted a policy of reaction and repression toward the American colony on the island. The superficial concessions which were granted at the instance of former United States Minister Squiers, in an earlier effort to secure the approval of the treaty, are being withdrawn or nullified one by one. Even the enactments of the military government, which, under the terms of the agreement by which the Cuban Republic was established, have the force of law and can only be repealed by Congressional legislation, are deliberately set aside by executive orders from members of the Cuban cabinet, and, notwithstanding the heavy reenforcement of rural guards which has recently been sent to the island to overawe the Americans, a series of dastardly outrages has been perpetrated upon American settlers. Domestic animals have been poisoned or maimed, and the homes of Americans have been soaked with kerosene and set on fire, the occupants barely escaping with their lives. None of the perpetrators of these outrages have been apprehended, nor does there seem to be any effort on the part of the Cuban authorities to apprehend them. A Cuban judge of first instance, who was sent to the island some two years ago and who was deservedly popular with the Americans because of his efficient administration of justice and of his ability to understand their language and comprehend their rights has been recalled, and has been succeeded by a judge who can not speak a word of English, and who is utterly unacquainted with the people of the Isle of Pines.

As four-fifths of the island are owned by Americans, and Americans have an interest in nearly every judicial proceeding, it can be readily imagined what kind of justice the new magistrate will dispense. The port of entry which has been established at Nueva Gerona serves little purpose, through the failure to secure a bonded carrier for the transportation of goods across Cuba, and the custom revenues of the island continue to be collected at Habana and to be turned into the Cuban treasury direct without either benefit or credit to the Isle of Pines. These consular duties would naturally constitute the bulk of the insular revenues, yet we are calmly informed by the Cuban Government that the taxes paid on the Isle of Pines do not justify them in expending anything for the improvement of the highways or the maintenance of other public works. When the Cuban Congress appropriated $2,000,000 for Cuban roads two years ago, Minister Squiers asked the director of public works how much of this sum was to be expended on the Isle of Pines. "Not one cent," was the curt response. Minister Squiers himself is my authority for this statement. Doctor Thomas, a prominent American resident of the Isle of Pines, who was formerly dentist to the King of Spain, was told by a Cuban official that it was the design of his Government to remove the leper hospital from Habana to the Isle of Pines as soon as the United States surrendered the latter territory. While the natives of tropical countries have come to regard with complacency the presence of lepers in their midst, I need hardly tell you that the location of a hospital for these incurables in the heart of an American colony would be as fatal to that colony as a yearly visitation of the bubonic plague. The very name of leper is terrifying to a resident of the United States.

With such glimpses of the cloven foot already revealed, what may be expected when the American colony is abandoned to the tender mercies of the Cuban Government? The reverses of war may have excused the abandonment of the Acadians by France, but what reason can the Government of the United States give for the expatriation of a colony of its own citizens fostered by its own official assurances that they should remain forever under the protection of the American flag? Through nearly four years of agitation over the ownership of the Isle of Pines, culminating in a deliberate attempt to vest in a foreign government the title to a territory almost as large as that of the smallest American State, not a single representative has been sent by our Government to investigate upon the ground the facts involved in the controversy. General Wood barely set foot upon it in one of his yachting trips when he was military governor of Cuba. Secretary Root refused to accept an invitation to visit it when he was in Habana, although the island was then in his official charge as Secretary of War. During the period that the Isle of Pines treaty has been before the Senate, we have repeatedly asked for the appointment of a committee to visit the island before the treaty was voted upon. Senator FORAKER, chairman of the sub-Foreign Relations Committee, told me that he contemplated visiting the island in person last year, but, up to date, we have waited for him in vain, although some hundred or more of his constituents who have found homes upon the island are anxious to welcome him.

Mr. FORAKER. May I interrupt the reading long enough to inquire who it is makes the statement that I ever promised to visit the Isle of Pines?

Mr. MORGAN. Mr. Keenan.

Mr. FORAKER. I remember seeing him. He called upon me a year, or perhaps about that long ago. I saw him in the Marble Room. He invited me very pleasantly to visit the Isle of Pines, but I never promised to visit the Isle of Pines. That is an entire mistake.

Mr. MORGAN. He does not say the Senator promised to go.

Mr. FORAKER. I understood him to say that I promised to visit the Isle of Pines, and that the people were still looking for my visit, which has not yet been made. He is under an entire misapprehension.

The Secretary resumed and concluded the reading of the letter, as follows:

In behalf of all the Americans who are interested in the island, I again ask that a Senatorial committee be appointed to visit the Isle of Pines and investigate for themselves the condition of its affairs.

All the statements which I have made in this letter I am prepared to substantiate by ample proof, but I have a recent and startling development of Cuban policy not only toward the American colonists on the Isle of Pines, but toward the American nation itself, to which I wish to direct your special attention. Every American who has been long resident at Habana, and who has employed his faculties of observations, knows that the Government and people, notwithstanding their professions to the contrary and their gifts to members of the President's family, are not only vilely ungrateful, but vindictively hostile, toward the United States. The rice tax, the British treaty, the enforced removal of Minister Squiers are all manifestations of this unnatural resentment which a petty nation harbors for the great nation which gave it life. But a more defiant and a more dangerous move against American interests than any of those which I have named has just been made.

When the United States Government terminated the military occupation of Cuba and established the Cuban Republic it was provided that the regulations of the military government should have the force of law. Among these regulations was one giving to vessels carrying the American flag the same rights in trading between Cuban ports as are enjoyed by Cuban ships. When the steamer *J. J. Campbell* went from Mobile to take up the run between Batabano and the Isle of Pines the Cuban Government at first insisted that she should be compelled to change her nationality and carry the Cuban flag. Minister Squiers, however, cited the regulation to which I have referred, and the *Campbell* was for the time being grudgingly permitted to fly the Stars and Stripes. When Minister Squiers was recalled, the Cuban Government, relying upon the complaisancy and inexperience of his successor, and the supineness of our State Department, determined to wipe out at one stroke the special privileges enjoyed by American vessels in Cuban ports. In the refreshingly direct manner in which Latin-American countries sometimes undertake to remove international annoyances, this heavy blow at American interests was struck, without even the color of law. No effort was made to pass a repealing act through the Cuban Congress. A subsecretary of the treasury simply issued an order that the interisland trading privileges were forthwith annulled, and the owners of the *Campbell* were directed to secure a Cuban registry and haul down the American flag or get off the Caribbean. The immediate occasion for this remarkable order was found in the announcement that the steamer *Cristobal Colon*, which has just been completed at Wilmington, was about to sail for the Isle of Pines to claim the right to trade with Cuban ports under the American flag. I append a translation of correspondence with the collector of customs at Nueva Gerona and the Cuban treasury department, which speaks for itself:

"NUEVA GERONA, ISLE OF PINES, *January 17, 1906.*

"Mr. J. I. ANDERSON,
"*Secretary of the Isle of Pines Steamship Company, City.*

"DEAR SIR: In reply to your favor of even date, I have the honor to send you herewith a copy of a communication received from the Secretary of the Treasury which treats of the treatment to which a foreign vessel has to be submitted which has been imported with the intention of engaging in the coasting trade.

"I think it advisable to inform you that the principal condition which has to be fulfilled before a vessel can fly the Cuban flag is that the owner must be a Cuban citizen.

"Yours, very truly,

"F. M. ARREDONDO, *Custom-House Collector.*"

"HABANA, *January 13, 1906.*

"CUSTOM-HOUSE COLLECTOR, *Nueva Gerona.*

"DEAR SIR: Referring to your communication No. 457 of the 23d of December of last year, I have the honor to inform you that this office understands that the second paragraph of article 166, as well as part (a) of article 177 of the Cuban house ordinance, are in fact annulled, as the privileges that they granted to American vessels engaged in the Cuban coasting trade only existed during the intervention period on account of their being issued by the American Government to facilitate the occupation and control of Cuba by the United States forces and the maintenance of order during that occupation and so that with its transitory character, and it was transitory, its force would cease as soon as those forces were withdrawn and the Cuban Government was constituted, and as it was only a necessity which answered for the period of intervention.

"In the same manner and for the identical reasons the articles 2, 3, 4, 15, 17, 21, 69, 99, 113, and 234 of said ordinances have been annulled or modified.

"Whereas in case a foreign vessel is imported with the intention of engaging in the coasting trade in the territory of the Republic, the coasting trade being a privilege which is reserved in all countries for the national vessels, they must primarily change their flags according to the regulations in force so as to record their description in the corresponding lists and to pay all the custom duties and any other charges that may be due according to the regulations and laws which are actually in force, and your attention is called to the action of the royal order of the 22d of June of 1865, which treats of the change of flags; circular 276 of this office of the 5th of July of 1904 on the description list of vessels, and to the acts in the ordinances and tariff in force as far as they refer to importation duties, etc. No one would be authorized to engage in the coasting trade until he has complied with the demands of the before-mentioned regulations.

"Yours, very truly,

"GUILLO CHAPLE Y S.,
"Subsecretary of the Treasury."

As soon as the owners of the *Critobal Colon* received the order of the Cuban treasury department forbidding the ship to trade under the American flag they submitted the above correspondence to their attorney at Habana, and received the following response:

"MERCADERES, HABANA, *January 27, 1906.*

"THOMAS J. KEENAN, ESQ.,
"Farmers' Bank Building, Room 2025, Pittsburg, Pa.

"DEAR SIR: Referring to the decision of the treasury department here in the matter of requiring you to register your boat under the Cuban flag, I beg to advise you that this decision is perfectly illegal, inasmuch as the regulations put in force by the American Government in the island of Cuba have the force of law and can be derogated only by a law passed in due form by the legislative power of this Republic. It is therefore not within the jurisdiction of the treasury department to revoke any disposition which has the force of a law.

"As a practical matter, I am of the opinion that you will find it best to comply with the requirements of the Cuban law as to coastwise trading. If you do not, you will get into legal difficulties which will cost you money, and, further, Congress will probably, by legislative act, provide that vessels engaged in the coastwise trade must be under the Cuban flag.

"Improving this opportunity to reiterate the assurances of my distinguished consideration, I am,

"Attentively, yours,

J. M. W. DURANT."

It is utterly impossible for the owners of the *Colon* to comply with the directions of the Cuban treasury department. There are no Cuban capitalists on the Isle of Pines to provide a steamer for the Cuban trade, and Cuban captains and engineers are practically unobtainable. The traffic between Cuba and the Isle of Pines is almost exclusively American, and demands the right to patronize an American ship. Aside from all these considerations, however, the fact remains that Cuban law permits the *Cristobal Colon* to trade under the American flag, and the owners of the vessel propose that it shall do so. The *Colon* will sail from Wilmington for Batabano, Cuba, on Thursday next. When she arrives at Batabano she will demand her right to run between Batabano and the Isle of Pines without changing her nationality, and if the refusal of this right is persisted in an appeal will be made to the American minister. If this appeal is ineffectual, every American vessel will be deprived of the rights guaranteed her when the Cuban Republic was formed, and the privilege of paying rent for a couple of coaling stations, one of which is admittedly worthless, will remain about the only compensation which the United States will retain from the Cuban Republic for a war of liberation which cost our country over a quarter of a billion dollars and many thousands of valuable lives.

Trusting that you will pardon the length of this letter, the excuse for which is your request that I write you fully on the subjects touched upon, I am,

Very respectfully, yours,

T. J. KEENAN,
President American Society, Isle of Pines.

Mr. MORGAN. Mr. President, a while ago I adverted to the fact that an effort was being made in Cuba—and these official orders show it was carried into effect—to capture such ships as Americans might own and build and carry there, with a view of trading between Cuban ports under their coastwise laws. The unworthy attempt which is made in that order is not based upon any act of the Cuban Congress, but upon an interpretation that they put on some old Spanish laws which they seem to insist have come over to them, whereby the owners of the *Cristobal Colon*—a ship that cost these gentlemen $50,000, a perfectly new ship, built for that trade—when they attempted to put it in the Isle of Pines trade, they were required, first, to put the Cuban flag upon the ship and to register it as a coastwise trading ship, which could only be done in case the ownership was transferred to Cubans. Mr. Keenan points out that there is nobody in the Isle of Pines or elsewhere in Cuba among the natives or citizens of Cuba, that he knows of, with sufficient ability to buy such a ship. So the property is absolutely lost to them unless they will consent to make some enormous sacrifices upon its value in order to get it into that trade. Of course they can not do that.

That clear, honorable American letter, bristling with facts that support a powerful appeal to the Senate for an investigation, will not be as a light hid under a bushel; it will blaze in the capital set on a hill, and will be a beacon light that the Senate can not fail to recognize and can not extinguish. These Americans are only calling for the truth, and they will have it, beyond the power of denial from any source.

I refer again to article 3 of the treaty.

The "rights and privileges" our people are to acquire, in their own country where they have their homes under the shadows of the palms and the laurels, and where their orchards and groves are blooming and ripening their golden fruits, in the only land that nature has provided for the instant union of hope and fruition, of the blossom and the harvest in the same hour, are limited, by Cuban adoption of the savage Spanish laws, to the right to exist, to labor, and to suffer. These are promised to our people by the party-colored rural guards, the fitting ministers of the Wood de facto government, after the treaty is ratified.

What our people are forbidden to acquire by the de facto scheme before the treaty is ratified is the value of the produce of tobacco fields and of the golden citrus groves, with the privilege of sending their crops by sea, free of duty, to their home ports. Cuba requires that they must be shipped only through Habana. They must not compete with Habana.

In their family relations our people are forbidden to marry, except under the ministrations of the Church of Rome. They are forbidden to hold social meetings without the permission of the judge. If they are sick, they must have a Cuban doctor, and, dying in the absence of such a forced intruder, they must be examined post-mortem by a public autopsy. They can not have burial in a Protestant, unsanctified cemetery. If they have mail matter going or coming, no one is responsible if it is not delivered or is robbed.

In their schools Spanish must be taught by Cubans or Spaniards, and revolting atrocities of speech and conduct by their teachers is regarded by them as an amusing recreation.

They are spied upon, browbeaten, and threatened by gangs of rural guards, most of them negroes, and are arrested without information under oath or warrants and shut up in jails that are unfit for the confinement of beasts. Then bonds are required if they are admitted to bail, but the bond means so many dollars in cash. This is the reserved fund of villainous oppression, and is being constantly replenished by such forced contributions.

As to taxes, they are multiplied and compounded until they often destroy all business enterprises.

These are only some of the blessings that are to be secured to our people by article 3 of this treaty, and they will still continue in full force when the treaty is ratified. I have not stated some of these blessings of Cuban rule that acquired and are to be secured to our people by article 3 of this treaty when it is ratified. They will not bear mention in the Senate.

The testimony set forth in the reports of the committee is not all under oath. Neither in the Committee of Foreign Relations, nor in the Department of State, nor at the executive department, have any of these Americans been heard in person, nor will they ever be heard by authorized committees of Congress while present conditions exist, unless the Senate votes the resolution now pending, or some resolution equivalent to it.

The deadly de facto will continue, says General Wood, until a treaty is concluded with Cuba. That means for all time, unless Cuba consents to some treaty that suits her convenience. She is in possession, says General Wood, and the de facto power will keep her in possession as long as it is profitable to keep the tobacco fields of Pinar del Rio on an equal footing, as to tariff charges in the United States, with the better tobacco fields of the Isle of Pines.

Our Americans have proofs that they have not yet presented, that satisfy them that they are being sacrificed to the tobacco trust. If they are forced to assert their rights against such combinations, they will come out in the open and meet their responsibilities without fear, relying on the people who love justice to take care of them in the American ballot box.

I have said that I fear the result of the rejection of this treaty almost as much as I fear the results of its ratification. It is not within the power of any nation to compel honest, sensible, and brave Americans to submit to such outrages as our people have suffered in the Isle of Pines. Strife and bloodshed will follow the attempt of Cuba to fasten these time-rusted Spanish chains around American necks. It was these chains that our people broke when Cuba was emancipated;

and Cubans should be wiser than to suppose that Americans will ever wear them in peace. By the language of article 2 of the treaty the Government of the United States is placed in an unfortunate and humiliating attitude.

I will insert in my remarks, with the leave of the Senate, the contract between the Government of the United States and the Government of Cuba in respect to the lease of coaling stations on that island.

The matter referred to is as follows:

Lease to the United States by the Government of Cuba of certain areas of land and water for naval or coaling stations in Guantanamo and Bahia Honda.

Signed at Habana July 2, 1903.
Approved by the President October 2, 1903.
Ratified by the President of Cuba August 17, 1903.
Ratifications exchanged at Washington October 6, 1903.

* * * * * * *

ART. I. The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of $2,000, in gold coin of the United States, as long as the former shall occupy and use said areas of land by virtue of said agreement.

Mr. MORGAN. In the treaty we made with the Government of Cuba and in the Platt amendment it was inserted that Cuba would agree to confer upon us the right to make fortifications on that island at suitable coaling stations. For what purpose? For the purpose of the protection of the island and the people of Cuba and its Government. All the fortifications we agreed to make there were to have been for that purpose. Of course, collaterally and incidentally, they would have been for the protection of our coasts. Under their agreement the Government of Cuba was to receive from the United States $2,000 in gold a year for the lease of coaling stations at Guantanamo and Bahia Honda. No other consideration was mentioned.

That lease was signed nearly a year before this treaty was negotiated, and in this treaty it is recited that the Government of the United States relinquishes to Cuba the Isle of Pines, as follows:

ART. II. This relinquishment, on the part of the United States of America, of claim of title to the said Island of Pines is in consideration of the grants of coaling and naval stations in the island of Cuba heretofore made to the United States of America by the Republic of Cuba.

The consideration mentioned in those solemn compacts, which were signed by the Presidents of both Governments, was $2,000 gold, payable annually, and here in this treaty is a new consideration stated which is plainly an afterthought and for some concealed purpose—not an American purpose, but a Cuban purpose.

This $2,000 per annum was the full and only consideration for the lease, as expressed in the conveyance. How could it possibly have happened that on the 2d of March, 1904, an additional consideration was to be paid by the United States for this lease? Is the Senate to contradict the record in order to sustain this treaty, and declare that an indefinite and secret debt was due to Cuba on account of that lease, without having any knowledge or information of the amount due, or how, or by whom, or when it was contracted? Was that hidden debt of such amount that it equalled the value of the Isle of Pines? Was that sum as great as the sum paid by our people in the purchase of lands and in their improvement of them in the Isle of Pines? How has it ever occurred that the concealed consideration for the lease of coaling stations at Bahia Honda and Guantanamo, for which we pay $2,000 gold per annum, has mounted up to the whole value of the Isle of Pines, in addition to this expressed consideration? Whether this hidden consideration was an afterthought or a forethought, it was a hidden fact, that the official servants of the American people withheld from them and from the Congress of the United States. Did the people know that the United States had agreed, at any time before this treaty was negotiated, to sell the Isle of Pines to Cuba, and also to pay her $2,000 per annum for the lease of these coaling stations? Everything about these coaling-station leases seems to be dark and mysterious. The consideration for the lease of them is either falsely stated in the instrument of conveyance, dated July 2, 1903, or else it is falsely stated in article 2 of the treaty, dated March 2, 1904. They are absolutely irreconcilable. The Government gives no explanation of this startling discrepancy and the Senate owes the duty to the country of clearing it up, if that is possible.

It can not be cured by striking out article 2 of the treaty, as some propose. The statement is there, agreed to by the high contracting powers, and no agreement to change it will change the facts or conceal the pretense if it is false.

Both Governments would be self-stultified if that alleged consideration was suppressed. Its existence is affirmed as a fact by both Governments, and its suppression would be an admission that we had written a confessed falsehood in article 2 of the treaty until it is explained.

It must stand, or else a solemn record, made by the two Presidents in these conflicting documents, is impeached. This alleged, unknown, and hidden debt to Cuba, for which the treaty relinquishes the Isle of Pines to Cuba, is a fact or else it is a falsehood. If it is a fact, and if the debt is just, let the Senate examine the facts and do justice to Cuba. If it is set up as a stroke of Cuban policy, to reconcile the malcontents in Cuba to the lease of Bahia Honda and Guantanamo to the United States, which we lease and fortify for the express purpose of protecting Cuba, at great expense, as is stated in the treaty with that Republic, the United States is engaged in very small play, for an unworthy purpose, when it gives the Isle of Pines to Cuba as a placebo to suppress the criticisms and the false clamors of that dissatisfied element in Cuba.

We need not disfigure our diplomatic history with the admission of a false "consideration" for the treaty, in order to reconcile the mob in Cuba to the lease of coaling stations at Guantanamo and Bahia Honda. Our people think that all classes of Cubans have been pretty well paid for their condescension in accepting their lives and liberties at our hands.

If we were to sell the Isle of Pines to anybody let it be sold to the Americans who have already bought it and paid for it. They will pay more for it to Cuba, if need be, than Cuba can have the effrontery to claim is due her from the United States on this concealed "consideration" mentioned in article 2 of the treaty, and, after paying that claim, these true Americans will be proud to place it under the flag of our country as a redemption from oppressive government, without money and without price.

The Isle of Pines is a better tobacco country than Pinar del Rio, but this fact was as unknown to Cuba until the Americans proved it as the value of the remotest spot in the Kongo Free State.

This island is embraced in practically the same area of latitude and longitude as Pinar del Rio in Cuba. The prospectus of the "Las Ovas Syndicate" of Cuban lands, which I ask leave to print as an appendix to my remarks, omitting the map at present, shows that the climate of the Isle of Pines is superior to that of the Pinar del Rio, because it is 90 miles farther south and is directly in the course of the trade winds. They refresh the islands daily and drive off the tobacco pests that compel the tobacco planters of Pinar del Rio to raise their crops under canvas.

This prospectus gives a graphic description of the tobacco lands of the great American tobacco trust, which applies with greater force to the Isle of Pines.

It is this American tobacco trust that is "the Iliad of all the woes" of the people of the Isle of Pines. These trusts can not brook the thought that the productions of the Isle of Pines should find a home market in the United States. If the Senate refuses to investigate the facts that the Government seems to withhold from the people, the world will soon christen that beautiful possession of our people as the American vineyard of Naboth.

When the prospectus, or advertisement set forth in the appendix, was sent to me recently from the Isle of Pines, I handed it to Mr. Secretary Root. His comment upon it is in the following letter:

DEPARTMENT OF STATE,
Washington, June 6, 1906.

MY DEAR SENATOR: I return the pamphlet which you were good enough to loan me this morning, and which contains a statement that I, at some time, purchased land in Pinar del Rio, Cuba.

The statement is wholly false. I never purchased or owned or had any interest in, directly or indirectly, any land in Pinar del Rio or anywhere in Cuba. I can not imagine how such a statement as this pamphlet contains could have originated, for I never had anything to do in any way whatever with any land transaction in Cuba, and never heard of the estate described in the pamphlet. This seems to be an attempt to sell land by means of a perfectly gratuitous falsehood.

As the pamphlet is without signature, or date, it is a little difficult to fix the responsibility for it, but I am causing inquiries to be made regarding the persons whose names appear as owners on the first page.

I am obliged to you for your courtesy, and beg you to believe me always, with high esteem,

Sincerely, yours,

ELIHU ROOT.

Hon. JOHN T. MORGAN, *United States Senate.*

This advertisement shows that this great syndicate of speculators were active in Pinar del Rio in capturing tobacco lands, and the reckless use of the name of Mr. Secretary Root in their campaign of trust and monopoly shows forth one of the causes of their vicious antagonism to the honest home builders on the Isle of Pines. During this year a crop of tobacco has been harvested and sold in Habana at the price of the best tobacco produced in the Vuelta Abajo district. The place of its growth was concealed to prevent the American tobacco trust from greater exertions to drive our people from the Isle of Pines.

It was not until lately, Mr. President, that I got hold of what I believe to be a solution of this outrage upon the people of the

Isle of Pines. I could not think that the American Government was so indifferent to their rights as to submit to the infliction of the wrongs that are stated in the affidavits and papers and set forth in the reports of the majority and the minority of the committee, and also in the remarks that I had the honor to submit to the Senate a week ago. It is almost impossible to believe them unless they were sustained by corroborating evidence, and they are fully sustained. They are true; and the people controlling this great tobacco trust in Pinar del Rio, who use Mr. Root's name and put it in this paper, and draw a map of an estate that he is alleged to have purchased there, are the men who after all are inflicting these the greatest hardships and these torments, for they are nothing else, upon the people of the Isle of Pines for the purpose of driving them out and compelling them to abandon their homes.

Why do they want the island to remain the property of Cuba? Because otherwise the people of the Isle of Pines are put upon an equality in traffic with the United States, with other parts of our country. They are under our tariff laws. If these men in the Isle of Pines, who raise better tobacco than they can raise in the Vuelta Abajo district, can send it to our home ports free of tariff dues, then, of course, the price of land that they have gone there and bought 10 acres at a time in that island will increase hundreds of per cent in value.

I will now leave this subject, Mr. President, in the hands of the Senate and in the hands of the friends of the Isle of Pines. I have bestowed upon it a great deal of attention and some hard work. I will repeat that I have no constituent there, except one poor fellow who, with his wife and two or three children, went there and obtained a 10-acre tract of land, and he has not written to me in two or three years. He appealed to me when these grievances began to alarm him to try to take care of him. That interested me in the subject, and in looking into it I saw that the Government of the United States, acting under some false idea of altruism and benefaction and generosity toward the Government of Cuba, was subjecting our people to outrages there that were impossible to be endured.

Here is this Isle of Pines advertisement put out by the Government of the United States, printed as a document for the use of Congress, issued from the Bureau of Insular Affairs during the time of the migration from the United States to the Isle of Pines, circulated by hundreds of thousands, no doubt, because they frequently speak of circulating it from the Bureau in reply to many anxious correspondents. Here is that document, one of the best advertisements of a country I have ever seen. It commences with the map, and around that they put the measurements of the depth of water, as ascertained by the United States Hydrographic Survey. Then they picture the mountains, and then, following it up, there is a long description, divided into chapters, to show forth the value of these properties and their convenience, especially for poor men who want to go there in their old age for the purpose of raising on a little patch of ground what they could not raise on very large farms, in money yield, at their homes in the United States.

The people went there. They went inquiringly, it is true. They did not move off hastily on any speculative enterprise. A common farming man or mechanic with a wife and five or six children, all of whom have to work, can not fit himself up and leave his home and go to a distant place, because he wishes to settle down there, without some assurance that when he gets there he is under the flag of his own country, that he is at home, on American soil, and has those rights which are so highly esteemed and are so greatly beneficial to large classes of our people.

Induced by these considerations they have gone to the Isle of Pines in good faith; but they did not go without inquiry. They wrote many letters to the Departments here—to the Department of State, but more especially to the Department of War, that had had charge of this island. The responses during Mr. McKinley's Administration were all that the property belonged to the United States. But they were made by an Assistant Secretary of War, and some of them by an officer who was detailed to that duty at the time, and I am sorry to say that Mr. Secretary Root comes out now and attempts to deny the authority of the men who put these answers to these letters on record. It was his business to know what was there, and I suppose he did; but at the time his attention probably had not been drawn to certain political questions that were supposed to be necessary to be handled in connection with the Isle of Pines and the government of Cuba.

But so it is that these people have gone there and settled upon these lands, paying for them, and they have made their homes. They own to-day nine-tenths, actually paid for, of the Isle of Pines, and paid for at high prices. Mr. Keenan, in his letter to me, says they own four-fifths of the island. That was two years ago. They have increased their holdings until they own nine-tenths of the island, and the balance of it is not held by the Cubans. It is held by Spaniards who have never submitted themselves to the Cuban Government, who have never accepted citizenship in Cuba—the old Spaniards who have been living there for many years.

Now, I claim, Mr. President, that when they apply to the Senate of the United States for an honorable committee to go down there and investigate this subject they ought to be gratified. I could not go on that committee. I am not physically able, and I have no thought of going. The honorable Vice-President, without a suggestion from me, can name any committee he pleases in the Senate to investigate these facts.

Mr. President, the people of the Isle of Pines have applied for it, they have appealed for it. They have to stand there and take insults and bear outrages at the hands of these people which, if committed on the mainland of this continent, would result in bloodshed instantly. They are patient and self-controlling. They know the difficulties which might arise from even one homicide in resentment of retaliation for an outrage upon an American citizen. They are bold, strong, good, honest, sincere, upright people. They are not any frauds or intruders in any sense of the word. I will take a moment to say that no adventurer has yet gone to the Isle of Pines. Every man who has gone there has gone for the purpose of trying to better his situation.

The pending motion is to refer the resolution to the Committee on Foreign Relations. I must accept that motion as being fatal to the resolution, because when it gets to the committee I understand just what will become of it. The Senate will not see it any more.

I therefore ask the friends of this measure and of this investigation and of these people to vote "nay" upon the question of the reference of the resolution. Let the Senate take it up and vote directly on it and say whether or not they want it passed. The Committee on Foreign Relations does not know any more about this business than they ought, and if they had known as much about it as has been recently developed, I think that treaty never would have found its way into the Senate of the United States on a favorable report.

APPENDIX A.

The Las Ovas Syndicate lands.

The first 1,000 acres at $20 United States currency.

This syndicate reserves the right to raise the selling price of lands with one month's notice.

This syndicate has made arrangements with the Western Railroad of Habana that all persons wishing to examine our lands can secure tickets from Habana to Las Ovas and return for the price of one way.

The Western Railroad is also the only railroad in Cuba granting free transportation to settlers, their families, and furniture from Habana to their new homes.

The hacienda Las Ovas, containing from 8,000 to 10,000 acres, is situated about 20 miles from the foot of a range of mountains the altitude of which is from two to three thousand feet above sea level, which insures a continuous flow of pure spring water from wells which can be dug or driven from 15 to 40 feet.

The soil is peculiarly adapted to cultivation of citrus fruits, vegetables, and the finest tobacco, as this plantation, lying in the famous Vuelta Abajo district, supplies to the market some of the best tobacco grown in the world.

Irrigation is unnecessary, as the drainage from the mountain range insures moisture for the soil even in the dryest seasons of the year.

The northern portion of this estate, comprising about 5,558 acres, has been purchased by United States Secretary Elihu Root and Colonel Reed, who intend setting out a large portion to citrus fruits.

The portion of the hacienda Las Ovas purchased by the Las Ovas Land Syndicate lies directly south and southeast of the part secured by Secretary Root, and contains something over 3,000 acres, the north boundary of which lies about one and a half miles from the station of Las Ovas, on the Western Railroad.

As all titles to this property were properly traced at the time of purchase by Secretary Root, the Las Ovas Syndicate will positively guarantee a title absolutely clear of all incumbrances—which very few other land companies are prepared to do on the island of Cuba—upon any tract purchased when the last payment upon such tract has been paid.

This property has been surveyed into 40-acre tracts, that can again be divided into 10, 20, or 30 acre tracts, to suit the purchaser.

As this syndicate has been peculiarly favored by not having the great expense of looking up titles and the clearing off of the same, and wishing our patrons to benefit by this circumstance, we are putting the first one hundred 10-acre lots on the market for $20 United States currency per acre, while there are companies in Cuba offering much inferior land for from $30 to $50 per acre.

Remember that this land lies in the famous Vuelta Abajo district, which, without a doubt, supplies the best tobacco grown in the world.

Last season there were egg fruit grown without fertilizer on this property weighing over 3 pounds.

One of our tenants proudly boasts that he smokes cigars as good as those enjoyed by King Edward or President Roosevelt, and that he grows the tobacco himself.

OUR PROPOSITION.

After years of experience in Cuba, we have just bought this land, and have considered everything which is necessary, and have now to show you that we have just the place for good profit, comfortable

distances, and quick returns. We have studied out the problem of how a man can live while his grove is coming on, as we have the finest vegetable land in the world, and only four days from New York market. We can ship cheaper than Florida or California; we can ship fruit and vegetables when the rest of the world is frozen, thus commanding the highest prices paid for those articles during the year.

Don't buy land in out-of-the-way places. Our land lies right next to the finest tobacco farms in the world, where each acre has its tenant. The distance to the town of Pinar del Rio is only 6 miles, which allows the ladies to market in a good large city, and is a point which should be well considered. We have on the east of our land the celebrated Suarez tobacco farm, and 4 miles west is the farm of Calixto Lopez, of tobacco fame. This shows clearly that we have the heart of a lovely district, and you can buy a small tract of this same land just now at $20 per acre.

We have divided section No. 6 into sixty-four lots of half an acre each, so as to enable prospective home seekers that only wish to visit Cuba during two or three months to rest from the severe winters and do not care to go into farming on a large scale, just exactly what they require. Our idea is to have a town of country homes, allowing each land enough for a fine fruit and vegetable garden. Fine streets, with-wide sidewalks, planted with palms and ornamental fruit trees, a beautiful natural lake (10 acres) with walks all around. The syndicate will make all roads, sidewalks, parks, etc.

We have a few plans and estimates of houses that are submitted to us by several American builders, a copy of which will be forwarded to purchasers of a lot. A nice home can be completed at a cost of $2,000, and the syndicate will care for garden and home at the rate of $50 per year.

The water on this estate is guaranteed good as any in the world, and is shipped to wealthy Cubans at Pinar del Rio and Habana.

We simply offer you a chance to find a good home in the Tropics, on good high land, with fresh, cool air, good fishing, and some hunting, in a place which will shortly be the finest orange district in Cuba, to say nothing about the large tobacco farms on all sides, as this is in the heart of the famous Vuelta Abajo tobacco district. On our east is Suarez tobacco plantation, on the west is Calixto Lopez farm, on the north is Cayo Roble, on the south is Dias's lands—all very famous for their fine tobacco, the best in the world.

We are now offering these fine half acre lots at $100 each.

FACTS ABOUT CUBA.

Extract from folder issued by the Western Railroad of Habana (Limited):

"The next point of interest is the fine steel viaduct of Santa Clara, built to replace a timber trestle of over 300 meters in length, which was burned during the late war. After crossing the Santa Clara viaduct the line rises up to the prosperous town of Consolacion del Sud, 154 kilometers from Habana.

"A large tract of land in this neighborhood has been secured by the American Cigar Company for the establishment of extensive tobacco plantations.

"The whole of this district, as also that of Puerto de Golpe and Las Ovas, the next town passed, is famous for its high-class tobacco, some of the most celebrated plantations of the province being in this neighborhood.

"After a run of 10 kilometers from Las Ovas the city of Pinar del Rio, the capital of the province and the present terminus of the railway, is arrived at.

"Pinar del Rio is a prosperous town of some 10,000 inhabitants, famous throughout the world for its incomparable tobacco plantations."

The population of the city of Pinar del Rio has now increased to about 20,000.

In the continuous strife for existence against the pitiless forces of nature many fail, others succeed, but usually reach old age bearing all the scars of hard, incessant toil. Round shoulders and bent backs tell the story too plainly. Theirs is a case of survival of the fittest, and only those hardy pioneers of the Anglo-Saxon race have the tenacity, the perseverance to wrest a competency from the soil midst conditions so unfavorable.

But the sons of these hardy tillers of the frozen earth pause before starting on the cold, stormy path of their forefathers. Many have means and all have the benefit of that splendid school system of the United States. It is to this class of men that Cuba appeals, and to them she offers more than any other country in the world. Health, comfort, and prosperity are here, and may be had quicker, more plentifully, and with greater certainty than in any other climate. As one enthusiastic Kentuckian remarked this winter: "If the people of the United States knew the actual facts in regard to Cuba you could not keep them out with shotguns.

But they do not know them, as the writer discovered recently while visiting the great North and Middle West. It is with the hope of correcting some false impressions in regard to the island that the following facts have been briefly grouped:

There is no healthier or pleasanter climate in any part of the world. Both yellow fever and smallpox have been banished for all time, neither of these diseases having appeared here since the beginning of this century.

There are neither snow, ice, nor cold rains during the winter, and frost is found only on the highest mountains.

There is not a single poisonous snake, and very few reptiles of any kind are found on the island.

No island or strip of coast in the world is more plentifully supplied with deep, well-protected harbors than in the Republic of Cuba.

The soil is famous throughout the world for its fertility.

Fine fresh water streams and valuable medicinal springs abound in every province.

The distribution of showers or rainfall occurring during the summer and fall months is especially beneficial to the luxurious growth of all crops, while the dry months of winter and spring favor gathering of same at a time most advantageous for shipment to northern markets.

Nearly all of the staple agricultural products of the Tropical and sub-Tropical Zone are indigenous to Cuba, and are found growing wild in the forests at the present time. Among them are tobacco, cotton, coffee, cocoa, india rubber, oranges, lemons, limes, and sisal or manila hemp.

It has been demonstrated beyond doubt that cane sugar of the best quality can be produced here in greater abundance and more cheaply than in any other country in the world.

The famous Cuban tobacco from Vuelta Abajo district of Pinar del Rio Province has never been equaled in any other part of the world.

The report of the average mean temperature at Habana for ten years prior to 1901 is as follows: January, 70.3; February, 72; March, 73.2; April, 76.1; May, 78.8; June, 81.2; July, 82.4; August, 82.2; September, 80.7; October, 78.1; November, 75.3; December, 71.4.

As to extremes of temperature for the past years the reports of the United States Weather Bureau in Habana reported them as follows for the two winter and two summer months here mentioned: For December, 1902, mean temperature, 72.6; highest temperature, 85; lowest, 56; greatest daily range, 17°; lowest daily range, 4°.

In February, 1903, the mean temperature was 75°; highest temperature, 86; lowest, 60; greatest daily range, 18; least daily range, 5.

For July, 1903, the highest temperature recorded was 91°; the lowest, 66; greatest daily range, 21; least daily range, 12. The mean temperature for the month was 80.2.

For August last the record is as follows: Highest temperature, 90°; lowest, 70°; greatest daily range, 19°; least daily range, 11°; mean temperature for the month (the hottest of the year), 80.3°.

Cuban climatological data for the year 1900, published by the United States Weather Bureau, give the annual mean temperature in Pinar del Rio (observations taken in the city of Pinar del Rio) as 76.7°; highest temperature, 94°; lowest, 59°.

These statistics thoroughly and truthfully sketch the climatic conditions of western Cuba, but one can not really appreciate its attractiveness until he has had actual experience of the south Cuban atmosphere, warm in middle of day, but always tempered by freshest of sea breezes, and in Pinar del Rio especially, by proximity of the long range of mountainous hills, whose slopes and heights and forests afford refreshment to the eye and convenient places for change and recuperation the year round for dwellers on the fertile lands of which they are the northern boundary.

"Probably no place on earth has a finer climate than the main portion of Cuba. The atmosphere is never misty and does not lose its transparency with the departure of day. A glorious and beautiful sunset daily, a climate so uniformly soft and mild, fruit so delicious and abundant, flowers so plentiful and ever blooming that it is almost akin to what has been described of fairyland." (Ballou, in Cuba Past and Present.)

"The mean annual temperature is 77°. The range of temperature between the mean of the hottest month and that of the coldest is from 82° to 71°, or only 11°. The highest temperature on record in Habana is 100.6° and the lowest 49.6°." (Census of Cuba. Compare with California climate.)

"The mean annual rainfall at Habana, derived from observation of many years, is 52 inches. The record shows in different years a rainfall ranging from 46 to 71 inches." (Census of Cuba.)

"During my residence on the island, over four years, there was not an average of two days when it rained all day or when the sun was obscured. The rainy season is from May to October and the dry from November to April." (United States Consul Hyatt.)

"Yellow fever is entirely stamped out in Cuba." (Doctor Baker, medical health officer.)

"The climate of Cuba is more salubrious than has been painted. The winter months are delightful, in fact, ideal; while the summer months are more endurable than most parts of our own country." (Robert T. Hill, United States Geological Survey.)

"Northerners, unaccustomed to the Tropics, think that Cuba must be unbearably hot. The truth is that the scorching days we sometimes have in the cities of the United States during the summer are entirely unknown on the island. Cuba weather is like our best days in May and June, but moderate, being maintained throughout the year." (United States Consul Hyatt.)

CUBA.

Cuba of the olden time, with its record of revolution, robbery, and ruin, its history of crime, cruelty, and suffering, is gone.

The new, the clean, bright, and hopeful Cuba has come. From the ashes of sad and distressing past, the Republic has sprung into life—prosperous, promising, successful life.

The prophecy of political and commercial failure in six months was not fulfilled. Several years have passed, and the island Government still lives; confidence, at home and abroad, spreads like oil on troubled waters; its credit is established and fixed in the markets of the world. No one can foretell the glorious future which awaits the Pearl of the Antilles.

It is true that sacrifice, sad, almost ruinous, must still be made; that property once valued in thousands must be sold for hundreds; but with a clean slate, a new régime, the real, prosperous, modern life of the nation has begun on a prosperous basis. When the prospective purchaser, looking across some great meadow of Guinea or Parana, grumbles at the price and says something about $1.25, he forgets that less than a decade ago this very tract was one vast field of waving cane and valued at from $150 to $500 per acre instead of, as at present, a paltry $20. He fails to consider that every acre of it will produce a beef each year worth $25.

And, again, when you show him the beautiful orange land, sloping away from the mountains of Pinar del Rio, at $25, he tries to tell you of some place he once heard of for half that price. When you assure him that if planted in citrus fruits and cared for for five years it will be worth $1,500 an acre, he looks at you with pitying contempt.

But when you point out to him the tobacco lands of the famous Vuelta Abajo, which he can not purchase for less than $1,000 per acre, simply because the owners frequently get $2,000 in three months from an acre under cheese cloth, he usually drops dead or murmurs something about a man who offered to sell him plenty of land about 50 miles south of "Mantanzas" for 50 cents, one-third cash and the balance after Cuba is annexed to the United States.

Seriously speaking, lands to-day are dirt cheap in Cuba—absurdly so when one stops to consider what they may be made to produce with capital and intelligent effort. Present prices will continue only to the time when the outside world begins to realize that if selected with judgment and due regard for transportation facilities every acre in Cuba, properly cultivated, will pay for itself twice, if not ten times over, in the first year.

TITLES.

In this connection it may be opportune to state that there is no excuse for not securing perfect titles to property, since every register of deeds in Cuba is a bonded officer of the Government, and a certificate from him stating that a piece of property is free from all incumbrances or cloud on its title is virtually a title from the Government itself and can not be questioned as to its validity.

Property rights to-day in Cuba are better protected than in the United States of America.

TOBACCO.

Cuba has always been not only famous for its tobacco, but for producing a quality absolutely without rival in points of flavor and deli-

cacy of aroma. But, although the tobacco plant is indigenous and grows luxuriantly all over the island, it is nevertheless true that the really fine grades can be grown only in two little sections, each measuring about 15 miles square, and the two separated by some 80 miles. Their soils are in no way similar, except that the tobacco grown on them is the best in the world.

One of these famous tobacco districts is known as the Vuelta Abajo of Pinar del Rio. It is located around and particularly to the southward of the capital of that province.

Tobacco grown in the Vuelta Abajo brings from four to five times as much as that grown in other parts of the island.

Mr. Iliseo Cartaye, who is in charge of the estates belonging to the American Tobacco Company, assured me that the crop grown under cheese cloth, by which every leaf is free from wormholes and consequently becomes a wrapper, is worth from $2,000 to $5,000 per acre in the Habana market. From one acre last winter he cut fourteen bales of tobacco, which sold for $300 per bale, or at the rate of $4,200 per acre.

It is needless to say that for fruit culture and vegetable growing it would be hard to find a more desirable place in the world than the province of Pinar del Rio. Soil, climate, health, scenery, and transportation facilities are perfect. It will take only a few more years to make this the garden spot of Cuba.

It is an undisputed fact that Pinar del Rio Province leads the world in its quality of tobacco.

"No country of the world grows tobacco which can be compared with the Cuban leaf. The immense plantations have been destroyed or neglected during the recent war, but opportunities are now offered to the shrewd business man and investor to enjoy the profits which are certain to follow the revival of this enormous industry." (Munson.)

"It has been calculated that on an estate of 75 acres, having a planting capacity of 1,000,000 tobacco plants, the net result for one crop would be about $50,000." (Bureau of American Republics.)

"An English company paid $1,000,000 for 1,800 acres of tobacco lands, or $555 per acre." (Industrial Cuba, by Robert Porter.)

"Tobacco yields $200 to $1,000 per acre profit." (C. M. Pepper, To-morrow in Cuba.)

"Pinar del Rio, the western province, has for generations produced the finest tobacco in the world. The possibilities of profitable fruit cultivation in this section are illimitable." (Munson.)

"The province of Pinar del Rio is probably the richest and most progressive part of the whole island. The unrivaled quality of the tobacco raised there and the high prices which have been obtained for the same are the principal sources of wealth in this province. It is a prosperous, law-abiding community, and is eminently a rural province." (Brig. Gen. Fitzhugh Lee, in his report to War Department, p. 343.)

Ex-United States Consul P. F. Hyatt says: "The island has opportunities for success and wealth through safe and profitable investments, the equal of which can be found in no other place."

Thomas B. Reed, ex-Speaker, in the Chicago Chronicle, said the island contained more natural wealth than any country he had ever seen.

"Only the most positive indolence and shiftlessness and the long-applied hand of an oppressive government have prevented Cuba from being one of the most, if not the most, prolific and profitable spots in the world." (Consul Hyatt.)

"Cuba is a wonderful country, rich beyond comprehension in her marvelous soil and climate. Rich in her mines, her quarries, a matchless forest. Ideally located just at the door of the world's markets, with a practical monopoly of scores of the most eagerly sought products of the soil." (Cuban Colonist.)

Extract from letter to writer: "The political situation in Cuba is such that I would hesitate to invest any funds of my own in the island." (Leonard Wood, military governor of Cuba.)

Sir William Van Horne, who has built the Cuban railroad and has, with his friends, invested many millions of money in Cuba, says: "Cuba is the richest country in the world. The Cubans will make good citizens, and investments there are safe."

Gen. Leonard Wood, ex-governor-general of Cuba, says: "If I were called upon at this time to designate a place where a young man of America could find the greatest opportunity I would name the island of Cuba. * * * There is a future for industrious Americans who go to Cuba."

"I advise the culture of oranges, lemons, coffee, cocoanuts, and bananas. Sixty-five per cent of England's vast wealth is derived from her investments in the Tropics." (Mexican G. A. Co.)

"The price for a tract in the vicinity of Habana with good communications, suitable for truck gardening, fruit raising, etc., ranges from $100 to $150 per acre. Such tracts near Habana have the advantage of a good market for vegetables, fruits, etc." (Extract from letter to writer.)

Mr. MORGAN. Mr. President, I will ask that the matter go over, as other gentlemen desire to be heard upon it.

The VICE-PRESIDENT. The resolution will lie over.

Mr. HALE. What becomes of the resolution?

The VICE-PRESIDENT. The Senator's motion is pending.

Mr. HALE. Why does it not go to the Calendar?

Mr. LODGE. The motion is pending to refer it to the Committee on Foreign Relations. It ought to go to the Calendar, I think, Mr. President.

The VICE-PRESIDENT. The resolution will go to the Calendar.

Mr. MORGAN subsequently said: The resolution which has just gone to the Calendar has the privilege of being called from the desk of the Vice-President attached to it by various orders that the Senate has heretofore very indulgently made. The Senator from Maine was not conscious of that, and I ask that the resolution go on the Calendar with these privileges.

Mr. LODGE. The resolution has gone to the Calendar. It can not be taken up except by motion. If it is going to lie on the table, it can be called up.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama?

Mr. LODGE. If it is going to be left where it can be called up at any time, it ought to lie on the table.

The VICE-PRESIDENT. The Senator from Alabama will kindly restate his request.

Mr. MORGAN. The first day that this resolution was taken up I discussed it, commencing at a late hour in the morning and proceeding until 2 o'clock. The Senate very kindly indeed gave its consent to lay aside the regular order that I might continue. I was not in a condition of physical strength and health to go on. I then asked that the privilege which I had before that time secured from the Senate for taking up the resolution on my call might be continued along with the resolution. I have no more remarks to submit on it at any time, but I have the right to call it up at any time for a vote; and if other gentlemen desire to argue it, of course they will have the right to argue it. I merely wish to ask that those privileges be continued in respect to the resolution.

The VICE-PRESIDENT. Is there objection? The Chair hears none; and the resolution will lie on the table subject to call.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3005) granting an increase of pension to Jacob C. Shafer;

A bill (H. R. 10395) granting an increase of pension to Stephen Cundiff;

A bill (H. R. 13828) granting an increase of pension to John M. Carroll;

A bill (H. R. 14604) forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes;

A bill (H. R. 15692) granting a pension to Frank M. Dooley;

A bill (H. R. 16878) granting an increase of pension to James B. Adams;

A bill (H. R. 18116) granting an increase of pension to Green Evans;

A bill (H. R. 18135) granting an increase of pension to Benedict Sutter; and

A bill (H. R. 18561) granting an increase of pension to Jonathan Skeans.

The message also announced that the House had passed the following bills:

S. 6. An act granting an increase of pension to Ella N. Harvey;

S. 20. An act granting an increase of pension to Edward Higgins;

S. 215. An act granting an increase of pension to Elias Phelps;

S. 225. An act granting an increase of pension to Thomas R. Smith;

S. 257. An act granting an increase of pension to Caleb T. Bowen;

S. 453. An act granting an increase of pension to George K. Green;

S. 586. An act granting an increase of pension to Corydon W. Sanborn;

S. 663. An act granting a pension to Joseph Ellmore;

S. 668. An act granting an increase of pension to John C. Rassbach;

S. 722. An act granting a pension to Annis Bailey;

S. 764. An act granting an increase of pension to Robert Carney;

S. 911. An act granting an increase of pension to Julius A. Davis;

S. 1174. An act granting an increase of pension to Edwin Morgan;

S. 1224. An act granting an increase of pension to William A. Bowles;

S. 1254. An act granting an increase of pension to Orlando H. Langley;

S. 1256. An act granting an increase of pension to Lewis D. Moore;

S. 1264. An act granting an increase of pension to Joseph Shiney;

S. 1422. An act granting an increase of pension to George L. Wakefield;

S. 1428. An act granting an increase of pension to Daniel Lamprey;

S. 1443. An act granting an increase of pension to Hiram C. Clark;

S. 1510. An act granting an increase of pension to Byron K. May;

S. 1570. An act granting an increase of pension to Lydia A. Johnson;

S. 1664. An act granting an increase of pension to Elizabeth L. W. Bailey;
S. 1849. An act granting an increase of pension to David T. Pettie;
S. 1855. An act granting an increase of pension to James J. Brown;
S. 1865. An act granting an increase of pension to Solomon H. Baker;
S. 1936. An act granting an increase of pension to Lorenzo W. Smith;
S. 1976. An act granting a pension to William N. Dickey;
S. 2008. An act granting a pension to Virginia A. McKnight;
S. 2032. An act granting an increase of pension to Thomas F. Stevens;
S. 2179. An act granting an increase of pension to G. Annie Gregg;
S. 2429. An act granting an increase of pension to James Devor;
S. 2501. An act granting an increase of pension to Jessie E. Foster;
S. 2566. An act granting an increase of pension to George H. Rodeheaver;
S. 2619. An act granting an increase of pension to William H. Willie;
S. 2624. An act granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry;
S. 2728. An act granting an increase of pension to Louisa Carr;
S. 2791. An act granting an increase of pension to John Lindt;
S. 2852. An act granting a pension to Bridget Manahan;
S. 2853. An act granting an increase of pension to Bridget Quinn;
S. 3028. An act granting an increase of pension to Helen C. Sanderson;
S. 3122. An act granting an increase of pension to Erastus C. Clark;
S. 3168. An act granting an increase of pension to Obadiah Derr;
S. 3261. An act granting an increase of pension to Charles B. Towne;
S. 3270. An act granting an increase of pension to William H. Richardson;
S. 3486. An act granting an increase of pension to Edwin D. Wescott;
S. 3487. An act granting an increase of pension to Joseph Fuller;
S. 3553. An act granting an increase of pension to William Oliver;
S. 3629. An act granting an increase of pension to William Hibbs;
S. 3649. An act granting a pension to Sarah Agnes Sullivan;
S. 3684. An act granting an increase of pension to George W. Hyde;
S. 3697. An act granting an increase of pension to Sarah A. Petherbridge;
S. 3728. An act granting an increase of pension to William H. Winans;
S. 3735. An act granting a pension to Phebe W. Drake;
S. 3750. An act granting an increase of pension to Wilbur F. Flint;
S. 3814. An act granting an increase of pension to John Giffen;
S. 3818. An act granting an increase of pension to David B. Johnson;
S. 3904. An act granting an increase of pension to George J. Thomas;
S. 4092. An act granting an increase of pension to John Smith;
S. 4047. An act granting an increase of pension to William Morehead;
S. 4133. An act granting an increase of pension to George Brewster;
S. 4171. An act granting an increase of pension to Joseph Bovee;
S. 4173. An act granting an increase of pension to Catharine E. Smith;
S. 4265. An act granting an increase of pension to George Warner;
S. 4318. An act granting an increase of pension to Henry S. Bennett;
S. 4346. An act granting an increase of pension to William E. Holloway;
S. 4372. An act granting an increase of pension to Emily P. Hubbard;
S. 4379. An act granting an increase of pension to Roy E. Knight;
S. 4390. An act granting an increase of pension to Rebecca A. Alexander;
S. 4391. An act granting an increase of pension to Abner R. Barnes;
S. 4458. An act granting an increase of pension to Andrew P. Quist;
S. 4459. An act granting an increase of pension to Edwin K. Lamson;
S. 4492. An act granting an increase of pension to George W. Fletcher;
S. 4497. An act granting an increase of pension to Augustus McDowell;
S. 4550. An act granting an increase of pension to Henry Moody;
S. 4585. An act granting an increase of pension to Mary A. Counts;
S. 4651. An act granting an increase of pension to Rufus M. Ashley;
S. 4719. An act granting an increase of pension to John Joines;
S. 4741. An act granting an increase of pension to Andrew J. Workman;
S. 4770. An act granting an increase of pension to Edward Hart;
S. 4784. An act granting an increase of pension to Lemuel Cross;
S. 4790. An act granting an increase of pension to Edward W. Smith;
S. 4811. An act granting a pension to Mae Spaulding;
S. 4879. An act granting an increase of pension to Mary E. Baker;
S. 4887. An act granting an increase of pension to Calvin C. Hussey;
S. 4910. An act granting an increase of pension to William Wright;
S. 4937. An act granting an increase of pension to John Reece;
S. 4961. An act granting an increase of pension to William Ickes;
S. 5022. An act granting an increase of pension to Henry S. Olney;
S. 5032. An act granting an increase of pension to Daisy C. Stuyvesant;
S. 5038. An act granting an increase of pension to James Richards;
S. 5056. An act granting a pension to Alexander Plotts;
S. 5065. An act granting an increase of pension to Charles Jackson;
S. 5085. An act granting an increase of pension to Ellen Donovan;
S. 5143. An act granting an increase of pension to Eugene V. McKnight;
S. 5148. An act granting an increase of pension to Mildred McCorkle;
S. 5152. An act granting an increase of pension to Holaway W. Kinney;
S. 5155. An act granting an increase of pension to Charles H. Van Dusen;
S. 5158. An act granting an increase of pension to Andrew J. Fosdick;
S. 5169. An act granting an increase of pension to James A. Price;
S. 5195. An act granting an increase of pension to Sidney H. Cook;
S. 5256. An act granting an increase of pension to John Johnson;
S. 5262. An act granting an increase of pension to Frank N. Nichols;
S. 5290. An act granting an increase of pension to James Ramsey;
S. 5326. An act granting an increase of pension to Annie A. West;
S. 5340. An act granting an increase of pension to Laura Hentig;
S. 5353. An act granting an increase of pension to Thomas W. Carter;
S. 5442. An act granting a pension to Frances E. Taylor;
S. 5447. An act granting an increase of pension to Oliver H. Hibben;
S. 5501. An act granting an increase of pension to Jacob L. Kline;
S. 5543. An act granting an increase of pension to William A. Humrich;
S. 5557. An act granting an increase of pension to Henry Clay Sloan;

S. 5559. An act granting an increase of pension to Ann H. Crofton;
S. 5583. An act granting an increase of pension to Foster L. Banister;
S. 5598. An act granting an increase of pension to Almond Greeley;
S. 5700. An act granting an increase of pension to Stacy B. Warford;
S. 5708. An act granting an increase of pension to Nathalia Boepple;
S. 5728. An act granting an increase of pension to Emery Wyman;
S. 5731. An act granting an increase of pension to James McTwiggan;
S. 5742. An act granting an increase of pension to James A. Bryant;
S. 5758. An act granting an increase of pension to Joshua J. Clark;
S. 5765. An act granting an increase of pension to Theodore F. Montgomery;
S. 5767. An act granting an increase of pension to Thomas D. Welch;
S. 5772. An act granting an increase of pension to Thomas M. Harris;
S. 5775. An act granting an increase of pension to Harvey M. Traver;
S. 5783. An act granting a pension to Florence H. Godfrey;
S. 5784. An act granting an increase of pension to Mahala F. Campbell;
S. 5785. An act granting an increase of pension to Joseph W. Doughty;
S. 5786. An act granting an increase of pension to Mary J. Ivey;
S. 5790. An act granting an increase of pension to Jehial P. Hammond;
S. 5791. An act granting an increase of pension to Margaret Simpson;
S. 5800. An act granting an increase of pension to James N. Davis;
S. 5801. An act granting an increase of pension to Andrew Jackson Paris;
S. 5803. An act granting an increase of pension to William H. Meadows;
S. 5808. An act granting an increase of pension to Washington Brockman;
S. 5809. An act granting an increase of pension to Hannah C. Church;
S. 5810. An act granting an increase of pension to Thomas McGowan;
S. 5834. An act granting an increase of pension to Charles F. Sheldon;
S. 5844. An act granting an increase of pension to John Keys;
S. 5855. An act granting an increase of pension to Blanche Badger;
S. 5870. An act granting an increase of pension to Samuel H. Morrison;
S. 5877. An act granting an increase of pension to Charles O'Bryan;
S. 5898. An act granting an increase of pension to Louise A. Clark;
S. 5902. An act granting an increase of pension to George W. Webster;
S. 5928. An act granting an increase of pension to Patrick Gaffney;
S. 5932. An act granting an increase of pension to Elijah R. Merriman;
S. 5948. An act granting an increase of pension to Samuel B. Rice;
S. 5949. An act granting an increase of pension to George F. White;
S. 5952. An act granting an increase of pension to Hyacinth Dotey;
S. 5966. An act granting an increase of pension to Christopher C. Davis;
S. 5969. An act granting an increase of pension to Franklin Burdick;
S. 6006. An act granting an increase of pension to William H. Crouch;
S. 6024. An act granting an increase of pension to Franklin B. Beach;
S. 6034. An act granting an increase of pension to William A. Hopper, alias Cuff Watson;
S. 6039. An act granting an increase of pension to George Gardner;
S. 6041. An act granting an increase of pension to James N. Brown;
S. 6063. An act granting an increase of pension to Frances A. Sullivan;
S. 6065. An act granting an increase of pension to Ellen N. Dyer;
S. 6138. An act granting an increase of pension to Eliza P. Norton;
S. 6141. An act granting an increase of pension to Ransom C. Russell;
S. 6154. An act granting an increase of pension to Edwin Freeman;
S. 6155. An act granting an increase of pension to Samuel H. Davis;
S. 6164. An act granting an increase of pension to Julius S. Cuendet;
S. 6168. An act granting an increase of pension to Calvin Lambert;
S. 6187. An act granting an increase of pension to Martha Jane Bolt;
S. 6188. An act granting an increase of pension to Sarah Young;
S. 6192. An act granting an increase of pension to John Coker;
S. 6222. An act granting an increase of pension to John A. Alden;
S. 6240. An act granting an increase of pension to John G. Fonda;
S. 6264. An act granting a pension to Cornelius Sullivan; and
S. 6272. An act granting an increase of pension to Harvey Gamble.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 6191.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. HOPKINS obtained the floor.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. HOPKINS. Certainly.

Mr. GALLINGER. I had hoped to be able to call up the District of Columbia appropriation bill during the morning hour, but that was impossible. I will now say that when the Senator from Illinois concludes his remarks, unless some other Senator desires to discuss the unfinished business, I will then ask that the District of Columbia appropriation bill may be proceeded with.

Mr. FULTON. I ask the Senator from Illinois to yield to me that I may ask the present consideration of the bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska. It passed the House and it is reported by the Senate committee.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oregon?

Mr. HOPKINS. If it does not take any time I will yield.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent for the present consideration of the following bill.

The SECRETARY. A bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska.

Mr. KEAN. From what committee does the bill come?

The VICE-PRESIDENT. It was reported from the Committee on Public Lands.

Mr. KEAN. I thought we were going on with the unfinished business; that the Senator from Illinois was going to speak, and after that we were going to consider the District of Columbia appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. KEAN. I think we had better have the regular order.

The VICE-PRESIDENT. There is objection. The Senator from Illinois will proceed.

Mr. HOPKINS. Mr. President, I regret that the Committee on Interoceanic Canals has not been able to present to the Senate a unanimous report on the question of the type of canal that is to be constructed across the Isthmus of Panama.

A wealth of material has been furnished by the reports of the Board of Consulting Engineers, the Isthmian Canal Commission, the report of the Secretary of War to the President, and the letter of the President to Congress. In addition to

that, hearings have been held by the committee, extending over a period of several months, where a number of the most eminent engineers of the country have given testimony upon this subject. The committee was nearly evenly divided on the question of the type of the canal. On the test vote had in the committee, six recorded themselves in favor of the sea-level canal and five against—the five at that time standing for the lock canal proposed by the minority of the Board of Consulting Engineers, and approved by the Isthmian Canal Commission, the Secretary of War, and the President.

Under the Spooner Act approved June 28, 1902, the President holds, and in this he is supported by Judge Taft, the Secretary of War, that a fair interpretation of that act authorizes the construction of a lock canal of the general plan of that proposed by the minority of the Board of Consulting Engineers. And up to this time the President and the Secretary of War and the Isthmian Canal Commission have proceeded upon the idea that the character of the canal across the Isthmus should be a lock canal of the general proportions and conditions of that proposed by the minority of the Board of Consulting Engineers. The President, however, in his message to Congress stated:

> The law now on our statute books seems to contemplate a lock canal. In my judgment, a lock canal, as herein recommended is advisable. If the Congress directs that a sea-level canal be constructed, its direction will, of course, be carried out. Otherwise the canal will be built on substantially the plan for a lock canal outlined in the accompanying papers, such changes being made, of course, as may be found actually necessary, including possibly the change recommended by the Secretary of War as to the site of the dam on the Pacific side.

If the House of Representatives entertains the same view that the President and Secretary Taft do, that, under the Spooner Act, the President is authorized to construct a lock canal of the general type suggested in the report of the minority of the Board of Consulting Engineers, and that no change should be made now in the type of the canal that we are attempting to construct across the Isthmus, a vote of the Senate in favor of a sea-level canal will only result in putting this body in antagonism with the other branch of Congress and in opposition to the well-known wishes of the Administration respecting the type of canal that shall ultimately be constructed across the Isthmus of Panama. While this suggestion should not have a controlling influence upon any Senator's vote, it is a matter, however, that should cause each individual Senator to examine more carefully the merits and demerits of the two types of canal that are advocated, and if the Senate can agree on the type of the canal with the House of Representatives and the President, a conflict between the two branches of Congress that would be most unfortunate indeed will be avoided and all can look upon the harmonious action of Congress and the Administration on this subject as the beginning of the end of the completion of this great engineering project.

For more than three hundred years the dream of all navigators has been to see a canal across this Isthmus. As early as 1520 Charles V of Spain ordered a survey of the Isthmus of Panama with the object in view of constructing a canal across the same. His successor Philip II reversed his policy in this respect, and for nearly two hundred years this idea was not prosecuted by the Spanish Government. It was in the early part of the nineteenth century that navigators became more active and earnest in their desire to see a canal across the Isthmus of Panama. After the successful revolts of Spain's provinces in South America, this subject received attention from President Bolivar, who commissioned a man by the name of Lloyd in 1827 to ascertain the most feasible route across it either for a road or a canal. Nothing, however, came from this survey and report of Lloyd. In 1838 a concession was granted to a French company for the construction of macadamized roads, railroads, or a canal across the Isthmus of Panama. This attempt proved abortive and nothing further of a definite and serious character was undertaken until 1879 or thereabouts, when a company was chartered under the laws of France, and Ferdinand De Lesseps became the chief engineer of the company. After an expenditure of nearly $260,000,000 in an attempt to construct a sea-level canal, his company went into the hands of a receiver, and De Lesseps, broken in spirit, went to his grave. In 1894 a new company was formed under the name of the New Panama Canal Company, organized under the laws of France, in which the receiver and the old company were made a part, and work was resumed on the Isthmus. In 1899 the United States began to seriously consider the proposition of constructing a canal across the Isthmus. A Commission was appointed under the authority of law to consider the subject. This Commission reported January 18, 1902, in favor of the Panama route.

The act of Congress, to which I have already referred, approved June 28, 1902, authorized the President to acquire, at a cost not exceeding $40,000,000, the rights, franchises, and property of this New Panama Canal Company, and directed the President to cause to be constructed a ship canal from the Caribbean Sea to the Pacific Ocean "of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use and such as may be reasonably anticipated." The subsequent history of this canal project is too familiar to the Senate and the country for me to repeat here.

There is something attractive in the very name "sea-level canal." It carries to the mind and imagination an open waterway between the two oceans of sufficient depth and width to permit vessels of the largest tonnage and greatest breadth to pass and repass as easily and as safely as they float upon the high seas. Such a canal would indeed realize the dreams of the early navigators, who talked of the "Straits of Panama." If such a canal could be constructed within the limits of the reasonable resources of the Government and within a period of time that those who are now engaged in it could see its successful completion, I think there would be little opposition to a sea-level canal. Such a canal, however, would cost the Government of the United States from six to eight hundred million dollars, and would require twenty-five years, at least, to construct it.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. I do.

Mr. KITTREDGE. Will the Senator please give the source of his information upon which he bases the statement regarding the time and cost of construction of such a canal?

Mr. HOPKINS. Mr. President, that is what I am here for to-day. I propose, before I close, to take up every one of the propositions involved in the construction of a sea-level canal, and not only give the reasons that I have for expressing my belief, but to show the authorities upon which that belief is predicated. I am not going to mislead the Senate upon any one of these propositions; and I repeat that a canal of the character of which I have spoken—the ideal canal, not the canal that the Senator from South Dakota has recommended be constructed, but the ideal canal—will cost from six to eight hundred million dollars, and can not be constructed in less time than a period of twenty-five years.

Mr. President, whenever we come to discuss a proposition of this kind——

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Florida?

Mr. HOPKINS. I do.

Mr. TALIAFERRO. Mr. President, I understood the Senator from Illinois to state that there was a purpose here to reverse the action of Congress on the subject of the type of canal. I ask the Senator if he contends that Congress has in any way passed upon the canal recommended by the President?

Mr. HOPKINS. Mr. President, the Senator from Florida gave little attention to what I have said thus far, if he did not fully understand and appreciate my position. I said that the President contends—and I read from his message to that effect to the Senate a moment ago—that under the Spooner Act, so called, and under the advice of Judge Taft, one of the greatest legal minds of this country, if Congress takes no action upon this question he is fully authorized to construct a lock canal of the general type and character proposed by the minority of the Board of Consulting Engineers. If the Senator had read the message of the President, which accompanies the report of the Board of Consulting Engineers, it would have been unnecessary for him to put that question to me.

Mr. TALIAFERRO. Mr. President, I am quite as familiar with the report, with the message of the President, and with the testimony before the committee, as is the Senator from Illinois, but what I wish to ask the Senator from Illinois is this: If the canal which it was understood was recommended to Congress by the Isthmian Canal Commission prior to the passage of the Spooner bill contemplates this dam which the minority report proposes and which the President recommends at Gatun?

Mr. HOPKINS. Mr. President, I have not been speaking thus far as to the location of any dam or as to where any dam should be located. When I reach that point I shall be glad to take it up and discuss it fully and completely. I simply stated the general type and character of the canal. That language is comprehensive enough to locate a dam at Bohio or Gatun. But I can not stop at this stage of my remarks to discuss that question, because to do so would throw me out of the logical line that I have outlined for my discussion here this afternoon.

Mr. TALIAFERRO. Mr. President, I beg the Senator's par-

don for interrupting him. I only wished to address myself to his suggestion that the report of the committee on the type of canal was a proposition looking to a reversal of some previous act of Congress. That is all.

Mr. HOPKINS. The Senator from Florida and I can not agree upon that any better than we can agree upon the type of the canal.

When I was interrupted by the Senator from Florida, I was calling the attention of Senators to the fact that when we speak of the construction of a canal across Panama and the ease with which it can be constructed our minds naturally revert to the Suez Canal. That being a sea-level canal, easily constructed and easily maintained, the conclusion is naturally reached by Senators that a canal can be constructed as easily and maintained as cheaply cross Panama. I wish to call their attention to the fact of the difference in the conditions under which the Suez Canal was constructed and under which a canal must be constructed at Panama, if constructed at all.

The Suez Canal is constructed through a flat, level, sandy country, uninterrupted by any stream; the conditions are healthful, and no serious trouble of any kind was encountered in the construction of the canal. This proposed canal is less than 10 degrees above the equator. It is a tropical country and a tropical heat that must be encountered by the workmen in charge of the construction of this canal. The rainy season covers a period of about eight months out of the twelve in each year, and the annual rainfall aggregates between 10 and 11 feet. The topography of the country is uneven. The highest point is at Culebra, where it is several hundred feet above the level of the sea. At this point is the Continental Divide. West of this the land is uneven and drained by the Rio Grande which empties into Panama Bay. East of this Divide the waters of the Isthmus flow into the Caribbean Sea. There are twenty-six rivers in all that must be considered and cared for in the construction of a sea-level canal. The largest and most important of these rivers is the Chagres. As Senators can see from the map before them, it takes its source in the San Blas Mountains to the northeast. The course of this river in a general way is parallel to the Caribbean coast as far as the mouth of the Obispo, where it turns to the northward and follows a somewhat crooked course to the Atlantic rim of its upper basin at Bohio, 13 miles below the mouth of the Obispo. At Gatun, which is 10 or 11 miles below Bohio, following the general course of the valley, the river deviates to the westward, and after a further course of 7 or 8 miles, discharges into the sea about 5 miles west of Point Toro. Above Bohio the Chagres Valley is hilly. These hills become steeper toward the source of the river where the country is mountainous. At Alhajuela, in a straight line north of Obispo, the low water surface of the river is about 95 feet above sea level, and at the mouth of the Obispo it is 45 feet. At Bohio it is practically at sea level. From Bohio to Gatun it is nearly at sea level. At Gatun, as Senators can see from the map which is before them, there are rocks and hills of considerable size, height, and proportions.

The sea-level canal, proposed by the majority of the committee, now under consideration in the bill before us, begins practically at the same point in Limon Bay as provided in the lock canal advocated by the minority members of the Interoceanic Canal Committee, and continues with but little change from the lock canal to the mouth of the Mindi River, near the shore of Limon Bay, a distance of 4½ miles. This distance the proposed canal is to be 500 feet in width. On the shore of Limon Bay it is reduced to 150 feet in bottom width when the excavation is in earth and 200 feet when in rock. Senators will see, by an examination of the map, that instead of constructing the canal through the waters of Limon Bay to the mouth of the Mindi, that for quite a distance it is proposed by the majority of the Board of Consulting Engineers, whose type of canal has been adopted by the majority of the members of the Interoceanic Canal Committee favoring the sea-level type, to construct through the rock and land on the shore of Limon Bay. The general route adopted for a sea-level canal from near the mouth of the Mindi to Obispo, follows the valley of the Chagres River, and crosses and recrosses it at several points between Gatun and Obispo. From Obispo it follows the valley of the Obispo River and passes over the Continental Divide at about the same point selected by the minority of the Board of Consulting Engineers for the lock canal, and passes from Pedro Miguel to Miraflores and thence through the swamps in the valley of the Rio Grande River to Sosa Hill, or to a point near Sosa Hill, where an arrangement is made for duplicate tidal locks 1,000 feet in length and 100 feet in width and 40 feet in depth. The lock on the Pacific side is necessary because of the tide oscillations of the Pacific, which vary 23 feet. As proposed by the majority of the Board of Consulting Engineers, this canal for a distance of 19.47 miles will be 200 feet in bottom width and for a distance of 20.39 miles 150 feet in bottom width. The locks on the Pacific side will be little over a half a mile in length. The uniform depth of the canal is about 40 feet, except in Panama Bay the channel is about 35 feet deep at spring tides, which will give a full 40 feet, provided at other points in the canal.

Mr. KITTREDGE. Would the Senator be willing to state in that connection the maximum width of the Suez Canal?

Mr. HOPKINS. Oh, yes; I can. The Senator from South Dakota wants me to indicate the width of the Suez Canal. The Suez Canal, as I have said, and as I will show later on in my remarks, is constructed in an entirely different manner than it is proposed to construct the Panama Canal. It runs through a different character of country, and the curvatures are different. The mean width of the Suez Canal is 108 feet, and, as I now remember, 28 or 29 feet in depth. It is proposed to deepen it to 31 feet.

Mr. KITTREDGE. It is 31 feet deep now.

Mr. HOPKINS. But the width of the Suez Canal is so narrow, as I will show later in my remarks, that with the class of vessels that go through it it is necessary to have passing places where ships can pass and repass each other. In such places the canal is widened to 147 feet, with a uniform distance of about 2,400 feet. In other words, Senators, the Suez Canal as originally constructed does not meet the commercial needs of the age, and they are widening and deepening it to meet the requirements of the vessels that pass through it.

An inspection of the map will show to Senators that it is utterly impossible to procure a straight channel from one ocean to the other in a sea-level canal. The topography of the country is such that the engineers who favor the sea-level canal have been compelled to recommend its construction on a series of curves, nineteen in all, with a total of 597° of curvature. The Suez Canal, which is nearly twice as long as the proposed Panama Canal, has a curvature of only 467½° and only fifteen curves. The length of the curves in the Suez Canal is 13 miles, or about 13 per cent of the length of the canal. The length of the curves in the sea-level canal proposed by the majority of the Board of Consulting Engineers is 19 miles, or about 38.8 per cent of the length of the proposed canal.

I wish to call Senators' attention to this fact and to emphasize it, that if you exclude from your estimate the straight stretches of the channels in Limon Bay and across the shore of the bay to the mouth of the Mindi River, which is a distance of 4½ miles, and the distance in Panama Bay, where the canal is 300 feet in width and 4 miles in length, the curved portion of the land part of the sea-level canal is 47 per cent. From the shore line of Limon Bay, where the canal is reduced to 150 feet width in the bottom, to Obispo, a distance of between 25 and 26 miles, the curvature is 13.65 miles, or more than 50 per cent. And from a point 2 miles above Gatun to Obispo, a distance of 20.40 miles, the length of the curvature is 12.12 miles, or 59 per cent of the distance. No sea-level canal has ever been built with such curvatures, and, in my judgment, no sea-level canal of the width of prism here proposed can ever be successfully operated with these curvatures, as proposed by the majority of the Board of Consulting Engineers and as apparently approved by the majority of this committee that have reported in favor of this bill for a sea-level canal. In this distance, 2 miles above Gatun to Obispo, which is 20.40 miles, the percentage of curvature to straight courses is 4½ times the percentage of curve length in the Suez Canal. Senators must remember that for a goodly portion of the distance between the terminus of the canal in Limon Bay and a point near Obispo the canal is only 150 feet wide at the bottom and 40 feet below sea level. There are a number of commercial ships now in use with a breadth of beam of between 75 and 80 feet, and others that have a breadth of beam from 80 to 85 feet, and the two new Cunarders that are now being built have a breadth of beam of 88 feet. There are a number of war ships in use or projected that average from 80 to 85 feet in breadth of beam. Suppose any of these ships of the breadth of beam that I have mentioned attempted to pass each other in the canal at any point between Limon Bay and Obispo, is there any Senator that has followed the figures that I have given—and they are all taken from official sources—who would say that it would be possible for these ships to pass each other in the narrow channel proposed by the Board of Consulting Engineers in their sea-level project? It is apparent that if we are to follow in the consideration of this canal the direction given by Congress in the Spooner Act, that such canal shall be of "sufficient capacity and depth as shall afford convenient passage for vessels

of largest tonnage and greatest draft now in use and such as may be reasonably anticipated," that the sea-level canal must be rejected.

If a sea-level canal is to be built, it must be built upon a different plan and become a larger and more costly canal than the one that is proposed by the majority of the Board of Consulting Engineers.

The engineer in charge of the Suez Canal and a member of the majority of the Consulting Board, whose advice as to a sea-level canal has been followed by the majority of the Interoceanic Canal Committee of the Senate, says that at times there is a current equal to 2.6 miles an hour in the Suez Canal, and that in such a current large vessels do not steer well. Senators will remember that the average degree of curvature in the Suez Canal is only 4.9° a mile, and yet, with a current at 2.6 miles an hour, the vessels of the size that are carried through the Suez Canal find it difficult to navigate. What would be the result, I ask you, if any one of those vessels should attempt to navigate this proposed sea-level canal along the lines outlined in this map before us? The canal that is over the stretch of territory from Obispo nearly to Gatun has a curvature of 20° a mile, or more than four times the curvature of the Suez Canal. The importance of the considerations that I am here presenting to the Senate will become more important still when I call your attention to the fact that the majority of the Board of Consulting Engineers admit that during the wet season, which, as I have already shown, covers a period of between seven and eight months a year, that a current will exist in the canal varying from 1 mile an hour to 2.64 miles an hour. If vessels do not steer well in the Suez Canal in a current equal to 2.6 miles an hour, how will it be possible to steer a vessel at all of the size contemplated in the Spooner Act in the narrow channel that will exist between Limon Bay and Obispo with a current of 2.64 miles an hour? It is apparent from these figures, that are undisputed in this case, that it would be dangerous during the rainy season on the Isthmus to attempt to navigate the sea-level canal as proposed by the majority of the Board of Consulting Engineers at any time when the current in the canal is over 2 miles an hour. Senators must remember that the sea-level canal is only to be 40 feet below the sea level and that the largest type of ships that are now being built will have a draft of from 36 to 38 feet, leaving a distance of only 2 feet between the keel of the ship and the bottom of the canal. Under the conditions here shown, it would be dangerous for any of the large type of ships contemplated in the Spooner Act to attempt to pass through the sea-level canal during the rainy season.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. HOPKINS. Yes, sir.

Mr. SPOONER. In that 20 miles what is the velocity of the current per hour? You said 2.64.

Mr. HOPKINS. It varies from 1 to 2.64 miles per hour. The chief engineer of the Suez Canal says that when the current in that canal is 2.6 miles it is difficult to navigate ships of even small type through that canal.

Mr. KNOX. And with a less curvature.

Mr. HOPKINS. And with less curvature, the curvature of the proposed Panama Canal being four times the curvature of the Suez Canal.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. I do.

Mr. KITTREDGE. If the Senator will not mind, I wish, in this connection, to call the attention of the Senate to the testimony taken before the committee, appearing on page 827 and subsequent pages, regarding the ships that are passed through the Suez Canal.

Mr. HOPKINS. Whose testimony is that?

Mr. KITTREDGE. It is the testimony of General Davis. On those three or four pages will be found a complete answer to the Senator.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Montana?

Mr. HOPKINS. Yes, sir.

Mr. CARTER. I should like to inquire whether the statement that the velocity of the current at maximum is 2.64 miles per hour is correct.

Mr. HOPKINS. Yes; 2.64 miles per hour.

Mr. KITTREDGE. The current through the proposed sea-level canal will not exceed a mile or a mile and a half an hour. It is possible that if great floods—two of which have happened in the last fifty years—should occur for a period not exceeding sixty hours, the current might run as high as two and a half or two and six-tenths miles per hour, but not for a longer period than sixty hours, as I have stated.

Mr. HOPKINS. Mr. President, I disagree with the Senator from South Dakota upon that proposition. The testimony can be read. During the rainy season the current at any of these times is liable to reach a velocity of 2.64 miles per hour.

Mr. KITTREDGE. Will the Senator allow me to interrupt him again?

Mr. HOPKINS. I do not wish to be interrupted; I desire to finish. The Senator can have his time.

Mr. FORAKER. How do they calculate that?

Mr. HOPKINS. They calculate that from the amount of water that will flow into the canal from the Chagres River and from the other rivers that cross and recross the canal. I will say to the Senator from Ohio that there are fifteen or sixteen of these rivers, which are not provided for at all by the majority of the committee and by the majority of the Board of Consulting Engineers, but which will discharge their waters unobstructed into the sea-level canal after it is constructed.

Now, the amount of flow of those rivers depends, of course, upon the annual rainfall, but, as I have said, the annual rainfall in this section of the country varies from 125 to 130 inches per annum.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. I do.

Mr. KITTREDGE. Is it not a fact that the amount of water permitted to pass into the canal is absolutely limited by the controlling works at what is known as the "Gamboa dam?"

Mr. HOPKINS. Not at all, Mr. President. At the Gamboa dam they undertake to control the waters of the Chagres River, and propose to allow 15,000 cubic feet per second to flow into the canal during the flood tide. That relates only to that river.

Mr. KITTREDGE. I am speaking of the Chagres River. That was the river of which the Senator was speaking at the time.

Mr. HOPKINS. The Senator misunderstood me. I said to the Senator from Ohio that there were a number of other rivers that will flow unobstructed into the canal. The majority of the Board of Consulting Engineers propose, as I will show later, to construct a dam at Gamboa to control the waters of the Chagres River, but in doing that, during the rainy season, they plan to let 15,000 cubic feet per second pass into the canal. These other rivers will aggregate nearly as much more. So that during portions of the rainy season there will be from twenty-six to thirty thousand cubic feet of water that will be flowing into the canal at different points and at different elevations, all the way from 13 feet above sea level to 160 feet.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. Yes.

Mr. KITTREDGE. Do I understand the Senator to say that these rivers flowing into the canal are not treated of in a way satisfactory to the minority?

Mr. HOPKINS. Certainly. There are seventeen of the twenty-six rivers for which no provision has been made at all in the report of the majority of the Board of Consulting Engineers.

Mr. KITTREDGE. Will the Senator permit me to make a statement from the record?

Mr. HOPKINS. Yes.

Mr. KITTREDGE. As a matter of fact, the point now suggested by the Senator from Illinois is not raised by the minority of the Board of Consulting Engineers. On the contrary, Mr. Noble, in his testimony before the committee, page 445 of the record, stated that the treatment of these tributary streams as proposed by the majority was adequate and satisfactory. I read just one question and answer upon that point:

Senator KITTREDGE. I understand that you think that has been taken care of sufficiently by the majority?

Mr. NOBLE. It looks so; yes, sir.

Mr. HOPKINS. I do not wish Senators to be misled by that testimony. That related to the Cano and a few other rivers, but it did not relate to the seventeen rivers that go unobstructed into the canal.

Mr. KITTREDGE. Mr. President——

Mr. HOPKINS. I can not be interrupted, I will say to the Senator. But I am willing to put my word against his upon that proposition, and I state without fear of successful contradiction that there are seventeen rivers or streams that cross and recross the proposed sea-level canal, which are unprovided for in the re-

port of the majority of the Board of Consulting Engineers. They do undertake to provide for the control of the Chagres River and for the Trinidad, the Gatun, the Gigante, the Cano, and one or two other rivers which I will notice in the course of this discussion.

Mr. KITTREDGE. Mr. President——

Mr. HOPKINS. I can not be interrupted further on that point.

Mr. KITTREDGE. Let me read one question and answer from the record.

Mr. HOPKINS. I can not do that now. You have stated your proposition and I have stated mine.

Mr. KITTREDGE. I rely upon the record.

Mr. HOPKINS. I rely upon the proposition that there are seventeen streams unprovided for in the proposition of the majority of consulting engineers.

I have already called attention to the fact that in crossing the Isthmus with a sea-level canal that some provision must be made for twenty-six rivers of varying lengths and varying capacity. The largest and the most dangerous of all is the Chagres River. Those who favor the sea-level canal propose to control this river by the construction of a dam at Gamboa. I shall have occasion later to speak of this dam and its influence upon the waters of this great river. The other rivers that are proposed to be controlled by dams of varying lengths and height are the Giganti, Gigantito, and the Cano. These rivers and their tributaries are proposed to be controlled by four different dams. These, as I have said, I shall consider later in my remarks. I wish at this point to call attention to the fact that seventeen rivers, situated all the way from 13 to 160 feet above the canal prism, will discharge their waters unchecked by any obstruction into the sea-level canal. During the rainy season these streams have a very considerable body of water that will be carried into the canal, creating cross currents in the canal that will make it dangerous for navigation. These streams will also, especially during the rainy season, carry driftwood, silt, and other refuse matter into the canal. When you remember that there are only two or three feet between the keel of the larger ships and the bottom of the canal when it is cleanly dredged and no refuse matter in it at all, you can readily see that in the rainy season, with these seventeen streams, varying in height from 13 to 160 feet above the canal prism, as I have said, carrying into the canal trees, driftwood, silt, and refuse matter, it will create bars in the canal that will retard, if they do not completely block, the navigation of the canal during portions of the rainy season by the larger ships contemplated in the Spooner Act, unless a large force is kept constantly dredging the canal.

When Senators consider the curvature of the canal between the mouth of the Mindi River and Obispo, the narrow prism of the canal itself, and the fact that seventeen streams are unprovided for in the plan of the sea-level canal, the waters from streams which will flow from these various heights into the canal and make it a sluiceway to carry off any refuse matter that may be carried upon their waters, it would seem that the sea-level canal, as planned by the majority of the Board of Consulting Engineers, must be rejected.

From Obispo to the duplicate tidal locks, while the width of the bottom of the canal is in most part 200 feet, in many respects it is nearly as dangerous as the navigation of the canal from Obispo to the terminus in Limon Bay. From Obispo to Sosa Hill the canal would be constructed through what is known as the "Culebra cut." Originally, from the top of Culebra cut to the bottom of a sea-level canal 40 feet below the sea level was a distance something over 370 feet. When the canal is constructed through Culebra cut there will be walls on either side from the bottom of the canal to a height of 206 feet. This is not sufficient to permit vessels of a larger type, either commercial or war vessels, to pass each other without stopping and tying up and occasion thereby great delay. Ships must also be navigated through this narrow prism of rock most carefully to avoid danger.

The great obstacle that engineers have found from the earliest time in constructing a sea-level canal across the Isthmus is in controlling the waters of the Chagres and the other rivers that, unless provided for, will flow into the sea-level canal and create such cross currents as will make navigation absolutely impossible. The majority of the Board of Consulting Engineers claim that this dangerous feature in the construction of a sea-level canal has been overcome by them by the construction of the dams that I have already mentioned and by diverting the channels of the Gatun River and the Trinidad and one or two other large streams to others that will carry them to the sea without approaching the sea-level canal. As I have already stated, the Chagres River is probably the most difficult and dangerous stream to properly and effectually control.

It takes its rise, as I have already said, in the San Blas Mountains, and drains a large section of country. It is a torrential river, and while at low water it has discharged at Gamboa as little as 400 cubic feet of water per second, in the rainy season this volume is increased in what would seem to us an unprecedented quantity. In the fall of 1879 it is estimated that this river discharged at Gamboa 76,000 cubic feet of water a second, and during the year 1885, 44,000 cubic feet a second, and at another time in the same year, 64,000 cubic feet a second. In 1890 it discharged at Gamboa during one of these rainy seasons 58,000 cubic feet a second, and again in 1890, 65,000 cubic feet a second; and in 1893, 43,000 cubic feet a second. These discharges continued for a period of nearly fifty hours. The floods have been known to follow each other rapidly. Unless this flood of water can be sucessfully controlled, all engineers who have studied this subject concede that a sea-level canal is an impossibility. In the plan that is proposed by the majority of the Board of Consulting Engineers a dam is to be constructed at Gamboa of a size and capacity to control the waters of this torrential stream.

The majority of the Board of Consulting Engineers, in speaking of this great river, state that its general character above Bohio is that of a clear mountain stream and that the entire area drained above Gamboa by the river aggregates from 450 to 650 square miles. It is also stated that the watershed of the river above Gamboa is bold and high so that a heavy downfall of rain results in a rapid rise in the river. The country above Gamboa that is included in the reservoir when the dam is constructed at Gamboa is heavily wooded with a density of vegetation peculiar to a tropical country, and the conditions all favor varying stages of water in the river during the rainy season. At the point where the dam is proposed to be constructed, the river bed has an elevation of about 50 feet above mean sea level, and it is claimed from borings that have been made that rock is reached for the foundation of the dam at a maximum depth of about 54 feet. The dam that will be necessary to be constructed here will either be of masonry or a masonry cone covered with earth. It will be about 2,200 feet in length, about one-third of the length of the dam at Gatun, and will be 180 feet above mean sea level, or 130 feet above the river bed. It is estimated that this dam will create a lake above Gamboa nearly 20 miles in length. A spillway is provided for which, in flood time, will carry 15,000 cubic feet per second from this lake into the canal.

Mr. President, this dam is to be 50 feet higher than the dam at Gatun. It is nearly half a mile in length, and will have to withstand the pressure of the flow of water which, at times, is torrential in character. It must be remembered that in flood time as high as 76,000 cubic feet per second have passed over the place where it is proposed to construct and maintain this dam. Certainly, if this dam can be made to resist the pressure of water that will be against it during each period of the year, and then the added weight that will be thrown upon it during flood periods, it is safe to assume that the dam at Gatun, which will be placed upon an indurated clay foundation, which engineers claim is as good as any rock foundation, can sustain the weight of water which at no period of the year will rise as high as the water in Lake Gamboa. If this dam at Gamboa at any time should give way, it would destroy the use of the sea-level canal, or at least render it unsafe for use until the dam could be again constructed and successfully control the waters of the Chagres River.

What I regard, however, as much more dangerous to the integrity and successful operation of the sea-level canal are the dams suggested by the majority of the Board of Consulting Engineers for the control of the waters of the rivers Cano, Gigantito, and Rio Gigante. Unless the waters from these rivers are controlled by the dams suggested in the report of the majority of the Board of Consulting Engineers, they will flow into the prism of the sea-level canal, and render the navigation dangerous if not impossible. At any rate, the flow of water from these rivers is so great at all seasons of the year, and especially during the rainy season, that the friends of the sea-level canal recognize the fact that provision must be made to keep the waters from those rivers from approaching or emptying into the canal. And hence provision is made for the construction of dams to throw those waters back upon their sources, and make them seek new outlets to the sea. The dam to close the waters of the Giganti will be 2,800 feet in length, more than one-half a mile, with a height above mean sea level of 75 feet. To control the waters of the Gigantito will require a dam 490 feet in length, with a height above the ground of 75 feet. And to control the waters of the River Caño a dam must be constructed 820 feet in length and 75 feet above the ground; and a dam

must also be constructed 535 feet in length and 25 feet above the ground to close a depression in the rim of one of the lakes. Objection has been made by the friends of the sea-level canal to the dam at Gatun, because, among other reasons, it is claimed it has not a rock foundation; and yet in the construction of the proposed sea-level canal, here are four dams to be constructed with an aggregate length of 4,645 feet—nearly a mile in length—without any data upon which to base an estimate as to whether the dams can be constructed and maintained at the several places proposed.

The Senator from South Dakota in his speech the other day undertook to prove to the Senate that the dam at Gatun, with all the precautions that have been taken by the engineers who represent the minority of the Board of Consulting Engineers, was an unsafe dam; that it could not be constructed and maintained at that point. I want to ask him, or any Senator who has investigated the two reports that have been made or any of the testimony of any of the engineers who appeared before our committee, to state as to the amount and character of earth that is necessary to construct the four dams I have spoken of. No borings have been had at any of the points where it is proposed to construct these dams, as have been had at Gatun, to see how far it will be necessary to go to reach indurated clay or rock foundation. For aught we know, instead of going down 258 feet, as is required in one point in the construction of the Gatun dam, for the construction of these dams the Government may be required to go 300 feet below sea level before a rock foundation can be reached. It is purely a guess on the part of the engineers as to whether these dams can be built there easily and with safety. These streams, like the Chagres River, are torrential in character, and during the rainy season we have no data or other evidence that can satisfy us that these dams would not be carried away and carried into the sea-level canal by the force of the weight of the water that comes down the natural courses of these streams. These dams are not proposed to be of the gigantic proportions of the Gatun dam, and no precautions have been taken to provide against seepage or underground currents that might ultimately wash them away. It must be apparent, Mr. President, to all who are disinterested investigators of this great subject that the construction of a sea-level canal is encompassed with many dangers and obstacles so great that they seem almost, if not quite, impossibe to overcome. These dams, unless they can be constructed on as good foundations as the dam at Gatun and provision made for their safety of the character, at least, that is provided for in the Gatun dam, would be standing menaces to the successful operation of a sea-level canal. With a rainfall ranging from 100 to 125 inches per annum, it does not require any stretch of the imagination to understand that unless these dams can be located upon a foundation as good as indurated clay or rock, that they would be standing menaces to the successful and safe operation of a sea-level canal.

There is another consideration in connection with these streams that I desire to call, Mr. President, to the attention of the Senate, and that is this: If these dams can be successfully constructed at the points indicated on the map here they will throw the waters of these rivers back upon their sources and will drive them by the force of the depth of water that is created by the several dams to flow back and into the sources of the Trinidad River. The Trinidad River now flows into the Chagres River near Palo Hor Quito and near a point where the proposed sea-level canal crosses the Chagres River. It is proposed by the majority of the Board of Consulting Engineers to provide for the waters of the Trinidad by having them flow to the sea through the bed of the Chagres River. With the augmented flow of water that would be found in this river by reason of forcing into it the waters from the Cano, the Giganti, and Gigantito, it might drive those waters into the sea-level canal at this point in the canal where it crosses the bed of the Chagres River. If it did not do that it would require an expenditure of a great deal of money to procure a new channel for this augmented flow of water to be safely carried to the sea. These conditions respecting the waters that must be cared for in the various rivers that are found on the Isthmus of Panama in order to construct and successfully operate a sea-level canal are what have frustrated the plans of all who have ever projected or undertaken to construct a sea-level canal across the Isthmus of Panama. De Lesseps, who is justly regarded as one of the greatest engineers of his age, after expending $260,000,000 in a vain effort to construct a sea-level canal was compelled to abandon the idea, and then a lock-level canal was undertaken.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Florida?

Mr. HOPKINS. I do.

Mr. TALIAFERRO. I will ask the Senator from Illinois if the minority of the Board of Consulting Engineers did not agree with the majority that the sea-level canal proposed by the majority was entirely practicable?

Mr. HOPKINS. I will answer that by asking if the majority did not say that the lock-level canal was a feasible plan?

Mr. TALIAFERRO. I have not heard any expression from the majority on that subject.

Mr. HOPKINS. I have.

Mr. TALIAFERRO. As the Senator from Illinois seems to be attacking the opinions of the engineers as to the sea-level canal, I should like him to be frank enough to state to the Senate that the minority of the Board agreed with the majority that the sea-level canal was not only practicable, but that the work could be done at the cost estimated.

Mr. HOPKINS. I will say to the Senator that both boards of engineers, my understanding is, claim that either type of canal is feasible. But the one type will take more time and cost more money for its construction. The point I am making is that while the Senators who joined in the report here are criticising the Gatun dam and speaking about it not having a proper foundation, they come into the Senate and ask for the approval of their plan, when there is no evidence whatever as to the character of the foundation upon which these four dams must be constructed.

Mr. TALIAFERRO. At the same time there is the evidence that the minority as well as the majority regard the plan of the majority as entirely practicable and feasible.

Mr. HOPKINS. Oh, Mr. President, not the plan of the majority; but that a sea-level canal is feasible nobody disputes.

Mr. TALIAFERRO. That particular sea-level canal.

Mr. HOPKINS. Nobody disputes that a sea-level canal can be constructed there. The point I shall reach later is that it can not be constructed within the time and for the amount of money that the American people are willing to give to it. But I am now speaking of the insufficient information upon which your committee come to the Senate and ask Senators to adopt the plan of the sea-level canal when those Senators are attacking the plan of a lock canal.

Mr. TALIAFERRO. I wish merely that the Senate should understand and that the country should understand and that the Senator from Illinois should understand that in bringing in the majority report in favor of a sea-level canal we have the judgment not only of the majority of the engineers, but of all the engineers as to the practicability, the feasibility, and the safety of that particular sea-level canal.

Mr. HOPKINS. There is no engineer on either side who has said that these dams can be constructed as outlined by the majority of the board of engineers.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. HOPKINS. Certainly.

Mr. KITTREDGE. Let me read a question and an answer from Mr. Noble, who is one of the minority.

Mr. HOPKINS. First let me read, and then I will let you read. I read from page 370 of the evidence, from Mr. William Barclay Parsons, one of the engineers who joined in the majority report, as to the question of the feasibility of the lock canal. Those Senators who present the majority report are contending that a lock canal is not feasible and that the dam can not be constructed and maintained at that point. That was the burden of the Senator's argument the other day. That is the position taken by the Senator from Florida. Now, what does his engineer say?

Mr. TALIAFERRO. Mr. President——

Mr. HOPKINS. Let me read, and then I will yield:

The CHAIRMAN. Yes; the other you have. That was the testimony of Saturday.

Mr. PARSONS. Saturday's testimony I had seen. Yesterday's testimony, of course, I had not seen.

Now, mark what Mr. Parsons says, and Parsons is one of the American engineers who favor the sea-level canal:

The minority plan, as the committee is aware, Senator, describes a canal with a summit level at 85 feet above mean sea level, reached by a flight of three locks on the Atlantic side, the three locks being placed in flight at Gatun; and reached from the Pacific side by two sets of locks, two locks in flight on the Pacific shore near Sosa and one at Pedro Miguel.

The plan that the minority has submitted is, in my judgment, a feasible scheme. It can be constructed; it can be constructed probably within the limit of cost and time that the minority has set forth. If it was to be regarded as simply a commercial enterprise by a private corporation that would have to go into the open market and risk its capital and pay for that capital 5 or 6 or possibly 4 per cent, when commissions and discounts are taken into consideration, and then

